



Decent Work in Agriculture: Tracing core labour rights

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Outline

- Decent work and its integration into agriculture
- Whose work can be traced?
- The core labour rights to be tracked
- Additional decent work aspects linked to national laws
- Three means of monitoring and gathering information on producer-specific decent work conditions



Decent Work Agenda

Centred on key strategic objectives...

- Employment, the principal route out of poverty is work
- Rights-- People in poverty need representation, participation and voice
- Protection--promote inclusion, working conditions and adequate healthcare
- Dialogue--Involving strong and independent workers' and employers' organizations





Integrating decent work into transformed agriculture

- Rights-focused approach to decent work in agriculture
 - Core and fundamental rights of agricultural workers
 - Priority decent work gaps to address in agriculture
- Protecting agricultural workers
 - Benefiting the most vulnerable
 - Social protection initiatives
 - Occupational safety and health & inspection
- Productive transformation and decent job creation in agricultural markets with high potential
 - Markets systems development and private sector accountability in supply chains
 - Skills development for women and youth
 - Strengthening rural organizations
 - Enabling infrastructure and services



Workers in agriculture: >1 billion

- Waged workers
- Self-employed, small-scale farmers
- Contributing family members
- Subsistence growers
- Children, forced labourers
- More women but in worse work



The vast majority of agricultural workers in low-income countries are extremely poor and vulnerable.



Farmers and their workers

Plantation

- Vertically integrated
- Hired work force
- Good potential for tracing

Commercial smallholder

- Hired and own/family labour
- Frequently vertically integrated
- Some potential for tracing
- Limited economies of scale and access issues

Subsistence producers

- Home consumption/family labour
- Small quantities/land holdings
- Local markets
- Limited potential for tracing



CORE HUMAN RIGHT: FREEDOM OF ASSOCIATION and COLLECTIVE BARGAINING

- **Freedom to establish and join organizations**
- **C. 87 :**
- **“Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation”.**



- *Serious gaps with regard to:*
- *No legislation to guarantee full protection (recruitment, during employment, dismissal)*
- *Legislation exists but there are no mechanisms to assert the discriminatory nature of recruitment and dismissal procedures*
- *Burden of proof is on the workers*
- *No dissuasive penalties*



CORE HUMAN RIGHT: FREEDOM FROM FORCED LABOUR

Forced Labour Convention, 1930 (No. 29)

Article 1(1):

“all work or service which is exacted from any person under the menace of any penalty and from which the said person has not offered himself voluntary”

Serious gaps in the implementation of Convention No. 29

20.9 million people are subject to forced labour *

- migrant workers***
- domestic workers***
- indigenous communities***
- agricultural workers***
- children***





CORE HUMAN RIGHT: END TO WORST FORMS OF CHILD LABOUR

Worst Forms of Child Labour Convention, 1999 (No. 182)

Among child labourers aged 5-17, over half work in agriculture, and two thirds of these as unpaid family workers.

The large numbers, the hazardous nature of the work, early age of entry into labour, invisibility, lack of regulation, poverty and denial of education make agriculture a top priority area for the elimination of child labour.





CORE HUMAN RIGHT: END TO DISCRIMINATION IN EMPLOYMENT

Article 1 (1):

“discrimination includes (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.”

Serious gaps with regard to discrimination in employment towards certain groups are the consequence of negative attitudes due to deeply rooted stereotypes and prejudices

*Discrimination (Employment and Occupation) Convention,
1958 (No. 111)*





Decent work gaps among waged workers, subject to national labour legislation

Employment-related income

- High and unexplained deductions from pay
- Work with frequent wage arrears or wages that are paid on an irregular basis
- Work with high risk of non-payment of wages
- Wages below legal minimum wage

Working conditions

- Insufficient rest (no breaks during the workday; insufficient time between shifts (daily rest), no weekly rest day(s))
- No annual leave

Recruitment & contractual

- Working without a contract (neither oral nor written)
- Recruitment fees or other excessive fees linked to recruitment imposed on the worker by employer or recruiter
- Using non-labour contracts to disguise an employment relationship (such as employment relationship disguised in a relationship between self-employed and “buyer”)



Occupational Safety and Health– D.W. Gaps

- No or inadequate protective clothing and protective equipment
- Improper use of chemical, physical, and biological substances and agents and ergonomic factors at the workplace
- Exposure to physical or psychosocial harassment at work
- No or inadequate measures at the workplace that deal with emergencies and accidents
- No provision or access to safety and health information
- Workers do not have the right to remove themselves in the case of imminent and serious danger
- Using machinery, equipment, and processes at the workplace that are hazardous and dangerous to workers' safety and health
- No or little formal risk management
- No safety and health training
- No or lacking surveillance of working environment and of workers' health





Social protection—gaps

No workers compensation in case of work-related injuries

Income or job loss resulting from maternity, paternity or family responsibilities

Due social insurance contributions are not paid on workers' behalf

No adequate financial compensation for dependents of a worker who dies as a result of employment injury

Exclusion of certain categories of workers from any form of social protection

No form of income security in old age

No affordable access to basic health care for workers and their families





Monitoring decent work in agriculture

- Written worker and grower contracts
- Farm workers unions/farmer organizations
- Labour inspection of the farm work place



Worker and grower contracts

Sets the parameters between the buyers and farmers, contracted workers, or outgrowers to supply agricultural crops;

Frequently specifies payment, timing, quality, quantities, use of inputs;

Buyer may supply inputs, financing, technical advice, even land;



Contracted growers are working for buyers but rarely protected for work

- Core rights not enforced (right to organize, banning child and forced labour, minimum wage, etc.)

Contracts could designate the remuneration levels/prices, working hours, benefits and equal opportunities, security of work under contract, social protection, including mechanisms for health, life, disability and unemployment insurance, freedom of association. In relation to work environment, measures to address occupational safety and health, adequacy of working conditions, control of environmental and physical hazards, could be specified.



Farm workers organizations

- Needed to negotiate rights and protection that are not extended to agricultural workers due to legal exclusions or lack of enforcement;
 - Exist in most countries with large agricultural sectors;
- Effective in monitoring and enforcement of decent work rights and protections, at farm and other supply chain levels;
 - Raise awareness among members and obligations of employers;





Labour inspectors enforce relevant legislation at agricultural workplaces to:



- carry out routine preventive inspection visits to agricultural enterprises;
- investigate selected accidents, diseases and complaints, to determine causation and to promote prevention, bearing in mind their obligation to respect confidentiality regarding the source of complaints;
- supply technical information and advice to employers, workers and their representatives with respect to their responsibilities, duties and rights;
- notify the employer, the workers concerned and their representatives and OSH committees of the findings of inspections, for the implementation of required remedial action;
- take enforcement measures, including imposing orders to take immediate action to remove danger or to remedy non-compliance, or to recommend such action to the competent authority.



Thank you for your attention!

