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Decent Work in Agriculture in Asia -
Issues of Concern
Report of the Seminar
D. P. A. Naidu

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I. INTRODUCTION

The ILO has endeavoured to improve the quality of life of workers through the promotion of standards for work through Conventions and Recommendations adopted by the ILO through its tripartite consultation process. The main objective of the ILO is the establishment of standards for decent and productive work where conditions of freedom, equity, security and human dignity are recognised. Decent work encompasses respect for basic human rights, access to employment, terms and conditions of employment which will provide the means for an acceptable standard of living, safe and healthy working conditions and social security. Employment in agriculture, forestry and fishing has always shown a lack of decent standards of work.

I. 1. Features of the agricultural sector in Asia

The features of the agricultural sector in Asia was discussed based on country reports prepared by the resource persons and contributions from the participants. The main features of the agricultural sector which were highlighted during discussions are summarised below.

I. 2. Agriculture

The agricultural sector is an important sector in the economy of Asian countries and includes livestock rearing, forestry, fishing and floricultural activities. It is significant in terms of contribution to GDP, employment, export earnings, food security and linkages with the industrial sector, especially the value added industries.

The proportion of the population engaged in this sector for a livelihood is high, ranging from 80 per cent in Bangladesh and 14 per cent in Malaysia. Agriculture has a significant contribution to the GDP of these countries: 25 per cent in India, 24 per cent in Bangladesh, 22 per cent in Sri Lanka, 15 per cent in the Philippines and 8 per cent in Malaysia. Export earnings from agriculture constitutes between 15 per cent and 6 per cent of all export earnings of these countries.

I. 3. Employment in Agriculture

Employment in agriculture is influenced by the crops cultivated, seasonal requirements for labour, organization and methods of work and technology adopted. It differs in characteristics between the peasant, small holdings and plantation industries. There are both formal and informal sectors in the agricultural labour market. Formal employment refers to a well defined employment relationship between an employer and employee. Informal employment is casual, short-term and usually based on a contract for services. The distinction of employment between a contract of service and contract for services is important as it has far reaching implications with regard to standards in terms and conditions of employment of workers concerned. The implications on enforcement of legislation, vicarious liability and implied terms are also important.

Statutes governing employment apply strictly to those who are employed under a contract of service. Therefore legislation with regard to minimum standards in employment have very little practical relevance to workers in the informal sector of the labour market. Workers with a contract of service are direct employees who are usually employed on a permanent basis, subject to terms

of contract of service. Workers who are on a contract for services are usually self-employed workers who undertake specific work for fixed payment or workers who are indirect employees working through third party contractors for supply of labour services. Employers prefer contract labour as it provides them with opportunities to minimise fixed cost obligations arising out of legislation and collective agreements while carrying labour resources between peak demand and low demand seasons. It is therefore easy to abuse workers' rights when work is carried out through casual employment and third party contractors for supply of labour services .

Employment characteristics are influenced by the size of operations where division of labour is possible. Jobs which are skilled for specialised functions exist in limited numbers in large scale agricultural enterprises, e.g. plantations. Although work of a permanent nature are available on plantations, employers prefer casual employment of workers through contractors to reduce fixed cost obligations to labour. Small scale farms and enterprises offer employment which are mainly unskilled. Agricultural work, especially in field operations, is dominated by manual work as employers take advantage of labour with low opportunity cost which is prevalent in labour surplus situations in the agricultural sector in many countries. In the forestry sector, the supply of labour from the indigenous population are mainly from those who are self-employed. They work as collectors of forest produce which are marketed through intermediaries. A large proportion of indigenous population are also employed by contractors engaged in extraction of logs in the forest. The logging operations are usually subject to forest concessions given to companies in the industry by the government. These concession owning companies prefer workers who can work in the forest and are familiar with the terrain and environment. The suitable source of such labour is the indigenous population in the forest itself. As employment is for the duration of the concession, employment on a contract for service basis is preferred to a contract of service so that employees become casual workers rather than permanent workers.

In the fishing industry employment is similarly governed by convention in the coastal villages where the population depend upon the employment available through the fishing boat owners and the companies involved in deep sea fishing. As most of the employment in the fishing industry is confined to coastal fishing, terms and conditions of employment of these workers depend on conventions governing sharing of catch for the day and/or duration of expeditions. Social and economic bonds between the fishing village population and boat owners determine the nature and terms and conditions of employment. In aquaculture enterprises, employers prefer casual employment of workers for seasonal employment in order to maintain low labour costs. Floriculture enterprises also experience similar situations with regard to employment of labour.

It is obvious that employment in agriculture, forestry and fishing is mostly informal in nature. It is governed by social and economic conventions in individual circumstances of employment in the respective enterprises in rural areas. Formalities of compliance and enforcement of legislation in these circumstances are remote as formal systems of industrial relations and collective bargaining do not have a place in these circumstances of employment. Social bonds are tied to family relationships, and obligations which are expected of them especially with regard to family labour obligations in agricultural, forestry and fishing enterprises they are engaged in. Economic bonds emerge when landowners provide concessions for landless workers to build temporary shelters on their land in return for guaranteed supply of labour on terms and conditions of employment determined by the landowner who is the employer. A similar situation is also visible in the forestry

industry and the fishing industry where owners of forest concessions and fishing licences obtain labour from the indigenous population and fishing villages through their control over concessions and capital equipment and storage and marketing facilities.

