



Sixth item on the agenda: Safety and health in agriculture

Report of the Committee on Safety and Health in Agriculture

1. The Committee on Safety and Health in Agriculture was set up by the International Labour Conference at its first sitting on 30 May 2000. The Committee was originally composed of 157 members (78 Government members, 29 Employer members and 50 Worker members). To achieve equality of voting strength each Government member having the right to vote was allotted 725 votes, each Employer member 1,950 votes, and each Worker member 1,131 votes. The composition of the Committee was modified several times during the session and the number of votes attributed to each member was adjusted accordingly.¹

¹ The modifications were as follows:

- (a) 31 May: 157 members (78 Governments entitled to vote with 725 votes each, 29 Employer members with 1,950 votes each and 50 Worker members with 1,131 votes each);
- (b) 1 June: 164 members (79 Governments entitled to vote with 330 votes each, 30 Employer members with 869 votes each and 55 Worker members with 474 votes each);
- (c) 2 June: 155 members (82 Governments entitled to vote with 621 votes each, 27 Employer members with 1,886 votes each and 46 Worker members with 1,107 votes each);
- (d) 3 June: 144 members (83 Governments entitled to vote with 918 votes each, 27 Employer members with 2,822 votes each and 34 Worker members with 2,241 votes each);
- (e) 5 June: 142 members (83 Governments entitled to vote with 864 votes each, 27 Employer members with 2,656 votes each and 32 Worker members with 2,241 votes each);
- (f) 6 June: 142 members (84 Governments entitled to vote with 104 votes each, 26 Employer members with 336 votes each and 32 Worker members with 273 votes each);
- (g) 7 June: 140 members (84 Governments entitled to vote with 65 votes each, 26 Employer members with 210 votes each and 30 Worker members with 182 votes each);
- (h) 8 June: 138 members (83 Governments entitled to vote with 150 votes each, 25 Employer members with 498 votes each and 30 Worker members with 415 votes each);
- (i) 9 June: 132 members (83 Governments entitled to vote with 84 votes each, 21 Employer members with 332 votes each and 28 Worker members with 249 votes each);
- (j) 13 June: 127 members (83 Governments entitled to vote with 483 votes each, 21 Employer members with 1,909 votes each and 23 Worker members with 1,743 votes each).

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2. The Committee elected its Officers as follows:

Chairperson: Mr. A.A. George (Government member, Nigeria).

Vice-Chairpersons: Mr. T. Makeka (Employer member, Lesotho) and Mr. L. Trotman (Worker member, Barbados).

Reporter: Mr. A.B. Che'Man (Government member, Malaysia).

3. At its fifth sitting, the Committee appointed a Drafting Committee composed of the following members: Mr. G. Walker (Government member, United Kingdom), Ms. J. Stearns (Employer member, United States), Mr. L. Trotman (Worker member, Barbados) and the Reporter of the Committee, Mr. A.B. Bin Che'Man (Government member, Malaysia).
4. The Committee had before it Reports VI(1) and VI(2) prepared by the Office for a first discussion of the sixth item on the agenda: "Safety and health in agriculture". The Proposed Conclusions submitted by the Office were contained in Report VI(2).
5. The Committee held 16 sittings.

Introduction

6. The representative of the Secretary-General, Dr. Jukka Takala, welcomed the delegates, opened the first sitting of the Committee on Safety and Health in Agriculture and proceeded with the election of the Chairperson. The item of safety and health in agriculture had been put on the agenda of the 88th Session of the International Labour Conference, with a view to the adoption of new international labour standards to set a framework within which national policies on occupational safety and health in agriculture could be developed. In order to guarantee sustainable agricultural development, it was crucial to ensure an adequate balance between agricultural growth, environmental concerns and agricultural workers' access to acceptable working and living conditions. The comprehensive framework aimed at would be based on the general approach provided by the Occupational Safety and Health Convention, 1981 (No. 155), and would be consistent with the aims of the ILO's new policy of Decent Work.
7. Safety and health in agriculture had been a major concern of the ILO since its foundation, as witnessed by some of its early Conventions. The protection of agricultural workers against injury and disease at work had been addressed in a series of preventive and promotional activities, and by the sectoral committees concerned with both agriculture and forestry. Technical cooperation projects to improve the safety and health of agricultural workers in developing countries had been carried out, and publications, guidelines and a code of practice on forestry work produced. The ILO's International Occupational Safety and Health Information Centre (CIS) contained an extensive collection concerning agriculture.
8. The Office had continued its promotional activities aimed at the ratification of the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Health Services Convention, 1985 (No. 161) and the Chemicals Convention, 1990 (No. 170). The Committee of Experts on the Application of Conventions and Recommendations had continued to seek to ensure the application of relevant instruments, such as the Plantations Convention, 1958 and Protocol, 1982 (No. 110), the Guarding of Machinery

Convention, 1963 (No. 119), and the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148).

9. Agriculture was one of the three most hazardous sectors of activity worldwide, together with mining and construction. While international standards and up-to-date codes of practice existed for the last two, there was no international standard dealing comprehensively with the safety and health of workers in agriculture. Successful completion of the Committee's work would lead to adoption by the Conference of new international standards to protect agricultural workers.

General discussion

10. The representative of the Secretary-General presented the two reports prepared by the Office and briefly described the general situation in agricultural workplaces. He recalled that the agricultural sector employed half of the world's labour force, with an estimated 1.3 billion workers active in agricultural production. Agricultural activities ranged from small farms using traditional manual methods to very large, highly mechanized or labour-intensive agro-industries, but most agricultural workers were small-scale farmers in developing countries. Agriculture's rank as one of the three most hazardous sectors applied to both industrialized and developing countries. The ILO estimated that out of 335,000 work-related fatal accidents per annum in all sectors, at least 170,000 concerned agricultural workers, who run twice the risk of dying from accidents on the job as workers in other sectors. Moreover, work-related diseases often proved fatal. Millions of agricultural workers suffered serious workplace accidents and there was widespread under-reporting of death, injuries and occupational diseases in agriculture. Many agricultural workers were excluded from national labour laws, employment injury benefits or insurance schemes, or suffered from the sporadic application or poor enforcement of the law.
11. He pointed out that the ILO worked closely with other international organizations such as the World Health Organization (WHO) and the Food and Agriculture Organization of the UN (FAO), with the latter through the Working Group on Sustainable Agriculture and Rural Development of the UN Commission on Sustainable Development; and with other UN Agencies within the framework of the International Programme on Chemical Safety (IPCS).
12. Recalling that the principles set out in other international standards were an important basis for national and enterprise-level action, he referred to the Occupational Safety and Health Convention and Recommendation, 1981 (No. 155 and No. 164), which provided for active participation of employers and workers in the establishment of comprehensive national policies and enterprise-level action; the Occupational Health Services Convention and Recommendation, 1985 (No. 161 and No. 171), which provided for the development of occupational health services to implement such policies and enterprise-level programmes; and the Convention and Recommendation on Safety in the Use of Chemicals at Work, 1990 (No. 170 and No. 177), which contributed to the protection of workers in agriculture, their families, the general public and the environment with respect to the significant use of chemicals in this sector.
13. The decision by the Governing Body in March 1998 to place the question of safety and health in agriculture on the agenda of this Session of the International Labour Conference had been taken in order to address areas specific to agriculture in which existing instruments were insufficient; to consolidate existing standards; and because of universal recognition that agriculture was one of the most hazardous occupations. The Proposed

Conclusions with a view to a Convention and a Recommendation in Report VI(2) were based on replies received to the questionnaire contained in Report VI(1). At the time Report VI(2) was drawn up, replies had been received from 85 member States. Seventeen other replies were received too late to be incorporated in the second report. Ninety-nine of the total 102 replies supported the development of international instruments on safety and health in agriculture; should instruments be adopted, 73 favoured a Convention supported by a Recommendation; 12 favoured a Convention only; and 16 favoured a Recommendation only (one responder expressed no preference).

14. On the question of retaining general principles as the basis for a Convention, the representative of the Secretary-General recalled that in discussions on safety and health standards at previous International Labour Conferences it had repeatedly been pointed out that excessive details in a proposed Convention could create barriers to ratification. However, in view of the fact that in the field of safety and health in agriculture only a limited number of countries had enough supporting standards, complementary guidelines and codes of practice, the proposed Convention should provide general policy guidance drafted in sufficiently specific terms to promote the development of adequate minimum standards for particular agricultural hazards, including rights and obligations, in countries where the legal framework was inadequate or non-existent. As Conventions were only binding after ratification, it was important to aim at a high level of ratification.
15. He discouraged the Committee from making extensive use of the phrase “as far as is reasonably practicable” or its variations, because related deliberations and legal advice of previous Conferences had indicated that the addition of this phrase was neither necessary nor appropriate. Definitions not included in the list on pages 7 and 8 of the English version of Report VI(2) had the same meaning as that given to them in other international labour standards or the one conventionally assigned to them in an agricultural context.
16. The Employer Vice-Chairperson congratulated the Chairperson and the Worker Vice-Chairperson on their election and pledged his support and cooperation. He stressed the importance the Employers attached to a safe and healthy working environment in agriculture and underlined their support for related efforts at national and international levels. However, concern for the workers in question should not result in onerous obligations for employers, which could render agricultural activities unviable and difficult to afford. Whereas agricultural workers, as all other workers, had the right to protection under the law, lack of statistical information on occupational accidents and diseases, especially in developing countries, made evaluation of the problem difficult. Farming activities varied from country to country, depending on the level of their development. In developing countries, farming was often carried out by families on smallholdings on a subsistence basis. Although agriculture was crucial to the economic activities of many countries, often it was not economically viable and had to be subsidized. As a result, many countries were net importers of food.
17. If indeed workers in agriculture lacked protection, was it that national laws did not exist, or needed revision, or were poorly enforced? Admittedly, the situation in many countries needed improvement particularly in view of the pace of innovation and the emergence of new technologies. On the other hand, the extent of pesticide exposure could be changing with the trend toward organic farming. All these developments made him wonder whether the ILO would not be better advised to respond to the problem of safety and health in agriculture through technical cooperation and assistance, rather than by developing a new international instrument.
18. The Employers’ group was not in favour of adopting a new instrument, and certainly not a new Convention. The ILO already possessed three Conventions, the Occupational Safety

and Health Convention, 1981 (No. 155), the Chemicals Convention, 1990 (No. 170) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), which should have adequately addressed the problem of safety and health in the agricultural sector. However, it seemed that no serious efforts had been made to identify the shortcomings or loopholes of these instruments. Therefore, the Office should review these Conventions and update them, if necessary, rather than developing another international instrument, especially in view of the fact that it was the obligations embodied in these Conventions which had rendered them difficult to ratify. Moreover, the Office should undertake a serious effort to promote the ratification of these instruments.

- 19.** It had repeatedly been stated that the Employers were not in favour of sector-specific Conventions because they required more protection for the worker concerned than was enjoyed by workers in general. The Proposed Conclusions with a view to a Convention before the Committee also fell in this category because besides incorporating the provisions of previous Conventions they added new ones which were onerous for employers, such as the provision of housing, high age limitations or mandatory insurance. Moreover, the proposed Convention included many issues not specific to agriculture, such as environmental questions.
- 20.** The ILO had many possibilities to improve the safety and health of agricultural workers. It could adopt guidelines or codes of practice, as it had done concerning safety and health in forestry work. The Employers would gladly cooperate in these matters, and were prepared to examine the option of a Recommendation, rather than assist in the development of a Convention.
- 21.** The Worker Vice-Chairperson congratulated the Chairperson and the Employer Vice-Chairperson on their election and pledged the support and cooperation of the Workers' group for the task ahead. Recalling the ILO's mission to protect workers, especially agricultural workers in the present context, he thanked the relevant Governments and Employers' group of the Governing Body for their support in ensuring that this important subject was placed on the agenda of the Conference.
- 22.** The Worker Vice-Chairperson emphasized that whilst ratifications of Conventions were important, they were not the sole measure of the importance of an ILO instrument. The Workers' group did not accept the argument that sector-specific Conventions effectively improved conditions only for workers in those sectors, to the detriment of other workers. For the intellectual aspect of that argument to be addressed, the past and present impact of the various ILO instruments needed to be measured. There were many examples of countries patterning their own legislation on ILO standards, without ever ratifying them. On the procedural aspect of the argument, he reminded delegates that they were functioning under a system of delegated authority. The International Labour Conference delegated to the Governing Body which acted on behalf of the Conference. Thus a Governing Body decision that a debate be held on a given subject should be respected. The strength of the arguments presented during the debate would alone determine the outcome.
- 23.** The reason for placing this subject on the agenda of the Conference was the need to correct the previous failure to protect what amounts to half the world's labour force. Agricultural workers provided our most basic need, food, yet their own needs as human beings had not been met. The Worker Vice-Chairperson outlined joint initiatives by employers and workers, and also non-governmental organizations, to begin addressing the needs of agricultural workers, notably with the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). It was possible to demonstrate to employers that investment in the safety and health of their workers would benefit them through cost savings, as well as the whole community in the long run. This

approach had led to significant worker/employer cooperation over the past 20 years, especially in the manufacturing industry, the most emphatic example of this being in the practice of social dialogue in bipartite safety committees. Such committees existed for dockworkers, construction workers and miners, so why not for agricultural workers?

24. In all countries there were cases of unemployed persons preferring unemployment to working in agriculture, not just because of the low wages in that sector, but because of the poor working conditions. There could be no lasting peace so long as the providers of food were not themselves provided for. It was up to the ILO to broker this peace, the starting points being the promotion of minimum standards for agricultural workers, and their right to decent work. Action now would help improve global productivity and reduce wastage in the time, energy and cost of treating the injured and training new entrants, as well as in the drain on national social security systems and international charitable organizations. Child labour and the advancement of the status of women had been the focus of recent attention by the ILO, and it was fitting that their needs should also be addressed now, given the massive presence of women and children in agriculture.
25. In conclusion, the Worker Vice-Chairperson stated that the proposed instrument should also seek to protect workers and consumers from the danger of genetically modified produce; and that there should be legally empowered safety and health representatives appointed by trade unions and operating preferably in roving inspection teams. He expressed the support of the Workers' group for the notion of sustainable agriculture: the increase in yields would satisfy the investment of the employer, but care had to be taken not to harm the environment for future generations.
26. The Government member of Canada welcomed this opportunity to discuss safety and health matters in agriculture, which was recognized as a high-risk sector where the safety of millions of people was at stake. Her Government considered this debate should contribute to the ILO's goal of decent work for all, specifically for workers in the agricultural sector (and their dependants), who deserved the same protection as workers in other sectors. The Government of Canada hoped that the outcome of the Committee's deliberations would be practical, realistic and immediately applicable instruments.
27. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, expressed appreciation of the fact that proposals for a Convention and a Recommendation on health and safety in agriculture were on the Conference agenda. The Proposed Conclusions were a good starting-point for the debate, though some points would require further discussion to ensure that the final text attracted the widest possible consensus.
28. The Government member of New Zealand expressed her Government's support for positive measures to improve the health and safety of agricultural workers, and stated that it expected any new ILO instruments to meet three criteria: they should be able to accommodate a variety of national circumstances whilst promoting universal principles; they should focus on results, whatever the national policy and practice; and they should be applicable widely. Whilst the proposed instruments met the first two of these criteria, her Government considered they failed to meet the third. The Government of New Zealand preferred the proposal of "framework" Conventions as outlined in the Director-General's report *Decent Work* in 1999, considering that an overarching approach would cover the essential principles of safety and health in workplaces everywhere. New circumstances could be met by supplementing this framework Convention with more specific instruments, such as codes of practice. The Government of New Zealand regretted the absence of proposals on new methods of standard setting and announced its intention to take no further part in the discussion.

