

Public governance and multi-scalar tensions in global production networks: crisis in South African fruit

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Abstract

This thesis aims to understand the role of public governance (national laws and regulations) in addressing poor working conditions on South African fruit farms connected to global production networks (GPN), at the intersection of global private (codes of conduct) and local civil society organisation (CSO) initiatives. A particular objective of the investigation is to understand the extent to which public governance is able to address working conditions on South African fruit export farms, taking into account wider global commercial pressures inherent in fruit GPNs. Much analysis of global private and governance by local CSOs has not sufficiently addressed the role of public governance. Research focusing on public governance in addressing working conditions in South African fruit has not sufficiently accounted for the multi-scalar interactions between lead firm supermarkets, national suppliers and local fruit producers. These interactions are positioned to shape and influence regulatory outcomes for different groups of permanent and casual farmworkers. The thesis seeks to address the following central research question: *'To what extent do multi-scalar tensions in global production networks (GPNs) challenge the public governance of working conditions, and what are the lessons from labour operating in South African fruit production?'*

This research draws upon the GPN analytical framework and public governance research, in order to conceptualise the multi-scalar commercial and governance processes that play out in the South African fruit export sector. In doing so, this research seeks to contribute to existing GPN and public governance literatures. Previous GPN research has not sufficiently investigated the role of public governance (laws and regulations) in addressing working conditions, partly due to an assumption that neoliberal policies have eroded the ability of developing states to regulate labour incorporated into global production. This problematic is beginning to be addressed, due to increasing academic acknowledgement of the central regulatory role nation states continue to play in addressing working conditions in global production, at the intersection of global private (codes of conduct) initiatives and governance by local CSOs (NGO and trade union activity). Additionally, this thesis seeks to bring together two separate strands of 'governance' research in global production networks, which have thus far been investigated separately; the governance of *commercial interactions* on the one hand, and the governance of *labour* on the other. A key theoretical argument is that understanding challenges facing the public governance of labour requires a broader conceptualisation of the governance of multi-scalar commercial interactions in global production, which shape and influence workforce composition at local farm level.

This thesis argues that an inherent multi-scalar tension exists on the one hand between 'global commercial pressures' exerted by global lead firms over national suppliers and local producers driving workforce casualisation, and on the other hand a 'global governance deficit' at the core of which lies a public governance deficit facing increasing numbers of casual workers, characterised by minimum wages insufficient to meet living costs and a lack of trade union representation. This tension, it is argued, underpinned the crisis in South African fruit in 2012/13, when casual workers mobilised to demand an increase in the agricultural minimum wage, and threatened the fruit value chain by blocking the main arterial routes to Cape Town port. The policy implications of this thesis are that nation states are required to adopt multi-scalar interventions which transcend traditional forms of governance, in order to address the global commercial pressures inherent in GPNs and protect increasing numbers of casual workers in this context.

Declaration

No portion of the work referred to in the thesis has been submitted in support of an application for another degree or qualification of this or any other university or other institute of learning.

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Chapter 1: Introduction

1.1 Introduction

The aim of this thesis is to increase understanding of the role of public governance (national labour laws and regulations) in addressing poor working conditions on South African fruit farms which supply UK and European supermarkets. A key aspect of the South African regulatory framework has extended farmworkers the right to trade union representation at local farm level. Additionally, UK and European supermarkets sourcing South African fruit have responded to civil society and consumer pressure by introducing private codes of conduct designed to ensure ethical labour practices within their supply chains. However, casualised workers continue to experience poor working conditions *despite* public governance (national laws and regulations), private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity) on South African fruit farms. Previous studies have conducted localised investigation into the role of national labour laws and regulations in addressing working conditions on South African fruit export farms. A separate body of research has highlighted the commercial pressures exerted by supermarkets over South African fruit producers, by demanding high quality, low cost fruit with short lead times. In response, fruit producers have utilised increasing numbers of low-cost casual workers alongside a shrinking core of skilled, permanent workers. However, existing research into the public governance of labour has failed to account for commercial inter-linkages and transactions between established lead-firm supermarkets, national suppliers and locally based fruit producers.

Global production network (GPN) analysis provides a framework within which to locate public governance of labour at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). Furthermore, the GPN framework facilitates analysis of multi-scalar interactions between lead firm supermarkets, national suppliers and local fruit producers. These are positioned to shape labour arrangements and regulatory outcomes for different groups of permanent and casual farmworkers. With this in mind, this thesis seeks to address the following central research question: *'To what extent do multi-scalar tensions in global production networks (GPNs) challenge the public governance of working conditions, and what are the lessons from labour operating in South African fruit production?'*

Following apartheid, the South African government drafted and enforced a comprehensive raft of labour regulation in the agriculture sector, to redress poor working conditions for an exploited farm

workforce. In brief, this post-apartheid legislative framework included the Basic Conditions of Employment Act (BCEA), providing farmworkers with a minimum set of standards relating to more tangible aspects of working conditions, such as working hours, paid leave and formalising contracts; the agricultural Sectoral Determination, establishing minimum wages and working conditions specific to agricultural employment; the Occupational Health and Safety Act (OHSA), designed to ensure safe working conditions for farmworkers; the Extension of Security and Tenure Act (ESTA) which increased farm workers' tenure security rights; and the Labour Relations Act (LRA), which extended farmworkers operating on South African fruit and agricultural farms the right to trade union representation at local farm level (Barrientos, Kritzingler and Rossouw 2004; Theron, Godfrey and Visser 2007; Pons-Vignon and Ward 2009; Benjamin 2011).

This latter form of labour legislation marked a significant shift in labour relations on South African fruit farms, as trade unions were provided the legal opportunity to negotiate on behalf of farmworkers in the employer-employee negotiation process (Theron, Godfrey and Visser 2007; White 2009; Pons-Vignon and Ward 2009; NALEDI 2012). Labour relations were previously based on inequitable, paternalistic labour relations with little external interference. This has resulted in a number of established trade unions such as the Food and Allied Workers Union (FAWU), the agricultural branch of the Congress of South African Trade Unions (COSATU), and smaller grassroots organisations such as Sikhula Sonke (established by the NGO Women on Farms) taking steps to gain access and represent farmworkers operating on fruit export farms in the Western Cape (Ewert and Hamman 1996; Mather and Adelzadeh 1998; White 2009; NALEDI 2012).

Following democratic transition post-apartheid, a process of de-regulation in the South African fruit sector facilitated supply to long established UK and European supermarkets with large and consistent quantities of fruit. Previous academic research has highlighted the commercial pressures exerted by global supermarkets over South African fruit producers, by demanding high quality, low cost fruit with short lead times (Barrientos and Kritzingler 2004; Kritzingler, Barrientos and Rossouw 2004; Barrientos 2008; Hughes, Wrigley and Buttle 2010; Hughes, McEwan and Bek 2013). Fruit producers have responded to these pressures by restructuring their workforce, drawing upon increasing numbers of low-cost casual workers alongside a shrinking core of skilled, permanent workers (du Toit and Ally 2003).

UK and European supermarkets sourcing South African fruit responded to NGO and consumer pressure over poor working conditions (particularly of casualised workers) by introducing private codes of conduct designed to ensure ethical labour practices within their supply chains. A highly significant development in the South African fruit sector has been the implementation of the multi-

stakeholder Ethical Trading Initiative (ETI) base code which comprises a comprehensive set of criteria relating to working conditions and has been adopted by most UK supermarkets sourcing fruit from South Africa (Barrientos and Kritzingler 2005; Barrientos and Smith 2006, 2007).

However, despite progressive national laws and regulations, private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity) on South African fruit farms conditions remain poor for casualised workers. Academic and civil society publications continue to document the increasing vulnerability and insecurity of casual farmworkers, who face poor remuneration and limited rights (du Toit 2004a; Barrientos, Dolan and Tallontire 2003; Barrientos and Kritzingler 2004; Devereux and Solomon 2012; ActionAid 2007; Oxfam 2004; SANPERI 2008; Human Rights Watch 2011).

Whilst some studies have investigated the role of national labour laws and regulations in addressing working conditions on South African fruit farms (du Toit 2004a; Theron 2010; Godfrey, Theron and Visser 2007; Benjamin 2011), this research has not sufficiently accounted for the global commercial dynamic of production. This dynamic is endemic to the global production networks through which European supermarkets source their fruit. This is problematic, due to the fact that multi-scalar interactions between lead firm supermarkets, national suppliers and local fruit producers shape and influence workforce dynamics and labour conditions in global fruit production networks. This study draws upon GPN analysis and conceptualises public governance (national laws and regulations) in the wider fruit global production network architecture. This approach takes into account the commercial dynamic of production and multi-scalar interactions between private actors operating along the value chain, and examines the implications for local employment arrangements and public governance outcomes for labour.

In doing so, this thesis is positioned to address significant theoretical gaps in existing GPN and public governance literatures. Previous GPN research has tended to focus on the private governance of labour (codes of conduct, ethical trade schemes and fair trade) driven by lead firms in response to consumer and civil society pressure (O'Rourke 2006; Gereffi and Mayer 2006; Barrientos and Smith 2007; Utting 2008; Robinson 2009; Mayer and Pickles 2010; Neilson and Pritchard 2010; Raj-Reichert 2013). This is due partly to a perception that globalization has undermined nation-states of the ability to regulate labour. A separate strand of GPN research has investigated the critical role of civil society organisations (CSOs) such as trade unions and NGOs in shaping the national regulatory process, via representation of workers at the local workplace scale (Franz 2010; Rainnie, Herod and McGrath-Champ 2011; Coe and Hess 2013; Locke 2013). However, there has been insufficient investigation in existing GPN literature into the role of nation states in governing working conditions

connected to global production networks, largely due to an assumption that neoliberal policies have eroded the ability of developing states to regulate labour incorporated into global production (Barrientos 2008; Utting 2008; Robinson 2009; Neilson and Pritchard 2010; Raj-Reichert 2013).

This is problematic, and academics are beginning to acknowledge the importance of developing and emerging states in strengthening national public governance institutions to address poor working conditions in global production, a shift described by Piore and Schrank (2008) as a 'regulatory renaissance' (see also Posthuma and Nathan 2010; Posthuma 2010; Mayer and Pickles 2010; Barrientos et al. 2011; Bartley 2011; Locke 2013). In addition, certain scholars have highlighted that private codes of conduct based on Core ILO convention reference national laws and regulations, which therefore continues to provide a key regulatory benchmark determining labour standards at workplaces connected to GPNs (Barrientos and Smith 2007; Mayer and Pickles 2010; Gereffi, Fernandez-Stark and Psilos 2011). Other studies have highlighted the central role of national labour laws and legislation in facilitating trade union activity at the local workplace scale (Coe and Hess 2013; Locke 2013). These studies underline the importance of investigating the role of public governance in addressing working conditions in GPNs, at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). This thesis addresses this lacuna in existing GPN literature by adopting a multi-scalar perspective to explore this intersection. By locating public governance in the wider global production network and investigating the role of national regulatory institutions in addressing working conditions in GPNs, this study is positioned to contribute to existing GPN research, which has thus far focused primarily on private initiatives and governance by local civil society organisations.

A separate strand of GPN and global value chain (GVC) research has focused on the governance of commercial interactions between global lead firms, national suppliers and locally based producers, and the organization of linkages between these private actors operating along the global value chain¹ (Gereffi 1994; Dolan and Humphrey 2004; Henson and Humphrey 2008; Gereffi and Mayer 2006; Coe and Hess 2006).

More critical branches of this research have drawn attention to the multi-scalar commercial dynamics behind purchasing practices, whereby global lead firms are able to extract economic rent from national suppliers and local producers, by capturing product value through consumer-oriented

¹ This form of governance has been variously referred to as 'industrial' governance, which covers the organization of linkages between different actors operating in the global value chain (Gereffi and Mayer 2006: 41). Coe and Hess (2006) use the term 'inter-firm' governance, which relates to 'industrial' governance and explores the interactions between private actors along the global value chain.

activities such as branding, design and accessing market niches (Kaplinsky 1998; Barrientos 2013a). The ability of lead firms and buyers to drive their supply chains and extract economic rent in the process has been attributed to their 'oligopolistic position in relation to a relatively fragmented global supply base' (Barrientos 2008:982). Nathan and Kalpana (2007:4) aptly describe this dynamic as a bargaining model in which lead firms are able to dominate by utilising their buying power to beat down suppliers' prices and increase the value they extract from the chain when negotiating with a weaker, geographically dispersed and fragmented supply base. The dominance of lead-firms has been associated with the proliferation of standards determining product quality, production processes and ethical labour arrangements, which have 'facilitated new forms of co-ordination by buyers across a diverse global sourcing base' (Barrientos 2013a:3; Dolan and Humphrey, 2004; Henson and Humphrey, 2008). Whilst core GVC/GPN analysis has highlighted the commercial dynamics and economic pressures places on locally based producers who often bear the cost of adhering to an increasing raft of private standards, its limitation has been a firm-centric focus and insufficient analysis of labour (Coe and Jordhus-Lier 2011).

A related but separate body of global civil society and labour agency literature, has analysed the transforming patterns of employment that have occurred following the outsourcing of production to lower cost developing countries (Standing 1999; Castree et al. 2004; Munck 2002; 2010; Dolan and Sorby 2003; Wills 2009; Barrientos, Gereffi and Rossi 2011; Barrientos 2013a:3). This work has highlighted the flexibilisation of employment, whereby employers located in developing countries respond to commercial pressures inherent in global production by employing a core, permanent workforce to maintain quality and consistency of supply, in parallel with a highly flexibilised and casual workforce is drawn upon to meet 'just in time' orders at a low cost (Tallontire et al. 2005:567). For the core group, participation in global production networks can be beneficial, creating new employment opportunities, sources of income, higher wages, social protection and better working conditions. For the casual group, the working pattern is instead characterised by reduced producer attachment or responsibility in terms of pay, working conditions and employment rights, as well as increased insecurity and vulnerability to exploitation. The situation of these workers has been described as being one of 'adverse incorporation' by a growing number of academics who appreciate that their poverty is not caused by exclusion from global production, but rather the adverse terms and conditions of their incorporation (du Toit 2004a; 2004b; Hickey and du Toit 2007; Phillips and Sakamoto 2011).

The GPN framework's notion of 'societal embeddedness' provides a conceptual tool for which to examine the implications of how global commercial processes become enmeshed in the social and

institutional frameworks of production locations, shaping employment arrangements for labour incorporated into GPNs (Dicken et al. 2001; Henderson et al. 2002; Coe, Dicken and Hess 2008; Barrientos 2013a). On the one hand, global commercial processes inherent in buyer-driven GPNs have been identified as driving a process of workforce casualisation, shaping the terms and conditions of employment for different categories of permanent and casual worker. However, another strand of GPN research into the intersection of global commercial production and labour operating at the local workplace level, has sought to highlight how the terms and conditions of workers incorporated into GPNs is shaped not only by the commercial (or 'vertical') dynamic of production, but also the local (or 'horizontal') dimension of societal embeddedness at workplace level (Jonas 1996 cited in Coe and Hess 2013:7; Neilson and Pritchard 2009; Bolwig et al. 2010; Riisgaard and Hammer 2011).

A key theoretical argument of this thesis is that in order to understand challenges facing public governance of labour incorporated into South African fruit farms connected to GPNs, at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity), requires a broader conceptualisation of the governance of multi-scalar commercial interactions in fruit export production, which shape and influence workforce composition at local farm level. By extending analysis of public governance of working conditions to a variegated scale of labour, this thesis is positioned to provide a more nuanced and in-depth account of regulatory outcomes for different groups of permanent and casual worker incorporated into commercially driven global production networks.

1.2 Research gap and research sub-questions

As highlighted in the discussion above, one strand of literature has drawn upon GPN analysis to underscore the commercial processes inherent in global fruit production and the interactions between established lead firm supermarkets, national suppliers and local producers, which have had significant implications for workforce restructuring on South African fruit farms (Barrientos and Kritzinger 2004; Kritzinger, Barrientos and Rossouw 2004; Barrientos 2008; Hughes, Wrigley and Buttle 2010). Another strand has sought to unpack the role of public governance (national laws and regulations) in addressing working conditions on South African fruit farms (du Toit 2004a; Theron, Godfrey and Visser 2007; White 2009; Pons-Vignon and Ward 2009; Theron 2010). However, these two components have thus far remained separate, which undermines our ability to understand how, and to what extent, global commercial processes shape and influence public governance in

addressing poor working conditions on South African fruit farms connected to GPNs. This thesis seeks to contribute to filling this lacuna, by investigating the role of public governance in addressing working conditions in South African fruit production networks. The key question posed by this thesis is: *'To what extent do multi-scalar tensions in global production networks (GPNs) challenge the public governance of working conditions, and what are the lessons from labour operating in South African fruit production?'*

The first sub-question posed by this thesis is: *'What are the implications of the social and commercial dynamics of South African fruit GPNs for the public governance of working conditions?'* It facilitates investigation of the changing context and role of public governance (national laws and regulations) in addressing poor working conditions on South African fruit farms connected to GPNs. The first part of this sub-question unpacks the historical legacy of labour inequity and exploitation on fruit farms, manifested in poor working conditions and a lack of regulatory protection for farmworkers (Ross 1986; du Toit 2004a, 2004b). National regulatory policies in South Africa have responded to poor working conditions in an effort to protect farmworkers operating in the commercial fruit and wider agriculture sector (du Toit 2004a, 2004b; Barrientos, Kritzinger and Rossouw 2004; Theron, Godfrey and Visser 2007). A significant aspect of this national regulatory framework has been to extend farmworkers the right to trade union representation at the local workplace scale for the first time (Murphy 1995; Mather and Adelzadeh 1998; Pons-Vignon and Ward 2009). In parallel, globally based UK and European supermarkets sourcing South African fruit responded to civil society and consumer pressure by introducing private codes of conduct designed to ensure ethical labour practices within their supply chains (Friedberg 2003; Tallontire et al. 2005; Barrientos and Smith 2007). In line with the focus of this thesis, the purpose of this discussion is to contextualise the multi-scalar national public (laws and regulations), global private (codes of conduct) initiatives and governance by local CSOs (trade union and NGO activity), designed to address working conditions in South African fruit global production networks.

The second part of this sub-question facilitates examination of the parallel post-apartheid policies of de-regulation, resulting in South African fruit producers being integrated into commercially functioning global production networks. A key characteristic of South African fruit GPNs has been the proliferation of private standards enforced by lead firm supermarkets, which govern the quality and safety of the fruit produced, best-practice agricultural processes and ethical practices on the farm (Henson and Humphrey 2008; Barrientos 2013a). Consequently, locally based fruit producers have responded to lead-firm demands for high-quality, low cost production, combined with increased labour costs following widespread social regulation, by restructuring their workforce,

drawing upon increasing numbers of low-skilled casual workers alongside a shrinking core of skilled, permanent workers (Barrientos and Kritzinger 2004; du Toit and Ally 2003; Theron 2010). The purpose of this sub-question is to explore the implications of multi-scalar commercial interactions in South African fruit GPNs for the public governance of labour. In an empirical sense, previous research into public governance (national laws and regulations) on South African fruit farms connected to GPNs, has not sufficiently accounted for the global commercial dynamic of fruit production. This is problematic, due to the fact that interactions between lead firm supermarkets, national suppliers and local fruit producers are positioned to shape and influence workforce dynamics and governance outcomes for labour incorporated into fruit global production networks.

The second sub-question question posed by this thesis is: *'How should we best conceptualise the role of public governance in the GPN analytical framework, with particular regard to improving working conditions?'* The purpose of this sub-question is to locate national public governance (laws and regulations) in the wider global production network architecture, taking into account multi-scalar commercial and governance processes which are positioned to shape and influence regulatory outcomes for labour. On the one hand, the GPN framework is drawn upon to explore the multi-scalar governance of labour in global production networks, locating national public governance (laws and regulations) at the intersection of global private initiatives (codes of conduct and ethical trade schemes) and governance by local CSOs (trade union and NGO activity). As highlighted above, existing research into the governance of working conditions in global production has focused primarily on unpacking the role of private codes of conduct, due to an assumption that globalization has undermined the ability of nation states to regulate work connected to GPNs (Barrientos 2008; Utting 2008; Robinson 2009; Neilson and Pritchard 2010; Raj-Reichert 2013). This has resulted in something of a 'black box' in terms of our understanding of the role of nation state-led public governance in addressing working conditions in global production networks.

Drawing upon both the related GVC and GPN approaches enables examination of the governance of commercial interactions between global lead firms, national suppliers and locally based producers operating along the value chain, which is positioned to shape and influence working conditions and governance outcomes for labour operating in GPNs. In conjunction, a parallel global civil society and labour agency literature is drawn upon, to extend analysis of public governance to a variegated scale of labour, accounting for the possibility of differential outcomes for different groups of worker incorporated into GPNs. The GPN framework's notion of societal embeddedness is utilised, as it facilitates examination of the intersection of global commercial production and local labour arrangements, taking into account how global value chain dynamics and historically embedded

labour relations are positioned to shape the terms and conditions of worker incorporation into global production.

The third sub-question to be investigated is: *'How does governance of labour work in practice on South African fruit farms connected to GPNs?'* Empirically, the thesis investigates the public governance of working conditions in the context of South African fruit farms connected to GPNs. Firstly, this requires unpacking the global commercial dimension of fruit production in this context, with a focus on the Western Cape region as the epicentre of the South African fruit export industry. At this level, the discussion focuses on the dynamic and interactions between private actors operating along the linear value chain, which include lead firm supermarkets, national suppliers and local producers. This aspect of the thesis further explores the global commercial pressures exerted by lead firms over fruit producers, by demanding high-quality, low cost fruit production and adherence to a raft of product, agricultural process and social standards. It will examine how this has continued to drive a process of workforce casualisation, as producers respond to these pressures by cutting labour costs, whilst remaining competitive to the demands of lead firm supermarkets.

This commercial context sets the scene for investigating the role of public governance in addressing working conditions on South African fruit farms connected to GPNs. The focus here is on how public governance is enforced on the commercial fruit farms under study, and how this plays out in terms of compliance levels, taking into account producer and worker experiences. This aspect of the investigation conceptualises the national public governance process as operating at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity), accounting for the interactions across these wider governance strands.

This lays the groundwork for the fourth sub-question to be investigated: *'To what extent has public governance responded to multi-scalar tensions in fruit GPNs in improving working conditions and how has this played out in the crisis?'* This aspect of the empirical investigation seeks to unpack more critically the extent to which public governance has been able to respond to global commercial pressures, and protect different groups of a variegated workforce incorporated into South African fruit GPNs. This facet of the research focuses on exploring in greater depth the extent to which the existing national regulatory framework in South Africa has protected permanent and casual workers, taking into account the role of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity) in this context. This aspect of the reporting takes into account the views and perspectives of a range of public (nation state; trade unions; NGOs); private (fruit producers; industry representatives; national suppliers) actors; and permanent and casual

farmworkers, involved in the process of governing working conditions on South African fruit farms connected to GPNs.

An additional and unique aspect of this strand of the empirical investigation is that the tensions which the research identified erupted immediately following the period of primary fieldwork. A widespread labour crisis broke out in the case study location of this research and spread throughout the Western Cape fruit sector. This involved an unprecedented labour uprising involving thousands of casual farmworkers protesting against the ANC government demanding an increase in the agricultural minimum wage and better working conditions. Due to the direct relevance of the crisis to this empirical investigation, this event prompted additional secondary research relating to the unrest, which served to illuminate and shed further light on the empirical findings of this study.

The final sub-question of this thesis is: *'How does the example of fruit production networks in South Africa contribute to our understanding of the role of public governance in addressing working conditions in GPNs?'* The purpose of addressing this question is to reflect upon how the example of fruit production networks in South Africa furthers our understanding of the role of public governance in addressing working conditions in GPNs. In particular, this element of the study considers the extent to which the conceptual approach taken in this thesis helps to increase our understanding of the role of national labour regulations in addressing working conditions on South African fruit farms connected to GPNs, taking into account multi-scalar commercial processes and interactions between private actors which are positioned to shape and challenge governance outcomes for labour. At the same time, this sub-question prompts us to broaden the debate, and consider how and to what extent the empirical example of South African fruit GPNs has increased our understanding of the role of public governance in addressing working conditions in global production networks.

1.3 Contribution of the thesis

This thesis aims to make a series of significant empirical and theoretical contributions to existing GPN and governance literatures.

Empirically, this thesis contributes to existing research into the role of national labour laws and regulations in addressing working conditions on South African fruit export farms by accounting for the global commercial dynamic of production, which is positioned to shape and influence governance outcomes for farmworkers. It therefore extends analysis beyond previous studies which

have conducted localised analysis of the role of national labour laws and regulations in addressing working conditions on South African fruit farms, without sufficiently accounting for the interrelationships and transactions between UK and European supermarkets, national suppliers and local producers. The thesis advances current understanding by examining how commercial interactions between these private actors operating along the value chain are positioned to shape and influence workforce dynamics and labour conditions at farm level. Using the example of thirteen fruit export farms in Ceres, Western Cape, this thesis investigates this empirical lacuna by conducting a qualitative case-study investigation of national regulatory outcomes for permanent and casual farmworkers, taking into account the purchasing practices of UK and European supermarkets and vertical inter-linkages that connect these global lead firms with locally based fruit producers. Subsequently, a core contribution of this thesis is to better understand the extent to which multi-scalar commercial tensions are positioned to challenge national public governance frameworks in addressing working conditions for permanent and casual workers incorporated into South African fruit GPNs.

The thesis advances conceptual analysis of the various public (state), private (lead firms; national suppliers; local producers), CSO (trade unions and NGOs) actors and workers (permanent and casual), and their role in the public governance of labour. It does this by drawing upon the global production network (GPN) framework as the primary conceptual lens for the analysis of this research, as it facilitates multi-scalar analysis of both public, private and local governance by CSOs of *labour* on the one hand; and commercial interactions and exchanges between global lead firms, national suppliers and local producers and workers on the other. This aspect of the thesis is positioned to contribute to existing GPN research into the governance of working conditions, which has thus far focused primarily on private governance initiatives, such as ethical trade schemes and codes of conduct and governance by local CSOs, in the form of trade union and NGO activity in shaping the regulatory process for workers incorporated into GPNs. Using the example of South African fruit, this thesis examines the role of national public governance (laws and regulations) in addressing working conditions, taking into account wider interactions with global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity).

Furthermore, the conceptual approach taken in this study accounts for parallel multi-scalar commercial interactions and processes in global production, which are positioned to shape and influence public governance outcomes for labour. An additional and related analytical contribution of this thesis to existing GPN and governance literatures is to highlight the complex interactions between two separate strands of governance research within global production networks: the

governance of commercial interactions, which refers to the multi-scalar dynamics behind purchasing practices, whereby global lead firms are able to extract economic rent from national suppliers and local producers, by capturing product value through consumer-oriented activities such as branding, design and accessing market niches; and the public, private and governance by local civil society organisations *of labour*. Thus far, these strands of governance research have been investigated in separate in existing GPN literature which I argue is problematic, due to the fact that the governance *of commercial interactions* are positioned to shape and influence workforce composition and the governance *of labour* for different groups of a variegated workforce at the local scale of production.

1.4 Structure of the thesis

The remainder of the thesis will proceed as follows. **Chapter 2** provides contextual background to this research and addresses the first sub-question of this thesis: *'What are the implications of the social and commercial dynamics of South African fruit GPNs for the public governance of working conditions?'* It begins by providing a historical account of labour relations on South African fruit farms, characterised by paternalistic practices and worker exploitation. The discussion will then turn to the post-apartheid government's national regulatory response to address poor working conditions on South African fruit farms; lead firm supermarket response to consumer and civil society pressure, to ensure ethical practices in their supply chains; and civil society efforts to access and represent farmworkers. The discussion then addresses the post-apartheid policy thrust of de-regulating the fruit sector, which led to rapid transformation and integration into commercially functioning GPNs. The dynamics of South African fruit GPNs will be discussed, along with the implications for workforce restructuring at local farm level. The final part of the chapter will touch upon the tension between the commercial drivers inherent in global fruit production on the one hand, and national regulatory efforts undertaken by the ANC government to improve working conditions on the other.

Chapter 3 addresses the second sub-question of this thesis; *'How should we best conceptualise the role of public governance in the GPN analytical framework, with particular regard to improving working conditions?'* The discussion here draws upon existing global production network and public governance literature, in order to locate public governance in the wider terrain of global production. A GPN/public governance framework is used as a visual aid to locate public governance as operating at the intersection of wider global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity) on the one hand; and alongside the multi-scalar commercial

dynamics of global production on the other. The GPN framework's notion of societal embeddedness is discussed, in order to conceptualise the intersection of global commercial production and local labour arrangements, taking into account how global value chain dynamics and historically embedded labour relations are positioned to shape the terms and conditions of worker incorporation into global production.

Chapter 4 details the fieldwork methodology of this research. A key aspect of the research methodology of this thesis is to draw upon previous GVC/GPN methodological guidance to undertake a mapping of public (state); private (global lead firms; national suppliers; local producers); CSO (trade union and NGO) actors and workers (permanent and casual) operating at global, national and local scales in the fruit GPN. This mapping process required that I take into account the multi-scalar commercial interactions between lead firms; national suppliers and local producers inherent in the fruit production process, and their implications for workforce arrangements and governance outcomes for labour. It also required that I locate the national labour laws and regulations at the intersection of global private initiatives (codes of conduct), and governance by local CSOs (trade union and NGO activity), and the implications of interactions between these governance strands for labour. An additional key aspect of the research methodology adopted in this study, was to conduct a purposive and 'information oriented' selection of thirteen commercial fruit farms located in Ceres, Western Cape, that were themselves connected to wider global production networks. The chapter discusses case study selection, which was a critical aspect of the research process, made primarily through internet research and analysis of secondary literature, along with conversations with key informants at PLAAS, UCT and my supervisory team.

Chapter 5 unpacks the first strand of the empirical case, by addressing the third sub-question of this thesis; '*How does governance work in practice on South African fruit farms connected to GPNs?*' In order to address this question, the chapter reports on how working conditions are governed on the thirteen commercial fruit farms in Ceres under study. The discussion begins by illuminating the wider commercial environment into which the fruit farms are integrated, along with the changing workforce dynamics in this context. The chapter then reports on the process of public governance enforcement and compliance rates found on the farms under study, taking into account the views and perceptions of different actors involved in the process of monitoring, enforcing and experiencing national labour laws and regulations. The chapter also reports on the role of private codes of conduct in addressing working conditions in this context, by unpacking the audit process and compliance rates to labour codes in this context. The latter part of the chapter considers the

extent to which the national regulatory framework and private codes of conduct have extended trade union representation and freedom of association to farmworkers.

Chapter 6 then turns to address the fourth sub-question of this thesis; *'To what extent has public governance responded to multi-scalar tensions in fruit GPNs in improving working conditions and how has this played out in the crisis?'* The reporting here critically unpacks the extent to which public governance has been able to respond to global commercial pressures, and protect different members of a variegated workforce incorporated into South African fruit GPNs. This aspect of the reporting focuses on exploring in greater depth the extent to which the existing national regulatory framework in South Africa has addressed working conditions for different groups of permanent and casual worker, taking into account the role of global private initiatives (codes of conduct) governance by local CSOs (trade union and NGO activity) in this context. The discussion here takes into account the views and perspectives of a range of public (nation state; trade unions; NGOs); private (fruit producers; industry representatives; national suppliers) actors; permanent and casual farmworkers, involved in the process of governing working conditions on South African fruit farms connected to GPNs. The latter part of the chapter discusses the labour crisis in the Western Cape fruit sector, which occurred immediately following the period of primary fieldwork, and served to illuminate and build upon the empirical findings reported in this chapter.

Chapter 7 reflects analytically on the findings reported in the previous two chapters, and addresses the fifth and final sub-question of this thesis; *'How does the example of fruit production networks in South Africa contribute to our understanding of the role of public governance in addressing working conditions in GPNs?'* Accordingly, this chapter considers the extent to which the empirical example of South African fruit global production networks has contributed to our understanding of public governance in addressing working conditions in GPNs. The first part will revisit the conceptual approach taken in this thesis, drawing upon GPN and public governance literatures, and consider the ways in which this investigation has increased our understanding of public governance in South African fruit GPNs. The second part of the chapter then broadens the discussion to consider the extent to which the empirical example of South African fruit has helped to increase our understanding of public governance in global production networks. In particular, the chapter will assess the value of locating public governance in the wider global production network, taking into account multi-scalar commercial interactions between private actors which are positioned to shape and influence governance outcomes for different groups of a variegated workforce.

Chapter 8 is the final chapter of the thesis, which provides an overall conclusion as well merging together the different aspects of the empirical case study into a broader picture and understanding

of public governance in GPNs. The discussion in this chapter brings together the empirical and conceptual findings emanating from the previous chapters. The findings from this thesis elucidate an inherent multi-scalar tension on the one hand between 'global commercial pressures' exerted by global lead firms over national suppliers and local producers driving workforce casualisation, and on the other hand a 'global governance deficit' at the core of which lies a public governance deficit facing increasing numbers of casual workers. At the heart of this multi-scalar tension lies an intrinsic dysfunction between the governance *of commercial interactions* along the value chain and the governance *of labour* incorporated into GPNs. Critically, this inherent tension has spilled into the territorial arena of public governance, challenging the ability of nation-states to protect increasing numbers of casual workers incorporated into global production networks. I further argue that this conceptual observation should prompt researchers seeking to understand the complex process of governing labour conditions connected to global production to adopt a multi-scalar analytical approach, in order to connect separate strands of governance *of commercial interactions* on the one hand, and governance *of labour* on the other. The latter part of the chapter discusses the policy implications of this thesis, arguing that nation states are required to adopt multi-scalar interventions which transcend traditional forms of governance, in order to address the global commercial pressures inherent in GPNs.

Chapter 2: Unpacking the historical social and contemporary commercial dynamics of fruit GPNs in the Western Cape, South Africa

2.1 Introduction

The purpose of this chapter is to provide contextual background for the theoretical and empirical investigation of this case study, and does so by addressing the following research sub-question; *'What are the implications of the social and commercial dynamics of South African fruit GPNs for the public governance of working conditions?'*

In order to understand the role of public governance (national laws and regulations) in addressing poor working conditions on South African fruit farms connected to GPNs, the first part of this chapter unpacks the historical legacy of labour inequity and exploitation on fruit farms, characterised by poor working conditions and a lack of regulatory protection for farmworkers (Ross 1986; du Toit 2004a, 2004b). National regulatory policies in South Africa have responded to poor working conditions in an effort to protect farmworkers operating in the commercial fruit and wider agriculture sector (du Toit 2004a, 2004b; Barrientos, Kritzingler and Rossouw 2004; Theron, Godfrey and Visser 2007). A significant aspect of this national regulatory framework has been to extend the right to trade union representation farmworkers operating on South African fruit farms at the local workplace scale for the first time (Murphy 1995; Mather and Adelzadeh 1998; Pons-Vignon and Ward 2009). In parallel, globally based UK and European supermarkets sourcing South African fruit responded to civil society and consumer pressure over poor labour conditions by introducing private codes of conduct designed to ensure ethical labour practices within their supply chains (Friedberg 2003; Tallontire et al. 2005; Barrientos and Smith 2007). In line with the focus of this thesis, the purpose of this discussion is to provide contextual understanding of the multi-scalar national public governance (laws and regulations), global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity), which aimed to address working conditions in South African fruit global production networks.

The second part of the chapter examines parallel post-apartheid policies of de-regulation, resulting in South African fruit producers being integrated into commercially functioning global production networks. A key characteristic of South African fruit GPNs has been the proliferation of private standards enforced by lead firm supermarkets, which govern the quality and safety of the fruit produced, best-practice agricultural processes and ethical practices on the farm (Henson and

Humphrey 2008; Barrientos 2013a). Locally based fruit producers have responded to lead-firm demands for high-quality, low cost production, combined with increased labour costs following widespread social regulation, by restructuring their workforce, drawing upon increasing numbers of low-skilled casual workers alongside a shrinking core of skilled, permanent workers (Barrientos and Kritzing 2004; du Toit and Ally 2003; Theron 2010). The purpose of this discussion is to highlight the implications of multi-scalar commercial interactions in South African fruit GPNs for the public governance of labour. Subsequently, both academic² and civil society publications³ have highlighted the insecurity and perpetuation of poor working conditions for casual farmworkers operating on horticultural farms in the Western Cape. Significantly, such observations regarding poor working conditions for certain categories of farmworker have occurred despite the aforementioned raft of national laws and regulations designed to protect all farmworkers; private codes of conduct enforced by lead-firm supermarkets to ensure decent working conditions on South African fruit farms integrated into their supply chains; and trade union efforts to represent and protect farmworkers in the employer-employee relationship.

The chapter concludes by bringing together the previous discussion and touching upon the conflict and tensions between the two policy strands of labour laws and regulations aimed at enhancing agricultural workers' rights on the one hand, alongside commercial de-regulation and agricultural GPN proliferation on the other. In particular, despite a raft of national laws and regulations, private codes of conduct and trade union efforts to improve working conditions for farmworkers operating in South African fruit, vulnerable and insecure labour arrangements perpetuate for increasing numbers of casual employees. As will be highlighted, previous research into public governance (national laws and regulations) on South African fruit farms connected to GPNs, has not sufficiently accounted for the global commercial dynamic of fruit production. These observations provide important contextual background for which to pursue the theoretical and empirical investigation into the public governance of labour, in the context of commercially functioning global production networks.

² See du Toit and Ally 2003; du Toit 2004a; du Toit 2005; Barrientos, Dolan and Tallontire 2003; Barrientos and Kritzing 2004; Barrientos, Kritzing and Rossouw 2004; Devereux and Solomon 2012.

³ See ActionAid 2007; Oxfam 2004; SANPERI 2008; Human Rights Watch 2011.

2.2 Labour dynamics on fruit farms in the Western Cape: poor working conditions and limited rights

In order to investigate the multi-scalar challenges to public governance in improving working conditions on commercial fruit farms located in the Western Cape, it is first necessary to account for 'localising' phenomena such as the social and cultural legacy of slavery, historical shocks caused by colonialism and apartheid, the dispossession these processes have left in their wake, as well as the dominant gender and racial identities that exist within this context (du Toit and Ewert 2002; du Toit 2004a; 2004b, Harriss-White 2005). The following discussion will outline these historical trends in broad strokes, in order to build a more coherent picture of the employment patterns that exist in the Western Cape commercial fruit sector in the context of the present study.

Perhaps the best place to start in understanding the social and labour relations that comprise the Western Cape commercial fruit sector in the present day, is to recognise that these relationships are largely shaped by the historical legacy of slavery and colonial settlement (Ross 1986; Crais 1992; Dooling 1992; Terreblanche 2002; du Toit 2004a; 2004b). European colonisation commenced in the mid-17th century with Dutch and Huguenot settlement in the Cape, and the most direct aspect of this pressure was the enforced and violent dispossession of land by whites, resulting from which African farmers were forced to retreat to other areas, or become sharecroppers or farm labourers (Aliber 2003). Thus, horticulture in the Western Cape developed as a system 'not of plantations, not of smallholders, but of large owner-operated farms worked by a harshly exploited black labour force' (Ross 1986:58). These processes of dispossession and slavery perpetuated throughout the 18th century, helping to create a rural landowning class whose 'relationship to the African countryside of the Cape was profoundly influenced by a discourse of mastery that linked white identity closely with the right to own the land, and assumed that ownership of land conferred on the owner the right to govern the lives all those who worked it' (du Toit 2004b:10).

In turn, this contributed to the development of the well documented practice of farm paternalism, characterised by complex power relations of dependency and control (du Toit 1993; 2004a; 2004b; Orton, Barrientos and McClenaghan 2001). At the heart of paternalism lay the notion that the farmer takes on the role of 'father', and employed workers become 'a part of the family' (du Toit 1993:320-321). In this sense, the worker and farmer were thought to share a common interest in the survival of the farm and workers who were obedient and reliable received protection from the farmer in return (Ross 1986; Dooling 1992; du Toit 1993; 2004a; Orton, Barrientos and McClenaghan 2001; White 2009). However, in South Africa's deeply embedded racial and social practice,

paternalism also ultimately worked to legitimate and regulate white power at farm level, and in particular, the right of the white land-owning farm community in the Western Cape to exploit their predominantly coloured workforce (Ross 1986; Dooling 1992; du Toit 1993; 2004a; Orton, Barrientos and McClenaghan 2001). In this way, Bradford argues that paternalism ‘combined “the harshness of racism” with “the adoption of some of the benevolence of familial figures of authority”’ (Bradford, cited in Orton, Barrientos and McClenaghan 2001:470). In addition, according to Van Onselen (1992:134), a specific gendered dimension existed in the practice of farm paternalism which itself was inherently patriarchal, based on the power of men to exercise control over family members ‘without having to seek recourse to the law’.

Although slavery was formerly abolished in 1834, numerous authors have noted that the highly paternalistic culture of labour relations and worker exploitation continued, reproduced in different ways over time (Ross 1986; Crais 1992; du Toit 1993; Jarosz 1996; Kritzinger and Vorster 1996). Indeed, very soon after slavery was abolished, farmers enlisted the ‘repressive apparatus’ of the colonial state to enforce the Masters and Servants Act of 1856 (Wolpe 1972:430). This post-emancipation legislation maintained numerous characteristics of the old slave/master relationship, shifting the balance of power in the favour of land-owning farmers in the struggle for cheap and controlled labour, and in doing so, consolidated the domination of a white land owning class over a coloured and black labouring class – it was also based on the notion that women were under the complete authority of their husbands (du Toit 1994; Kritzinger and Vorster 1996; Orton, Barrientos and McClenaghan 2001). In this context, the Masters and Servants Act satisfied the needs of former slaveholders who were strongly opposed to paying for farm labour, by legitimising farmer access to the seasonal labour of women and children in return for on-farm accommodation as part of the male wage package (Jarosz 1996; Kritzinger and Vorster 1996; Orton, Barrientos and McClenaghan 2001). As noted by Jarosz (1996:48-49), women and children dependents were generally employed for about nine months of the year, but not on a continual basis, and were required to work whenever necessary as part of the male farmworker’s condition of service or face eviction from the family accommodation. In this way, women’s subordinate employment status and dependence on a male partner became a part of paternalist farming for the next 150 years, and as will be elaborated in the following section, still persists today in the context of commercially driven agricultural employment patterns.

Such levels of oppressive labour legislation and land dispossession continued well into the 20th century, as various white governments enforced more covert legislation in order to facilitate the supply of an exploitable workforce (Wolpe 1972; Aliber 2003; Gelb 2003; Pons-Vignon and Ward

2009). Most notably, the Native Land Acts of 1913 and 1936 continued to shape working and living conditions, enabling appropriation of land by white settlers, confining many non-whites to 13% of the country which comprised small, scattered and infertile pieces of land, creating a reserve army of labour for white agriculture and industry in the process (Aliber 2003; Pons-Vignon and Ward 2009). This exploitation of farm workers continued and arguably worsened under apartheid, with the implementation of the Group Areas Act of 1955 which served to incorporate the 'so-called coloureds' into Western Cape as manual labourers for white employers, whilst physically barring the 'black' South African population from the area (Jarosz 1996:48). This legislation created a significant divide and racial tensions between the more privileged 'coloured' on-farm permanent workers and the expelled 'black' Africans who were forced off the Western Cape farms and today comprise what du Toit and Ewert (2002) have described as a 'rural *lumpen proletariat*'. As a consequence, the deeply embedded practices of racial paternalism that form the 'moral community' between white and coloured people in the Western Cape continue to work to construct black African workers as outsiders, who do not have the same access to informal support networks provided by the social relations of farm paternalism as coloured workers (Arnall et al. 2004 cited in du Toit 2005:13).

From this discussion, it is clear that the history of agricultural labour in the Western Cape up until the end of apartheid has been significantly shaped by an oppressive pattern of land appropriation, labour legislation and paternalist labour relations. Moreover, paternalistic employment practices served to institutionalise highly inequitable and hierarchical employer-employee relationships and 'militated against any conception' that farmworkers could also be citizens with regulatory protection 'equal to that of the farm owner' (du Toit 2000a:993). There is also a significant racial and gender dimension inherent in these processes, as the permanent on-farm workforce was predominantly comprised of coloured families, with paternalist practices dictating that the husband earn the wage and his wife and children provide seasonal labour in exchange for accommodation and benefits as per the husband's remuneration package. Under apartheid, overt policies of racial discrimination ensured that black South Africans were forced out of permanent farm employment in the Western Cape onto virtually unworkable land in the economically isolated Bantustans, thereby allowing farmers to co-opt them as flexible and seasonal labour, with poor and unstable remuneration packages.

Consequently, by the end of apartheid, numerous scholars have documented the poor working conditions of farm workers, who were subjected to highly intensive and arduous tasks; workdays frequently surpassing 12 hours; and a lack of minimum wage criteria resulting in extremely low wages, which were often paid in kind (du Toit 1994, 2004a, 2004b; Mather and Adelzadeh 1998;

Mather and Greenberg 2003; Pons-Vignon and Ward 2009). Furthermore, farm worker permission to on-farm housing was not only dependent on retaining employment on the farm, meaning it was liable to be withdrawn following retrenchment, but ‘workers were also (and are sometimes still) dependent on the farmer to provide basic necessities, often creating a cycle of indebtedness’ (Pons-Vignon and Ward 2009:894). Finally, farm work in the Western Cape lacked ‘any fully independent “civil society”’: few forms of organisation not mediated by the authority of the farmer exist...farm workers’ struggle is a struggle for such a “private space”, for civil society itself’ (du Toit, 1993:335). Subsequently, agricultural farm work was an arena ‘devoid of independent civil society’, resulting in a significant lack of bargaining power between farm owners and farmworkers in the employer-employee relationship (White 2009:2).

2.3 National laws and regulations on South African fruit farms connected to GPNs: background context and implications for working conditions

Following the transition to democracy in the mid-1990s, a raft of national laws and regulations were drafted and implemented by the newly elected ANC government in order to overturn previous agricultural regimes of exploitation, especially for black and coloured workers, that existed during the colonial and apartheid eras (Barrientos, Kritzingler and Rossouw 2004; du Toit 2004a; 2007; Cousins 2009; Benjamin 2011). Additionally, following integration into the international community, the South African state intended to improve their reputation as a country with equitable labour laws and regulations. At the time, the South African government’s decision to regulate labour was in stark contrast to the majority of other developing countries, where pressure from structural adjustment resulted in de-regulation of labour markets. Although there has been a recent resurgence amongst developing countries to implement more stringent public governance measures to protect labour integrated into GPNs (see Piore and Schrank 2008; Pires 2008; Vega-Ruiz, 2008:235; Posthuma 2010), numerous commentators have noted that the content of South African labour regulation is highly ‘radical and comprehensive’ (Barrientos, Kritzingler and Rossouw 2004:110; Theron, Godfrey and Visser 2007; Barrientos and Visser 2012). Such forms of regulation now apply to all sectors of the South African labour market, with a particularly significant impact on agriculture which was previously exempted from most labour regulation that existed under apartheid (du Toit 2004a; 2004b; Barrientos, Kritzingler and Rossouw 2004).

In the South African context, this socially oriented aspect of the post-apartheid state’s agricultural policy was strongly influenced by the ANC government’s formal alliance with the Congress of South

African Trade Unions (COSATU), who expected the newly elected government to actively champion the interests of labour across the country (Buhlungu 2005; Clarke 2008; Pons-Vignon and Ward 2009; Benjamin 2011). On the basis of this alliance, the ANC's opening term in government resulted in the introduction of a raft new labour legislation designed to improve working conditions, whilst increasing the role of organised labour and allowing for worker representation (Clarke 2008; Pons-Vignon and Ward 2009). The following table outlines the different pieces of labour regulation which aimed to address poor working conditions in the agriculture sector. The discussion that follows will unpack these various forms of labour regulation in further detail, remaining descriptive at this stage, with the subsequent empirical investigation (chapter 5 and 6) and analytical discussion (chapter 7) focusing more critically on the role of public governance in addressing working conditions on South African fruit farms connected to GPNs.

Table 1. South African labour regulation designed to address poor working conditions in the agriculture sector

Public governance standard	Year Introduced	Description
Sectoral Determination 13	2002	Establishes minimum wages for the agriculture sector. Also establishes conditions of employment tailored to the agricultural sector, such as maximum weekly hours of work and overtime arrangements; minimum criteria for annual, sick, maternity and family responsibility leave; contractual arrangements and employer record keeping; maximum deductions from wage bill; notice of employment termination; prohibition of child and forced labour.
Basic Conditions of Employment (BCEA)	1998	Provides general legislative framework for formal working arrangements such as maximum weekly hours of work and overtime arrangements; minimum criteria for annual, sick, maternity and family responsibility leave; contractual arrangements and employer record keeping; maximum deductions from wage bill; notice of employment termination; legislates against all forms of child and forced labour
Occupational Health and Safety Act (OHSA)	1993	Provides for the health and safety of persons at work and for those connected to the use of plant and machinery; the protection of persons other than persons at work against hazards to health and safety arising out of or in connection with the activities of persons at work; establishes an advisory council for occupational health and safety in the workplace.
Unemployment Insurance Act (UIF)	2002	Provides for the payment of unemployment benefits to certain employees, and for the payment of illness, maternity, adoption and dependant's benefits related to the unemployment of such

		employees; also provides for the establishment of the Unemployment Insurance Board, the functions of the Board and the designation of the Unemployment Insurance Commissioner.
Labour Relations Act (LRA)	1995	Regulates the organisational rights of trade unions and promotes and facilitates collective bargaining at the workplace and at sectoral level. It also deals with strikes and lockouts, workplace forums and alternative dispute resolution; establishes the CCMA, Labour Court and Labour Appeal Court as superior courts, with exclusive jurisdiction to decide matters arising from the Act.
Extension of Security and Tenure Act (ESTA)	1997	Provides for measures to facilitate long-term security of land tenure for persons with State assistance; to regulate the conditions of residence on certain land; regulates the conditions on and circumstances under which the right of persons to reside on land may be terminated; and regulates the conditions and circumstances under which persons, whose right of residence has been terminated, maybe evicted from land.

Source: Department of Labour website (Available at: <http://www.labour.gov.za/DOL/legislation/> Date accessed 3rd February 2013)

As highlighted above, this raft of labour legislation had a particularly significant impact on the agriculture sector, which had been largely unregulated until the early 1990s. The Department of Labour (DoL) was the government institution charged with the task of drafting the various forms of labour regulation at national level, following the democratic transition.

One of the first major statutes passed by the new government was the Labour Relations Act (LRA) in 1995, which sought to restructure the relationship between employers and employees and strengthen farm workers' rights. In particular, the LRA was designed to extend the right to strike action without the fear of dismissal; enshrined the right to belong to a union and encouraged workers participation through workplace forum; and established compulsory arbitration in the event of alleged unfair dismissals, which are referred to a statutory body called the Commission for Conciliation, Mediation and Arbitration (CCMA) (Arora and Ricci 2005; Gelb 2003; Clarke 2008; Pons-Vignon and Ward 2009; Barrientos, Kritzinger and Rossouw 2004; Theron, Godfrey and Visser 2007). The content of the LRA is essentially procedural, in the sense that it outlines the processes that must be adhered to in effecting employment and dismissals. However, as will be discussed below, numerous authors have noted the limited impact of this legislation in facilitating farmworker access to trade union representation. Current estimates indicate that only 3.4% of farmworkers are currently unionised (du Toit 2004a; Barrientos, Kritzinger and Rossouw 2004; Theron, Godfrey and Visser 2007; Theron 2010; White 2009; Pons-Vignon and Ward 2009; NALEDI 2012).

The Basic Conditions of Employment Act (BCEA) implemented in 1997 provided farmworkers with a minimum set of standards relating to more tangible aspects of working conditions (e.g. working hours, annual leave and sick leave entitlement, formalising contracts, legislating against child or forced labour etc.). Whilst some aspects of the BCEA relate to all sectors, such as the provision of retrenchment funds, a number of social protection measures depend on negotiated agreements within each business or branch. This provision of labour legislation is referred to as the Sectoral Determination, which enables the Minister of Labour to determine wages and conditions of work for certain vulnerable sectors, or those in which workers are insufficiently organised to negotiate with their employers such as agriculture (Le Roux 2005; Barker 2007; Theron, Godfrey and Visser 2007; Pons-Vignon and Ward 2009).