I. 4. *Women in Employment*

Women constitute approximately half of the total labour force in the agricultural sector . However their contributions are not adequately reflected. They remain as a group of workers who are facing discrimination in employment and terms and conditions of employment. Although legislation does provide for protection of women workers, the enforcement of these provisions are weak. For example, in India, the status of women workers is lower than that of men, although the law requires employers to pay equal wages for the same work in all industries. However, compliance with and enforcement of this legislation is unsatisfactory. Traditions and customs influence the nature of work that women perform in agriculture. Although mechanisation and modernisation of agricultural enterprises is taking place, the traditional occupations for women still remain the same. In plantations where women constitute about half of the labour force and the workforce is more unionised than in other sectors, there is some improvement in the terms and conditions of employment and enforcement of legislation governing minimum standards in employment.

I. 5. *Child Labour*

The high incidence of child labour in agriculture is a major issue for concern, as this is a manifestation of poverty in the agricultural sector across the region. Low incomes and inability to access education and human resource development programs often compels parents to send their children to work, where they suffer arduous conditions for very low wages. Where they work on family owned or operated agricultural holdings they receive no wages, and their contribution is not reflected in output assessment. From plantations in Bangladesh and Sri Lanka, to the sex trade in Thailand, child labour tends to perpetuate the poverty of the family and denies children of their basic human rights.

I. 6. *Payment Systems*

Payment systems determine the wages of agricultural workers . Wages are both in cash and in kind, and includes crop sharing in the informal sector. Crop sharing between the landowner and the worker will take into account the opportunity cost of labour, prices of crops harvested and minimum wage where such legislation is enforced. As supply and demand for work is volatile, standardisation of wages rates is not possible. In plantations where trade unions play a role in collective bargaining wage rates tend to be stable based on collective agreements. However, fluctuations in income of plantation workers is caused both through variations in yield and prices of commodities especially in employment where wages are tied to output per worker, price of commodity produced, and opportunity days of work which is subject to weather conditions.

Wages in the agricultural sector are tied to various output based factors, which makes the implementation of a fixed guaranteed minimum wage impossible due to circumstances beyond the control of the worker. For instance, where production levels are low due to the low-yield of an ageing plantation crop, or where crops are affected by natural disasters in traditional agriculture,

these reduce the income of the worker. These fluctuations and low levels in the incomes of workers at subsistence level perpetuate a vicious cycle of poverty amongst these workers.

I. 7. Minimum wages

In many countries minimum wages are not provided for in law. Even where minimum wages are provided these are neither implemented by the labour administration nor complied with by employers, and in fact employers tend to suppress wages to the level of minimum wages which in some cases are below subsistence levels.

I. 8. Standards in Employment

Many countries in the region have legislated minimum standards in employment but the effectiveness of enforcement is not satisfactory. In some countries these standards are not extended to the agriculture sector, and thus permits a system where disparities in standards adopted by employers are the norm. While hours of work, sick or medical leave with pay, weekly days of rest, and quantum of wages to be paid are provided for in legislation and collective agreements, there are anomalies in application, and terms such as overtime payments and maternity benefits are sometimes not recognized or are excluded by law. In some cases, the quantum provided for maternity benefits is extremely low and does not reflect a reasonable wage level for the duration of maternity leave. Even where certain standards have been guaranteed, they become difficult to enforce in the absence of security of employment for agricultural workers due to the nature of the work available to them and the unfair labour practice of some employers .

I. 9. Occupational Safety and Health

It is difficult to ensure occupational safety and health standards for agricultural workers as approximately 80 per cent of agricultural workers in some countries are in the informal sector. Workers in the informal sector do not place importance on this as they are keen to be employed under any circumstances rather than risk being unemployed by demanding safe working conditions. A large portion of all occupational accidents occur in the agricultural sector, but due to the absence of published data on hazards and risks associated with various agricultural activities, prevention and enforcement of standards becomes difficult.

I. 10. Social Security

Social security refers to formal and informal social mechanisms for sharing means and caring for those in need. In the agriculture sector the traditional social security systems are voluntary in nature and are governed by local cultural practices, which ensure that assistance is provided to families and individuals in times of need. Collective action in the community for the purpose of mobilising resources to provide benefits for families include occasions such a funerals, assistance for widows, orphans, and the destitute. The conduct of the affairs of these traditional types of programmes is informal but sanctioned through convention in the community. Although the response to such needs is on an ad hoc basis, these initiatives empower communities to provide a basic pro-active social security safety net for workers in the agricultural sector. All nations have their own systems based on their culture.

The role of trade unions extend to areas of social security through the collective agreements concluded with the employers. This formal type of social security for contingent needs such as sickness, death and injuries through employer liability insurance contributions or through internal group insurance policies of the union. Both these types of group insurance policies cater for agricultural workers who have trade unions to represent their interest. Cooperative societies have also implemented similar group insurance policies for agricultural workers who are members of such cooperative societies. However a large population of agricultural workers does not have any formal social security because they remain unorganized. In India, some social security benefits including security of employment for agricultural workers have been provided for through legislation but enforcement of this legislation is weak.