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29. The Government member of Brazil welcomed the inclusion of this subject on the Conference's agenda, and explained that in his country 2000 had been declared the year of safety and health in agriculture. He described measures taken, or planned, to guarantee better conditions for agricultural workers. These measures focused particularly on inspection of safety and health conditions; the development of regulations concerning agricultural activities; and national awareness-raising campaigns, with ILO support, for the prevention of the hazards involved in agricultural work.
30. The Government member of Australia stated that his Government supported the conduct of a comprehensive review of the ILO's normative activities, in particular of standard-setting: whilst the latter process had served well so far, it had also resulted in duplication and overlapping between standards, and even in inconsistencies between instruments. Recalling the 19 separate Conventions on occupational safety and health, many of which had a poor ratification record, and given that the Governing Body was starting to consider undertaking such a comprehensive review the aim of which was to establish a framework against which to assess all proposals for new standards, the Government of Australia considered that discussion of the development of any new instrument (not necessarily relating only to agriculture) was premature. The Government of Australia believed that priority should be given to the establishment of a firm foundation for the review and modernization of the ILO's existing instruments, not to the adoption of a Convention or a Recommendation on safety and health in agriculture.
31. The Government member of Finland expressed general support for the position adopted by Governments of Member States of the European Union, and stressed the importance of discussion on forest work; self-employed workers in agriculture; the development of forms of authorization for drivers of agricultural machinery; the issue of a minimum age for young workers in agriculture; and the question of free accommodation.
32. The Government member of China observed that humankind is threatened by disasters both natural and man-made. Natural disasters could not be prevented but the others could. The loss of life and health in agriculture was a man-made disaster, and he welcomed the ILO's initiative in combating it. His Government considered it more practical to adopt a framework instrument which would leave governments to address detailed issues after consultation with employers and workers. But the ILO should consider the economic imbalances in different countries and between sectors. In his country, whereas wage earners were already protected by working standards, self-employed agricultural workers were not and their safety and health should be ensured. Whilst his Government considered that safety and prevention were the cornerstones of enterprise development, poor educational levels and a lack of safety awareness rendered it difficult for the Government of China to reach the standards in the proposed instruments in a short time. For this reason, it favoured a Recommendation setting achievable standards.
33. The Government member of Lebanon pointed out that Lebanon, which had joined the international organizations at an early stage, had always respected human rights and the international Conventions it had ratified. It had attached importance to the protection of agricultural workers since the 1930s and adopted laws concerning them. After the civil war, a commission had been set up with the aim of preparing the basis for measures to protect workers. This commission had prepared studies of the environmental dangers of agricultural practices and the effects on the country's vegetation and fauna. Some of the concerns raised by this commission had been incorporated in the Proposed Conclusions with a view to a Convention. He supported the adoption of a flexible Convention.
34. The Government member of Japan recalled that half of the world's labour force was engaged in agriculture, which was the key economic sector in many developing countries.

In view of the occupational safety and health problems resulting from the use of chemicals, the introduction of machinery, and environmental hazards, the protection of these workers should be promoted through the adoption of international instruments. However, for these instruments to be effective, they had to be ratified by many member States, including developing countries. Considering the significant degree of difference between forms of agricultural production and the circumstances in which it is carried out in the various countries, the standards to be adopted should be basic and flexible.

- 35.** The Government member of Zimbabwe observed that the problems experienced by agricultural workers called for action, especially in situations where 70 per cent of all workers were engaged in that sector. Whilst not wishing to argue whether the adoption of a new instrument or the revision of the existing ones would provide a better solution, she reminded the Committee that Conventions applying to all workers did not necessarily respond to the needs of agricultural workers. In this sector, women, children and even unborn babies were exposed to pesticides and other harmful agents. As a result, pregnant women were subject to abortions, or their children to premature birth and physical or developmental disorders. It was therefore in the interest of Zimbabwe's rural population that the work of the Committee be successful.
- 36.** The Government member of the United States endorsed those interventions which had called attention to the high rate of injury, illness and death among agricultural workers. Consequently he indicated interest in identifying those causes which had not been taken into account by other international instruments, and in providing basic protection to all workers. The Government of the United States supported the adoption of an effective, targeted Convention, which was designed to ensure core protection to agricultural workers. It promoted the adoption of a flexible convention, which would receive broad consensus and the widest possible ratification, including that of the United States. Such a Convention would have to be compatible with all relevant existing Conventions.
- 37.** The Government member of Slovakia reported that whereas the number of occupational injuries in Slovakia decreased every year, the agriculture and forestry sectors showed, together with three other branches of the economy, very high injury rates. Although in 1999 only 5.4 per cent of all Slovak workers had been engaged in agriculture, their share of work-related injuries had reached 16 per cent. The number of fatal accidents and absences due to occupational injuries had also been disproportionately high. In 1999, the State Health Supervision had recorded 175 occupational diseases in the fields of agriculture and forestry. Most had been caused by transmissible animal diseases, vibration and permanent one-sided load. The insufficiencies identified by labour inspectors in the agricultural sector represented 11 per cent of the total. These facts, together with the special working conditions due to geography or weather and the lower level of education of workers demanded special attention to the safety and health problems of agricultural workers. Though the Slovak Republic had ratified Convention No. 155, the Government supported the adoption of new international labour standards which aimed at raising protection levels in agriculture.
- 38.** The representative of the Ibero-American Confederation of Labour Inspectors stated her agreement with the adoption of a specific instrument for the agricultural sector and acknowledged the value of international instruments as guidelines for the activities of labour inspectors, even if the instruments had not been ratified. She endorsed the statement of the Worker Vice-Chairperson, in which he had called attention to human rights abuses, working conditions akin to those of slavery, child labour and occupational accidents in agriculture.

Examination of the Proposed Conclusions contained in Report VI(2)

A. Form of the international instruments

Point 1

39. An amendment by the Employer members to change the wording of Point 1 in three places was discussed step by step. First, a proposal to replace the words “international standards” by the words “an international labour standard” on the grounds that a Recommendation alone would effectively protect the safety and health of agricultural workers, in view of the existence of the Occupational Safety and Health Convention, 1981 (No. 155), whereas a Convention supplemented by a Recommendation would be futile for lack of ratification, was opposed by the Worker members and several Government members. The Worker Vice-Chairperson asserted that a Convention was necessary to give effect to the tripartite consensus that workers in agriculture needed protection more than workers in any other sector; questions about the number of Conventions should be raised elsewhere. The Government member of Zimbabwe, speaking on behalf of an African group consisting of the Government members of Botswana, Ethiopia, Kenya, Lesotho, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa, Zambia and Zimbabwe, stressed the central importance of agriculture in many African economies, which made them favour a Convention supplemented by a Recommendation. This position was supported by the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, and by the Government member of Brazil, and the first part of the amendment was withdrawn.
40. The second proposal, to replace the word “all” in “all workers in agriculture” with “these” because the use of “all” implied that some agricultural workers might be excluded under some circumstances, was referred to the Drafting Committee, with due consideration to be given to removing “all” from similar contexts elsewhere in the proposed instruments.
41. The third part of the Employer members’ amendment would have replaced the words “in agriculture enjoy safety and health protection that is equivalent to that provided to workers in the other sectors of the economy” by the words “enjoy adequate safety and health protection”. This the Employer Vice-Chairperson held to make a stronger statement. The Worker Vice-Chairperson felt that “adequate” would make the level of protection dependent on circumstances and would not guarantee that workers in agriculture were as well protected as those in other sectors. The Government member of Hungary also expressed reservations about “adequate”, but pointed out that relating the protection afforded to agricultural workers to other sectors of the economy would not be advantageous if conditions in those other sectors were poor. The Government member of Argentina suggested modifying the wording to refer to the best level of protection in other sectors, but after the Government members of the Committee Member States of the European Union, speaking through the Government member of Portugal, opposed all three parts of the original amendment, it was withdrawn.
42. Point 1 was adopted without amendment.

Point 2

43. The Employer members submitted an amendment to replace the words “these standards” by “this standard” and delete the words “a Convention supplemented by”, to leave the statement “this standard should take the form of a Recommendation”. The Employer Vice-Chairperson cited the fact that the forestry sector had been the object only of a

Recommendation, in spite of its highly hazardous nature, and reminded the Committee that the Governing Body's review of the ILO's normative activities had cast doubt on the relevance of sector-specific Conventions. The Worker members acknowledged the sincerity of the Employers' desire to ensure the safety and health of agricultural workers, but maintained the importance of a Convention; forestry was not as hazardous as agriculture, and the adoption of a Convention would express the ILO's moral commitment to maximum protection for workers in the latter sector. The Government members of Bahrain, Côte d'Ivoire, Sri Lanka, the African group and the Government members of the Committee Member States of the European Union all expressed support for a Convention supplemented by a Recommendation. Wishing as a matter of principle to document the Government members' commitment to a Convention, the Employer members called for a record vote. Put to a vote, the amendment was rejected by 26,400 votes in favour, 46,386 votes against, with 474 abstentions. (These results are corrected for the erroneous inclusion in the original tally of one absent country.)²

44. Point 2 was adopted without amendment.

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

Preamble

Point 3

45. The Employer members submitted an amendment with three changes of wording in paragraph 3(3) that would replace "the wider framework of the principles embodied in other ILO instruments" with "a wider framework such as the principles embodied in other ILO instruments" and eliminate the concluding phrase "and stress the need for a global and coherent approach to the sector"; the first phrase would be improved by making examples of ILO instruments, and redundancy would be eliminated as the "ILO instruments" already represented a global and coherent approach. The Worker Vice-Chairperson challenged the modifications in the first phrase as making the sense of purpose less clear and felt that the "stress" phrase provided useful emphasis. Both agreed that it would be useful to hear from Office experts as to the intended meaning of the paragraph before deciding if the issues could be left to the Drafting Committee. As a compromise, the Employer members submitted a subamendment to the last part of their amendment adding after "agriculture" the words "and stress the need for a coherent approach to safety and health in the sector". The Government member of Zimbabwe, speaking on behalf of the African group of Government members of the Committee, supported this subamendment, considering that the use of "coherent" properly emphasized the focus on the agricultural sector. The Worker members objected to the inclusion of the words "safety and health", on the grounds that the proposed Convention was intended to address the working conditions of workers in that sector, so that mention of safety and health here was unjustifiably limiting. In reply, the Employer members stated they indeed considered the central issue to be safety and health and that to consider anything else was to go beyond the Committee's mandate. An expert of the Office explained, in connection with the whole amendment, that in their replies to the second report many governments and trade unions had indicated their wish for a large number of Conventions to be mentioned in the Preamble. As this would have been very cumbersome, and as the Preamble was not legally binding, the Office had elected to use the standard ILO expression "the wider framework of the principles embodied in other ILO instruments". She also indicated that it had been fully intended that the "sector" should

² See voting record in Annex.

indicate “agriculture”. Following this explanation, the Employer members wished it made clear that they understood the “sector” to refer to the agricultural sector; they then withdrew their amendment and subamendment.

46. The Government member of Brazil submitted an amendment to include the Worst Forms of Child Labour Convention, 1999 (No. 182) amongst the Conventions listed in the Preamble, in view of the large numbers of children working in agriculture. Support for the amendment was expressed by the Government members of Canada and Hungary and by the Employer members and Worker members. The amendment was adopted, the exact wording being left to the Drafting Committee.
47. The Worker members submitted an amendment to paragraph 3(3), proposing that the following Conventions be explicitly mentioned in the paragraph: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Medical Care and Sickness Benefits Convention, 1969 (No. 130); Minimum Age Convention, 1973 (No. 138); Rural Workers’ Organisations Convention, 1975 (No. 141); Rural Workers’ Organisations Recommendation, 1975 (No. 149); and Worst Forms of Child Labour Convention, 1999 (No. 182). In presenting their amendment, in a spirit of compromise the Worker members submitted a subamendment which would omit Convention No. 130 and Recommendation No. 149, on the grounds that the remaining Conventions listed were core Conventions, with the exception of Convention No. 141, which was directly relevant since it concerned rural workers and therefore agricultural workers. The Employer members agreed to the inclusion of the core Conventions, but objected to that of Convention No. 141, in view of its low ratification rate. The Worker members conceded this last point and agreed that Convention No. 141 could also be omitted, modifying their subamendment accordingly. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, considered that the mention in the Preamble of principles embodied in other ILO instruments satisfactorily covered these Conventions. The amendment was adopted, as subamended.
48. The Worker Vice-Chairperson presented an amendment adding a new paragraph (5) to Point 3: “reference should be made to the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 1977”. The Vice-Chairperson of the Employers’ group opposed the amendment on the grounds that it was not relevant to the issue under discussion. The Vice-Chairperson of the Workers’ group replied that transnational companies were at the core of the problem. He noted that in 1994 transnational corporations had accounted for 85-90 per cent of global wheat exports, 60 per cent of sugar, 85-90 per cent of coffee, 70 per cent of rice, 85 per cent of cocoa beans, 80 per cent of tea, 70-75 per cent of bananas, 85-90 per cent of cotton and 85-90 per cent of jute. These products were produced in developing countries by people who, while creating wealth, were so poor themselves that they often could not afford to send their children to school. The Vice-Chairperson of the Employers’ group expressed disappointment at the fact that the figures quoted referred to transport, rather than safety and health. In his view, all employers had the obligation to respect the laws of a country, whether their undertakings were local or transnational, which made the amendment irrelevant. The African group, in which the Government members of Côte d’Ivoire and the United Republic of Tanzania were now included, considered that the issue of transnationals had to be addressed when promoting satisfactory health standards. An expert of the Office drew attention to Point 25, in which reference was made to transnationals and the Tripartite Declaration, and proposed that a decision on this matter be postponed until Point 25 came under discussion, at which time the Committee could move the reference to the Preamble. The Vice-Chairperson of the Employers’ group continued to oppose the amendment and requested that a decision be taken immediately. The Worker Vice-

Chairperson agreed that a decision could be reached quickly. He recalled that the questionnaire in Report VI(1) had asked if the Tripartite Declaration should be mentioned in the Preamble of an international instrument, and that 51 of 68 responses had been affirmative; this implied widespread support. An indicative show of hands by Government members at the request of the Government member of Hungary showed that this was the case. On the understanding that the record would show his group's reservations, the Employer Vice-Chairperson withdrew his opposition to the amendment, and it was adopted.

49. The Worker members submitted an amendment to add a new paragraph 3(6), to say that the Preamble should make reference to the Cartagena Protocol on Biosafety to the UN Convention on Biological Diversity, Agenda 21 of the 1992 UN Conference on Environment and Development, the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up. The Employer Vice-Chairperson expressed his group's reservations on this amendment and their opposition to it. The Cartagena Protocol and Agenda 21 had no place in this Convention, and the Declaration was covered by an earlier amendment to Point 3. The Worker Vice-Chairperson agreed that the reference to the Declaration was now redundant. To speed the work of the Committee, he withdrew the entire amendment.

50. Point 3 was adopted as amended.

C. Proposed Conclusions with a view to a Convention

I. Definitions and scope

Point 4

51. The Employer Vice-Chairperson submitted an amendment to replace clause 4(a), by the text "Agricultural undertakings directly related to cultivating, growing and harvesting activities, including aquaculture, agro-forestry, animal and livestock breeding according to national law and practice". In the Employer members' view, all the activities listed under (a) and (b) were agricultural, and their amendment was intended to cover them all. Furthermore, the Employer members considered the reference to "primary processing" to be a source of considerable confusion, as this was not a precise term and could be interpreted to indicate activities far beyond what is produced on a farm. They understood the Office text following the word "agro-forestry" to have been intended to specify the meaning of that term, but they felt this explanation should be omitted in order to avoid confusion. In sum, they considered that this instrument should cover activities related to actual agricultural undertakings. The Worker members, while welcoming the Employers' intention to render the text comprehensive and clear, could not agree to the reference to national law and practice. They felt that this term did not precisely define agricultural activities, some of which would therefore risk being omitted. They considered the meaning of "primary processing" was quite clear. The amendment was opposed by the Government members of Canada and Hungary, and by the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, who preferred the original text, pointing out that a noun (agriculture) could not be defined by means of its adjective (agricultural), as was proposed. After discussion between the Worker members and the Employer members about the exact meaning of "primary processing", during which a subamendment submitted by the Government member of Argentina was ruled out for procedural reasons, the Employer members concluded by emphasizing that in their view "primary processing" could only refer to agricultural activities undertaken on the farm. They then withdrew their amendment.