The agricultural Sectoral Determination was first introduced into the sector in December 2002, establishing conditions of employment (working hours; paid leave; maximum deductions; prohibition of child and forced labour) and minimum wages for farmworkers. Due to the fact that the Sectoral Determination is specifically tailored to the agriculture sector, it is this form of labour legislation that some have argued as having the most significant effect on farmworkers, in terms of providing a legal benchmark for minimum wages, contractual arrangements and basic conditions of employment (Le Roux 2005; Theron, Godfrey and Visser 2007). Indeed, previous academic research has highlighted the significant wage increases and formalisation of employment for on-farm women workers who were transitioned from 'casual' to 'permanent' status following the implementation of the Sectoral Determination, with fruit producers keen to maximize the full productivity of on-farm labour (Kritzinger, Barrientos and Rossouw 2004).

Other significant pieces of labour legislation designed to protect labour operating in the agriculture sector include the Occupational Health and Safety Act (OHSA) (1993), designed to ensure safe working conditions for farmworkers; and the Unemployment Insurance Fund (UIF) (2002) which safeguards vulnerable citizens from the precarity of unemployment (du Toit 2004a; 2005). Finally, the Extension of Security and Tenure Act (ESTA) was introduced to provide a legal framework for governing farm evictions and greater security for farm workers living on-farm to remain in their houses (du Toit 2004a; 2005).

In addition to this raft of labour legislation drafted by the ANC government at national level, the Department of Labour was charged with the task of implementing these protective measures via local enforcement agencies at farm level (Barrientos, Kritzinger and Rossouw 2004; Theron 2010; Benjamin 2011; Devereux and Solomon 2011). Furthermore, new labour market institutions were also established, such as the Employment Conditions Commission (ECC) (Clarke 2008). The ECC was

established by the BCEA and plays a significant role in advising the Minister of Labour on the agricultural Sectoral Determination, by conducting reports to determine the minimum wage levels and working conditions for the agricultural sector (Theron, Godfrey and Visser 2007; Benjamin 2011).

However, previous academic research has drawn attention to the fact that despite this raft of labour legislation, the principal beneficiaries have tended to be permanent as opposed to casual farmworkers operating in South African fruit (du Toit 2004a, 2004b; Barrientos, Kritzing and Rossouw 2004; Theron, Godfrey and Visser 2007; Theron 2010). Such observations have been put forward on the basis of continued reports of insecure employment arrangements, contravention of legal minimum wage payments and poor working conditions for casual workers, particularly those sourced through third-party labour contractors (Barrientos, Kritzing and Rossouw 2004; Theron, Godfrey and Visser 2007; Theron 2010; Devereux and Solomon 2011). This has been attributed by some academic and civil society reports as due to the lack of resources and capacity afforded to the Department of Labour to effectively enforce labour regulations on farming units throughout the Western Cape (Barrientos, Kritzing and Rossouw 2004; SANPERI 2008; Benjamin 2011; Devereux and Solomon 2011). In this regard, whilst academics have acknowledged the relative strength of South African labour legislation in the fruit and wider agriculture sector, they have noted that a significant hindrance has been a lack of enforcement, with the number of inspectors relative to workers falling well below recommended International Labour Organisation (ILO) levels (Barrientos, Kritzing and Rossouw 2004; Theron, Godfrey and Visser 2007; Benjamin 2011).

Furthermore, as highlighted by numerous academic commentators, a significant consequence of this raft of labour regulation has been to drive retrenchment of on-farm permanent farmworkers, resulting in the increased use of off-farm casual labour (Orton, Barrientos and McClenaghan 2001; Barrientos, Kritzing and Rossouw 2004; du Toit 2004a; 2005). This reduction in the permanent farm workforce has been attributed to the need for fruit producers to reduce capital costs, particularly regarding the provision of on-farm housing, along with their reservations about farmworkers' increased tenure security rights under ESTA (Orton, Barrientos and McClenaghan 2001:473; Barrientos, Kritzing and Rossouw 2004; du Toit 2004a). The subsequent shedding of on-farm permanent labour, resulted in numerous casualised workers losing social benefits and services associated with the traditional paternalist relationship (Barrientos, Kritzing and Rossouw 2004; Wegerif, Russell and Grundling 2005). As will be explored in further detail in section 2.5 below, the increased direct and indirect labour costs associated with this raft of labour regulation, has

significantly contributed to the process of workforce casualisation in the South African fruit and wider agriculture sector.

The discussion thus far has outlined the various labour laws and regulations drafted and enforced by the South African state following the transition to democracy in 1994, designed to address poor working conditions in the sector. These measures include more tangible aspects of working conditions, such as wage levels; basic conditions of employment (working hours; paid leave; formal contracts); unemployment insurance provision and health and safety standards. In addition, this regulatory framework has extended the less tangible right of trade union representation to farmworkers, via the Labour Relations Act. The role and impact of these various forms of labour regulation on South African farms connected to GPNs will be investigated in more critical depth in empirical chapters 5 and 6. Having outlined the principal forms of labour laws and regulations drafted by the post-apartheid South African state to improve working and living conditions in the commercial fruit and wider agriculture sector, the remainder of this section will turn to consider the role of locally based trade union organisations and private codes of conduct enforced by global lead firm supermarkets, in addressing poor working conditions on South African fruit farms connected to global production networks.

a) The role of civil society organisations in the Western Cape fruit sector: historical factors and contemporary challenges

As mentioned in the previous discussion, at the national level COSATU played a central role in working with the ANC government to draft the comprehensive range of public governance measures to protect farmworkers operating in the agriculture sector (du Toit 1994; Clarke 2008). Inevitably, this raft of labour regulation, and in particular the Labour Relations Act, had significant implications for transforming labour relations on commercial fruit farms in the Western Cape, South Africa. In late 1993, COSATU formed a new trade union solely for farm workers, and a range of smaller unions that had already been operating on fruit farms even before the promulgation of the new labour laws, now had renewed scope for activity and farmworker representation (du Toit 1994; Murphy 1995). This has resulted in a number of established trade unions such as FAWU, the agricultural branch of COSATU; grassroots trade unions such as Sikhula Sonke; and non-governmental organisation (NGO) Women on Farms⁴, taking steps to gain access, represent and protect

⁴ These various civil society organisations operating in the South African fruit sector are indicative of the fact that 'governance by local CSOs' encapsulates both trade unions and NGOs, with much cross-over existing in terms of the role these organisations play in accessing, protecting and representing farmworkers operating in the Western Cape (White 2009; Pons-Vignon and Ward 2009; NALEDI 2012).

farmworkers operating on fruit export farms in the Western Cape (Murphy 1995; Theron, Godfrey and Visser 2007; Pons-Vignon and Ward 2009; White 2009).

However, despite these new opportunities for trade unions to legally recruit members as per the LRA, various scholars have documented the particular challenges facing trade unions in organising permanent and casual farmworkers. As noted by Murphy (1995:20); ‘...the importance and desirability of organising farmworkers will remain rhetoric until the practical difficulties involved in trying to organise in agriculture are squarely addressed.’ These obstacles include the geographical spread and spatial distribution of farmworkers, the limited resources of unions, the persistence of paternalism and fear of intimidation and victimisation of farmworkers and unions organisers by farmers; power asymmetries and significant educational differentials within the employer/employee relationship; and the inability of union officials to access farms when farmers assert their private property rights and use safety and security concerns to prevent access (du Toit 1994; Kritzing and Vorster 1996; Department of Labour 1999; Mather and Adelzadeh 1998; SAHRC 2003; Pons Vignon and Ward 2009; NALEDI 2012).

Furthermore, a small number of studies have conducted a more in-depth analysis of trade union activity on fruit export farms located in the Western Cape, highlighting how historically formed on-farm relations have created tensions between employers, permanent and casual farmworkers and exacerbated the challenges facing trade unions in organising farmworkers (Ewert and Hamman 1996; Mather and Adelzadeh 1998; White 2009). In particular, some observers have noted that Western Cape fruit producers have utilised paternalistic labour relations and exploited racial divisions between permanent and casual farmworkers, by ensuring that the former category of worker, who are principally comprised of Cape coloured on-farm residents, remain dependent on them for housing, a livelihood and a raft of non-wage benefits and demonstrate their loyalty by rejecting trade union involvement. In parallel, exclusion took place of casual farmworkers who are largely made up of black South African workers considered by fruit producers and fruit industry bodies to be the ‘union vanguard’ and more inclined to militancy than their permanent counterparts (Ewert and Hamman 1996; Mather and Adelzadeh 1998; Pons Vignon and Ward 2009; NALEDI 2012).

These observations further highlight the embedded tensions that exist between fruit producers, permanent and casual farmworkers and civil society organisations on commercial fruit farms in the Western Cape, due to the perpetuation of paternalistic employment practices and asymmetrical racialised power relations. This has presented trade unions with significant challenges in organising both permanent and casual farmworkers. As a result, union membership in the commercial fruit and wider agricultural sector has been estimated to be as low as 3.4%, the second lowest union density

amongst all sectors in South Africa after private households (0.9%) (NALEDI 2012). This has significant implications for the national regulatory process, due to the critical role of trade unions in monitoring the content and enforcement of labour laws and legislation, and mediating the employer-employee negotiation process at farm level. As highlighted by numerous academics, national regulatory outcomes at local-level workplaces connected to global production networks can be strongly influenced by the presence or absence of locally based trade unions, particularly in terms of affording the legal right of freedom of representation and access to trade union representation for labour (Castree et al. 2004; Padmanabhan 2012; Jordhus-Lier 2012).

b) Private codes of conduct on South African fruit farms connected to GPNs: response to civil society and consumer pressure

In addition to the abovementioned raft of national labour regulation, a number of studies have documented the proliferation of private codes of conduct, designed to address poor working conditions on South African fruit farms connected to GPNs (Barrientos, Dolan and Tallontire 2003; Friedberg 2003; Barrientos and Kritzingler 2004; Tallontire et al. 2005; Barrientos and Smith 2007; Barrientos 2008; Barrientos and Visser 2012). In the South African context, this widespread introduction of codes of conduct in the fruit export sector was largely a response by UK retailers seeking to protect themselves from civil society and consumer pressure to ensure ethical labour practices within their supply chains (Tallontire et al. 2005; Barrientos 2008). From the mid-1990s onwards, all major UK supermarkets had developed company-specific codes designed to address poor working conditions, along with comprehensive procedures for monitoring them.

A highly significant development in the South African fruit sector has been the introduction of the Ethical Trading Initiative (ETI) base code in 1998, which in contrast to individual company codes, are developed by a broader range of actors including lead firm supermarkets, NGOs and trade union organisations (Barrientos and Kritzingler 2004; Dolan and Humphrey 2004; Tallontire et al. 2005; Barrientos and Smith 2007). The ETI base code includes a comprehensive set of criteria relating to working conditions, which have resulted from civil society and advocacy campaigns for improved working conditions in global production networks and have been adopted by most UK supermarkets sourcing fruit from South Africa⁵ (Dolan and Humphrey 2004; Tallontire et al. 2005; Barrientos 2008). As a result, the ETI base code is now prominent within the South African fruit export sector, and producers who supply UK supermarkets are obliged to adhere to this set of social standards. In

⁵ Leading UK supermarkets adopting the ETI base code include Tesco, Asda, Marks and Spencer, Co-operative Retail group and Sainsbury's (Available at: <http://www.ethicaltrade.org/about-eti/our-members> Date accessed 26th July 2012).

essence, the ETI base code is comprised of the following nine principles, which are founded on Core International Labour Organisation (ILO) and related Conventions:

Table 2. ETI base code guiding principles

ETI base code	Guiding principle
1	Employment is freely chosen
2	Freedom of association and the right to collective bargaining are respected
3	Working conditions are safe and hygienic
4	Child labour shall not be used
5	Living wages are paid
6	Working hours are not excessive
7	No discrimination is practiced
8	Regular employment is provided
9	No harsh or inhumane treatment is allowed

Source: ETI (2012)

As indicated in the above table, the ETI base code includes measurable aspects of working conditions, such as wage levels, working hours, prohibition of child labour, and health and safety standards; along with less tangible features, such as the right to freedom of association and collective bargaining; no discrimination or harsh treatment in the workplace, and employment being freely chosen. The ETI base code is implemented via a process of fruit producer self-assessments and/or regular physical audits, the frequency of which are determined by the level of risk associated with individual producing companies (Barrientos, Dolan and Tallontire 2003; Tallontire et al. 2005; Barrientos and Smith 2007). Despite the fact that the ETI was introduced into the South African fruit sector in 1998, recent research suggests that UK supermarkets took a more proactive approach to auditing their supply chains more recently, since 2007 (Barrientos and Visser 2012).

More critical avenues of research into the impact of the ETI base code on working conditions in South African fruit have highlighted the limitations of codes in protecting casual as opposed to permanent members of the workforce, due to a lack of formalised employment arrangements experienced by the former (Barrientos, Dolan and Tallontire 2003; Tallontire et al. 2005; Barrientos and Smith 2007; Barrientos 2008). In addition, Barrientos (2008) found that private codes of conduct extended only limited gains for South African fruit workers in terms of more measurable 'outcome' based standards (health and safety; working hours; annual and sick leave) as opposed to more transformative 'process' based standards (freedom of association; right to join a trade union).

Additionally, as will be described in further detail in section 2.3, a feature of private audits has been that whilst they constitute a key requirement by lead-firm supermarkets in order to ensure ethical practices within their supply chains, fruit producers are expected to bear the costs of adhering to these increasingly stringent social standards (Barrientos, Dolan and Tallontire 2003; Tallontire et al. 2005; Barrientos and Kritzingler 2005; Barrientos and Smith 2006, 2007).

An additional key aspect of the ETI base code is that it requires adherence to national laws and regulations, depending on whether the code or national regulation provides the more stringent benchmark (Barrientos and Smith 2006, 2007; Barrientos 2008:985). As highlighted above, in the case of the South African fruit sector enhanced employment legislation in an effort to remediate poor working conditions has resulted in a comprehensive regulatory framework. This distinguishes it from many other developing and emerging economies. However, the interaction and linkages between national labour regulations and private codes of conduct in South African fruit has thus far received insufficient attention in the literature, particularly in terms of investigating regulatory outcomes for different groups of permanent and casual labour. This thesis aims to address this lacuna in existing research, by focusing on the role of national labour regulation in addressing working conditions on South African fruit farms connected to GPNs, taking into account the role of globally drafted private codes of conduct in this context.

However, labour conditions are not only affected by the persistence of paternalist employment relations, the national regulatory environment and supermarket codes of conduct. Commercial dynamics post-apartheid also played a role in shaping employment relations and workforce dynamics on fruit and agricultural farms connected to export markets. The following section will now elaborate on a parallel agricultural policy thrust undertaken by the post-apartheid ANC government which ran alongside the aforementioned comprehensive public governance initiative; namely the de-regulation and opening up of the agriculture sector to the wider global economy.

2.4 South African post-apartheid agricultural policy and the proliferation of fruit GPNs

a) State de-regulation and trade liberalization in the South African commercial fruit sector

Alongside the South African state's socially oriented policy of regulating labour via a raft of public governance measures from the mid-1990s onwards, widespread de-regulation of the commercial agriculture sector took place which led to the proliferation of commercially functioning GPNs. In this sense, contrary to popular critiques, the post-apartheid agricultural policy was not simply a neo-

liberal vision (see Terreblanche 2002), but involved using a mixed approach of regulating labour conditions alongside an extensive programme of agricultural market de-regulation (Ewert and du Toit 2005). Following the transition to democracy in 1994 and instalment of the newly elected ANC government, state agricultural policy shifted dramatically, resulting in a period of unprecedented socio-economic transformation across the commercial fruit and wider agricultural sector (Mather and Adelzadeh 1998; Borat, Lundall and Rospabe 2002; Mather and Greenberg 2003; du Toit 2007; Jacobs 2009; Tregurtha, Vink and Kirsten 2010). This process of agricultural transformation can be located in the wider macroeconomic plan adopted by the post-apartheid government, labelled the Growth Employment and Redistribution (GEAR) strategy (Adelzadeh 1996). Despite ongoing and conflicting debates about the future direction of the country's economic policy amongst both academic and government officials (see Nattrass 1994; Kaplinsky 1994; Adelzadeh 1996), the state opted for 'an orthodox "Washington consensus" style macroeconomic framework', which involved a process of neo-liberal oriented market restructuring and trade liberalization (Mather and Greenberg 2003:393). Although the reasons for this neoliberal shift in macro-economic framework are complex, it can in part be attributed to 'poor economic performance during the ANC's first few years in office, criticism from the domestic business sector, and sustained international pressure from the World Bank, IMF and Western governments regarding policy development' (Marais 2001, cited by Clarke 2008:186). The overarching goal of the GEAR framework was to achieve sustained economic growth and widespread job creation, via a two pronged strategy of creating a stable economic and political institutional environment to attract globally mobile commercial investment on the one hand, and transforming to a globally competitive, outward oriented economy on the other (Mather and Adelzadeh 1998; Clarke 2008).

Various observers have noted that agriculture is the sector which has been the most significantly transformed by the post-1994 government break with previous protectionist policies and the shift towards trade liberalization (Mather and Greenberg 2003; Theron, Godfrey and Visser 2007; du Toit 2007; Jacobs 2009). Indeed, during the reign of the previous apartheid regime, high levels of state support was afforded to the commercial fruit and wider agriculture sector, which included research and design, interest rate subsidies and price supports through a highly regulated marketing system (Vink 1993; Williams, Ewert, Hamann and Vink 1998). This system of price provisions resulted in the Marketing Act of 1937, prompting the formulation of producer dominated marketing boards and the control of various aspects of the production process, including the movement, price setting, quality standards, sale and distribution of agricultural products.

Following a review of the increasing disparity between producer and consumer prices of South African agricultural products, an official government enquiry was ordered into the domestic marketing of agricultural products (NAMC 2000; du Toit 2003, 2004a). This coincided with the post-apartheid government's broader neoliberal macroeconomic policy agenda, which included the abolition of the General Export Incentive Scheme (GEIS), an export subsidy that had benefited numerous agricultural export products; the tariffication of agricultural import restrictions in terms of South Africa's World Trade Organization (WTO) commitments; and the de-regulation of agricultural markets through the repeal of the Marketing Act and its replacement by the Marketing of Agricultural Products Act (Bayley 2000 cited in du Toit 2004b:11).

For the commercial fruit sector in South Africa, the specific implications of these policy decisions were the de-regulation of fruit export markets in 1997, and the disbandment of the regulated single-desk export scheme under the Deciduous Fruit Board and Unifruco (Mather and Greenberg 2003; du Toit 2004b; Kritzinger, Barrientos and Rossouw 2004). In the Western Cape, the epicentre of South Africa's commercial fruit industry, this process resulted in the abolition of the Deciduous Fruit Board and single-desk exporting system, the end of Unifruco's monopoly over fruit exports, and the merger of Unifruco and Outspan into a private export company (Capespan) competing for fruit and global markets with other South African fruit exporters (NAMC 2000; Mckenna 2000 cited in du Toit 2004b:11).

These policy shifts have had significant implications for South African fruit producers, who were directly opened up to the forces of global competition, particularly with other southern hemisphere fruit producing nations such as Chile and New Zealand which are also major producers and exporters in the same seasonal window (Kritzinger, Barrientos and Rossouw 2004; Symington 2008; Tregurtha, Vink and Kirsten 2010). Furthermore, at the time South African fruit producers were becoming integrated into this globally fragmented producer base, lead-firm supermarkets in the primary export destination of Europe were consolidating their purchasing power. This meant South African fruit producers were facing an increasingly powerful group of supermarket buyers (Barrientos and Kritzinger 2004; Symington 2008; Coe and Wrigley 2009). As a result of this global integration of fruit producers into the wider global economy, significant changes to the commercial environment in the fruit sector have taken place in the period since de-regulation in the mid-1990s. These transformations include not only increased levels of South African commercial fruit production and export, but also the nature and form of integration into increasingly complex and interlinked global production networks. The following section aims to describe the commercial dynamics of

contemporary fruit GPNs, detailing the shifts in fruit production and export, along with the interconnections between the various commercial actors operating along the value chain.

b) Contemporary fruit GPNs in South Africa: commercial dynamics at the global scale of production

The most observable change in the commercial fruit and wider horticulture sector since its integration into the global economy in the early 1990s has been a dramatic increase in exports, built on increased levels of production. The increase in horticultural exports is such that from 2000-2005, the industry was responsible for 26% of agricultural production and 45% of agricultural export earnings in South Africa (Tregurtha, Vink and Kirsten 2010). Current estimates indicate that over 50% of fruit produced in South Africa is exported, with less than 20% produced directly for the domestic Fresh Produce Markets (FPM) (Barrientos and Visser 2012). As the following table shows, fresh fruit is a notably prominent export sector, remaining stable over the past decade with the exception of a reduced harvest in 2011.

Table 3. Fruit production, exports and sales

Variable	2001	2007	2011	% change 2001-2011
FRUIT				
Total production ('000 tons)	4481.228	4510.859	4392.453	-1.98
Export value (USD Million)	515.152	1421.619	2072.608	302.33
Export volume ('000T)	1579.461	2482.475	2366.915	49.86
% of production exported	35.25	55.03	53.89	52.88
Quantity of fruit sold in fresh produce markets ('000T)	871.242	631.31	849.852	-2.46
% of total produce sold in fresh produce markets	19.44	14.00	19.35	-0.48

Source: International Trade Centre (ITC) (2012)

Such an increase in South African fruit exports was initially due to the sharp increase in demand for horticultural products in Western Europe, its primary export destination, whose import demands for fruit and vegetables has risen by 100% from 2000 to 2007, in line with changing global consumption patterns (FAO 2006). As a result, mainland Europe and the UK have traditionally been the primary export destination for South African fruit, taking around two thirds of exports up until around 2007 (Symington 2008). However, recent research has demonstrated an increasing regionalisation of trade and expansion of exports to emerging markets, driven by changing consumer demands over the past decade. Although Western Europe and the UK remain key recipients of South African fruit,

destinations such as Africa, Asia and the Middle East have recently taken a larger share of exports (Tregurtha, Vink and Kirsten 2010; Barrientos and Visser 2012). The primary deciduous fruit exports from South Africa are pomme fruit (apples, pears and quinces) and stone fruit (apricots, cherries, peaches, nectarines, plums and sloes). To give a more specific indication of the increase in export value over the past decade, the exports of stone fruit increased by 265% from \$29,632,000 to \$108,256,000 and pomme fruit by 367% in value, from \$97,964,000 to \$457,376,000 (SATI 2011; ITC 2012).

This rapid expansion of commercial fruit exports in South Africa has coincided with a wider shift in the territorial and social geography of global production, which has itself been transformed by the proliferation of increasingly complex GPNs. Consequently, in the South African commercial fruit and wider agro-food trade sector, there has been an overall trend away from fruit production for national or regional markets and arms-length wholesale market traders and a sharp increase in production for export via increasingly integrated GPNs. The dynamics of commercial fruit GPNs in South Africa share important similarities with those found in other developing countries. In the horticulture and wider agro-food sector, 'buyer-driven' production networks have been particularly prevalent due to the expansion and consolidation of powerful lead-firm supermarkets (Vorley 2004; Barrientos 2008; Coe and Wrigley 2009). The rise of supermarkets involved in both food and non-food retailing has been an important aspect of the proliferation of GPNs, who increasingly source their products through global networks of cross-border suppliers (Coe and Wrigley 2009). In the South African case, de-regulation of the horticulture sector in the 1990s coincided with the expansion of powerful European supermarkets, who remain the key purchasers of South African fruit, despite the aforementioned regionalisation and diversification of export destinations.

GVC/GPN analysis has highlighted how supermarket buyers in the commercial fruit sector in South Africa are able to control production without direct ownership of the production process (Humphrey and Schmitz 2001). In particular, supermarket buyers are able to extract 'economic rents' from a weaker supply base, by 'concentrating on 'value-added' consumer-oriented activities, such as design, branding and cultivation of market niches' (Kaplinsky 1998, cited in Barrientos 2013a:3). In addition, supermarket buyers' use of just-in-time purchasing practices transfers the costs of demand instability onto producers, whilst enforcing a raft of private standards which govern the quality and safety of the fruit produced, best-practice agricultural processes and ethical practices on the farm (Dolan and Humphrey 2000; Milberg 2002).

Such buyer-driven GPN pressures have been evident in the South African commercial fruit sector following de-regulation, as lead supermarkets have been able to exploit their oligopolistic position in

relation to a fragmented South African fruit producer base, newly integrated into the global economy. As a result, in fruit GPNs in South Africa, risk and uncertainty has been passed downwards onto producers, whilst economic rents are passed upwards and captured by supermarket buyers (Barrientos and Kritzing 2004; Kritzing, Barrientos and Rossouw 2004). Consequently, South African fruit producers are caught in a 'catch 22 situation', where they are expected to meet strict quality standards whilst associated cost and risk is passed down the chain.

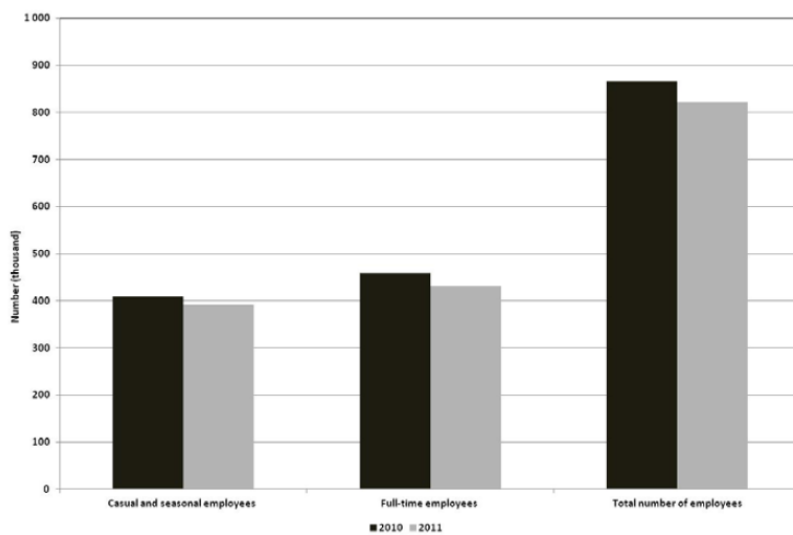
Following the post-apartheid agricultural policy of de-regulation and opening up of the fruit sector to market forces, the aforementioned global commercial pressures inherent in fruit GPNs alongside rising production costs, have had significant implications for local level employment relations on commercial fruit farms in the Western Cape and throughout South Africa. In addition to opening up the fruit sector to the wider global economy, the ANC government's parallel policy strand of extensive labour regulation following the transition to democracy has resulted in increasing labour costs, which also impacted on the farm workforce dynamic on commercial fruit farms in the Western Cape. The following section will provide a general overview of the localised response of fruit producers to a combination of global commercial pressures and rising input and labour costs that stemmed from the post-apartheid government's agricultural policy strategy. The purpose of the following section is to provide a contextual account of the processes of casualisation which have spread throughout the commercial fruit export sector in the Western Cape, which in turn have significant implications for the subsequent empirical investigation into the role of public governance in addressing working conditions in this context.

2.5 Labour trends on fruit export farms in the Western Cape: casualisation of the workforce

In South Africa, there have been some notable trends in the wider agriculture sector since de-regulation and subsequent integration into GPNs, which give an indication of the response by producers to commercial GPN pressures. Firstly, there has been an overall decline in commercial agricultural farming units, from approximately 60,000 in 1996 to around 45,000 in 2002 and is currently just less than 40,000 (DAFF 2009; Hall 2011; Hall et al. 2013). It has been suggested that this decline represents not only a decision to exit farming by certain producers, but also a shift towards larger and more concentrated commercial farms. The nature of commercial GPN pressures requires a certain level of agricultural production in terms of quantity and quality of produce, which has resulted in fewer and larger commercial farms (du Toit 2007; DAFF 2009; Hall 2011; Hall et al. 2013). This trend of declining farm units has corresponded with an overall decline in the size of the

wage labour force in the wider commercial agricultural sector. In 2001, it was estimated that about 1 million farmworkers and 3 million dependents were permanently employed and living on agricultural farms with 640,000 people permanently employed and 300,000 recruited on a casual basis (Stats SA 2005; Hall, Kleinbooi and Mvambo 2001). More recent figures indicate that the total number of permanent and casual workers in commercial agriculture is around 821,967, with a roughly equal ratio of permanent (on farm) and casual (on and off-farm) farmworkers operating in commercial agriculture (Stats SA 2002, 2007, 2011; Agricultural Survey 2011).

Figure 1. Number of permanent and casual employees operating in the commercial agriculture sector from 2010 – 2011



Source: Stats SA (2011)

These figures reflect a dramatic process of casualisation of farm labour which has occurred in the agriculture sector, with ‘atypical’ forms of employment such as temporary, casual and seasonal becoming more prevalent. It is important to note that whilst a seasonal workforce did exist under apartheid in the form of black African workers migrating from the homelands, such a sharp increase in casualisation has been attributed to the widespread retrenchment of a predominantly ‘coloured’ permanent workforce, following a combination of labour legislation and commercial drivers inherent in the agricultural production process. Although reliable figures are difficult to obtain, employment statistics suggest that whereas previously the agricultural workforce was primarily comprised of permanent labour who resided on the farm, from 2002 onwards roughly an equal number of permanent (on farm) and casual (on and off-farm) farmworkers are operating in commercial agriculture (Stats SA 2002, 2007, 2011).

Of most relevance to the present study is the South African commercial fruit sector, where a slightly different trend has occurred in recent years. In terms of the number of employees currently operating in the fruit sector, recent industry estimates indicate a total fruit labour force of 400,000 workers with 2 million dependents (including deciduous, grape, citrus and tropical fruit)⁶. The following table shows the number of workers (permanent and casual full time, on-farm) employed according to different deciduous fruit varieties for 2005 and 2012. It is evident that a slight increase in the number of wage workers has taken place with recent statistics indicating 105,949 registered on-farm labourers and 423,7998 dependents. These figures are indicative of the importance of the fruit sector in the wider agricultural sector as an employer, helping to sustain a large number of dependents and rural households.

Table 4. Deciduous fruit employment estimates and dependents (2005-2012)

Deciduous fruit employment estimates and dependents	Labour (2005)	Dependents (2005)	Labour (2012)	Dependents (2012)
Apples	28,540	114,158	27,801	111,203
Grapes	33,435	133,471	41,641	166,563
Pears	14,921	59,684	14,780	59,118
Peaches	10,872	43,489	9,117	36,468
Plums	5,443	21,770	6,373	25,493
Apricots	4,745	18,981	3,563	14,251
Nectarines	1,822	7,827	2,675	10,702
TOTAL	99,778	399,110	105,949	423,798

Source: Hortgro (2012)

As mentioned above, it has been widely acknowledged in recent literature that the horticulture and wider agricultural sector has undergone a complex and uneven process of labour market restructuring (du Toit 2004b). This has resulted in an increased flexibilisation of the workforce, with a shift from permanent to non-permanent, seasonal and externalised labour (du Toit and Ally 2003; Barrientos, Dolan and Tallontire 2003; Barrientos and Kritzinger 2004; du Toit 2005; Theron et al. 2005; du Toit 2007; Cousins 2009). Although the reasons for such a shift towards flexible working

⁶ Citrus Growers' Association (CGA), Hortgro (deciduous fruit), South African Table Grape Industry (SATI - table grapes) and South African Sub-tropical Growers' Association, cited in <http://www.fruitsa-ethical.org.za/who-is-fruit-south-africa.php> Date accessed July 26th 2012.

arrangements are varied and complex, the following discussion draws upon a range of literature that has sought to explain this transformation of horticultural employment.

Firstly, the pervasiveness of flexible, informal employment in fruit GPNs can be partly explained by the nature of production in the industry, which requires large numbers of workers for planting, picking and packing at specific points in the year (Dolan and Humphrey 2000). However, this situation is exacerbated by the intense commercial pressures inherent in buyer-driven GPNs, where powerful supermarket retail concentration has created a fiercely competitive production environment. Following integration into horticultural GPNs, South African fruit producers have been forced to devise ways of reducing their operating costs, particularly labour, and increase productivity, in order to remain competitive and meet the demands of low-cost, high quality production with short lead times (Barrientos, Dolan and Tallontire 2003; Barrientos and Kritzingler 2004; du Toit 2007; Cousins 2009).

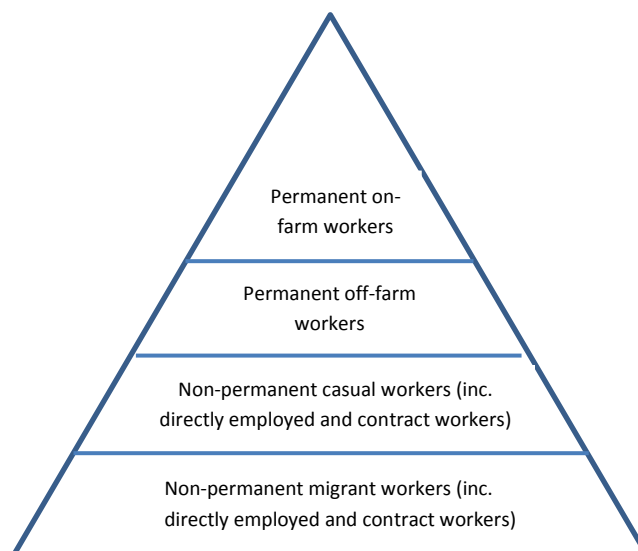
In South Africa, these changes at the global level have occurred alongside the policy of social equity, which resulted in a vast swathe of labour regulation being applied to agricultural workers for the first time, as described in the earlier part of this chapter. Whilst the role of national labour regulation in addressing working conditions on South African fruit farms will be explored in further detail in the following empirical chapters 5 and 6, it is worth mentioning that they dramatically increased the direct and indirect costs of permanent employment (Orton, Barrientos and McClenaghan 2001; du Toit 2004b; du Toit 2007). Alongside these national laws and regulations, South African fruit producers have had to meet increasing demands of private governance initiatives required by lead firm supermarkets from within the fruit GPN, which have come in the form of codes of conduct based principally on the ETI (Barrientos, Dolan and Tallontire 2003; Barrientos and Smith 2007; Barrientos and Visser 2012). As a result, many employers on horticultural farms, perceiving themselves to be caught between the intense commercial pressures inherent in horticultural GPNs in terms of price pressure and strict quality demands on the one hand, and meeting increased costs of social standards on the other, responded by exercising the one set of choices they have left; restructuring the composition of their workforce via processes of casualisation.

A small number of studies have conducted a closer examination of labour composition on horticultural export farms following the concurrent commercial GPN and regulatory pressures placed on producers (du Toit and Ally 2003; Barrientos, Dolan and Tallontire 2003; Barrientos and Kritzingler 2004, Tregurtha and Vink 2010). These studies have highlighted a 'continuum' between formal and informal work, and a discernible 'hierarchy' of employment (Barrientos and Kritzingler 2004; Barrientos, Dolan and Tallontire 2003). The employment profile is generally comprised of a core on-

farm labour force, supplemented by the use of casual, seasonal labour. It is also worth noting that casual farmworkers are comprised of a more heterogeneous socio-economic background than their permanent counterparts, which includes (but is not excluded to) on-farm female workers; off-farm labour from local townships, comprised of externalised workers who were previously permanent on-farm workers and settled, ex-migrant labour; internal migrant labour from neighbouring provinces such as the Eastern Cape; along with a more recent trend towards increased use of foreign migrant labour from neighbouring African countries such as Lesotho, Zimbabwe and Mozambique (as documented by recent studies such as Pons Vignon and Ward 2009; Theron 2010, 2013). Although the majority of casual workers are directly employed, fruit producers are increasingly using third-party labour brokers to provide seasonal labour (du Toit and Ally 2003; Theron et al. 2005; Theron 2010, 2013).

The following diagram provides a crude representation of the employment hierarchy on horticultural export farms in South Africa, though it is worth mentioning that the distinctions between employment categories are not rigid and much cross-over exists between them.

Figure 2. Employment hierarchy of horticultural export farm workforce



Source: adapted from Barrientos, Dolan and Tallontire (2003); Barrientos, Kritzing and Rossouw (2004)

Additional academic research has explored the working conditions on commercial fruit export farms, and in particular, the differential employment experiences of permanent and non-permanent farm workers. Findings indicate that a small core of permanent workers who have managed to retain their employment have benefited from access to new markets offered by employers, through better paid,

skilled positions on the farm and the security of long-term contracts (Barrientos and Visser 2012). In contrast, casual farmworkers have largely been assigned more manual, low-skilled and low-paid positions, without the security of on-farm housing, or the raft of non-wage benefits which are included as part of the long-term contractual arrangements afforded to permanent workers. For the majority of casual workers, the process of casualisation, contractualisation and externalisation has resulted in a workforce that experience poor employment conditions in terms of remuneration, living conditions, worker representation and access to rights (du Toit and Ally 2003; du Toit 2004a; Barrientos and Kritzinger 2004; Barrientos 2008; Pons-Vignon and Ward 2009; Theron 2010).

Subsequently, both academic (du Toit and Ally 2003; du Toit 2004a; du Toit 2005; Barrientos, Dolan and Tallontire 2003; Barrientos and Kritzinger 2004; Barrientos, Kritzinger and Rossouw 2004; Devereux and Solomon 2012) and civil society publications (ActionAid 2007; Oxfam 2004; SANPERI 2008; Human Rights Watch 2011) have highlighted the insecurity and perpetuation of poor working conditions for casual farmworkers operating on horticultural farms in the Western Cape. This has led Ewert and du Toit (2005:316) to describe permanent workers as 'winners' and casual labour as 'losers', following the democratic transition and subsequent regulation of the labour market alongside de-regulation of the commercial fruit sector (Ewert and du Toit 2005:316). Significantly, such observations regarding poor working conditions for certain categories of farmworker have occurred despite the introduction of a raft of national labour laws and regulations; private codes of conduct enforced by lead-firm supermarkets to ensure decent working conditions on South African fruit farms integrated into their supply chains; and trade union efforts to represent and protect farmworkers in the employer-employee relationship.

2.6 Conclusion

This chapter has provided a contextual overview of the historical social and contemporary commercial dynamic of fruit GPNs in the Western Cape, South Africa.

The opening discussion outlined the historically formed labour relations that stemmed from previous regimes of colonialism and apartheid, characterised by exploitation of the workforce and the evolution of paternalistic labour practices along racial and gendered dimensions. Following transition to democracy, the newly elected ANC government responded to these inequitable labour regimes via an extensive public governance initiative at the national scale, designed to improve working conditions on farms, whilst extending a legal framework to allow trade unions to access and

represent farmworkers at the local workplace scale. In addition, UK and European supermarkets sourcing South African fruit responded to civil society and consumer pressure by introducing private codes of conduct designed to ensure ethical labour practices within their supply chains.

This extensive policy of social equity in the form of national labour laws and regulations ran alongside a second strand of the post-apartheid state's overarching agricultural policy, namely the widespread de-regulation and export orientation of the commercial fruit and wider agriculture sector. This latter policy shift not only dramatically increased export levels in the fruit sector, but also resulted in fruit producers being integrated into increasingly complex and commercially driven global production networks.

Consequently, certain scholars have highlighted the inherent tension in these parallel policy strands of extensive labour regulatory reforms on the one hand, and de-regulation and trade liberalisation of the agriculture sector on the other (Clarke 2008; du Toit 2007; Bassett and Clarke 2008). In particular, the implementation of GEAR and trade liberalisation in sectors such as agriculture have driven labour casualisation and according to Clarke (2008:187), challenged the government's ability and 'political will to monitor and enforce new legislation'. Subsequently, despite a raft of national laws and regulations, private codes of conduct and trade union efforts to improve working conditions for farmworkers operating in South African fruit, academic and civil society reports have documented a perpetuation of vulnerability and insecure labour arrangements for casual employees recruited on short-term contracts.

Whilst existing literature has investigated the role of national laws and regulations in addressing working conditions on South African fruit and agricultural export farms, these studies have not accounted for wider commercial interactions between lead firm supermarkets, national suppliers and local producers. I argue that this is problematic, due to the fact that these global commercial processes inherent in fruit farms connected to GPNs have been found to shape and influence labour arrangements and working conditions at the local workplace scale, with implications for national regulatory outcomes for labour. This thesis seeks to address this gap in existing literature, by incorporating commercial interactions between global lead firms; national suppliers and local producers into analysis of national laws and regulations designed to protect labour.

Taking these various observations into account, the following chapter will turn to examine existing global production network and public governance literature, with a view to constructing a holistic theoretical framework for which to conceptualise the various commercial and governance processes outlined in the discussion above.

Chapter 3: Understanding the public governance of working conditions in global production networks

3.1 Introduction

This study aims to better understand the extent to which the global commercial dynamic of production challenges national-level public governance of working conditions, with particular reference to the South African fruit export sector. It also aims to locate national regulatory institutions at the intersection of wider global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity) – in order to assess the implications for labour incorporated into global production networks. Here I critically review existing GPN and public governance literature, in order to locate national-level public governance in the wider global production network and evaluate this complex set of multi-scalar commercial and governance processes. To this end, the present chapter aims to address the following analytical sub-question of the present study; *‘How should we best conceptualise the role of public governance in the GPN analytical framework, with particular regard to improving working conditions?’*

The opening section will begin by outlining the GPN analytical framework, which helps to explore multi-scalar commercial and governance processes inherent in global production. This builds on the related global value chain approach, which allows researchers to conceptualise the governance of commercial interactions between global lead firms, national suppliers and locally based producers, and the organization of linkages between these commercial actors along the global value chain (Gereffi 1994; Dolan and Humphrey 2004; Henson and Humphrey 2008; Gereffi and Mayer 2006; Coe and Hess 2006). A parallel literature has drawn attention to the changing workforce dynamics which have occurred as a consequence of outsourcing production to developing country locations, resulting in variable terms and conditions of employment for different members of a variegated workforce (Standing 1999; Munck 2002; Barrientos, Dolan and Tallontire 2003; Barrientos and Kritzinger 2004). Alongside these global commercial processes, the GPN framework also facilitates a better understanding of the broader governance of working conditions in global production, including the rules and regulations seeking to protect workers incorporated into global production. These can be broadly divided into national public (labour laws and regulation); global private initiatives (codes of conduct and ethical trading schemes) and governance by local CSOs (trade union and NGO activity at the workplace scale). This section uses a GPN/public governance framework, in order to visualise the various multi-scalar commercial and governance processes associated with

GPNs. This visual representation will be used to frame the subsequent discussion, which seeks to identify the knowledge gaps in existing GPN and public governance literatures, and locate public governance in the wider global production network.

The following section 2 will then elaborate on the governance of commercial interactions in global production, along with the implications for labour incorporated into GPNs. Using the GPN/public governance framework as a visual guide, this discussion draws upon the related GVC framework to highlight the commercial pressures placed by lead firms on national suppliers and locally based producers. A separate global civil society and labour agency literature is referenced to draw attention to the implications of these commercial pressures for an increasingly casualised workforce incorporated into GPNs. The GPN framework's notion of societal embeddedness allows us to conceptualise the intersection of global commercial production and local labour arrangements, taking into account how global value chain dynamics and historically embedded labour relations are positioned to shape the terms and conditions of worker incorporation into global production. Outlining the multi-scalar commercial dynamic of production and implications for workforce restructuring provides important context for the following section, which explores existing debates in the GPN literature surrounding the governance of labour.

Section 3 then turns to analyse debates in GPN research relating to the governance of working conditions, which have largely focused attention on private initiatives (codes of conduct; ethical and fair trade schemes), as opposed to more formal forms of public governance. Despite the nation-state being perceived as a central regulatory actor in the GPN architecture, much analysis into the governance of working conditions has focused more on private initiatives due to a perception that neoliberal policies have eroded the ability of developing states to regulate labour incorporated into global production networks. A separate strand of GPN literature has drawn attention to the critical role of governance by local civil society organisations, in the form of locally based trade union and NGO organisations as an effective strategy to protect workers' rights. This has resulted in something of a 'black box' in terms of our understanding of 'national' state-led public governance of labour, which arguably also plays a critical role in shaping the terms and conditions of worker incorporation into GPNs.

As will be outlined in the latter part of section 3, there has been a re-emergence of regulatory initiatives in developing country contexts and as a result, a growing literature has emanated from the fields of political science, governance and development studies which have sought to document and conceptualise the role of public governance of labour in global production. This emerging research agenda has contributed to opening up the 'black box' that is public governance, by

outlining the role of national regulatory institutions in setting, monitoring and enforcing labour laws and regulations designed to address working conditions at local workplaces connected to global production networks. Significantly, bringing the role of public governance back into the analytical frame has highlighted the central role of national regulatory institutions at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). On the one hand, private codes of conduct refer to the existing public governance framework to provide the regulatory benchmark for working condition in GPNs, depending on which standard is higher. On the other hand, public governance plays a critical role in extending governance by local civil society organisations to workers incorporated into GPNs, determining their right to trade union representation and freedom of association at the local workplace scale.

However, it will be argued these debates could be strengthened by a more tangible and coherent conceptualisation of the 'global' commercial dimension of production (outlined in section 2), which has not been sufficiently incorporated into the analysis. Furthermore, current studies adopt a somewhat technocratic approach to public governance, by focusing on resource issues; the various enforcement techniques employed by the state; with little attention given to the historically formed relations between these actors and the tensions and contestations which exist between them in the governance process.

Section 4 concludes the chapter by summarising the ways in which this thesis can contribute to existing GPN and public governance research, in four key respects. Firstly, by bringing public governance back into the analytical frame, and locating national labour regulation at the intersection of global private initiatives and governance by local civil society organisations. Secondly, by conceptualising public governance of labour as operating alongside the governance of multi-scalar commercial interactions, between global lead firms, national suppliers and locally based producers, with implications for labour arrangements at the local workplace scale. Thirdly, by extending analysis of public governance to labour at the local scale of production, taking into account the possibility of differential governance outcomes for different groups of workers incorporated into GPNs. Fourthly, by accounting for societally embedded relationships, interactions and contestations between public and private GPN actors operating at the *national* and *local* scale of production, which are also positioned to shape and influence governance outcomes for labour. These various conceptual insights will be utilised to examine the empirical findings of the thesis (chapters 5 and 6), before reflecting on how the example of South African fruit contributes to our wider understanding of public governance in GPNs (chapter 7).

3.2 GPN analytical framework: conceptualising multi-scalar commercial and governance processes in the global economy

The global production network (GPN) framework was originally set up as a broad, heuristic approach that attempted to capture the complex processes and inter-relationships that contribute to shaping the contemporary global economy (Dicken et al. 2001; Henderson et al. 2002; Coe, Dicken and Hess 2008). Although the analytical origins of the GPN approach are multiple and diverse, it largely emerged in response to what it perceived to be the ‘very valuable but, in practice, more restricted’, global value chain (GVC) formulation (Coe, Dicken and Hess 2008:272). In this framework, the global value chain is defined as the sequence of value-adding activities that occur in different locations in the production process of goods. The GVC framework has allowed researchers to identify and analyse the interactions and relationships that exist between private actors operating at multiple scales across value chains, such as global lead firms, national suppliers and locally based producers (Gereffi 1994; Kaplinsky and Morris 2002; Gereffi, Humphrey and Sturgeon 2005).

It is fair to say that debates around ‘governance’ of the global production process have been ‘at the heart’ of much of the GVC and GPN literature, prompting a plethora of conceptualisations and avenues of research⁷ (Nadvi 2008:324; Held and McGrew 2002; Henderson et al. 2002; Dicken 2003; Gereffi 2005; Gereffi, Humphrey and Sturgeon 2005; Gereffi and Mayer 2006; Coe, Dicken and Hess 2008; Mayer and Pickles 2010). This thesis conceptualises governance as referring to the ‘framework and institutional structures by which rules (which include laws at one extreme and norms at the other) are set and implemented’ (Nadvi 2008:324; Gereffi and Mayer 2006; Mayer and Pickles 2010).

One strand of this GVC/GPN research has focused on the governance of commercial interactions between global lead firms, national suppliers and locally based producers, and the organization of linkages between these private actors operating along the global value chain (Gereffi 1994; Dolan and Humphrey 2004; Henson and Humphrey 2008; Gereffi and Mayer 2006; Coe and Hess 2006). More critical strands of GVC/GPN literature have drawn attention to the commercial dynamics behind purchasing practices, whereby global lead firms are able to extract economic surplus from

⁷ Gereffi and Mayer (2006) differentiate between ‘market’ governance, which is the institutional frameworks in which markets operate, contracts are enforced, markets are regulated and economic and social gains are distributed amongst actors; ‘corporate’ governance refers to private firm’s commitments to various stakeholders in the production process; ‘industrial’ governance covers the organization of linkages between different actors operating in the global value chain (Gereffi and Mayer, 2006, p. 41). Coe and Hess (2006) distinguish between ‘institutional and political’ governance, referring to the national and international institutions and frameworks where rules that shape market governance are constructed; ‘inter-firm’ governance, which relates to ‘industrial’ governance; and ‘intra-firm’ governance which explores in greater depth the relationship between capital and labour within the organisational architecture of private firms. For further discussion, see Nadvi (2008:324).

national suppliers and local producers, by capturing product value through consumer-oriented activities such as branding, design and accessing market niches (Kaplinsky 1998; Barrientos 2013a). A parallel strand of global civil society and labour agency literature has highlighted the casualisation of employment, whereby employers located in developing countries respond to commercial pressures inherent in global production by employing a core, permanent workforce to maintain quality and consistency of supply, whereas a highly flexibilised and casual workforce are drawn upon to meet the competitive low-cost demands of lead firms (Standing 1999; Castree et al. 2004; Munck 2002; 2010; Dolan and Sorby 2003; Tallontire et al. 2005; Wills 2009; Barrientos, Gereffi and Rossi 2011; Barrientos 2013a:3). The GPN framework's notion of 'societal embeddedness' provides a conceptual tool for which to examine the implications of how global commercial processes become enmeshed in the social and institutional frameworks of production locations, shaping employment arrangements for labour incorporated into GPNs (Dicken et al. 2001; Henderson et al. 2002; Coe, Dicken and Hess 2008; Barrientos 2013a).

