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## Proposed Conclusions

### A. Form of the international instruments

1. The International Labour Conference should adopt international standards concerning safety and health in agriculture with the aim of ensuring that workers in agriculture enjoy safety and health protection that is equivalent to that provided to workers in the other sectors of the economy.

2. These standards should take the form of a Convention supplemented by a Recommendation.

### B. Proposed Conclusions with a view to a Convention and a Recommendation

#### PREAMBLE

3. (1) These standards should include a Preamble providing that the measures envisaged should be taken in the light of the principles embodied in the Occupational Safety and Health Convention and Recommendation, 1981; and the Occupational Health Services Convention and Recommendation, 1985.

(2) The Preamble should refer to other ILO instruments of direct relevance to safety and health in agriculture, in particular the following existing instruments: Plantations Convention and Recommendation, 1958; Employment Injury Benefit Convention and Recommendation, 1964; Labour Inspection (Agriculture) Convention and Recommendation, 1969; Chemicals Convention and Recommendation, 1990.

(3) The Preamble should also include a reference to the wider framework of the principles embodied in other ILO instruments relevant to agriculture and stress the need for a coherent approach to the sector.

(4) Among the cited Conventions it is proposed to include: the Freedom of Association and Protection of the Right to Organise Convention, 1948; the Right to Organise and Collective Bargaining Convention, 1949; the Minimum Age Convention, 1973; and the Worst Forms of Child Labour Convention, 1999.

(5) Reference should also be made to the ILO Codes of Practice on Recording and Notification of Occupational Accidents and Diseases, 1996, and on Safety and Health in Forestry Work, 1998.

(6) Reference should also be made to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

### C. Proposed Conclusions with a view to a Convention

The Conclusions with a view to a Convention should include the following provisions:

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## I. DEFINITIONS AND SCOPE

4. For the purpose of the Convention the term “agriculture” should cover:

- (a) all activities (whether indoor or outdoor) directly related to cultivating, growing, harvesting and primary processing of agricultural products; to animal and livestock breeding including aquaculture; and to agro-forestry;
- (b) all agricultural undertakings, irrespective of size; and
- (c) all machinery, equipment, appliances, tools, agricultural installations and any process, storage, operation or transportation, in an agricultural workplace, directly related to agricultural production.

5. For the purpose of the Convention the term “agriculture” should not cover: subsistence farming; industrial processes that use agricultural products as raw material and the related services; and any work performed in a forest related to industrial exploitation of forests.

6. (1) The competent authority of a Member which ratifies the Convention, after consultation with the representative organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate:

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

(2) Each Member should list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any undertaking or category of workers which may have been excluded, giving the reasons for such exclusions. In subsequent reports, it should describe the measures taken with a view to progressively extending the provisions of the Convention to the workers concerned.

## II. GENERAL PROVISIONS

7. (1) In the light of national conditions and practice and after consultation with the representative organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate, Members should formulate, carry out and periodically review a coherent national policy on safety and health in agriculture, with 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 should:

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- (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) establish mechanisms of inter-sectoral coordination among relevant authorities and bodies in the agricultural sector and define their functions and responsibilities taking into account their complementarity and national conditions and practice;
  - (c) specify the rights and duties of employers and workers and self-employed farmers with respect to safety and health in agriculture; and
  - (d) provide for corrective measures and appropriate penalties including, where appropriate, the suspension or restriction of agricultural activities on safety and health grounds, until the conditions giving rise to the suspension or restriction have been corrected.

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

(2) Where necessary, the competent authority may either entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services or public institutions or associate these services or institutions with the exercise of such functions.

### III. PREVENTIVE AND PROTECTIVE MEASURES

#### *General*

9. (1) National laws and regulations should provide that the employer has a duty to ensure the safety and health of workers in every aspect related to the work.

(2) National laws and regulations should provide that, whenever two or more employers or self-employed persons engage in activities in the same agricultural workplace, they should cooperate in applying the safety and health requirements. In appropriate circumstances the competent authority should prescribe general procedures for this collaboration.