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52. An amendment was submitted by the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union. It was intended to insert the words “namely cereals, vegetables, fruits, flowers and similar” after the word “products”, and to replace the words “and to agro-forestry or any work performed in a forest related to cultivating or conserving forests;” by the words “and to those aspects of forestry which are not covered by an existing ILO instrument or Code of practice”, but was withdrawn.
 53. An amendment submitted by the Government member of Norway to replace in the third line the word “including” with the word “except” was not seconded and therefore not discussed.
 54. The Worker members submitted an amendment to delete the text after the word “agro-forestry”, on the grounds that it did not contribute any greater precision. In answer to a question from the Government member of the United States, the Chairman confirmed, after consultation with the secretariat, that agro-forestry did not include harvesting timber or trees. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, and the Employer members all expressed their agreement with the amendment and it was adopted.
 55. The Government member of Canada withdrew an amendment intended to replace at the end of the clause the words “performed in a forest related to cultivating or conserving forests” by the words “any work of exploitation of private forests by workers in agriculture”.
 56. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, proposed an amendment to Point 4(c), replacing the words “installations used in agricultural activities” by “agricultural installations”, and inserting the word “storage” after the words “and any process”. The intention was to clarify and shorten the text, which would then read: “all machinery, equipment, appliances, tools and agricultural installations and any process, storage, operation or transportation, in an agricultural workplace, directly related to agricultural production”. After some clarification of the proposed changes, the amendment attracted the support of the Employer members, the Worker members, and the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee. The amendment was adopted.
 57. Point 4 was adopted as amended.

Point 5

58. The Worker Vice-Chairperson introduced an amendment to Point 5, proposing to delete the words “subsistence farming” and replacing the words “exploiting forests” by the words “industrial exploitation of wood”. With respect to the first part of the amendment, the intention was to sensitize all farmers to the need to safeguard both themselves, their families and the environment in which they worked and lived. Hence subsistence farmers should be included along with, for example, workers on large-scale farms and undertakings belonging to transnationals. The Employer members disagreed with the proposal and considered that subsistence farmers should be excluded from the coverage of the Convention because of the difficulties of determining whether they were employers or workers; the text as it stood did not define subsistence farmers and the Employer members wished a definition to be provided to the meeting. The Government members of Ethiopia

and Hungary both opposed the proposal, on the grounds that the exclusion of subsistence farmers would enable ratification of the Convention. An expert from the Office read out the definition of subsistence farming based on that provided in the International Standard Classification of Occupations (1988 edition): “Agricultural activities engaged in for the purpose of providing for the basic living requirements of the operator and his or her family, and not for commercial purposes”. This made it clear that no employment relationship was involved. The Government member of Brazil supported the amendment, as did the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, who added that there was a need to focus on education and promotional activities on safety and health amongst subsistence farmers. The Worker Vice-Chairperson considered that the training and promotional elements identified as desirable could be included in a Recommendation, and consequently withdrew the first part of the amendment.

- 59.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, proposed an amendment in two parts, the first of which would replace the words “subsistence farming” with the words “farming by members of the family exclusively for their own consumption”. The intention was to render more clearly and concisely the definition provided by the International Standard Classification of Occupations. The Government members of Bangladesh, India, Japan and Zimbabwe, the latter speaking on behalf of the African Government members of the Committee, all expressed their opposition to the first part of this amendment. The Government members of Congo and Hungary were both in favour of it but on condition its meaning was clarified. The Employer members favoured the original text, and felt that the formulation “exclusively for their own consumption” was misleading as it could preclude the sale of, for example, food produced by the farmer and his/her family to acquire cash for other basic needs; if the intention was to exclude all commercial activities, then there was no need to amend the original text. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, confirmed that the proposed text indeed intended to exclude all commercial activities, and withdrew the first part of her amendment.
- 60.** The Worker Vice-Chairperson then submitted the second part of his (previous) amendment, which proposed to replace the words “exploiting forests” by the words “industrial exploitation of wood”, for the sake of greater clarity to distinguish between agricultural and industrial activities in forests and in order to align the text in this point with that agreed for Point 4(a). The Employer members considered the word “wood” not defined clearly enough, and preferred the original text. The Government member of Portugal, on behalf of the Government members of the Committee Member States of the European Union, supported the amendment, as did the Government member of Switzerland who wanted only industrial exploitation of wood excluded from the Convention, since in central Europe many farms included woodland. The Government member of Hungary considered the only real issue was the distinction between wood and forest, and submitted a subamendment to the Workers’ amendment, replacing the word “wood” with the word “forests”. The last part of Point 5 would then read: “and any work performed in a forest related to industrial exploitation of forests”. The Worker members seconded this subamendment and the Employer members expressed their support for the amendment as subamended. The amendment was adopted as subamended.
- 61.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, withdrew the second part of her (previous) amendment, which would have deleted the words “and any work performed in a forest related to exploiting forests”.

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62. An amendment by the Employer members to replace the words “industrial processes ... related to exploiting forests” by the words “industrial processing of agricultural products; primary processing of agricultural products when such processing is external to the undertaking” was withdrawn.
 63. An amendment submitted by the Government member of Canada to insert after the words “related to” the words “developing, conserving and” and at the end of the Point to add the words “by the forestry industry” was withdrawn.
 64. Point 5 was adopted as amended.

Point 6

65. The Worker members submitted an amendment to delete all of Point 6 on the grounds that every effort had been made in formulating the Preamble to include all agricultural workers in the scope of the instrument, so that it was inappropriate to now start excluding categories of workers. The Employer Vice-Chairman observed that eliminating Point 6 would deprive countries of part of their sovereignty, as they could not introduce the provisions of the Convention progressively and still be in compliance with it. The Government members of Bahrain, Canada, China, the Czech Republic, Hungary, Japan, Mexico and Portugal, on behalf of the Government members of the Committee Member States of the European Union, supported the Office text, whereas Zimbabwe, on behalf of the African Government members of the Committee, supported the Workers’ amendment. Noting that the majority of Government members wanted to keep the Office text unchanged, the Worker Vice-Chairperson withdrew the amendment.
66. The Government member of Japan submitted an amendment to add the words “or authorities” after the word “authority” in paragraph 6(1), since in Japan and many other countries more than one ministry or agency was responsible for safety and health in agriculture. He noted further that the plural had been used in the Occupational Safety and Health Convention, 1981 (No. 155). The Employer Vice-Chairperson objected that in legal texts the singular normally implied the plural, and was supported by the Worker Vice-Chairperson. The amendment was not adopted.
67. The Government member of Japan then submitted an amendment to replace the words “employers, workers and self-employed farmers concerned” in paragraph 6(1) by the words “employers and workers concerned, taking into consideration the views of the representative organizations of self-employed farmers concerned, as appropriate”. This would maintain the principle of tripartism while ensuring that the self-employed would be heard. The Employer Vice-Chairman agreed with the principle, but felt that the Employer members’ amendment to delete all reference to the self-employed in this paragraph was preferable because including a fourth party in the consultation process was contrary to the unique tripartite nature of the ILO. The Worker Vice-Chairperson recalled the discussion of the place of non-governmental organizations that had taken place during the elaboration of the Worst Forms of Child Labour Convention, 1999 (No. 182) where the importance of consulting all interested parties had been recognized, and supported the amendment of the Government member of Japan. The Government members of Bahrain, Canada and Hungary likewise favoured the Japanese formulation. On the understanding that all three social partners would be taking into account the views of the representative organizations of self-employed farmers, the Employer members withdrew their amendment in favour of the amendment of the Government member of Japan.
68. The Employer members submitted an amendment to delete clause 6(1)(b), which enjoined the competent authority to make plans for progressively covering all undertakings and all

categories of workers, in the event that certain undertakings or categories of workers were initially excluded from the application of the proposed Convention, on the grounds that it was superfluous. They pointed out that the corresponding Article of the Occupational Safety and Health Convention, 1981 (No. 155), had no such clause. The proposal was opposed by the Worker members and the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Government members of the Committee Member States of the European Union, and was withdrawn.

69. The Employer members likewise withdrew an amendment to delete the last sentence in paragraph 6(2), which provided for reporting of the extension of coverage to previously excluded undertakings or categories of workers.

70. Point 6 was adopted as amended.

II. General provisions

Point 7

71. Amendments submitted by the Government member of Japan and by the Employer members to ensure that the treatment of self-employed farmers did not conflict with the ILO's tripartite mechanisms were referred to the Drafting Committee in light of the debate on Point 6.

72. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Worker members submitted identical amendments to delete the words "so far as is reasonably practicable" from paragraph 7(1), citing the remarks of the representative of the Secretary-General at the Committee's first sitting. In response to calls for clarification from the Government member of Hungary and the Employer Vice-Chairperson, the representative of the Secretary-General noted that practice had been evolving continuously for years, so that although those words had been routinely employed in the past, since the debate on the Safety and Health in Mines Convention, 1995 (No. 176), the "priority prevention principle" had established itself. According to this principle the ideal was to eliminate a hazard; if the hazard could not be eliminated it should be minimized, and if it could not be minimized it should at least be controlled. This conflicted with the principle implied by the phrase "so far as is reasonably practicable". The text currently under discussion had been drafted at a time of transition. The Government member of Hungary felt that if this approach would avoid the problems in national legislation that absolute statements caused, which had been the original motivation for the traditional phrase, he could support the amendments. The Government member of Portugal, on behalf of the Government members of the Committee Member States of the European Union, likewise supported the amendments, although she pointed out that doing away with the clause could pose problems for ratification by some States. The Employer Vice-Chairperson expressed dissatisfaction with the Office explanation; he nevertheless withdrew his opposition to the amendments but emphasized that the reservation of the Employers on this matter be recorded as they would revert to it in the second discussion. The amendments were adopted.

73. The Worker members submitted an amendment to insert the word "public" after the word "competent" in clause 7(2)(a), to ensure that the global trend toward privatization did not deprive workers of protection by a public entity. In response to a request for clarification from the Employer Vice-Chairperson, the Legal Advisor acknowledged that the expression "competent authority" by itself did not imply a public entity, whereas adding the word "public" would make the expression more precise. The Employer Vice-Chairperson thereupon stated his opposition to the amendment. The Government member of Hungary

observed that discussion of privatization in the international labour inspection community had revealed that enforcement of regulations by non-public entities was difficult. He thought that trying to deal with such a complex issue by the addition or omission of a single word was inappropriate in the present context. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, observed that the reference to national legislation as the source of accreditation of any authority ensured the primacy of public entities, and expressed the support of his group for the Office text. The Employer members pointed out that the proposed text, which was to be found in many other Conventions, was based on article 19, paragraph 5 of the ILO Constitution, which clarified that the term “competent authority” was intended to mean governments. Thus, to add the word “public” here would create unnecessary confusion and give rise to many unanswerable questions. The Employer members’ concern was that this amounted to a legal, constitutional issue and they did not support an amendment that seemed to seek the amendment of the Constitution. The Worker members acknowledged the clarification. They wished to see custom and practice develop, but were also aware that the provisions of Point 8 covered a labour inspection system in agriculture to be composed of public officials, which tended to confirm the Employers’ position. Indeed, in some member States, “public” implied a wider representation than “state”, which created further problems. After the Government members of Brazil, the Czech Republic and Zimbabwe, the latter on behalf of the African Government members of the Committee (Botswana, Côte d’Ivoire, Ethiopia, Kenya, Lesotho, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa and Zambia), indicated their opposition to the amendment, the Worker members withdrew their amendment, on the grounds that the proposed Convention should be read in conjunction with other Conventions and that the Employers had recognized the implicit sense of “public” in “competent authority”.

74. An amendment submitted by the Government member of Japan, which would have added the words “or authorities” after the word “authority”, failed to be seconded and was withdrawn, on the grounds that a similar amendment to paragraph 6(1) had been rejected.
75. The Government member of Japan submitted an amendment to clause 7(2)(b) to the effect that the text of this subparagraph should be preceded by the words “Members should” and then be treated as a new paragraph 7(3). The amendment was justified on the grounds that coordination mechanisms could be set up as an administrative procedure, and did not require a reference to national laws and regulations (as appeared at the beginning of paragraph 7(2)). The Government member of India expressed his support for the amendment, but the Government member of Zimbabwe, on behalf of the African Government members of the Committee, and the Government member of Hungary favoured the original text; the latter reasoned that the usual reference to national laws and regulations was intended to encourage member States to set up such mechanisms and pointed out that the notion of “regulations” was a very flexible one which could encompass many forms of control mechanism. The Worker members agreed with the Government member of Hungary, adding that statutory instruments often covered arrangements without a legal basis as such, and indicated their opposition to the amendment. The Employer members considered that, if acceptable, the amendment would more logically appear under Point 8, but advised the amendment be withdrawn. The amendment was withdrawn.
76. An amendment to clause 7(2)(c) was submitted by the Government member of Japan to the effect that the text of this subparagraph should be preceded by the words “National laws and regulations or any other method consistent with national conditions and practice should” and then be treated as a new paragraph 7(3). The Government member of Japan then subamended his amendment inserting the words “National laws and practice ...” instead of the words “National laws and regulations or any other method consistent with national conditions and ...”. The new paragraph would thus read “National laws and

practice should specify the rights and duties of employers and workers and self-employed farmers with respect to safety and health in agriculture.” The Employer members opposed the proposal, on the grounds that as subamended the amendment added nothing to the original text. The Worker members also considered the proposal unacceptable, since practice could not specify any rights and duties, still less in the place of regulations. The Government member of Argentina opined that national practice could not exist outside national laws and regulations and also opposed the subamended amendment, as did the Government member of Zimbabwe on behalf of the African Government members of the Committee. The amendment, as subamended, was withdrawn.

77. An amendment submitted by the Employer members proposed the deletion of the words “and self-employed farmers” from clause 7(2)(c). The Employer Vice-Chairperson explained that whereas Employer members’ amendments to paragraphs 6(1) and 7(1) had been presented in the context of consultations with representative organizations including those of self-employed farmers, the present amendment referred to their rights and duties. The Employer members considered the self-employed to be neither employers nor workers, and hence wondered what their rights and duties were. They were of the opinion that the right of one person was the obligation of another, and vice versa. Furthermore, self-employment fell outside the competence of the ILO. The Worker members argued that there was no doubt that in the agricultural context, national laws and regulations applied to employers, workers and self-employed farmers, of whom there were such large numbers in the sector. Whilst sympathizing with the Employer members’ predicament, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, recalled the very large proportion of people in agriculture who came under the category of self-employed and whose needs should be addressed; he favoured the original text. The Government members of Norway, Sweden and the United Kingdom reported on their respective countries’ regulations regarding the duties of the self-employed who, in addition to taking care of themselves, had to ensure that no-one was adversely affected by their activities. The Government member of Greece considered that the term “self-employed” needed further definition and requested the Office to provide it. For his part, the Government member of Denmark pointed out that the original text, which he favoured, stated that national laws and regulations were only to specify the rights and duties of the self-employed. The Government members of Finland, Germany, Ireland, Italy, Portugal and Spain all associated themselves with the Office text, as did those of Canada and Malaysia. The Government member of Hungary observed that with changes in the world of work the traditional roles of employers, workers and the self-employed no longer corresponded to everyday realities in agriculture; he also favoured the Office text. After consultation, the Employer Vice-Chairperson reiterated the difficulties his group had with the inclusion of self-employed farmers, stressing the negative impact this was likely to have on family-operated farms not employing anyone outside the family. He asked that over the coming year the Office should address the need to refine the definition of self-employed farmers provided on page 7 of Report VI(2) in the light of the problems expressed and particularly the connotations for such farmers who employed others. He proposed a subamendment to the amendment, so that the passage would read: “specify the rights and duties of employers and workers and those self-employed farmers who employ workers, with respect to safety and health in agriculture; and”. The Worker Vice-Chairperson expressed surprise at the proposal: in Points 4, 5 and 6 the reference had been to self-employed farmers who needed coverage, yet here was a proposal concerning self-employed persons who employed others – persons who, in the Worker members’ view, were therefore employers. If self-employed farmers had no responsibilities, the persons working for them would, in cases of injury, become a burden on the State, hence this was a preventive, social security measure. The Worker members were not against improvement being made to the definition of self-employed farmers before the second discussion next year, but called for this subamended amendment to be withdrawn. The Government

members of Brazil and the United States expressed support for the subamended amendment. The Government members of Denmark, Finland, Germany, Hungary, Portugal, Sri Lanka, Sweden, the United Kingdom and Zimbabwe, the latter on behalf of the African Government members of the Committee, all expressed their opposition to the subamended amendment. The Government member of Argentina also did so, pointing out that crossing boundaries between categories in this way risked suppressing basic rights. The Employer members reiterated their very strong reservations about including self-employed farmers thus defined at this point in the text and indicated their firm intention to address this issue at the second discussion stage. They withdrew the subamended amendment.