A separate strand of GPN research into governance has investigated the rules which are 'set and implemented' to address poor working conditions in global production networks (Nadvi 2008; Utting 2008; Robinson 2009; Neilson and Pritchard 2010; Raj-Reichert 2013), due to the increasing acknowledgement that the integration of developing countries with differing 'incomes, labour practices and consumption patterns' has resulted in adverse incorporation of labour into global production networks (Levy 2008:944). Much of these debates in the GPN literature have fallen under the broad banners of 'public' and 'private' governance of working conditions (Nadvi 2004; 2008; Gereffi and Mayer 2004, 2006, 2010; Mayer and Pickles 2010; Ruggie 2011; Barrientos et al. 2011). The public governance of labour is primarily concentrated at the national level, and concerns more formal labour laws and regulations drafted by nation states to protect workers incorporated into GPNs⁸. A separate strand of rules and standards positioned to address working conditions in GPNs refers to the private governance of labour, drafted at the global scale of production. These forms of private governance refer to codes of conduct, which are either drafted independently by lead firms in the case of company codes, or as part of multi-stakeholder ethical trade initiatives, such as the Ethical Trade Initiative (ETI) base code. These private standards have emerged as a response by global lead firms to civil society and consumer pressure, to ensure ethical labour practices and decent working conditions within their supply chains (Seidman 2007; Ruggie 2011; Macdonald 2013; Locke 2013). A third body of GPN research has increasingly highlighted the critical role of governance

⁸ An additional form of public governance refers to ILO standards at an international level, which are positioned to address working conditions in global production networks (ILO 2006).

by civil society organisations operating at the local scale of production, referring to trade union efforts to access and organise workers in order to protect their interests and improve working conditions (Franz 2010; Ruggie 2011; Rainnie, Herod and Mcgrath-Champ 2011; Coe and Hess 2013; Locke 2013; Mayer and Posthuma 2012; Barrientos 2013a). In particular, recent studies have documented the importance of locally based trade unions in shaping the public governance process and influencing regulatory outcomes for workers (Franz 2010; Rainnie, Herod and Mcgrath-Champ 2011; Coe and Hess 2013; Locke 2013; Barrientos 2013a). The following table provides a broad typology of private (global), public (national), and civil society organisation (local) forms of regulatory governance of working conditions in GPNs:

Table 5. Typology of public/private/CSO governance of working conditions

Mode of Governance	Realm of Governance		
	Private (global)	Public (national)	Civil Society Organisations (local)
Regulatory	<ul style="list-style-type: none"> - Codes of conduct - Fair trade initiatives - Ethical trade initiatives 	Labour laws and regulations (predominantly concentrated at nation state level, but also operating at international level via the ILO (see ILO 2006; 2008))	Civil society organisation activity (trade unions; worker organisations; NGOs) at the local workplace scale

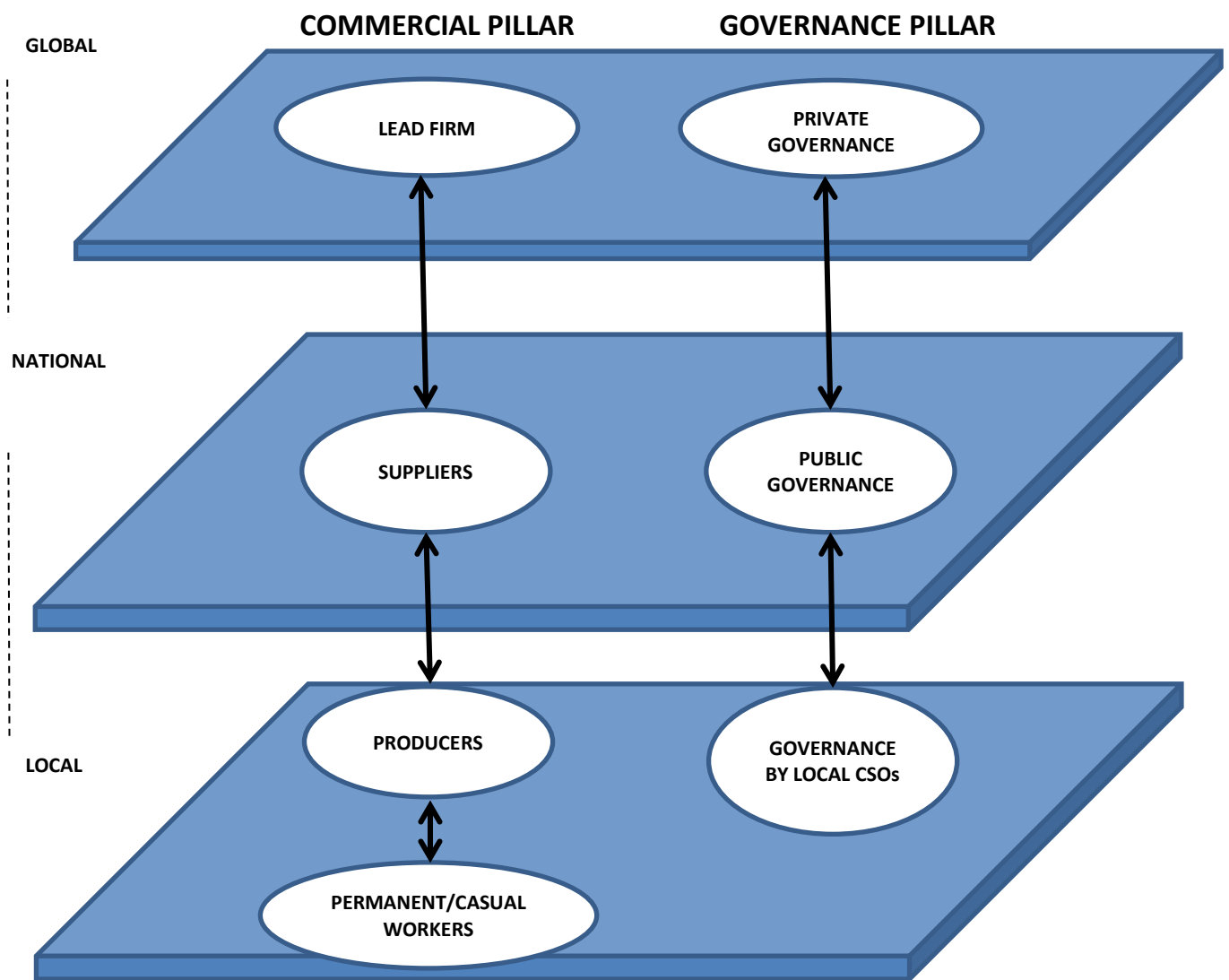
Source: Author

The discussion thus far has highlighted how the GPN analytical framework is positioned to conceptualise the *governance of commercial interactions* which occur along the value chain, referring to transactions and relationships between global lead firms, national suppliers and local producers. These commercial interactions are positioned to shape employment practices and workforce restructuring at the local scale of production. In addition, the GPN analytical framework allows us to conceptualise national public governance (laws and regulations), global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity) *of labour*, which are positioned to address poor working conditions within global production networks.

This thesis uses a GPN/public governance framework, in order to visually represent these multi-scalar commercial and governance processes within global production networks (outlined in Figure 3 below). The subsequent discussion surveys existing GPN and public governance literature, and critically unpacks in further depth the commercial and governance pillars outlined in Figure 3. The primary goal of this undertaking is to locate and conceptualise national public governance of labour in the wider global production network. As will be argued, a key aspect of the conceptual approach

taken in this thesis, is to locate public governance in the wider GPN, in order to demonstrate linkages to the global commercial dynamic of production, which shape and influence public governance outcomes for labour. In doing so, this thesis seeks to bring public governance of labour into the analytical frame in addressing working conditions in GPNs, operating at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO) initiatives.

Figure 3. GPN/public governance framework: multi-scalar commercial and governance processes



Source: Author

3.3 Unpacking the global commercial dynamic of production: implications for different categories of labour

As highlighted above, the GPN approach is positioned to draw upon related GVC research and account for the governance of commercial interactions between global lead firms, national suppliers and locally based producers, and the organization of linkages between these private actors operating along the global value chain (Gereffi 1994; Dolan and Humphrey 2004; Henson and Humphrey 2008; Gereffi and Mayer 2006; Coe and Hess 2006). Private lead firms operating at the global scale of production are connected to nationally based suppliers and locally based producers via commercial interactions and exchanges that take place across the value chain, represented by the dark arrow that runs through the commercial pillar in Figure 3. According to GVC scholars, the key to understanding the distribution of value within the chain relates to the relative power of firms within the chain and their ability to influence national suppliers and local producers that are also integrated within the chain (Gereffi 1994; Gereffi, Humphrey and Sturgeon 2005).

This concept led to a seminal distinction between buyer-driven and producer-driven chains (Gereffi 1994). A key feature of buyer-driven chains is that lead firms, who have no direct control over the production process, manage to retain power and control over the chain through their ability to set prices, product specifications, quality standards and delivery schedules. In producer-driven chains, production is controlled by integrated transnational manufacturers in capital and technology intensive industries such as automobiles and advanced electronics. This initial work was later developed by Gereffi, Humphrey and Sturgeon (2005), who proposed five principal types of governance (market, modular, relational, captive, hierarchy), to conceptualise the co-ordination between lead firms and suppliers. These differing governance types are based on the varying complexity of information and knowledge in the buyer-supplier relationship; opportunities for codifying and transmitting information; and supply base capabilities⁹.

⁹ *Market* linkages occur for easily codified transactions and suppliers are capable of producing with minimal buyer input; *Modular* relationships arise when complex transactions are relatively simple to codify and suppliers are able to use technological inputs and generic machinery, reducing the need for buyers to monitor and control transactions; *Relational* governance occurs when product specifications are difficult to codify and supplier capabilities are high, leading to mutual reliance; *Captive* value chains arise when small suppliers are dependent on a small buyer base, and supplier capability is low, leading to close monitoring and buyer intervention; *Hierarchical* governance is characterised by vertical integration and in-house production by lead firms, when products are complex, specifications cannot be codified, and competent suppliers are unavailable (Gereffi, Humphrey and Sturgeon 2005:83-84; see also Gibbon, Bair and Ponte 2008:322-323).

More critical branches of value chain research have drawn attention to the multi-scalar commercial dynamics behind purchasing practices in 'buyer-driven' chains such as horticulture and apparel, whereby global lead firms are able to extract economic surplus from national suppliers and local producers, by capturing product value through consumer-oriented activities such as branding, design and accessing market niches (Kaplinsky 1998; Kaplinsky 2006; Nathan and Kalpana 2007; Barrientos 2008). Lead firms are positioned to acquire these 'economic rents' through control over 'value-added; consumer oriented activities, such as design, branding and cultivation of market niches' (Kaplinsky 1998, cited in Barrientos 2013a:3). The reason behind the ability of lead firms and buyers to drive their supply chains and extract economic rent in the process has been described as due to their 'oligopolistic position in relation to a relatively fragmented global supply base' (Barrientos 2008:982). Nathan and Kalpana (2007:4) aptly describe this dynamic as a bargaining model in which lead firms are able to dominate by utilising their buying power to beat down suppliers' prices and increase the value they extract from the chain when negotiating with a weaker, geographically dispersed and fragmented supply base.

Research into the governance of commercial interactions has highlighted the dominant role played by lead firms operating at the global scale of value chains/production networks. Governance of commercial interactions between value chain actors has been associated with the proliferation of product, process and ethical standards, which have 'facilitated new forms of co-ordination by buyers across a diverse global sourcing base' (Barrientos 2013a:3; Dolan and Humphrey, 2004; Henson and Humphrey, 2008; Hughes, Wrigley and Buttle 2010; Hughes, McEwan and Bek 2013). Furthermore, lead firms and buyers are able to pressurise producers to reduce costs and lead times for supplying products and increase 'just in time' efficiency within the chain, thereby passing on the costs of demand instability and inventory control onto producers. This means any risk of fluctuating market or production conditions are offset onto producers within the value chain (Barrientos and Kritzing 2004). This has led to what could be described as a 'global bargaining deficit' between lead firms and a weaker, fragmented producer base, who are called upon to produce high-quality, low cost products with short lead times (Nathan and Kalpana 2007).

Such observations regarding the global commercial pressure exerted by lead firms over national suppliers and local producers have not been restricted to the academic sphere. Indeed, civil society organisations engaged in ethical trade have targeted the commercial purchasing practices of global lead firms in buyer-driven industries such as horticulture and apparel (Oxfam 2004; Traidcraft 2006; ActionAid 2007). These campaigns have taken aim at lead firm brands and supermarkets for taking advantage of their dominant position in the production network to maximise profits and market

share by offsetting risks and costs onto weaker producers. Such commercial pressures include the shortening of lead times from order to delivery; lowering prices paid for products; whilst demanding adherence to increasingly stringent product, production process and social standards, the costs of which are borne by producers (Acona 2004; Oxfam 2004; ActionAid 2007).

A related but separate body of global civil society and labour agency literature, has examined the transforming patterns of employment that have occurred following the outsourcing of production to lower cost developing countries (Standing 1999; Castree et al. 2004; Munck 2002; 2010; Dolan and Sorby 2003; Wills 2009; Barrientos, Gereffi and Rossi 2011; Barrientos 2013a:3). This work has highlighted the flexibilisation of employment, whereby employers located in developing countries respond to commercial pressures inherent in global production by employing a core, permanent workforce to maintain quality and consistency of supply, whereas a highly flexibilised and casual workforce are drawn upon to meet 'just in time' orders at a low cost (Tallontire et al. 2005:567). For the former group, participation in global production networks can be beneficial, creating new employment opportunities, sources of income, higher wages, social protection and better working conditions. For the latter group, the working pattern is instead characterised by reduced producer attachment or responsibility in terms of pay, working conditions and employment rights, as well as increased insecurity and vulnerability to exploitation. The situation of these workers has been described as being one of 'adverse incorporation' by a growing number of academics who appreciate that their poverty is not caused by exclusion from global production networks, but rather due to the adverse terms and conditions of their incorporation into them (du Toit 2004a; 2004b; Hickey and du Toit 2007; Phillips and Sakamoto 2011).

In this sense, the global bargaining deficit between globally located private lead firms and locally based producers has further created what could be described as a subsequent 'local bargaining deficit' between locally based producers and casual employees, represented in Figure 3 by the final connection of the linear value chain, between producers and casual labour operating at the *local* scale of production. This element of the proposed framework allows us to conceptualise the particular vulnerability of casual workers relative to both their employers, and permanent counterparts who operate at the same workplaces connected to GPNs. Subsequently, the proposed framework allows us to consider how global commercial pressures inherent in GPNs have driven workforce casualisation at the local level, resulting in differential experiences for permanent and casual members of a segmented workforce. Such an approach allows us to move beyond traditional discourses of capital-labour relations at local workplaces connected to the global economy (see Selwyn 2007, 2009, 2012), and rather develop a more nuanced understanding of how global

commercial pressures shape the local workplace dynamic, with particular regard to the differential terms and conditions of permanent and casual worker incorporation into GPNs.

The GPN framework's notion of 'societal embeddedness' can be drawn upon to conceptualise this intersection between the commercial dynamic of global production and the incorporation of labour into GPNs at the local, workplace level. On the one hand, global commercial pressures inherent in buyer-driven GPNs have been identified as driving a process of workforce casualisation, shaping the terms and conditions of employment for different categories of permanent and casual worker. Another strand of GPN research into the intersection of global commercial production and labour operating at the local workplace level, has sought to highlight how the terms and conditions of workers incorporated into GPNs is shaped not only by the commercial (or 'vertical') dynamic of production, but also the local (or 'horizontal') dimension of societal embeddedness at workplace level. This is reflected by Riisgaard and Hammer's (2011:183) work on the cut flower and banana sectors, which highlights that 'the governance of inter-firm linkages, while crucial in structuring the terrain for labour, is always mediated by the specific social relations of local production and labour control regimes'.

For this reason, GPN theorists have argued that GVC analysis has overemphasised the commercial dimension of production at the expense of locally embedded labour relations such as class, ethnicity and gender, which shape the operation of production networks in different localities and influence the terms and conditions of those incorporated into GPNs (Coe and Hess 2006:8 citing Leslie and Reimer 1999). However, as Hess (2008:455) reminds us, it is important to note that this process of embedding should not be perceived as 'an inherently benign and 'cosy' form of governance, at the expense of giving power struggles and conflict as constituent elements of GPN governance due attention'. This notion is well reflected in an investigation by Phyne and Mansilla (2003:13), who demonstrate that the workplace organisation of farms integrated into GVCs in the Chilean salmon farming industry largely reflect the 'historically-derived social relations in the Chilean countryside'. Their research highlights the importance of Chile's class structure and local power relations in explaining the extent to which workers have benefited from the expansion of export-oriented salmon farming in different community contexts.

The discussion thus far has sought to demonstrate how multi-scalar commercial processes are positioned to shape the terms and conditions of worker incorporation into global production networks. It has also drawn upon the concept of 'societal embeddedness' to highlight how historically-formed labour relations and practices at the local level are equally important social factors in this embedding process, serving to effect working conditions in GPNs. In sum, this analysis

has utilised the GPN framework in order to conceptualise how a combination of global commercial and local societal processes influence working conditions in GPNs, and the particular challenges faced by an increasingly casualised workforce. A key theoretical argument of this thesis is that in order to understand challenges facing public governance of labour incorporated into South African fruit farms connected to GPNs, at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity), requires a broader conceptualisation of the governance of multi-scalar commercial interactions in fruit export production, which shape and influence workforce composition at local farm level. By extending analysis of public governance of working conditions to a variegated scale of labour, this thesis is positioned to provide a more nuanced and in-depth account of regulatory outcomes for different groups of permanent and casual worker incorporated into commercially driven global production networks.

However, until recently GPN analysis has only offered limited investigation of labour, which has often been added on to more critical analysis of the commercial dynamics of production (Barrientos, Dolan and Tallontire 2003; Cumbers, Nativel and Routledge 2008; Coe and Jordhus-Lier 2010; Barrientos 2013a). As highlighted in this discussion, a significant consequence of the proliferation of GPNs is that the determinants of labour composition are increasingly shaped by global lead firm buyers, external to national labour markets and public governance regimes. Whilst integration of labour into GPN analysis is becoming more prevalent (see Barrientos 2013a; Coe and Hess 2013; Selwyn 2012; Barrientos 2013b), this thesis is positioned to contribute to this debate by extending analysis of public governance to the local scale of labour, accounting for the possibility of differential regulatory outcomes for different groups of a variegated workforce. In doing so, this thesis is positioned to provide a more nuanced and in-depth account of the process of governing working conditions for different groups of worker incorporated into commercially functioning GPNs.

Having unpacked the 'commercial pillar' highlighted in the GPN/public governance framework in further depth (Figure 3), the discussion will now turn to provide a critical overview of existing debates in GPN and wider literatures surrounding the governance of working conditions in global production. As will be argued, existing GPN research into the governance of working conditions has not sufficiently investigated national public (laws and regulations) initiatives, with considerably more analytical attention given to strands of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). Whilst a parallel public governance literature has helped to locate national laws and regulations at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity), it has not sufficiently accounted for the global commercial dynamic of production, which is positioned to challenge

governance outcomes for labour. Furthermore, existing public governance literature adopt a somewhat technocratic approach to the national regulation of working conditions, with little attention given to the societally embedded relations between public and private actors which are positioned to shape and influence governance outcomes.

3.4 Exploring existing governance debates in the GPN literature: locating national public governance at the intersection of global private and local CSO initiatives

To date, much of the GPN research into the contested process of governing working conditions in GPNs has focused on private governance innovations, shaped by a combination of public and private actors and enforced by lead firms at the global scale of production (see Figure 3) (O'Rourke 2006; Gereffi and Mayer 2006; Barrientos and Smith 2007; Utting 2008; Robinson 2009; Mayer and Pickles 2010; Neilson and Pritchard 2010; Locke 2013; Raj-Reichert 2013). The principal explanation for such a focus on private as opposed to public governance initiatives in addressing working conditions is due to an assumption in much of the GPN literature that national public governance institutions designed to protect labour have been weakened following the progressive liberalisation of developing country policy commitments, such as market de-regulation and trade liberalisation. This has led to a subsequent assumption; that nation states face challenges in governing work in a globalised labour market where labour relations are increasingly influenced by global buyers operating outside the national sphere of labour regulation and legislation. This is believed to have resulted in a plethora of private governance innovations such as codes of conduct, fair and ethical trade schemes which have 'interceded selectively into the gap left through this rolling back of the state' (Neilson and Pritchard 2010:1849). Therefore, various authors have commented that in this context, 'the ability or willingness of governments to protect workers' rights has diminished, fuelling a 'race to the bottom'', in terms of public governance initiatives designed to protect workers operating in GPNs (Barrientos 2008:978-979 citing Utting 2008; O'Rourke 2006; Gereffi and Mayer 2006; Robinson 2009; Mayer and Pickles 2010). Such initiatives can be seen as part of a broader movement of what Richard Appelbaum (2005:373) has described as 'the privatization of labour enforcement'.

Another strand of GPN research has highlighted the critical role of governance by local CSOs, in the form of trade union and NGO activity in shaping public and private governance outcomes in GPNs, with particular regard to monitoring the enforcement and compliance of governance initiatives

designed to protect working conditions. This requires that civil society organisations engage with private firms and national state institutions in complex networks, in order to challenge the commercial logic underpinning GPNs and address the negative social consequences of global production (Nadvi and Waltring 2004; Barrientos 2013a; Coe and Hess 2013). A handful of recent studies have documented the varying methods of collaboration and contestation employed by civil society organisations, in order to improve the outcomes of labour incorporated into GPNs (see Franz 2010; Rainnie, Herod and McGrath-Champ 2011; Barrientos 2013a; Wad 2013). This research has demonstrated that labour conditions at local-level workplaces connected to the global economy can be strongly influenced by the presence or absence of locally based organised labour (Castree et al. 2004; Padmanabhan 2012; Jordhus-Lier 2012).

Indeed, as highlighted by Barrientos, Dolan and Tallontire (2003) with regards to the South African horticulture sector, although civil society organisations such as NGOs and trade unions have played an important adversarial role in pressuring lead firms to modify their purchasing practices and adopt labour codes of conduct, a lack of trade union representation at local farm level has rendered more transformative improvements of these codes, such as freedom of association, largely ineffective in addressing the vulnerability of casual workers (see also Barrientos 2013a). Similarly, Padmanabhan (2012) uses the example of garment workers in Kerala, India to demonstrate how CSOs operating and organising workers locally remains a highly effective strategy in challenging the labour governance process in GPNs. These examples highlight the need to explore the role of CSOs in the public governance process, in challenging the employment practices of producers directly; through worker organisation in order to ensure their freedom of association; and by lobbying the state in order to ensure rights are afforded to workers via the public governance process.

Despite these useful insights into the role of wider global private strategies and governance by local CSOs in addressing working conditions in GPNs, the role of more formal public governance in the form of national regulation and legislation has received insufficient attention in GPN research (Gereffi and Mayer 2004; 2006; Mayer and Pickles 2010; Posthuma 2010; Posthuma and Nathan 2010; Barrientos et al. 2011). This is a somewhat surprising lacuna, given the increasing acknowledgement in GPN and wider governance literature of the limitations of global lead-firm driven private governance initiatives in addressing working conditions in the global economy. As noted by Robinson (2009:1016), the 'blurring of boundaries of these systems of self-regulation, together with pressure to maintain low market prices, raises the question of whether a more formalised means of governing corporate behaviour is required', such as public governance initiatives located at the nation state level. This sentiment has been echoed in recent publications by

various other authors who have conducted investigation into the effectiveness of private governance of labour in GPNs, and found that such systems have amounted to an important, but nonetheless ineffective substitute for more formal forms of public governance (see O'Rourke 2006; Utting 2008; Newell 2008; Robinson 2009; Mayer and Pickles 2010; Neilson and Pritchard 2010).

However, despite this growing recognition in the GPN literature of the need for more formal forms of public governance initiatives at the *national* level, precisely how such nation-state based public governance institutions are able to mediate the commercial pressures inherent in the global production process and regulate working conditions has received insufficient attention in GPN research, and requires much more investigation (Gereffi and Mayer 2004; 2006; Mayer and Pickles 2010; Posthuma 2010; Posthuma and Nathan 2010; Barrientos et al. 2011). This reflects a wider gap in the GPN literature concerning the role of the nation state, which has been described as a central regulatory actor in the global production process, but has been conceptualised in somewhat limited terms in the GPN framework. With this in mind, the following section aims to unpack the current conceptualisation of the state's regulatory function in the GPN framework to date, with particular attention given to its role in regulating labour incorporated into global production networks.

a) Critically unpacking the nation state's regulatory role in the GPN analytical framework

According to GPN theorists, although a range of firm and non-firm actors contribute to shaping the governance process across multiple geographical scales, nation states continue to play a central role because 'among the multiplicity of regulatory institutions, and allowing for the proliferation of international and subnational bodies', 'all the elements in GPNs are regulated within some kind of political structure whose basic unit is the national state' (Coe, Dicken and Hess 2008:282). Indeed, GPN studies have sought to conceptualise the role of the nation state in the GPN by attempting to understand the continuous 'intricately choreographed negotiating and bargaining processes, including what are often termed "locational tournaments" over investment projects', that take place between nation states and commercial firms in the global production process (Dicken 1990; Henderson 2002; Dawley, 2007; Coe, Dicken and Hess 2008:282). In this context, firms are seen as attempting to take advantage of differences in regulatory regimes, such as taxation, performance requirements or investment criteria, whereas states are perceived as striving to minimise such "regulatory arbitrage", and to attract commercial investment by competing against other states (Liu and Dicken 2006; Coe, Dicken and Hess 2008:282). The complexity of the situation is seen as arising from the fact that whilst states are territorially fixed and geographically bounded, a TNC's territory is fluid and flexible, allowing them to overlap and interpenetrate the relatively fixed national

boundaries of states, incorporating different national spaces into GPNs in the process (Dicken and Malmberg 2001).

It is worth reflecting at this point on how these GPN studies, in general, perceive the goals of commercial firms and nation states in this process of bargaining and negotiation. Expressed in broad terms, the basic goal of the commercial firm operating along the value chain, is seen to be to maximise profits and increase 'shareholder value'; whereas the primary goal of the state is perceived as striving to achieve economic outcomes of export-led growth via attraction of foreign investment through 'locational tournaments' (Liu and Dicken 2006:1232; Coe et al. 2004; Coe, Dicken and Hess 2008). However, what is notable about this perception of the nation-state's role in the global production process, is that it constitutes a rather economic approach to the power relations that exist between states and firms, and also between states and other states (Levy 2008). The agenda of the nation state is perceived primarily as attracting mobile investment in the context of a globally competitive economic environment, and as such, any discussion of governance emphasizes economic coordination based on market facilitation and the attraction of foreign investment (see Liu and Dicken 2006:1235). Furthermore, the perceived agenda of the state to assert its bargaining power to attract 'value', in order to achieve benefits for the 'state and its citizens', is based on the assumption that the accumulation of value at the national level via the attraction of mobile investment, will result in localised benefits for workers operating at local sites of global production (for example, see Liu and Dicken 2006; Coe et al. 2004; Coe, Dicken and Hess 2008). In other words, the analysis of nation-states in GPN studies tends to be placed at the macroeconomic level, with a focus on the interactions between states and commercial firms, and the assumption that the attraction of mobile investment by nation-states will result in positive benefits for workers operating within their borders. As a result, existing debates in the GPN literature regarding the power and capacity of the state to achieve governance outcomes has been defined with almost exclusive reference to economic outcomes and the attraction of globally mobile capital.

It is important to note that these debates within the GPN literature regarding the changing role of the state in the context of globalised production have been ongoing across the broader political economy discipline for a number of decades. Much of this discussion has stemmed from the well documented 'convergence' hypothesis, which asserts that under pressure from the forces of globalisation, nation states have since lost the capacity, autonomy and power to govern effectively and enforce their chosen policy agenda, having become constrained by the overwhelming structural power of global markets and financial capital (Cerny 1997; Phillips 2006). Such a viewpoint is predominantly based on liberal perceptions of globalisation and neoclassical understandings of

economic openness and the emergence of a fully integrated global market. This notion of globalisation is seen as driving a process of convergence, whereby all nation states are forced to 'internalise the preferences of capital, thereby embracing neoliberal policies' (Hay 2008:590-91), with any deviations from this norm attributed to 'extramarket' distortions (Berger 1996:1). In this sense, the principal objective of the nation-state is assumed to be the attraction of investment, removal of controls on capital flows and restructuring of taxation in line with financial de-regulation and trade liberalisation.

This hypothesis has been challenged by a huge body of research in the field of political economy, which has highlighted the need for more critical and less generalising theorisations of the nature and form of contemporary state emerging from the more recent and complex processes of global production described above. However, what is also notable about this more critical body of work is that it has maintained an analytical tendency towards constructing generalising models and identifying common trends in the ways in which contemporary nation states are adapting and transforming to the commercial pressures inherent in the global production process (Phillips 2006). It is also true that for the most part, much of this work has perceived this shifting role of nation states as a response to a combination of the demands of an increasingly competitive global economy; and the aforementioned 'capacity gap', which stemmed from advanced industrialised states' unsustainable post-war welfare commitments, as well as many developing countries' insulation from the global economy up until the 1970s. A combination of these pressures has led key transformationalist scholars such as Evans (1997:85) to perceive the nature and form of contemporary states as taking a 'leaner, meaner kind'. The essence of Evans's argument is that nation-states incorporated into global production networks have not had their power and capacity stripped away by capital penetration and the commercial pressures exerted by private actors in global production networks, but have merely adapted their role by way of effective facilitative policies to attract private investment, at the expense of regulatory and social protection oriented policies that run contrary to the neoliberal global ideological orthodoxy.

This viewpoint is considerably overlapped by Cerny's (1997) highly influential notion of the 'competition state', which theorises a 'residual' form of contemporary state that is thought to have emerged from the presumed crisis of the post-war welfare state model. Whereas the main priority of the welfare state was to ensure the welfare of its citizens through the insulation of 'key elements of economic life from market forces', the principal strategy of the competition state is one of 'marketisation in order to make economic activities located within the national territory...more competitive in international and transnational terms' (Cerny 1997:258-259).

Finally, and perhaps the most influential and dominant framework which has become integral to debates in political economy and public policy regarding how we should conceptualise the role of contemporary states in today's global economy, is the 'regulatory state' model (Loughlin and Scott 1997; McGowan and Wallace 1996; Burnham 1999; Jayasuriya 2001; Moran 2002; Bartle and Vass 2007). The regulatory state model perceives the transformation and adaptation of contemporary states to the pressures inherent in the global production process as occurring largely through a shift towards primarily regulatory functions. These regulatory functions are succinctly defined by McGowan and Wallace (1996:563) in their paper on the European regulatory state, which broadly refers to a 'depoliticised' and increasingly 'rule-based', 'technocratic' approach to economic management. The main purposes of regulation in this model are to underpin markets, and 'correct market failures through the provision of rights' (McGowan and Wallace 1996:563). One of the key pitfalls of this approach is its inherent functionalism, in the sense that state capacity is identified and assessed according to a specific set of economic outcomes based on achieving global economic competitiveness and efficiency. In this sense, not only is functionality 'selected for' (Hay 2004:42), but states are 'theorised on the basis of their functionality, or lack of it' (Phillips 2006:26).

However, such an economistic perspective which is notable in both the GPN and broader political economy literatures outlined above, arguably fails to adequately account for equally critical domestic socio-political factors which determine not only the policy choice, but the power and capacity of nation states to enforce a range of regulatory policies in a GPN context (Marsh, Smith and Hothi 2006). In certain advanced, industrialised country contexts, Goldfinch (2000) has demonstrated that despite an increased internationalisation of economic competition, in both Australia and New Zealand there has been a rise in issues surrounding the treatment of indigenous people which have influenced voters' and the states' behaviour, resulting in more socially oriented regulatory policy choices which run contrary to economic competitiveness and the interests of TNCs. Goldfinch (2000) highlights the antagonism inherent in states' responses to social issues in a global production context, for ideological or electorate reasons, which may run contrary to private actors' profit-making interests operating along the commercial value chain.

More recently, there has been an increasing recognition amongst certain developing states of the need to address social issues relating to poor working conditions in GPNs through strengthening public governance institutions at the national level, a shift described by Piore and Schrank (2008) as a 'regulatory renaissance' (see Posthuma and Nathan 2010; Posthuma 2010; Mayer and Pickles 2010; Barrientos et al. 2011). As an example of this, Vega-Ruiz (2008:235) has pointed out that in the Latin American context, states have introduced labour code reforms to address employment

conditions, recruitment practices and collective labour relations, such as freedom of association, in response to changing patterns of labour use that have proliferated under global production, including informal work and rising outsourcing at the foot of global value chains.

It is evident that in all of these examples, the state's structural, historical and ideological links to particular interests such as protecting indigenous populations was a key factor in their policy decisions in the GPN context. Without a doubt, such a trend is sharply in evidence in the South African context (outlined in further detail in chapter 2), whereby the ANC took power in 1994 and took immediate steps to introduce regulatory labour reforms in order to protect vast swathes of the electorate who had previously been systematically discriminated against in the workplace, and had recently won the right to vote. Such regulatory policies took place alongside neoliberal-oriented market facilitating measures which included de-regulation and privatisation resulting in the attraction and proliferation of global production networks within South Africa in various sectors, including horticulture. In all of these examples, whilst states pursued economic rationalist policies, driven in large part by pressures from international economic competition, they were also faced with other social developments that had electoral resonance and operated in a political context in which their historic links to the electorate were critical factors influencing policy choices. This has resulted in an inherent tension between the objectives of nation states to attract commercial investment on the one hand, whilst responding to internal socio-political pressure to ensure decent working conditions for labour incorporated into GPNs on the other. Such an observation has been made in various ILO reports, which highlight the commercial imperative of nation states in seeking to attract foreign investment as a fundamental impediment to strengthening the content of labour laws and regulations and enforcement agencies (ILO 2006; ILO 2008).

This critical unpacking of the regulatory role of the nation-state in the GPN has raised some significant points with regards to its complex role in the wider governance process. Firstly, it is clear that the state is neither 'transcended nor unaltered in some overarching, all-encompassing fashion' in the face of contemporary global economic processes, but rather 'each state is finding that its relationship to key social forces both inside and outside of its national space is being restructured as part and parcel of all the other shifts to which globalization as a concept draws attention' (Payne 2000:204). Such a perspective allows us to consider the different forms of regulatory governance employed by nation states in response to contemporary global economic and historically shaped domestic socio-political forces. The former may have prompted the adoption of 'neo-liberal' market facilitating regulatory governance in order to achieve economic outcomes such as attracting globally mobile investment; whereas the latter has resulted in the adoption of more socially oriented forms

of regulatory governance, such as the labour regulation and legislation in order to achieve social goals that resonate with the electorate and internal socio-political discourse. Having made such observations regarding the complex process of nation-state restructuring in the global economy, this framework can 'form the basis of expanding the domain of the political further to press for social as opposed to narrowly economic concerns' (Amoore 1997:187). Furthermore, given the hybrid nature of institutional structures in developing and emerging economies, the on-going processes of nation-state governance restructuring require 'careful and specific empirical analysis which takes neither the starting point nor the trajectory – nor indeed the envisioned outcome - of this restructuring as logically "given" or assumed' (Payne 2005:77).

With this in mind, the following section draws upon an emerging literature across the fields of political science, governance and development studies, which have sought to better understand the increasing role of nation-state led public governance in addressing working conditions in global production. The purpose of this discussion is to unpack current debates around public governance, which has been largely omitted from the GPN framework to date in both conceptual and empirical terms. This will be followed by a commentary on how the conceptual approach taken in this study can complement and strengthen this emerging analysis of public governance, by accounting for global commercial and local societal processes, which are themselves positioned to influence public governance outcomes.

b) Bringing public governance back into the analytical frame: locating national regulatory institutions at the intersection of private (codes of conduct) and governance by local CSOs (trade union and NGO activity)

There has been an increasing acknowledgement across various political science, governance and development studies literatures that certain developing countries are beginning to respond to the negative social consequences of global production, and strengthen public governance institutions in order to protect workers incorporated into GPNs (Piore and Schrank 2008; Pires 2008; Posthuma 2010; Mayer and Pickles 2010; Coslovsky 2011; Amengual 2010, 2011, 2014; Locke 2013). Most notably, newly industrialising developing economies such as South Africa, Brazil, along with parts of Latin America, have begun to resist so-called 'neo-liberal' models of free trade and open markets, as well as respond to domestic, socio-political issues regarding labour conditions in GPNs, and mobilise public governance institutions designed to enforce labour regulation to offset the negative consequences of globalised production and addresses working conditions in GPNs. In turn, this has prompted a growing research agenda which has sought to investigate and conceptualise the previously under-researched role of developing and emerging countries in governing work in GPNs

(see Piore and Schrank 2008; Pires 2008; 2011; Coslovsky 2011; Coslovsky, Pires and Silbey 2011; Levi-Faur 2011; Amengual 2014; Locke 2013).

In line with previous public governance research, a distinction can be made between public governance institutions and processes at the national 'rulemaking' and local 'enforcement' scales, as indicated in the GPN/public governance framework (Barrientos, Kritzing and Rossouw 2004; Posthuma 2010; Coslovsky, Pires and Silbey 2011). At the national scale, developing countries are increasingly strengthening their public governance institutions in response to critical domestic socio-political factors, in order to achieve social goals that resonate with the electorate and internal discourse (Piore and Schrank 2008; Pires 2008; Posthuma 2010; Mayer and Pickles 2010; Coslovsky 2011; Amengual 2010, 2011, 2014; Locke 2013). This has prompted the adoption of labour laws and regulations designed to protect working conditions for labour connected to GPNs. South Africa provides a clear example of this trend, having introduced a raft of comprehensive employment regulation, in order to offset labour exploitation which occurred under previous political regimes (outlined in chapter 2). Drawing upon previous research into governance of labour in global production, these national laws and regulations can be subdivided into two categories: measurable 'outcome' standards which are more easily observable and quantifiable, such as contractual arrangements, remuneration levels, working hours, basic conditions of employment and health and safety standards (Barrientos and Smith 2007; Barrientos, Gereffi and Rossi 2010; Locke 2013). A second category of working conditions refer to less tangible 'enabling rights' based standards, relating to freedom of association, the right to join a trade union, non-discrimination and empowerment (Barrientos and Smith 2007; Barrientos, Gereffi and Rossi 2010; Locke 2013).

Another strand of public governance research has centred on the organisational capacity of labour inspectorates and institutions charged with enforcing labour laws at the local workplace scale of the GPN. In this regard, numerous scholars have examined whether or not nation states possess the resources and ability to enforce labour laws in developing countries (Bensusan 2006; Bernhardt, McGrath and DeFilippis 2008; Seidman 2009; Posthuma 2010). These studies have highlighted the fact that the ratio of labour inspectors in relation to the size of the labour force being monitored is generally very low in the majority of developing countries, often falling below ILO benchmarks. Furthermore, labour inspectors often report being 'overwhelmed by their case loads, short of resources and means of travel, poorly paid, subject to bribes and pressure to not undertake inspections which might damage the investment climate' (Posthuma 2010:8). Similarly, an ILO report on labour inspection raised concerns around the 'severe strains' that insufficient resources have placed on the 'professionalism, independence and impartiality' of inspectors (ILO 2006:4). In these

instances, scholars have explained the failure of public governance as due to the absence of state capacity, with Seidman (2009:385) arguing that 'even if Lesotho wanted to enforce its laws and improve working conditions, it is hardly in a position to do so' as a result of its 'impoverished, weak and unstable' public governance institutions.

A general conceptual benefit of studies into public governance in developing country contexts has been to bring the role of national laws and regulations back into the analytical frame as operating alongside private codes of conduct in addressing working conditions in GPNs (see O'Rourke 2003, 2006; Seidman 2007; Trubek and Trubek 2007; Amengual 2010; Bartley 2011; Locke 2013). In this regard, certain studies have highlighted the fact that private codes of conduct often require adherence to national labour laws and regulations, depending on which sets the higher standard (Barrientos and Smith 2007; Mayer and Pickles 2010; Gereffi, Fernandez-Stark and Psilos 2011). For example, in the case of South African fruit GPNs, Barrientos and Smith (2007) found that the ETI base code deferred to national laws and regulations for certain aspects of working conditions, due to the relative strength of the public governance framework in this context.

Other studies have drawn attention to the critical role of public governance standards in providing a legal framework for worker access to governance by local CSOs, in the form of trade union representation in the employer-employee negotiation process (Castree et al. 2004; Padmanabhan 2012; Jordhus-Lier 2012). At the same time, national regulatory outcomes at local-level workplaces connected to global production networks can be strongly influenced by the presence or absence of locally based trade unions, particularly in terms of affording the legal right of freedom of representation and access to trade union representation for labour (Castree et al. 2004; Padmanabhan 2012; Jordhus-Lier 2012). This point was made by Richard Locke (2013), in recent extensive research into the governance of working conditions in footwear and electronics supply chains. With regards to worker access to governance by local civil society organisations, Locke (2013:18) determined that 'the only way these rights can be brought to life is when they are required by law. For this, the state needs to be brought into the realm of private governance negotiations'.

These observations further underline the critical role of public governance, at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO), in addressing working conditions in GPNs. On the one hand, in certain country contexts private codes of conduct refer to the existing public governance framework to provide the regulatory benchmark for working condition in GPNs, depending on which standard is higher. On the other hand, public governance plays a critical role in extending local CSO protection to workers incorporated into GPNs,

determining their right to trade union representation and freedom of association at the local workplace scale.

Despite opening up important analytical avenues in terms of increasing our understanding of the role of public governance in developing country contexts, at the intersection of global private initiatives and governance by local CSOs, the existing literature carries certain limitations. Firstly, existing public governance literature fails to incorporate the *global* commercial dimension of production into analysis. This is problematic, due to the fact that the terms and conditions of worker incorporation into global production networks are increasingly shaped by the purchasing practices of lead firms who are positioned to exert financial pressures and costly social demands over a fragmented supply base (highlighted by the commercial pillar in Figure 3). In turn, this has contributed to the casualisation of labour at production sites connected to GPNs with mixed outcomes for permanent and casual workers. In this sense, global commercial processes inherent are positioned to shape and influence the public governance outcomes for different categories of permanent and casual labour incorporated into GPNs.

A second gap in existing public governance research is that current studies adopt a somewhat technocratic approach to public governance, by focusing on resource issues; the various enforcement techniques employed by the state; with insufficient attention given to the historically formed relations between these actors and the tensions and contestations which exist between them in the governance process. However, as noted by Coslovsky, Pires and Silbey (2011:331), the process of public governance enforcement involves the ‘interests, desires, and compliant or resistant actions’ by state and non-state actors as being ‘mediated (produced and articulated) through legal (and non-legal) symbol, institutions, and organizations without which they are indecipherable and meaningless. This is a reciprocal and recursive process of mutual construction; neither legal regulations nor their implementation exists independently of the social relations (transactions and subjectivities) which they help to compose and in which they are embedded’. In this regard, any conceptualisation of public governance needs to account for the historically embedded domestic configurations of social relations that exist between state and non-state actors (firms, CSOs, workers) at the *national and local scales* of public governance enforcement at production locations.

Such an approach needs to adopt a rich conception of social context, and in particular, a sense of the deeply political character of the labour regulations being discussed, the locally situated and socially constructed character of compliance, and the historically formed tensions and power asymmetries that exist between the various state, private firm, CSO actors and labour involved in the contested public governance process (Bartley 2011; Locke 2013). To give an example, in a comparative

investigation of labour governance of apparel factories located in Guatemala and carpet mills in India, Seidman (2007) demonstrates that the monitoring and enforcement of public and private labour standards is severely constrained by historically embedded power structures of industry and government elites. So, whereas the global commercial dimension of production has restructured the terrain for labour such as in the case of increased workforce casualisation for buyer-driven sectors, various other studies have demonstrated the significance of gender, caste and age in determining the terms and conditions of worker incorporation into GPNs, as well as 'local/national labour control regimes in which workers are embedded' such as national regulatory frameworks and CSO participation (Jonas 1996 cited in Coe and Hess 2013:7; Neilson and Pritchard 2009; Riisgaard and Hammer 2011; McGrath 2013).

With these observations in mind, the following section will turn to summarise how the conceptual approach taken in this thesis is positioned to address these various gaps in existing GPN and public governance literature in four notable respects; by locating public governance as operating at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity); by accounting for the global commercial dimension of production and the implications for public governance outcomes for labour; by extending scalar analysis to incorporate different categories of labour at the local workplace scale; and by drawing upon the notion of 'societal embeddedness' to account for the historically formed relationships and tensions between national and locally based state and non-state (private firm employers; CSOs; labour) actors, which are also positioned to shape and influence the contested public governance process.

3.5 Locating public governance within a contested multi-scalar commercial and governance terrain

This chapter has discussed the different elements of an analytical approach which will be used to guide the empirical investigation and analyse the research findings. GPN analysis constitutes the underlying conceptual framework used in the present study, though important analytical insights into the public governance process are taken from a wider political science, governance and development studies literature.

Firstly, a key strength of the conceptual approach taken in this thesis is to locate the role of public governance of labour in the wider GPN, and demonstrate the inter-connected networks between different GPN actors operating at multiple global, national and local scales that are positioned to shape and contest the public governance process (visually represented in the GPN/public

governance framework outlined in Figure 3). On the one hand, public governance of labour can be seen as operating within the multi-scalar governance pillar in the GPN, at the intersection of global private initiatives (codes of conduct; ethical and fair trade schemes) and governance by local CSOs (trade union and NGO activity). In this regard, public governance provides a regulatory basis, which interacts in complex ways with globally enforced codes of conduct and ethical trade schemes, both in terms of the content of labour standards and the enforcement process. In addition, public governance can be seen as facilitating worker access to local CSO protection, by providing a regulatory framework which allows for freedom of association and the right to join a trade union. By locating public governance in the wider GPN and investigating the role of national regulatory institutions in addressing working conditions for labour incorporated into GPNs, this study is positioned to contribute to existing GPN research into governance of working conditions, which has thus far focused primarily on private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity).

Secondly, as indicated in the GPN/public governance framework, public governance of labour can be seen as operating alongside the governance of multi-scalar commercial interactions inherent in GPNs. This aspect of the conceptual approach taken in this study encompasses the interactions and tensions between actors operating along the linear value chain, including lead firms at the global scale, national suppliers, locally based producers, permanent and casual farmworkers (denoted by the 'commercial pillar' in Figure 3). As outlined in section 2.3, these multi-scalar interactions have driven a process of workforce casualisation in 'buyer-driven' GPNs such as apparel and horticulture, with significant implications for the terms and conditions of worker incorporation for different members of a variegated workforce. In particular, casual workers have been found to be incorporated into GPNs on short-term, insecure contracts, rendering them socially and economically vulnerable relative to their permanent counterparts. In turn, these global commercial processes inherent in GPNs have implications for working conditions and public governance outcomes for labour, for different categories of worker incorporated into global production networks. This aspect of the study seeks to contribute to existing public governance research, via a more tangible and coherent conceptualisation of the multi-scalar commercial dimension of production, which has not been sufficiently incorporated into analysis of public governance to date.

Thirdly, this thesis is positioned to contribute to existing GPN research by extending analysis to labour at the local workplace scale of the GPN. This facet of the investigation enables conceptualisation of the different categories of permanent and casual labour, with the latter grouping constituting an increasingly diverse blend of contract/directly employed; male/female;

external/internal migrant and locally based employees. In this sense, it is necessary to account for the implications of these variable terms and conditions of employment for different groups of labour for the wider public governance process and outcomes. This aspect of the study addresses an additional gap in existing GPN research, which has given the labour dimension limited analytical attention, particularly regarding differential governance outcomes for a diverse permanent and casual workforce operating at the local workplace scale of the GPN.

Fourthly, in addition to the aforementioned contemporary global commercial dynamics inherent in GPNs, the conceptual approach taken in this thesis accounts for the historically embedded relationships, interactions and contestations between public and private GPN actors operating at the *national* and *local* scales, which are also critical in shaping and influencing the public governance process. The notion of 'societal embeddedness' allows us to conceptualise how the aforementioned global commercial dimension of production becomes embedded into labour relations at national and local scales of production. These historically embedded domestic configurations of social relations and conflicting interests between state and non-state actors (private firm employers, CSOs, permanent and casual workers) at national and local scales are positioned to shape and influence working conditions and public governance outcomes at workplaces connected to GPNs (Levy 2008; Mayer and Gereffi 2010; Barrientos 2013a; Locke 2013). In this regard, the conceptual approach adopted in this thesis draws upon recent GPN studies which have themselves highlighted the significance of both commercial (or 'vertical') and local societal (or 'horizontal') dimensions of global production in shaping working conditions and labour governance outcomes (Bolwig et al. 2010). So, whereas the global commercial dimension of production has restructured the terrain for labour such as in the case of increased workforce casualisation for buyer-driven sectors, various other studies have demonstrated the significance of gender, caste and age in determining the terms and conditions of worker incorporation into GPNs, as well as 'local/national labour control regimes in which workers are embedded' such as national regulatory frameworks and CSO participation (Jonas 1996 cited in Coe and Hess 2013:7; Neilson and Pritchard 2009; Riisgaard and Hammer 2011; McGrath 2013).

To clarify this point, in the case of the South African fruit export sector, whilst the global commercial pressures inherent in buyer-driven GPNs have driven workforce casualisation on the one hand, the terms and conditions of different members of a segmented permanent and casual workforce are also determined by historically embedded paternalistic employment practices which stem from previous regimes of colonialism and apartheid. These historical processes have significantly shaped labour relations on fruit export farms located in the Western Cape, whereby permanent on-farm

workers recruited on formal contracts are highly dependent on their employers for their livelihood, housing as well as a raft of non-wage social benefits. This skewed power relation has perpetuated a situation of heightened dependency between permanent employees and fruit producers, particularly in an economic environment whereby unemployment is high and housing availability extremely low throughout the Western Cape and South Africa. The situation of casual workers is very different, as they are employed on a flexible basis, often from areas of high unemployment and due to their economic vulnerability are motivated primarily by securing some form of income through seasonal, manual labour. Whilst casual workers are not dependent on their employer (whether they are employed directly by fruit producers or third party contractors) for security of long-term contracts, on-farm housing or a raft of non-wage benefits, they are reliant on them for assurances of seasonal income, albeit at a low rate, for predominantly manual, low-skilled tasks.

It is important to make this distinction between permanent and casual farmworkers, as the historically embedded on-farm dynamic and situation of these two sets of employees has varying implications for their engagement with civil society organisations, with particular regard to monitoring the enforcement and compliance of public governance initiatives designed to protect working conditions. This requires that civil society organisations engage with private firms, permanent and casual employees and national state institutions in complex networks, in order to challenge the commercial logic underpinning GPNs and address the negative social consequences of global production (Nadvi and Waltring 2004; Barrientos 2013a; Coe and Hess 2013). In this sense, public governance outcomes at local-level workplaces connected to the global economy can be strongly influenced by the presence or absence of locally based organised labour, particularly in terms of affording the legal right of freedom of representation and the right to organise to both permanent and casual workers incorporated into GPNs (Castree et al. 2004; Padmanabhan 2012; Jordhus-Lier 2012).

Furthermore, and using the case of fruit GPNs located in the Western Cape as an example, the role of local civil society organisations in shaping the public governance process is strongly influenced by societally embedded tensions and contestations between trade unions and employers operating at sites of production. Due to the aforementioned paternalistic labour relations that exist on fruit export farms and pre-existing tensions between fruit producers and trade unions, the latter's participation in the public governance process has been rendered highly limited, with estimated levels of only 3.4% trade union representation in the commercial fruit and wider South African agriculture sector (NALEDI 2012). As noted by various scholars, trade unions face intense challenges in representing farmworkers due to permanent employees being highly dependent on their

employers for their livelihood, housing and social benefits, meaning that their decision to join a trade union must be carefully weighed up against the potential tensions and adverse repercussions from their employers if they choose to seek external representation; as well as the economic vulnerability and transient nature of casual farmworkers who are often reticent about joining unions over the course of their short term contracts (Ewert and Hamman 1996; Mather and Adelzadeh 1998; Pons Vignon and Ward 2009; NALEDI 2012). These challenges facing trade unions are exacerbated by historically embedded tensions and contestations between themselves and fruit producers, with the latter often highly sceptical of any external influence over their on-farm employment practices, particularly from CSOs seeking to address and improve working conditions and wages on farms.

The conceptual approach taken in thesis accounts for these local, societally embedded tensions and power asymmetries between private employers, civil society organisations and permanent and casual workers operating at national and local scales, which are positioned to shape and influence the public governance process. Indeed, the level of public governance enforcement at the local scale is highly dependent on the role of these non-state actors in the public governance process, who are positioned to resist or facilitate public governance outcomes at sites of production. These tensions and contestations between different state, private firm employer, CSO actors, permanent and casual workers in the public governance process are visually depicted in the GPN/public governance framework (figure 3), and will be explored in further detail in the subsequent empirical investigation. This aspect of the thesis seeks to overcome the aforementioned gap in existing GPN and public governance literature, which has thus far failed to account for the conflicting interests embedded in the public governance process, and lacks historical or contextualized accounts of how interests are 'formed, channelled and reshaped' in the process of public governance enforcement (Coslovsky, Pires and Silbey 2011:325).

These various ideas and concepts combine to form an underlying conceptual approach that aims to locate public governance of working conditions in GPNs, at the intersection of wider global private initiatives and local CSO arrangements. The GPN/public governance framework outlined in Figure 3 helps to depict these parallel multi-scalar commercial dynamics inherent in GPNs which are positioned to shape and challenge public governance outcomes for different members of a variegated workforce. In addition, as per the previous discussion, this thesis accounts for historically formed 'horizontal' labour arrangements, which are also positioned to shape and influence the public governance process and outcomes for different categories of labour incorporated into GPNs. These various concepts will be utilised to examine the empirical findings of the thesis (chapters 5

and 6), and then the example of fruit production networks in South Africa will be reflected upon in order to reassess our wider understanding of public governance in GPNs (chapter 7).

Chapter 4: Research Methodology and Methods

4.1 Introduction

The purpose of this chapter is to describe the methods used to collect and analyse the data for this research. The overarching question driving this research, was; *'To what extent do multi-scalar tensions in global production networks (GPNs) challenge the public governance of working conditions, and what are the lessons from labour operating in South African fruit production?'* This required exploring the multi-scalar interactions between lead firm supermarkets, national suppliers and local producers, which are positioned to shape and influence working conditions and governance outcomes at workplaces connected to global production. It also required locating and investigating public governance (laws and regulations) at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity), along with the implications for different groups of worker incorporated into GPNs.

In order to address this question, a qualitative methodological approach was taken, which involved GPN mapping and case study analysis. The decision to draw upon a qualitative approach was taken in order to capture the complex and changing dynamics of GPNs, across sector and country contexts, wherein data limitation inhibits quantitative analysis, particularly for investigation into social issues (Goger et al. 2014:1). Within this qualitative framework, methodological guidance on GPN mapping was utilised in order to address the first part of the core research question, by building a coherent picture of the inter-relationships between networks of public, private and civil society organisations operating at multiple scales, involved in the commercial functioning and/or governance of working conditions in GPNs. This was supplemented with a case-study approach, in order to address the second part of the overall research question, and develop an in-depth understanding of how broader commercial processes shape public governance outcomes for different groups of permanent and casual worker at the local production scale.

