



EIGHTH ITEM ON THE AGENDA

Form for reports on the application of ratified Conventions (article 22 of the Constitution): the Safety and Health in Agriculture Convention, 2001 (No. 184)

1. In accordance with the usual practice the Committee is requested to examine the draft form to be used as a basis for the reports on the above instrument which the governments of ratifying States will be required to submit under article 22 of the Constitution of the ILO. The draft form is appended.
2. The text of the Safety and Health in Agriculture Recommendation, 2001 (No. 192), will be appended to the report form, which includes an explanatory note.
3. *The Committee is invited to decide on the report form for the Safety and Health in Agriculture Convention, 2001 (No. 184), and to submit it to the Governing Body for approval.*

Geneva, 16 October 2001.

Point for decision: Paragraph 3.

Appendix

Appl. 22.184
184. Safety and Health in Agriculture, 2001

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM

FOR THE

SAFETY AND HEALTH IN AGRICULTURE CONVENTION, 2001 (No. 184)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Safety and Health in Agriculture Recommendation, 2001 (No. 192), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

- (a) any new legislative or other measures affecting the application of the Convention;
- (b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **replies to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your Government by the Committee of Experts or the Conference Committee on the Application of Standards.

Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of
on the

**SAFETY AND HEALTH IN AGRICULTURE
CONVENTION, 2001 (No. 184)**

(ratification registered on

- I. Please give a list of the laws and regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of these texts to the International Labour Office.**

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the abovementioned laws and regulations, etc., or other measures, which give effect to each Article.**

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take specific steps, such as measures to define its exact scope and the institution of indispensable practical measures and procedures to apply it.

If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

PART I. SCOPE

Article 1

For the purpose of this Convention the term “agriculture” covers agricultural and forestry activities carried out in agricultural undertakings including crop production, forestry activities, animal husbandry and insect raising, the primary processing of agricultural and animal products by or on behalf of the operator of the undertaking as well as the use and maintenance of machinery, equipment, appliances, tools, and agricultural installations, including any process, storage, operation or transportation in an agricultural undertaking, which are directly related to agricultural production.

Article 2

For the purpose of this Convention the term “agriculture” does not cover:

- (a) subsistence farming;
- (b) industrial processes that use agricultural products as raw material and the related services; and
- (c) the industrial exploitation of forests.

Article 3

1. The competent authority of a Member which ratifies the Convention, after consulting the representative organizations of employers and workers concerned:

- (a) may exclude certain agricultural undertakings or limited categories of workers from the application of this Convention or certain provisions thereof, when special problems of a substantial nature arise; and
- (b) shall, in case of such exclusions, make plans to cover progressively all undertakings and all categories of workers.

2. Each Member shall list, in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any exclusions made in pursuance of paragraph 1(a) of this Article giving the reasons for such exclusion. In subsequent reports, it shall describe the measures taken with a view to extending progressively the provisions of the Convention to the workers concerned.

If recourse has been had to paragraph 1(a), please:

- (a) *indicate the agricultural undertakings or the categories of workers excluded from the application of the Convention or certain provisions thereof, give the reasons for such exclusions and describe the employers' and workers' organizations concerned that have been consulted and how they are consulted on the application of this Article;*
- (b) *communicate information on plans for progressively covering all agricultural undertakings and all categories of workers.*

PART II. GENERAL PROVISIONS

Article 4

1. In light of national conditions and practice and after consulting the representative organizations of employers and workers concerned, Members shall formulate, carry out and periodically review a coherent national policy on safety and health in agriculture. This policy shall have the aim of preventing accidents and injury to health arising out of, linked with, or occurring in the course of work, by eliminating, minimizing or controlling hazards in the agricultural working environment.

2. To this end, national laws and regulations shall:

- (a) designate the competent authority responsible for the implementation of the policy and for the enforcement of national laws and regulations on occupational safety and health in agriculture;

- (b) specify the rights and duties of employers and workers with respect to occupational safety and health in agriculture; and
- (c) establish mechanisms of inter-sectoral coordination among relevant authorities and bodies for the agricultural sector and define their functions and responsibilities, taking into account their complementarity and national conditions and practices.

3. The designated competent authority shall provide for corrective measures and appropriate penalties in accordance with national laws and regulations, including, where appropriate, the suspension or restriction of those agricultural activities which pose an imminent risk to the safety and health of workers, until the conditions giving rise to the suspension or restriction have been corrected.

Please indicate:

- (a) *the measures taken to formulate, carry out and review periodically the policy on safety and health in agriculture aimed at the prevention of accidents and injuries to health arising out of, linked with, or occurring in the course of work;*
- (b) *the employers' and workers' organizations concerned that have been consulted and how they are consulted;*
- (c) *the rights and duties of employers and workers with respect to occupational safety and health in agriculture;*
- (d) *the mechanisms of inter-sectoral coordination among relevant authorities and bodies for the agricultural sector, and the national conditions and practice that have been taken into consideration when defining their functions and responsibilities; and*
- (e) *the competent authority referred to in this Article and the steps taken to ensure that effect is given to this Article.*

Article 5

1. Members shall ensure that an adequate and appropriate system of inspection for agricultural workplaces is in place and is provided with adequate means.