78. An amendment to clause 7(2)(d) submitted by the Employer members would have the effect of retaining only the words “provide for corrective measures”. The Employer Vice-Chairperson asserted that the inclusion of immediate suspensions or restrictions would in most countries have the effect of preventing due legal process, not allowing employers the chance to explain their side, and adversely affecting workers if enterprises had to close down. The text was too specific for a Convention. The Worker Vice-Chairperson pointed out that the original text did not refer to immediate suspensions or restrictions but did refer to corrective measures and penalties applying only until the conditions were corrected; in his view, where there was a danger to others the lesser evil of shutting down enterprises was preferable. An expert from the Office explained that this text was consistent with that of the aforementioned Conventions Nos. 155 and 176, and the Safety and Health in Construction Convention, 1988 (No. 167). The Employer members’ objection essentially concerned the arbitrariness of suspension and restriction, their contention being that due process does not include arbitrary action; they submitted a subamendment to their amendment which would then read: “provide for corrective measures and appropriate penalties.” The Worker Vice-Chairperson responded that measures and penalties would have to be appropriately structured to be acceptable. The Government member of Zimbabwe, on behalf of the African Government members of the Committee, drew attention to Article 12, paragraphs 1 and 2 of Convention No. 167 in which provision was made to stop an operation on the basis of risk assessment, a principle which he felt should be included in this Convention. He and the Government member of Portugal both supported the Office text, the latter because it was in line with the European Union’s framework Directive on safety and health. At this point, the Government member of Sri Lanka submitted a subamendment, which made the subparagraph read as follows: “provide for corrective measures and appropriate penalties as far as practically reasonable, day by day, until the conditions giving rise to the suspension of a restriction have been corrected.” The Employer Vice-Chairperson requested a further indication by the secretariat of which international labour Conventions included provisions for suspension of activities. An expert mentioned Article 18 of the Labour Inspection (Agriculture) Convention, 1969 (No. 129); Article 5, paragraph (2), clauses (d) and (e) of the Safety and Mines Convention, 1995 (No. 176); and Article 7, paragraph (1) of the Worst Forms of Child Labour Convention, 1999 (No. 182). The Government member of Hungary submitted a subamendment to end clause 7(2)(d) after “penalties” and move the remaining text to the appropriate location in the Proposed Conclusions with a view to a Recommendation that would be discussed later. He recalled that some members of the Committee had remarked on the difficulty of ratifying existing international instruments, and asked if the Committee wanted to produce a Convention more stringent in its requirements than the Occupational Safety and Health Convention, 1981 (No. 155). The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (Botswana, Côte d’Ivoire, Ethiopia, Kenya, Lesotho, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa and Zambia), reminded the Committee that they could see examples of the Office formulation in existing Conventions, such as Convention No. 167, Article 12, paragraph (2), whereas the

“reasonably practicable” wording of the subamendment of the Government member of Sri Lanka had been rejected by the Committee in the debate on earlier Points. The Employer Vice-Chairperson replied that the wording in Convention No. 167 was not identical to that proposed in the Office text, but that if the idea of “imminent danger” included in Convention No. 167 were included, the Employer members could support the resulting formulation. Of the present proposals, he supported that of the Government member of Hungary. The Government member of Argentina felt that the term “appropriate penalty” was sufficiently wide to include everything from a fine to the closure of a business. In Spanish, if one used the words “provision for corrective measures and appropriate penalties” this would cover all possibilities. The Worker Vice-Chairperson noted additional precedents to the formulations in the Office text in the instruments cited by the secretariat. The Government member of the United States asserted that the Office text provided for corrective measures but also gave competent authorities the authority to suspend operations in cases of egregious violation of standards; the words “as appropriate” provided for due process of law. The Government member of Italy, recalling that prevention was the goal of the provisions under discussion, proposed that a less confrontational formulation might be devised if one took into account the procedures in force in his country, but the Government member of Portugal stated that the other Government members of the Committee Member States of the European Union favoured the Office text. She was joined by the Government members of Canada and Japan. The Vice-Chairperson of the Employers’ group proposed a subamendment to the text which would change clause (d) to read “provide for corrective measures and appropriate penalties for violations of the law including, where appropriate, the suspension or restriction of those agricultural activities which pose an imminent danger to the safety and health of workers until those conditions giving rise to the suspension or restriction have been corrected”. The Government member of Brazil supported the formulation proposed by the Employers, as did the Government member of Norway. The Government member of Sri Lanka said that the subamendment put forward by the Employers met the need for compromise to which his had been addressed, and withdrew his subamendment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, said that they still had serious reservations on the amendment proposed by the Employers and could not accept it. The Worker Vice-Chairperson opposed the Employers’ subamendment for watering down the intent of the clause, introducing new terminology and prejudging the role of inspectors; the Office text was preferable. The Employers called for a vote on the amendment as subamended. It was rejected by 79,488 votes in favour, 96,768 votes against, with 5,184 abstentions.

79. The Government members of Argentina and Brazil submitted an amendment to add a new clause in paragraph 7(2) to the effect that national laws and regulations should “establish the obligation to develop training actions for providing guidance and information on health and safety at the workplace to both employers and workers”. They emphasized that employers needed training as much as workers, and that this important concept was not present in the Office text. The Employer Vice-Chairperson offered a subamendment to add the words “of the competent authority” after “obligation” and reminded the Committee that training was dealt with in clause 10(b) of the Proposed Conclusions with a view to a Convention. In supporting the original amendment, the Worker Vice-Chairperson proposed that if training were dealt with in more than one place, the Drafting Committee could harmonize the wording of the proposed instrument. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, supported the amendment, observing that employers were often not well versed in occupational safety and health. The Government member of Hungary submitted a subamendment to alter the wording to “establish mechanisms to develop training activities for providing guidance and information on health and safety at the workplace to employers and workers and self-employed farmers”. The Employer Vice-Chairperson objected to the

mention of self-employed farmers and asserted that the suppression of the reference to the competent authority could make employers and not governments responsible for the cost of training programmes. The Government member of Hungary acknowledged that it was indeed the intent of the subamendment to avoid fixing exclusive responsibility on the competent authority; this would make the instrument more flexible. Furthermore, available data showed that the self-employed often had less access to safety and health information than organized groups and thus deserved mention in this context. The Employer Vice-Chairperson objected that, because clause 10(b) already imposed an obligation on employers to provide training, the latest subamendment put a double obligation on them. The Government member of the Czech Republic opposed both the amendment and the subamendment provided by the Government member of Hungary, saying that the issue of training did not belong in a paragraph that outlined the responsibilities of the competent authority. The Worker members supported the amendment as subamended by the Government member of Hungary because having trained workers under untrained employers could lead to disputes, lost productivity and other undesirable outcomes. They pointed out that Point 10 addressed only the training of workers. The Government members of Argentina and Brazil remarked that the self-employed were covered by virtue of preceding Points of the proposed instrument, and subamended the text as subamended by the Employers to read “the competent authorities should provide for mechanisms to develop training activities for guiding and informing employers and workers on occupational safety and health”. The Chairperson declared that the accumulation of subamendments had gone too far, and asked the Government members of Brazil and Argentina if they would withdraw their amendment, which they did.

- 80.** The Worker members submitted an amendment to add a new clause to paragraph 7(2) to say that national laws and regulations should “specify the right to trade union appointed safety and health representatives and, where appropriate, safety and health committee members. This should include operational arrangements and funding to allow a scheme of roving trade union safety and health representatives to function effectively in small enterprises. Trade union appointed safety and health representatives should be supported by legally appointed, joint enterprise safety and health committees”. The Worker Vice-Chairperson acknowledged that the commitment to funding might be unacceptable to Governments and Employers, and offered to subamend his amendment by deleting the words “and funding”. Roving trade union representatives were important, as some farms were so small and remote that it would be impossible to have safety committees and safety representatives present there. The Employer Vice-Chairperson said the question of funding was not the only problem associated to this amendment, because ILO instruments had always used the term “workers’ representative”, and “trade union representative” was a major departure. He felt that these provisions should be left to collective bargaining agreements, that trade unions should not be named in a Convention, and that introducing outsiders, in the persons of roving trade union representatives, into the domain of safety and health committees was undesirable. The Worker Vice-Chairperson acknowledged that there was no reference to trade unions in earlier ILO instruments, but the Committee members should not be afraid of a novel idea. The proposal was not aimed at increasing trade union membership but at assisting governments in policing safety and health as these roving trade union representatives would be government accredited and supervised. The Government member of the United Kingdom said that his Government was currently studying how effective roving trade union safety and health representatives were, and so could support the first part of the amendment but would need time to consider the trade union safety and health committees part of the amendment. The Employer Vice-Chairperson pointed out that the ILO already had a Convention concerning labour inspection in agriculture, and that the proposed amendment implied that the government should legally appoint trade union safety and health representatives to supplement inspection teams. He said that this was not right, and if labour inspection services were

weak, then they should be strengthened. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee supported the removal of the funding obligation and welcomed the promotion of bipartism, but hoped that the secretariat could put forward better wording. The Worker Vice-Chairperson observed that there had been a strong positive reaction to the idea of roving trade union representatives, but poor response to the rest of the amendment. He then proposed a subamendment to delete the last sentence, leaving “specify the right to trade union appointed safety and health representatives and, where appropriate, safety and health committee members. This should include operational arrangements to allow for a scheme of roving trade union safety and health representatives to function effectively in small enterprises.” The Government member of Sweden expressed sympathy with the Worker members’ ideas on this, pointing out that in Sweden workers’ representatives were appointed by trade unions and had an important role to play in improving workplace safety. However, he considered further textual improvement necessary, notably the removal of “and funding” from the original text. The Government member of France supported the Worker members’ subamended text. However, the subamended text failed to attract support from the Government members of Austria, Denmark, Germany, Japan and Portugal. The Government member of Spain opposed the Workers’ text as he felt safety and health representatives should not necessarily be selected through the trade unions. The Government member of Hungary requested clarification as to whether, in the first line, the Worker members intended to refer specifically to the right of trade unions to appoint safety and health representatives. He pointed out that in Hungary safety and health representatives were elected and though often supported by the trade unions they were not appointed by them. If the text intended to refer to the right of trade unions to appoint them, then he could not support it, as this would create serious difficulties at ratification stage. At this point, the Worker Vice-Chairperson introduced another subamendment to his group’s subamended amendment, to replace the words “trade unions” with the standard ILO expression “workers and their representatives” and sought to find out how much support this would attract from the governments. He also replied to the query of the Government member of Hungary by referring to his proposed use of the standard ILO formulation, adding that he thought the text would still need to be referred to the Drafting Committee. The Government member of Hungary was not satisfied that this was merely a drafting matter and awaited a further subamendment on this. The Employer Vice-Chairperson expressed his group’s opposition to the Worker members’ subamendment, explaining their objections not only to the earlier use of the term “trade union” but also to the idea of roving trade union safety and health representatives, to the idea of external safety and health representatives who they considered certain to be interested parties and therefore not neutral. Furthermore, they felt that such outside inspectors could not be expected to have the same level of training as government inspectors, and were concerned that farmers might not accept such non-government inspectors on their property. Therefore, even with the latest subamendment, the Workers’ amendment presented too many problems and the Employers called for its withdrawal. The Worker Vice-Chairperson assured the Committee that the Worker members sought simply to help equip workers to improve safety conditions, and submitted a new subamendment to the following effect: “Specify the right of workers and their representatives to appoint safety and health representatives and, where appropriate, safety and health committee members. This should include operational arrangements to allow a scheme of roving safety and health representatives to function effectively in small enterprises.” The Government members of the Czech Republic, Finland, Malaysia and Switzerland all opposed this latest subamendment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (Algeria, Botswana, Burkina Faso, Cameroon, Chad, Côte d’Ivoire, Ghana, Egypt, Ethiopia, Kenya, Lesotho, Liberia, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa, United Republic of Tanzania, Zambia, Zimbabwe) also opposed it. His group considered the provisions of Convention No. 155 quite explicit on

the appointment of safety and health representatives and safety committees. The issue for his group was how to ensure that these functioned properly, taking into account the characteristics of the agricultural sector, and consequently he could not support it. The Government member of Sweden supported the subamendment and the Government member of Hungary stated that he could support the first sentence, provided it referred specifically to agriculture, but could not support the second sentence. The Employer Vice-Chairperson maintained his group's opposition, stating their view that the issue should be discussed under Point 11. The Worker Vice-Chairperson sought to meet governments' difficulties on this proposal by suggesting a further subamendment to the following effect: "Specify the right of workers in agriculture and their representatives to appoint safety and health representatives and, where appropriate, safety and health committee members. This should include operational arrangements which recognize the particular needs of agricultural workers that arise from the geographical location and size of the workforce within the enterprise." The Government members of Portugal and of Zimbabwe, the latter speaking on behalf of the African Government members of the Committee, supported this latest subamendment. The Government members of Belgium, the Czech Republic, Finland, Hungary, Japan, Lebanon and Malaysia could not support it, nor could the Government member of Denmark, who preferred the wording under clause 11(1)(a). The Government member of Norway considered that the first sentence was covered by clause 11(1)(a), but that the second sentence had no part in a Convention, though it could be placed in a Recommendation. The Worker Vice-Chairperson requested an indicative vote on the second sentence of his group's subamendment. After this was done, the Worker Vice-Chairperson conceded that there was insufficient support for the second sentence and withdrew that part of his subamendment. He then requested an indicative vote on the first sentence of his subamendment, which was objected to by the Government member of Hungary, who wished time to discuss what amounted to a subsubamendment before proceeding to a vote; he asked the Worker Vice-Chairperson to explain why they wished this point raised here when it was covered in Point 11, paragraph (1), clause (a). The Worker Vice-Chairperson replied that Point 11 dealt with the rights of workers, whereas this point covered the provisions of national laws and regulations for health and safety in agriculture, which everyone considered desirable. The indicative vote showed insufficient support for the first sentence and the Workers withdrew their amendment, stating that they would return to the question in the second discussion.

- 81.** The Government member of Canada submitted an amendment to add a new paragraph after paragraph 7(2) to the effect that "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." The intention was to improve the proposed Convention on the crucial issues of prevention and awareness-raising, targeting these groups in particular. The Employer members objected to the introduction of a new concept, "national policy", and considered the amendment brought nothing new, judging the question of self-employed farmers was better addressed in the proposed Recommendation; they considered the amendment could be submitted at the appropriate point when the Recommendation was discussed. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, the Government member of Norway and the Worker Vice-Chairperson all agreed with the principle of the amendment but considered it should be included in the Proposed Conclusions with a view to a Recommendation. Procedural matters were discussed in view of the fact that the deadline for submission of amendments to the Proposed Conclusions with a view to a Recommendation had already expired. The Legal Adviser explained that it was possible, if the Committee agreed, to transfer the amendment of the Canadian Government in order for it to be considered and discussed

during the discussion of the Proposed Conclusions with a view to a Recommendation; but first the amendment had to be withdrawn. This procedure was followed and the Chairman confirmed that the amendment by the Government member of Canada could be submitted during discussion of the Proposed Conclusions with a view to a Recommendation.

- 82.** Prior to the adoption of Point 7, the Employer Vice-Chairperson wished it put on record that his group had difficulty accepting the statement by a representative of the Office, that the words “so far as is reasonably practicable” were redundant and unnecessary in the last sentence of paragraph 7(1) in light of the presence of the words “eliminating, minimizing and controlling”, which the secretariat referred to as the “priority prevention principle”. The Employers took issue with this opinion and believed that the words “so far as is reasonably practicable” were, in fact, necessary in order to give proper effect to Point 7 and in order to avoid the imposition of strict or absolute liability. The current amended wording placed an absolute duty upon employers which was contrary to the opinion given on the record and which was not acceptable to the Employers. His group requested that, before the next Conference and preferably earlier, the Office prepare written advice on the legal implications of the terms: “absolute duties”, “so far as is practicable”, and “so far as is reasonably practicable”. He indicated that the Employer members would be raising this important point again in the second discussion.

- 83.** Point 7 was adopted as amended.

Point 8

- 84.** The Employer Vice-Chairperson introduced an amendment to paragraph 8(1) requiring its replacement by: “Members should put in place and implement effective and appropriate systems of inspection of agricultural activities”. It was offered for the sake of clarity, being intended to meet the Employer members’ concern about the uncertain meaning of “is provided with adequate means” in the original text. The Worker Vice-Chairperson sought to increase the clarity further by proposing a subamendment adding the sentence: “These should include operational arrangements which take into consideration the geographical location and the size of the workforce within individual enterprises”. The Employer members objected to the reintroduction of a subamendment which had been rejected earlier, but the Worker members maintained that the present context was completely different. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, opposed both the Employers’ amendment and the Workers’ subamendment. The Employer members withdrew their amendment.