The first section provides an overview of my broader methodological approach, using GPN mapping in conjunction with case study analysis, and the rationale for this combination. The second part then turns to discuss three phases of research; firstly, GPN mapping at the global scale; secondly, GPN mapping at the country level within South Africa; and thirdly, case-study research into a collection of thirteen farming units in Ceres, Western Cape. The methods of data collection and participant selection will be explored in further depth throughout the discussion of these three research phases.

The fourth section describes and provides justification for a subsequent post-fieldwork phase of secondary research, documenting the labour crisis in South African fruit. The fifth section turns to discuss methods of data analysis and interpretation. The sixth and final part covers the challenges, limitations and ethical issues faced during the research process.

4.2 GPN mapping and case study approach

As highlighted above, the core question driving the research was; *'To what extent do multi-scalar tensions in global production networks (GPNs) challenge the public governance of working conditions, and what are the lessons from labour operating in South African fruit production?'* In order to address this research question, a key guiding methodology for this thesis is a GPN mapping approach, which reflects advice and guidance from existing research into global value chains and production networks (Kaplinsky and Morris 2003; Barrientos 2002; Schmitz 2005; CTG 2010; Gereffi and Fernandez-Stark 2011). This methodological guidance corresponds with a GPN analytical framework, enabling the researcher to map out the connections and inter-relationships between networks of public, private and civil society organisations operating at multiple geographical scales, which play a part in the commercial functioning and/or governance of working conditions in GPNs (CTG 2010; Mayer and Posthuma 2012). Taking such an approach was essential to addressing my core research question, as it enabled me to locate and analyse public governance in the context of broader multi-scalar commercial and governance processes inherent in global production networks.

Much existing research into GPN mapping has focused on the connections and relationships between inter-linked commercial actors operating within global production networks (Barrientos 2002; Gereffi and Fernandez-Stark 2011). This aspect of GPN mapping enables identification of the input/output structure of the production network and its geography; the global lead firms, national suppliers and local producers and their location in different segments of the production network; along with the relationship and interactions between these commercial actors in the production process. I drew upon this facet of GPN mapping in order to build a clearer picture of the commercial dynamic of the GPN under study which, as posited by this thesis, is positioned to shape and influence governance outcomes for labour.

However, a key focus of this research is to move beyond analysis of commercial interactions in the production network, and investigate the GPN actors involved in shaping public governance (laws and regulations); private initiatives (codes of conduct) and governance by local CSOs (trade unions and

NGOs) *of labour* in this commercial setting. In this regard, more recent GPN research linking different actors provides valuable methodological guidance on mapping public (national and local state agencies); private (lead firm; national supplier; local producer); and local CSO (trade unions and NGOs) actors responsible for making, monitoring and enforcing the rules governing working conditions in GPNs, along with labour, who are considered active recipients of this process (Kaplinsky and Morris 2003; CTG 2010; Mayer and Posthuma 2012). The present study drew upon existing guidance on mapping labour operating in global production networks, to ensure that all categories of employee were engaged with in the research (male/female; permanent/casual; directly employed; migrant and third party contracted) (Barrientos 2002; Barrientos and Smith 2006; Barrientos 2007a).

Taking this into account, the following table provides a multi-scalar summary of the public, private, civil society organisations and labour involved in the governance *of commercial interactions* and/or governance *of labour*, which were mapped and investigated as part of this research:

Table 6. GPN actor mapping across global, national and local scales

	Private	Public	Civil Society Organisations
GLOBAL	Lead firms	ILO	International CSOs
NATIONAL	National suppliers	National state agencies (rulemaking)	National NGOs
	Fruit industry associations		National trade unions
LOCAL	Local producers	Local state agencies (enforcement)	Local NGOs
			Local trade unions
WORKPLACE	Employer Labour (permanent and casual)		

In order to capture this information and locate public governance in the broader global production network, and in line with existing methodological guidance, GPN mapping was undertaken as an iterative process, across global, national and local geographical scales (see Barrientos 2002; CTG 2010; Gereffi and Psilos 2011).

Firstly, the commercial and geographical configuration of the GPN under study was mapped at the global scale, in order to identify the trade flows, production levels and employment trends; generic value chain dynamics and lead-firm behaviour; and multi-lateral and private governance initiatives determining labour conditions and commercial interactions. Secondly, GPN mapping was then undertaken at the national scale, which involves tracing the value chain inter-linkages between lead

firms, national suppliers and local producers; aggregated worker and producer profiling within the production location; and identifying key public, private and CSO actors operating at the national scale engaged in the governance of labour within the production network being mapped. Thirdly, GPN mapping then took place at the local scale of production, in order to explore the linkages between commercial GPN functioning, and the governance of labour at workplaces incorporated into the production networks under study.

This was achieved by combining GPN mapping with a case-study approach, which allowed for the intense investigation of a particular phenomenon, drawing upon a variety of research methods (semi-structured interviews, focus groups; participant observation) with a view to providing an in-depth, empirical understanding of events, relationships, experiences or complex processes (Stake 2008; Yin 1984; Flyvberg 2011; Bryman 2012; Creswell 2003; Lewis and McNaughton Nicholls 2013). Therefore, utilising a case study approach was useful in providing an in-depth insight into how the commercial dynamics of GPNs shape and influence the governance of labour at the local scale of production, and in particular, how governance strategies play out for different groups of worker.

In line with a case study approach, my intention was to conduct ‘an empirical enquiry that: investigates a contemporary phenomenon within its real-life context, when the boundaries between the phenomenon and context are not clearly evident; and in which multiple sources of evidence are used’ (Yin 1984:23; Mabry 2009). In addition, my intention was to use this case in order to generate knowledge that is important to populations and researchers beyond the geographical boundaries of the selected case. In this regard, I purposefully selected the case in order to gain insights of a wider significance (Yin 1984; Denscombe 2007).

Therefore, by combining GPN mapping and case study investigation into the public governance of labour on a collection of production units connected to global production networks, I aimed to reveal important knowledge on the complex set of multi-scalar commercial processes and features inherent in GPNs, which are positioned to shape and influence governance outcomes for different groups of labour. Furthermore, in line with a case study approach, this research sought to gain different perspectives from a wider range of primary and secondary data in order to enable triangulation of sources (Lewis and McNaughton Nicholls 2013:66). This was achieved by engaging with a broad range of public, private, CSO actors and labour identified through GPN mapping with differing interests and agendas, involved in the governance of work on South African fruit farms and/or operating at different points in the global production network (Baxter and Eyles 1997; Lewis and McNaughton Nicholls 2013). It was also achieved by drawing upon multiple data collection methods, and then triangulating the information derived from each source. The intention of

integrating different perspectives on the case-study context, both in terms of participants and research methods, was to gain an in-depth understanding the role of public governance in addressing working conditions in fruit global production networks (Berg and Lune 2012; Creswell 2003).

However, from the outset it was important to acknowledge the limitations of adopting a case-study approach and in particular, the extent to which it is possible to generalise from the findings. In this regard, it was acknowledged that the findings generated were not representative of other cases, but specific to the case-study under investigation (Denscombe 2007:60; Stake 2008; Flyvberg 2011; Creswell 2003). Despite this, through early understanding of the study context and careful selection of the case based on specific criteria; triangulation of research methods, participant perspectives and post-fieldwork analysis of the labour crisis in South African fruit; it was possible to make important inferences that were indicative of wider trends and dynamics inherent in horticultural global production networks, and the governance of labour in this context.

A final point to mention with regards to the research methodology adopted in this study, relates to the often iterative nature of qualitative research, whereby '[s]ticking to any given research design, while standard good practice for our quantitative colleagues, usually is insufficient if we are seeking to pursue answers to the question "What is going on here?"' (Silverman 2013:50). Therefore, although I embarked on the research process with a carefully designed plan and clear rationale, the precise methods used and decisions regarding the research design were not completely predetermined (Berg and Lune 2012; Silverman 2013). Taking such a flexible approach led me to continuously revisit and monitor my research strategy, questions and findings and ultimately, incorporate a highly significant post-fieldwork event into the research in the form of a labour crisis in the South African fruit sector. This additional phase of research generated a sufficient source of rich, secondary data which served to strengthen the 'story' of this thesis, and warranted inclusion into the second empirical chapter.

Within this broader methodological GPN mapping and case study approach, I used qualitative data collection methods at various stages in the research process. During the GPN mapping phase, I drew upon a combination of secondary literature review and key informant interviews in order to build a comprehensive picture of the global production network under study. During the phase of case-study research at the local scale of production, I used a combination of semi-structured interviews, focus groups and participant observation. For these methods, I purposefully selected research participants. During the post-fieldwork phase of secondary research, I used document analysis to collect and analyse secondary data on the labour crisis in South African fruit.

On the basis of the previous discussion outlining my methodological approach, the following table provides an overview of the various research phases; the corresponding data collection methods; and research sub-questions addressed during each of the stages of research. This information will be unpacked in further detail over the course of the chapter.

Table 7. Research phases, methods and sub-questions

Research phase	Research Methods	Research sub-question addressed
GPN mapping at global scale	Secondary literature review (academic publications; industry reports; NGO and trade union publications; commercial websites; ethical trade websites)	What are the implications of the social and commercial dynamics of South African fruit GPNs for the public governance of working conditions? How should we best conceptualise the role of public governance in the GPN analytical framework, with particular regard to improving working conditions?
GPN mapping at national scale	Secondary literature review (academic publications; industry reports; NGO and trade union publications; state documentation; ethical trade websites) Semi-structured interviews with key informants (key expert, public, private, civil society organisations)	What are the implications of the social and commercial dynamics of South African fruit GPNs for the public governance of working conditions? How should we best conceptualise the role of public governance in the GPN analytical framework, with particular regard to improving working conditions?
Case study-research at local scale	Semi-structured interviews (public, private, civil society organisations, labour) Participatory observation Focus groups	How does governance of labour work in practice on South African fruit farms connected to GPNs? To what extent has public governance responded to multi-scalar tensions in fruit GPNs in improving working conditions and how has this played out in the crisis?
Post-fieldwork secondary research: documenting the labour crisis	Secondary literature review (press releases; state documentation; civil society and NGO publications; industry publications)	To what extent has public governance responded to multi-scalar tensions in fruit GPNs in improving working conditions and how has this played out in the crisis?
Data analysis and interpretation	Analysis of data generated by secondary literature review; semi-structured interviews; focus groups; participatory observation during each of the research phases described above	How does the example of fruit production networks in South Africa contribute to our understanding of the role of public governance in addressing working conditions in GPNs?

4.3 Research Phases

Phase 1: GPN mapping at the global scale (January 2012 – March 2012)

The core aim of this research was to address the overarching research question; *'To what extent do multi-scalar tensions in global production networks (GPNs) challenge the public governance of working conditions, and what are the lessons from labour operating in South African fruit production?'* Firstly, the commercial fruit sector was selected as it is export-oriented and labour intensive, with farming units in developing countries connected to lead firm supermarkets via co-ordinated global production networks.

The next step was to choose a country location for which to undertake fieldwork research, which was achieved via desk-based research and secondary literature review. The selection of South Africa as the focus of this research was information oriented and based on its relevance to the core research question (Flyvberg 2006). Firstly, existing academic literature has highlighted that South African fruit producers are connected to UK and European supermarkets through integrated and commercially functioning global production networks (Barrientos and Smith 2007; Barrientos 2013a; Barrientos and Visser 2012). In response to civil society and consumer pressure, UK and European supermarkets have introduced a raft of socially oriented codes of conduct in order to promote ethical trading practices and decent working conditions in the South African fruit sector. Alongside these private codes, the post-apartheid government has introduced a raft of labour laws and regulations in an effort to protect labour incorporated into South African fruit export farms, including criteria determining minimum wage levels; basic conditions of employment and health and safety standards. This national regulatory framework has also facilitated governance by local CSOs in the form of trade union and NGO protection and representation at the local production scale.

All of these features meant that the case of South African fruit provided the ideal basis for which to investigate the relatively under-researched role of national laws and regulations in addressing working conditions connected to global production networks. This approach to case selection is supported by Stake (1994:243), who advocates examining 'cases that seem to offer opportunity to learn... (or) that case from which we feel we can learn the most.'

This initial phase of desk-based research involved mapping the commercial and social configuration of the global fruit production network under study (Kaplinsky and Morris 2003; Barrientos 2002; CTG 2010). This phase of GPN mapping was aimed at addressing part of the first sub-question of the thesis, by developing a generic overview of the fruit global production network under study; *'What*

are the implications of the commercial and social dynamics of (South African) fruit GPNs for the public governance of working conditions?’ The purpose of gaining an understanding of commercial and social configuration of the fruit global production network, was to provide critical groundwork for which to conduct an in-depth, case-study investigation into the public governance of labour at workplaces connected to wider fruit GPNs.

This required isolating South Africa from analysis and focusing on the overall architecture of fruit global production networks, and the role of UK supermarkets in driving these networks, before returning to consider the integration of South African suppliers and producers in this map during the second phase of GPN mapping. A comprehensive literature review of academic; trade union and NGO publications; and specialised fruit industry websites provided a vital entry point in identifying lead-firm supermarkets in the UK sourcing from South African suppliers and local producers. Further information was then gathered by researching company websites and business reports, in order to gain a fuller understanding of these lead-firm supermarkets and their position in the fruit GPN; their global sourcing strategy and relationship with suppliers and producers; along with their value chain management and logistical operations.

An additional element of this secondary literature review was to document private governance strategies and labour codes of conduct, along with the commercial enterprises; multi-lateral organisations; international trade unions and NGOs positioned to influence sourcing strategies and ethical practices at the global level. Once again, academic¹⁰, trade union and NGO reports; and ethical trade websites such as SEDEX¹¹, the Ethical Trade initiative¹², and GlobalGAP¹³ provided an essential starting point for mapping existing multi-stakeholder and private labour codes of conduct in the fruit export sector, including the ETI base code and GlobalGAP. The websites of lead-firm supermarkets were then researched in order to document individual company codes of conduct, providing a comprehensive map of the existing ethical codes and initiatives in place within commercial fruit GPNs.

Finally, during this period I conducted an extensive literature review of global production network, governance and international development literatures, which contributed to addressing the second sub-question of the thesis; *‘How should we best conceptualise the role of public governance in the GPN analytical framework, with particular regard to improving working conditions?’* This was useful

¹⁰ Barrientos and Smith 2006; Gereffi and Lee 2009; Henson and Humphrey 2009; Gereffi and Fernandez-Stark 2011.

¹¹ Available at: <http://www.sedexglobal.com/ethical-audits/smeta/> Date accessed 3rd February 2012.

¹² Available at: <http://www.ethicaltrade.org/> Date accessed 5th January 2012.

¹³ Available at: http://www.globalgap.org/uk_en/ Date accessed 15th March 2012.

in terms of beginning to conceptualise the role of public governance in the GPN, resulting in developing a conceptual approach which locates national laws and regulations at the intersection of global private initiatives and governance by local CSOs, and alongside the commercial dynamic of production networks (see section 3.2, Figure 3). My intention here was to establish a solid analytical basis for which to go into the field, though I remained aware that any background research I had conducted to this point would be added to, modified and strengthened over the course of my field work.

Following developing a broader understanding of the commercial dynamics of the fruit GPN, and the position of lead-firm UK supermarkets and private governance initiatives at the global scale of production, the next step was to further interrogate the position of South Africa within these networks at the national scale.

Phase 2: GPN mapping at the national scale (April 2012 – May 2012)

The second phase of GPN mapping was undertaken to locate and explore in further depth the position of South Africa in the global fruit production network, and address in further depth the first sub-question of the thesis; *‘What are the implications of the commercial and social dynamics of South African fruit GPNs for the public governance of working conditions?’* The primary purpose of this task was to gain a broad understanding of commercial and social configuration of South African fruit global production networks, for which to conduct an in-depth, case-study investigation into the public governance of labour in this context.

The initial phase of desk-based research involved gathering data on the commercial and trade dynamics of the South African fruit export sector, drawing upon academic journal articles; industry and trade websites such as International Trade Centre (ITC)¹⁴, Hortgro¹⁵, and USDA¹⁶. Combined, this data provided useful insights into the quantity and shifting patterns of South African fruit exports to UK and European markets, though it remained fairly aggregate in nature without providing significant details of who produced what or how. In addition to documenting trade and export levels, additional mapping of the generic value chain linkages between UK and European supermarkets; national suppliers and local producers was undertaken at firm level, to identify key export and intermediary agents and production locations in South Africa.

¹⁴ Available at: <http://www.intracen.org> Date accessed 3rd May 2012.

¹⁵ Available at: <http://www.hortgro.co.za/> Date accessed 3rd May 2012.

¹⁶ Available at: <http://www.usda.gov/wps/portal/usda/usdahome> Date accessed 4th April 2012.

Secondary data was also gathered on employment trends and statistics from the Departments of Labour (DoL)¹⁷ and Department of Agriculture, Forestry and Fisheries (DAFF)¹⁸ websites; NGO and academic publications. This information provided macro-level information on the ratio of permanent/casual farmworkers operating in South African fruit. Whilst this aggregate data was useful in terms of elucidating employment trends at the national level, it did not provide sufficient detail in terms of the nature and type of jobs undertaken by different groups of permanent and casual farmworker.

This phase of desk-based research also involved mapping the public (laws and regulations), private (codes of conduct) and local CSO (trade unions and NGOs) governance standards and actors operating in South African fruit export. This required systematic examination of the Department of Labour website for documentation on the labour laws and regulations under study and potential research contacts. A continuation of private code mapping was undertaken, and involved accessing and exploring ethical trade websites specific to fruit producers in South Africa, such as Fruit-SA and WIETA. An extensive internet search also provided useful in mapping trade union and NGO organisations operating in South African fruit, which served as a useful starting point for which to enter into the field.

a) Key informant interviews with academic; public; private and CSO actors

As per existing methodological guidance on production network mapping, the next level of information obtained was via semi-structured interviews with 'key informants' (Barrientos 2002; Gereffi and Psilos 2011), who were purposively selected due to their knowledge and/or distinctive viewpoint on the South African fruit GPN (Woodhouse 1998:165). This initial round of interviews constituted the first phase of primary fieldwork in South Africa, and took place from April 2012 – May 2012. The bulk of these interviews took place in offices located in Cape Town and Stellenbosch, with the exception of five interviews with state actors, which took place in Pretoria. These interviews covered a range of issues relevant to the core research question, such as the commercial dynamic of South African fruit production; public (national laws and regulations) and private (codes of conduct) governance of working conditions and local CSO activity; and/or further information surrounding local labour relations and employment dynamics in this context.

¹⁷ Available at: <http://www.labour.gov.za/DOL/> Date accessed 14th May 2012.

¹⁸ Available at: www.daff.gov.za/ Date accessed 12th May 2012.

Initially, contact was made by emailing academics from PLAAS, the University of Cape Town, University of Stellenbosch and the University of Pretoria whose details I had been provided by my primary supervisor, Stephanie Barrientos. Through snowballing techniques (see Atkinson and Flint 2001; Denscombe 2007), these initial interviews resulted in subsequent key informant interviews with staff members at fruit industry associations, NGOs, trade unions and national government agencies (Department of Labour (DoL) and Department of Agriculture, Forestry and Fisheries (DAFF)). Access to participants at this stage of the research was relatively straightforward and helped by using intermediary contacts, as I found it easier to secure key informant interviews using the name of someone the participant knew. The principal challenge in terms of participant access at this stage of the research was securing interviews with NGO and trade union staff members, due to their busy and unpredictable schedules. This was overcome by adopting a flexible and persistent approach, in order to arrange an interview which fit in with their demanding work patterns.

The broad selection of interviewees at this stage in the research process was conducive to a GPN mapping and case study approach, which facilitates multiple viewpoints involving participant groups ‘with different perspectives on what is being observed’ (Lewis and McNaughton Nichols 2013:66). Such an approach increases the possibility of source triangulation by interviewing a broad range of sources operating at different points in the global production network, and/or with varying perspectives and agendas (Baxter and Eyles 1997; Lewis and McNaughton Nicholls 2013). The following table provides a summary of these initial key informant interviews, which covered a broad range of key expert, public, private and CSO actor participant types.

Table 8. GPN actor mapping and access at the national scale

GPN MAPPING IN SOUTH AFRICA			
Participant type	Interviewee type	Number of participants	Method of data collection
Key expert	Academic	8	Semi-structured interviews
	Agricultural labour consultant	1	
Public	Department of Labour	3	
	Department of Agriculture	6	
Private	Fruit industry associations	5	
Civil society organisation	Trade union	4	
	NGO	4	
TOTAL		31	

Semi-structured interviews were selected as the preferred data collection method at this stage, as they facilitated the broadening of discussion points and enabled me to focus on key areas of knowledge held by each key informant, in order to develop insights into the research issues (Denscombe 2007:175). In addition, semi-structured interviews were chosen as they allowed the research participant to raise issues they deemed relevant, despite them not being anticipated by the researcher. In all instances, semi-structured interviews were pre-arranged; conducted face to face at the participant's workplace; and recorded using a dicta-phone after obtaining consent (Bryman 2012). I attended each interview with a clear set of guiding questions and issues to be addressed which varied depending on the participant type, and in line with their particular knowledge base. However, during the interview, I remained consciously flexible in terms of the ordering of the discussion and more significantly, to allow participants to develop ideas and elaborate more widely on issues raised during the interview.

The outcome of this initial round of key informant interviews was two-fold. Firstly, I was able to gain a deeper understanding of the commercial dynamic of South African fruit GPNs; issues surrounding the public and private governance of working conditions; along with the role of local civil society organisations, local labour relations and employment dynamics in this context. Secondly, through snowballing techniques additional respondents were identified at firm level, along with useful information regarding potential research locations for which to conduct the localised case-study research.

Over the course of these two phases of GPN mapping, I developed a good understanding of the commercial dynamics of South African fruit GPNs; the public (laws and regulations), private (codes of conduct) and local CSO (trade unions and NGO) actors and standards operating in this context; along with a broad overview of the employment dynamics and labour relations on fruit farms connected to GPNs. The data gathered from this phase of the research was later triangulated with the case study findings, in order to analyse public governance outcomes in the context of broader commercial processes inherent in South African fruit GPNs. The next step was to conduct ground-level case study research, in order to develop an in-depth understanding of how public governance works in practice for different groups of labour incorporated into South African fruit GPNs, taking into account broader commercial processes and interactions.

Phase 3: Case study research at the local scale: Ceres, Western Cape (June 2012 – September 2012)

At this level, the purpose was to connect the dots with the previous phases of research and provide a more in-depth analysis of the linkages between the broader commercial and social dynamics of

South African fruit GPNs, and how public governance plays out on the ground for different groups of labour. In the first instance, this phase of research was aimed at addressing the third sub-question of the thesis; *'How does governance work in practice on South African fruit farms connected to GPNs?'* Here, I wanted to develop a detailed understanding of how governance works in practice on the farms under study; and the different public, private and CSO actors involved in this process at regional and local scales.

In addition, this phase of research aimed at exploring more critically the extent to which public governance has addressed working conditions on fruit farms connected to global production networks, by addressing the fourth sub-question; *'To what extent has public governance responded to multi-scalar tensions in fruit GPNs in improving working conditions (and how has this played out in the crisis)?'* This required engaging with a range of public (regional and local state agencies), private (suppliers; producers/employers; fruit industry representatives), local CSO (trade union and NGO staff) actors, and permanent and casual labour involved in the governance process on the farms under study. In doing so, I wanted to gain an in-depth understanding of the tensions that exist within and between different groups of actor in the public governance process; the extent to which public governance has protected different groups of worker; and the broader GPN dynamics which are positioned to shape and influence governance outcomes for labour.

a) Selecting the case-study location

The first task during this phase of the fieldwork was to select a case-study location for which to conduct an in-depth investigation into the public governance of labour in South African fruit GPNs. This task was aided by the first two phases of GPN mapping, which had provided me with an important understanding of the study context, and possible research locations.

Accordingly, as a result of the initial wave of key informant interviews combined with ongoing desk-based research, two possible research locations were identified; either the Hex River Valley or Ceres, both situated in the Western Cape Province. Firstly, both locations have been at the centre of South Africa's fruit export industry for a number of decades. Secondly, commercial fruit farming operations in both locations are highly integrated into a plethora of global production networks, linking fruit producers to lead firm UK and European supermarkets. Thirdly, fruit export farms located in both Hex River Valley and Ceres are characteristic of the commercially functioning, buyer driven value chains synonymous with horticultural GPNs across South Africa and in other developing countries. Fourthly, fruit export farms located in Hex River Valley and Ceres were subjected to state regulation of labour conditions; private codes of conduct driven by UK and European supermarket buyers;

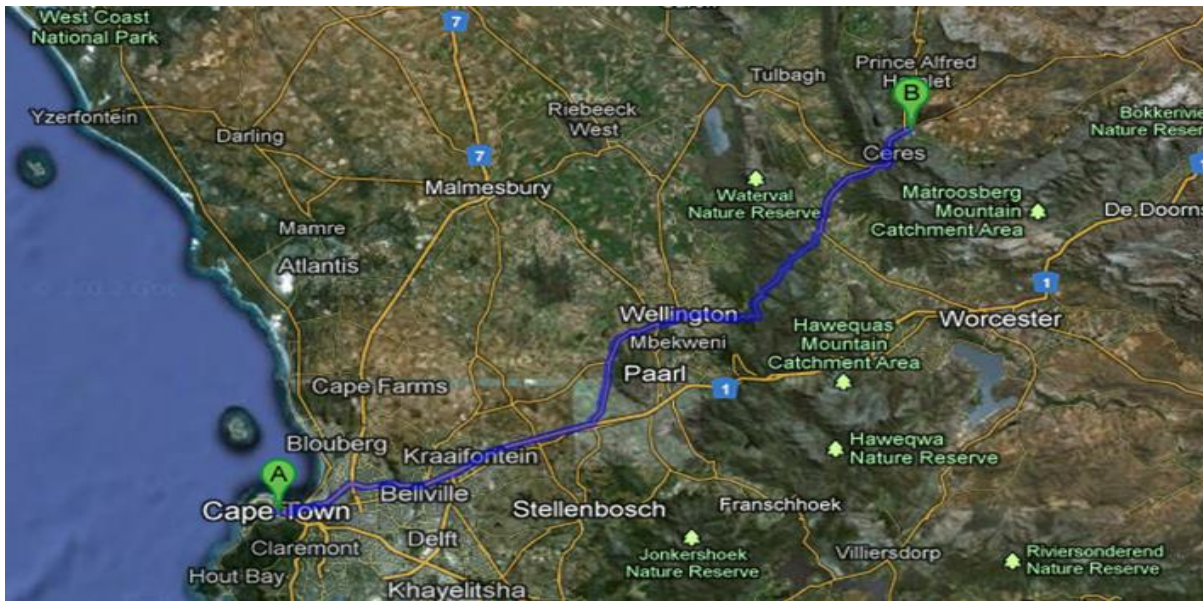
along with trade union and NGO efforts to organise and protect farmworkers in this production setting.

The selection of fruit farms located in Ceres, Western Cape as the primary research location for which to undertake the bulk of field research was purposive and 'information oriented' (Flyvbjerg 2006), made primarily on the basis of its relevance to the theoretical issue being researched. Whilst the Hex River Valley also constituted a suitable research location in terms of its relevance to the core research question, it was determined unsuitable on the basis that a substantial amount of academic research had recently taken place on fruit farms in this area, which may have rendered farm-access problematic, and those studies could be drawn on as recent secondary data and information.

A secondary factor contributing to the selection of Ceres as a research location was based on the fact that my supervisor was undertaking a parallel research project entitled 'Capturing the Gains', which focused on better understanding the commercial value chain dynamics of fruit global production networks in this region. Findings from this research provided complementary insights. It helped to triangulate information I received from private actors, whilst providing more in-depth analysis of the value chain dynamics and nature of commercial farm integration into fruit GPNs, including arrangements with suppliers and lead-firm buyers, along with the pressures and challenges that these relationships entailed. This complementary analysis provided a valuable commercial dimension to the investigation of public governance in a global production network context, and served to further strengthen the findings generated by the thesis.

A combination of these factors meant Ceres was an ideal location for which to explore public governance of labour, at the intersection of global private (codes of conduct) and local CSO (trade union and NGO) initiatives, in the broader context of commercially functioning global production networks. In terms of its specific geographical location, the town of Ceres is situated approximately 160km northeast of Cape Town, with the following map providing a visual representation of the research location:

Figure 4. Location map of Ceres, Western Cape



Source: google maps (2013) (Available at: <https://www.google.co.uk/maps/dir/Cape+Town,+South+Africa/Ceres,+South+Africa/> Date accessed 4th June 2013)

b) Engagement with public, private and CSO actors operating in Ceres, Western Cape

Having selected Ceres as the case-study location, the next step involved conducting semi-structured interviews with a broad range of local level public (regional and local state agencies), private (suppliers; producers/employers; private auditors; industry bodies), and local CSO (trade unions and NGOs) actors operating in the locality. These actors were purposefully identified as providing insights into the commercial dynamics and/or the monitoring and enforcement of labour standards on fruit farms in Ceres connected to GPNs. It was at this level that I endeavoured to build a more detailed analysis of the linkages between the commercial dynamic of global production, and how the governance of labour works in practice on South African fruit farms connected to GPNs.

Once again, semi-structured interviews were selected as the principal data collection method, as they enabled me to focus on key areas of knowledge held by each participant regarding how public governance works in practice on farms in Ceres, and/or the relevance of broader commercial dynamics of GPNs in shaping this process (Denscombe 2007:175). In addition, semi-structured interviews were chosen as they allowed the research participant to raise issues they deemed relevant, and which I may have not anticipated from the outset. All semi-structured interviews were arranged in advance; held at the participant's workplace; and recorded after obtaining consent (Bryman 2012).

The following table outlines the various public, private and CSO actors I engaged with during this phase of the research, along with the qualitative methods used. The subsequent discussion will outline in further detail how and why these participants were selected; along with the nature and form of engagement.

Table 9. GPN actor mapping and access at the local scale

CERES CASE STUDY			
Participant type	Interviewee type	Number of participants	Method of data collection
Public	Department of Labour (regional/local scale)	5	Semi-structured interviews / Participant observation
	Witzenberg Municipality	1	Semi-structured interviews
Private	Fruit industry association (regional/local scale)	3	Semi-structured interviews
	National Supplier	3	
	Private auditor	2	
Civil society organisation	Trade union	7	Semi-structured interviews
	NGO	3	
	Labour advice office	1	
TOTAL		25	

i) Public actors

Semi-structured interviews were undertaken with six actors operating at regional and local state agencies responsible for the monitoring and enforcement of labour laws and regulations in Ceres, in order to gain a deeper understanding of how public governance works in practice on the farms under study. Through an intermediary academic contact at PLAAS, I gained access to the provincial DoL office in Cape Town, resulting in an insightful joint interview with the Deputy Director of Labour Inspection and Enforcement services and a Senior Labour Inspector, both of which had many years' experience in monitoring the enforcement of labour laws and mediating tensions between employers and employees on fruit export farms in Ceres and the wider Western Cape.

Using snowballing techniques to access further respondents, I was then referred to the DoL Worcester office which is responsible for monitoring and enforcing public governance on commercial farms in Ceres. At this location, I conducted semi-structured interviews with two labour inspectors who had 11 and 12 years' experience respectively in enforcing public governance on fruit farms in Ceres and the surrounding region. I also discovered from interviews at the DoL Worcester office that a local DoL satellite office was in operation in Ceres, which also dealt with certain issues surrounding the public governance of working conditions on agricultural farms in the area. Subsequently, I made contact with a supervisory staff member at the DoL satellite office in Ceres and one employee working at the local Witzenberg municipality, which complimented findings from previous interviews. These interviews with public actors provided a comprehensive overview of the living and working conditions for different groups of farmworker operating on commercial fruit farms in Ceres, along with the operational capacity, challenges and pressures faced by local state agencies responsible for enforcing labour laws in this context.

An additional and unexpected source of data was derived from a form of participatory observation (Becker and Geer 1957:28; Denscombe 2007:206), whereby I accompanied a DoL inspector from the Worcester office at a routine labour inspection on a commercial fruit export farm in the region. This opportunity presented itself following interviews with DoL inspectors at the Worcester office, whereby it was agreed that accompanying an inspection would provide me with an in-depth and practical insight into how public governance works in practice on commercial fruit farms in the region. My participation on the inspection took the form of an openly recognised observer, having gained informed consent from those involved (Denscombe 2007:206). During the labour inspection, I shadowed the labour inspector, witnessing first hand and in significant detail the nature and form of the labour inspection. This form of participatory observation generated a wealth of insight into the tensions and interactions that existed between the inspector, employer and farmworkers over the course of the inspection, and how public governance works in practice in the locality under study.

ii) Private actors

Semi-structured interviews were conducted with eight private actors, positioned to provide important perspective on the commercial dynamics of fruit GPNs located in Ceres, and/or issues surrounding the governance of labour in this context. Snowballing techniques with national-level key informants resulted in interviews with three staff members operating at a regional fruit industry association that was highly active in the Ceres area. These interviews provided an insight into the production and export strategies of fruit producers; the economic challenges they faced in supplying

lead firm supermarkets in the UK and Europe; along with a critical industry perspective of farm working conditions and the governance of labour on fruit export farms in Ceres.

This information was supplemented by interviews with three national suppliers who were purposefully identified due to their intermediary role in sourcing fruit from a number of the commercial fruit farms in Ceres under study. These interviews elucidated the value chain dynamics of fruit GPNs in Ceres, including the commercial inter-linkages and relationships between local producers, national suppliers and lead-firm supermarkets located in the UK and Europe.

Finally, snowballing techniques were again employed to gain access to two private auditors, whose details were obtained from academic contacts working at PLAAS and UCT. These interviews provided a local-level perspective of private code enforcement, with both participants having undertaken ethical audits for lead-firm UK supermarkets on commercial fruit farms located in the Western Cape region. This allowed me to gain a valuable standpoint on farm working conditions and how private governance works in practice on fruit farms in the research locality; along with the economic pressures facing producers in adhering to private codes of conduct whilst meeting the stringent demands of lead-firm supermarkets.

iii) Local civil society organisations

Semi-structured interviews were conducted with 11 staff members at five locally based organisations which included three trade unions, one NGO and a labour advice office. These organisations and participants were purposefully selected on the basis of their knowledge of farm working conditions in the Ceres area, and role of trade unions and NGOs in this context.

The outcome of interviews with locally based trade unions and NGOs was two-fold. Firstly, they provided an additional perspective of the living and working conditions on fruit farms in Ceres; the resource constraints facing NGOs and trade unions in seeking to protect and represent farmworkers; and the localised tensions that exist within and between trade unions, NGOs, fruit producers, and farmworkers (permanent and casual) in this context. A secondary outcome of interviews with staff members at one of the NGOs, was gaining access to a number of off-farm interviews with farmworkers on the farms under study, which will be elaborated in further detail in the following sub-section.

c) Farm level research: thirteen commercial farming units in Ceres

The next level of information was obtained from employers and farmworkers operating on the thirteen case-study farms identified and investigated as part of this research. At this level of the

research, I aimed to build a more detailed analysis of the linkages between the commercial dynamic of GPNs, and how public, private and local CSO governance strategies play out for fruit producers and workers at the local scale production on the farms under study.

The first task was identifying and gaining access to fruit export farms in Ceres for which to conduct semi-structured interviews with fruit producers, HR and farm managers and farmworkers (permanent and casual), along with focus groups for this latter category of participant. Experienced academics at the University of Manchester, UCT and PLAAS had made me aware of the potential obstacles to accessing fruit farms in the Western Cape, due to the reticence of fruit producers to allow third-party access following adverse media and civil society reports, which negatively impacted their reputation with supermarket buyers. The situation was compounded by a recent Human Rights Watch (2011) report, highlighting the poor working conditions faced by farmworkers operating on Western Cape fruit and wine farms, which served to further dissuade fruit producers from engaging in my research.

The challenge of farm access was overcome by building a relationship with a 'gate-keeper' contact (Groger, Mayberry and Straker 1999; Atkinson and Flint 2001), who was working in a local organisation and agreed to put me in touch with a number of fruit export farms in Ceres. Whilst this was a significant breakthrough in the research in terms of gaining access to commercial fruit farms, I was conscious of the danger of gate-keeper bias, and aware that my contact may have been reticent or protective of the fruit producers and/or farmworkers I was attempting to engage (Groger, Mayberry and Straker 1999). I sought to mitigate this risk by holding a lengthy discussion with the 'gate-keeper' contact, explaining the nature of my research and need to engage with a cross-section of export-oriented fruit farms supplying large and consistent quantities of their produce to UK and European supermarkets, via integrated supply chains. On the basis of this discussion, I purposefully selected twenty commercial fruit farms in Ceres deemed suitable for my research on the basis of their production; export; and labour profile. Following attempts to engage with these farming units via the intermediary contact through email and telephone, thirteen of the twenty fruit producers granted me access to partake in research on their farm. Of the seven fruit producers that were unavailable, four were not contactable by phone and the remaining three were too preoccupied with farming duties to participate in the research.

Semi-structured interviews were adopted as the main research method at this level, as I wanted to engage employers and farmworkers in their experiences and perceptions of public governance on the farm which they believed were important and which I may not have anticipated, thereby allowing alternative explanations to unfold (Woodhouse 1998). Consistent guidelines were

developed to allow employers and farmworkers the time and space to elaborate on their perception of public governance, whilst mitigating the risk of steering the topic of conversation to reaffirm existing assumptions and answers to the research question (Creswell 2003; Denscombe 2007; Bryman 2012). Focus groups were also conducted with permanent and casual farmworkers, with further justification for the selection of this research method outlined below. The following table contains a breakdown of employers and farmworkers operating across the thirteen farming units under study engaged with as part of this research, along with the method of data collection used:

Table 10. GPN actor mapping and access at the workplace scale

FARM LEVEL				
Participant type	Interviewee type	Number of participants (male)	Number of participants (female)	Method of data collection
Employer	Fruit producer	16	0	Semi-structured interviews
	HR manager	0	8	
	General manager	6	0	
	Labour contractor	1	0	
Labour	Permanent	5	6	Semi-structured interviews
	Casual	3	6	
	Permanent	2	2	Focus groups
	Casual	15	2	
Total (male and female)		48	24	
TOTAL (all participants)		72		

i) Employers

On visiting the thirteen commercial fruit farms in Ceres, I conducted semi-structured interviews with 27 staff members including fruit producers, general managers, HR managers and administrative managers. The personnel selected for interview were done so on the basis that their role was directly related to the management of public and private governance compliance and working arrangements on the farm; and/or they were able to provide information on commercial arrangements with suppliers and buyers, and their perceptions of the opportunities, pressures or challenges that stemmed from these arrangements.

On smaller operations the farm owner and/or their wives who were effectively HR managers, tended to take on the administrative duty of compliance to national labour laws and regulations, and private codes of conduct. On the larger commercial farms, dedicated HR and general managers were tasked with the job of adhering to public and private governance of working conditions. On some occasions, I conducted an initial interview with the farm owner, who would then allow me to speak to the HR manager in order to acquire more specific details around employee management and the technicalities of adhering to public governance on the farm.

The objective of the interviews with fruit producers, farm managers and HR representatives operating on the farms under study was to understand the tensions faced by producers who are responding to commercial pressures inherent in GPNs such as managing costs of labour and delivery schedules on the one hand, whilst being subjected to a raft of state regulation of labour conditions on the other. The questions were designed to understand the main drivers influencing their employment strategies, with particular emphasis on their perceptions of the role of governance standards designed to improve working conditions.

ii) Labour

Semi-structured interviews were carried out with 20 farm workers operating on the fruit farms in Ceres under study, on the basis that they are able to provide information about the nature and conditions of their employment, along with first-hand perspective of the role and effectiveness of public, private governance and locally based CSOs working to improve these conditions. As per existing methodological guidance on GPN mapping and in order to address the core research question, it was critical to access all groups of worker, and minimise the risk of being guided to more regular or permanent workers who form the core of the workforce (Barrientos and Smith 2006; Barrientos 2007a). For this reason, the present study sought to gain access to all categories of worker (male/female, permanent/casual, directly employed, off-farm, migrant and third party contracted).

Access to farm workers was achieved by pursuing two separate lines of enquiry. Where possible, access to farmworkers was gained through the farmers themselves, with the caveat that I selected the participants to interview in order to avoid selection bias. This resulted in ten farm worker interviews, and one focus group. However, some farmers did not permit access to worker interviews, either because workers were busy and unavailable, or due to farmers' reticence about their workforce being interviewed. Subsequently, thirteen off-site interviews were conducted with farmworkers employed by the farms under study, through contacts made with a local labour centre

and an NGO operating in Ceres. By conducting off-site interviews with farmworkers, this allowed me to triangulate information given on site and reveal information that may not have been forthcoming.

In semi-structured interviews with permanent and casual farmworkers, I asked about their perception of working conditions on the farms and their employment situation. I also asked them about their perception of the extent to which national laws and regulations; private codes of conduct and trade union organisations operating in the area were adequately protecting them. These interviews sought to move beyond tangible details regarding compliance rates for various aspects of working conditions (i.e. minimum wages; basic conditions of employment) and gain an in-depth understanding of their overall experience of the extent to which the governance process had addressed, improved or worsened their working conditions on the farm.

Additionally, I conducted four focus groups with 21 farmworkers, in order to learn from a variety of farmworker views and opinions on their perception of working conditions on farms; the extent to which public governance (national laws and regulations) had changed their working conditions; what changes had occurred; and whether these changes were positive or negative (Liamputtong 2011). The use of focus groups was chosen, as they allow participants to engage in discussions, offering their views and opinions whilst responding to previous comments, resulting in responses that can move to a 'deeper and more considered level' (Liamputtong 2011; Finch, Lewis and Turley 2013:212). The following table provides a brief summary of the three focus groups undertaken during the research, including the location (on/off farm) and farmworker category (permanent/casual; male/female):

Table 11. Number and type of focus group participants

Focus group	Number and type of participants	Location (on/off farm)
1	4 x casual, farmworkers (all male)	Off-farm
2	1 x labour contractor and their team of 8 x third-party contract workers (all male).	Off-farm
3	3 x casual farmworkers (3 male)	Off-farm
4	4 x permanent farmworkers (2 male, 2 female) and 2 x casual farmworkers (2 female)	On-farm

The first three focus groups involved casual farmworkers who were familiar with one another, creating an environment of informality, rather than an interview in which I could be considered an

'outsider' (Denscombe 2007; Finch, Lewis and Turley 2013). Within the context of these focus groups, dialogue was created that tended to stimulate a shared perception from farmworkers regarding employment arrangements and the governance of working conditions on commercial fruit farms in Ceres. During these sessions, farmworkers became far more animated and at ease in talking amongst themselves on issues which they clearly felt passionately about.

The fourth focus group involved a contrasting dynamic, whereby differing opinions and diversity of views between permanent and casual farmworkers arose, regarding employment arrangements, public governance and in particular, the role of trade unions. As the discussion progressed, this resulted in a withdrawal of the casual farmworkers from the dialogue which I found interesting, but remained conscious of not wanting to force the issue and risk causing undue stress to this minority participant in a heterogeneous group (Finch, Lewis and Turley 2013:231). Subsequently, for quite different reasons, all three focus groups served to generate rich and in-depth information that could not otherwise have been obtained from a more formal interview environment.

4.4 Post-fieldwork secondary research: documenting the labour crisis

As mentioned in my description of the research methodology (section 4.2), whilst I entered into fieldwork with a coherent set of objectives and questions, I also acknowledged the importance of maintaining flexibility during the exploration of unanticipated issues and/or events (Berg and Lune 2012; Silverman 2013).

Immediately following the period of primary fieldwork outlined in the previous section, an unprecedented event occurred in the Western Cape fruit sector which had significant implications for my thesis. In November 2012, a labour crisis emerged in the Western Cape sector and spread throughout the region over the subsequent four months. During this period, thousands of predominantly casual farm workers operating on fruit farms in the Western Cape downed tools and staged a series of strikes demanding higher wages, better working conditions and increased trade union representation. Over the course of the labour crisis, major highways were obstructed and labour strikes were associated with high levels of violence, resulting in numerous commercial farming operations being torched and the death of three farmworkers. Commercial farming operations in Ceres, the primary location of this research, constituted one of the principal locations of the unrest and the farms under study were highly affected by the strikes.

Due to the significance of this singular event to my own research into the public governance of labour on fruit farms in Ceres connected to GPNs, and following useful discussions with my supervisory team, I undertook a subsequent phase of desk-based, secondary research documenting the labour crisis as it unfolded (Denscombe 2007:216). Consequently, I modified the corresponding sub-question to this phase of the research to incorporate the labour crisis into analysis, represented by the emboldened text; *'To what extent has public governance responded to multi-scalar tensions in fruit GPNs in improving working conditions **and how has this played out in the crisis?***

Significantly, I had observed various tensions between different public, private, locally based civil society organisations and labour operating in the case-study location of Ceres, which then played out over the course of the labour crisis. Furthermore, a number of the actors I had engaged in interviews became key players as the crisis unfolded and spread throughout the Western Cape. However, it was not possible to return to the Western Cape region to conduct primary research over the course of the labour crisis, due to a lack of resources and time.

For this reason, I adapted my strategy to the external circumstances and conducted a prolonged period of secondary research from November 2012 to March 2013, in order to record key events and tensions between different actors over the course of the crisis. With this in mind, I documented all relevant press releases, civil society reports, Department of Labour and fruit industry statements and publications relating to the crisis. In doing so, I was conscious of the potential value of secondary research as an additional source of data and wider perspective on my primary fieldwork findings (Silverman 2010), whilst being aware of the need for careful scrutiny of the quality and relevance of the data (i.e. different behaviour of participants via media and online engagement) (Flick 2009; Gibson 2010; Markham 2011; Lewis and McNaughton Nichols 2013).

In order to establish the validity of secondary data collection during this phase of the research, I drew upon a close link established with an experienced researcher at UCT, Margareet Visser, who was also part of the Capturing the Gains team exploring the commercial dynamics of fruit GPNs in the Western Cape, described in further detail in the previous section. Over the course of the crisis, Margareet conducted primary research into the underlying causes of the unrest; key actors involved; and farmworker motivations for staging protests against their employers and government agencies. I held regular skype discussions with Margareet over the course of the labour unrest and took comprehensive notes, which I used to triangulate with my secondary data on the crisis.

The objective of this additional phase of research was to investigate how tensions within and between public (state), private (fruit producers; national suppliers; lead firms; industry associations);

CSO (trade unions and NGOs) actors and farmworkers (permanent and casual) operating in fruit GPNs played out over the labour crisis, and the implications for the public governance of labour. Key events which occurred over the crisis (permanent and casual farmworker conflict; trade union negotiations; fruit industry and producer statements; Department of Labour response to the crisis) were documented and analysed using NVIVO software. As will be reported in chapter 6, the process of recording and analysing the labour crisis served to elucidate commercial and social tensions within and between these various actors involved in the governance of labour on commercial fruit farms connected to GPNs. As a result, this subsequent phase of secondary research provided a critical additional perspective on my research question and primary fieldwork findings, and contributed further to the story of this thesis.

Having outlined the various forms of primary and secondary sources of data collected in the present study, the following section will outline the methods of analysis.

4.5 Data analysis and interpretation

The methods of analysing the data relate to the GPN/public governance framework (outlined in section 3.2), in order to understand how the roles and interactions of public, private and CSO actors operating at multiple geographical scales in the GPN, shape and influence public governance outcomes for labour. For this reason, triangulation of sources was important to account for the different types of participants operating at various scales in the GPN, as well as the different sources of primary (semi-structured interviews; focus groups; participatory observation) and secondary (media reports, industry literature, state documentation, academic publications; trade union and NGO reports) data.

To begin with, primary data collected from interviews, focus groups and participatory observation was collated and organised into various themes, by different GPN actor categories (public, private, CSO, labour) operating across geographical scales. This was done using NVIVO software to codify and classify the data, which was subsequently used to generate theory (Blaikie 2000). Initially, case codes were generated for participants and coded according to variables such as participant type, occupation, gender, age etc. Following this process, an initial phase of theme coding was conducted in order to identify key topics of interest and begin to organise these into broad themes for each of the principal GPN actor categories.

Although common themes emerged across each of the participant categories, differences arose depending on the role and perspective of the actor in the fruit GPN. Such variations in emerging themes are identifiable in terms of whether the GPN actor was positioned to formulate and implement (state actors); monitor (civil society organisations); was on the receiving end of public governance in terms of employment strategies or working conditions (private actors and farm workers); or in a position to give critical insights into the dynamics of the fruit GPN under study, both in terms of the commercial dynamic of fruit production, local labour relations and the role of public governance initiatives in this setting (private actors, state actors, farm workers and CSOs). The following table provides an indication of the broad themes that emerged from this preliminary coding exercise for each of the participant categories.

Table 12. Broad themes emerging from initial coding by GPN actor category

Public actors	Private actors	CSO actors	Labour
Roles and responsibilities of participant	Roles and responsibilities of participant	Roles and responsibilities of participant	Roles and responsibilities of participant
Description, agenda and activities of state department	Firm activities and upstream/downstream value chain linkages	Campaign activities on working conditions and public governance	Perception of working conditions on commercial fruit export farms
Perception of working conditions on commercial fruit export farms	Perception of working conditions on commercial fruit export farms	Perception of working conditions on commercial fruit export farms	Perception of employer-employee relationship on the farm
Public governance enforcement processes and activities	Drivers of employment decisions and strategies	Perceptions of public governance on commercial fruit export farms	Public governance processes and experiences
Public governance compliance levels	Public governance processes and experiences	Private governance processes and experiences	Engagement with national and local state enforcement agencies and experiences
Challenges to enforcing public governance of working conditions	Challenges to adhering to public governance	Interactions with other private, state actors and workers in public governance process	Private governance processes and experiences
Perceptions of private governance initiatives	Perception of the role of trade unions/NGOs on the farm		Interactions with other private, state actors and CSOs in public governance process
Perception of trade union/NGO role in public governance process	Interactions with other private, state actors, CSOs and workers in public governance process		
Interactions with other private, CSO actors and workers in public			

governance process			
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From these broad themes, a process of further exploration and identification of more focused points was undertaken, by organising sub-codes where participants raised other relevant issues, answered specific questions with more detailed information or where topics were repeatedly raised, such as ‘minimum-wage levels’. It is important to note that in analysing the interview / focus group data I was consciously aware of the specific context within which our interactions took place. To this end, it was necessary to repeatedly cross check the interview / focus group transcriptions with the original recordings, in order to gauge the mood and tone of responses. This included reference to any lengthy delays or pauses, which allowed for a more precise interpretation of participant responses. This process of refining the data took place over a number of rounds and where new sub-codes were added, interview and focus group transcriptions coded earlier were revisited to begin to identify trends within and across the different groups of GPN actor.

These trends were then cross-analysed within and across GPN actor groups via participant triangulation, in order to verify data and highlight contradictions within and across different groups of actor. For instance, working conditions on the farms under study were clearly perceived very differently by fruit producers, in relation to trade union and NGO actors operating at the local scale. Equally, permanent and casual workers provided differential perceptions of wage levels and the role of trade unions and NGOs on the farms under study. Verifying data provided by different GPN actors across various themes, provided a deeper understanding of how public governance plays out for different groups of worker incorporated into fruit global production networks on the farms under study.

In addition, source triangulation was used across geographical scales in the GPN, in order to cross-check case-study findings at farm level with data obtained from secondary literature review and key informant interviews undertaken as part of the GPN mapping phase. For instance, data generated from engagements with fruit producers and farmworkers have been analysed in the context of wider literature on the commercial dynamics of South African fruit global production networks; interviews with fruit industry associations and national suppliers; and in conjunction with a parallel research project entitled ‘Capturing the Gains’ which focused on better understanding the value chain dynamics of fruit GPNs in the Western Cape, South Africa. This enabled me to locate and analyse public governance outcomes for permanent and casual farmworkers, in the context of wider commercial interactions in the broader GPN.

Following this initial stage of fieldwork data analysis, secondary data on the labour crisis was incorporated into NVIVO, coded and analysed. Here, I cross-checked themes taken from the first round of fieldwork data analysis with secondary data on the labour crisis, whilst generating new themes and codes in the process. The purpose of this phase of the analysis was to interrogate how tensions between commercial pressures inherent in GPNs and the public governance of casual labour (determined over the initial phase of fieldwork analysis), played out and was illuminated during the labour crisis. By triangulating primary fieldwork findings with post-fieldwork analysis of secondary data on the labour crisis, it was possible to make important inferences that were indicative of wider commercial trends and dynamics inherent in horticultural global production networks, and the governance of labour in this context.