The most important and viable social security safety net is the one initiated by the government. The important funds created through both employer and worker contributions are the Employees Provident Fund , Social Security Fund and Workmen Compensation . All these attempt to address social security needs which on a comprehensive basis will need to take care of the following areas of concern:

Health

- Occupational health and normal medical care
- Maternity
- Critical illness

Contingent liabilities during employment

- Temporary disablement benefit
- Permanent disablement benefit
- Survivor benefit

Training and human resource development

- Financial assistance
- Centres for vocational rehabilitation

Home ownership

- Housing loans
- Projects of affordable homes

Retirement

- Lump sum payment
- Pensions
- Unemployment relief
- Family allowances
- Special care for the handicapped
- Care for the survivors

II LIVING CONDITIONS

II. 1. *Housing*

Workers in the agricultural sector in some countries are landless labourers who depend on the landowners to provide the means for a shelter in return for guaranteed labour services when required by the landowner. The quality of shelter provided tends to remain poor, and overcrowding, lack of basic amenities and lack of ownership are features in almost all countries. These shelters are temporary in nature and built by the workers themselves with no basic amenities such as electricity, water supply, toilet facilities and public communication services. Landlords are cautious in allowing landless labourers to build shelters on their land as they fear condoning occupational rights of these workers and legal difficulties in evicting them when they decide to do so. The shelters are therefore temporary although they may be a permanent feature and the worker is bonded to the landlord through the permission by the landlord to build a shelter. Success in improving the quality of life has been achieved in countries such as Vietnam, which has pursued an equitable land and house ownership policy. In other countries, landlessness remains a severe obstacle of families to exit poverty, which is as high as 70 per cent in Bangladesh and 27 per cent in Sri Lanka.

A similar situation is found in plantations in Sri Lanka where plantation workers were brought in from South India by the British planters to work on the plantations and alienated from the native Sinhalese population and the mainstream of national economic and social development. In Malaysia, plantation workers were brought in mainly from South India and kept under similar “captive conditions” to serve the interest of the plantation owners. The standards of quarters vary from country to country depending on the level of economic and social development. In Bangladesh, employers are obliged to provide rent-free living quarters and related amenities as stipulated in the Tea Plantation Labour Ordinance. Housing for plantation are designed for basic shelter. Employers established villages of living quarters within the plantation area to maintain a regular supply of labour. Quarters are provided to employees only but dependents are allowed to stay with the workers. Workers are therefore bonded to the employer through these quarters.

In Malaysia, standards of quarters are governed by the Workers Minimum Standards of Housing and Amenities Act 1990. This Act caters for plantations and mines. Employers are obliged to comply with the standards stipulated in the Act if they maintain a resident population of workers on the plantation. As employment is being casualised through contractors, employers need not comply with the provisions of this Act. However, where plantations comply with the Act there have been improvements in the standards. The designs of the quarters have been improved with appropriate facilities to promote the healthy development of families. The traditional single room “barracks” have now given way to semi-detached quarters with up to three bedrooms to enable the family to live with basic amenities such as potable piped water, electricity and sanitation facilities.

II. 2. *Medical services*

Medical services for agricultural workers is provided by many national governments through rural medical and health care services and by employers on plantations. The government services are confined to primary health care services especially for expectant women and young children.

However plantation workers are tied to the provisions of the Collective Agreements and legislation. Employers are cost conscious and do not encourage medical leave and endeavour to cut costs in medical services by providing the basic minimum required to be complied with by the employers. Workers therefore are dependent on their own resources and government health services. The current trend to privatize medical and health care services especially specialist medical care has caused great hardship to the workers.

II. 3. Infant and child care

Infant and child care services are provided in plantations and in rural areas so that women with infants and children can work while their children are cared for in the infant and child care centres. These centres are provided by government agencies, employers or non governmental organizations. In Malaysia this facility is provided to the plantation workers pursuant to the provisions of the Workers Minimum Standards of Housing and Amenities Act. Children up to the age of 4 are cared for in these centres where trained child minders care for the children. The employers provide milk and food for the children during the period the children are at the child care centre.

Children between the ages of 5 and 7 require pre-school facilities. In most plantations and rural areas such facilities are organised by the workers themselves in buildings provided by the management or government. The government has pre-school programmes for children through the community development projects in rural areas. However, in some countries plantations are excluded from this programme as it is deemed that such facilities and services must be an employer liability programme.

II. 4. Food cultivation opportunities

An important facility provided for agricultural workers in plantations and in rural areas is the opportunity for the workers to grow their own food crops and engage in livestock rearing so that the wages they earn need not entirely be spent for purchase of food. Employers have implemented this as part of plantation workers community project to ensure that wages can be controlled if workers can fulfil their food requirements in part and reduce the demand for cash to purchase food in the open market. It is also a programme to ensure adequate supply of nutritious food. In Malaysia the Workers Minimum Standards of Housing and Amenities Act 1990 ensures that employers provide this opportunity to plantation workers. In Bangladesh the opportunity to cultivate fallow land (khet land) is also provided for.

II. 5. Education And Human Resource Development

Opportunities for education and human resource development programs for the population in rural areas and plantations are inadequate and is an important cause for the predicament of agricultural workers who are unable to escape from the vicious cycle of poverty. In some countries, schools in plantations are not given equal treatment as national schools in urban areas. Children are therefore condemned to low levels of education and are unable to compete in the main stream of the nations social and economic development .