10. In order to comply with the national policy referred to in Point 7, national laws and regulations or the competent authority should provide, taking into account the size of the enterprise, that the employer should:

- (a) carry out appropriate risk assessments to the safety and health of workers and on the basis of these results, adopt preventive and protective measures to ensure that all agricultural activities, workplaces, machinery, equipment, tools and processes under the control of the employer are safe and comply with prescribed safety and health standards, under all conditions of their intended use; and
- (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, taking into account their level of education and differences in language.

11. (1) Workers in agriculture should have the right:

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- (a) to be informed and consulted on safety and health matters including risks from new technologies, to select safety and health representatives or their representatives in safety and health committees and through those representatives to participate in workplace inspections;
  - (b) 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; they should inform their supervisor immediately. They should not be disadvantaged as a result of these actions.

(2) Workers in agriculture and their representatives should have the duty to cooperate and comply with the prescribed safety and health measures to permit compliance with the duties and responsibilities placed on employers.

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

### *Machinery safety and ergonomics*

12. (1) National laws and regulations should 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 should take measures to ensure that manufacturers, importers and suppliers comply with these standards and provide adequate and appropriate information including hazard warning signs, in the official language of the importing country, to the users, and, on request, to the competent authority.

13. National laws and regulations should prescribe that agricultural machinery and equipment:

- (a) must be used only for work for which they are designed, and in particular, must not be used for human transportation, unless designed or adapted so as to carry persons; and
- (b) must be operated by trained and competent persons, in accordance with national law and practice.

### *Handling and transport of materials*

14. (1) The competent authority, after consulting the representative organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate, should establish safety and health requirements for the handling and transport of materials, particularly on manual handling, on the basis of 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 should 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.

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### *Sound management of chemicals*

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

- (a) there is an appropriate national system establishing specific criteria for the importation, classification, labelling and banning or restriction of chemicals used in agriculture;
- (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 the users in the appropriate official languages of the country and, on request, to the competent authority;
- (c) a suitable system of collection and safe disposal, where appropriate, including recuperation and recycling of empty containers of chemicals is in place to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment.

16. (1) National laws and regulations or the competent authority should ensure that there are preventive and protective measures for the use of chemicals at the enterprise level.

(2) These measures should cover the following areas:

- (a) the preparation, handling, application, storage and transportation of chemicals;
- (b) the release of chemicals resulting from agricultural activities;
- (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 wastes.

### *Agricultural facilities*

17. National laws and regulations should prescribe safety and health requirements for the construction, maintenance or repairing of agricultural facilities.

### *Animal handling*

18. National laws and regulations should provide that animal handling activities, animal husbandry areas and stalls comply with national or other recognized safety and health standards.

## IV. OTHER PROVISIONS

### *Young workers*

19. (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 should not be less than 18 years.

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(2) The types of employment or work to which paragraph (1) above applies should be determined by national laws and regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate.

(3) Notwithstanding the provisions in paragraph (1) above, national laws or regulations or the competent authority might, after consultation with the organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate, authorize such assignment as from 16 years of age on condition that appropriate prior training is given and the safety and health of such persons are fully protected.

#### *Temporary and seasonal workers*

20. Measures should be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable full-time workers in agriculture.

#### *Women workers*

21. Measures should be taken to ensure that the special needs of women agricultural workers are taken into account, especially in relation to pregnancy, breast-feeding and reproductive health.

#### *Welfare and accommodation facilities*

22. National laws and regulations should prescribe, after consultation with the representative organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate:

- (a) the provision of adequate welfare facilities in agriculture at no cost to the worker; and
- (b) the appropriate accommodation for workers who are required by the nature of the work to live temporarily or permanently in the undertaking.

#### *Insurance against occupational injuries and sickness*

23. (1) Workers in agriculture should be covered by a scheme of compulsory insurance against occupational injuries and sickness, invalidity and other similar risks providing protection that is at least equivalent to that enjoyed by workers in other sectors.

(2) Such a scheme can either be part of a national scheme or take any other appropriate form consistent with national laws and practice.