4.6 Challenges and ethical issues

a) Language issues and research assistants

For all participant categories other than farm workers, I conducted interviews in English as respondents were fluent in this language. For farm worker interviews with respondents who did not speak English, I recruited a research assistant who was fluent in Afrikaans to act as a translator. When interviews were recorded in Afrikaans and translated into English my research assistant would transcribe them verbatim, including notes where interruptions and significant pauses took place. The research assistant was listed on the consent form and signed a declaration of confidentiality.

b) Researcher positionality

An additional key challenge I found throughout the research was my positionality in the field. As noted by numerous authors, researchers inevitably influence their surroundings and the production of data, and it is impossible to maintain a neutral position or remain uninvolved (Denscombe 2007; Hammersley and Atkinson 2007; Bryman 2012). I was therefore conscious throughout the fieldwork that my position as a researcher was something I was forced to critically reflect on and factor into my interactions with research participants.

I found that this manifested itself in many different ways depending on who I was talking to, and their own personal position. I made sure that I kept all of my critical reflections on my interviews and focus groups documented in my fieldwork diary, to use as a reference point in conjunction with the interview and focus group data. In particular, I found that my position as a white, foreign male in the

field perhaps gave me certain kinds of access to farmers and prompted them to explain themselves in more open and honest ways than would otherwise have been the case, due to the fact that I fell within the same racial profile. References and generalisations were made by certain farmers I interviewed with regards to the racial nature, attitude and abilities of their workforce. I felt such statements may not have been made had I not been the race and gender that I was, along with my openly expressed apolitical position as a researcher in the field.

In contrast, certain farm workers that I spoke to held initial reservations about speaking to me, owing to the fact that I was a white male. This was expressed to me in no uncertain terms by one intermediary contact who told me that had they not been accompanying me or reassuring the farm workers that I held no malicious agenda, I would have been unable to speak to them. I was aware of this dynamic throughout my interviews with the farm workers, and made special efforts to explain to them that I harboured no underlying agenda, and that the purpose of our interview was to better understand their working conditions, along with their perceptions of the public governance. When it came to conducting interviews with farm workers, I did find my position as a researcher extremely difficult to overcome, which in some cases may have restricted the participant from speaking openly and freely.

These are some examples of my reflections on my positionality throughout the fieldwork process. I found that documenting my personal observations and feelings on these dynamics in a fieldwork diary was an effective way of recording my awareness of these kinds of issues, and accounting for my position as a white, male researcher in the field.

c) Research ethics

In embarking on fieldwork, I acknowledged that ethical considerations are essential to the research and the rights and welfare of participants must be appreciated and protected at all times (Creswell 2003; Bryman 2012). The ethical approach of this study drew upon previous observations in international development-oriented qualitative research, acknowledging that ethical judgements are complex and dependent on 'particular situations and contexts' (Abbott 2007:209). This requires the researcher to adopt a set of guiding ethical principles, whilst being mindful of 'subjective, value-laden and personal interpretations' that have 'enabled us to build relationships and, in turn, widen our understanding of their specific situations' (Abbott 2007:209).

The ethical guidelines for this research were based on the University of Manchester research ethics procedure and the ESRC ethical framework for conducting qualitative social science research. These principles were strictly applied to the present research, particularly along the lines of participant

confidentiality, anonymity and transparency. Given the sensitive nature of this research, which investigated the contentious topic of farm working conditions, these issues were taken very seriously. The employment practices of commercial farmers had been the subject of recent media scrutiny, which made them suspicious of my intentions. Certain farm workers I met were also wary of my agenda, given their economic vulnerability and reliance on their employer for an income. For this reason, all research participants were made aware of the research and its purposes from the outset through verbal communication, before being provided with a consent form explaining the nature of research. Anonymity and confidentiality were ensured by keeping information strictly for the purpose of this research, and not sharing it with any third parties. Participants were also asked to give consent for audio recording of the interviews, which only took place if participants were happy with this to proceed. In the case of participants who were illiterate, either I or the research assistant would ensure that the purpose of the research was fully explained along with the content of the consent forms, before requesting a signature. All participants were given the choice of signing the consent form and proceeding with the interview or withdrawing from the process at any stage.

A particular challenge I experienced in terms of ethics concerned the study of certain participants who belonged to a 'vulnerable population' (Creswell 2003:64). In the case of farm workers whose working and living arrangements were sometimes extremely challenging, there was a risk that 'even asking someone quite innocent questions could be disturbing to that person' (Blaikie 2000:19). In order to address this issue, I used my subjective and personal interpretation of the specific situation to build relationships with the participant, and redirect the discussion to another topic if the participant showed signs of feeling uncomfortable or distressed. In the event that highly sensitive labour violations at work sites were disclosed, I had with me at all times the contact details of a specialised advice bureau (the Centre for Rural Legal Studies), should workers request information or support relating to sensitive issues. Fortunately this course of action was not required at any stage during my fieldwork.

4.7 Conclusion

This chapter has provided an account of my research methodology, methods, experiences and challenges of conducting research and primary fieldwork for my thesis. I have outlined my methodological approach to the research, combining GPN mapping with a case study approach. I then discussed in further detail the process of case and participant selection; research methods and data sources used; the approach to data analysis; along with the limitations, challenges and ethical

issues faced and my attempts to overcome them. I believe that given the challenging nature of this research, I was able to generate a large amount of primary and secondary data for which to address my research question. Whilst a case study approach does not provide statistically representative or generalizable findings, it can provide in-depth insights into diverse dimensions and tensions that the research sought to explore. I hope to demonstrate that the data obtained from my research has provided me with an in-depth understanding of the extent to which multi-scalar tension in GPNs challenge the public governance of working conditions, along with the implications for labour operating in South African fruit.

Chapter 5: Public governance on commercial fruit farms in Ceres connected to GPNs

5.1 Introduction

This chapter reports on and discusses public governance of working conditions on the thirteen commercial fruit farms in Ceres investigated as part of this research. In doing so, it aims to answer the sub-question: *'How does governance work in practice on South African fruit farms?'* The principal objective of this undertaking is to provide the reader with a fuller understanding of the role of public governance in addressing work on commercial fruit farms connected to GPNs, at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). As per the focus of this thesis, an additional aim is to illuminate the wider commercial environment into which the fruit farms are integrated, along with the changing workforce dynamics in this context.

In order to address this sub-question, the opening part of the chapter sets the scene by reporting on industry data and key informant interviews undertaken at the sector level, in order to provide a contextual overview of the commercial dynamics of South African fruit global production networks.

The second part of the chapter then turns to report on the case-study findings. This discussion begins by profiling the fruit farms in Ceres under study, with information provided on annual fruit production; value chain integration; export levels and workforce composition. This will be followed by a discussion of the value chain linkages and interactions between global lead firms, fruit exporters and producers, in order to gain a better understanding of the commercial environment into which the fruit farms are integrated. This aspect of the reporting seeks to contribute to existing research, via a more tangible and coherent conceptualisation of the multi-scalar commercial dimension of production, which has not been sufficiently incorporated into analysis of public governance to date.

This will be followed by an in-depth examination of the workforce composition on the fruit farms under study, including the number and percentage of permanent and casual workers; directly or third party contracted; male or female etc. This aspect of the reporting aims to give the reader a feel for the case study farms, including a detailed look at the composition of the workforce and fruit producers' employment strategies, which varied from farm to farm depending on the size, type of operation and quantity of workforce required. As will become clear, increasing levels of casualisation have occurred on all of the farms under study, which can be attributed to the wider commercial

dynamics of the fruit GPN, combined with increasing costs of production. This unpacking of the farm workforce provides important context for the subsequent discussion on public governance, at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity), which have been implemented to address working conditions on South African fruit farms connected to GPNs (described in further detail in chapter 2). As highlighted previously in the theoretical chapter 3, this aspect of the study seeks to contribute to existing GPN research, which has given the labour dimension limited analytical attention, particularly regarding differential governance outcomes for a diverse permanent and casual workforce operating at the local workplace scale of the GPN.

The third part of the chapter will then examine public governance of working conditions on the fruit farms in Ceres under study, including the local enforcement process; farm strategies in place for complying with national laws and regulations; and compliance rates found across the thirteen farms under investigation. The reporting takes into account the views and perceptions of different actors involved in the process of monitoring, enforcing and experiencing (fruit producers; HR managers; permanent and casual workers) national labour laws and regulations on the farms under study. To begin with, the discussion will focus on the public governance enforcement process on the fruit farms in Ceres, by describing how national laws and regulations are implemented in this context, including the role of the Department of Labour and frequency of inspections per farm under study. This will be followed by a brief commentary on how private codes of conduct (Ethical Trade Initiative and GlobalGAP) have been enforced in this setting, in terms of the frequency and nature of social audits. The discussion will then turn to consider how public governance has played out on the fruit farms in Ceres under investigation, in terms of compliance rates and producer/worker experiences. This discussion will be divided into the following categories of working conditions: minimum wages; basic conditions of employment and contractual arrangements; health and safety; freedom of association. For each category of working condition, the corresponding public governance standard will be discussed, in terms of compliance and employer/worker experiences on the farm, along with a separate commentary on how private codes of conduct have served to address this issue.

Accordingly, the reporting will focus primarily on how public governance, in the form of national laws and regulations, has played out in practice on fruit farms in Ceres. That said, as outlined previously in chapter 3, these nationally based public governance standards can be seen as operating at the intersection of private initiatives (codes of conduct), and governance by local CSOs, in the form of trade union and NGO activity at the workplace scale. Therefore, these wider forms of global private codes of conduct and governance by local CSOs will also be incorporated into the

analysis of national labour laws and regulations in addressing working conditions. The objective of this aspect of the research is to shed further light on the role of public governance in protecting labour on workplaces connected to global production networks, which has not sufficiently been incorporated into GPN research to date.

The fourth and final section will conclude the chapter by summarising how working conditions are governed on South African fruit farms integrated into global production networks. As will be outlined in this section, the fruit farms under study were found to display high levels of compliance to public (national labour laws and regulations) and private (codes of conduct) governance for minimum wage payments; basic conditions of employment (working hours; paid leave), contract and record keeping; UIF payments; and health and safety standards. Furthermore, for these aspects of working conditions, national laws and regulations were found to provide a higher standard than private codes of conduct, rendering public governance the primary driver in determining the minimum regulatory benchmark. However, private codes of conduct played a critical role in increasing compliance for this set of standards, due to a combination of increased frequency of social audits and producer motivations to retain contracts with lead firms. Additionally, the Labour Relations Act comprised the public governance standard determining farmworker access to governance by local CSOs, in the form of freedom of association and trade union representation. Once again, public governance was the determining standard which private codes of conduct referred to for extending farmworker access to governance by local CSOs on the farms under study. However, the findings here indicate that despite public and private standards allowing farmworkers the right to local CSO protection and representation on paper, this had not been realised in practice with trade unions inactive on the farms under study.

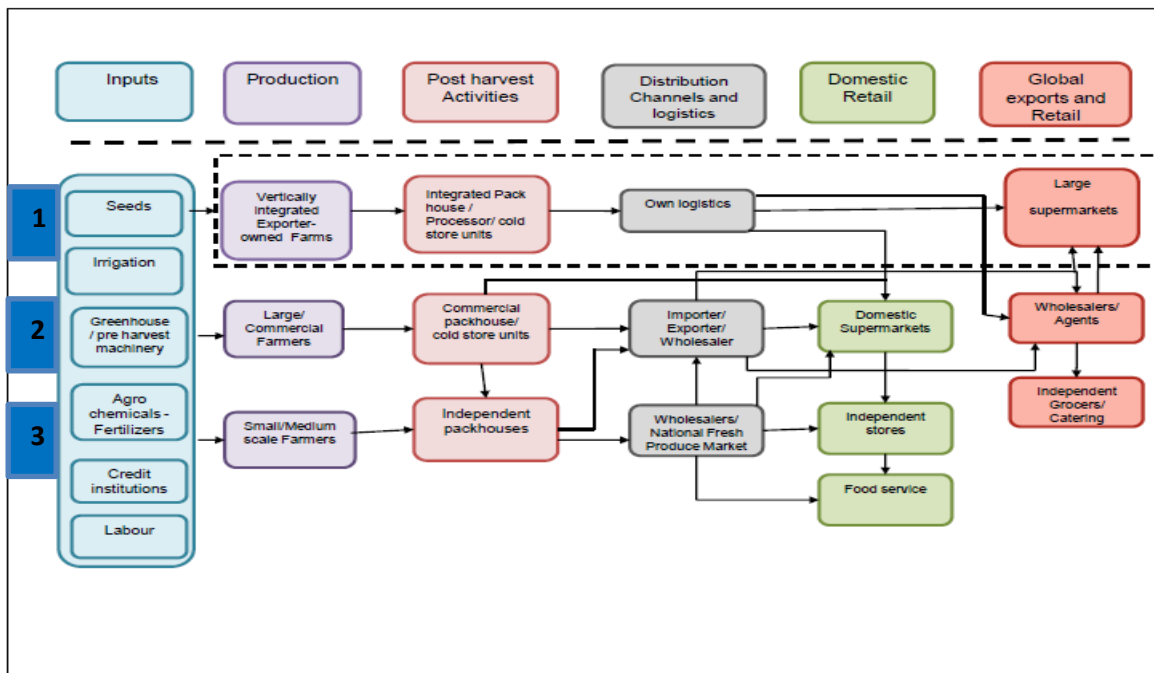
5.2 Overview of South African fruit global production network

A primary feature of commercial fruit GPNs located in South Africa has been to sell directly, either through coordinated supermarket value chains or via import/export agents, primarily into continental Europe and UK. Since the 1990s, fruit GPNs in South Africa have been largely characterised by European supermarkets purchasing fruit via a system of pre-programming, by which requirements are set out approximately 6-9 months in advance of fruit purchase; the bulk of fruit purchased on a consignment basis with no fixed or minimum price guarantees; trade co-ordination via supermarket 'preferred suppliers' who utilise designated import/export agents and relations built on trust and 'gentleman's agreements' (semi-structured interviews, fruit industry

expert; national supplier). A recent shift in this commercial dynamic has been for certain lead-firm supermarkets to take over functions previously carried out by preferred suppliers and agents, and further integrate towards the centre of the value chain, managing operations such as direct purchasing, distribution and logistics (Barrientos and Visser 2012). Conversely, larger South African commercial fruit farms connected to fruit GPNs are beginning to integrate further up the value chain, taking on more vertical functions such as logistical and distributional functions in order to capture more of the value of fruit production (semi-structured interview, two fruit industry experts).

The following diagram represents a simplified visual representation of a commercial fruit value chain. The top row represents each of the interconnected nodes in the value chain, from inputs to production; post-harvest activities; distribution channels and logistics; domestic retail and global exports and retail. Below that, the diagram contains three forms of distinguishable, simplified commercial fruit value chains, drawing on three types of GVC governance identified by Gereffi, Humphrey and Sturgeon (2005); integrated, modular and arms-length. The first value chain is an integrated chain, whereby a single fruit producer is integrated further up the value chain into logistics and distributional functions, directly supplying the distribution centres of large supermarkets in South Africa and abroad. The second value chain represents a modular chain, with closer inter-connections between different commercial actors at each node, linking fruit producers to importer, exporter or directly to South African supermarkets. These first two value chains are representative of larger commercial fruit farmers located in the Western Cape, South Africa, which were the primary focus of this investigation on the basis that they were highly integrated into global production networks. The third value chain in the diagram depicts an arms-length chain, characterised by market-based commercial relations between actors, with sales occurring through selected agents, wholesalers and national fresh produce markets (NFPMs), who would then supply both domestic South African supermarkets and export agents (Barrientos and Visser 2012:12).

Figure 5. Simplified South African commercial fruit value chain



Source: adapted from Barrientos and Visser (2012:13)

As outlined in chapter 2, previous research has highlighted how supermarket buyers in the commercial fruit sector in South Africa are able to control production without direct ownership of the production process (Humphrey and Schmitz 2001; Barrientos and Visser 2012). In particular, supermarket buyers are able to extract ‘economic rents’ from a weaker supply base, by ‘concentrating on ‘value-added’ consumer-oriented activities, such as design, branding and cultivation of market niches’ (Kaplinsky 1998, cited in Barrientos 2013a:3). Semi-structured interviews with fruit industry experts and national suppliers drew attention to the increasing raft of private standards which govern the quality and safety of the fruit produced, best-practice agricultural processes and ethical practices on the farm¹⁹ (semi-structured interviews, two fruit industry experts; two national suppliers). As a result, these interviewees described a trend by which UK and European supermarkets are placing increasing quality demands on South African fruit producers, whilst negotiating hard on price and demanding consistent volumes of low-cost, competitively priced fruit (semi-structured interviews, two fruit industry experts; two national

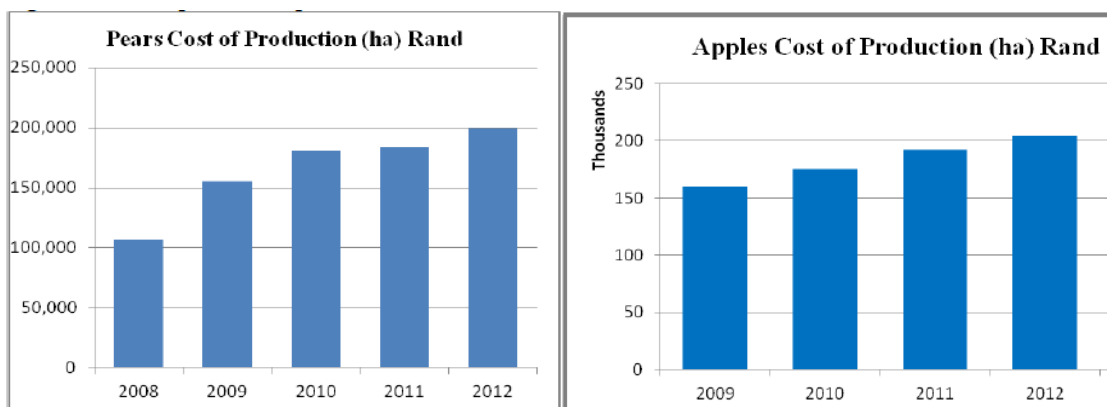
¹⁹ In the South African fruit sector, the principal private standards governing agricultural process and quality standards highlighted by fruit industry experts and national suppliers, are GlobalGAP, Nurture (Tesco), Field to Fork (M&S), HACCP, Fairtrade, British Retail Consortium (BRC), Leaf (Waitrose). The principal ethical audit which applies is the ETI base code.

suppliers). This is reflective of a 'catch 22 situation', whereby South African fruit producers are expected to meet strict quality standards whilst associated cost and risk is passed down the chain.

Recent research into the commercial pressures inherent in South African fruit GPNs has sought to estimate the cost distribution along the value chain for fresh fruit produce. Although such estimation is very difficult due to the variable nature of the costs and prices of fruit production, Barrientos and Visser (2012) provide an example of value chain distribution of final retail price for table grapes from the Western Cape, South Africa to the UK in 2011. Their findings suggest that 42% of final retail price is captured by supermarket buyers, 32% is gained by distribution, with only 18% received by growers (Barrientos and Visser 2012:17-18).

Alongside these rising costs of adhering to private codes and standards enforced by global lead firms in the value chain, recent industry data has indicated additional increases in fruit production costs (Hortgro 2012; USDA 2013). This has been attributed to increasing input costs such as pesticides and fertilizer; fuel and electricity; packaging materials; planting materials for rootstock and seedlings; and most significantly, labour, which a recent study estimated as comprising 52% of gross farm income (Barrientos and Visser 2012; Hortgro 2012; USDA 2013). As a result, despite an increase in South African fruit exports, a combination of global commercial pressures inherent in the fruit production process combined with rising production costs, had resulted in a reduction in net profits for fruit producers (Hortgro 2012; USDA 2013). These rising deciduous fruit production costs are reflected in the following data, which provide an indication of the increasing costs of fruit production in the period preceding this research.

Figure 6. Graph demonstrating rising cost of pear production per hectare from 2008 to 2012, and apple production from 2009 to 2012



Source: USDA (2013)

A lengthy interview with an industry informant drew particular attention to the increasing costs of fruit production for South African producers, including pesticides and fertilizer; fuel and electricity; packaging materials; planting materials for rootstock and seedlings; and most significantly, labour, which was estimated as accounting for 40-50% of gross farm income (semi-structured interview, fruit industry expert). These findings correspond with wider industry data reported above, which reflect the rising costs of fruit production in the period preceding this research.

This discussion has highlighted the broader commercial dynamics of South African fruit GPNs, characterised by high levels of product value capture by lead-firm supermarkets relative to fruit producers. The bargaining power of supermarkets is further strengthened by their ability to control the production process via an increasing raft of product, agricultural process and ethical standards, whilst transferring costs and risks onto fruit producers. A combination of these global commercial pressures facing fruit producers has positioned them in a weakened bargaining position relative to lead-firm supermarkets. In addition, the global commercial pressures placed on fruit producers have been exacerbated by rising production and labour costs, which have further strained their overall profit margins. This broad overview of the fruit global production network provides important contextual background for which to explore in further depth the nature and form of producer integration into fruit GPNs, and how public governance of labour plays out in this commercially driven context.

5.3 Profile of the fruit farms in Ceres under study: commercial context and workforce composition

This section begins by profiling the fruit farms in Ceres which were investigated as part of this research. The purpose of this section is to gain a better understanding of the nature and form of GPN integration for the different fruit farms under study, and the interactions between global lead firms, national suppliers and local producers. The key aim of this discussion is to determine how these global commercial dynamics have shaped the workforce composition on fruit export farms in Ceres connected to GPNs. This summary of commercial integration and workforce composition on the farms under study is undertaken to provide important context for the main focus of this chapter, which is on how public (national laws and regulations), private (codes of conduct) initiatives and governance by local CSOs work in practice on fruit farms connected to GPNs, for different groups of a variegated workforce.

With this in mind, the following table describes key aspects of the fruit farms in Ceres under study, in terms of their annual production levels; type of fruit produced; production destination (export or domestic); value chain integration and workforce composition. This data will be used as a guide for the remainder of the section, which will explore in further depth the nature and form of commercial integration into fruit GPNs and fruit producer employment practices.

Table 13. Production; export and workforce profile of fruit farms in Ceres

Farm	Fruit produced	Annual volume of fruit produced (tonnes)	% of fruit exported to global supermarkets	% of fruit for local supermarkets and wholesale	Export destination	Value chain integration	Export Agent	Total number of permanent farmworkers year round (male/female)	Total number of casual farmworkers peak season (male/female)	Permanent workers as % of overall workforce (peak season)	Casual workers as % of overall workforce (peak season)	Casual worker categories (off-farm; internal migrant; foreign migrant; contract worker)	Casual workers: directly employed or labour contractor
FM1	Apples, peaches, pears, nectarines	23,969	80	20	UK, Europe, USA	Production; pack-house; cold store unit; export	Farm controls portion of export function (sells direct to supermarkets); SU1	202 (118M/84F)	819 (386M/433F)	20	80	Internal migrant (Transkei); foreign migrant (Lesotho)	Directly employed
FM2	Apples and pears	22,000	70	30	UK, Europe, Asia, Africa	Production; pack-house; cold store unit; export; logistics	N/A – farm controls export function (sells direct to supermarkets)	108 (77M / 31F)	520 (270M / 250F)	17	83	Internal Migrant (Eastern Cape)	Directly employed
FM3	Apples, pears, plums, apricots, peaches	8990	75	25	UK, Europe, USA, Middle East	Production; pack-house; cold store unit	SU1	200 (115M/75F)	430 (260M/170F)	32	68	Internal migrant (Eastern Cape)	Directly employed
FM4	Apples and pears	7500	65	35	UK, Europe, Middle East, Far East Africa, USA	Production; pack-house	SU1; SU2; SU3	108 (71M / 37F)	379 (219M / 160 F)	22	78	Internal migrant (Eastern Cape); foreign migrant (Lesotho)	Directly employed
FM5	Apples, pears	7500	80	20	UK, Europe, Middle East, Africa	Production; pack-house; cold store unit	SU3	155 (86M/69F)	376 (194M/182F)	29	71	Off-farm; internal migrant (Eastern Cape)	Directly employed
FM6	Apples, pears and peaches	7000	80	20	UK, EU, Russia, Canada, Middle East	Production only	SU2	72 (41M / 31F)	88 (65M / 23F)	45	55	Off-farm	Directly employed
FM7	Apples and pears	7000	70	30	UK, Europe, Africa	Production only	SU2; SU3	25 (15M / 10F)	200 (120M / 80F)	11	89	Internal Migrant (Eastern Cape)	Labour contractor
FM8	Apples and pears	6800	70	30	UK, EU, Far East, Middle East, Africa	Production; pack-house; cold store unit	SU1	62 (32M / 30F)	120 (100M / 20F)	34	66	Internal Migrant (Eastern Cape)	Directly employed
FM9	Apples,	4000	70	30	UK, Europe,	Production;	SU2	77 (29M / 48F)	104 (52M /	42	58	Off-farm	Directly

	pears, plums				Middle East, Far East, Africa	pack-house			52F)				employed
FM10	Pears, peaches	4000	65	35	UK, Europe, Middle East, Russia	Production; pack-house	SU2	56 (27M/29F)	43 (25M/18F)	57	43	Off-farm	Directly employed
FM11	Apples, pears, nectarines, plums	4000	65	35	UK, Europe, Canada, Russia	Production; pack-house; cold store unit;	SU1; SU2	24 (14M/10F)	101 (52M/49F)	19	81	Off-farm	Labour contractor
FM12	Peaches and pears	2085	70	30	UK, Europe, Middle East, Africa	Production; pack-house	SU3	35 (20M / 15F)	21 (17M / 4F)	62	38	Off-farm	Directly employed
FM13	Apples, pears, plums, peaches	1553	70	30	UK, EU, Middle East, USA	Production; pack-house	SU4	45 (21M / 24F)	100 (40M / 60F)	31	69	Off-farm	Directly employed

Source: Author

a) Highlighting the commercial context on fruit farms in Ceres: value chain integration and dynamics

As highlighted in chapter 2, following de-regulation of the fruit sector in the late 1990s, a significant shift occurred in the fruit production landscape (described in further detail in section 2.3). Following disbandment of the regulated single marketing channels for fruit exports (Unifruco and Outspan), South African fruit producers were newly exposed to global competition, particularly with major producers such as Chile and New Zealand operating in the same seasonal window (Symington 2008; Tregurtha et. al. 2010). Fruit producers interviewed repeatedly expressed the view that the process of de-regulation had created both economic opportunities in the form of increased gross farm income via export revenue, alongside real challenges as they sought to restructure their farming operations to meet UK and European supermarket demands for consistent supplies of high quality fruit at globally competitive prices.

On all of the farms under study, the majority of fruit produced was destined for global markets via co-ordinated global production networks, with a smaller percentage supplied to domestic supermarkets and wholesale market traders (see table 13). The UK and continental Europe remained the primary export destination of fruit produced, although a relative trend was observed towards export for additional destinations such as Africa, Asia, the U.S. and the Middle East. Whilst all of the farms were highly integrated into increasingly co-ordinated global production networks, the nature and form of GPN integration varied across production units, depending on the size and scale of the operation and ability to integrate up the value chain. With the exception of FM1 and FM2, all of the farms under study were integrated into GPNs via a 'modular' value chain, whereby the fruit producers established close connections with one or more of a selection of suppliers operating in the Ceres area (SU1, SU2, SU3, SU4). This was due to the fact that these farms were unable to produce the '*critical mass*' of fruit volumes to export on their own, meaning they had to supply via an intermediary agent in order to provide lead firm supermarkets with the required quality and quantity of fruit (semi-structured interview, fruit producer FM4).

In this more common 'modular' arrangement, fruit producers would select their chosen suppliers on the basis of a combination of factors, including the desire to build a sustainable producer-supplier relationship based on mutual trust, and projected returns on their produce (semi-structured interviews, seven fruit producers). Fruit producers stressed the importance of using a supplier who met this criteria, due to their perception that lead-firm supermarkets based in the UK and Europe were positioned to negotiate hard on price and demand fruit at a low cost on the one hand, whilst demanding a raft of product, production process and social standards, the cost of which were driven

down onto producers (described in further detail below) (semi-structured interviews, four fruit producers). Having selected a preferred supplier / suppliers, fruit producers would then devise a growing strategy for the coming year to ensure the required quantity and quality of fruit were produced based on pre-agreed quotas with suppliers, which adhered to the demands of lead-firm supermarkets at the global scale of the production network.

A different strategy was adopted by FM1 and FM2, which represented the two largest farms under study in terms of size and annual fruit production, following a significant process of farm expansion and consolidation after de-regulation. As a result, these farms were able to achieve a 'critical mass' of fruit quantity to be able to supply UK supermarkets directly. Both farming units had undertaken an integrated value chain strategy, having made significant internal investments in their operations to be able to produce, pack, cold-store and export their goods, with FM2 also taking on logistical and transportation functions. Fruit producers on both of these larger farming units described the benefits of creating and maintaining a direct relationship with lead-firm supermarkets, which enabled them to gain a better understanding of the type; quantity and quality of fruit required for the upcoming harvest period, as well as strengthen their relationship with lead-firm buyers (semi-structured interviews, fruit producer and general farm manager FM1; fruit producer FM2). In addition, interviews with national suppliers and key industry experts highlighted the preference of lead-firm European supermarkets to source fruit directly from larger producers who were in a stronger position to meet stringent low-cost, high quality buying requirements. This was due to a combination of factors, including their ability to understand the end market in Europe and adapt to volatile market and changing requirements; the internal resources in place to adhere to the raft of private social and product audits; and finally the size of their operation allowed them to obtain economies of scale on volumes sold (semi-structured interview, national supplier SU1; key industry expert). These issues of farm size and the benefits of selling direct to supermarkets via integrated value chains were highlighted by one general farm manager operating on FM2:

'The fruit export industry is going through a stage where the size of the operation is important. The smaller farmers are battling, you know, because of de-regulation, they find themselves in an open market system where he is going to put his fruit into, you know... someone else is going to market his fruit normally and his fruit goes somewhere in the world, and he doesn't really, he doesn't really, he doesn't follow exactly where his fruit goes to. So he may not get the best price for his fruit' (semi-structured interview, general farm manager FM2).

The discussion thus far has detailed how the fruit farms under investigation adopted varying value chain strategies in order to supply lead-firm supermarkets either directly, or through national suppliers, with the required quantity and quality of produce. Whilst this provided fruit producers with clear benefits in terms of increased sales to lead-firm supermarkets, these value chain arrangements also presented significant economic challenges. Within the fresh fruit GPN, there is intense competition between different GPN actors for a share of the value received for the fruit product, and it is extremely difficult to estimate the value chain distribution due to the variation in price paid for the fruit produced (as pointed out by Kaplinsky and Morris 2003; Barrientos and Visser 2012). That said, fruit producers were aware of the fact that much of the value of the fruit they produced at farm level was captured upstream by GPN actors operating at the head of the value chain. This was explained in an interview with a fruit producer and farm manager operating on FM5. The farm owner began by justifying his decision to functionally upgrade to packaging and processing, due to the loss of value at farm level:

'Me and four producers bought a packing house last year so we're further down in the value chain also to cope, to be as long as possible in this chain because just being on the farm itself is not that good. You are losing out on a lot of value on your product before it's processed or packed and before it ends up on the shelf in the U.K or wherever' (semi-structured interview, fruit producer FM5).

The second interviewee then went on to estimate the value lost by fruit producers on the exported fruit, and the limited value captured at farm level for the overall value of fruit produced:

'Let's put it in balance for you, for R10 that is spent in the supermarket in the UK on fruit, the farmer down here, it's about R2 he gets, for that fruit. And that, he's got to pay everything on the farm, and also his return on investment' (semi-structured interview, farm manager FM5).

Such a finding corresponds with data reported in the opening section of this chapter, which estimated the value chain distribution for horticultural value chains located in the nearby Hex River Valley supplying UK supermarkets in 2011 to be as follows: 42% of final retail price captured by supermarkets; 32% captured by national suppliers; whilst 18% is received by growers (26% if pack-house is included) (Barrientos and Visser 2012:17). However, whilst value chain distribution gives an important insight into the share of final retail price, it does not provide an indication of the net margins earned by fruit producers following deduction of actual production costs at farm level.

Indeed, fruit producers and national suppliers complained that global lead firms were negotiating hard on price on the one hand, whilst enforcing a raft of value chain sourcing requirements such as

rising quality standards at production level, combined with new packaging formats (supermarket branded packaging in order to retain brand identity) at the national supplier level (semi-structured interviews, five fruit producers; national supplier). Fruit producers highlighted the rising costs of private audits which covered a range of issues monitoring agricultural production practices in terms of product quality and best practice fruit production processes (British Retail Consortium (BRC); HACCP; GlobalGap; Nurture; Field to Fork; LEAF) and social standards (Ethical Trading Initiative) as putting significant pressure on their net returns (semi-structured interviews, eight fruit producers). Whilst the cost of implementing these standards varied by farm depending on the size and scale of the audit, producers reported that GlobalGap audits cost R6000; BRC pack-house audits were estimated at R12000 and ethical audits R8000 (semi-structured interviews, four fruit producers). Subsequently, the owner of the largest fruit farm under study estimated that the costs of the private audit process for their farming operation was in the region of R150,000 per annum (semi-structured interview, fruit producer FM1). As a result, this farm owner explained that the economic pressures associated with adhering to these global private codes and standards, resulted in a localised response from producers in the form of workforce restructuring and casualisation in order to cut the overall costs of production:

'The farmer has just got to comply with a lot of private regulations which cost him money, so he cannot also look after his workers. He lets the labour move away and then employs them on fixed-term contracts to cut the costs' (semi-structured interview, fruit producer FM1).

Alongside these rising costs of adhering to private codes and standards enforced by global lead firms in the value chain, fruit producers reported additional increases in production costs which placed further economic pressure on their overall net profit. These findings correspond with broader industry data reported in the opening section of this chapter. In particular, they reflect the global commercial pressures exerted by powerful supermarket buyers operating at the head of the GPN over locally based fruit producers, who are under pressure to meet the challenging quality standards required, whilst keeping production costs to a minimum in order to remain competitive in the global economy (see also Nathan and Kalpana 2007; Posthuma and Nathan 2010). As a consequence, fruit producers interviewed were facing a combination of global commercial pressures placed on them by lead firm supermarkets in terms of stringent price negotiation alongside increasing private audit costs, coupled with increasing input costs, particularly regarding labour, due to the implementation of post-apartheid public governance initiatives. Although obtaining financial information on farm incomes is highly challenging as private firm employers are reluctant to divulge commercially sensitive information, fruit producers in Ceres reported an overall decrease in net profits in recent

years, with one farm owner stating that; *'the margins (of overall net profit) get smaller and smaller and smaller. It's declined from 24 to 21 to 13 to 11%'* in the time period from 2000 to 2012 (semi-structured interview, farm manager FM1). This data corresponds with a recent study by Barrientos and Visser (2012) highlighting a reduction in net profit margins on fruit farms connected to GPNs in the same region, due to global commercial pressures, rising input and labour costs over the same time period, which outweighed gross farm income gained from fruit exports (described in further depth in section 5.2).

As a result of this combination of global commercial pressures placed by lead firm supermarkets onto producers and rising production costs, a parallel shift in the composition of the farm workforce was observable on all of the commercial fruit farms connected to GPNs under study. All fruit producers and HR managers interviewed reported an increased use of casual labour alongside a reduced core of permanent, on-farm labour since the transition to democracy in 1994 and in particular, implementation of the minimum wage in 2003. This tendency to draw upon increasing numbers of casual labour resulted from a need to reduce labour costs, which as described above constituted a large percentage of overall input costs; along with the fact that a flexible, casual workforce allowed fruit producers to vary their workforce in response to global commercial pressures and uncertain climatic conditions (semi-structured interviews, two HR managers; six fruit producers). The following section will turn to unpack in greater depth the composition of the workforce on the farms under study, in order to highlight the process of casualisation which has taken place in this setting. This aspect of the reporting is significant for the present thesis, as an in-depth unpacking of labour arrangements on the farms under study provides important context to allow for a more nuanced assessment of public and private governance outcomes for different members of a variegated employee base.

b) Profiling labour arrangements on fruit farms in Ceres: a variegated permanent and casual workforce

Closer examination of the workforce composition across the 13 farms under study reflects an intensive process of casualisation, with greater numbers of casual relative to permanent workers utilised on all but two of the sites (FM11 and FM13) during peak seasonal periods (as indicated in table 13). Increased levels of casualisation were generally found on the larger commercial fruit farms in terms of production volume (FM1, FM2, FM3, FM4, FM5), whereby casual workers constituted as much as 68% - 83% of the overall workforce during high season, whereas on certain smaller farming units the casual component remained at only 38% (FM12) and 43% (FM10) (see table 13). The

average ratio of casual relative to permanent workers found across all of the sites under study was 68% to 32% respectively during high season. Fruit producers explained that the number of casual workers they recruited relative to permanent employees had increased in the years following de-regulation of the fruit industry, combined with the introduction of labour legislation such as the minimum wage in 2003 and ESTA in 1997, which increased permanent workers' tenure security rights on the farm.

Consequently, fruit producers interviewed repeatedly explained the need to reduce expenditure on labour due to a combination of increasing production and labour costs on the one hand, whilst remaining competitive in terms of supplying global lead firms with the required volumes of low-cost, high quality fruit on the other. For this reason, fruit producers had made steps to restructure their workforce and retain a shrinking core of permanent workers, who formed an intermediary layer beneath junior management, and were tasked with adhering to the high-quality production and agricultural farming practices demanded by lead firm supermarkets. These permanent workers carried out duties such as tractor and spray drivers, clerical aids, crèche teachers and assistants, machine operators, pack-shed and field supervisors. Alongside these permanent workers, an increasing core of low-skilled casual workers were recruited to perform more manual functions, such as pruning trees, picking and sorting fruit and clearing.

Whilst fruit producers across the sites under study were found to use varying employment strategies in terms of the number and ratio of permanent and casual farmworkers; the location from which casual workers were sourced; and the use of third-party labour contractors, certain discernible trends were evident. Smaller commercial farming units which required relatively fewer casual workers in comparison to larger producers, were able to source the required quantity of labour from the surrounding townships, such as Prince Alfred's Hamlet, Nduli and Bella Vista (FM6, FM9, FM10, FM11, FM12, FM13). Larger commercial fruit farms took a contrasting approach, due to the fact that they required greater numbers of casual workers at peak seasonal periods that were simply not available from the surrounding townships. These farms opted to directly source internal South African migrant labour from the Eastern Cape (FM2, FM3, FM7, FM8); use a combination of internal South African and foreign Lesotho labour (FM1, FM4); or use a mixed strategy of utilising both off-farm casual labour from surrounding townships and internal migrant labour from the Eastern Cape (FM5). There was an evident political dimension to this process of farmworker recruitment for the larger farming units, with producers stating the increasing difficulties of obtaining permits for foreign, Lesotho workers, which had driven them to cut down on this practice and begin sourcing greater numbers of casual workers from the Eastern Cape and Transkei. On all of the farms under

study, fruit producers drew upon on-farm casual labour to varying degrees, who tended to be the wives of permanent male workers, in order to supplement the overall casual workforce during peak-seasonal periods.

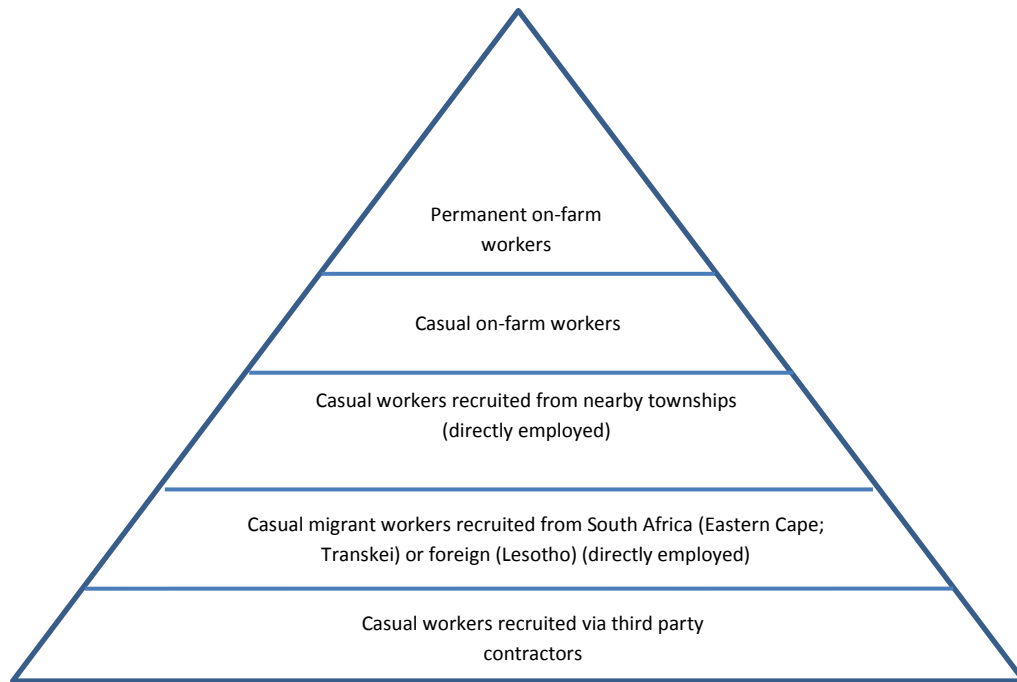
Across all of the farming units, casual farmworkers were employed on a range of fixed term contracts, varying from 3-6 months in duration. Fruit producers explained that these fixed term contracts provided them with sufficient flexibility to recruit casual farmworkers to undertake particular activities such as harvesting, pruning or thinning in correspondence with a specific production period. With the exception of two farming units which used labour contractors (FM7 and FM11), fruit producers employed casual workers directly, in order to retain control over legal and contractual arrangements for farmworkers and offset any risks of malpractice (semi-structured interviews, four HR managers, eight fruit producers). This point was made in an interview with a fruit producer operating on FM4, who stated:

'Labour brokers are not in our business. That's not even negotiable because if he's not doing his work right or not following the labour law, I am still responsible. So why should I take a chance? We don't take the chance.' (semi-structured interview, fruit producer, FM4).

Despite the flexibility of fixed term contracts and perceived risks of rescinding contractual arrangements to third party agencies, two of the farms under study (FM7, FM11) made use of labour contractors in order to source casual workers over seasonal periods. Both of these producers explained their decision to utilise a labour contractor was primarily to offset the administrative burden associated with recruiting and transporting large numbers of workers over a short time period (semi-structured interviews, two fruit producers FM7, FM11). In addition, the producer on FM11 stated that an additional reason was due to previous logistical difficulties in returning foreign, migrant labour back to Lesotho in previous years, which had resulted in significant financial penalties from government (semi-structured interview, fruit producer FM11). However, in both cases, fruit producers opted to use only registered labour contractors, maintained oversight of contractual arrangements and ensured UIF payments were made to contracted employees, in order to offset legal risks and potential exploitation of workers by the labour contractor (semi-structured interviews, two fruit producers FM7, FM11).

In order to summarise the previous discussion on the labour dynamics observed on the farming units under study, the following labour pyramid aims to encapsulate the varying categories of permanent and casual farmworker which, as mentioned above, was dependent on the size/scale of the farming unit and method of recruitment (direct/third-party contract).

Figure 7. Summarising the workforce composition on fruit farms in Ceres



Source: Author

The purpose of the discussion thus far has been to provide an insight into the global commercial dynamic of fruit production on the farms under study, with particular attention given to the interactions between global lead firm supermarkets and local fruit producers. As highlighted in the opening part of this section, fruit producers have been subjected to commercial pressure from global lead firms for consistent supplies of low-cost produce on the one hand, whilst bearing the costs of adhering to a raft of standards designed to ensure product quality and safety; best-practice agricultural production processes; and ethical employment practices are in place. These commercial pressures on local producers have been compounded by increasing input and labour costs, which have placed an additional squeeze on their net return. In response to these various economic pressures, fruit producers have opted to restructure their workforce, resulting in high levels of casualisation which was observed on the farms in Ceres under study, and outlined in this sub-section. Fruit producers were found to have drawn upon increasing numbers of low-cost casual workers, alongside a shrinking core of skilled, permanent workers, in order to keep the overall cost of labour down whilst adhering to the stringent quality demands of lead firm supermarkets. This narrative has provided important context for the remainder of this chapter, which seeks to unpack in further detail the role of public governance at the intersection of global private initiatives (codes of

conduct) and governance by local CSOs (trade union and NGO activity), in addressing working conditions for different groups of a variegated workforce.

5.4 Exploring public governance of working conditions on fruit farms in Ceres

Having outlined the global commercial dimension inherent in fruit production and subsequent casualisation of the workforce on farms in Ceres, the discussion will now turn to examine the public governance process in this context. As highlighted in chapter 2, following the transition to democracy in the mid-1990s, a raft of public governance measures were established at the national scale by the ANC government, in an attempt to protect previously exploited farm workers in South Africa. Whilst these laws and regulations were applicable to all aspects of the South African labour market, they had a particular significance for farmworkers, who were previously exempt from the majority of labour regulation that existed under apartheid. Indeed, it has been widely acknowledged in policy and academic circles that this raft of labour laws and regulations in South Africa represent a highly comprehensive set of public governance standards in relation to other developing and emerging economies (see section 2.2 for further discussion) (Barrientos, Kritzinger and Rossouw 2004; Theron, Godfrey and Visser 2007).

The remainder of this section seeks to outline the role of public governance in addressing working conditions on the thirteen fruit farms in Ceres under investigation. Accordingly, the discussion will focus primarily on how public governance, in the form of national laws and regulations, has played out in practice on fruit farms in Ceres. That said, as outlined previously in chapter 3, these nationally based public governance standards can be seen as operating at the intersection of private codes of conduct (ETI base code and GlobalGAP), and governance by local civil society organisations at the workplace scale. Therefore, the role of these wider forms of global private and local CSO initiatives in addressing working conditions will also be incorporated into the reporting on public governance. The purpose of this discussion is to explore in further depth how working conditions are governed on fruit farms in Ceres connected to global production networks, for different groups of labour.

5.4.1 Public governance enforcement on commercial fruit farms in Ceres

In terms of the public governance enforcement process on commercial fruit farms in Ceres under study, the local DoL Worcester office was responsible for administering national labour laws and regulations in this area. Following interviews with staff members at this office, it was found that 4 labour inspectors were responsible for enforcing labour regulations on fruit farms in Ceres, along with the wider regional area of Robertson, de Doorns, Montague and Rawsonville. Subsequently, the chief of labour inspectors at this office estimated that his staff of 4 labour inspectors were responsible for enforcement on commercial fruit farms in Ceres, as well as approximately 800 farming units in the surrounding region and workplaces across 14 sectors of which agriculture was only one (semi-structured interview, Chief DoL inspector, Worcester Office).

On this basis, the Chief of Labour Inspectors at the DoL Worcester office felt his team was severely under-resourced to effectively enforce labour regulations on agricultural farming units under their coverage. Secondly, this lack of available labour inspectors was compounded by the geographical spread of farming units, which provided an additional logistical constraint in terms of DoL inspectors gaining access to remote commercial fruit farms. Thirdly, the Chief of Labour Inspectors at the DoL Worcester office raised concerns about the lack of an Occupational Health and Safety (OHS) officer available to conduct specific inspections into issues surrounding workplace health and safety, such as pesticide usage, equipment safety, building and construction guidelines etc. This meant that labour inspections carried out on commercial fruit farms in Ceres did not include an occupational health and safety inspection, unless an officer was requested and made available from the national DoL office, which according to the Chief of Labour Inspectors at the DoL Worcester office, was a lengthy and time-consuming process.

The lack of resources afforded to local level public governance enforcement institutions was further reflected in first-hand interviews with fruit producers and HR managers operating on commercial fruit farms in Ceres. The following table summarises the frequency of DoL inspections across the thirteen fruit farms in Ceres under study:

Table 14. Frequency of Department of Labour Inspections (2000 – 2012)

Farm	Number of Department of Labour inspections (2000 – 2012)	Average frequency of Department of Labour inspections (2000 – 2012)
FM1	5	Once every 2 years
FM2	3	Once every 4 years
FM3	3	Once every 4 years
FM4	3	Once every 4 years
FM5	4	Once every 3 years
FM6	4	Once every 3 years
FM7	2	Once every 5 years
FM8	4	Once every 3 years
FM9	2	Once every 6 years
FM10	4	Once every 3 years
FM11	4	Once every 3 years
FM12	2	Once every 6 years
FM13	3	Once every 4 years

Source: semi-structured interviews, fruit producers and HR managers across thirteen farming units under study, 2012

This data reflects the sporadic and limited frequency of public governance enforcement on the farms under study. The increased frequency of inspections found on the largest farming unit under study (FM1), was attributed by the fruit producer as being due to the fact that they used foreign workers from Lesotho, which resulted in more regular monitoring of worker permits and farm conditions by the Department of Labour (semi-structured interview, fruit producer FM1). In addition, this data certainly reflects findings generated by other academic and civil society reports, which have also highlighted the lack of DoL enforcement capacity on farming units throughout the Western Cape (Barrientos, Kritzinger and Rossouw 2004; SANPERI 2008; Benjamin 2011; Devereux and Solomon 2011). With regards to the nature of DoL inspections, fruit producers and HR managers across the sites indicated that they were focused on contract and record keeping with limited on-site inspections, ensuring that minimum wages were paid; basic conditions of employment adhered to (working hours; paid leave; legal deductions); and unemployment insurance payments were in place. Accompanying a labour inspection and conversations with two DoL officers confirmed this

administrative approach to labour inspections, which was attributed to a lack of time and resources to conduct full, on-site farm inspections (semi-structured interviews, two DoL inspectors, Worcester office).

a) Private governance audits on commercial fruit farms in Ceres

In addition to DoL labour inspections, the commercial farming units under study were subjected to private governance audits, requested by lead firms in order to ensure ethical practices and decent working conditions were in place on the farm. The principal private standard determining working conditions across the farms was the ETI base code, requested by lead-firm UK supermarkets which all of the fruit producers under study supplied a significant percentage of fruit (described in further detail in chapter 2). In addition to the ETI base code, all of the thirteen fruit farms under study had to comply with the GlobalGAP private standard, which contained provisions for health and safety conditions on the farms.

It became clear following interviews with fruit producers and HR managers that private governance audits occurred more frequently than DoL inspections described above. In terms of the ETI base code, fruit producers interviewed stated that the frequency of audits varied depending on their perceived risk status, which was determined by a variety of factors (size of operation; number of permanent and casual employees; previous audit results). On this basis, during interviews fruit producers and HR managers reported that on-farm ethical audits took place on the farm bi-annually (six farming units) or every three years (seven farming units). Fruit producers also highlighted the intensive nature of ETI base code audits, which took place over a period of two days and included a full inspection of worker contracts, to ensure compliance to the ETI base code or national labour regulations, whichever set the higher standard. Additionally, ETI audits involved a physical inspection of the farm, including health and safety procedures; and interviews with farmworkers regarding their working conditions on the farm. In addition to on-farm ETI audits, fruit producers stated that a continuous process of annual self-monitoring and reporting was required by lead-firm supermarkets. To this end, a number of fruit producers (FM2; FM5; FM7; FM10; FM11; FM12; FM13) reported using an online facility called SEDEX (Supplier Ethical Data Exchange), which allowed them to upload information regarding their ethical practices and compliance to working conditions on the farms, which was then open and accessible to lead-firm retailers. With regards to GlobalGAP, audits were enforced on a more frequent, annual basis and involved a physical, one-day inspection of on-farm health and safety processes and facilities.

A commonly expressed view by all fruit producers interviewed was the critical nature of adhering to private ethical audits in order to maintain contracts with mainland European and UK supermarkets. As will be discussed in the following pages, a combination of increased frequency of ETI base code and GlobalGAP audits, and producer motivations to maintain their relationship with lead-firm buyers, contributed to increased compliance with certain aspects of working conditions on the farms under study.

5.4.2 Public governance compliance on commercial fruit farms in Ceres: producer and worker experiences

In terms of complying with public governance standards, all but two of the farms under study (FM7, FM12) had a dedicated HR manager responsible for keeping updated with changing labour regulations and ensuring compliance on the farm. Some of the farming units, including the two operations that did not have a dedicated HR manager (FM7, FM10, FM11, FM12), opted to use a labour consultant to aid them in keeping abreast of any significant changes to existing regulations and help with compliance to certain technical aspects of labour laws. Fruit producers and HR managers stated that a key component of complying to the majority of labour laws and regulations (Sectoral Determination; BCEA; UIF) was to ensure worker contracts were updated and maintained in line with the legal requirements relating to minimum wages; basic conditions of employment (working hours; paid leave; severance pay) and unemployment insurance provision. In terms of the OHS Act, a more technical approach was required to ensure health and safety standards and procedures were in place on the farms; health and safety committees were formed; buildings were maintained to the required standard; and health and safety training was provided to farmworkers.