- 85.** The Worker Vice-Chairperson submitted a three-part amendment to paragraph 8(1): adding after the word “adequate” in the first line the word “transparent”; adding the word “public” before the words “system of”; and adding at the end of the sentence the words “and adequate powers of enforcement”. Taking the three parts individually, he explained that the first was intended to ensure that arrangements for inspection systems could be simply expressed and readily understood by the public. The Employer members rejected the use of this term, which they considered added nothing of substance, had not been legally defined and was liable to cause confusion if not create an atmosphere of suspicion. The Worker Vice-Chairperson reiterated that his group’s intention had been to ensure that systems were clearly defined and explained, and withdrew the first part of the amendment. He then withdrew the second part of the amendment, given that the word “public” had already been discussed. He commended the third part as a useful addition which spoke for itself. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, considered that the word “means” in the original text sufficed. The Government member of Switzerland considered that “adequate means”

encompassed the notion of “powers of enforcement” and opposed the proposed text, as did the Government members of the Czech Republic, India, and Lebanon. The Employer members thought that the term implied that governments did not already have adequate powers which they manifestly felt they had, and appealed to the Worker members to withdraw it in a spirit of cooperation. The Worker Vice-Chairperson reluctantly withdrew the third part of the amendment.

- 86.** The Employer members submitted an amendment which sought to delete paragraph 8(2) entirely, on the grounds that it stated the obvious. After consultations, they had concluded that it was nevertheless advisable to state the obvious and submitted a subamendment to their amendment, the effect of which was to retain the words “Where necessary, the competent authority may entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services or public institutions”. They requested clarification from the Office regarding the words in the original text: “or associate these services or institutions with the exercise of such functions”. An expert from the Office explained that this phrase was based on Article 12, paragraph (2) of Convention No. 129 on labour inspection in agriculture, and that the sense of “associate” was “combine” or “jointly administer”. The Worker members concluded that this phrase added value to the text and therefore urged the Employer members to withdraw their amendment and subamendment. The Government member of Zimbabwe, on behalf of the African Government members of the Committee, stated they could not support the proposal. The Employer Vice-Chairperson reluctantly withdrew the amendment and subamendment.

- 87.** Point 8 was adopted without amendment.

III. Preventive and protective measures

General

Point 9

- 88.** The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom submitted an amendment to subdivide Point 9 into two paragraphs and thus enhance its clarity. The resulting paragraphs read:

1. National laws and regulations should provide that the employer should have a duty to ensure the safety and health of workers in every aspect related to the work.
2. Whenever two or more employers or self-employed persons engage in activities in the same agricultural workplace, these should cooperate in applying the safety and health requirements. In appropriate circumstances the competent authority should prescribe general procedures for this collaboration.

The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, remarked that the English and Spanish versions of the text did not seem to reflect the intentions of its authors as faithfully as the French. Assuming that the Committee was considering the amendment part-by-part, as had been done with several earlier amendments, the Vice-Chairperson of the Employers’ group confined his remarks to the first paragraph. He opposed it on the grounds that it went beyond the Office text and included unnecessary requirements. Furthermore, the term “every aspect” was confusing. The Government members of Canada and Brazil supported the amendment, the latter noting that splitting the Point had rendered it more comprehensible. The Government member of Hungary missed in the amendment a reference to agriculture and considered the term “every aspect” unclear. He asked for an

explanation. The Government member of Portugal replied that the language of the amendment followed that of the European Union's "Framework Directive" on occupational safety and health. The African Government members of the Committee and the Worker members favoured the amendment. The Government member of Japan showed his support by withdrawing his own amendment to Point 9, which would have inserted the words "the competent authority or authorities, collective agreements, or other appropriate means" after the word "regulations". The Vice-Chairperson of the Employers' group subamended the amendment by replacing the words "have a duty" with "take all reasonable steps", and by replacing "in every aspect related to work" with "in agriculture". The subamended text would have read: "National laws and regulations should provide that the employer should take all reasonable steps to ensure the safety and health of workers in agriculture." The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, observed that the newly added term "reasonable" was not precise and therefore not acceptable. The Chairperson felt that, as the proposed Convention aimed at agricultural workers, it was unnecessary to repeat the word "agriculture" in every Point. The Drafting Committee would ensure the consistency of the final text. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, wished to retain the amendment as submitted, without the subamendment of the Employers' group. The Vice-Chairperson of the Workers' group pointed out that besides the Government members of the Committee Member States of the European Union, the African Government members of the Committee and the Workers' group also supported the amendment as submitted. Considering the views expressed by the majority of the Committee, the Employer Vice-Chairperson withdrew his subamendment and the first paragraph was adopted without change.

89. The discussion turned to paragraph 2 of the amendment. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, noted that the paragraph followed the general ideas put forward in the Office text but replaced the text "National laws and regulations ... and all of them ..." by the words "whenever two or more employers or self-employed persons engage in activities in the same agricultural workplace, these ...". The Worker Vice-Chairperson did not support this second part of the amendment. It provided a basis for laws which would require persons to cooperate, and it was not possible to legislate cooperation. Cooperation could be encouraged but it could not be a legal requirement. The Government member of Portugal proposed alterations in the French text that might allay the Worker Vice-Chairperson's concerns, but these had no effect on the English text. She also pointed out that the second part of the amendment removed the words "national laws and regulations" from the sentence referring to cooperation. The representative of the Secretary-General, in response to enquiries as to whether text calling for such cooperation between parties had been included in other international labour standards, drew attention to similar but not identical provisions in Article 8, paragraph (2) of the Safety and Health in Construction Convention, 1988 (No. 167). The Government member of Hungary supported the proposal of the European Union members. The Worker Vice-Chairperson stated that his group was much more comfortable with the amendment taken as a whole with both paragraphs. He suggested that the Point would have to be revisited and clarified at the second reading of the proposed Convention, particularly regarding the assignment of primary responsibility when two or more employers were present. The Government member of Portugal agreed, noting that Article 17 of the Occupational Safety and Health Convention, 1981 (No. 155) could provide a model formulation for the fixing of responsibilities. The Worker Vice-Chairperson remained unhappy with the word "cooperate", so the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, proposed to subamend the text to "Whenever two or more employers or self-employed persons

engage in activities in the same agricultural workplace, they should jointly seek ways and means for applying the safety and health requirements and if necessary, the competent authority should prescribe general procedures for this collaboration.” The Employer Vice-Chairperson expressed his preference for the original Office text. He added that it would be difficult for employers to assume responsibility for workers that were not their own, as was implied by the term “jointly”, and called for withdrawal of the second paragraph of the amendment. The Government member of Portugal acceded. However, subsequent comments by the Worker and Employer Vice-Chairpersons made clear that Point 9 would be incomplete with only the first paragraph, and repetitive if the original Office text were reintroduced as paragraph 9(2). The Government member of Hungary responded by resubmitting the amendment the text of paragraph 9(2) in the form first introduced by the Government member of Portugal. The Employer Vice-Chairperson reiterated his group’s objections to the text. The Government member of the United Kingdom introduced a subamendment to the resubmitted text, adding to the beginning of the text the words “National laws and regulations should provide that...”. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee; the Government member of Portugal speaking on behalf of the Government members of the Committee Member States of the European Union; and the Worker members, through the Worker Vice-Chairperson, supported the reintroduced paragraph 9(2) as subamended. The Employer Vice-Chairperson, considering the support for it, said he would not stand in the way of adoption of the amendment. However, he asked that the reservations of his group should be noted in the Office report.

90. Both paragraphs of the amendment were adopted as subamended.
91. An amendment submitted by the Government member of Japan, to replace the word “authority” by the word “authorities” was not seconded and thus was not discussed.
92. An amendment submitted by the Employers, to delete the words “and self-employed persons” from the original text of Point 9, was not discussed in consequence of the approval of the amendment of the Government members of the Committee Member States of the European Union, which contained the same phrase.
93. Point 9 was adopted as amended.

Point 10

94. An amendment submitted by the Government member of Japan, to insert after the word “authority” the words “or authorities” was not seconded. The Chair recalled the principle enunciated during previous debate on a similar amendment (paragraph 68 above), that the singular noun implied the plural in legal texts.
95. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom introduced an amendment to delete the words “, taking into account the size of the enterprise” from the introductory clause of Point 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:”. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, explained that risks needed to be assessed in all enterprises, regardless of size. The Employer Vice-Chairperson expressed regret that the Government member of Portugal and the other European Union Committee members had not given more reason for this proposal. The words “taking into account the size of the enterprise” were particularly important for developing countries, where most

farms were small and family-owned. In fact, such a provision could put such farms out of operation and thus threaten food supplies. Finally, he could not imagine how a family farmer in his country could possibly deal with such ensuing provisions as the obligation to develop “enterprise-level programmes”. The Worker Vice-Chairperson, on the other hand, felt that Point 10 as amended had the flexibility everyone desired. The level of the programmes concerned would be appropriate to each country. The Employer Vice-Chairperson pointed out that the provisions in Point 10 were not addressed to countries but to employers. It was unrealistic to place such burdens on small farmers. The Government member of Hungary asked whether the authors of the amendment could clarify what they thought “enterprise-level programmes” meant for farms with very few employees. In response the Government member of Portugal said that, when proposing the deletion of the reference to the size of the enterprise, they had taken account of the fact that subsistence farming was not considered to be “agriculture” in the sense of the Proposed Conclusions with a view to a Convention (Point 5 under “Definitions and scope”). For undertakings that were considered to be agricultural, clause 4(b) under “Definitions and scope” provided that the proposed Convention should cover them all, irrespective of size. A proposal by the Government of Hungary to postpone consideration of this amendment until other amendments related to the size of the undertaking could be discussed was not accepted by the Committee. The Employer Vice-Chairperson said his group was not convinced by the argument made by the Government member of Portugal, and referred back to the wording of clause 4(b), namely “all agricultural undertakings, irrespective of size”. If the Government member of Portugal insisted, then the Employers would call for a vote. The Government member of Portugal maintained her position, on the basis that risk was not proportionate to the size of an undertaking. The Government member of Hungary considered it difficult to decide on the relevant size of the enterprises targeted here, until the substantive issues in clauses 10(a) and (b) had been addressed, adding that he intended to abstain in the case of a vote. The same intention was indicated by the Government member of Zimbabwe, on behalf of the African Government members of the Committee (Algeria, Botswana, Burkina Faso, Cameroon, Chad, Côte d’Ivoire, Egypt, Ethiopia, Ghana, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Senegal, Seychelles, South Africa, Tanzania, Zambia, Zimbabwe), as his group felt the involvement of governments needed to be defined before the question of size could be considered. The Government members of India and the United States both expressed a preference for the Office text. An indicative vote requested by the Employer members showed insufficient support from the Government members for the amendment and it was withdrawn.

96. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom submitted to clause 10(a) a subamended amendment replacing the first part of the clause “adopt an enterprise-level programme providing for appropriate risks assessment” by “carry out a risk assessment to the safety and health of workers and on the basis of its results he/she should adopt”, followed by the remaining Office text. The amended clause would read: “(a) carry out risk assessments to the safety and health of workers and on the basis of their results, he/she should adopt preventive and protective measures to ensure that all agricultural activities, workplaces, machinery, equipment, tools and processes under their control are safe and comply with prescribed safety and health standards, under all conditions of their intended use; and”. The intention was to give employers flexibility in their choice of risk assessment method. The Employer members expressed their support, proposing in a subamendment the insertion of the word “appropriate” before “risk assessment”, which received the support of the Government member of Portugal. The amendment, as subamended by its authors and by the Employer members, was adopted.

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- 97.** In view of the acceptance of the previous amendment, an amendment to the same clause submitted by the Employer members fell.
- 98.** The Employer members proposed that their amendment to clause 10(b), to delete the word “all” after the words “provided to” in the second line, be referred to the Drafting Committee. This was adopted.
- 99.** The Government member of Brazil, on behalf of Argentina and Brazil, introduced an amendment to add a new clause to Point 10 as follows: “establish internal bipartite committees to deal with rural occupational safety and health matters”. The intention was to ensure the application to the agricultural sector of this concept which was generally used in occupational safety and health in these two countries. Whilst appreciating the intention behind the amendment, the Worker Vice-Chairperson was concerned about the manner in which it was drafted, which placed an obligation on employers to establish such committees and, by implication, to select the committee members, which was not acceptable to the Worker members. They preferred a formulation such as “a committee should be established...” which would not give employers such control. The Employer members opposed this amendment for several reasons: they did not understand the meaning of “internal” and “bipartite” in this context, found it discriminatory to require such committees in the agricultural sector when they were not required in other sectors, and considered that consultation between employers and workers was an issue already covered in other ILO instruments. The Government member of Bahrain, speaking also on behalf of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates, opposed the amendment. The Government member of Brazil, speaking on behalf of Argentina and Brazil, withdrew the amendment and announced their intention to present the issue again at the second discussion.
- 100.** The Government member of Brazil, speaking on behalf of Argentina and Brazil, submitted an amendment to add the following new clause to Point 10: “(e)stablish occupational safety, health and hygiene services to develop programmes for the elimination and control of occupational accidents and diseases.” This was opposed by the Employer members, who thought it served no purpose, introduced new and ill-defined concepts and, by placing responsibility on the employer to develop these programmes, appeared to suggest that small-scale farmers should stop producing crops and start developing programmes; the idea contained in the amendment was already stated in clause 10(a). In the absence of support from the Employer members and the Worker members, the Government member of Brazil withdrew the amendment.
- 101.** Point 10 was adopted as amended.

Point 11

- 102.** The Worker Vice-Chairperson proposed an amendment to clause 11(1)(a), to insert the words “including potential risks from new technologies” after the word “matters”. The intention was to recognize that as new technologies developed so the range of risks to workers also evolved. The Employer members were concerned about the words “potential risks”, which implied that employers had to inform workers about risks as yet unknown to anybody. Sympathizing with this concern, the Worker members proposed a subamendment removing the word “potential”, which left the text as “including risks from new technologies”. This attracted the support of the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee. The Employer Vice-Chairperson indicated he was well disposed to support it if it was subamended further to say “including known risks”, but this proposal was rejected by the Worker members who considered this formulation implied the need for scientific evidence, which was

impracticable. The Government member of Brazil stated his support for the Worker members' original wording. The Employer members withdrew their subamendment and the amendment as subamended by the Workers ("including risks from new technologies") was adopted.

103. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom submitted an amendment which would insert the words "taking into account the size of the enterprises" after the word "matters". She explained that enterprise size could vary considerably, and that small enterprises could encounter practical difficulties organizing a safety and health committee – which she noted had been a concern of the Employer members, too. She announced her intention to raise the question of the minimum number of workers required to elect their representatives in an enterprise during the second discussion. The Employer members expressed support for the amendment, on condition that it was subamended to refer to "enterprise" in the singular. He considered it inappropriate to specify a figure in a Convention, but that the text as subamended would cover the widely varying national situations with regard to enterprise size: what was considered large in one country was perceived as very small in another. The subamendment was adopted by the authors of the amendment, and supported by the Government member of Japan. The Government member of the United States explained that in his country all workers facing risks in the workplace had a fundamental right to know what they were expected to handle and that this was the case regardless of the size of the enterprise; he did not support the amendment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, foresaw problems with the inclusion of size considerations as it would lead to a prescription for the minimum number of workers required for the formation of a health and safety committee to become compulsory. He proposed the following amendment to the original text as a compromise solution: "Workers in agriculture should have the right: (a) to be informed and consulted on safety and health matters, select safety and health representatives or their representatives in accordance with national laws and regulations," i.e. the deletion of the last phrase "and through those ... workplace inspections". This attracted the support of the Employer members; and the Worker members asked whether this formulation meant that workers and their representatives would be excluded from participating in workplace inspections. The Government member of Zimbabwe began to reply that this was taken into account in national laws and regulations, but this line of approach had to be abandoned for procedural reasons since it amounted to a new amendment to the original text, which could no longer be submitted. The Worker Vice-Chairperson wished it put on record that the proposal of the African Government members of the Committee concerned the idea that workers have the right to participate in a labour inspection arrangement in accordance with ILO principles. The Government member of Brazil stated that the Office text was identical to that used in Convention No. 176, Article 3 on workers' participation in inspection, risk assessment and fighting occupational injuries, and that he preferred the Office text, as did the Government member of Bahrain, speaking on behalf also of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, withdrew the amendment on the understanding that the issue of the minimum number of workers required for the formation of a safety and health committee would be addressed in the second discussion.