2. In accordance with national legislation, the competent authority may entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services, public institutions, or private institutions under government control, or may associate these services or institutions with the exercise of such functions.

If recourse has been had to paragraph 2, please indicate the provisions of national legislation authorizing such recourse. Please indicate the inspection functions entrusted to the regional or local level and the government services, public institutions or private institutions under government control to which they are entrusted; and whether and how those services and institutions are associated with the exercise of such functions.

PART III. PREVENTIVE AND PROTECTIVE MEASURES

GENERAL

Article 6

1. In so far as is compatible with national laws and regulations, the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.

2. National laws and regulations or the competent authority shall provide that whenever in an agricultural workplace two or more employers undertake activities, or whenever one or more employers and one or more self-employed persons undertake activities, they shall cooperate in applying the safety and health requirements. Where appropriate, the competent authority shall prescribe general procedures for this collaboration.

Please indicate how employers are required to ensure the safety and health of workers in every aspect related to the work in conformity with national laws and regulations.

Please indicate the provisions of national laws and regulations or the measures taken by the competent authority laying down the prescribed cooperation in applying safety and health requirements. Please indicate whether the competent authority has prescribed general procedures for such collaboration.

Article 7

In order to comply with the national policy referred to in Article 4 of the Convention, national laws and regulations or the competent authority shall provide, taking into account the size of the undertaking and the nature of its activity, that the employer shall:

- (a) carry out appropriate risk assessments in relation to the safety and health of workers and, on the basis of these results, adopt preventive and protective measures to ensure that under all conditions of their intended use, all agricultural activities, workplaces, machinery, equipment, chemicals, tools and processes under the control of the employer are safe and comply with prescribed safety and health standards;
- (b) ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to workers in agriculture, including information on the hazards and risks associated with their work and the action to be taken for their protection, taking into account their level of education and differences in language, and
- (c) take immediate steps to stop any operation where there is an imminent and serious danger to safety and health and to evacuate workers as appropriate.

Please indicate the legislative or other provisions whereby employers are required to take the action called for in this Article.

Article 8

1. Workers in agriculture shall have the right:

- (a) to be informed and consulted on safety and health matters including risks from new technologies;

- (b) to participate in the application and review of safety and health measures and, in accordance with national law and practice, to select safety and health representatives and representatives in safety and health committees; and
- (c) to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions.

2. Workers in agriculture and their representatives shall have the duty to comply with the prescribed safety and health measures and to cooperate with employers in order for the latter to comply with their own duties and responsibilities.

3. The procedures for the exercise of the rights and duties referred to in paragraphs 1 and 2 shall be established by national laws and regulations, the competent authority, collective agreements or other appropriate means.

4. Where the provisions of this Convention are implemented as provided for by paragraph 3, there shall be prior consultation with the representative organizations of employers and workers concerned.

Please indicate the legislative or other measures taken to determine the procedures for exercising the rights and duties listed in paragraphs 1 and 2, and the prior consultations had with the representative organizations of employers and workers concerned.

Please indicate legislative or other measures ensuring that workers who remove themselves from danger and inform their supervisor as provided in paragraph 1(c) shall not be placed at any disadvantage as a result of these actions.

MACHINERY SAFETY AND ERGONOMICS

Article 9

1. National laws and regulations or the competent authority shall prescribe that machinery, equipment, including personal protective equipment, appliances and hand tools used in agriculture comply with national or other recognized safety and health standards and be appropriately installed, maintained and safeguarded.

2. The competent authority shall take measures to ensure that manufacturers, importers and suppliers comply with the standards referred to in paragraph 1 and provide adequate and appropriate information, including hazard warning signs, in the official language or languages of the user country, to the users and, on request, to the competent authority.

3. Employers shall ensure that workers receive and understand the safety and health information supplied by manufacturers, importers and suppliers.

Please indicate the legislative or other provisions that give effect to this Article.

Article 10

National laws and regulations shall prescribe that agricultural machinery and equipment shall:

- (a) only be used for work for which they are designed, unless a use outside of the initial design purpose has been assessed as safe in accordance with national law and practice and, in particular, shall not be used for human transportation, unless designed or adapted so as to carry persons; and
- (b) be operated by trained and competent persons, in accordance with national law and practice.

Please indicate the provisions of national laws and regulations giving effect to this Article.

HANDLING AND TRANSPORT OF MATERIALS

Article 11

1. The competent authority, after consulting the representative organizations of employers and workers concerned, shall establish safety and health requirements for the handling and transport of materials particularly on manual handling. Such requirements shall be based on risk assessment, technical standards and medical opinion, taking account of all the relevant conditions under which the work is performed in accordance with national law and practice.

2. Workers shall not be required or permitted to engage in the manual handling or transport of a load which by reason of its weight or nature is likely to jeopardize their safety or health.

1. Please indicate the safety and health requirements established for the handling and transport of materials, particularly manual handling.