With regards to compliance with the ETI base code and GlobalGAP, fruit producers and HR managers explained that the process of complying with national laws and regulations ensured that they would adhere to the ETI base code and vice versa. As will be described in further detail below, this was because in the South African context, the content of national labour laws and regulations tended to provide the higher benchmark of working condition relative to the ETI base code, meaning adherence to public standards took precedent, and ensured subsequent compliance with private codes of conduct.

a) Establishing minimum wages

i) Public governance standard: Sectoral Determination 13

Firstly, minimum wage levels on commercial fruit farms are legally set by the Sectoral Determination 13, which is made by the Minister of Labour and reviewed annually via the Employment Conditions Commission (ECC). On all of the thirteen commercial fruit farms under study, fruit producers and HR managers were adamant that no worker was paid below the minimum wage of R69.42 per day²⁰. This was confirmed through examination of farmworker contracts and record keeping at a number of sites, along with conversations with permanent and casual farmworkers who confirmed that they were paid wages in line with, or above the minimum wage (semi-structured interviews, eight casual and eleven permanent farmworkers; focus group 1; 2; 3; 4).

Closer examination of wage structures on the farms indicated how fruit producers used various pay-grading structures to determine remuneration levels for various categories of permanent (skilled) and casual (non-skilled) farmworkers. This data revealed the variable rate of pay for different members of skilled permanent and non-skilled casual labour. Across all of the farms under study, permanent workers in skilled positions tended to receive wages significantly higher than the legally determined minimum benchmark. In contrast, casual workers tended to occupy the lowest skilled and paid functions, receiving wages that were set at either the minimum wage or slightly above, depending on the category of casual employee (described in further detail below). The following table collates information provided by employers, HR managers and farmworkers operating across all of the thirteen farms under study, in order to give an indication of the varying remuneration levels afforded to permanent and casual farmworkers²¹. Whilst this wage breakdown provides an indication of the different levels of pay afforded to skilled permanent and non-skilled casual workers, additional notable variations existed in terms of non-wage benefits afforded to permanent workers described in further detail below.

²⁰ The minimum wage prescribed by Sectoral Determination 13 at the time of research was R7.71 per hour; R347.10 per week; R1503.90 per month.

²¹ Table 15 indicates wage ranges within each job level, taking into account overlapping grades depending on experience, tenure and training of individual employees.

Table 15. Variations in wages paid to workers depending on skill grade (data collated across 13 farming units)

Job description	Wage range (per day)	% more than 2012 minimum wage of R69.42 per day
Specialized equipment operators and extra heavy lorry drivers; transporters of seasonal workers*; storeman; builder; mechanic; supervisor of large teams; stock check duties.	R160 - R210 (all farms)	130% - 203%
Housekeeper; spray drivers; tractor drivers; supervisors; machine operators; crèche teachers	R110 – R160 (all farms)	58% - 130%
Casual supervisors (who did not perform this function throughout the year); field monitors and crèche assistants; permanent female pack-shed supervisors**. Specialised third-party contract workers operating in teams.	R90 – R110 (all farms)	37% - 58%
Permanent pruners, irrigators and domestic workers.	R85 – R90 (all farms)	22% - 37%
Casual 'general' farmworkers: manual tasks such as pruning, picking, sorting, clearing etc.	R85 (FM9, FM10, FM12)	22%
	R75 (FM2, FM8, FM13)	8%
	R72 (FM1, FM11)	4%
	R69.42 (FM3, FM4, FM5, FM6, FM7)	0%

* This category of employee was not present on FM6, FM9, FM10, FM11, FM12, FM13

** This category of employee was not present on FM6 or FM7

Source: (semi-structured interviews, fruit producers and HR managers across thirteen farming units under study)

Whilst this table provides an indication of the variation in standard cash wages received by permanent and casual workers using data collected across the 13 farming units, conversations with

employers and farmworkers highlighted additional configurations of non-wage benefits paid to permanent workers. Permanent workers on all of the farms were provided with on-farm housing; subsidised electricity and water; and a funeral fund on top of their standard cash wage. All of the farms with the exception of FM1 also had a provident fund for permanent workers. On FM3, permanent workers were granted access to the provident fund after 5 years of service. On this basis, one fruit producer calculated these additional non-wage benefits (provident fund, funeral fund, on-farm housing, subsidised energy bills) afforded to permanent workers as being 35% on top of the standard wage packet (semi-structured interview, fruit producer FM10).

In contrast, none of the casual workers employed on the fruit farms under study had similar access to these additional contractual benefits as part of their short, fixed term contracts. In addition, casual farmworkers tended to occupy the lowest paid positions on the farm, such as fruit picking, pruning, packing, sorting or cleaning duties, though some variations in payment received by casual workers did exist. Casual farmworkers on ten of the sites under study earned wages in line with the legal minimum or marginally above, whereas casual workers recruited from nearby townships on three farming units (FM9, FM10, FM12) would earn 22% above the minimum wage, due to the fact that these off-farm casual workers had to pay for their own housing, water and electricity, normally provided to on-farm casual workers and migrant labour residing in temporary hostel accommodation on the farms.

Across all of the thirteen fruit farms, fruit producers implemented a piecework system for tasks that could be subjected to productivity-related performance targets whilst maintaining an element of quality control, such as fruit picking and sorting. On this basis, casual workers could receive additional payment on top of their baseline wage, depending on the volume and quality of production for a particular task. Whilst general managers indicated that piecework enabled farmworkers to earn above the minimum wage during peak seasonal periods, interviews and focus groups with farmworkers provided mixed responses. Some casual farmworkers interviewed preferred the system of piecework as it allowed them to earn more than the baseline daily wage, whereas others stated that the quota system associated with piecework served to intensify working conditions and put large amounts of pressure on them to pick / sort large quantities of high quality fruit (semi-structured interviews, six casual farmworkers; focus group 1; 3; 4).

The sum of these findings indicate that adherence to the legal minimum wage requirements was high across all of the farming units under study. Fruit producers and HR managers adopted administrative systems to allow for consistent monitoring of minimum wage levels and

amendments, in order to ensure their payment structures were in line with the Sectoral Determination 13. Permanent workers were found to occupy the highest skilled and better paid positions, which included a raft of non-wage benefits such as on-farm housing, provident fund and funeral cover. Casual workers were employed to fill low-skilled manual positions on wages in line with, or just above the minimum legal benchmark.

ii) Private governance standard: ETI base code 5: Living wages are paid

The principal private governance standard which extended coverage to the payment of wages on the fruit farms in Ceres under study was the ETI base code 5: 'Living wages are paid'²². In particular, sub-section 5.1 of the ETI code states:

'Wages and benefits paid for a standard working week meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In any event wages should always be enough to meet basic needs and to provide some discretionary income' (ETI 2012).

It was highly evident following interviews with fruit producers and HR managers responsible for setting wage levels on the farms under study, that the Sectoral Determination provided the key regulatory benchmark which determined the minimum standard on the farms. Fruit producers and HR managers explained that their wage grading structure was based on adhering to the minimum wage for the lowest paid workers in the first instance, and then formulating a payment structure based on skill level and job grade. This was reflected by the fact that five of the farming units (FM3, FM4, FM5, FM6, FM7) paid the baseline minimum wages to casual workers occupying low skilled positions, with five other farms paying marginally above the minimum wage (FM1, FM2, FM8, FM11, FM13). As described above, three fruit producers using off-farm casual workers tended to use the minimum wage of R69.42 as a baseline value and then supplemented this amount to factor in additional housing and living costs (FM9, FM12, FM13).

A view repeatedly expressed by fruit producers and HR managers was that the ETI base code had driven a process of more rigorous contract and wage keeping on the farms, in order to comply with regular ethical audits and a process of self-monitoring (semi-structured interviews, three HR managers; eight fruit producers). Fruit producers were highly aware that their contractual arrangements with European and UK supermarkets was dependent on compliance to ETI social

²² Section 5.1 of the ETI base code states: Wages and benefits paid for a standard working week meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In any event wages should always be enough to meet basic needs and to provide some discretionary income.

audits, rendering private governance codes and standards a critical driver in terms of minimum wage compliance. In this sense, the minimum wages enshrined in the Sectoral Determination 13 provided the minimum standard for private codes of conduct, which in turn provided an additional layer of regulatory enforcement.

However, despite casual farmworkers on all of the farms under study receiving wages in line with legal requirements, they repeatedly stated that this amount was unacceptably low and insufficient to meet everyday living costs (semi-structured interviews, eight casual farmworkers; focus groups 1; 2; 3). In particular, casual farmworkers repeatedly expressed the opinion that the wages they received rendered them unable to pay for food and household goods; medical expenses; transportation into nearby towns for shopping and accessing every-day services; and supporting family members. The following statements reflect the perceptions held by casual farmworkers regarding their existing wage levels, which will be examined further depth in the following chapter:

'69 rand a day is not enough, everything is too expensive now. You can't have a 12kg mealie-meal on that 69 rand.' (semi-structured interview, casual farmworker, Eastern Cape).

'I have a problem with the minimum wage system, I can't afford living expenses because the farmer only actually pays the minimum wage, and I can't afford to live with that kind of money. I have children to support and I myself must live on that kind of money.' (casual farmworker, focus group 3).

These statements provide a critical worker perspective regarding remuneration levels in place on the farms under study in relation to everyday living costs. In particular, the notion that casual farmworkers perceived their wages to be insufficient to meet everyday living expenses, despite receiving adhering to legal standards, will be explored in further detail in the following chapter.

b) Basic conditions of employment and contractual arrangements (working hours, paid leave and unemployment insurance provision)

i) Public governance standards: Sectoral Determination 13; Basic Conditions of Employment Act (BCEA) and Unemployment Insurance Fund (UIF)

On all of the commercial fruit farms under study, fruit producers and HR managers stated that a formalised system of contractual arrangements and record keeping was in place for permanent and casual farmworkers employed on the farm. Across the thirteen farming units, employers stated that

worker contracts adhered to all necessary requirements regarding working hours, paid leave (annual²³, sick²⁴, maternity²⁵ and family leave²⁶) and unemployment insurance payments for both permanent and casual workers employed by the farm. For the two farms that made use of a third party labour contractor, FM7 and FM11, employers stated that casual worker contracts were kept on record by the farm to ensure that they adhered to relevant public governance standards (working hours, paid leave, notice of termination) and legally required unemployment insurance deductions were made (semi-structured interviews, fruit producers FM7 and FM11). This information was cross-checked by examining farmworker contracts and record keeping at a number of sites, which appeared to contain the required legal provisions for working hours, paid leave and unemployment insurance provisions.

Further verification was sought through semi-structured interviews and focus groups with permanent and casual workers at a number of the sites under study (semi-structured interviews, nine casual and eleven permanent farmworkers; focus groups 1; 2; 3; 4). In terms of working hours for permanent and casual farmworkers, the Sectoral Determination 13 sets a maximum benchmark of 45 hours in any week (with an extension of up to 47.5 hours per week for a period of four months in a 12 month period, on the basis that they are reduced to 42.5 hours within in the same 12 month period). This was reflected in conversations with permanent and casual farmworkers, who stated that their working hours corresponded to an average working week of 45 hours (i.e. 9 hours per day), with fluctuations occurring during peak seasonal periods to include a 47.5 hour working week, which was either reduced to 42.5 hours during low-peak seasonal periods or paid out in overtime at the end of the fixed term contract (semi-structured interviews, four casual and four permanent farmworkers; focus group 2; 4). Fruit producers and HR managers did state that this created an administrative burden in terms of ensuring fixed term casual workers received the correct overtime for increased 47.5 hour weeks, but stated that systems were in place to manage the process (semi-structured interviews, six fruit producers; three HR managers). No permanent or casual farmworkers engaged with in this research reported working over and above the national legal benchmark for working hours.

²³ Section 20. Annual leave is calculated in three ways: 1) at the rate of 21 consecutive days in each 'annual leave cycle' which means a period of 12 months employment with the same employer; 2) by agreement, one day for every 17 days worked for the employer; and 3) by agreement, one hour for every 17 hours worked by the employee.

²⁴ Section 22. This is equal to the number of days an employee would normally work during a period of 6 weeks over a 'sick leave cycle' of 36 months. Despite this clause, during the first 6 months of work, the farmworker is entitled to one day's sick leave for every 26 days worked.

²⁵ Section 25. Maternity leave is for a period of at least four consecutive months.

²⁶ Section 23. Paid leave for three days every 12 months, applicable to farmworkers employed for over 4 months.

With regards to paid annual leave, fruit producers and HR managers stated that worker contracts stipulating the required annual leave arrangements were in place for both permanent and casual farmworkers employed on the farm. This was verified by examining permanent and casual worker contracts at a cross-section of sites. Semi-structured interviews and focus group discussions with permanent farmworkers indicated that they had received the required quota of 21 days per annum, and casual workers reported that they had been granted leave entitlement of one day for every period of 17 worked as part of their contractual arrangements. With regards to sick leave, both permanent and casual farmworkers indicated that they had been paid for periods of sickness in line with legal provisions, which equated to approximately one day per month for casual workers. However, a small focus group discussion with three casual workers from the Eastern Cape did raise issues surrounding access to sick leave. During the focus group, one of the casual farmworkers indicated that they had been injured by a tractor and damaged their leg earlier in the season, but decided not to claim sick leave as this would have hindered their ability to earn piecework:

'Earlier in the season a tractor damaged my leg, but I said nothing, ah I'm fine, I'm fine. I was injured but my mind was, I want 100R, I didn't care about the injury...If I didn't work, I won't get the money I want.' (focus group 3, casual farmworker, Eastern Cape).

In this case, despite the legal entitlement to sick leave for this casual worker being in place to allow them to claim R69.4 daily wage for this period of absence, the farmworker opted to continue working in order to earn additional piecework.

With regards to unemployment insurance payments, all fruit producers and HR managers interviewed, stated that systems had been in place for some time on the farm to ensure permanent and casual farmworkers received UIF payments. On the two farms that utilised labour contractors (FM7 and FM11), a key aspect of this arrangement was for the fruit producer to maintain control of unemployment insurance payments to contracted farmworkers to ensure adherence to the UIF Act. Indeed, all permanent and casual farmworkers interviewed stated that their wage slips included the necessary deductions for unemployment insurance payments, which seemed to be a standardised procedure across all of the farms under study.

ii) Private governance standard: ETI base code 6: working hours are not excessive

The principal corresponding private code of conduct to the above set of public governance standards, was the ETI base code 6: working hours are not excessive. In particular, sections 6.1 and 6.2 of the ETI base code states:

'6.1 Working hours must comply with national laws, collective agreements, and the provisions of 6.2 to 6.6 below, whichever affords the greater protection for workers.

6.2 Working hours, excluding overtime, shall be defined by contract, and shall not exceed 48 hours per week.' (ETI 2012)

Therefore, given that the required legal maximum working week for farmworkers operating on the fruit farms in Ceres under study was 45 hours per week (with a temporary increase of up to 47.5 hours during peak seasonal periods, which then had to be offset within an annual cycle via reduced hours or overtime payment) and more stringent than the ETI base code, the Sectoral Determination 13 provided the determining regulatory benchmark for working hours on the farms under study. In addition, given that there is no specific stipulation in the ETI base code regarding paid leave and unemployment insurance payments, the minimum standard was set by the Sectoral Determination 13 and UIF respectively. Subsequently, it was found that for basic conditions of employment such as contractual arrangements, working hours, paid leave and unemployment insurance payments, public governance standards provided a more robust regulatory benchmark than private governance in the form of the ETI base code. As a result, fruit producers and HR managers reported that the introduction of private codes of conduct had not contributed to any significant changes to public governance standards such as contractual arrangements, working hours, paid leave and unemployment insurance payments.

However, a view repeatedly expressed by fruit producers and HR managers was that the implementation of the ETI base code and increased frequency of ethical audits had driven a more rigorous process of compliance to the abovementioned public governance standards. In addition, fruit producers described the critical nature of adhering to ETI audits in order to maintain contracts with European and UK supermarkets. These combined motivations of increased regularity of private audits and motivations to retain market access, was summarised succinctly in an interview with one fruit producer:

'With the private codes, you must comply to keep market access to 'UK supermarket A', otherwise you can't export. And that is monitored yearly so you have to comply yearly. You must have a self-

inspection, it cost you money to have all these audits and to keep you in place, but on the other side, you get something out of it, you can then access to 'lead firm UK supermarket A' and 'lead firm UK supermarket B.' (semi-structured interview, fruit producer FM2).

Subsequently, a combination of increased frequency of private governance audits and producer motivations to maintain contractual arrangements with global lead firms, resulted in a more entrenched process of contract and record keeping on the farms and increased compliance to public governance standards set by the Sectoral Determination (minimum wages; working hours; paid leave); BCEA (contract and record keeping) and UIF (unemployment insurance payments).

c) Health and safety

i) Public governance standard: Occupational Health and Safety Act (OHSA)

With regards to health and safety on the farms, the presiding public governance standard was the Occupational Health and Safety Act (OHSA), which requires employers to provide a '*a working environment that is safe and without risk*' (OHSA, section 8). In practice, this covered a full range of on-farm standards and procedures, including the appointment of health and safety representatives (minimum of one for every 50 workers); formation of health and safety committees (in all instances where two health and safety representatives exist); informing workers of health and safety legislation; providing the necessary health and safety training to workers depending on their job and function, and provision of protective equipment adequate for a given task.

Across all of the sites, fruit producers and HR managers stated that their on-farm practices were in compliance with all aspects of the OHSA described above. Fruit producers stated that their building infrastructure and on-farm machinery was constantly monitored and safety checked, and all chemicals, fertilizers and pesticides were stored using the legally required facilities. Employers also stated that the required number of health and safety representatives was present on the farm, and a health and safety committee was in place to monitor best practice health and safety procedures.

Health and safety training to farmworkers was variable depending on worker skill grade and function. On all of the sites, casual farmworkers employed on a seasonal basis were provided access to a farm induction, either via a workshop or DVD which included basic health and safety training and an overview of on-farm procedures relating to food hygiene and quality control. Farm management stated that for permanent workers operating specialised machinery such as heavy lorries, tractors and spray drivers, extensive training was provided in order to ensure the safe operating of these vehicles in compliance with the OHSA. Five of the farms also made use of a

nearby Koue Bokkeveld Training Centre, as a means to train both permanent and casual workers employed on the farm in compliance with OHSWA guidelines.

Interviews with permanent and casual farmworkers confirmed that health and safety representatives were in place on the farms, and that they had received health and safety training in accordance with their job function. Furthermore, all permanent and casual farmworkers reported receiving protective clothing free of charge from their employers. However, three casual farmworkers interviewed expressed concerns that they were not provided with the full raft of protective equipment appropriate to their interaction with pesticide spray, such as eye guards, masks and full overalls, though it was not possible to verify this claim with farm management. An additional concern expressed by four internal and foreign casual migrant farmworkers regarding health and safety standards on two of the sites under study, related to their temporary on-farm accommodation (semi-structured interviews, four casual farmworkers; focus groups 1; 2). Specifically, casual farmworkers took issue with the cleanliness and hygiene of the living facilities; inadequate size of the sleeping quarters, which were used by 6-8 workers; security of the rooms; and poor building infrastructure (semi-structured interviews, four casual farmworkers; focus groups 1; 2). Due to the fact that seasonal accommodation was not deducted from casual workers' wage bill, this temporary housing was not covered by the Sectoral Determination 13 and was therefore not the focus of standard DoL inspections.

ii) Private governance standard: ETI base code 3: Working conditions are safe and hygienic.

GlobalGAP section 3: Workers' health, safety and welfare

Across the sites under study, fruit producers, HR managers and farmworkers stated that whilst private codes of conduct had not impacted on wage levels, basic conditions of employment or contractual arrangements, they had resulted in improvements to on-farm health and safety standards. In particular, fruit producers, HR managers and farmworkers indicated that ETI and GlobalGAP audits had resulted in the increased formation of health and safety committees and representatives; more regular farmworker training provision; on-farm shower facilities and provision of mobile toilets on the farms. Whilst fruit producers and HR managers pointed out that many of these legal requirements were already in place on the farm, they did acknowledge that private audits had ensured increased compliance to the OHSWA in these respects.

Significantly, three casual farmworkers on one of the sites also indicated that private audits had resulted in improvements to temporary on-farm hostel accommodation (focus group 3). This observation was confirmed by a permanent supervisor on this farming unit, who stated that an ETI

audit had resulted in a physical inspection of seasonal housing which led to immediate improvements to the accommodation infrastructure and toilet facilities (semi-structured interview, permanent supervisor).

d) Freedom of association and the right to trade union representation

i) Public governance standard: Labour Relations Act (LRA)

On the farms under study, the Labour Relations Act (LRA) provides the national regulatory standard determining permanent and casual farmworker access to governance by local CSOs, in the form of trade union representation at the local workplace scale. In addition, the LRA extends a range of organisational rights to trade unions, such as the right to access workplaces to recruit or communicate with members and for union members to elect shop-steward representatives. In terms of these aspects of the LRA which determine trade union access to farms and shop-steward appointments, an additional requirement of the act is that trade unions obtain 50+1% representation of farmworkers per farming unit.

Following conversations with fruit producers and HR managers on all of the farming units under study, it transpired that none of the farms were unionised at the time of research. Whilst a number of employers interviewed stated that unions had achieved the required majority representation on their farms 3 (FM13), 5 (FM6), 10 (FM12) and 14 (FM3) years ago, none of the sites under study currently had any trade unions active on their farms. Despite the low levels of unionisation across the agricultural sector in South Africa which is estimated to be in the region of 3.4% (see chapter 2, section 2.3), this lack of trade union presence across all of the farming units was a somewhat surprising finding. However, fruit producers across all of the sites under study provided consistently similar explanations for such low levels of unionisation on their farms which will be summarised here in brief, and explored in further depth in the following chapter.

Firstly, fruit producers stated that the majority of permanent and casual farmworkers on the lowest paid contracts were unable to afford the deductions from their payslips for union representation. Secondly and relatedly, fruit producers questioned the value to farmworkers in paying for third party representation, given their perception that trade unions lacked the ability to deliver any kind of services to farmworkers. Thirdly, fruit producers repeatedly expressed the view that trade unions were unable to offer anything to farmworkers on their farming units, due to the fact that all of the public governance standards regarding wage payments and contractual arrangements were already firmly in place on the farms. Fourthly, fruit producers stated that rather than having a positive

influence on working conditions and the employer-employee negotiation process, trade unions actually served to disrupt the close and paternalistic relationship between themselves and permanent farmworkers, which existed on the farms and had formed over time. Finally, fruit producers had the opinion that trade unions operating in the fruit and wider agriculture sector, such as FAWU, Women on Farms and Sikhula Sonke, were politicised and associated with the COSATU and the ANC government, which they believed to hold a wider agenda against a predominantly white and DA affiliated commercial farming community. Consequently, none of the permanent and casual farmworkers operating on the thirteen farms under study belonged to any trade union or had access to external representation in the employer-employee negotiation process.

Whilst this will be explored in further depth in the following chapter, it is worth noting the different opinions permanent and casual farmworkers gave with regards to the lack of trade union activity on the farms in Ceres. During interviews and one focus group with permanent and casual workers, permanent employees repeatedly expressed the view that they had no desire to join a trade union, due to the fact that they did not perceive there to be any benefits in doing so (semi-structured interviews, eleven permanent farmworkers; focus group 4). In fact, permanent workers actually stated that they felt trade unions could worsen working conditions on the farm, serve to disrupt the employer-employee relationship and result in a withdrawal of non-contractual benefits associated with paternalistic labour practices on the farms (semi-structured interviews, six permanent farmworkers; focus group 4). In contrast, interviews and focus groups with casual workers expressed the view that trade unions could play an important role in representing them in employer negotiations and improving their working conditions, but felt this was not an available option due to the lack of trade union presence in Ceres, along with their transient and vulnerable socio-economic status on the farms (semi-structured interviews, eight casual farmworkers; focus group 1; 2; 3; 4).

Therefore, despite the existence of the Labour Relations Act as a legal framework for which to extend trade union representation to farmworkers, none of the farms under study were unionised. The reasons for this lack of trade union activity on the farms have been touched upon in the above discussion on fruit producer, permanent and casual farmworker perceptions of trade unions operating in Ceres, and will be explored in further depth in the following chapter. For now, the discussion will turn to consider the role of private governance standards in extending the right to trade union representation to permanent and casual farmworkers operating on the fruit farms in Ceres under study.

ii) Private governance standard: ETI base code 2: Freedom of association and the right to collective bargaining are respected

The corresponding private governance standard relating to farmworker access to freedom of association and trade union representation was the ETI base code 2: 'freedom of association and the right to collective bargaining are respected'. Following interviews with fruit producers and HR managers across all sites, it was clear that private governance standards had not made any impact on farmworker access to external trade union representation, and nor was this a specific requirement of private ethical audits undertaken on the farms. Interviews with permanent and casual farmworkers confirmed this point, with none stating that their access to trade union representation had been enhanced or improved following the implementation of private codes of conduct and ethical audits on the farms. In this sense, it was clear that the ETI base code had not made any significant impact to worker access to governance by local CSOs in the form of external trade union representation or freedom of association.

However, fruit producers and HR managers on a number of sites did state that the implementation of the ETI base code had contributed to the formation of worker committees as an alternative means of representative function on the farms. Indeed, eleven of the thirteen farms under study with the exception of FM12 and FM13 had a functioning workers committee, which was supposed to act as an open grievance structure and forum for farmworkers to express their views to management about working conditions and issues on the farm. In this sense, whilst private codes of conduct were not found to contribute to increased access to local CSO protection for farmworkers in the form of external trade union representation on the farms under study, they had driven a process of worker committee formulation as a grievance structure for employees. The role and function of the on-farm workers committee will be unpacked in more detail in the following chapter, in terms of the extent to which they have empowered permanent and casual farmworkers in voicing their concerns regarding working conditions to management on the farms under study.

5.5 Conclusion

The opening part of this chapter provided some initial context by outlining the broader commercial dynamics of South African fruit GPNs, characterised by global commercial pressures exerted by lead-firm supermarkets over national suppliers and local producers, in the form of high levels of product value capture combined with stringent demands for high-quality, low cost produce. These global

commercial pressures placed on fruit producers have been exacerbated by additional localised pressures, in the form of rising production and labour costs, which have further strained their overall profit margins. This broad overview of the fruit global production network provides important contextual background for which to conduct an in-depth case-study investigation into the nature and form of producer integration into fruit GPNs, and how public governance of labour plays out in this commercially driven context.

The discussion then turned to explore the nature and form of fruit producer integration into GPNs on the thirteen farming units in Ceres under study, and their relationship and interactions with well-established UK and European lead firm supermarkets. This aspect of the discussion further unpacked the commercial dynamic of fruit GPNs, and in particular the global commercial pressures placed on fruit producers to supply large and consistent volumes of high quality produce at a low cost, in order to satisfy lead firm supermarket buying requirements. A key characteristic of these global commercial pressures placed on fruit producers has been the proliferation of private standards enforced by global lead firms, which govern the quality and safety of the fruit produced, best-practice agricultural processes and ethical practices on the farm. In addition, the global commercial pressures placed on fruit producers by lead-firm supermarkets, have been exacerbated by the significant increases in the costs of production, in terms of material inputs (pesticide, electricity, fuel) and most significantly, labour. As per the GPN/public governance framework outlined in Figure 3, this aspect of the reporting unpacked in greater depth the inter-linkages and transactions between private actors operating across the 'commercial pillar', which has not been sufficiently incorporated into analysis of public governance to date.

On the thirteen farms under study, these various global commercial and economic pressures were found to have resulted in workforce restructuring at the local workplace scale, in the form of increasing levels of casualisation and a reduction in core permanent workers. The purpose of unpacking the labour dynamics on the farms under study, denoted by the dark arrow linking 'fruit producers' and 'permanent/casual workers' at the local scale of the commercial pillar in Figure 3, is to provide a more nuanced and in-depth assessment of the role of public governance in addressing different groups of worker incorporated into GPNs. This aspect of the research seeks to contribute to existing GPN research, which has not adequately extended analysis to the local labour scale, accounting for variable governance outcomes for different groups of worker incorporated into GPNs.

Having provided initial context in terms of the global commercial dynamics of fruit production and workforce composition on the thirteen farms under study, the chapter then turned to unpack the

role of public governance in addressing working conditions on these farms, operating at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). The reporting here focused on how governance of working conditions played out in practice on the thirteen farms under study in terms of enforcement and compliance levels, taking into account producer and worker perspectives.

In the first instance, the findings in this study indicate high levels of compliance to measurable standards such as minimum wage levels; contract and record keeping; basic conditions of employment (working hours; paid leave); health and safety standards and UIF payments for permanent and casual farmworkers on the farms under study. Furthermore, for this set of standards, national laws and regulations (Sectoral Determination; BCEA; UIF) set a higher standard than private codes of conduct, meaning national laws and regulations took precedent in terms of the benchmark of compliance for minimum wages; working hours; paid leave; and UIF payments. That said, the presence of private codes of conduct (ETI base code; GlobalGAP) on the fruit farms under study were found to increase enforcement levels and compliance with these public standards, due to a combination of regular ethical audits and producer incentives to maintain contracts with UK and European lead firm supermarkets. This was significant, due to the local Department of Labour Worcester office's lack of resources and capacity to enforce public governance standards on commercial fruit farms in Ceres and the surrounding region.

The Labour Relations Act comprised the public governance standard determining farmworker access to governance by local CSOs, in the form of freedom of association and trade union representation. Once again, public governance was the determining standard which private codes of conduct referred to for extending farmworker access to governance by local CSOs on the farms under study. However, the findings here indicate that despite public (national laws and regulations) and private (codes of conduct) standards allowing farmworkers the right to trade union representation on paper, this had not been realised in practice with trade unions inactive on the farms under study. Additional findings indicated that private governance in the form of the ETI base code 2, had contributed to an increase role for worker committees on the majority of these farms, which was designed to provide farmworkers with an alternative channel for which to voice their grievances to farm management.

The sum of these findings point to a central and critical role for public governance (laws and regulations) at the intersection of wider global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity) on the farms under study. This aspect of the reporting

serves to elucidate the inter-linkages between public and private initiatives, and governance by local CSOs that exist across the 'governance pillar' in the GPN/public governance framework in Figure 3. In doing so, the findings contributes to existing GPN research into the governance of working conditions, which has thus far focused primarily on private governance initiatives, such as codes of conduct and ethical trade schemes, and governance by local CSOs, in the form of trade union activity in shaping the regulatory process for workers incorporated into GPNs. With this in mind, the next phase of the empirical investigation will turn to explore in more critical depth the extent to which public governance, at the intersection of wider global private initiatives (codes of conduct) governance by local CSOs (trade union and NGO activity), has been successful in addressing working conditions for different groups of permanent and casual labour incorporated into South African fruit GPNs.

Chapter 6: Public governance response to multi-scalar tensions in South African fruit GPNs: implications for labour

6.1 Introduction

The previous chapter provided initial context by highlighting the global commercial dynamic of fruit production and subsequent process of workforce restructuring, before focusing on how governance works in practice on the farms under study. This chapter seeks to build upon this discussion, by exploring in more critical depth the extent to which public governance has been successful in addressing working conditions for different groups of a variegated farm workforce incorporated into commercially driven fruit GPNs. Subsequently, the question that this chapter seeks to address is *'To what extent has public governance responded to multi-scalar tensions in fruit GPNs in improving working conditions and how has this played out in the crisis?'*

As outlined previously in chapter 3, public governance (national laws and regulations) can be seen as operating at the intersection of private initiatives (codes of conduct), and governance by local CSOs (trade union and NGO). Accordingly, the interactions between public governance and these wider forms of global private and local CSO initiatives will be incorporated into analysis. By investigating the effectiveness of public governance in addressing working conditions in global production networks, this study is positioned to contribute to existing GPN research, which has focused primarily on the role of private initiatives and governance by local CSOs. Furthermore, by extending analysis of public governance to a variegated scale of labour, I argue it is possible to observe different levels of protection afforded to different groups of a variegated workforce. This aspect of the reporting seeks to address a lacuna in existing GPN research, which has not sufficiently extended analysis of governance to labour at the local workplace scale, or the possibility of differential regulatory outcomes for different groups of worker incorporated into GPNs. This helps to understand better the drivers of the governance deficit, particularly relating to casual workers.

The chapter will proceed as follows. The opening section will explore in further depth the effectiveness of public governance in protecting different groups of worker operating on the fruit farms in Ceres under study. This aspect of the reporting highlights differential levels of public governance protection for permanent and casual workers. In particular, casual workers were found to receive wages insufficient to meet living costs and a lack of non-wage contractual and

paternalistic benefits relative to permanent workers, contributing to a *public governance deficit* for casual workers incorporated into fruit GPNs.

Given this finding, the second section considers the extent to which private governance initiatives have addressed working conditions for different groups of a variegated farm workforce. As will be argued, given the fact that private codes of conduct are reliant on national laws and regulations to provide a minimum standard for wage levels and contractual arrangements for farmworkers, they are not positioned to address the governance deficit facing casual workers. This point underlines the critical role of national public governance in determining wage levels for farmworkers incorporated into fruit GPNs, along with the limitations of private codes of conduct in affecting this key aspect of working conditions. This contributed to a subsequent *private governance deficit* for casual workers relative to their permanent counterparts.

The third part of the chapter turns to discuss how the public and private governance deficit facing casual farmworkers was compounded by a lack of local CSO protection for this category of employee. Despite national laws and regulations providing a legal framework for casual farmworker access to trade union representation, this was hindered by a combination of global commercial pressures driving workforce casualisation and societally embedded tensions. Whilst private codes of conduct encouraged fruit producers to allow farmworkers' trade union representation, they relied upon national labour regulations to ensure extension of this right to farmworkers, which was inadequate in practice. Lack of trade union representation had particularly stark consequences for casual workers, due to their lack of regulatory protection relative to permanent workers. Subsequently, despite public and private standards extending trade union representation to permanent and casual farmworkers on paper, this right was not recognised in practice resulting in a *local CSO governance deficit* for this latter category of employee.

As will be argued in the fourth part of the chapter, this combination of public, private and local CSO governance deficits facing casual farmworkers, contributed to a labour crisis in the South African fruit sector which took place from November 2012 – March 2013. In brief terms, the labour crisis involved an unprecedented and widespread uprising by thousands of casual farmworkers across the Western Cape, who downed tools and protested for greater public governance protection in the form of higher wages and better working conditions, along with increased trade union representation. This aspect of the reporting will outline how the labour crisis served to elucidate the public, private and local CSO governance deficits facing casual members of a variegated farm workforce. The discussion then turns to examine the public governance response to the crisis, which

was to increase the agricultural minimum wage for casual workers. In addition, the latter public governance response to the crisis was for the South African state to acknowledge the global commercial pressures placed on locally based producers by lead firm supermarkets operating in fruit GPNs, as further undermining the protection of casual farmworkers in this context. Having considered the findings emanating from this empirical study, we will consider whether the South African state response to the crisis adequately addressed the underlying drivers of the governance deficit facing casual farmworkers.

On the basis of these empirical findings, the chapter concludes by arguing that the multiple public, private and local CSO governance deficits facing casual farmworkers reflect the multi-scalar governance of labour conditions in global production networks. The sum of these findings have significant implications for our analytical understanding of public governance in fruit GPNs and policy repercussions, which will be explored in further detail later.

6.2 Public governance protection for permanent and casual farmworkers

As outlined in the previous chapter, compliance to minimum wages set by national public governance standards in the form of Sectoral Determination 13, was found to be high across all of the fruit export farms under study. Furthermore, casual farmworkers were found to occupy the lowest skilled and paid positions, receiving wages in line with or just above the legal minimum of R69.42 per day, with workers residing off the farm on three of the farming units (FM9; FM10; FM12) receiving R85 per day to account for the increased cost of living. However, as touched upon in the previous chapter (section 5.3), despite all categories of casual farmworker (on-farm; off-farm; internal/foreign migrant and contract) receiving wages adhering to legal requirements, they expressed the view that this was unacceptably low and insufficient to meet living costs such food and household items, transportation to town, medical expenses and supporting family members. The following passages are taken from semi-structured interviews with casual farmworkers, demonstrating their perception of the current minimum wage in place on commercial fruit export farms in Ceres.

'Living conditions are really too harsh, the prices of food is going sky high. A fair wage would be about 650R per week for a general worker, I think this will be fair amount' (semi-structured interview, casual farmworker).

'If you earn 70 something rand a day, you have nothing' (semi-structured interview, casual farmworker, Eastern Cape)

This perception of the minimum wage being too little to afford basic living costs was echoed by all categories of casual farmworker interviewed (on-farm; off-farm; migrant and contract), despite being compliant with the legally prescribed Sectoral Determination 13.

This sentiment that the current minimum wage fell below acceptable living standards was also voiced during semi-structured interviews with two members of staff at two trade unions (FAWU and Sikhula Sonke) and two staff members at prominent NGOs (Women on Farms and Centre for Rural Legal Studies) operating in the Ceres area. A commonly held view by these interviewees was that whilst compliance to the minimum wage on commercial fruit farms in Ceres was high, as per the findings in this the previous chapter, current remuneration levels afforded to casual farmworkers were insufficient to meet the cost of living. This point is conveyed in the following extracts taken from a selection of these interviews with trade union and NGO staff members:

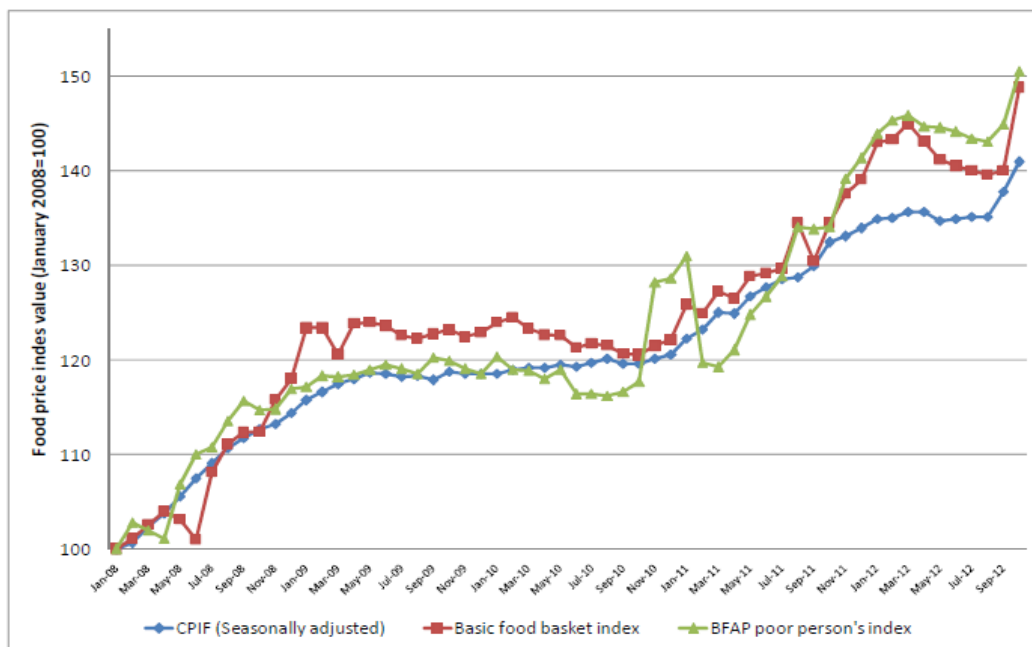
'The government put in the Sectoral Determination, which, when it came out, set wages to be reviewed each year. They set wage increase of 4.5 percent per annum for the next 3 years. Now, that didn't mean that workers were catching up with inflation. So, in actual fact farm workers were still way behind in real terms, in terms of their salaries, the cost...the increase in living cost was so exorbitant. The food prices were skyrocketing, and everything else with that increases' (semi-structured interview, NGO worker).

'Conditions on the farms, especially, I'd say in the Ceres area meet basic labour requirements, in terms of minimum wage. But the basic is not really a good deal. A poor farm worker can't even survive with R1500 a month, which is the minimum wage.' (semi-structured interview, trade union staff member).

These views reflected by casual farmworkers and civil society actors are indicative of the fact that the legally prescribed minimum wage provided an insufficient benchmark for the lowest paid category of casual farmworker to meet everyday living costs. Such views were supported by data emanating from a comprehensive Bureau for Food and Agricultural Policy (BFAP) publication, which analysed the costs of living for farmworkers in the four years up to and including this period of primary research. The report highlights the rising costs of food and most significantly, estimates the effect of inflation on the lowest paid casual farm workers operating in fruit GPNs (BFAP 2012). In this regard, the report demonstrates that whilst agricultural minimum wages have historically been

increased in line with consumer price index (CPI) at levels in the region of 5%-6% since 2003, food inflation has been significantly higher. In the two years preceding this research, the official CPI for food was 18%, and based on the five most basic food consumed by low-income earners, food inflation for casual farm workers in that period is estimated at 28%. The following graph displays this monthly rate of inflation for a 'basic food basket', from January 2008 up until October 2012, with casual farmworkers falling under the 'BFAP poor person's index' category.

Figure 8. Monthly food price inflation in South Africa: January 2008 to October 2012



Source: BFAP (2012:42)

Indeed, this finding regarding minimum wage levels being insufficient to meet the cost of living was found by this study to be a key contributing factor to the labour crisis in South African fruit, and will be explored in further depth during the discussion of the crisis in section 6.5. However, this finding alone needs to be understood in the wider terrain of labour composition on commercial fruit farms in Ceres, taking into account the differential levels of public governance protection afforded to different groups of a variegated workforce. As highlighted in the previous chapter, permanent farmworkers were not only found to occupy the highest paid positions on the farm, earning between 22% and 203% above the minimum wage depending on skill grade, but were also granted a range of additional non-wage benefits (on-farm housing; subsidised electricity; provident and funeral fund) associated with long-term contractual arrangements, with casual workers receiving few if any such benefits.

This disparity in permanent and casual farmworker remuneration packages was frequently highlighted during conversations with fruit producers operating across the commercial farms under study. Fruit producers repeatedly stated that permanent worker wages were significantly above minimum legal requirements depending on skill function, along with the fact that the actual cost of these workers was far greater due to the raft of non-wage benefits associated with long term contracts, such as on-farm housing, subsidised electricity, provident and funeral fund. For this reason, fruit producers asserted that any discussion around wage levels for farmworkers needed to factor in these additional contractual non-wage costs, which one fruit producer calculated as being 35% on top of the cash salary (semi-structured interview, fruit producer FM10). Fruit producers and HR managers acknowledged the contrasting situation of casual workers, who were recruited on short-term contracts, in order to perform low-skilled, manual functions over seasonal periods. Furthermore, employers recognised the fact that low wages in line with minimum legal requirements presented difficulties to casual workers in terms of living costs (semi-structured interview two HR managers; four fruit producers), as highlighted in the following extract from an interview with a HR manager on one of the larger commercial farming units in Ceres:

'Well R69.42. None of us would have stayed alive with that kind of money, but these people make it work. Unfortunately, they're cheap labour. That's the problem. So farmers are using that. Seasonal worker, minimum wage, cheap labour. But the problem at the moment around wages for me is that we've had a few bad years, the fruit farm.' (semi-structured interview, HR manager, FM1).

However, despite acknowledging the fact that casual workers were employed on significantly reduced wage and employment packages relative to permanent workers, fruit producers pointed to the spiralling costs of production and in particular, labour, which was estimated to cost in the region of 40-50% of gross farm income (semi-structured interview, fruit producer and HR manager FM5). Therefore, in order to keep overall costs of labour down whilst ensuring the quality of fruit and high standards of agricultural practices were adhered to, fruit producers opted to use a core of skilled, well-remunerated permanent workers on long-term contracts, alongside increasing numbers of short-term, low-skilled and paid, casual employees.

In addition to the increased wages and a raft of non-wage contractual benefits afforded to permanent as opposed to casual farmworkers, the former category of worker also benefited from a raft of paternalistic social benefits as part of the employer-permanent employee relationship. Fruit producers and farm managers explained that this close relationship stemmed from a culture whereby permanent workers lived and worked on the farm throughout the year, and therefore

shared the '*same fears*' as their employers (semi-structured interview, fruit producer and HR manager FM5). This was in stark contrast to casual workers, who were recruited on a more transient basis over seasonal periods and therefore shared a more arms-length relationship with their employer. Despite the onset of post-apartheid labour laws and regulations serving to transform and formalise this employer-permanent worker relationship (semi-structured interviews fruit producer and general farm manager, FM1, FM12), fruit producers and permanent workers described a continuation of certain paternalistic favours afforded to this category of on-farm employee. These included transportation to nearby towns and medical facilities; church gatherings or rugby matches; on-farm schools and aftercare centres for children of permanent farmworkers; the provision of firewood; sewage disposal; sports facilities for permanent workers; subsidies for medical expenses (semi-structured interviews, eleven fruit producers and two HR managers).

In this sense, increased levels of public governance protection afforded to permanent workers were strengthened by additional paternalistic benefits, which were found to have perpetuated on the farms under study. As a result, permanent on-farm workers recruited on long-term contractual arrangements demonstrated high levels of dependency on their employers for a regular source of income and raft of non-wage contractual (on-farm housing; provident fund; funeral fund) and social benefits associated with the embedded, paternalistic employer-permanent worker relationship.

The situation of casual workers was very different, as they were employed on a flexible basis, often from areas of high unemployment and due to their economic vulnerability, were motivated primarily by securing some form of income through seasonal, manual labour (semi-structured interviews, seven casual farmworkers; focus groups 1; 2). Therefore, whilst casual workers were not dependent on their employer (whether they were employed directly by fruit producers or third party contractors) for security of long-term contracts, on-farm housing or the raft of non-wage benefits described above, they remained reliant on them for assurances of seasonal income, albeit at a low rate, for predominantly manual, low-skilled tasks.

The discussion thus far has outlined the significantly greater levels of public governance protection afforded to permanent relative to casual employees, in the form higher wages and a raft of non-wage contractual benefits (on-farm housing; provident fund; funeral fund) association with long-term, permanent employment arrangements. These increased levels of public governance protection have been enhanced by paternalistic security in the form of non-contractual social benefits, associated with historically embedded employer-permanent employee labour relations. In stark contrast, casual workers were found to be employed on insecure, short-term contracts to

perform low-skilled manual tasks on wages in line or just above the legal minimum, without the contractual benefits or additional paternalistic protection afforded to permanent workers. It is argued here that this has contributed to a *public governance deficit* for casual workers as opposed to their permanent counterparts, with the former category of worker receiving significantly less regulatory protection than the latter in terms of minimum wages, non-wage contractual and paternalistic benefits.

With this in mind, the following section will turn to consider the extent to which private governance initiatives in the form of the codes of conduct, have contributed to addressing working conditions for a variegated farm workforce. As will be argued, given the fact that the ETI base code was found to be reliant on national labour laws and regulations to provide a minimum standard for wage levels and contractual arrangements for farmworkers, it was not positioned to address the aforementioned governance deficit facing casual workers incorporated into fruit GPNs.

6.3 Private governance protection for permanent and casual farmworkers

The findings above indicate that casual workers operating on the fruit farms in Ceres under study experienced a public governance deficit, characterised by insufficient wage levels and a lack of access to a raft of non-wage contractual and paternalistic benefits associated with permanent positions on the farms. However, private codes of conduct have been implemented alongside national labour regulations, as global lead firm supermarkets respond to civil society and consumer pressure to ensure decent working conditions in their supply chains (described in further detail in chapter 2, section 2.3). On the commercial fruit farms under study connected to wider GPNs, the ETI base code represented the principal code of conduct which sought to perform this function and address wage levels and working conditions for farmworkers. Additionally, GlobalGAP made provisions for certain standards relating to on-farm health and safety practices.

The ETI base code 5: 'Living wages are paid' constituted the principal private standard extending coverage to the payment of wages on the fruit farms in Ceres under study. However, as outlined in the previous chapter (section 5.3), due to the fact that the ETI base code refers to '*national legal standards*' as a minimum standard for determining wage levels, it had no impact on fruit producer employment strategies in terms of setting baseline wages on the farms (ETI 2012).

Instead, fruit producers expressed the view that the Sectoral Determination 13 constituted the regulatory standard for determining minimum wages on the farm, with differing remuneration levels for permanent and casual workers depending on skill grade and job function. In addition, with regards to aspects of working conditions relating to contractual arrangements; basic conditions of employment (working hours; paid leave) and unemployment insurance payments, the ETI base code referred to national laws and regulations (Sectoral Determination 13, BCEA and UIF), which constituted the higher standard for these aspects of working conditions. That said, fruit producers and HR managers did express the view that ethical private audits had driven a more rigorous process of contract and wage keeping on the farms, due to the increased frequency of auditing and producer incentives to maintain commercial contracts with lead firm supermarkets based in the UK and mainland Europe (semi-structured interviews, three HR managers; eight fruit producers). In this sense, private governance initiatives became a significant driver in terms of contract and record keeping; complying with minimum wages; basic conditions of employment (working hours; paid leave); health and safety standards; and unemployment insurance payments.

Consequently, the minimum benchmark for contractual arrangements and remuneration levels for permanent and casual farmworkers operating on the thirteen commercial fruit farms under study, were largely determined by national laws and regulations as opposed to the ETI base code. This highlights two key points with regards to the wider process of governing working conditions on fruit farms in Ceres connected to GPNs. Firstly, in the South Africa context this finding draws attention to the critical role of national public governance standards as providing the principal regulatory benchmark determining wage levels; basic conditions of employment (working hours, paid leave); contractual arrangements and unemployment insurance provision. Secondly, this finding highlights the fact that even when private codes of conduct benchmark such a comprehensive national regulatory framework determining these aspects of working conditions, they are insufficient to address the aforementioned public governance deficit facing casual farmworkers. This has ultimately resulted in an additional *private governance deficit* for casual farmworkers operating on South African fruit farms connected to GPNs, characterised by minimum wages insufficient to meet living costs and a lack of contractual non-wage benefits (on-farm housing; provident fund; funeral fund) and paternalistic benefits afforded to permanent workers.

The discussion will now turn to consider an additional and critical aspect of public governance of working conditions, relating to the extension of local CSO protection to permanent and casual farmworkers. As highlighted in further detail in the theoretical chapter 3 (section 3.4), national regulatory frameworks play a central role in facilitating governance by local CSOs, in the form of

trade union representation of workers incorporated into GPNs. Furthermore, whilst such 'enabling rights' are less easily quantified, they are critical in achieving sustainable gains in terms of more measurable aspects of working conditions (wage levels; contractual arrangements; working hours; paid leave; basic conditions of work; health and safety standards) (Barrientos, Gereffi and Rossi 2011; Amengual 2010; Coslovsky 2011; Pires 2011; Locke 2013). The following section will explore in further depth the extent to which national labour laws and regulations have extended farmworkers access to local CSO protection on South African fruit farms connected to GPNs, along with the implications for different groups of a variegated workforce.

6.4 Local CSO protection for permanent and casual farmworkers

As highlighted in the previous chapter, the Labour Relations Act (LRA) is the national public governance standard which extends farmworker access to governance by local CSOs, in the form of freedom of association and trade union representation at farm level. In addition, the LRA extends a range of organisational rights to trade unions, such as the right to access workplaces to recruit or communicate with members and for union members to elect shop-steward representatives. In terms of these aspects of the LRA which determine trade union access to farms and shop-steward appointments, an additional requirement of the act is that unions obtain 50+1% representation of farmworkers per farming unit. However, the findings in this empirical study indicated that across all thirteen fruit farms in Ceres under study, trade unions had been unable to achieve the required majority representation, meaning none of these workplaces were unionised. Whilst such an absence of trade union activity on the farms reflects low levels of unionisation across the wider South African fruit and agriculture sector (estimated to be in the region of 3.4%), further investigation revealed the underlying tensions and drivers contributing to this lack of external representation and implications for different groups of farmworker.

As discussed in chapter 5, it was highly evident that fruit producers held a negative perception of trade unions operating in the Western Cape fruit sector, describing their role as largely redundant due to the fact that public governance standards were already adhered to on the farm, combined with an inability of low-paid casual farmworkers to afford pay deductions for trade union representation. However, fruit producers also provided less tangible, though highly significant additional explanations for the lack of trade union presence on the farms, which served to illuminate the wider, embedded tensions between these two sets of actors.