104. An amendment was proposed by the Employer members replacing the text "select safety ... workplace inspections" with the words "and select their representatives in health and safety cooperation according to national law and practice". The Employer Vice-Chairperson explained that though they thought this point would be better placed in a Recommendation, if it were in a Convention then the Employer members would be

concerned about how practicable it was to have safety and health committees on all farms, regardless of size. His group did not oppose worker representation but had serious reservations about how such a provision would work in practice. National practice varied, as did concepts of large and small, but although national legislation often determined a threshold for the formation of such a committee (e.g. 50 or more workers), an international Convention could not specify a figure – hence the reference in the amendment to national law and practice. A further problem for the Employer members was the possibility that an interested party in a potential dispute might be able to participate in an inspection, hence the deletion required by their amendment. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, opposed the amendment on the grounds that it denied the right of workers to participate in safety and health committees. It was also opposed by the Government members of Brazil and of Zimbabwe, the latter on behalf of the African Government members of the Committee. The Employer members proposed a subamendment to reintroduce the part of the Office text which read: “select safety and health representatives or their representatives in safety and health committees” and continued the sentence by adding “in accordance with national law and practice”. The Worker members replied that the inspection in question involved both employers and workers. The Employer members replied that under national law and practice no inspection could be carried out without the inspector meeting the employers and workers and visiting the site. Workers could be either complainants or interlocutors but their participation in labour inspection as inspectors was not acceptable to the Employer members, who objected to the implication in the Office text that such participation might be possible. The Worker members disagreed that such an interpretation was possible. The Government members of Brazil, Canada, Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, and Zimbabwe, speaking on behalf of the African Government members of the Committee, rejected the amendment. The Government member of Lebanon considered that a clear limit needed to be set between the role of government inspectors and that of the workers; he could not endorse the amendment as it stood, but was ready to consider it if it was modified to meet his concern. The Employer members submitted a subamendment to add, at the end of the Office text, the words “at their workplace in conjunction with the employer and in accordance with national laws and regulations”. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (representing Botswana, Côte d’Ivoire, Ethiopia, Kenya, Lesotho, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa, Zambia and Zimbabwe), voiced concern that the amendment was still under consideration when numerous Government members and the Worker members had expressed a preference for the Office text. The Worker Vice-Chairperson challenged the receivability of the subamendment, asserting that it was really an amendment of the Office text and not a modification of the Employer members’ own amendment. The representative of the Secretary-General confirmed the Worker Vice-Chairperson’s reading of article 63.6 of the Standing Orders, but observed that the present case was different from the one addressed earlier, and that the proposed subamendment was compatible with the text as it stood at the time of the Employer members’ proposal. The Worker Vice-Chairperson and the Government member of Hungary called for the Committee to choose between the Office text and the version as amended and subamended by the Employer members. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Government members of Austria, Belgium, Canada, Denmark, Finland, Greece, Hungary, India, Ireland, Poland, Portugal, Spain, Sweden and the United Kingdom all preferred the Office text. The Employer members withdrew their amendment.

- 105.** A spokesperson of the Employer members introduced an amendment to replace all of clause 11(1)(b) by the following statement of the right of workers: “to remove themselves

from danger resulting from their work activity when they have reasonable justification to believe there is imminent and serious risk to their health and safety, and should inform their supervisor immediately". The Worker Vice-Chairperson opposed this amendment, as his group did not understand how workers could "remove themselves from danger". "Danger" was not a physical place; "danger" could be inherent in the nature of the work. The Employers put too much emphasis on location, and this restricted the meaning of the text. Perhaps "refuse work" should be used instead of "remove themselves". The Government member of Hungary drew attention to the existence of similar text in the Chemicals Convention, 1990 (No. 170), and proposed a subamendment to align the amendment text with the text of that Convention. The Employer Vice-Chairperson indicated that his group would support such a subamendment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, supported the Workers' position on the issue of the words "remove themselves from danger", noting that location was only one of several factors. His group preferred the Office text and did not support the amendment, even as subamended by Hungary. The Government member of Brazil expressed a similar view. On the other hand, the Government member of Portugal speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), could support the Employers' amendment without the subamendment proposed by the Government member of Hungary, on condition that the words "and thereby not be disadvantaged" be included at its end. The spokesperson of the Employer members drew attention to Article 13 of the Occupational Safety and Health Convention, 1981 (No. 155), which provided that: "A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice." He did not propose it as a subamendment, but to show that "remove" was established in ILO instruments, as was the protection of workers who did remove themselves from danger. The Worker Vice-Chairperson and the Government member of Zimbabwe, speaking for the African Government members of the Committee, reiterated their concern that workers be able to refuse exposure to danger, rather than being entitled only to abandon a dangerous situation in which they found themselves. They preferred the Office text. The Government member of Hungary withdrew his subamendment. The Government member of Bahrain, speaking also on behalf of the Government members of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates, recognized the concerns of the Worker and African Government members, but expressed support for the Employers' amendment as subamended by the Government members of the European Union. The Government member of Brazil, on the other hand, noted that the Office text appeared to take inspiration from a similar provision in the Safety and Health in Mines Convention, 1995 (No. 176) – a more recent instrument – and thus supported the Office text. The Government member of Spain called attention to the fact that the Spanish translation of the amendment was not concordant with the text in the other two languages, so he could not support it. An indicative vote on the preference of the Government members for the Office text versus the amended version was inconclusive, so the amendment as subamended was put to a vote. It was adopted by 6,955 votes in favour, 6,500 votes against, with 130 abstentions. The Government member of Hungary noted that the text as adopted permitted workers to remove themselves only from situations that put both their health and their safety at risk.

- 106.** Two amendments intended to modify the Office text in the vicinity of the words "hazardous work", submitted by the Worker members and by the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom, were rendered redundant by the adoption of the previous amendment.

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- 107.** The Government member of the United Kingdom, speaking on behalf of the Government members of the Committee Member States of the European Union, introduced a sentence to be added at the end of paragraph 11(2), qualifying the cooperation between workers and employers: “This should not involve a transfer of responsibilities foreseen by national legislation.” He explained that the purpose of this addition was to ensure that the safety and health responsibility of the employer was not transferred to the cooperating workers. The Worker Vice-Chairperson said that he would like to support this amendment, but that he would not be able to explain the wording to his constituents. The amendment was thereupon withdrawn by its authors.
- 108.** An amendment submitted by the Government member of Japan to add after the word “authority” the words “or authorities”, being identical to one that was not adopted under Point 10, was not discussed.
- 109.** Point 11 was adopted as amended.

Machinery safety and ergonomics

Point 12

- 110.** The Worker members submitted an amendment to include personal protective equipment among the types of equipment that would have to comply with safety and health standards. The spokesperson of the Employer members had no objection, and the amendment was adopted.
- 111.** The Employer members submitted an amendment to paragraph 12(1) to replace the words “or other recognized safety and health standards” by “or other safety and health standards recognized by national legislation.” The spokesperson for the Employer members explained that this would bring the terminology here in line with the rest of the text. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, opposed the amendment as being incompatible with the use of standards promulgated by the International Organization for Standardization and the European Committee for Standardization. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, said that his group, too, would not support this amendment. At the urging of the Worker Vice-Chairperson, the Employer Vice-Chairperson withdrew the amendment.
- 112.** The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom submitted an amendment to specify that machinery and equipment should be “adequately installed, maintained and safe-guarded” where the Office text of 12(1) read “adequately maintained and guarded”. With the support of the Worker and Employer members the amendment was adopted.
- 113.** The African Government members of Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe submitted an amendment to insert in the phrase “national or other recognized safety and health standards” the words “applicable international”. This was opposed by the Employer members on the grounds that the words “or other recognized” covered international standards. The Worker Vice-Chairperson recognized the desire of the African Government members to ensure that international standards could be used, but argued that the Office text permitted that. After the Government members of India and the Czech Republic expressed their preference for the Office text, the amendment was withdrawn by its authors.

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- 114.** Two amendments were considered jointly, one submitted by the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom to replace the existing text of paragraph 12(2) with the following text: “The competent authority should take measures to ensure that manufacturers, importers and suppliers comply with such standards and provide adequate and appropriate information to the users and the competent authority on request”; and the other submitted by the Government member of Zimbabwe, on behalf of the African Government members of the Committee, to insert the words “importers” after the word “manufacturers”.
- 115.** The Worker Vice-Chairperson stated his group could support this amendment if subamended by replacing “such” with “these”, and by deleting the words “on request”. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, wished to retain the words “on request” as this information should not be provided automatically to the competent authority. Her position was supported by the Government member of Bahrain, speaking also for the Government members of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. The Worker members requested clarification of the intention of the amendment and the Government member of the United Kingdom, speaking on behalf of the Government members of the Committee Member States of the European Union, specified that the information in question should be supplied to the users automatically, but that the competent authority should have it only upon its (i.e. the competent authority’s) request. For the sake of clarity, he proposed a subamendment inserting “to” before the words “the competent authority on request”. The Worker members considered that the information was needed not only by the competent authority, but also by the users in a language they could understand. They could support the amendment as subamended provided that their concerns about the manner and language in which the information was communicated (raised in the amendment they would be submitting immediately afterwards) were satisfactorily addressed. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, also expressed support for the subamended amendment if their similar concerns about language raised in their coming amendment were satisfactorily addressed. The Government member of the Czech Republic also expressed her support. The amendment was adopted as subamended, and read: “The competent authority should take measures to ensure that manufacturers, importers and suppliers comply with these standards and provide adequate and appropriate information to the users and to the competent authority on request.”
- 116.** The Worker Vice-Chairperson submitted a subamendment to insert after the word “information” in the second line the words “including hazard warning signs and in the language of the importing country”. The Worker members’ concern was that, particularly in countries with very low literacy rates, the information about risk should be expressed in a manner, e.g. a symbol such as a skull and crossbones, or a language readily understood by local users. The amendment was supported by the Government members of Canada, China, Finland, Greece, India, Italy, Portugal, Spain, and United States; as well as by the Government member of Bahrain, speaking also on behalf of the Government members of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. The Government member of Belgium also supported the amendment, but proposed a subamendment replacing the words “in the language(s) of the importing country” with “in the language of the user”. The Employer members preferred the Office text but could accept the amendment if subamended by changing the words “in the language(s) of the importing country” to “in the language of the user”, which would address the problems of countries with several official languages. The Government member of Sweden, whilst agreeing with the spirit of the amendment, felt it placed the burden of translation on manufacturers, not on importers where he felt it belonged. The Worker Vice-Chairperson

considered it cheaper and easier to use the “language(s) of the importing country”, since most multilingual countries evolved a lingua franca, rather than the language of the user, which could result in very open-ended commitments. His view was echoed by the Government member of Zimbabwe, on behalf of the African Government members of the Committee, who supported the original amendment. The Chairperson proposed simultaneously considering an amendment proposed by the African Government members of the Committee (Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe), the first part of which sought to insert the word “importers” after “manufacturers” and the second part of which sought to replace in the second and third lines the words “to the users and to the competent authority” with the words “in a language understood by the user and competent authority”. This amendment was supported by the Employer members and also by the Worker members who nevertheless wished to know the status of the words “including hazard warning signs” which had appeared in their amendment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, offered to subamend their amendment to take into account the Worker members’ concern, an arrangement accepted by the Worker members. At this point, the Government member of Sweden, supported by the Government member of Norway, reiterated that the text, as it stood, also applied to manufacturers, who did not know the languages of all potential users. In their view, the responsibility for ensuring the information was in the appropriate language should rest with the employer. The Government member of Belgium added that the scope should cover not only equipment but all information related to hazards. Following consultations, agreement was found on a composite text which was submitted as a subamendment by the Employer members to the following effect: “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 to the competent authority on request”. The Worker members and the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, agreed with this formulation and the amendment was adopted, as subamended.

117. Point 12 was adopted as amended and subamended.

Point 13

118. The Employer members submitted a two-part amendment to clause 13(a), the first of which sought to replace the word “designed” with the word “suitable” and the second part of which proposed the deletion of “, and in particular ... transportation”. The Employer Vice-Chairperson explained the aim was to address safety and health issues arising from the use of agricultural equipment and machinery for purposes for which they were not intended; they considered that the transport of persons was covered in another part of the instrument. Following opposition from the Worker members, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Government member of Sweden, the Employer members withdrew the first part of their amendment.

119. The Government member of India supported the second part of the Employer members’ amendment, but the Government member of Germany was very much opposed to it, because of the number of accidents in his country occurring as a result of the wrongful use of agricultural machinery and vehicles to transport passengers. The Government member of China supported the above amendment. He said that in China a wide variety of vehicles was used to transport both goods and people. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the

European Union, said that they could not accept this amendment, preferring an amendment of their own that would be discussed later. The Government member of Brazil proposed that if that amendment were discussed first, it would resolve some of the difficulties that had surfaced in the current debate. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, agreed to advancing discussion of the European amendment and withdrew an amendment of similar import submitted by his group.

120. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to add, in the second line, after the word “transportation”, the words “unless designed or adapted so as to carry persons”. The intention was to make it possible for vehicles not primarily designed for the transport of persons to be so used if they were properly adapted for this purpose. The Worker Vice-Chairperson concurred on the order of discussion, but said that his group still had concerns over the resulting text, according to which clause 13(a) would say that agricultural machinery and equipment “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*” (European amendment in italics). One had to recognize that transporting persons in trailers drawn by tractors was common in many parts of the world, but it was still necessary to protect children. He thus advanced a subamendment to add at the end of the text “, but in any event not children.” The Government member of Bahrain, speaking also on behalf of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates, favoured the unmodified European amendment over the one put forward by the Employer members that had been under discussion immediately before. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, opposed the Worker members’ subamendment to their amendment. The Government member of Japan supported the European amendment, and withdrew a similar one of his own that was scheduled for later discussion. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, said that his group supported the original Office text, and would therefore not support the amendment with or without any subamendment. The spokesperson for the Employer members stated their opposition to the Worker members’ subamendment, and it was withdrawn by its authors. The Government member of Norway proposed an alternative subamendment, adding the word “safely” to the end of clause 13(a). The spokesperson for the Employer members and the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, said that they could support the proposal made by the Government member of Norway. The Vice-Chairperson of the Workers’ group could not endorse the subamendment, because it implied that machinery could, in principle, be designed not to carry persons safely. The spokesperson of the Employers’ group further subamended the text to read “unless designed, adapted or otherwise safe so as to carry persons”. As the Government members of Sweden and the United Kingdom had not lent their support to his subamendment, the Government member of Norway withdrew it. Thereupon also the Employer members withdrew their subamendment and the Committee adopted clause 13(a) as amended by the Government members of the Committee Member States of the European Union.

121. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, presented an amendment to clause 13(b), proposing to delete the word “trained” after the words “operated by”, and the words “and authorized” after the word “competent”. In her view it was sufficient for agricultural machinery to be operated by a competent person. If the operator were

competent, training and authorization were not essential requirements. The Employer members endorsed the amendment, but the Worker Vice-Chairperson recalled that authorization was determined by the employers and workers concerned, and that “authorized” did not necessarily mean competent. They wished to retain the word “trained”, but not the word “authorized”. The Government member of the Czech Republic supported the original European amendment as giving a simple and clear statement. The Employer members supported the subamendment of the Workers’ group. The Committee adopted the amendment as subamended. Clause 13(b) now stated that agricultural machinery: “must be operated by trained and competent persons, in accordance with national law and practice.”

122. An amendment presented by the Government member of Japan, to replace an “and” in clause 3(b) by “or”, was rendered contradictory by the adoption of the previous amendment and was withdrawn.
123. An amendment submitted by the Employer members, to prefix “when necessary” to “authorized” in clause 13(b) was deprived of its meaning by the deletion of “authorized” in an earlier amendment and was withdrawn.
124. The Government members of Brazil and Argentina submitted an amendment to Point 13 in which they proposed to add a new clause, which would be numbered (c), as follows: “ergonomic principles should be taken into account concerning the design and use of machinery, equipment and tools.” The Vice-Chairperson of the Workers’ group, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, and the Government members of Austria, Belgium, Canada, Denmark, Finland, Germany, Portugal and Sweden expressed support for the amendment. Although the Employer members were ready to support the principle, they felt that the new text should be placed in the proposed Recommendation, and proposed a subamendment to that effect. They also asked the Government members of Brazil and Argentina to explain which ergonomic principles they were referring to in the amendment under consideration. The Government member of the United Kingdom, while endorsing the principle of the amendment, suspected that it might already be implicit in paragraph 12(1) and that a proper expression could be found by the Drafting Committee. The Government member of Spain found the formulation hard to understand and could not support the amendment. In the end, the Employer members withdrew the amendment after receiving the assent of the Committee to resubmit it when the proposed Recommendation came up for discussion.
125. An amendment submitted by the Employer members, similar to the unsuccessful subamendment of the Government member of Norway, was withdrawn without discussion.
126. Point 13 was adopted as amended.