II. 6. Industrial Relations and Trade Union Activity

Trade unions are necessary institutions in the agricultural sector to bring about effective and meaningful distribution of income through collective bargaining. However trade unions in the agricultural sector seem only to represent workers in the formal sector of the labour market especially the plantation sector. Trade unions therefore represent less than 20 per cent of the agricultural labour force. Legal nuances in definition of workers renders approximately 80 per cent of the agricultural workers in the peasant and small holdings sector outside the scope of trade union membership as they are casual workers with the status of self-employed persons or with a contract for services rather than a contract of service which is the determining factor for an employer-employee relationship. In India and Sri Lanka the proliferation of trade unions based on political party alignments and ideology has weakened the solidarity of the workers. In the case of Bangladesh the existence of trade unions are inconsistent with the provisions of the legislation governing establishment and administration of trade unions. This provides limited scope for trade union action as their locus standi can be questioned in courts. In Sri Lanka the large number of unions is a reflection of the enthusiasm to organise workers especially after compulsory deduction of trade union subscriptions have been implemented through legislation. In Malaysia, the Trade Union Act and the Industrial Relations Act contains trade union activity within the confines of compulsory arbitration mechanism in industrial relations disputes. This minimises industrial action through strikes and frustrates the growth of trade unions through protracted litigation by employers who have the financial resources to fund the process with a view to eventually bust unions by making them irrelevant especially when they have limited financial and human resources to take on the employers through a process of litigation. Legal costs act as impediments for the workers and union to seek speedy remedies to their grievances.

Leadership in trade unions is expected to be democratic, transparent and accountable collective leadership where grassroots leaders and members are empowered to play a crucial role in maintaining solidarity and carrying out industrial relations work. However, trade unions in the agricultural sector tend to have leadership vested in individuals or a core group with appropriate social control mechanisms to perpetuate such leadership. Labour leaders have become more of “labour dealers” and this has affected the credibility of trade unions.

The industrial relations system is a formal structure based on legislation. It is obvious that when trade unions are disunited through their own ideological alignments and philosophies, they become weak in membership and cannot command a respectable role in the industrial relations system. As a consequence of the lack of solidarity of workers through trade unions membership, trade unions are unable to take on the challenges they face and deliver equitable results in favour of workers. The lack of trade union representation is also caused by increasing casual labour in the agricultural sector and employers’ effort to reduce overhead costs for maintaining labour on a permanent basis which triggers obligations of standards of employment pursuant to labour legislation especially social security benefits, paid holidays, maternity benefits and occupational health and safety measures.

II. 7. Poverty Eradication

Reduction of levels of poverty amongst agricultural workers is a priority in the economic and social development plans of nations. This is a strategic plan as the majority of the population live in rural areas and are dependent on agriculture, forestry, fishing and floriculture for a livelihood. It is also important to implement successful economic and social development projects in this sector in order to create surpluses, which can be channelled for the overall national development programmes. Modernisation in methods of production and distribution is actively pursued to create the capacity to release resources from the agricultural sector, especially labour, for industrialisation. The governments have addressed strategic plans for poverty reduction based on remedying specific causes for poverty, which can be summarized as follows:

- Small farm size
- Market exploitation
- Low accessibility to capital, technology and enterprise
- Limited opportunity for non-farm income within the rural sector
- Low motivation and aspiration of the poor
- Deteriorating terms of exchange for agricultural producers

The lack of productive employment opportunities was the major cause for poverty. The lack of land, capital, and entrepreneurship has contributed to open unemployment and under employment of human resources in this sector. All government plans have focused on new land development, regional and integrated agricultural development projects to increase production, to create employment and improve the quality of life of agricultural workers. Further support is given to expanding and improving services in dissemination of technology, drainage and irrigation facilities, fertiliser subsidies, credit, extension services and processing and marketing facilities and other services. All these initiatives by the government and through encouragement of the private sector are expected to deliver decent employment opportunities, which will provide the means for reduction of poverty amongst agricultural workers.

However, experience has shown that while the significance of the agricultural sector has not declined, the quality of life of agricultural workers has not seen dramatic improvements over the years. Agricultural workers have not been able to organise themselves into viable trade unions and bargain collectively for improvements in wages and terms and conditions of employment. The characteristics of employers and nature of employment opportunities makes it impossible for agricultural workers other than plantation workers to benefit from a formal industrial relations process. Freedom of association and free collective bargaining are theoretical notions with limited practical relevance in the labour market in the agricultural sector.

The benefits to agricultural workers have been through collective action on economic and social projects and the government interventions in delivering health, education, housing, amenities such as potable water, electricity, sanitation, communications and community development projects. In Malaysia, rural development is a success story especially when overall incidence of poverty in rural areas has reduced from 21 per cent (492,000 households) in 1990 to 12 per cent (264,000 households) in 1999. However, this reduction of poverty is achieved through a combination of changes in the overall structure of the economy especially the younger generation who have

benefited from the education facilities expanded in the rural areas through government initiatives. Total rural population have declined from approximately 75 per cent from the population in the 1960s to approximately 40 per cent in 2000. This out-migration provided the capacity for modernisation and increase in productivity of land and labour, which paved the way for improvements in income. However, in the plantation sector the out-migration has caused an ageing labour force and a tight labour market which pushed wages up with the result that employers resorted to bring in immigrant labour directly and through contractors to suppress wages through casual employment.