(3) Where economic, social and administrative conditions do not permit the inclusion in such a scheme of self-employed farmers and their families, including persons of small means working on their own account in agriculture, such persons should be covered by a special insurance scheme and measures should be taken for the progressive extension of coverage to the level provided for in paragraph (1) above.

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## D. Proposed Conclusions with a view to a Recommendation

24. The provisions of the Recommendation supplementing the Convention should be applied in conjunction with those of the Convention. The Proposed Conclusions with a view to a Recommendation should include the following provisions:

### I. GENERAL PROVISIONS

25. In order to give effect to Point 8, the measures concerning labour inspection in agriculture should be taken in the light of the principles embodied in the Labour Inspection (Agriculture) Convention and Recommendation, 1969.

26. Multinational enterprises should provide adequate safety and health protection for their workers in agriculture in all their establishments, without discrimination and regardless of the place or country in which they are situated, in accordance with national law and practice and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

### II. OCCUPATIONAL SAFETY AND HEALTH SURVEILLANCE

27. The competent authority designated to implement the national policy referred to in Point 7 should, after consultation with the representative organizations of employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate:

- (a) identify major problems, establish priorities for action, develop effective methods for dealing with them and periodically evaluate the results;
- (b) prescribe measures for the prevention and control of occupational hazards in agriculture:
  - (i) taking into consideration technological progress and knowledge in the field of safety and health, as well as relevant standards, guidelines and codes of practice adopted by recognized national or international organizations;
  - (ii) taking into account the need to protect the general environment from the impact of agricultural activities;
  - (iii) specifying the steps to be taken in order to prevent or control the risk of endemic diseases for workers in agriculture; and
  - (iv) specifying that no hazardous work in an isolated area should be carried out by a single worker and/or without an adequate possibility of communication;
- (c) prepare guidelines for employers and workers and self-employed farmers.

28. (1) The competent authority should establish a national system for occupational safety and health surveillance which should include both workers' health surveillance and the surveillance of the working environment.

(2) This system should include the necessary risk assessment and, where appropriate, preventive and control measures with respect to inter alia: (a) hazardous chemicals;

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(b) toxic, infectious or allergenic biological agents; (c) irritant or toxic vapours; (d) hazardous dusts; (e) carcinogenic substances or agents; (f) noise and vibration; (g) extreme temperatures; (h) solar ultraviolet radiations; (i) transmissible animal diseases; (j) contact with wild or poisonous animals; (k) the use of machinery and equipment, including personal protective equipment; (l) the manual handling or transport of loads; (m) intense or sustained physical and mental efforts and inadequate working postures; and (n) risks from new technologies.

(3) Special health surveillance measures for young workers and pregnant and nursing women should be taken, where appropriate.

29. The competent authority should:

- (a) make provisions for the progressive extension of appropriate occupational health services for workers in agriculture;
- (b) establish procedures for the recording and notification of occupational accidents and diseases in agriculture, in particular for the implementation of the national policy and the development of preventive programmes at the enterprise level; and
- (c) progressively develop procedures for the recording and notification of occupational accidents and diseases concerning self-employed farmers.

### III. PREVENTIVE AND PROTECTIVE MEASURES

#### *Risk assessment and management*

30. To give effect to Point 10, a set of measures on safety and health at the enterprise level should include:

- (a) occupational safety and health services;
- (b) risk assessment and management measures in the following order of priority:
  - (i) eliminate the risk;
  - (ii) control the risk at the source;
  - (iii) minimize the risk by means that include the design of safe work systems, and/or the introduction of technical and organizational measures and safe practices and/or training;
  - (iv) in so far as the risk remains, provide for the use of personal protective equipment and clothing, at no cost to the worker;
- (c) measures to deal with accidents and emergencies including first aid and access to appropriate transportation to medical facilities;
- (d) procedures for the recording and notification of accidents and diseases;
- (e) appropriate measures to protect persons present at an agricultural site, the population in the vicinity of it and the surrounding general environment, from risks which may

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arise from the agricultural activity concerned, such as those due to agrochemical waste, livestock waste, soil and water contamination, soil depletion and topographic changes; and

- (f) measures to ensure that the technology used is adapted to climate, work organization and working practices.