2. Please indicate:

- (a) the consultations had to this end;*
- (b) the factors that they are based on; and*
- (c) the relevant conditions taken into account.*

SOUND MANAGEMENT OF CHEMICALS

Article 12

The competent authority shall take measures, in accordance with national law and practice, to ensure that:

- (a) there is an appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging and labelling of chemicals used in agriculture and for their banning or restriction;
- (b) those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to users in the appropriate official language or languages of the country and, on request, to the competent authority; and
- (c) there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use

for other purposes and to eliminate or minimize the risks to safety and health and to the environment.

Please indicate the competent authority referred to in this Article.

Please indicate the measures taken, in accordance with national law and practice, to ensure that effect is given to this Article.

Article 13

1. National laws and regulations or the competent authority shall ensure that there are preventive and protective measures for the use of chemicals and handling of chemical waste at the level of the undertaking.

2. These measures shall cover, inter alia:

- (a) the preparation, handling, application, storage and transportation of chemicals;
- (b) agricultural activities leading to the dispersion of chemicals;
- (c) the maintenance, repair and cleaning of equipment and containers for chemicals; and
- (d) the disposal of empty containers and the treatment and disposal of chemical waste and obsolete chemicals.

Please indicate how effect is given to this Article.

ANIMAL HANDLING AND PROTECTION AGAINST BIOLOGICAL RISKS

Article 14

National laws and regulations shall ensure that risks such as those of infection, allergy or poisoning are prevented or kept to a minimum when biological agents are handled, and activities involving animals, livestock and stabling areas, comply with national or other recognized health and safety standards.

Please indicate how effect is given to this Article.

AGRICULTURAL INSTALLATIONS

Article 15

The construction, maintenance and repairing of agricultural installations shall be in conformity with national laws, regulations and safety and health requirements.

Please indicate how effect is given to this Article.

PART IV. OTHER PROVISIONS

YOUNG WORKERS AND HAZARDOUS WORK

Article 16

1. The minimum age for assignment to work in agriculture which by its nature or the circumstances in which it is carried out is likely to harm the safety and health of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 applies shall be determined by national laws and regulations or by the competent authority, after consultations with the representative organizations of employers and workers concerned.

3. Notwithstanding paragraph 1, national laws or regulations or the competent authority may, after consultation with representative organizations of employers and workers concerned, authorize the performance of work referred to in that paragraph as from 16 years of age on condition that appropriate prior training is given and safety and health of the young workers are fully protected.

1. Please:

- (a) indicate the legislation or other provisions adopted to ensure that the minimum age for assignment to work likely to harm the safety and health of young persons is not less than 18 years; and*
- (b) supply information on the consultations carried out for this purpose with representative organizations of employers and workers concerned.*

2. If recourse has been had to paragraph 3, please:

- (a) indicate the minimum requirements adopted to ensure that any prior training given is appropriate; and*
- (b) supply information on the consultations with representative organizations of employers and workers concerned which have taken place on this subject.*

TEMPORARY AND SEASONAL WORKERS

Article 17

Measures shall be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable permanent workers in agriculture.

Please indicate the measures taken to give effect to this Article.

WOMEN WORKERS

Article 18

Measures shall be taken to ensure that the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health.

Please indicate the measures taken to give effect to this Article.

WELFARE AND ACCOMMODATION FACILITIES

Article 19

National laws and regulations or the competent authority shall prescribe, after consultation with representative organizations of employers and workers concerned:

- (a) the provision of adequate welfare facilities at no cost to the worker; and*

- (b) the minimum accommodation standards for workers who are required by the nature of the work to live temporarily or permanently in the undertaking.

Please:

- (a) indicate the legislation or other provisions that give effect to this Article; and
- (b) supply information on the consultations with representative organizations of employers and workers concerned which have taken place.

WORKING TIME ARRANGEMENTS

Article 20

Hours of work, night work and rest periods for workers in agriculture shall be in accordance with national laws and regulations or collective agreements.

Please indicate how effect is given to this Article.

COVERAGE AGAINST OCCUPATIONAL INJURIES AND DISEASES

Article 21

1. In accordance with national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors.

2. Such schemes may either be part of a national scheme or take any other appropriate form consistent with national law and practice.

Please indicate how effect is given to this Article.

III. In so far as such information has not been supplied under Article 4 of the Convention, please state to what authority or authorities the application of the abovementioned legislation, regulations, etc., is entrusted, and by what methods such application is supervised.

IV. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.

V. Please give a general appreciation of the manner in which the Convention is applied in your country and supply – in so far as the information has not already been supplied in connection with other questions in this form – extracts from inspection reports and, where such statistics exist, information on the number of workers covered by the measures giving effect to the Convention, the number and nature of infringements reported, etc.

VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour

Organization.¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

VII. Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or previous report, regarding the practical application of the provisions of the Convention, or the application of the legislation or other measures implementing the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

SAFETY AND HEALTH IN AGRICULTURE RECOMMENDATION, 2001 (No. 192)

[Text not reproduced here]

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organizations recognized for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22".