II. 8. *Social Dialogue*

All governments are sensitive to the aspiration of the population to achieve a higher standard of living through opportunities for participation in the mainstream of the social and economic development of the nation. Agricultural workers constitute an important segment of the population. The governments establish formal tripartite forums and ad hoc committees to receive grievances from agricultural workers through their representative organisations viz trade unions or non-governmental organisations and employers and their associations so that effective and meaningful projects can be implemented for the improvement of quality of life of workers.

In Malaysia, the National Labour Advisory Council is the tripartite forum in the Ministry of Human Resources, which considers representation from workers' and employers' organisations. In addition, tripartite ad hoc committees are also established on a need basis to look into specific issues of concern raised by workers' and employers' representatives. Similar establishments are also found in India, Bangladesh, Sri Lanka and the Philippines.

Other government ministries, which play an important role in improving the quality of life of agricultural workers, also established forums of a similar nature to enable a dynamic social dialogue process to be implemented. The important ministries are agriculture, health, education, cooperatives, rural development and public works and utilities. It is important to observe that political parties at the grassroots also influence this consultative process. A two way communication process is expected in social dialogue but polarisation based on social groups and political party affiliations sometimes renders social dialogue a one-way process of delivering government decisions to the people.

In India, social dialogue is based on the tradition of evolving consensus policy issues among the social partners through tripartite consultation and negotiations. However, as agricultural workers are largely unorganised, they have limited benefits from the tripartite consultation process. Agricultural workers do not have a strong voice in parliament, central trade union organisations and as a result their participation in the planning, implementation and the evaluation of the economic and social development projects for the improvement for the quality of life of agricultural workers is limited. However, the emergence of the Indian panchayat raj system helps in providing some participation of agricultural workers' representatives at the village level

III. RECOMMENDATIONS

III. 1. *Transparency*

The characteristics of workers engaged in the agricultural sector are complex. Government statistics mobilised from the field lack clear representation of the predicament of workers in all types of employment in the agricultural sector. It is therefore important that statistical information on employment, characteristics and quality of employment, terms and conditions of employment, occupational safety and health, and social security be mobilised. This will facilitate the effective and meaningful planning of economic and social development projects and programmes with adequate resources through appropriate delivery institutions in the sector. Further evaluation of the implementation of these projects and programmes specific to target groups can be objectively carried out. It is important that data and information on agricultural workers be made accessible to workers' organisations involved in the improvement of quality of life of agricultural workers.

III. 2. *Rural Workers' Organisations*

It is recognised that approximately 80 per cent of rural workers are engaged under precarious conditions of employment in the informal sector. The establishment of organisations to suit the volatile conditions of employment in which they are engaged in is difficult because of the casual nature of employment and their status as self-employed workers or workers with a contract for services rather than a contract of service. Current legislation facilitates the establishment of cooperative societies, welfare societies, and trade unions. Trade unions however are confined to workers with a contract of service while organising casual workers and contract workers poses formidable obstacles especially due to the precarious conditions of the workers who are from landless workers, migrant workers, legal and illegal immigrant workers, and bonded labour. The current legislation therefore needs to be evaluated and amended as required to facilitate the organising of unorganised workers so that they can represent themselves in negotiations with rural employers and government.

III. 3. *Industrial Relations*

Trade unions represent workers in industrial agriculture, namely plantations and agricultural produce processing industries. Membership is confined to workers who have contractual service and contract for services provided always that they are engaged in an employer-employee relationship. Trade union legislation needs review to enable a wider scope for organising workers in the informal sector and under precarious conditions of employment.

Industrial relations is governed by legislation in all countries. However, industrial relations is meaningful if disputes and grievances can be resolved in an expedient manner. Experiences have shown that justice is denied to agricultural workers because of delays in the judicial process. There is also the presence of bureaucratic formalities which frustrates the functions of trade unions, for example, the recognition process in the Industrial Relations Act in Malaysia. While it is recognized that industrial relations through procedures in legislation is necessary, it is important that such legislation does not act as a deterrent to healthy trade union functions in collective bargaining and settlement of grievances.

III. 4. *Minimum Wage*

The provisions for establishment of minimum wages for rural workers exist through formal procedures in most countries. In some countries the minimum wage is below the living wage and is approximately close to the subsistence wage. However, the enforcement of minimum wages has been poor due to various factors. The labour surplus situation in the rural areas also creates the situation where workers compete for employment and accept wages below the minimum wage level. Trade unions in the plantations are also caught in this predicament and negotiations usually end at wage levels close to the minimum wage. The minimum wage thus becomes the maximum. The Government must ensure that minimum wages fulfil at least subsistence needs.

III. 5. *Occupational Safety And Health*

Although this is a major issue of concern, many nations do not have appropriate legislation for agricultural workers and enforcement machineries to implement them. The prevalence of a high casual employment has rendered this an issue of concern to the lower ranks of priority. Specific hazards related to occupations, e.g. pesticides and chemical fertilisers are highlighted from time to time but the risk is absorbed by workers who compete for employment in a labour surplus situation in the rural areas. There is lack of dissemination of information on the hazards at work and risks involved. Employers casualise hazardous employment through contractors for labour services. The government must therefore take steps to legislate occupational safety and health standards for the agricultural sector. It must ensure the following:

- Legislation must be comprehensive to cater for specific risks in occupations in plantation and non-plantation agriculture
- Self-regulation to enforce occupational safety and health standards must be in place through safety committees at the workplace comprising of worker and employer representatives in industrial agriculture and government must ensure that occupational safety and health standards are implemented and supervised at workplaces which engages labour from the informal sector
- A dynamic research and development programme to monitor existing occupational safety and health risks and develop practical solutions for implementation at the grassroots level
- Government must establish a special occupational safety and health monitoring system through the national medical and health care services
- The government must allocate resources for disseminating information on occupational safety and health through the media and through workshops and seminars organised by trade unions, workers' organisations and employers
- The government must ensure that pesticides, herbicides, fungicides, chemical fertilisers and tools and machineries used for work in agriculture are safe to work with without undue risk to the safety and health of the workers and the environment

III. 6. *Women Workers*

Women workers constitute approximately half the labour force in the rural sector. In addition, they are important in domestic labour and as helpers to workers in the employment market and their contribution is not adequately reflected in the statistics of the overall economy. The predicament of women workers is severe especially under precarious conditions of employment. Affirmative action by the government is necessary to eliminate all forms of discrimination against women. Women must have equal access to resources and an equal opportunity in employment without discrimination in terms and conditions of employment. There is also a need for increased participation of women in trade unions and rural workers' organisations. Specific issues such as sexual harassment must be addressed through appropriate legislation.

III. 7. *Child Labour*

The incidence of child labour is a reflection of the poverty in the rural areas. There is a high incidence of child labour in South Asian countries especially in occupations in agriculture as part of household labour or as helpers to workers in the employment market. They are not represented by trade unions as they do not qualify to become members of a union because of their age. This means that issues concerning child labour require government intervention with adequate resources in the field of education and vocational training sensitive to demand for labour in the labour market. Governments must ensure that there is income security for poor parents to enable them to send their children to school and prevent them from resorting to work at a young age.

III. 8. *Payment Systems*

Payment systems in agriculture are mainly based on payment by results, especially in industrial agriculture. This contributes to the low levels and fluctuating incomes of agricultural workers. Collective agreements for plantation workers also provide for similar systems of payment. The current systems do not recognise guaranteed income security for workers as employers desire to maximise on the low opportunity cost of labour and flexibilities to cope with fluctuating prices of produce and opportunity days of work. Some collective agreements for plantation workers provide for basic income security through a guaranteed minimum monthly wage which acts as a safety net and consideration for the contract of service subsisting between the employer and the employee. It is important that payment systems are evaluated and reformed in an equitable manner through productivity linked or productivity gain sharing models of payment systems provided always that employers are transparent with information to enable equitable collective bargaining to be implemented. It is important that agricultural workers have basic income security, incentive payments for productivity and a share of the prosperity of the enterprise.

In the informal sector the government must intervene through legislation and regulations to provide both employment security and minimum living wages for agricultural workers.

III. 9. Social Security

Formal social security through legislation covers workers in the formal employment sector. Approximately 80 per cent of rural workers are outside the social security safety net. It is obvious that agricultural workers who are migrant workers, casual workers, foreign workers and in some cases contract workers, do not have any form of social security. Existing social security for agricultural workers is through various legislation, Trust Funds, and provisions for social security in the collective agreements. It is important that a comprehensive social security safety net is provided for agricultural workers through tripartite contribution system to provide for the following:

- Health care – life long health insurance
- Home ownership loan facilities
- Loan facilities for tertiary education of workers' children
- Contingent liabilities arising out of occupational diseases and risks
- Lump sum payment on retirement
- Life long pension including invalidity and survivors pension
- Special assistance for handicapped children of workers
- Maternity benefits
- Sick leave benefits
- Termination and lay-off benefits
- Human resource development and education – infant and child care facilities, pre-school and primary school education and vocational education.

The initiative and involvement of the government with adequate resources is crucial for the implementation of a comprehensive social security system for unorganised workers.

III. 10. Home Ownership

Home ownership is an important issue of concern for agricultural workers. Many agricultural workers are bonded to their employers in plantations and other agricultural enterprises because of their dependence on the shelter provided by the employer. The government must therefore, through tripartite consultations, develop a strategic plan which must provide for the following:

- Formulate a policy for home ownership for agricultural workers in plantations and rural areas
- Identify the need of agricultural workers in a home ownership programme specific to target groups
- Examine the potential for the implementation of the home ownership programme for agricultural workers in specific areas based on the needs identified
- Examine the scope for funding the recommended policy and projects for implementation through low cost development finance
- Propose time frames for the completion of projects for target groups in the implementation of policies
- Evaluation of projects upon completion.

III. 11. *Legislation*

Legislation governing labour standards and industrial relations relevant for agricultural workers has evolved over a long period of time. All colonies which became independent inherited colonial policies contained in legislation and continued with such legislation with little or no change. There is therefore a need to review all labour legislation to update it consistent with national aspirations and ILO Conventions and Recommendations so that agricultural workers do not continue to be isolated from the mainstream of economic and social development in the nation. A tripartite comprehensive review is necessary so that industrial relations can be effective and equitable in the context of economic and social development in the nation. The views of the stakeholders in the economy, namely the employers, the trade unions, and the government must be taken into account when amendments are introduced to ensure that equity, national interest and good conscience prevails.