Handling and transport of materials

Point 14

127. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to replace all paragraph 14(1) with the words “National laws and regulations should provide for safety and health requirements on handling and transport of materials, particularly on manual handling”. Neither the Worker members nor the Employer members could support the

amendment, which was seen as an interference in social dialogue and contrary to the principles of tripartite consultation, and the amendment was rejected.

- 128.** The spokesperson for the Employer members introduced an amendment to delete mention of self-employed farmers from paragraph 14(1) and to add at the end the words “in accordance with national law and practice”. He withdrew the first part of the amendment from consideration by a subamendment, but received support for the “national law and practice” phrase from the Worker members, and the amendment was adopted as subamended.
- 129.** An amendment submitted by the Government member of Japan, which would have replaced the words “of employers and workers and of self-employed farmers concerned” by the words “of employers and workers concerned, taking into consideration the views of the representative organization of self-employed farmers concerned, as appropriate”, was seen to have the same formulation as an earlier amendment that had been retained with modifications, and was referred to the Drafting Committee.
- 130.** An amendment introduced by the Government members of Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe replaced the words “taking account of” by the words “taking into account” and “relevant” by pertinent. The former change was considered non-substantive and referred to the Drafting Committee; the second part was withdrawn.
- 131.** The spokesperson for the Employer members introduced an amendment which would replace the text of paragraph 14(2) with “No worker should be required or permitted to engage in the manual transport of a load which, by reason of its weight, is likely to jeopardize his health or safety”. This text, he said, was drawn from the Maximum Weight Convention, 1967 (No. 127). The Worker Vice-Chairperson proposed inserting the words “handling or” between the words “manual” and “transport”, and the words “or nature” after the word “weight” to broaden the scope of the clause. The Employer members added these words in a subamendment. The amendment was adopted as subamended. Its adoption made redundant two amendments to introduce the nature of the load lifted as a factor, one submitted by the African Government members of the Committee, the other by the Worker members.
- 132.** The Government member of Brazil, on behalf of himself and the Government member of Argentina, introduced an amendment to paragraph 14(2) that would replace the paragraph with the text: “When undertaking risk assessment, employers should ensure compliance with ergonomic principles concerning comfort and health of workers.” However, in doing so, he indicated that the amendment would be changed to a subamendment adding a new paragraph 14(3) instead of amending the existing paragraph 14(2). He noted that the reason for the amendment was to ensure that employers undertook risk assessment with regard to the handling and transport of material. The Employer Vice-Chairperson drew attention to the earlier agreement by the Committee to defer ergonomic issues to the discussion of the Proposed Conclusions with a view to a Recommendation, and subamended the amendment for the purpose of transferring it to the proposed Recommendation. The Committee adopted this subamendment, but the Government member of Brazil wished it recorded that his Government did not agree that this amendment be discussed in the context of a Recommendation and that it intended to resubmit the proposal at the second discussion.
- 133.** Point 14 was adopted as amended.

Sound management of chemicals

Point 15

- 134.** The Worker Vice-Chairperson submitted an amendment to clause 15(1)(a), to add after “agriculture” the words “using recognized international standards”. The intention was that the basis required for the management of chemicals should be international standards. The Employer Vice-Chairperson stated his preference for the Office text, as he considered that the inclusion in a Convention of a reference to unspecified international standards was likely to hinder ratification. Noting the opposition to their amendment, the Worker members withdrew it.
- 135.** A two-part amendment to clause 15(1)(b) submitted by the Worker members sought to add the word “sell” after the word “provide”; and to add at the end after the word “authority” the words “in appropriate local languages”. The aim of the first part was clear; that of the second was to express this concern in the formulation already agreed by the Committee. The Employer members had no disagreement with the first part, but as regards the second part they had no recollection that the formulation here offered had been agreed. Rather, they recalled that the discussion under Point 12(2) about the language in which information on safety and health was conveyed had concluded with agreement on the words “in the official language of the importing country”, which they therefore proposed in a subamendment. The Worker members agreed, and proposed a subamendment inserting the word “appropriate” before “official”, to the following effect: “in the appropriate official language of the importing country”. The whole amendment was adopted as subamended.
- 136.** An amendment proposed by the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe) which sought to insert “applicable international” after “recognized” was withdrawn under D.75.
- 137.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment in two parts: the first to insert the word “store” after “transfer”; the second to insert the words “when required” after “to the users and”. She immediately subamended the second part to read “on request” in English, in order to be consistent with the formulation agreed under paragraph 12(2); the intention here was the same, namely to avoid overloading the competent authority with detailed information. The Worker members supported both parts of the amendment on the clear understanding that preliminary information was readily provided and additional information provided when requested by the competent authority. The Employer members supported both parts on the same understanding. The amendment as subamended was adopted in its entirety.
- 138.** The Government member of Japan proposed an amendment to clause 15(1)(c) to insert after the words “system of” the words “collection and disposal, where appropriate, including”. The intention was to facilitate the disposal of used pesticide containers, an approach which would be acceptable to many countries. Evoking the similarities between this amendment and one proposed by the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), and another submitted by the African Government members of the Committee (Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, South Africa, United Republic of Tanzania, Zambia, and Zimbabwe), the

Chairman suggested the first part of the European Union's amendment and the other two amendments be considered simultaneously. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, agreed to proceed thus, as did the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee. The first part of the amendment (proposed by the Government members of the Committee Member States of the European Union) would replace the words "recuperation and recycling" by the word "disposal". The Government member of Zimbabwe proposed a subamendment to his group's amendment, inserting the word "collection", retaining the word "recycling" and inserting the words "safe disposal". The Government member of Japan indicated his agreement to this subamendment. His amendment as subamended would then read as follows: "collection and safe disposal, where appropriate, including". The Employer members accepted the substance of the subamendment, requesting its referral to the Drafting Committee. The amendment, as subamended, was adopted.

139. The Government member of Portugal, on behalf of the Government members of the Committee Member States of the European Union, withdrew the first part of their amendment.

140. The Government member of Portugal then explained that the second part of the amendment proposed deleting the words "and to the environment" at the end of the text, on the grounds that practical issues like the environment should be addressed elsewhere. This was supported by the Employer members, but rejected by the Worker members as the safety of workers could not be guaranteed in an unsafe environment. Concern for the disposal of containers could not be separated from concern for the environment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, stressed the importance of environmental considerations for the safety and health of workers and opposed the amendment, as did the Government members of Brazil and Bahrain, the latter speaking on behalf of the Government members of Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates. The Government member of Portugal withdrew the second part of the amendment.

141. Point 15 was adopted as amended.

Point 16

142. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to clause 16(2)(a), to insert after "handling" the word "application". The amendment was supported by both the Worker members and the Employer members, the latter referring the use of the word "application" to the Drafting Committee. The amendment was adopted.

143. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), proposed an amendment to delete the whole of clause 16(2)(b). The Employer Vice-Chairperson expressed his support because, in his view, the subject was covered in the Chemicals Convention, 1990 (No. 170). The Worker Vice-Chairperson disagreed, and requested the withdrawal of the amendment. The Government members of Brazil, Canada and the United States all preferred the Office text, and the Government member of Portugal withdrew the amendment.

144. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to replace existing clause 16(2)(d) by the following text: “the storage of empty containers and of chemical wastes with a view to their elimination”. The rationale was that containers often needed to be stored (with attendant dangers inter alia to agricultural land) before they were eliminated. The Worker members considered the proposed amendment an unwelcome alteration of the thrust of the text as formulated by the Office, which was the treatment and disposal of containers, while here the concern was their storage. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, proposed a subamendment that would make the text read “treatment and disposal of chemical waste”. This attracted the support of the Worker Vice-Chairperson, on condition that there be no mention of the words “with a view to their elimination”, as their inclusion would leave the situation open to abuse. However, the Government member of Portugal withdrew the amendment.

145. Point 16 was adopted as amended.

Agricultural facilities

Point 17

146. In introducing his group’s amendment which, if adopted, would delete Point 17, the Employer Vice-Chairperson stated that, after much consideration, the Employer members wished to subamend it so as not to delete Point 17 but instead to replace the text with the following: “The construction, maintenance or repairing of agricultural facilities should be in conformity with national laws, regulations and requirements”. This was done out of concern for the very wide and all-embracing definition of “agricultural facilities” to be found on page 7 of the English language version of Report VI(2). They were particularly concerned about possible requirements of temporary sheds and shelters, which would become subject to specific legislation. This amendment would give governments greater flexibility. The Worker Vice-Chairperson opposed the subamendment on procedural grounds, saying that it was a violation of article 63(6) of the Standing Orders of the International Labour Conference.

147. The Employer Vice-Chairperson said his understanding was that such a subamendment was within the rules; it had been introduced to expedite the work of the Committee.

148. Following an intervention by the representative of the Legal Adviser, who drew attention to the relevant provisions in article 63, the Chairperson ruled that the Employers’ subamendment was within the rules. Subsequently, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, the Government member of Lebanon, speaking on behalf of Bahrain, Lebanon, Saudi Arabia, the Syrian Arab Republic and United Arab Emirates, the Government member of Portugal, speaking on behalf of the Committee Member States of the European Union, and the Government member of the United States indicated their support for the Office text. The Chairperson therefore considered the subamended amendment to have inadequate support. After a brief interval for internal consultation, the Employer Vice-Chairperson withdrew the amendment. In so doing, he emphasized that the Employer members had strong reservations about the text of Point 17 as it stood, and that they would be submitting amendments to this text at its second discussion. Following this, the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, withdrew their proposed amendment.

149. Point 17 was adopted.

Animal handling

Point 18

150. The Government member of Brazil withdrew an amendment proposed with the Government member of Argentina, which would have replaced the whole of Point 18 with the following text: “National legislation should prescribe safety and health standards for animal handling activities concerning animal husbandry areas, nurseries and stalls, waste management and preventive measures against zoonosis.”

151. The Employer Vice-Chairperson presented his group’s three-part amendment to Point 18, which sought to delete from the first line the words “National laws and regulations should provide that”; to insert the word “should” after the word “stalls” in the second line; and in the second and third lines to replace the words “or other prescribed safety and health standards” by the words “laws and regulations or other safety and health standards recognized by the national authorities”. The Employer members’ reservations about this point were similar to the ones they had expressed about Point 17, namely that it made the provision of legislation mandatory for ratifying countries. In their view, countries had the right to choose whether or not they wanted such legislation, and the Employer members’ amendment sought to make this more flexible. The Worker members, the Government member of Zimbabwe, on behalf of the African Government members of the Committee, the Government member of Portugal, on behalf of the Government Members of the Committee Member States of the European Union, the Government member of Bahrain, on behalf of Bahrain, Lebanon, Saudi Arabia, the Syrian Arab Republic and the United Arab Emirates, and the Government member of Canada all expressed their opposition to this amendment. The Employer Vice-Chairperson withdrew the amendment, reiterating the reservations he had expressed when withdrawing his group’s amendment to Point 17.

152. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to Point 18, to replace the word “prescribed” by the word “recognized”. With the support of the African Government members of the Committee (Botswana, Côte d’Ivoire, Kenya, Lesotho, Mali, Morocco, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe) as well as the Employer and Worker members, the amendment was adopted.

153. The Worker members submitted an amendment to expand the phrase “comply with national or other recognized safety and health standards” by appending the words “using recognized international standards”. The Employer Vice-Chairman recalled that an earlier amendment in a similar vein had posed problems, and the Worker members responded by withdrawing the amendment.

154. Point 18 was adopted as amended.

IV. Other provisions

Young workers

Point 19

- 155.** The Worker members submitted an amendment to replace the Office text of paragraph 19(1) by the words “Notwithstanding the provisions in other instruments, the minimum age for young workers who perform hazardous work should be no less than 18 years”. They wished to bring the language closer to that of the Worst Forms of Child Labour Convention, 1999 (No. 182), and to emphasize the expression “hazardous work”. The Employer Vice-Chairperson defended the Office text, which he felt adequately reflected the provisions of Convention No. 182. The Worker Vice-Chairperson withdrew the proposed amendment with the observation that, if the Office text were to be retained, it should include commas after the words “which” and “out”.
- 156.** The Government member of Japan submitted an amendment to replace the words “likely to harm” by the words “prescribed in national laws and regulations as harmful work to”. He noted that the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), provided that national laws and regulations or the competent authority define harmful work in consultation with the most representative organizations of employers and workers, and said that the amendment was intended to capture this idea in simple terms. The Worker Vice-Chairperson felt that the Office text had been drafted with an eye to the existing instruments. The Employer members also favoured the Office text, which meant that the amendment was rejected.
- 157.** The Government member of Portugal introduced an amendment submitted by the Government members of Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom, to insert a new paragraph after paragraph 19(1) to read: “The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority.” The Worker Vice-Chairperson remarked that the amendment was based on the Minimum Age Convention, 1973 (No. 138), whereas at present it was the Worst Forms of Child Labour Convention, 1999 (No. 182) which was considered authoritative. Article 4.1. of that Convention stated that “the types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned ...”. If there were a reference to a Convention, it should be Convention No. 182. The Vice-Chairperson of the Employers’ group had no problem with the substance of the amendment, but would support it only if the consultative phrase were included. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, agreed to include the consultative phrase. The Government member of Bangladesh drew attention to the similar amendment that he had presented, which he wished to be treated together with the European amendment. This was not technically possible, as his amendment had been directed at paragraph 19(2) whereas the European amendment followed paragraph 19(1). However, the Workers’ group lent its support on condition that the record show that the authority for the amendment was Convention No. 182 rather than Convention No. 138. The amendment was adopted as subamended.
- 158.** The Government member of Bangladesh remarked that his amendment addressed the same issues of determination of hazardous work by the competent authority and consultation with employers’ and workers’ organizations as had the previously adopted amendment, and withdrew it in consequence.

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- 159.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment in two parts to (1) replace the word “notwithstanding” by the words “in derogation” and, (2) after the word “training”, insert the words “, in particular concerning health and safety”. The Employer Vice-Chairperson said that, with regard to part 1, “notwithstanding” was well understood, but not “derogation” in the context of paragraph 19(2). Concerning part 2, they did not see the necessity of such words, as training would of course cover health and safety as well as other matters. The Worker members concurred, adding that protection of the safety and health of children and young workers depended not simply on training in safety and health areas but on much wider training (e.g. the operation of machinery). The proposed amendment was rejected.
- 160.** The Employer members submitted an amendment to delete the words “and of self-employed farmers” from paragraph 19(2). The Employer Vice-Chairperson acknowledged that the outcome of previous discussion of similar amendments should apply, so the amendment was not adopted.
- 161.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to add a new paragraph to Point 19 as follows: “This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of: (a) a course of education or training for which a school or training institution is primarily responsible; (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by a competent authority; or (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.”
- 162.** In introducing this amendment, the Government member of Portugal, speaking for the Government members of the Committee Member States of the European Union, reassured the Committee that the authority for the text could only be Convention No. 138. On behalf of the authors, she subamended the amendment to replace the word “Convention” with “Point” so as to avoid confusion. The Government member of Norway expressed support for the amendment as subamended. The Worker Vice-Chairperson, however, said that his group could not support the amendment. It gave the impression that children and young persons in schools could be required to undertake hazardous work. The Employer Vice-Chairperson agreed, and also expressed concerns that the amendment was too detailed for a Convention and that it spoke not to the relationship between employer and worker but to the relationship between children and young persons and their schools. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, supported the amendment. The Worker Vice-Chairperson asserted that the text, which had been derived from a provision of Convention No. 138 that spoke to the broader issue of the minimum age of employment, did not belong in a point which spoke to the minimum age for undertaking hazardous work. The authors withdrew the amendment, saying that they would come to the next session of the Conference with an amendment on which the Committee could reach consensus.
- 163.** Point 19 was adopted as amended.