Firstly, fruit producers expressed the opinion that trade unions operating in the Western Cape fruit sector, such as FAWU, Women on Farms and Sikhula Sonke, were politicised due to their close associations with the ANC government, which they believed to hold a wider agenda against a predominantly white commercial farming community. These historicised political tensions between ANC affiliated trade unions and white commercial farmers date back to the apartheid era, whereby white commercial farmers received high levels of economic support and protection from the previous National Party (NP) government (du Toit 2007). Following the democratic transition and government withdrawal of economic subsidisation to commercial fruit farmers, political tensions emerged as the newly elected ANC government sought to redress previous regimes of labour exploitation via the raft of public governance protection aimed at modernising labour relations on fruit farms in the Western Cape and across South Africa (outlined in further detail in chapter 2). Consequently, these deeply embedded socio-political tensions between fruit producers and ANC affiliated trade unions served to create additional barriers to worker organising on the commercial fruit farms in Ceres under study.

In addition, fruit producers repeatedly stated during interviews that rather than having a positive influence on working conditions and the employer-employee negotiation process, trade unions actually served to disrupt the close and paternalistic relationship between themselves and permanent farmworkers, which existed on the farms and had formed over time. Specifically, due to the close-knit sense of community on the farms and embedded paternalistic employer-permanent employee relationship described in further detail above, fruit producers explained that the presence of external agencies such as trade unions served to break this relationship, or as one employer put it, *'drive an employee and an employer in different ways'* (semi-structured interview, fruit producer FM11). In this sense, societally embedded paternalistic labour relations between fruit producers and permanent farmworkers had driven tensions between producers and trade unions seeking to disrupt this pre-existing on-farm dynamic.

As a result of these tensions between producers and trade unions and embedded paternalistic practices described above, permanent farmworkers were under extreme social pressures from their employer to refrain from seeking external trade union representation. Furthermore, permanent farmworkers received greater public governance protection in the form of wages above minimum legal standards and non-wage benefits associated with long-term contractual arrangements, combined with non-contractual social benefits associated with the paternalistic employer-employee relationship. Consequently, permanent workers interviewed on the farms under study expressed little desire or motivation to seek external trade union representation and risk disrupting their

employer-employee relationship (semi-structured interviews, 8 permanent farmworkers; focus group 4). In turn, this presented significant additional challenges to the ability of trade unions seeking to access farms and gain the required legal majority of 50+1% worker representation to partake in farm level employer-employee bargaining processes.

In contrast to permanent farmworkers, casual employees received significantly less public governance and paternalistic protection and as a consequence, tended to hold a differing stance with regards to the potential role of trade unions in assisting with employer-employee negotiations. During interviews and focus groups, casual workers expressed the view that trade unions could play an important role in representing them in employer negotiations and improving their working conditions, but felt this was not an available option due to the lack of trade union presence in Ceres, along with their transient and vulnerable socio-economic status on the farms. Such a viewpoint was put forward during one semi-structured interview and a focus group with casual farmworkers from the Eastern Cape, on the topic of trade unions on commercial farms in Ceres:

Interviewer: Are you a member of a trade union?

Farmworker: There is no such thing that you hear about that. I would like to join one so they can look after the way that I'm working and salary, and the housing conditions. But even that time when we came here from the Eastern Cape and then we had the meeting with management, they didn't tell us about that stuff so we don't mind about that, you just work....But maybe a trade union can also cause a problem to us, because we stay far from our homes and we're here just for work and we came here like this and it's a long time that the farm's going on like this, so we can't just come and change it, so it's not so easy for us. (semi-structured interview, casual farmworker from the Eastern Cape).

Interviewer: Are either of you a member of a trade union?

Farmworker 1: We didn't know about the trade union.

Farmworker 2: It's just that we don't get that kind of information, we don't hear that much, that's why I said our mind is like a closed box, we don't get that kind of information'. (focus group 3, casual farmworkers from the Eastern Cape).

The discussion thus far has outlined the varying viewpoints held by fruit producers, permanent and casual farmworkers regarding the lack of trade union activity and worker representation on the fruit farms under study. Interviews with a number of trade union organisers from COSATU, FAWU,

BAWUSA and Sikhula Sonke and NGO workers at Women on Farms, further highlighted that a combination of aforementioned pre-existing tensions between fruit producers and trade unions and a perpetuation of paternalistic labour practices, have considerably hindered their ability to gain access and organise farmworkers on fruit export farms in Ceres²⁷. Additional challenges to worker organising repeatedly expressed during interviews with these CSOs seeking to organise farmworkers in the Western Cape fruit sector included a lack of funding and resources to travel to farms to recruit members; the geographical spread of commercial farming units throughout the Western Cape; and access to farms being restricted by farmers due to private property laws, safety and security concerns (CSO actors, semi-structured interviews 2012; see also NALEDI 2012).

Furthermore, interviews with these trade unions and NGOs drew attention to the fact that increases in workforce casualisation have presented significant additional challenges to their ability to protect and organise growing numbers of casual farmworkers. Indeed, this singular issue was highlighted during a national DoL hosted conference attended as part of the fieldwork, 'Identifying Obstacles to Union Organising on Farms', attended by organisers and representatives from trade unions (FAWU, Sikhula Sonke, BAWUSA) operating in the Western Cape fruit sector. A key finding from this event, which was corroborated by interviews with trade union organisers, was the fact that traditional access-based models adopted by established trade unions such as FAWU, based on gaining access to farms and organising farmworkers in formal, long-term contractual arrangements, was ineffective in extending representation to increasing numbers of casual workers. During the conference event and following interviews with trade union organisers, it was highlighted that smaller grass-roots organisations such as Sikhula Sonke have made limited gains in organising casual labour via innovative strategies of community-based organising, both on and off-farms around labour and social issues.

However, interviews with trade union organisers at three trade unions (FAWU; Sikhula Sonke; BAWUSA) active in the Ceres area highlighted the particular challenges of recruiting and representing migrant and contract labour, which they perceived to be the most vulnerable categories of casual employee. With regards to migrant labour, this was due to the transient and temporary nature of their employment. In the case of third-party contracted labour, an inability to

²⁷ The lack of accurate and reliable membership records held by trade unions under study rendered a true estimate of the number of farm workers belonging to unions in the Western Cape fruit sector problematic. FAWU reported 114,000 members in 2012 across South Africa. A breakdown of farmworkers belonging to FAWU in the Western Cape was challenging as no official statistics exist, and FAWU also organise in the food-processing sub-sector. Sikhula Sonke estimated 4,000 Western Cape farmworkers as members in 2012, though no additional breakdown of permanent/casual workers exists.

identify their employer presented a significant obstacle to organising this category of casual farmworker. These challenges to migrant and contract worker organising are indicated in the following extracts from two trade union organisers operating on fruit farms in the Ceres area:

'Casual and migrant workers have no security, they move from farm to farm depending on where they can find a job. Labour contractor workers are also very difficult to organise, because you don't know who their employer is' (semi-structured interview, trade union organiser).

'There is very little that unions can do for these migrant workers. Because it seems to me like they are just like sheep, you just take them in and put him there and the days goes on and when they are finished working, they just put them on the taxi or on a bus and they're gone' (semi-structured interview, trade union organiser).

The various challenges to worker organising discussed in this sub-section were reflected by the fact that trade unions had been unable to achieve the required 50+1% worker representation on any of the fruit farms in Ceres under study, and none of the permanent or casual farmworkers interviewed on these farming units were represented by external agencies. Therefore, whilst national public governance standards in the form of the LRA have extended local CSO protection to farmworkers, such as the right to freedom of association and trade union representation, this was not recognised in practice on the farms under study. Having unpacked the role of public governance standards in extending access to local CSO protection for permanent and casual farmworkers operating on the farms under study, the discussion will turn to briefly discuss the extent to which private codes of conduct have addressed this aspect of working conditions.

a) The role of private codes of conduct in extending local CSO protection to farmworkers

As highlighted in the previous chapter (section 5.3.2), the ETI base code makes specific provisions for worker access to trade union representation and the right to freedom of association. However, where national regulatory frameworks exist in producing countries, the ETI base code essentially refers to labour laws and regulations to extend local CSO protection to workers incorporated into GPNs. The ETI base code only intervenes where the right to trade union representation and freedom of association is *'restricted under law'*, demanding that *'the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining'* (ETI 2012). In the context of South African fruit, given the fact that the Labour Relations Act makes specific provisions for farmworker access to governance by local CSOs, the LRA constituted the principal regulatory driver for this less tangible standard of working condition.

Subsequently, for the plethora of reasons outlined in the previous section, private codes of conduct made no impact in terms of increasing trade union access to the farms and facilitating external representation for farmworkers on any of the farms under study. This was confirmed by interviews with fruit producers, permanent and casual farmworkers across all farming units under study.

However, fruit producers and HR managers on a number of sites did state that private codes of conduct had contributed to the formation of worker committees as an another means of representative function, which were supposed to act as an open grievance structure and forum for farmworkers to express their views about issues on the farm (semi-structured interviews, fruit producers FM2, FM5, FM9, FM10). Whilst some producers interviewed stated that the workers committees had improved grievance procedures on the farms and allowed farmworkers to express their concerns surrounding working conditions (semi-structured interviews, fruit producers FM2; FM3; FM5; FM9; FM10), others explained the difficulties and apprehension of workers to utilise this system as a means to voice their grievances, with particular regard to casual workers (semi-structured interviews, fruit producers FM1; FM4). This latter view was put forward by one HR manager operating on FM1, who stated that the workers committee on that particular farming unit was for different levels of employment, gender and ethnic diversity, but tended to not represent casual farmworkers employed on a seasonal basis:

'It's for people from different levels of employment. We've got male, we've got female, and different races so that we support the whole work force. We don't really have seasonal people on the worker's committee. It's mostly the permanent people.' (semi-structured interview, HR manager FM1).

Employers interviewed stated the lack of casual worker representation or involvement with the worker committee process on certain farming units was due to the transient nature of seasonal work, and the fact that casual employees were only present on the farms for a short 3-6 month period. This assertion was substantiated by casual farmworkers operating across a number of farming units, who expressed the view that they felt the workers committee was primarily for permanent employees and not a channel which they could utilise to express grievances or concerns on the farm (semi-structured interviews, six casual farmworkers; focus groups 1; 2). In this sense, whilst private governance was not found to contribute to increased access to local CSO protection for farmworkers in the form of external trade union representation on the farms under study, it had driven a process of worker committee formulation as a grievance structure for employees. However, additional findings indicate that this structure tended to be primarily in place for permanent as

opposed to casual farmworkers, in part due to the transient and temporary nature of seasonal employment.

As a result, a combination of public and private governance standards were found to have a limited impact on permanent and casual farmworkers' access to governance by local CSOs on commercial fruit farms in Ceres connected to GPNs. It is argued here that this lack of trade union activity and external representation has had a particularly adverse impact on casual as opposed to permanent farmworkers, due to the fact that the latter were found to receive significantly higher levels of public governance protection in the form of higher wages and non-wage benefits associated with secure, long term contracts. In addition, permanent workers received greater levels of paternalistic protection, in the form of social benefits such as transportation to towns, sports facilities, additional education and medical benefits on the farm.

Consequently, I argue that the lack of trade union representation afforded to casual farmworkers resulted in an additional *local CSO governance deficit* for this category of worker, who were not adequately protected by the public or private governance framework in terms of wage levels, non-wage benefits and contractual security, and had limited access to trade union representation to bargain for improvements to these employment arrangements.

6.5 Summarising the public, private and local CSO governance deficits facing casual farmworkers operating on commercial fruit farms in Ceres

The discussion thus far has sought to unpack in further depth public governance outcomes for different groups of permanent and casual farmworker operating on commercial fruit farms in Ceres, taking into account wider global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). The empirical observations highlighted above have significant analytical implications for our understanding of public governance in addressing working conditions in commercially driven global production networks. By bringing public governance back into the analytical frame, this empirical discussion is positioned to contribute to existing GPN research into governance of working conditions, which has thus far focused primarily on private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity).

With reference to the GPN/public governance framework (Figure 3, section 3.2), the discussion above has elucidated the inter-linkages that exist between public, private and local CSO governance

of labour, across multiple geographical scales of the 'governance pillar'. In this regard, the findings point to a central and critical regulatory role for public governance standards in addressing working conditions in South African fruit GPNs, at the intersection of wider global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity).

In the case of South African fruit, public governance standards were found to comprise the principal regulatory benchmark for working conditions such as minimum wages; working hours; paid leave; contractual arrangements; health and safety and access to trade union representation. However, by extending analysis of public governance to a variegated scale of labour, the findings above highlight a *public governance deficit* facing casual workers, characterised by insecure, short-term contracts; wages insufficient to meet living costs; and compounded by a lack of non-wage contractual benefits and paternalistic protection associated with long-term, permanent contracts.

Whilst private codes of conduct did increase enforcement levels, they were not able to address the abovementioned governance deficit facing casual workers, due to the fact that national laws and regulations provided a minimum benchmark for more transformative gains such as minimum wages and contractual arrangements. This has resulted in a subsequent *private governance deficit* for casual farmworkers, relative to their permanent counterparts. This observation highlights the complex inter-linkages that exist between national public and global private governance standards, denoted by the dark arrow linking these two forms of governance along the 'governance pillar' in Figure 3.

In addition, public governance standards in the form of the Labour Relations Act (LRA) extended farmworkers legal access to trade union representation, denoted by the dark arrow linking national public and governance by local CSOs along the governance pillar in Figure 3. However, this has not materialised due to a complex combination of global commercial pressures driving workforce casualisation and societally embedded tensions further restricting civil society access to farmworkers. The absence of external trade union representation on South African fruit farms has particularly stark consequences for casual workers, due to the highly differential levels of public/private governance and paternalistic protection afforded to this category of employee relative to their permanent counterparts. This has resulted in a subsequent *local CSO governance deficit* for casual workers incorporated into South African fruit GPNs.

In summary, the empirical findings emanating from this case study have facilitated analysis of the complex combinations of multi-scalar governance which exist across the governance pillar in Figure 3. Subsequently, I argue that the empirical example of fruit farms in Ceres draws attention to a

'global governance deficit', at the core of which lies a public governance deficit facing increasing numbers of casual workers characterised by minimum wages insufficient to meet living costs and a lack of trade union representation. Furthermore, I argue that this global governance deficit facing casual farmworkers contributed to a widespread labour crisis throughout the Western Cape fruit sector.

The following section will turn to discuss this event, which served to further elucidate the global governance deficit facing casual farmworkers as the crisis progressed. The latter part of the chapter outlines the public governance response to the labour crisis, which was to increase the minimum wage for farmworkers from R69 to R105 per day. However, taking into account the findings reported in the previous pages, it is questionable as to whether the South African state response to the crisis adequately addresses the underlying drivers of the governance deficit facing casual workers. This has implications both empirically and conceptually, in terms of our wider understanding of the role of public governance in addressing working conditions in global production networks.

6.6 Crisis in South African fruit

A unique aspect of this study is that almost immediately following the fieldwork period, the primary research location, Ceres, was at the centre of an unprecedented labour crisis which spread throughout the Western Cape fruit sector from November 2012 to March 2013. Over the course of the unrest, thousands of predominantly casual farmworkers operating on fruit farms in Ceres and throughout the Western Cape downed tools and staged a series of strikes demanding higher wages and better working conditions. As the crisis unfolded, major highways were repeatedly obstructed and labour strikes were associated with high levels of violence, resulting in numerous commercial farming operations being torched and the death of three farmworkers. Although the striking farmworkers issued a number of grievances to their private firm employers, national public governance institutions and locally based civil society organisations, a key demand was that the existing minimum wage of R69 per day be significantly increased to R150, along with greater protection and representation from national public governance institutions and local civil society organisations.

The origins of the labour crisis can be traced to a commercial fruit export farm located in de Doorns, Hex River Valley, following the sale of the farm by a single fruit producer to a large commercial operation, South African Fruit Exporters (SAFE). Following the transition of farm ownership, 300 local

and foreign migrant farmworkers downed tools and protested against SAFE, for contravening an agreement they had with the previous farm owner that permanent contracts and wage levels would be maintained following the farm sale. Despite this agreement, protesters alleged that SAFE opted to significantly restructure the farm workforce, reducing the number of core permanent workers and draw upon greater numbers of casual workers to increase the '*effectiveness and performance*' of fruit production on the farm (Washinyira, 2012). As a result of this process of casualisation on the farm at the centre of the unrest, tensions dramatically increased between employees and their employers, as indicated in the following statement made on behalf of the farmworkers employed by SAFE during the initial stages of this localised unrest:

'Some of the workers have been employed there for over 18 years. The workers feel exploited and are not happy with the way SAFE changed their permanent contracts to seasonal contracts when the farm owner died three months ago. The new seasonal contracts state that the employees are no longer permanent workers but seasonal' (Washinyira, 2012).

In addition to their change in employment status, protesting farmworkers expressed grievances against SAFE for opting to drastically reduced wages on the farm which were previously set at R90 - R130 per day, to a flat rate of R69 per day (in line with the minimum wage) for workers who were to be re-employed on a casual basis. Drawing upon the previous reporting in this chapter, this sudden and immediate transition of employment status from permanent to casual farmworker in the example above can be seen as having significant adverse implications for casualised employees, in terms of the highly variable public governance and paternalistic protection received relative to permanent workers. Permanent workers tend to occupy well-remunerated, skilled positions on the farm and enjoy the additional security of long-term contracts, non-wage contractual benefits (on-farm housing, provident, funeral funds) and paternalistic favours such as transportation to towns. In contrast, casual workers are generally employed on low-paid, short-term contracts, which do not include the various configurations of non-wage contractual benefits described above or levels of paternalistic protection associated with the employer-permanent employee relationship.

Indeed, as the crisis spread throughout the Western Cape, casual farmworkers repeatedly stated that their decision to take direct action through labour strikes was in response to insufficient remuneration levels, combined with escalating living costs (Knoetze 2012; Washinyira, 2012). These statements correspond with the case study findings of this research, which found that despite casual farmworkers receiving wages in line with the legal minimum of R69.42 per day, this amount was

found to be insufficient to meet basic living costs (semi-structured interviews, nine casual farmworkers; focus groups 1, 2; BFAP 2012).

However, SAFE responded to the initial unrest by stating that workforce restructuring was essential in order to meet the competitive high quality, low-cost requirements of global production (SAFE, press statement, 2012). This singular example serves as a microcosm of wider processes of global commercial integration, farm consolidation and workforce casualisation occurring in the South African fruit sector, highlighted in further detail in chapter 2 (section 2.4). In order to meet the low-cost, high quality demands of global lead firms alongside increasing production costs, fruit producers have opted to casualise their workforce, drawing upon increasing numbers of low paid, short-term casual workers alongside a reducing core of skilled, permanent workers.

Additionally, fruit producers and agricultural industry bodies responded to the escalation of tensions and demands for a categorical increase in wages for farmworkers by calling for a more nuanced perspective, highlighting the varying levels of public governance and paternalistic protection afforded to permanent and casual employees (Davis 2012; SABC 2012). Specifically, fruit producers pointed to the fact that permanent workers receive contractual benefits (on-farm housing; provident and funeral fund) and paternalistic favours which are not visible in the wage packet. In contrast, casual farmworkers are provided with short-term, insecure contracts on low wages without the aforementioned range of non-wage benefits. The following statement by a Western Cape fruit producer reflects this assertion, and serves to highlight the raft of non-wage contractual and paternalistic benefits afforded to permanent as opposed to casual workers:

'There is a massive difference between a farmer picking up people in the local township and paying them R85 per day and a farmer who uses permanent staff. No house, no electricity, no bonus, no holiday pay, no medical, transport, funeral cover, etc.' (Davis 2012)

This statement serves to highlight the differential public governance and paternalistic protection afforded to permanent relative to casual farmworkers, in the form of wage levels insufficient to meet living costs, and a lack of contractual and paternalistic benefits associated with permanent employment arrangements (see section 6.2 for further details). Subsequently, as the crisis spread throughout the Western Cape, casual farmworkers up-scaled their protests to national public governance institutions for failing to adequately protect them via the existing regulatory framework and minimum wage enshrined in the Sectoral Determination 13. Numerous casual farmworkers referred to the existing minimum wage as a '*hunger loan*', and demanded that the Department of

Labour implement an immediate wage increase, to allow them to meet the increasing costs of living (Fogel 2012).

In this sense, the opening stages of the initial and spiralling unrest reported in this section, whereby tensions broke out between fruit producers and casual workers on the one hand; and public governance institutions and casual protestors on the other, serve to further illuminate the *public governance deficit* facing casual farmworkers operating on commercial fruit farms in the Western Cape.

However, an additional feature of the escalating labour crisis was the categorical response from fruit producers, industry associations and agricultural unions, which was to highlight the private and ethical trade initiatives firmly in place to ensure decent working conditions on Western Cape fruit farms connected to GPNs. The following sub-section will briefly turn to unpack these various private actor responses to the crisis, which serve to further elucidate the governance deficit facing casual workers incorporated into South African fruit.

a) Fruit producers and industry associations pointing to private codes of conduct and ethical trading practices on fruit farms connected to GPNs

In response to the escalating unrest and casual farmworker demands for increased wages and improved employment arrangements, fruit producers, industry associations (Hex Valley Table Grape Association; Fresh Produce Exporters' Forum (FPEF)), and agricultural unions (Agri-WesCape; Agri-SA) pointed to the fact that commercial fruit farms had to be highly compliant with a raft of ethical audits such as ETI and GlobalGAP, in order to be able to export their produce to lead firm supermarkets in the UK and mainland Europe (Sherry 2013). As outlined in previous chapters (2 and 5), such private codes of conduct have been implemented by global lead firm supermarkets, as a means of ensuring civil society actors and consumers that ethical labour practices exist on fruit farms connected to their supply chains. On this basis, private actors (fruit producers; industry associations; agricultural unions) asserted that decent working conditions could be assured on fruit export farms in the Western Cape, due to the fact that producers were forced to comply with private codes of conduct (ETI base code and GlobalGAP) as part of their integration into wider global production networks. The following statement by the chairperson of the Hex Valley Table Grape Association encapsulates this notion, which was made in order to stem the unrest and calm escalating tensions:

'Our buyers, in the UK and elsewhere, know that our house is in order in terms of the ethical treatment of farm workers because farmers are compliant with a host of ethical audits, including the

ethical treatment of farm workers, required by the supermarkets, before they qualify to export their products' (Erasmus 2013a).

However, drawing upon the empirical findings of this study, private codes of conduct were found to rely on national labour laws and regulations to provide a minimum standard for wage levels and contractual arrangements for farmworkers. Therefore, whilst private codes of conduct have contributed to increased levels of compliance to these standards via increased ethical audits and producer incentives to maintain contracts with lead firms, their presence has failed to address the governance deficit facing casual workers operating on South African fruit farms connected to GPNs.

This point highlights both the critical role of national public governance in determining wage levels and contractual arrangements for farmworkers incorporated into fruit GPNs, along with the limitations of private codes of conduct in affecting these key aspects of working conditions. Such limitations of private governance initiatives were highlighted during the height of the labour unrest, whereby the director of ethical trading for a major UK supermarket stated that the ETI base code was not positioned to influence the national Sectoral Determination review process or dictate wage levels afforded to farmworkers incorporated into fruit GPNs:

'It is not for us as a company to dictate to a foreign country that 'you must pay X'. I think the African National Congress government would query us for saying such a thing' (Smith 2013).

Therefore, despite the presence of private codes of conduct on South African fruit export farms at the centre of the labour crisis, their reliance on public standards to provide a regulatory benchmark for minimum wages and contractual arrangements has contributed to a *private governance deficit* for casual farmworkers, who were found to receive inadequate protection in terms of wage levels, and a lack of non-wage contractual and paternalistic benefits relative to their permanent counterparts.

b) Tensions between casual farmworkers and civil society organisations over the course of the labour crisis

During the initial stages of the labour crisis described above, an additional and significant aspect of the unrest was the notable lack of civil society and trade union involvement, which can be attributed to the low levels of unionisation in the Western Cape fruit sector (Davis 2013a). As the crisis unfolded, various civil society organisations such as COSATU and FAWU sought to intervene in proceedings by recruiting striking farmworkers as members and negotiating with public governance institutions, employers and fruit industry bodies on their behalf. However, as outlined in section 6.4

of this chapter, casual farmworkers operating on fruit farms at the centre of the unrest have been largely unrepresented by trade unions in the period preceding the labour crisis. Despite public governance standards (Labour Relations Act), providing farmworkers the right to trade union representation, this has failed to materialise due to a combination of global commercial pressures driving casualisation and societally embedded tensions between fruit producers and trade unions; paternalist practices and pressure on permanent employees to refrain from seeking external representation; a lack of trade union resources; and an inability to access and protect the most vulnerable category of casual farmworker. Whilst private codes of conduct encourage employers to allow for freedom of association and trade union representation, they are largely reliant on public governance standards in the form of the LRA to extend this right to farmworkers in practice.

As a result, tensions emerged between striking casual farmworkers and trade unions over the course of the labour crisis, with the former questioning the legitimacy of the latter in speaking on their behalf due to their previously absent role in the Western Cape fruit sector. The strains between these two sets of actor became highly evident at particular moments in the crisis, when casual farmworkers expressed anger towards COSATU and FAWU following a farm-level wage negotiation referred to as the 'Clanwilliam deal', which resulted in a temporary agreement of R105 per day on a collection of horticultural farming units located in the Hex River valley:

'Cosatu is not our boss! We are the people who suffer, not Cosatu! We are not happy with R105. We are not happy with what Clanwilliam is happy with!' (Davis 2013a).

It is argued here that these tensions between casual farmworkers and trade unions seeking to represent them over the course of the labour crisis reflect the *local CSO governance deficit* facing this category of employee, characterised by a lack of external trade union representation at local farm level. This lack of governance protection by local civil society organisations has had particularly stark consequences for casual farmworkers, who have received insufficient public and private governance protection relative to their permanent counterparts, in the form of wages below living costs and a lack of non-wage contractual and paternalistic social benefits associated with long-term employment arrangements.

By extending analysis of public governance, at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity) to a variegated scale of labour, has highlighted the differential levels of regulatory protection afforded to permanent and casual farmworkers, which was elucidated over the course of the labour crisis. In this sense, the labour crisis draws further attention to the inter-linkages that exist between complex combinations

of public and private initiatives and governance by local CSOs along the governance pillar in the GPN/public governance framework, along with the implications for labour (Figure 3). In particular, the labour crisis further highlights the 'global governance deficit' at the heart of which lies a public governance deficit, characterised by minimum wages insufficient to meet living costs and a lack of trade union representation for increasing numbers of casual workers.

Furthermore, the labour crisis also illuminates an interesting horizontal linkage across the global scale of the commercial pillar and governance pillar outlined in the GPN/public governance framework. In particular, the assumption made by commercial actors that adherence to global private (codes of conduct) initiatives would serve to address the governance deficit facing casual workers, is undermined by the corresponding commercial pressures exerted by global lead firm supermarkets over national suppliers and local fruit producers. Drawing upon the GPN approach facilitates analysis of this horizontal tension across the global scale of the commercial and governance pillar outlined in the GPN/public governance framework, which will be explored in further detail in the following chapter 7.

As a result of the highly variable governance protection and socio-economic status of permanent and casual farmworkers on fruit farms in the Western Cape, this resulted in tensions between these two groups of worker which was highlighted over the course of the labour crisis.

c) Tensions between permanent and casual farmworkers as the crisis unfolded: reflecting public, private and local CSO governance deficits

In contrast to casual farmworkers who comprised the vast majority of protestors, the stance of permanent workers was to vocally oppose the strikes, seeking to maintain the status quo in terms of their employment conditions and existing governance protection (Erasmus 2013b). This was demonstrated via a public statement made by a group of permanent farmworkers operating across a large number of commercial fruit farms in the Western Cape, under the banner of the 'Farm Worker Forum'. Despite acknowledging that the minimum wage of R69.42 per day was inadequate to meet living costs, this group of permanent farmworkers stressed that permanent employees earn far more than standard cash wages through a raft of non-wage contractual benefits (on-farm housing, pension funds, funeral costs) and paternalistic protection (transportation to nearby towns; on-farm childcare facilities; medical subsidisation etc.). At the height of the crisis, a spokesperson for this group of permanent farmworkers stated that *'our people need to stand up and speak for ourselves otherwise we will go hungry and be left without work'*, claiming that the driving force behind the strikes are mainly casual farmworkers and unemployed people (Erasmus 2013b). Permanent workers

also condemned the acts of violence and destruction of farms and farm infrastructure during the strikes, stating that they had jeopardised good relationships that exist between themselves and their employers.

These tensions between permanent and casual farmworkers further underline the varying levels of governance protection afforded to different groups of a variegated farm workforce. Casual workers are recruited on low-cost, short term flexible contracts, without the same level of public governance protection afforded to permanent workers, on wages insufficient to meet living costs and a lack of non-wage contractual and paternalistic benefits associated with permanent contracts. Due to the fact that private codes of conduct are reliant on national laws and regulations to provide the minimum standard for these working conditions, casual farmworkers have remained unprotected by private governance initiatives. The situation of casual farmworkers has been compounded by a lack of local CSO governance protection for this vulnerable category of employee, characterised by a lack of trade union representation in the employer-employee negotiation process.

These public, private and local CSO governance deficits were illuminated as the crisis unfolded, resulting in a response by the South African government which sought to address working conditions for the most vulnerable category of casual employee. The following section will turn to examine this public governance response to the crisis, and consider the extent to which it has sufficiently addressed the governance deficit facing different groups of a variegated farm workforce.

6.7 Reflecting on the post-crisis public governance response: implications for labour incorporated into fruit GPNs

a) Minimum wage increase from R69 to R105: implications for casual farmworkers operating on South African fruit farms

Following sustained pressure from striking casual farmworkers and latterly, CSOs operating in the Western Cape fruit sector, the DoL minister announced an immediate review of the Sectoral Determination for the agriculture sector (Mail and Guardian 2013). This process resulted in a minimum wage increase by 52% from R69 to R105 per day, applicable to the whole of the commercial fruit and wider agriculture sector.

However, whilst this public governance response to the crisis has resulted in limited gains for casual farmworkers in terms of increased wages, the significance and sustainability of these gains are

questionable considering the public, private and local CSO governance deficit facing casual workers. Firstly, given the fact that casual farmworkers are employed on short-term contracts, without access to the raft of non-wage contractual benefits (on-farm housing; provident fund; funeral fund) and paternalistic protection afforded to permanent workers, they are significantly more reliant on their salary to meet everyday housing and living costs. Indeed, this point was directly highlighted in the ECC (2013) report in response to the crisis, which sought to determine revised wage levels for farmworkers following the labour unrest in the fruit sector:

‘While the situation of permanent farm workers is not cause for immediate concern, especially on the intensive fruit farms that were analysed, the reality is different when it comes to seasonal workers. Permanent workers seem to earn more than the current minimum wage on these farms...The position of seasonal workers seems to be different, however, and even on the fruit farms they earn at most around R84 per day compared to the minimum wage of just less than R70 per day’ (ECC 2013:73).

This statement corresponds with empirical data reported in the previous chapter, with the majority of casual farm workers earning between R69 - R75 per day, with three farms remunerating off-farm casual workers R85 per day to compensate for increased housing and living costs²⁸. The important point to make here is that the ECC report goes on to state that for casual farmworkers, *‘even at what seems to be an unaffordable minimum wage of R150.00 per day most households cannot provide the nutrition that is needed to make them food secure’* (ECC 2013:73).

These findings raise two important points with regards to the initial public governance response to the crisis in the form of a categorical wage increase for permanent and casual farmworkers. Firstly, the ECC (2013) report corresponds with the case-study findings produced in this thesis, that the public governance and paternalistic protection afforded to permanent relative to casual farmworkers is highly differential, in terms of the short-term, low-paid transient nature of casual farmworkers’ contractual arrangements relative to their permanent counterparts. Secondly, the ECC (2013) report itself highlights the limitations of a cash wage increase for casual farmworkers to R105 per day, which is still not enough for this category of worker to afford basic living costs, given the lack of contractual non-wage and paternalistic protection afforded to permanent workers. In this sense, the increase in cash wages from R69 to can be seen as providing only limited gains to casual

²⁸ It is worth noting that all categories of casual farmworker were able to receive additional money on top of the standard wage package for piecework tasks, such as picking or sorting fruit.

farmworkers, given the nature of the public governance deficit facing this category of employee farmworkers.

An additional point to mention regarding the public governance response to the crisis in the form of a minimum wage increase, relates to the perpetuation of a local CSO governance deficit facing casual farmworkers, characterised by a lack of external trade union representation. Despite calls from senior the Minister of Labour and senior Department of Labour officials for increased efforts by trade unions to represent and protect the most vulnerable farmworkers operating on fruit farms in the Western Cape (Mkentane 2013), significant challenges remain firmly in place. This lack of trade union representation for farmworkers can be attributed to a complex combination of global commercial pressures driving workforce casualisation; societally embedded tensions between fruit producers and trade unions; along with a perpetuation of paternalistic practices and employer pressure on permanent farmworkers to refrain from seeking external representation. These challenges facing trade unions have been compounded by a lack of physical resources, and established trade unions such as COSATU and FAWU's reliance on traditional farm access-based models of organising, which are ineffective in accessing transient, casual farmworkers and particularly contract and migrant labour (semi-structured interviews, trade union actors, 2012; NALEDI 2012). This has had particularly stark consequences for casual employees who do not enjoy the same level of public governance and embedded paternalistic protection experience by their permanent counterparts. Furthermore, this continued lack of local CSO governance protection for casual farmworkers has significant implications for the sustainability of governance gains following a minimum wage increase, due to the critical role of trade union representation in monitoring wage levels and working conditions at farm level (Barrientos, Gereffi and Rossi 2011; Locke 2013).

b) Tracing the latter public governance response to the crisis: acknowledging global commercial pressures as challenging governance outcomes for labour

Following the agricultural minimum daily wage increase from R69.42 to R105, national public governance and wider state institutions adopted a shifting stance in relation to the crisis in South African fruit. In a somewhat unprecedented change in policy direction, senior officials at the Department of Labour and Department of Trade and Industry acknowledged the wider commercial pressures inherent in the global production process as hindering the ability of fruit producers to meet increasing labour costs.

Indeed, the reaction of fruit producers and agricultural unions (TAU-SA, Agri-SA, Agri-WesCape) to the increased agricultural minimum wage, provides a key indication of the implications of wider

commercial challenges for the public governance process in fruit GPNs. The definitive response to the revised R105 minimum daily wage by these commercial actors was that it had been set at an *'unaffordable'* and *'unsustainable'* level (Fresh Fruit Portal 2013). Such viewpoints by commercial actors were attributed to a range of factors, which included the global commercial pressures inherent in the fruit value chain and the lack of bargaining power held by fruit producers relative to powerful lead-firm supermarkets. This was highlighted by one commercial fruit producer who stated that he had *'absolutely no room for negotiation with supermarket buyers...I have an income determined by what the market is prepared to pay'* (Davis 2013b). The fruit producer went on to state that following the wage increases, they are under significant pressures to cut costs within their operations to cover wages without harming fruit quality (Davis 2013b). Furthermore, fruit producers highlighted that a blanket wage increase to R105 for farmworkers is *'massively simplistic'*, due to the fact that permanent farmworkers receive approximately 30-35% more than the amount of their wage packages in the form of non-wage contractual benefits (on-farm housing; funeral and provident funds) and paternalistic benefits employer-permanent employee relationship (Davis 2013b).

These statements are indicative of the intricate tensions that exist between global commercial pressures inherent in fruit GPNs, characterised by the asymmetrical bargaining power held by lead firm supermarkets over fruit producers on the one hand, and the public governance deficit experienced by casual farmworkers on the other. Specifically, global commercial pressures placed on fruit producers for high-quality, low-cost goods have driven a need for a core of skilled, permanent workers operating alongside increasing numbers of low-paid, casual workers. On the basis of these global commercial pressures alongside agricultural wage increases from R69 to R105 per day, fruit producers explained the inherent tensions in maintaining a core of skilled workers versus reducing production costs in order to meet the stringent requirements of lead firm supermarkets. Due to the fact that skilled permanent farmworkers earn far more than casual employees, fruit producers stated that despite the fact that laying off these costly workers would result in greater financial savings, it would be highly detrimental to fruit production and business operations given the stringent demands of lead-firm supermarket buyers for high quality, low cost products.

'Laying off the highest paid workers would save me the most, but that would mean cutting the most productive and skilled workers and would be suicidal for the business.' (Davis 2013b).

An alternative response from fruit producers to the increased wages was to state that they would have no choice but to further casualise the workforce and reduce the number of permanent jobs on

the farm (Davis 2013b). These varying responses by fruit producers to the minimum wage increase can be seen as reflecting an inherent tension in their need to meet high quality, low cost demands of global fruit production. Therefore, whilst it can be assumed that casual farmworkers will experience limited gains from an increase in agricultural minimum wages, the sustainability of these gains is questionable given the intense global commercial pressure fruit producers are under in a highly competitive global market.

Subsequently, national public governance and wider state institutions recognised the need to address the global commercial pressures exerted by lead-firm supermarkets over producers operating in fruit GPNs, in order to ensure the sustainability of gains for farmworkers incorporated into this commercially driven environment. This shifting stance of the South African state was highlighted by Department of Trade and Industry (DTI) Minister, who acknowledged the pressing need for locally based fruit producers to capture more value of fruit and agricultural products at the local scale of production: *'We need to elevate our place in global value chains and not be satisfied with just being primary producers and exporters'* (Crotty 2012). Accordingly, the DTI Minister issued policy proposals focused on capturing the value of agricultural production at the local scale of production, by adopting a more assertive stance with lead-firm supermarket buyers; and encouraging fruit producers to integrate into agricultural GPNs on improved terms and conditions to ensure a higher percentage of value was captured for themselves and their employees (Crotty 2012; Davies 2013). As acknowledged by the DTI Minister, such proposals are made on the basis that *'a huge part of the production here in South Africa is ending up in somebody else's pocket'* (Davies 2013).

These latter interventions by the South African state in the agriculture sector are indicative of its shifting role in relation to the crisis, and also serve to highlight the wider global commercial pressures inherent in fruit GPNs which are positioned to challenge public governance outcomes for labour. In particular, the acknowledgement that global commercial pressures placed on locally based fruit producers are restricting their ability to meet the demands of increasing labour costs represents a highly significant shift in the South African state's position in the agriculture sector. This revised approach reflects the fact that the challenges facing public governance outcomes for farmworkers incorporated into fruit GPNs, need to be conceptualised in a context of global production, whereby global commercial pressures are placed on fruit producers by relatively powerful lead-firm supermarkets.

6.8 Conclusion

The case-study findings highlighted in the first part of this chapter have significant analytical implications for our understanding of public governance in addressing working conditions in commercially driven global production networks. By bringing public governance back into the analytical frame, this research is positioned to contribute to existing GPN research into governance of working conditions, which has thus far focused primarily on private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity).

The opening empirical discussion elucidated the inter-linkages that exist between national public, global private initiatives and governance by local CSOs *of labour*, across multiple geographical scales of the 'governance pillar' in the GPN/public governance framework (Figure 3). In this regard, the findings point to a central and critical regulatory role for public governance standards in addressing working conditions in South African fruit GPNs, at the intersection of wider global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). However, by extending analysis of public governance to a variegated scale of labour, the findings highlighted a *public governance deficit* facing casual workers, characterised by insecure, short-term contracts; wages insufficient to meet living costs; and compounded by a lack of non-wage contractual benefits and paternalistic protection associated with long-term, permanent contracts.

Whilst private codes of conduct did increase enforcement levels of public and private labour standards, they were not able to address the abovementioned governance deficit facing casual workers, due to the fact that national laws and regulations provided a minimum benchmark for more transformative gains such as minimum wages and contractual arrangements. This resulted in a subsequent *private governance deficit* for casual farmworkers, relative to their permanent counterparts. This observation highlights the complex inter-linkages that exist between national public and global private governance standards, denoted by the dark arrow linking these two forms of governance along the 'governance pillar' in Figure 3.

In addition, public governance standards in the form of the Labour Relations Act (LRA) extended farmworkers legal access to trade union representation, represented by the dark arrow linking national public initiatives and governance by local CSOs along the governance pillar in Figure 3. However, this has not materialised due to a complex combination of global commercial pressures driving workforce casualisation and societally embedded tensions further restricting civil society access to farmworkers. The absence of external trade union representation on South African fruit

farms has particularly stark consequences for casual workers, due to the highly differential levels of public/private governance and paternalistic protection afforded to this category of employee relative to their permanent counterparts. This has resulted in a subsequent *local CSO governance deficit* for casual workers incorporated into South African fruit GPNs.

In summary, the empirical findings emanating from the case study discussed in the first part of this chapter have facilitated analysis of the complex combinations of multi-scalar governance which exist across the governance pillar in Figure 3. Subsequently, I argue that the empirical example of fruit farms in Ceres draws attention to a 'global governance deficit', at the core of which lies a public governance deficit facing increasing numbers of casual workers characterised by minimum wages insufficient to meet living costs and compounded by a lack of trade union representation. Furthermore, I argue that this global governance deficit facing casual farmworkers contributed to a widespread labour crisis throughout the Western Cape fruit sector.

The second part of the chapter turned to discuss the labour crisis in South African fruit, which I argue shed further analytical light on our understanding of public governance in addressing working conditions in GPNs. On the one hand, the labour crisis served to illuminate the global commercial pressures inherent in fruit GPNs, characterised by a lack of bargaining power held by fruit producers relative to powerful lead-firm supermarkets along the commercial pillar in the GPN/public governance framework (Figure 3). This was observed during particular points in the crisis, whereby fruit producers and industry bodies expressed a reliance on increasing numbers of low-cost, casual labour due to the increasingly stringent high-quality, low cost demands made by lead firm UK and European supermarkets.

Additionally, the labour crisis also illuminated an interesting horizontal linkage across the global scale of the commercial pillar and governance pillar outlined in the GPN/public governance framework in Figure 3. In particular, I argue that the assumption made by commercial actors that adherence to global private (codes of conduct) governance initiatives would serve to address the governance deficit facing casual workers, is undermined by the corresponding commercial pressures exerted by global lead firm supermarkets over national suppliers and local fruit producers. Drawing upon the GPN analytical framework and related governance literatures facilitates analysis of this horizontal tension across the global scale of the commercial and governance pillar in the GPN/public governance framework, which will be explored in further detail in the following chapter 7.

Taking these findings into account, this empirical investigation has highlighted an inability of complex combinations of multi-scalar public, private initiatives and governance by local CSOs to

protect increasing numbers of vulnerable, casual farmworkers incorporated into South African fruit GPNs. The following chapter 7 will explore in further depth the analytical implications of these empirical findings, and in particular how the example of South African fruit GPNs contributes to our understanding of the role of public governance in addressing working conditions in GPNs.

Chapter 7: Re-conceptualising public governance in global production networks

7.1 Introduction

The purpose of this chapter is to reflect analytically on the example of public governance in the context of South African fruit GPNs. As described in chapter 3, the present study has drawn upon existing GPN and public governance literature in order to conceptualise the role of public governance in addressing working conditions in South African fruit GPNs, taking into account the multi-scalar commercial dynamic of production and interactions between private actors operating along the linear value chain. The present chapter will reflect on how, and to what extent, the example of South African fruit GPNs has contributed to our understanding of public governance, using this conceptual approach. Accordingly, the present chapter seeks to address the final sub-question of this thesis; *'how does the example of fruit production networks in South Africa contribute to our understanding of the role of public governance in addressing working conditions in GPNs?'*

The chapter will be divided into two parts. The first part will revisit the conceptual approach taken in this study, drawing upon existing GPN and public governance literature, and consider the ways in which this investigation has increased our understanding of public governance in South African fruit GPNs. The discussion begins by drawing attention to the commercial dynamic of fruit GPNs, and the interactions between global lead firms, national suppliers and locally based fruit producers, who are under intense pressure to produce high quality, low cost produce. In line with previous academic investigation, this thesis highlighted the intensification of workforce casualisation alongside a core of permanent workers incorporated into South African fruit GPNs. The discussion then turns to examine the merits of conceptualising public governance at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity) in addressing working conditions in South African fruit GPNs. Taking the case study findings into consideration, I argue that a key strength of this thesis has been to highlight an inherent multi-scalar tension on the one hand between 'global commercial pressures' exerted by global lead firms over national suppliers and local producers driving workforce casualisation, and on the other hand a 'global governance deficit' at the core of which lies a public governance deficit facing increasing numbers of casual workers, characterised by minimum wages insufficient to meet living costs and a lack of trade union representation.

The second part of the chapter broadens the debate, to consider the extent to which the example of South African fruit has increased our understanding of the role of public governance in addressing working conditions in global production networks. The first part of this discussion argues that the case of South African fruit has contributed to our understanding of public governance in global production by bringing national laws and regulations back into the analytical frame, and locating them at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). As highlighted in chapter 3, existing GPN research into the governance of working conditions, has focused primarily on private governance initiatives, such as ethical trade schemes and codes of conduct; and governance by local CSOs, in the form of trade union and NGO activity in shaping the regulatory process for workers incorporated into GPNs. Taking the empirical findings of this thesis into account, I argue that this thesis has contributed to our understanding of public governance in GPNs, by elucidating an inherent multi-scalar tension between 'global commercial pressures', in the form of power asymmetries between lead firms and locally based producers driving workforce casualisation, and a 'global governance deficit,' at the heart of which lies a public governance deficit facing increasing numbers of casual workers incorporated into GPNs.

The discussion then argues that a second and related contribution of this study to our understanding of the public governance of labour in GPNs, is to highlight an inherent tension *within* multi-scalar governance which has contributed to insufficient regulatory protection for increasing numbers of casual workers incorporated into GPNs. Specifically, this study draws attention to an intrinsic dysfunction at the global scale of production between the *governance of commercial interactions* along the value chain and the *governance of labour*. This point further underlines the strength of locating national public governance in the wider global production network, highlighting the inherent tensions *within* multi-scalar governance which are positioned to fundamentally challenge the ability of nation states to protect casual labour incorporated into GPNs.

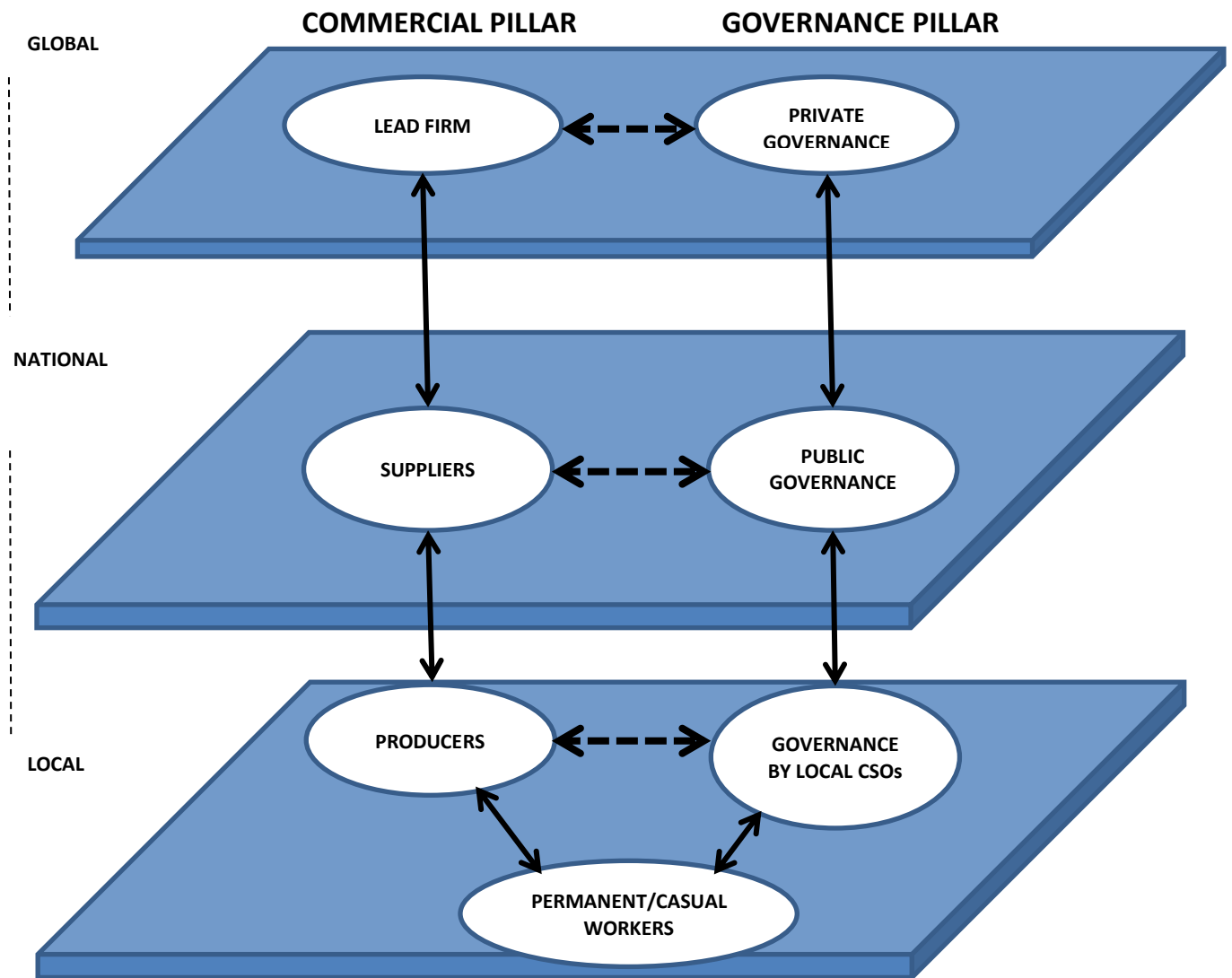
The chapter closes by highlighting two additional contributions to our understanding of public governance of labour in global production networks. Firstly, the case of South African fruit contributes to our understanding of the changing role of the state in the context of globalised production, by providing a tangible conceptualisation of the global commercial pressures driving workforce casualisation, resulting in a significant structural challenge to the ability of nation states to protect labour incorporated into GPNs. I further argue that these analytical insights provided by this investigation into the broader structural challenges facing public governance have significant policy implications for addressing labour conditions in GPNs. Secondly, the case of South African fruit

draws attention to the significance of the societal embeddedness of global production in shaping and influencing governance outcomes for different groups of worker incorporated into GPNs.

7.2 How has this investigation increased our understanding of the role of public governance in addressing working conditions in South African fruit GPNs?

The opening part of this chapter will consider further the specific ways in which the conceptual approach taken in this thesis has contributed to our understanding of national labour laws and regulations in addressing working conditions in South African fruit GPNs. In order to frame the discussion, this section begins by revisiting the GPN/public governance framework utilised in the present study, which provides a visual map of public governance as operating at the intersection of wider global private initiatives and governance by local CSOs, and across global commercial processes (interactions between lead firms; national suppliers; local producers; permanent and casual workers) in the GPN.

Figure 9. Revisiting the GPN/public governance framework: multi-scalar commercial and governance processes



Source: Author

a) Highlighting the ‘global commercial pressures’ placed on locally based producers by lead-firm supermarkets: implications for workforce restructuring

Firstly, a key contribution of this thesis to our understanding of public governance in South African fruit GPNs, has been to highlight the ‘global commercial pressures’ exerted by global lead firms over national suppliers and local producers as driving workforce casualisation (see also Nathan and Kalpana 2007; Posthuma and Nathan 2010). These commercial transactions and inter-linkages are denoted by the dark arrow connecting these private actors along the commercial pillar in Figure 9.

This aspect of the reporting unpacked the commercial dynamic of fruit GPNs, and in particular the economic pressures placed on fruit producers to supply large and consistent volumes of high quality produce at a low cost, in order to satisfy lead firm supermarket buying requirements. A key characteristic of these commercial pressures placed on fruit producers has been the proliferation of private standards enforced at the global scale of production, which govern the quality and safety of the fruit produced, best-practice agricultural processes and ethical practices on the farm. The situation facing producers has been compounded by global lead firms capturing a significant percentage of product value relative to producers at the local scale of production, combined with rising input and labour costs, which has in turn contributed to a reduction in net profits for producers. Analysing and unpacking the inter-linkages between private actors along the commercial pillar in Figure 9, has enabled a more tangible and coherent conceptualisation of the global commercial dimension of production, which has not been sufficiently incorporated into analysis of public governance to date.