III. 12. *Collective Action*

Existing rural workers' organisations such as cooperatives, trade unions and non-governmental organisations have initiated collective action projects and programmes to improve the quality of life of agricultural workers. All these organisations address issues of concern specific to target groups and endeavour through their collective strength and solidarity to implement projects which will improve the quality of life of rural workers. It is important that these organisations effectively address issues concerning human resource development especially pre-school, primary school, secondary school and vocational and tertiary education through interventions with study loans, motivation programmes and vocational guidance. These organisations can also implement group insurance policies to cater for medical and health care, natural death and accidental death benefits so that the families of affected workers are not left as destitutes. Cooperatives in particular will have to be established to serve multi-purpose functions to cater for the needs of the rural workers as well as to serve as a united voice when representing their interest with the government. The government must support the collective action projects and programmes with resources and recognise the organisations that implement these projects.

III. 13. *Anti-Poverty Programmes*

All governments have through their National Economic Development Plans endeavoured to reduce the incidence of poverty in agriculture. However, the success is rather limited especially when huge sums of resources are consumed in the establishment and maintenance of a bureaucracy in the name of anti-poverty projects and programmes with the result that relatively less amounts reach the poor through meaningful projects. There is also political considerations when deploying projects amidst the poor which further limits the success of poverty eradication programmes. Poverty eradication projects and programmes should be sensitive to the needs of target groups and it must be implemented through viable delivery institutions which are people based. People friendly approach is urgently required to see meaningful implementation of anti-poverty programmes. Reduction of poverty will therefore depend upon empowerment of the target groups concerned to build on their solidarity and become self-reliant to escape from the vicious cycle of poverty they are caught in.

The government must ensure that anti-poverty programmes focus on the following:

- Employment creation for agricultural workers
- Improve infrastructure to cater for basic needs such as roads, electricity, water supply and home ownership schemes of the rural population
- Empowerment of the rural population through human resource development programmes, better education, health and community development programmes
- Redistribution of land resources through land reform where possible
- Agricultural extension services such as micro-credit, marketing and technology must be distributed to the agrarian reform beneficiaries, small and medium scale farmers
- Establish small and medium scale agro-based industries for adding value to rural produce and support industries to create jobs
- Government must distribute food surplus under government control for “food for work” projects
- Micro-financing schemes should be accessible and not become high risk lending schemes with high interest rates
- Evaluation of projects must be done with the participation of the beneficiaries of projects at the grassroots level who must be provided with adequate and appropriate information so that they can participate effectively in the evaluation process

III. 14. *Social Dialogue*

All nations maintain that a social dialogue process is necessary for promoting national economic and social development. There are formal tripartite systems in place in the various ministries of the government and the offices of the constituencies of elected representatives in parliament, state assembly and provincial governments. However, these systems are not necessarily independent of party politics and it is therefore quite common to see that the social dialogue machineries do not function effectively because of the alienation of the opposition party supporters in the process of social dialogue. However, this process continues and as a consultative process it serves only to exchange information between the policy makers and the representative organisations at the forums. Although there is scepticism about the quality of participation in the existing framework between the social partners in society due to inequality in bargaining strength, there is nevertheless the effort to generate meaningful consultation rather than perpetuate a process to legitimise preconceived policies and decisions by government. All governments must ensure that social dialogue process is meaningful and effective through regular consultative meetings at the grassroots level, regional level, and national level, so that there is follow-up on issues discussed and action taken to ensure the credibility of the system of social dialogue and government.

III. 15. *Migrant Labour*

The phenomenon of migrant labour is important especially with regard to the determination of wages during peak demand for labour in agricultural operations. Migrant labour within the country, e.g. between states in India, are a vulnerable group, especially because of their temporary nature of employment and dependence on agents who are responsible for organising the work and travel for them for a fee and protection. This situation has often made it impossible for trade unions to organise migrant workers because of their temporary nature of employment and

dependence on their agents. Protection for the migrant workers through legislation must be considered so that the exploitation of migrant workers can be eliminated. It is also important that existing legislation to protect migrant labour be enforced effectively by the government.

III. 16. *Foreign Labour*

The presence of legal and illegal foreign labour in some countries in Asia has caused severe repercussions on the terms and conditions of employment of agricultural workers who are citizens of the country. For example, in Malaysia approximately half the labour force in the agricultural sector are immigrant workers from Indonesia, Philippines, Thailand, Cambodia, Vietnam, Myanmar, Bangladesh, and India, brought in through both legal and illegal means, to work in plantations and other related industries in the agricultural sector. Although legislation does not discriminate between foreign workers and local workers and foreign workers are free to join trade unions, the reality is that unfair labour practices such as retention of travel documents and work permits by employers prevent foreign labour from becoming members of unions for fear of punitive action by employers and deportation. Governments in labour exporting countries must ensure that workers who migrate to work in other countries are advised to become members of trade unions for their protection of the economic and social well being of immigrant worker concerned. Employment contracts for immigrant workers should not restrict trade union representation of immigrant workers.

III. 17. *Living Conditions*

The provision of quarters by employers to agricultural workers is the means through which the primary bond between the employer and the worker is created. The importance of quarters to the worker is critical and therefore workers are subject to compulsory employment with the employer to occupy his quarters. The practice of using quarters to maintain captive the labour force in a plantation is clear in most plantation based economies in Asia. The standards of quarters do not comply with standards for a healthy family development with appropriate amenities of potable water supply in the quarters, electricity, toilet and bathing facilities, and separate rooms for privacy. The existing standards are archaic and must therefore be reviewed so that quarters designated for workers comply with standards for healthy family development.