#### *Machinery safety and ergonomics*

31. To give effect to Point 12(2), measures should be taken to ensure that technology, machinery and equipment, including personal protective equipment are adapted to the needs of the importing countries.

32. The competent authority should ensure that ergonomic principles are taken into account in the design and manufacture of machinery, equipment and tools.

#### *Sound management of chemicals*

33. (1) The measures envisaged concerning the sound management of chemicals in agriculture should be taken in the light of the principles of the Chemicals Convention and Recommendation, 1990, and other relevant international technical standards.

(2) In particular, preventive and protective measures to be taken at the enterprise level, should include:

- (a) adequate washing facilities for those using chemicals and for the maintenance and cleaning of personal protective and application equipment, at no cost to the worker;
- (b) spraying and post-spraying precautions in areas treated with chemicals including measures to prevent pollution of drinking, washing and irrigation water sources;
- (c) handling or disposal of hazardous chemicals which are no longer required, and containers which have been emptied but which may contain residues of hazardous chemicals, in a manner which eliminates or minimizes the risk to safety and health and to the environment, in accordance with national law and practice; and
- (d) keeping a register of the application of agricultural pesticides.

#### *Agricultural facilities*

34. To give effect to Point 17, the safety and health requirements concerning agricultural facilities should specify technical standards for buildings, installations, rails, fences and confined spaces.

#### *Animal handling*

35. To give effect to Point 18, measures for the handling of animals should include:

- (a) control and testing of livestock, in accordance with veterinary standards and national law and practice, for all diseases transmissible to humans;
- (b) immunization, as appropriate, of workers handling animals;

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- (c) provision of appropriate protective equipment, water supply facilities, disinfectants, first aid and poison antidotes in case of contact with poisonous animals and insects; and
  - (d) safety precautions in the handling and disposal of carcasses of infected animals, including the cleaning and disinfection of contaminated premises.

#### IV. OTHER PROVISIONS

##### *Self-employed farmers*

36. National policy should also provide for safety and health promotion in agriculture, through action programmes and educational tools, with a view to addressing especially, the specific needs of self-employed farmers, seasonal workers and young workers.

37. (1) Measures should be taken by the competent authority to ensure that self-employed farmers enjoy safety and health protection that is equivalent to that provided to other workers in agriculture.

(2) These measures should include guidelines, appropriate advice and training to self-employed farmers to ensure inter alia:

- (a) their safety and health and the safety and health of those working with them as regards work-related hazards, including the risk of musculoskeletal disorders, the selection and use of chemicals and of biological agents, the design of safe work systems, the selection, use and maintenance of personal protective equipment, machinery, tools and appliances; and
- (b) that children are not engaged in hazardous activities.

(3) In giving effect to paragraph (1) above, account should be taken of the special situation of self-employed farmers such as:

- (a) small tenants and sharecroppers;
- (b) small owner-operators;
- (c) persons participating in agricultural collective enterprises, such as members of farmers' cooperatives;
- (d) members of the family of the owner-operator of the undertaking, in accordance with national laws or regulations; and
- (e) other self-employed workers in agriculture, according to national law and practice.

##### *Welfare and accommodation facilities*

38. (1) To give effect to Point 22, employers should provide, as appropriate and in accordance with national law and practice, to workers in agriculture:

- (a) an adequate supply of safe drinking water;

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- (b) facilities for the storage and washing of protective clothing, at no cost to the worker;
  - (c) facilities for eating meals;
  - (d) separate sanitary and washing facilities for men and women workers, including for those working in the fields;
  - (e) adequate accommodation; and
  - (f) work-related transportation.

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**Resolution to place on the agenda of the next ordinary session of the Conference an item entitled “Safety and health in agriculture”**

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the sixth item on the agenda;

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention and a Recommendation concerning safety and health in agriculture,

Decides that an item entitled “Safety and health in agriculture” shall be included in the agenda of its next ordinary session for second discussion with a view to the adoption of a Convention and a Recommendation.