In response to the global commercial pressures inherent in South African fruit GPNs, producers have restructured their workforces to include a shrinking core of permanent workers alongside an expanding transient, casual workforce. This localised outcome of the global commercial pressures placed on fruit producers is represented by the dark arrow connecting local producers to permanent/casual workers in Figure 9. As highlighted in this study, permanent workers tended to occupy well paid, skilled positions on the farm as a layer between the lowest grade workers and junior management, in order to ensure the raft of high-quality product, agricultural process and ethical standards demanded by lead-firms were adhered to. In contrast, casual workers comprised low-skilled and paid, manual positions on the farm over fixed periods, as producers sought to reduce their overall labour costs and remain competitive. Furthermore, casual workers operating across the various farming units were found to comprise a diverse blend of directly employed; third party contracted; foreign and South African migrant and locally based employees.

This unpacking of the labour dynamics on the South African fruit farms under study, allows us to provide a more nuanced and in-depth assessment of the role of public, private and governance by local CSOs in addressing working conditions for different groups of worker incorporated into GPNs. This aspect of the research seeks to contribute to existing GPN literature, which has not adequately extended analysis to the local labour scale, accounting for differential governance outcomes for different groups of a variegated workforce.

b) Highlighting a 'global governance deficit' facing an increasingly casualised workforce incorporated into fruit GPNs

Alongside these global commercial pressures, this study found a 'global governance deficit' facing increasing numbers of casual workers, characterised by minimum wages insufficient to meet living costs and a lack of trade union representation. This aspect of the reporting located and unpacked public governance in the wider fruit GPN, accounting for the complex inter-linkages between wider global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity) that exist along the governance pillar in Figure 9.

In this regard, the findings point to a central and critical regulatory role for public governance standards in addressing working conditions in South African fruit GPNs, at the intersection of wider global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). The findings indicated high levels of compliance to measurable standards such as minimum wage levels; basic conditions of employment (working hours, paid leave); health and safety; and UIF payments; for permanent and casual farmworkers on the farms under study. Significantly, for this set of standards, public governance in the form of national laws and regulations (Sectoral Determination; BCEA; UIF) comprised the more stringent regulatory benchmark over private codes of conduct, meaning public governance took precedent in terms of the standard of compliance for minimum wages; basic conditions of employment (working hours; paid leave); health and safety and UIF payments. However, by extending analysis of public governance to a variegated scale of labour, the findings highlighted a *public governance deficit* facing casual workers, characterised by insecure, short-term contracts; wages insufficient to meet living costs; and compounded by a lack of non-wage contractual benefits and paternalistic protection associated with long-term, permanent contracts.

Private codes of conduct (ETI base code and GlobalGAP) did increase enforcement levels of public and private labour standards due to a combination of regular ethical audits and producer incentives to maintain contracts with UK and European lead firm supermarkets. However, they were not able to address the abovementioned governance deficit facing casual workers, due to the fact that national laws and regulations provided a minimum benchmark for more transformative gains such as minimum wages and contractual arrangements. This resulted in a subsequent *private governance deficit* for casual farmworkers, relative to their permanent counterparts. This observation highlights the complex inter-linkages that exist between national public and global private governance standards, denoted by the dark arrow linking these two forms of governance along the 'governance pillar' in Figure 9.

In addition, public governance standards in the form of the Labour Relations Act (LRA) extended farmworkers legal access to trade union representation, represented by the dark arrow linking national public and governance by local CSOs along the governance pillar in Figure 9. However, this has not materialised due to a complex combination of global commercial pressures driving workforce casualisation and societally embedded tensions further restricting civil society access to farmworkers. The challenges facing trade unions have been compounded by established trade unions such as COSATU and FAWU's reliance on traditional farm access-based models of organising, which are ineffective in accessing increasing numbers of transient, casual farmworkers and particularly contract and migrant labour. The absence of external trade union representation on South African fruit farms has particularly stark consequences for casual workers, due to the highly differential levels of public/private governance and paternalistic protection afforded to this category of employee relative to their permanent counterparts. This has resulted in a subsequent *local CSO governance deficit* for casual workers incorporated into South African fruit GPNs.

In summary, the empirical findings emanating from this case study have facilitated analysis of the complex combinations of multi-scalar governance which exist along the governance pillar in Figure 9. On the basis of these findings, I argue that the empirical example of fruit farms in Ceres draws attention to a 'global governance deficit', at the core of which lies a public governance deficit facing increasing numbers of casual workers characterised by minimum wages insufficient to meet living costs and compounded by a lack of trade union representation.

c) Highlighting an inherent multi-scalar tension between 'global commercial pressures' and a 'global governance deficit' facing casual workers

A key contribution of this empirical study based on the findings reported above, has been to highlight an inherent multi-scalar tension on the one hand between 'global commercial pressures' exerted by global lead firms over national suppliers and local producers driving workforce casualisation, and on the other hand a 'global governance deficit' at the core of which lies a public governance deficit facing increasing numbers of casual workers characterised by minimum wages insufficient to meet living costs and a lack of trade union representation. This multi-scalar horizontal linkage is encapsulated by the dotted arrows that connect the commercial pillar and governance pillar in Figure 9. This aspect of the research is positioned to contribute to previous academic research into the role of national labour laws and regulations in addressing working conditions on South African fruit farms (see du Toit 2004a; Theron 2010; Godfrey, Theron and Visser 2007;

Benjamin 2011), which has not sufficiently accounted for the global commercial dynamic of production in shaping and influencing public governance outcomes for labour.

Specifically, lead firm purchasing practices and value capture at the global scale of production, combined with increasing production and labour costs, has placed economic pressures on fruit producers to supply high-quality, low-cost goods, whilst meeting increasingly stringent private (product, process and social) standards. These multi-scalar commercial pressures have driven a need for a core of skilled, permanent workers operating alongside increasing numbers of low-paid, casual workers in order to meet the demands of high-quality, low cost production.

Public governance has failed to adapt to this commercially driven environment, with the existing national regulatory framework aligned to protect the most secure category of permanent worker, resulting in a governance deficit for increasing numbers of casual worker (described in further detail above). Global private governance initiatives provide an additional layer of enforcement, but rely on national public strategies and governance by local CSOs for more transformative gains such as living wages and freedom of association, and are hampered by contradictory commercial pressures in the GPN. This public governance deficit has been exacerbated by a lack of local governance protection by CSOs, as locally based trade unions have been unable to access or protect casual workers due to a combination of global commercial pressures driving casualisation and societally embedded tensions, rendering this vulnerable category of worker unrepresented at the national scale of public governance.

Taking these findings into consideration, I argue that a key strength of this thesis is to highlight the inherent multi-scalar tension between global commercial pressures exerted by lead firms over national suppliers and local producers on the one hand, and the global governance deficit facing casual workers incorporated into South African fruit GPNs on the other. On the basis of these conceptual observations, the remainder of this chapter will broaden the discussion, and consider the extent to which the example of South African fruit has increased our understanding of the role of public governance in addressing working conditions in global production networks.

7.3 How does the case of South African fruit contribute to our wider understanding of public governance in addressing working conditions in GPNs?

Whilst the findings in this thesis regarding our understanding of public governance in GPNs have emanated from the empirical example of South African fruit, I argue that these observations hold theoretical relevance to buyer-driven fruit and wider horticulture sectors in competing producer countries. Indeed, recent research has demonstrated the increasingly important role of lead-firm supermarkets as driving the changing global dynamics in buyer-driven fruit and horticultural trade, production and employment practices across developing countries (Henson and Reardon 2005; Reardon, Henson and Berdegué 2007; Coe et al 2009; Bain 2010).

Numerous academic studies have shown how the expansion of these horticultural GPNs has been accompanied by the increasing casualisation of labour markets in developing country production locations (e.g. ActionAid 2005; Tallontire et al 2005; Bain 2010a; 2010b). As a result, horticultural export production is comprised of combinations of permanent workers employed on secure contracts operating alongside increasing numbers of transient, casual workers recruited on insecure, short-term contracts with few social benefits (Barrientos Dolan and Tallontire 2003; Barrientos and Smith 2006). These global commercial processes and subsequent casualisation of the workforce have been particularly documented as occurring in the Chilean horticulture sector, South Africa's principal global competitor in the December-April export window (Barrientos and Kritzinger 2004; Bain 2010; Barrientos 2013a). Academic and civil society reports in Chilean horticultural sector have highlighted the lack of private governance, national regulatory and trade union protection afforded to casual workers relative to permanent workers (Oxfam 2004; Riquelme 2005; Bain 2010a; 2010b; Barrientos 2013a). In particular, these studies have demonstrated a lack of living wages paid to casual workers and pressure from employers on this category of transient worker to refrain from joining trade unions in the Chilean horticulture sector, reflected by extremely low levels of worker organisation in this context (Oxfam 2004; Riquelme 2005; Bain 2010a). Whilst parallels can be drawn between the commercial and social composition of Chilean and South African horticulture sector which is reliant on increasing numbers of non-unionised, casual workers, the recent labour crisis in South African fruit highlighted in this empirical study requires us to reconsider the commercial and social sustainability of such a system.

Alongside these global commercial shifts in horticultural production and associated trends of labour casualisation in buyer-driven trading networks, there has been an increasing acknowledgement

across a range of public governance literature emanating from the fields of political science, governance and development studies, that developing countries are beginning to respond to the negative social consequences of global production, and strengthen regulatory institutions in order to protect workers operating within their borders (Piore and Schrank 2008; Pires 2008; Posthuma 2010; Mayer and Pickles 2010; Coslovsky 2011; Amengual 2010, 2011, 2014; Locke 2013). Such a trend is exemplified by the present empirical study, with the South African government regarded in academic and policy circles as owning one of the most comprehensive national regulatory frameworks for which to protect labour incorporated into GPNs. However, as attested by in-depth empirical investigation carried out in the present thesis, global commercial pressures inherent in the fruit production process have challenged the regulatory powers of the South African government to protect the most vulnerable category of casual worker.

This study has sought to contribute to existing GPN and public governance literature by increasing understanding of national regulatory institutions in addressing working conditions in GPNs, using the empirical example of fruit GPNs in South Africa. Accordingly, the remainder of this chapter will outline the ways in which the case of South African fruit has furthered our understanding of the role of public governance in addressing working conditions in global production networks.

Firstly, I argue that the case of South African fruit has contributed to our understanding of public governance of labour in global production by bringing national laws and regulations back into the analytical frame, and locating them at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity). As highlighted in chapter 3, existing GPN research into the governance of working conditions, has focused primarily on private governance initiatives²⁹, such as ethical trade schemes and codes of conduct and governance by local CSOs³⁰, in the form of trade union and NGO activity in shaping the regulatory process for workers incorporated into GPNs.

Drawing upon the example of South African fruit, public governance standards were found to comprise the principal regulatory benchmark for working conditions such as minimum wages; working hours; paid leave; contractual arrangements; health and safety and access to trade union representation. Whilst private codes of conduct strengthened enforcement and compliance levels for certain standards (minimum wages; basic conditions of employment; health and safety), via

²⁹ See O'Rourke 2006; Gereffi and Mayer 2006; Barrientos and Smith 2007; Utting 2008; Robinson 2009; Mayer and Pickles 2010; Neilson and Pritchard 2010; Raj-Reichert 2013.

³⁰ See Franz 2010; Rainnie, Herod and McGrath-Champ 2011; Barrientos 2013a; Wad 2013.

more regular ethical audits and producer incentives to maintain contracts with lead firms, they relied upon public governance to provide the minimum standard of wages and trade union representation, and were therefore ineffective in addressing the governance deficit facing casual workers. The vulnerability of casual farmworkers was exacerbated by a lack of governance protection by local CSOs in the form of external trade union representation, due to a combination of global commercial pressures driving casualisation and societally embedded tensions, which further restricted civil society access to casual farmworkers.

The analytical implications of these observations for our understanding of public governance, is that national laws and regulations lie at the core of a 'global governance deficit' facing increasing numbers of casual workers incorporated into commercially functioning GPNs. However, the core contribution of this thesis emanating from the case of South African fruit GPNs, is to elucidate an inherent multi-scalar tension between 'global commercial pressures' in the form of power asymmetries between lead firms and locally based producers driving workforce casualisation, and a 'global governance deficit,' at the heart of which lies a public governance deficit facing increasing numbers of casual workers incorporated into GPNs. This multi-scalar tension is visually represented in the GPN/public governance framework in Figure 9, via the horizontal dotted arrows linking the commercial and governance pillars. This finding draws critical attention to the broader structural challenges inherent in global production networks to the public governance of labour, with particular regard to the purchasing practices of lead firms operating at the global scale of the GPN.

In this regard, closer examination of the horizontal linkages that connect the global commercial pressures inherent in GPNs and the global governance deficit facing increasing numbers of casual worker, highlights an intrinsic dysfunction at the global scale of production, between the private governance *of commercial interactions* along the value chain and the private governance *of labour*. This is denoted by the horizontal dotted arrow linking 'lead firms' in the commercial pillar, and 'private governance' in the governance pillar, in Figure 9.

On the one hand lead firm supermarkets have retained their dominant position at the global scale of fruit production networks by extracting economic rents and capturing a significant portion of product value relative to locally based producers. The power of lead firms over fruit producers has been enhanced through governance *of commercial interactions* via a raft of product, agricultural process and social standards, the costs of which are borne by fruit producers thereby compounding the economic pressure asserted by supermarkets. On the other hand, lead-firm supermarkets have played a key role in driving the private governance *of labour*, by outsourcing labour codes of conduct

to producers and suppliers in developing and emerging economies, in order to assure consumers and CSOs of decent working conditions within their supply chains.

However, as this thesis demonstrates, the economic pressure exerted by global lead firms via the private governance *of commercial interactions* over locally based producers has driven a process of casualisation, which is fundamentally at odds with the corresponding private governance *of labour*. Critically, this inherent tension between the private governance *of commercial interactions* and *of labour* at the global scale of fruit production has spilled into the territorial arena of national public governance, challenging the ability of nation-states to protect increasing numbers of casual workers incorporated into global production networks. Subsequently, it is this inherent tension in private governance *of commercial interactions* and private governance *of labour* at the global scale of production, which can be seen as driving the global governance deficit facing casual workers incorporated into GPNs. Significantly, the multi-scalar analytical approach adopted in this thesis allows us to elucidate the inherent tensions that exist at the global scale of production across the commercial and governance pillars in Figure 9, which are positioned to challenge the ability of nation states to address working conditions for increasing numbers of vulnerable, casual workers incorporated into GPNs.

The findings of this thesis have significant implications for existing 'regulatory renaissance' literature and debates around the re-emergence of public governance initiatives alongside private regulations (Piore and Schrank 2008; Pires 2008, 2011; Amengual 2010, 2014; Coslovsky 2011; Locke 2013). As stated in chapter 3, much of this work has highlighted the significant strengthening of labour inspectorates and departments across a number of developing country contexts. Such a trend has been observed in countries such as Brazil (Pires 2008; Coslovsky 2011), the Dominican Republic (Piore and Schrank 2008; Amengual 2010) and other parts of Latin America. This emerging research has drawn attention to innovations in public governance enforcement, such as the professionalization of the labour department in the Dominican Republic and discretion of inspectors leading to increased levels of compliance with labour standards (Piore and Schrank 2008; Amengual 2010). In the case of Brazil, combinations of deterrent (fines and sanctions) and supportive (technical and legal advice) approaches to law enforcement were found to have contributed to increased levels of compliance with labour standards (Pires 2008; Coslovsky 2011). Based on these findings, scholars have suggested that strengthening public governance agencies can lead to positive outcomes for workers incorporated into global production networks.

More recent studies have built upon this work by incorporating private governance standards into analysis, acknowledging the ‘hybrid system of state and private regulation’ which exists at workplaces connected to GPNs (Amengual 2010; Locke 2013). An increasing literature on Latin America has highlighted forms of complementary labour regulation, based on uncoordinated combinations of private codes of conduct and national labour laws (Amengual 2010; Coslovsky and Locke 2013; Locke 2013). For example, Amengual (2010) asserts that in the Dominican Republic apparel sector, complex interactions between private codes of conduct and public laws have resulted in increased compliance to labour standards and positive outcomes for workers. Importantly, the author finds that complementary public-private enforcement does not require effective co-ordination between these strands of governance, but does require state and private actors to have *some* capacity to regulate.

The findings emanating from South African fruit contribute to this discussion on public and private governance, particularly in terms of their effectiveness in addressing labour conditions for workers incorporated into GPNs. In line with Piore and Schrank’s (2008:4) insightful observations on typologies of regulatory enforcement, whilst the South African framework is based on an Anglo-American (adversarial and punitive) as opposed to a Latin model (conciliatory and pedagogical), it remains widely regarded as robust and proactive relative to other developing and emerging country contexts. In particular, post-apartheid South Africa has witnessed significant regulatory reforms and increased legislative protection for labour, in conjunction with a revitalised role for civil society organisations. However, the empirical findings from this thesis point to a significant failure of public governance to adequately protect vulnerable members of a heterogeneous workforce incorporated into fruit GPNs. Analysis of the underlying reasons for this lack of regulatory protection highlights significant gaps in existing research into public and private governance, as well as avenues for further investigation.

Firstly, in line with previous studies, the South African case is indicative of ‘complementary’ forms of public and private governance enforcement, leading to increased levels of compliance with certain labour standards. Whilst the frequency of public governance inspections was limited on the farms under study, this lack of state labour inspections was offset by the regularity of private governance audits. Due to producers’ fear of losing contracts with lead firm supermarkets, private codes of conduct drove increased levels of compliance certain labour standards, such as minimum wages; contract and record keeping; and health and safety standards on the farm. Importantly, compliance with public standards took precedent over private codes for this set of working conditions, due to

the fact that national labour laws formed the more stringent benchmark to which private codes of conduct referred to.

However, despite high levels of compliance with this set of labour standards, due to the weak content of national laws and regulations, particularly in terms of the minimum wage, this led to a failure of governance and insufficient protection for increasing numbers of casual workers incorporated into fruit GPNs. In particular, this finding highlights that if public laws and standards are pegged at inadequate levels, then private codes of conduct will be unable to deliver on improved labour outcomes. Moreover, this observation draws attention to a significant tension between public and private standards, which has not been sufficiently captured in the literature to date. This should prompt existing public and private governance research to move beyond descriptive accounts of compliance or non-compliance and delve deeper into nature and form of governance outcomes for different groups of worker.

This observation draws analytical attention to the critical role of national public governance institutions operating in the broader sphere of global governance of labour in GPNs. Whilst previous discussions surrounding the enforcement of, and compliance with public and private standards is significant in terms of improving regulatory outcomes for workers, the case of South African fruit has indicated that a broadening of analysis to incorporate national regulatory institutions is required. Although South Africa has been suggested as a country in which labour laws and regulations are relatively strong compared to other developing and emerging states, the findings here indicate a significant lack of wage protection for the most vulnerable category of casual farmworker. The failure of the South African state to ensure wage levels are sufficiently pegged against food inflation is highly significant in the broader story of labour governance. Subsequently, I argue that whilst public governance is critical in determining labour standards in GPNs, future academic research must unpack public regulation with greater caution, beyond success stories emanating from the Latin American context (see Piore and Schrank 2008; Pires 2008, 2011; Amengual 2010, 2014; Coslovsky 2011). This is important, given that private codes of conduct tend to follow public laws and regulations in determining labour standards. In order to pursue this research agenda, additional thinking is required to conceptualise and investigate national public actors and rulemaking institutions, that play a key role in shaping and influencing governance outcomes for labour incorporated into GPNs.

Furthermore, an equally important factor determining public and private governance outcomes for labour relates to the global commercial pressures inherent in buyer-driven GPNs such as

horticulture. As demonstrated by this thesis, the competitive pressures and purchasing practices adopted by lead firm supermarkets have driven a process of casualisation, which has not been adequately addressed by public governance (national laws and regulations); private initiatives (codes of conduct), and local civil society organisations. This observation is well demonstrated through the labour crisis which erupted in the South African fruit sector, following a failure of global governance to protect increasing numbers of casual farmworker. This implies that public and private governance strategies must be analysed in the context of broader global commercial pressures and lead firm purchasing practices. Existing research has drawn useful attention to how public and private standards play out at the local scale of production (Piore and Schrank 2008; Pires 2008, 2011; Amengual 2010, 2014; Coslovsky 2011; Locke 2013), but analysis should be extended to national and global scales, to account for the purchasing practices of globally located lead firm actors. Drawing upon the GPN analytical framework can facilitate this agenda, by incorporating global commercial processes into analysis of governance outcomes for labour at the local scale of production.

In addition, the previous observations outlining wider commercial challenges to the public governance of labour in GPNs have significant implications for our understanding of the changing role of the state in the context of globalised production. As highlighted previously in chapter 3, current conceptualisation of the state in the GPN literature has too often been restricted to an economistic analysis of market facilitation strategies to achieve commercial investment. Such liberal perceptions of globalisation have occurred in corresponding debates across the broader political economy literatures, which posits that states are 'converging' towards goals of capital attraction in the face of neo-liberal market pressures. Whilst transformationalist scholars have sought to move beyond the narrow presumption that states are converging in the face of broader global pressures, this critical body of work has also suffered from an inherent functionalism, whereby state capacity is defined by achieving a specific set of economic outcomes based on achieving global economic competitiveness and efficiency. The result of this narrow analytical focus, is that insufficient critical thinking has been applied to furthering a coherent understanding of how, or to what extent, nation states are able to respond to market pressures and protect labour incorporated into contemporary global production.

The example of fruit production networks in South Africa throws considerable light on this debate, by providing a tangible conceptualisation of the global commercial pressures driving workforce casualisation, resulting in a significant structural challenge to the ability of nation states to protect labour incorporated into GPNs. By critically unpacking the multi-scalar transactions between private actors operating along the commercial pillar in Figure 9, draws attention to the critical role of lead

firm supermarket purchasing practices in shaping producer employment strategies and challenging the public governance of labour at the local scale of production. Additionally, by extending analysis of public governance to a variegated scale of labour, sheds critical light on the structural challenges facing nation states in protecting increasing numbers of casual workers incorporated into commercially functioning global production networks (denoted by the dotted arrows linking the commercial and governance pillars to permanent/casual workers at the local scale of Figure 9). Such an observation highlights the conceptual benefit of locating and analysing the nation state using a global production network lens, enabling us to better understand the inherent tension between global commercial pressures and the corresponding governance deficit challenging the ability of nation states to protect increasing numbers of casual workers incorporated into GPNs (denoted by the horizontal arrow linking the commercial pillar to 'public governance' at the national scale of the governance pillar in Figure 9).

These analytical insights provided by this thesis into the broader structural challenges facing public governance have significant policy implications for addressing labour conditions in GPNs. As will be discussed in the following chapter, this requires a national state strategy which transcends traditional forms of governance outlined in the governance pillar in Figure 9, and seeks to address the global commercial pressures inherent in interactions between global lead firms; national suppliers and local producers, across the parallel commercial pillar.

A related contribution of this thesis to our understanding of public governance of labour in GPNs, has been to highlight an inherent tension in the nation-state's role in the global production process. Following democratisation in the mid-1990s, the post-apartheid government pursued dual policy strands of extensive labour regulatory reforms on the one hand, and de-regulation and trade liberalisation of the agriculture sector on the other (Clarke 2008; du Toit 2007; Bassett and Clarke 2008). The former strategy responded to internal socio-political discourse in seeking to protect vast swathes of the electorate who had previously been systematically discriminated against in the workplace, and had recently won the right to vote. Such regulatory policies took place alongside neoliberal-oriented market facilitating measures such as GEAR, which included de-regulation and privatisation resulting in the attraction and proliferation of global production networks within South Africa fruit and the wider agriculture sector. In this sense, whilst the South African state pursued economic rationalist policies, driven in large part by pressures from international economic competition, it also responded to other social developments that had electoral resonance and operated in a political context in which their historic links to the electorate were critical factors influencing policy choices.

As highlighted in chapter 2, previous academic studies have drawn attention to the inherent tension in the post-apartheid policy thrust of socially-oriented labour regulation alongside de-regulation and market facilitation (Clarke 2008; du Toit 2007; Bassett and Clarke 2008). In particular, the implementation of GEAR and trade liberalisation in sectors such as agriculture have driven labour casualisation and challenged the government's ability and 'political will to monitor and enforce new legislation' (Clarke 2008:187). Such an observation has also been made in various ILO reports, which highlight the commercial imperative of nation states in seeking to attract foreign investment as a fundamental impediment to strengthening the content of labour laws and regulations and enforcement agencies (ILO 2006; ILO 2008).

The empirical example of South African fruit contributes to this debate, by drawing analytical attention to the multi-scalar commercial dynamics of global fruit production networks which are both the *result* of market de-regulation of the fruit sector, as well as being underlying *driver* of the state's inability to regulate and protect increasing numbers of casual workers incorporated into GPNs. The highly interesting aspect of this empirical case was that the casual labour uprising which emerged from the public, private and local CSO governance deficit described above, targeted government minimum wage legislation rather than employers per se. This prompted the South African state to respond and increase wages by a small but significant 52%. During the latter stages of the crisis, the South African state acknowledged inherent global commercial pressures placed on locally based producers, as constraining their ability to increase labour costs and perpetuating the local unrest. In this regard, the labour crisis brought tensions between global commercial pressures and governance deficits into sharp relief. This poses a wider question regarding the role of public governance in addressing working conditions connected to global production networks, given the commercial drivers inherent in the production process which are positioned to constrain national regulatory institutions in protecting the most vulnerable, casual workers. Moreover, this conceptual observation highlights the inherent tension in the nation-state's role in global production as facilitating and attracting commercial investment on the one hand, and regulating and protecting its internal citizenship incorporated into GPNs on the other. More broadly, it contributes to existing research into the multi-faceted and complex role of nation-states in the global production process, which is neither logically "given" or assumed' (Payne 2005:77; Coe, Dicken and Hess 2008; Levy 2008; Coe and Hess 2013; McGrath 2013).

An additional contribution of this thesis, has been to explore the notion of 'societal embeddedness' in order to examine the implications of how global commercial processes become enmeshed in the social and institutional frameworks of production locations, shaping public governance outcomes for

different groups of labour (Dicken et al. 2001; Henderson et al. 2002; Coe, Dicken and Hess 2008; Barrientos 2013a).

On the one hand, this study demonstrated how historically formed paternalistic labour practices on South African fruit farms served to extend social protection to permanent workers, albeit through an asymmetrical and dependent employer-permanent employee relationship. Such paternalistic protection was not afforded to casual farmworkers employed on transient, short term contracts, who experienced an arms-length relationship with their employer. Additionally, embedded socio-political tensions between fruit producers and trade unions, rendered employee access to governance protection by local CSOs limited, resulting in a lack of bargaining power for casual workers in the employer-employee negotiation process. The varying levels of governance protection afforded to permanent and casual workers have resulted in underlying tensions between these two sets of actor, with the former seeking to maintain the status quo in terms of employment conditions, and the latter responding to a global governance deficit by exerting their labour agency to affect change, as attested by the labour crisis in South African fruit.

However, these underlying tensions between local actors must be understood in the broader context of the global commercial pressures facing local producers which, combined with increased labour costs following widespread social regulation, have driven a process of commercialisation and modernisation of employment relations. At the extreme form, these modernised employment practices have manifested themselves in workforce casualisation, which has come into conflict with the other extreme of paternalistic labour relations. This conceptual insight highlights the need to factor in the societal embeddedness of global production networks into analysis of public governance, which is critical in shaping regulatory outcomes for different groups of a variegated workforce.

7.4 Conclusion

The purpose of this chapter has been to consider the extent to which the example of fruit production networks in South Africa has furthered our understanding of the role of public governance in addressing working conditions in GPNs.

The first part of the chapter considered the ways in which this investigation increased our conceptual understanding of public governance of labour in South African fruit GPNs. This discussion argued that a core contribution of the thesis to existing GPN and public governance literature has been to highlight an inherent multi-scalar tension on the one hand between 'global commercial pressures' exerted by global lead firms over national suppliers and local producers driving workforce casualisation, and on the other hand a 'global governance deficit' at the core of which lies a public governance deficit facing increasing numbers of casual workers characterised by minimum wages insufficient to meet living costs and a lack of trade union representation. This multi-scalar horizontal linkage is encapsulated by the dotted arrows that connect the commercial and governance pillars in Figure 9. This aspect of the research is positioned to contribute to previous academic research into the role of national labour laws and regulations in addressing working conditions on South African fruit farms (du Toit 2004a; Theron 2010; Godfrey, Theron and Visser 2007; Benjamin 2011), which has not sufficiently accounted for the global commercial dynamic of production in shaping and influencing public governance outcomes for labour.

The second part of the chapter then broadened the discussion, to consider the extent to which the example of South African fruit has increased our understanding of the role of public governance in addressing working conditions in global production networks. Here, I argued that the findings emanating from the empirical example of South African fruit have theoretical relevance to buyer-driven fruit and wider horticulture sectors in competing producer countries. Building on the discussion outlined in the first part of the chapter, I argue that national laws and regulations lie at the core of a 'global governance deficit' facing increasing numbers of casual workers incorporated into commercially functioning GPNs. However, the core contribution of this thesis emanating from the case of South African fruit GPNs, is to elucidate an inherent multi-scalar tension between 'global commercial pressures' in the form of power asymmetries between lead firms and locally based producers driving workforce casualisation, and a 'global governance deficit,' at the heart of which lies a public governance deficit facing increasing numbers of casual workers incorporated into GPNs. This multi-scalar tension is represented by the horizontal dotted lines linking the commercial and governance pillars across global, national and local scales in Figure 9. This finding draws critical attention to the broader structural challenges inherent in global production networks to the public governance of labour, with particular regard to the purchasing practices of lead firms operating at the global scale of the GPN.

Closer examination of the horizontal linkages that connect global commercial pressures inherent in GPNs and the global governance deficit facing increasing numbers of casual worker, highlights an

intrinsic dysfunction at the global scale of production, between the private governance of *commercial interactions* along the value chain and the private governance of *labour*. This is denoted by the horizontal dotted arrow linking 'lead firms' in the commercial pillar, and 'private governance' in the governance pillar, in Figure 9. In particular, the economic pressure exerted by global lead firms via the private governance of *commercial interactions* over locally based producers has driven a process of casualisation, which is fundamentally at odds with the corresponding private governance of *labour*, driven by lead firms in conjunction with other actors.

Based on these conceptual insights, I argue that the example of South African fruit global production networks throws considerable light on existing debates in GPN and political economy literatures regarding the changing role of the state in the context of globalised production. This is achieved by drawing upon the GPN analytical framework to facilitate a tangible conceptualisation of the global commercial pressures driving workforce casualisation, resulting in a significant structural challenge to the ability of nation states to protect labour incorporated into GPNs. By critically unpacking the multi-scalar inter-linkages between private actors operating along the commercial pillar in Figure 9, highlights the critical role of lead firm supermarket purchasing practices in shaping producer employment strategies and challenging the public governance of labour at the local workplace scale. Such an observation highlights the conceptual benefit of locating and analysing the nation state using a global production network lens, enabling us to better understand the global commercial pressures challenging the ability of nation states to protect increasing numbers of casual workers in global production (denoted by the horizontal arrow linking the commercial pillar to 'public governance' at the national scale of the governance pillar in Figure 9).

Finally, I argue that an additional contribution of this case-study has been to utilise the notion of 'societal embeddedness', in order to examine the implications of how global commercial processes become enmeshed in the social and institutional frameworks of production locations, shaping public governance outcomes for different groups of labour. The global commercial pressures facing local producers, combined with increased labour costs following widespread social regulation, have driven a process of commercialisation and modernisation of employment relations. At the extreme form, these modernised employment practices have manifested themselves in workforce casualisation, which has come into conflict with the other extreme of paternalistic labour relations. This conceptual insight has important implications for working conditions and governance outcomes for different groups of worker incorporated into GPNs, which is shaped both by historically embedded labour relations and global commercial drivers. Moreover, it highlights a need to factor in

the societal embeddedness of global production networks into analysis of public governance, which is critical in shaping regulatory outcomes for different groups of a variegated workforce.

The sum of these analytical insights into the broader commercial challenges to public governance have significant policy implications for nation states in addressing labour conditions in GPNs. As will be discussed in the following chapter, this requires a multi-scalar strategy which transcends traditional forms of governance outlined in the governance pillar in Figure 9, and seeks to address the global commercial pressures inherent in interactions between global lead firms; national suppliers and local producers, across the parallel commercial pillar.

Chapter 8: Conclusions

8.1 Introduction

The primary aim of this thesis was to understand the role of public governance (national laws and regulations) in addressing poor working conditions on South African fruit farms connected to global production networks (GPN). A particular objective of the investigation was to understand the extent to which public governance, at the intersection of global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity), is able to address working conditions on South African fruit export farms, taking into account wider global commercial pressures inherent in fruit GPNs. Previous research into the role of public governance in addressing working conditions in South African fruit GPNs has not sufficiently accounted for the multi-scalar interactions between lead firm supermarkets, national suppliers and local fruit producers. These interactions are positioned to shape and influence regulatory outcomes for different groups of permanent and casual farmworkers. Taking this into account, the thesis sought to address the following central research question: *'To what extent do multi-scalar tensions in global production networks (GPNs) challenge the public governance of working conditions, and what are the lessons from labour operating in South African fruit production?'*

Over the course of the previous chapters, the analysis addressed this question first by unpacking the global commercial dynamic of fruit production, and the implications for workforce casualisation at the local scale of production. The thesis then critically examined the role of public governance (national laws and regulations) in addressing working conditions for different groups of a variegated workforce in South African fruit GPNs, taking into account wider global private initiatives (codes of conduct) and governance by local CSOs (trade union and NGO activity).

This concluding chapter will outline in fuller detail the empirical and analytical contributions of this research; consider the policy implications of this thesis; and discuss further research issues relating to South African fruit GPNs and the broader issue of governing work incorporated into global production networks.

8.2 Outlining the empirical and theoretical contributions of this thesis

This thesis aims to make a series of significant empirical and theoretical contributions to existing GPN and governance literature.

Empirically, this thesis contributes to existing research into the role of national labour laws and regulations in addressing working conditions on South African fruit farms connected to GPNs by accounting for the global commercial dynamic of production, which is positioned to shape and influence governance outcomes for farmworkers. In the context of South African fruit GPNs, this thesis highlights an inherent multi-scalar tension on the one hand between ‘global commercial pressures’ exerted by global lead firms over national suppliers and local producers driving workforce casualisation, and on the other hand a ‘global governance deficit’ at the core of which lies a public governance deficit facing increasing numbers of casual workers characterised by minimum wages insufficient to meet living costs and a lack of trade union representation. Subsequently, this thesis finds that the national public governance framework in South Africa is challenged by major structural obstacles within the fruit global production network. In particular, global lead firm purchasing practices and commercial inter-linkages between private actors operating across the commercial pillar in Figure 9 have driven workforce casualisation, significantly undermining the ability of national regulatory frameworks to protect increasing numbers of casual labour relative to their permanent counterparts. This highlights the importance of existing research into national labour laws and regulations on South African fruit export farms to account for the global commercial dynamic of production, which is positioned to challenge the state’s ability to protect increasing numbers of casual workers in this context.

Analytically, this thesis contributes to existing GPN research, which has not sufficiently investigated the role of public governance (laws and regulations) in addressing working conditions, partly due to an assumption that neoliberal policies have eroded the ability of developing states to regulate labour incorporated into global production. Whilst public governance is receiving increasing attention across political science, governance and GPN literatures, this thesis highlights the value of locating and analysing the role of national laws and regulations in the broader global production network. Subsequently, in the context of commercially driven horticultural GPNs, this thesis highlights an inherent multi-scalar tension between ‘global commercial pressures’ exerted by global lead firms over national suppliers and local producers driving workforce casualisation, and on the other hand a ‘global governance deficit’ at the core of which lies a public governance deficit facing

increasing numbers of casual workers. This multi-scalar tension is represented by the horizontal dotted lines linking the commercial and governance pillars across global, national and local scales in Figure 9. This finding draws critical attention to the broader structural challenges inherent in global production networks to the governance of labour, with particular regard to the purchasing practices of lead firms operating at the global scale of the GPN.

Analysis of the horizontal linkages that connect the global commercial pressures inherent in GPNs and the global governance deficit facing increasing numbers of casual worker, highlights an intrinsic dysfunction at the global scale of production, between the private governance *of commercial interactions* along the value chain and the private governance *of labour*. This is denoted by the horizontal dotted arrow linking 'lead firms' in the commercial pillar, and 'private governance' in the governance pillar, in Figure 9. In particular, the economic pressure exerted by global lead firms via the private governance *of commercial interactions* over locally based producers has driven a process of casualisation, which is fundamentally at odds with the corresponding private governance *of labour*, driven by lead firms in conjunction with other actors. Subsequently, I argue that the multi-scalar analytical approach adopted in this thesis elucidates the inherent tensions that exist at the global scale of production across the commercial and governance pillars in Figure 9, which are positioned to challenge the ability of private standards, nation states and locally based civil society organisations to address working conditions for increasing numbers of vulnerable, casual workers incorporated into GPNs. More significantly, from the perspective of protecting labour standards, these analytical insights indicate that the current model of global production is fundamentally broken.

On the basis of these conceptual insights, I argue that the example of fruit production networks in South Africa throws considerable light on existing debates in GPN and political economy literatures regarding the changing role of the state in the context of globalised production. Current conceptualisation of the state in the GPN literature has too often been restricted to an economistic analysis of market facilitation strategies to achieve commercial investment. Such liberal perceptions of globalisation have occurred in corresponding debates across the broader political economy literatures, whereby state capacity is defined by achieving a specific set of economic outcomes based on achieving global economic competitiveness and efficiency. The result of this narrow analytical focus, is that insufficient critical thinking has been applied to furthering a coherent understanding of how, or to what extent, nation states are able to respond to commercial pressures and protect labour incorporated into contemporary global production.

This thesis contributes to this debate by drawing upon the GPN analytical framework to facilitate a tangible conceptualisation of the global commercial pressures driving workforce casualisation, resulting in a significant structural challenge to the ability of nation states to protect labour incorporated into GPNs. By critically unpacking the multi-scalar inter-linkages between private actors operating along the commercial pillar in Figure 9, highlights the critical role of lead firm supermarket purchasing practices in shaping producer employment strategies and challenging the public governance of labour at the local workplace scale. In addition, extending analysis of public governance to a variegated scale of labour, sheds critical light on the structural challenges facing nation states in protecting increasing numbers of casual workers incorporated into commercially functioning global production networks (denoted by the dotted arrows linking the commercial and governance pillars to permanent/casual workers at the local scale of Figure 9). Such an observation underlines the conceptual benefit of locating and analysing the nation state using a global production network lens, enabling us to better understand the global commercial pressures challenging the ability of nation states to protect increasing numbers of casual workers in global production (denoted by the horizontal arrow linking the commercial pillar to 'public governance' at the national scale of the governance pillar in Figure 9).

A final additional contribution of this case-study has been to unpack the notion of 'societal embeddedness', in order to examine the implications of how global commercial processes become enmeshed in the social and institutional frameworks of production locations, shaping public governance outcomes for different groups of labour. The global commercial pressures facing local producers, combined with increased labour costs following widespread social regulation, have driven a process of commercialisation and modernisation of employment relations. At the extreme form, these modernised employment practices have manifested themselves in workforce casualisation, which has come into conflict with the other extreme of paternalistic labour relations. This conceptual insight has important implications for working conditions and governance outcomes for different groups of worker incorporated into GPNs, which is shaped both by historically embedded labour relations and increasingly commercialised global production networks. Moreover, it highlights a need to factor in the societal embeddedness of global production networks into analysis of public governance, which is critical in shaping regulatory outcomes for different groups of a variegated workforce.

The sum of these analytical insights into the broader commercial challenges to public governance have significant policy implications for nation states in addressing labour conditions in GPNs, which will be discussed in the following section.

8.3 Public governance of working conditions in global production: policy implications for protecting the most vulnerable casual worker

The previous analysis has highlighted that from the perspective of protecting labour standards, the current model of global production is broken and governance approaches to date have been ineffective in protecting casualised workers. However, this observation is certainly not unique to the South African fruit export sector. Numerous academic and civil society publications have drawn attention to increasingly insecure working conditions in global production across a range of countries and sectoral contexts, characterised by wages insufficient to meet living costs and compounded by a lack of adequate civil society representation (Barrientos 2008; Ponte 2008; Posthuma and Nathan 2010; Phillips 2011; Oxfam 2014). Recent research has highlighted evidence of increasing inequality and a prevalence of poverty wages and insecure employment in middle-income and developing country contexts, despite being compliant with national laws and regulations (see Oxfam 2014:15). In particular, these observations have been associated with increasing numbers of low-paid, poorly skilled, casual workers incorporated into global production, at the extreme spectrum of which constitutes new forms of 'slave labour' (Phillips and Sakamoto 2011).

A key contribution of this study has been to demonstrate that insecure working conditions and increasing levels of inequality are inherent to the current model of global production networks. In particular, global commercial pressures exerted by lead firms over locally based producers are driving a process of workforce casualisation, challenging the ability of nation states to protect workers via labour regulation, at the intersection of global private strategies (codes of conduct) and governance by local CSOs (trade union and NGO activity). This thesis has underlined the critical role of nation states in the governance of labour, which has thus far been overlooked in academic and policy strategies. However, whilst nation states have a significant, albeit overlooked role in protecting labour incorporated into global production; based on the findings of this thesis I argue that a new strategy is required to address the increasing consolidation and power of lead firm supermarkets. In particular, I argue that nation states are required to adopt a multi-scalar strategy which transcends traditional forms of governance (across the governance pillar in Figure 9), and seeks to address the global commercial pressures inherent in interactions between global lead firms; national suppliers and local producers, driving workforce casualisation (across the parallel commercial pillar in Figure 9). This demands that nation states implement policy strategies and form alliances at national and global scales, in order to challenge the commercial pressures inherent in the global production process.

One strand of the literature has explored the possibility of trading agreements as a means to improve labour standards in global production networks. At the global level, efforts to include labour provisions in international agreements have received resistance within the WTO multilateral trading system (WTO 2010). Other potential avenues have arisen at bi-lateral and regional levels in the form of a proliferation of free trade agreements (FTAs) between nation states and regional actors, which could play a useful role in the absence of a broader multi-lateral approach (Gereffi and Mayer, 2006; Ebert and Posthuma 2009). In this regard, the EU has made significant strides with regional trade agreements aimed at driving economic development and political openness, while explicitly granting bilateral trade concessions ('GSP+') to countries adhering to ILO core labour standards and decent working conditions (Berik and Rodgers 2010). However, the effectiveness of such trading agreements, which are nationally implemented as a means to promote labour standards, is questionable due to the fact that trade patterns are increasingly fragmented and coordinated across borders by lead-firm buyers within GPNs (Mayer and Pickles 2010; Barrientos et al. 2011; Pickles 2011). Additionally, due to the fact that such agreements are based on core ILO standards, they do not differ significantly with private codes of conduct adopted by major lead firms integrated into GPNs, shown by this thesis to have limited effect in protecting increasing numbers of casual workers. In this sense, such bi-lateral and regional trading agreements do not contain substantive provisions for regulating the purchasing or pricing practices of global lead firms, rendering them relatively ineffective in challenging the commercial logic of GPNs.

Another strand of literature has focused multi-stakeholder initiatives (MSIs), which includes participation of nation states; CSOs; private lead-firms; and international labour organisations in an effort to institutionalise goals fairness and justice in global production networks. MSIs such as fair and ethical trade initiatives stemmed from a critique of public and private governance attempts to address working conditions in GPNs.

A prominent example of an MSI which has been recently piloted in the South African fruit sector, are the United Nations Guiding Principles on Business and Human Rights, commonly referred to as the Ruggie Principles (Ruggie 2007a; 2007b; 2008; 2011). This MSI stems from an effort by the UN to address human rights issues and international business practices, in a context where commercial activity transcends national borders through distant global production networks. In essence, the Ruggie principles are based on three clear pillars on which human rights need to address: 'Protect' – the role of national governments in protecting against human rights abuses through policies, laws and regulations. 'Respect' – the role of multi-national corporations in ensuring ethical trading practices and decent working conditions within their supply chains. 'Remedy' - where citizens are

afforded greater access to judicial and non-judicial grievance procedures to hold other actors accountable and seek redress when needed (Ruggie 2008).

In this sense, the Ruggie principles rely upon strengthening public and private governance linkages to ensure increased compliance to existing standards, combined with effective grievance procedures to allow workers a mechanism for voicing their concerns. However, as demonstrated by this thesis, this approach does not sufficiently challenge the global commercial pressures placed on locally based producers by global lead firms, which is intrinsically linked to the governance deficit experienced by vulnerable workers incorporated into buyer-driven GPNs. Consequently, a number of established transnational CSOs such as International Federation for Human Rights (FIDH), Human Rights Watch (HRW) and Amnesty International have voiced important critiques of the Ruggie Principles for adopting a conciliatory approach to the reinforcement of public and private standards, without challenging the commercial status quo of multinational corporations operating at the global scale of production networks (Blitt 2012). In line with such observations, I argue that the Ruggie Principles, which are at an early stage of being rolled out and implemented internationally, are not positioned to address the global commercial pressures challenging the effectiveness of public and private governance outcomes for labour.

Based on the findings emanating from this thesis, given that the model of global production is broken and governance approaches to date have been ineffective in protecting casualised workers, I would argue that a new strategy is required by nation states to challenge the 'commercial model underpinning' GPNs (Barrientos 2013a:7). Such a strategy requires transnational co-ordination by nation-states operating at multiple global (buyer), national (supply) and local (production) scales in the GPN, in order to challenge the purchasing practices of lead firms and ensure sustainable ethical gains at the local scale of production. Horizontal linkages between states in competing producer countries is essential, in order to strategically challenge the commercial power of lead firms on a sector-specific basis, mitigating against a race to the bottom. At the global scale of production, national governments must also form strategic alliances to ensure lead-firms do not re-locate their businesses in the event of national intervention against their purchasing practices. Nation states should also seek to form national and global alliances with existing transnational civil society strategies, which seek to directly challenge the purchasing practices of global lead firms as a cause of poor employment conditions at the local scale of production (Acona 2004; Oxfam 2004; Smith et al. 2004; Traidcraft 2006; ActionAid 2007; Hughes, Wrigley and Buttle 2010). In these examples, CSOs have engaged more critically with existing ethical trade frameworks, seeking to move beyond

traditional debates around labour codes and standards and challenge the global purchasing practices of lead firms via value chain analysis (Hughes, Wrigley and Buttle 2010).

Such a territorial overlap in the form of networked governance may represent an unprecedented shift in transnational alliances within and between nation states and CSOs, but at least provides some potential groundwork for strengthening the pressure on lead firms to factor a living wage into value chain pricing and improve the sustainability of buyer/supplier relationships.

One potential way forward relates to a recent proposal by a transnational coalition of fair-trade CSOs³¹, for an EU legislated, national enforcement mechanism designed to directly challenge lead-firm purchasing practices in agricultural supply chains connected to EU markets³² (Stefanelli and Marsden 2014). Significantly, whilst the proposals indicate that national enforcement agencies are primarily located in and coordinated by EU member states, they should be 'accessible to all actors in the food supply chain, regardless of geographical origin' (Stefanelli and Marsden 2014:22). This facilitates the potential for transnational governmental co-ordination from production, supply to lead-firm purchase, in order to monitor and address the ethicality of purchasing practices throughout the global production network. However, despite the European Commission acknowledging that lead-firm purchasing practices negatively impact a weakened supply base in developing countries, a formalised, national enforcement mechanism has been rejected in place of a 'Voluntary Supply Chain' industry initiative. This alternative proposal was deemed inadequate by the transnational fair trade movement, on the basis that voluntary codes provide insufficient confidentiality to suppliers and constitute a lack of independent enforcement mechanism (FTAO 2014a; 2014b).

The European Commission's recent decision to decline a national enforcement mechanism to address lead-firm purchasing practices, should be considered in light of wider transitions taking place in horticultural global production networks. The increasing consolidation of lead-firm supermarkets are transforming the global dynamics of buyer-driven horticultural trade, production and employment practices across developing countries (Henson and Reardon 2005; Reardon,

³¹ The coalition includes Traidcraft (UK), Via Campesina (International Peasants' Movement), Peoples Solidaires (France), Fairfood International, Oxfam Germany, SOMO (Netherlands), TVE (Hungary), Christliche Initiative Romero (Germany), Consumers International (UK), and COLSIBA (the Latin American Coordinating Body for Banana and Agro-industrial Unions).

³² The British Institute of International and Comparative Law (BIICL) published a report outlining how a European Enforcement mechanism could operate to address lead-firm purchasing practices in agricultural supply chains for the EU market. The report is available at: http://www.biicl.org/files/6952_biicl_enforcement_mechanisms_report_-_final.pdf Date accessed 29th November 2014.

Henson and Berdegué 2007; Coe and Wrigley 2009; Bain 2010). Horticultural export production is comprised of combinations of permanent workers employed on secure contracts operating alongside increasing numbers of transient, casual workers recruited on insecure, short-term contracts (Barrientos, Dolan and Tallontire 2003; Barrientos and Smith 2006). In this context, academic and civil society reports have highlighted the lack of private, public and local CSO governance protection afforded to casual workers relative to permanent workers (Oxfam 2004; Riquelme 2005; Bain 2010a; 2010b; Barrientos 2013a).

The recent labour crisis in South African fruit requires us to reconsider the commercial and social sustainability of existing models of global production. A lack of adequate regulatory intervention that seeks to challenge the global commercial pressures facing producers in developing countries, could result in increased casualisation, insecurity and the potential for continued occurrences of widespread social uprising. A key finding of this thesis is that nation states have a key role to play in this process, in order to form multi-scalar alliances and formalise multi-scalar regulatory mechanisms which directly challenge the purchasing and ethical practices of increasingly powerful and consolidated lead-firm supermarkets.

8.4 Further research issues

The findings provided by this thesis offer up additional important avenues for research. This is applicable to the case of public governance in South African fruit GPNs, along with broader research into the role of public governance in global production networks.

Given the recent labour crisis, it goes without saying that the case of public governance in South African fruit warrants further research. The sudden and dramatic uprising by vast swathes of casual workers prompted an immediate response by the national government to increase the minimum wage by 52%, followed by a latter acknowledgement of the need to address the global commercial pressures exerted by lead firm supermarkets over locally based producers. It would be highly interesting to explore the implications of the labour crisis in South African fruit for the future operations of national state agencies; locally based trade union and NGO organisations; and private codes of conduct. The extent to which these different actors and standards have responded to increased levels of casualisation, inequality and localised tensions in the fruit sector, and sought to address the underlying commercial drivers inherent in global production is an interesting avenue for research. In addition, the ways in which producers have responded to the wage increase given wider

commercial pressures outlined in this thesis, along with the implications for permanent and casual workers incorporated into South African fruit GPNs, demands further research.

In a broader sense, I am interested in investigating the role of public and private governance in addressing working conditions in different horticultural GPN locations, in order to compare and contrast the commercial and governance dynamics observed in the case of South African fruit. Such an endeavour has the potential throw up a multitude of additional insights into the wider structural challenges facing public governance in addressing working conditions in GPNs. An important strand of research in this regard would be to examine the extent to which public governance has protected different categories of worker incorporated into horticultural GPNs in different country contexts. In doing so, it would be important to consider the extent to which differing commercial dynamics inherent in horticultural GPNs shape and influence workforce composition in competing producer countries, along with the implications for public governance outcomes for different categories of labour. It would also be interesting to explore the relationship between national regulatory frameworks and global private (codes of conduct) and local CSO (trade union and NGO) initiatives in different horticultural production locations. This would raise the question of how different interactions of public and private governance in diverse country contexts play out for different categories of worker, taking into account variable national regulatory frameworks and enforcement agencies. In addition, how do different configurations of trade union and civil society organisations in alternative production locations shape public governance outcomes for different groups of worker? Finally, how do differing societally embedded dynamics and relationships in different horticultural production locations shape and influence public governance outcomes for different categories of labour? Exploring these questions and avenues of research would contribute to the expanding literature on how to effectively govern working conditions in global production networks, taking into account the critical role of national regulatory institutions.

This thesis has provided critical insights into the multi-scalar tensions inherent in the existing model of global production which, from the perspective of protecting labour standards, I would argue is fundamentally broken. In particular, it has highlighted that governance approaches to date have been ineffective in protecting casualised workers incorporated into global production networks. As a consequence, I argue that new forms of investigation and multi-scalar policy strategies are required which transcend traditional forms of governance, and seek to address commercial pressures inherent in the global production process. This is essential in order to ensure vulnerable members of an increasingly casualised workforce are safeguarded against poor and insecure working conditions in global production networks.

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