Infant and child care facilities are provided by employers so that women with young children can work in the fields. This is an employer responsibility in plantations. The quality of infant and child care is merely custodial in nature where the children are cared for during the working hours of the parents with very little attention being paid to the healthy development of the child in the infant and child care centres. The government must ensure that employers provide quality infant and child care services in the agricultural industry so that the children can develop both physically and mentally.

Food cultivation opportunities are encouraged in plantations and rural areas so that workers have a source of healthy food supply through opportunities to grow food crops and/or engaging in livestock/poultry rearing. This opportunity is an important food and income supplement to workers. However, employers limit the opportunities provided to workers due to scarcity of land within the employers' enterprise. Although there is legislation in some countries governing the

obligation of employers to provide this opportunity there is serious neglect in the supply of this opportunity to workers.

IV. CONCLUSION

Deficits in standards of decent work is glaring in the agricultural, forestry and fishing sector. The main cause for this predicament lies in the characteristics of macroeconomic and social policies, employment opportunities and employer-employee relationships in this sector.

The labour market characteristics reveal that the labour surplus situation in most countries acts as a deterrent for implementation of decent work standards in agriculture. Population pressure, high unemployment, under employment and the desperate need for employment to provide the means for basic subsistence act in a combined manner to create the situation where compromises in standards of decent work is always present. Apart from these pressures, social and cultural factors also play a significant role in creating the current deplorable situation with regard to decent work standards.

Ownership of resources, especially land and capital is inequitable and this creates constraints for meaningful modernisation of the enterprises in this sector in order to increase productivity of land and labour without which wage income cannot be increased without risking competitiveness especially in costs of production. This phenomenon has become increasingly important especially with current trends in proposals for global free trade policies to be implemented. At the national level, small and medium scale farmers compete with large-scale industrial agricultural enterprises, e.g. plantations. Inherent efficiencies in large-scale production, which are also capital intensive with latest technologies, tend to gradually wipe out small and medium scale farmers. The consequences of these are that agricultural workers employed on small and medium scale farms are unable to obtain reasonable wages because of the economic predicament of the employers. The vicious cycle of poverty begins with low incomes, which leads to low levels of consumption, saving and investment and results in low productivity of land and labour.

Government policies on distribution of licences and concessions in this sector is also important especially in forestry and fishing. Liberal policies to distribute such concessions and licences to worker based cooperatives and other organisations can act as a catalyst to improve income distribution and promote decent work standards in this sector. However, land reform and land distribution issues are extremely sensitive to political considerations. The social objectives of promoting decent work standards takes second place in the hierarchy of priorities in national development. The economic growth biased strategies have not given adequate consideration for distribution of incomes and wealth in society.

All nations are geared to implement market friendly strategies in economic and social development through corporatisation and privatisation of public enterprises and services, e.g. health, education, electricity, water, telecommunications, drainage and irrigation, etc. It is important to note that this trend does not take into account the realities in the labour market. Collective bargaining between employers and trade unions of workers are faced with severe challenges to organise themselves into viable trade unions and function effectively in the industrial

relations system. Legal nuances in definition of workers are a major cause of inability for workers to organise themselves. Further, impediments in industrial relations systems arise out of formal requirements for recognition of trade unions by employers before collective bargaining. Systems of compulsory conciliation and arbitration of disputes renders industrial action impotent. Legislation on industrial relations is expected to promote a framework for equitable settlement of disputes. In reality, legal technicalities, delays in courts and costs of litigation makes it impossible for ordinary agricultural workers and their unions to seek redressal for their grievances. Trade unions have therefore become organisations to represent workers in society but functionally they end up as mere rubber stamps for endorsing pre-determined policies on labour by the government and employers. The proliferation of large numbers of unions with small membership in some countries and unions divided along political party and ideological alignments are also contributing to the lack of solidarity amongst workers, which is crucial for the struggle of decent work standards.

Legislation on standards in employment reaches out to the minority of workers in the formal sector of the agricultural labour market. The enforcement of these standards pursuant to legislation depends on an enlightened labour force on their rights and responsibilities and an effective trade union movement to monitor the enforcement. However, the lack of strong trade unions and weak labour inspection machinery in the government gives many employers opportunities to evade obligations through loopholes in legislation.

ILO Conventions and Recommendations are extremely useful for promoting decent work standards of workers in the agricultural sector. Governments are not obliged to ratify these Conventions. However, most governments do take note of the views expressed in these Conventions and Recommendations and are adopted and adapted to suit national circumstances and conditions. These are reflected in national legislation with regard to standards in employment, industrial relations and social security.

It is a challenge for the social partners to set standards for decent work and implement them in the agricultural sector through tripartism and a process of social dialogue. The dynamics for positive change in the labour market in the agricultural sector has to be clearly understood from both economic and social points of view. Current global trends in trade will further compound the problems and challenges associated with implementing decent work standards in the agricultural sector. Governments must discard obsolete and myopic policies on labour, industrial relations and social security in order to bring greater transparency in the dynamics of the agricultural labour market and better accountability for the implementation of decent work standards by employers. The tradition of exploiting human and land resources for results must give way to enlightened philosophies and policies for managing human and other resources for optimum results and equitable distribution of incomes and wealth between the factors of production in the agricultural sector.