Temporary and seasonal workers

Point 20

- 164.** An amendment to Point 20 submitted by the Government of Japan to qualify the equality of treatment of temporary and seasonal workers “in principle” failed to be seconded.
- 165.** The Worker members submitted an amendment to add “contract work” to the title and text of Point 20. The Worker Vice-Chairperson noted that agriculture was seasonal by nature which implied a lot of migrant workers who were usually contract workers. The Employer Vice-Chairperson said that he had problems with the inclusion of contract work and urged the Worker members to withdraw it. They did so, on the understanding that the issue would be revisited in the future.
- 166.** The Government members of Argentina and Brazil submitted an amendment to add a new paragraph to Point 20 as follows: “National laws and regulations should prescribe measures for the establishment of consortiums of employers to ensure safety and health protection to temporary workers.” The Government member of Brazil explained that the authors’ countries had been concerned about the large number of informal sector workers active in agriculture and their lack of protection. Employer consortiums had proven their value in providing continuity of protection to mobile workers, and the authors wanted to share this observation with the Committee. He then withdrew the amendment. The Worker Vice-Chairperson welcomed the introduction of the consortium concept and hoped that, with the involvement of trade unions in the two countries, the idea might find formal expression at the next discussion of the proposed instruments.
- 167.** Point 20 was adopted without amendment.

Women workers

New Point after Point 20

- 168.** The Worker members submitted an amendment to add a Point with the title “Women Workers”, which should read “Measures should be taken to ensure that the special needs of women are taken into account, especially in relation to pregnancy, breast-feeding and reproductive health.” The Employer Vice-Chairperson said that the issues raised were in the domain of maternity protection, not safety and health, and opposed the amendment. The Government members of the Committee Member States of the European Union, Brazil, Canada, Malaysia, Norway, all supported it. The Government member of Sri Lanka likewise supported the amendment, but asked that the next discussion of the proposed instruments take account of the outcome of the work of the Committee on Maternity Protection that was meeting for the second time as their Committee. The Government member of Zimbabwe, speaking on behalf of the African Government members, supported the amendment in principle, but felt it raised issues that should be addressed during the second discussion in one year’s time. The Employer Vice-Chairperson submitted a subamendment to shorten the Point to “Measures should be taken to ensure that women agricultural workers are not exposed to risks, especially in relation to pregnancy”, but it was rejected by the Worker members and the Government members of Austria, Bahrain, Belgium, Canada, China, Denmark, Germany, Greece, India, Italy, Korea, Norway, Portugal, Spain, Sri Lanka and Sweden. The Government member of the United Kingdom could not accept the subamendment because it was not in line with European Union legislation and it did not address risks to women of child-bearing age. The Government member of Finland also preferred the original amendment, but hoped that the Point would be formulated in conformity with the conclusions of the Committee on Maternity

Protection before the second reading of the proposed instruments. The Employer Vice-Chairperson withdrew the subamendment and the amendment was adopted.

169. The new Point was adopted without change.

Second new Point after Point 20

170. The Worker members submitted an amendment to add after Point 20 a new Point with the title “Working time arrangements” and the text “Measures should be taken to ensure that working time arrangements of agricultural workers are brought in line with general ILO provisions for other sectors.” The Worker members wished to draw the attention of the Committee and the Conference to the fact that working time arrangements had consequences for the safety and health of agricultural workers. The Employer Vice-Chairperson could not support the amendment, on the grounds that its substance was not related to the question of safety and health. The Government member of Sri Lanka remarked that the issue of working time was covered by other Conventions. However, as it was mainly women and young persons who suffered the adverse effects of poor working time arrangements, the amendment could be acceptable if subamended to that effect. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, expressed support for the point on the basis that occupational exposure limits for toxic substances and physical factors were based on typical work schedules. The Government member of Norway acknowledged that working time arrangements could have important consequences for the safety and health of workers and disagreed with the Employers’ rejection of the subject. However, he would prefer to take up the issue in next year’s discussion, after being able to see how the issue was handled in other ILO instruments. The Government member of the United Kingdom said that the subject of working time arrangements was considered an important one within the European Union, but for lack of instruction from his Government he had to reserve his position. The Government member of Austria expressed support for the amendment. The Worker members reassured the Committee that the amendment was not intended to prescribe nine-to-five working hours for the agricultural sector, but to permit consideration of the subject and facilitate consultations. At this point near the end of a sitting, the Employer members called for an immediate record vote. This led the Worker members to withdraw their amendment in deference to the working hours of the Committee’s interpreters, and to protest the tactics of the Employer members.

Welfare and accommodation facilities

Point 21

171. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), introduced a two-part amendment seeking to replace Point 21 with the following: “National laws and regulations should prescribe: (a) the provision of adequate welfare facilities in agriculture and (b) the minimum standards for accommodation for workers who live temporarily or permanently in the undertaking.”

172. The Government members of the Committee Member States of the European Union wanted agricultural workers to enjoy welfare facilities and accommodation above a minimum standard, but believed that the question of cost should be left to collective bargaining and should not be required in a Convention. The Employer members supported the amendment but submitted a subamendment in three parts, to the following effect: include in the opening lines and after the words “should prescribe” the words “after consultation with the representative organizations of employers and workers concerned”;

replace in part (b) the words “minimum standards for” with the word “appropriate”; and, also in part (b), insert after the words “for workers who” the words “are required by the employer to”. As regards the last part, he said that the employer should not cover the cost of accommodation unless the worker had to stay at the location. The Worker members agreed with the EU Government members’ reasoning on the cost of accommodation, adding that this would probably be reflected in the negotiated wage package. They also agreed with the Employer members on consultation with representative organizations of workers and employers. However, they strongly objected to that part of the subamendment which would base the provision of accommodation on the requirements of the employer, as this could lead to abuses. On the latter point, the Worker members proposed a sub-subamendment which would replace the Employer members’ proposal of “are required by the employer to” with the words “are required by the nature of the work to”, thus leaving the matter to reasonable independent judgement, as opposed to the will of the employer.

- 173.** The Government member of Norway then presented a sub-subamendment which would replace all of part (a) with the words “the provision of adequate welfare facilities for workers in agriculture at no cost to them” – text derived in part from his own amendment. This proposal was supported by the Worker Vice-Chairperson. The Employer Vice-Chairperson stated that he could support this sub-subamendment as well as the Worker members’ sub-subamendment. The amendment was adopted as subamended and sub-subamended.
- 174.** The Chairperson drew the attention of the Committee to the remaining amendments concerning Point 21, saying they were nearly all covered by the contents of the subamended amendment just adopted. Subsequently, out of these remaining amendments, the Worker Vice-Chairperson withdrew his and the Employer Vice-Chairperson withdrew his. The Government members of Canada and Japan submitted amendments to insert the words “at no cost to them”. As these were functionally identical to the amendment of the Government member of Norway, which had been subsumed into the Employer members’ subamendment, they were not discussed further. The Government member of Brazil, however, speaking on behalf of Brazil and Argentina, wished their two amendments, both of which concerned the provision of transport for workers, to be discussed. In his view, transport was a strategic factor in his country’s efforts to reduce agricultural accidents and fatalities. The Worker Vice Chairperson was sympathetic to this view, but the Employer Vice-Chairperson was not, reminding the Committee of the earlier debate of the transport issue under Point 13 and pointing out that the issue here was accommodation; he opposed both amendments. The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union, could not support the first of these two amendments, which she saw as covered by Point 35 of the proposed Recommendation.
- 175.** The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, thought the concern poorly expressed and pointed out that the issue was the transport of persons, not materials, but nevertheless supported the amendment. The Government member of the United States stated that if transport was provided it clearly had to be safe transport, but that he was not convinced the issue was appropriate for a Convention on safety and health, and he could not support the amendment. An indicative vote was taken and showed a majority of governments opposed to the amendment, which was then withdrawn. The Government member of Brazil indicated his intention to raise the issue again as one needing to be taken into account in this context.
- 176.** Point 21 was adopted as amended.

Point 22

- 177.** An amendment submitted by the Employer members sought to transfer the whole of Point 22 and its title to the Recommendation under “IV. Other Provisions”. The Employer Vice-Chairperson explained that his group recognized the importance of insurance against occupational injuries and sickness, but considered it should be placed in the proposed Recommendation. The proposal would be very difficult to implement, as there was great variety of provision across the world, and by no means all countries had compulsory insurance schemes. Though his group believed workers injured on the job were entitled to adequate compensation, they felt the manner in which this was provided should be left to national law and practice. The Worker Vice-Chairperson considered it improper of employers to deny this point had a place in a proposed Convention – some countries had no cover for agricultural workers at all, hence the need for it to be in the proposed Convention not the proposed Recommendation. In any case, if the Employer members had problems with this issue, transferring it to a Recommendation would not make them go away. He therefore proposed a subamendment to include a reference to national law and practice as a way of addressing the inter-country differences in this sphere, as well as a statement that all countries should provide the same level of protection for all workers. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, stated he was against the amendment, as did the Government members of Austria, Denmark, Germany, Greece, Italy, Japan, Spain and the United Kingdom. The Employer Vice-Chairperson stated that their wish for this item to be transferred to the proposed Recommendation did not arise from a problem of substance with insurance; rather he wished to explore the Worker members’ proposal in order to find a way forward. The Worker Vice-Chairperson pointed out that a reference to national laws and practice already existed in paragraph 22(2) and, recognizing that some problems might exist for the Employer members and some governments, he urged the Employer members to withdraw their amendment and to state for the record the problems they encountered in this connection. The work of the Committee and secretariat was only half done, and additional information and analysis could be prepared by the Office on inter-country variations in this field and used in the second discussion. The Employer members reiterated that they had difficulty accepting the term “scheme of compulsory insurance” which they suggested replacing with “appropriate insurance”. Instead of the word “invalidity” they preferred the use of “incapacity” which could be temporary or permanent. The Employers then withdrew their amendment.
- 178.** An amendment submitted by the Government member of Canada fell, having failed to be seconded.
- 179.** An amendment submitted by the Government member of Japan sought to transfer the words “providing protection that is at least equivalent to that enjoyed by workers in other sectors” to the proposed Recommendation. It was withdrawn.
- 180.** An amendment submitted by the Government member of Canada, to transfer paragraph 22(3) to the proposed Recommendation, was withdrawn before secondment was sought.
- 181.** An amendment to paragraph 22(3) submitted by the Government member of Portugal, on behalf of the Government members of the Committee Member States of the European Union, was withdrawn.

182. An amendment to paragraph 22(3) proposed by the Government of Norway fell, having failed to be seconded.

183. An amendment proposed by the Government member of Japan, and intended to transfer the words “and measures should be taken for the progressive extension of coverage to the level provided for in paragraph (1) above” to the proposed Recommendation, was withdrawn. Its authors indicated their intention to resubmit it at the second discussion.

184. Point 22 was adopted as amended.

D. Proposed Conclusions with a view to a Recommendation

185. Point 23 was adopted.

I. General provisions

186. Point 24 was adopted.

Point 25

187. The Employer members submitted an amendment to delete all of Point 25, and immediately subamended it so that, rather than deleting the point, the amendment would insert the words “in accordance with national law and practice and” immediately before the words “in accordance with the ILO Tripartite Declaration ...”. The Worker Vice-Chairperson supported the amendment as subamended, and it was adopted.

188. Point 25 was adopted as amended.

II. Occupational safety and health surveillance

Point 26

189. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (Algeria, Botswana, Cameroon, Chad, Kenya, Lesotho, Namibia, South Africa and Zimbabwe), submitted an amendment to Point 26, to replace the word “policy” by the word “legislation”, to give an introductory clause saying that “the competent authority designated to implement the national legislation referred to in Point 7 should:”. The Worker Vice-Chairperson, supported by the Employer Vice-Chairperson, objected to this amendment, explaining that because Point 7, as amended, used the word “policy” it had to be used in this point. The amendment was consequently withdrawn.

190. An amendment submitted by the Employer members sought to insert the words “after consultation with the representative organizations of employers and workers concerned” after the words “Point 7 should”. The Employer Vice-Chairperson noted that this was no more than a cosmetic change but was needed to ensure that this point was consistent with earlier points. The representative of the Secretary-General suggested that this be taken up by the Drafting Committee. This was agreed.

191. The Employer members submitted an amendment to replace the word “problems” by the word “hazards” in clause 26(a), pointing out that the focus should be on the hazardous aspect of work and not problems generally. The Worker Vice-Chairperson objected to the amendment. His group believed that it was necessary to identify problems before a situation reached the stage of being hazardous and thus wished to retain the word “problems”. The Employer Vice-Chairperson withdrew the amendment.

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- 192.** The Employer members next submitted an amendment which, in the first and second lines of clause 26(b) after the words “hazards in agriculture” would insert the words “, so far as is reasonably practicable,”. Referring to the introductory remarks of the representative of the Secretary-General and a later intervention by the representative, in which “as far as is reasonably practicable” was deprecated in recognition of the “priority prevention principle” (see paragraphs 15 and 72), the Employer Vice-Chairperson asserted that the present context did not mention elimination, minimization and control, and so offered no reason to abandon the traditional formulation. The Worker Vice-Chairperson agreed that the use of this formulation should be reviewed by the Office over the coming year, but he did not agree that the present point should be amended to include it. He referred to the opening statement by the representative of the Secretary-General advising the Committee to avoid prolonged discussion on such wording. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee (Botswana, Côte d’Ivoire, Ethiopia, Kenya, Lesotho, Malawi, Mali, Morocco, Mozambique, Namibia, Nigeria, Seychelles, South Africa, Zambia and Zimbabwe), and the Government members of the United Kingdom and the United States agreed with the Worker members’ position. The Employer Vice-Chairperson withdrew the amendment on the understanding that the principle invoked in the previous case also held in this one.
- 193.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment which would delete, in the second line of sub-clause 26(b)(i), after the word “health”, the words “in agriculture”. She said that if these words were not deleted this text could be seen to limit competent authorities to drawing only upon progress and knowledge specific to the field of agriculture, whereas in fact information from other sectors might also be useful. The Worker and Employer Vice-Chairpersons agreed with this reasoning, and the amendment was adopted.
- 194.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), withdrew an amendment to delete all of sub-clause 26(b)(ii).
- 195.** The Employer members submitted an amendment to delete sub-clause 26(b)(ii), then subamended it to simply modify the text. replacing “general” by “working”, so that it would read “taking into account the need to protect the working environment from the impact of agricultural activities”. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, said that the Office text intentionally went beyond the working environment, because the effects of many agricultural operations, particularly those involving chemicals, could be felt well beyond the farm. He could not support the Employer members’ subamendment. The Employer Vice-Chairperson withdrew the amendment.
- 196.** The Employer members submitted an amendment to delete sub-clause 26(b)(iii), which gave the competent authority a role in combating endemic diseases. The Employer Vice-Chairperson questioned the value of the sub-clause. He said that the word “endemic” created problems. The Worker Vice-Chairperson explained that it would be the responsibility of the competent authority, not of employers, to define endemic diseases and countermeasures. The Employer Vice-Chairperson felt that dealing with endemic diseases was going beyond the mandate of the ILO into the territory of the WHO. He proposed a subamendment to replace the word “endemic” by “agricultural work-related”, so the point would read: “specifying the steps to be taken in order to prevent or control the risk of agricultural work-related diseases for workers in agriculture”. The representative of the

Secretary-General and an expert pointed out that there were many diseases that were not caused by agricultural operations but which could propagate in the agricultural workplace. One example was malaria. If work was carried out in marshy or wet conditions, malaria could be a problem, not because of the work but because of the environment in which the work was carried out. The Employer Vice-Chairperson pointed out that the secretariat had used the same wording as in the subamendment, which should therefore be acceptable. The Worker Vice-Chairperson accepted the explanations from the secretariat and supported the Office text. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, likewise favoured the Office text. Put to a vote at the request of the Employer Vice-Chairperson, the amendment as subamended was rejected by 6,972 votes in favour, 10,500 votes against, with 84 abstentions.

- 197.** The Government member of Brazil submitted an amendment to add a new sub-clause (iv) to clause 26(b) that gave the competent authority a mandate for “specifying that no work assignment in an isolated area should be carried out by a single worker and without an adequate possibility of communication”, to ensure timely care in the event of accident or emergency. The Worker Vice-Chairperson supported this, advancing a subamendment to replace “and” by “and/or”, as there were some cases when workers had to work alone, but could be provided with adequate communication. The Employer members wondered what the amendment meant in practice. Given the far-flung nature of agricultural undertakings in Africa, people frequently worked at a distance from one another, and it would not be economical to employ two people for every job, as the amendment seemed to imply; neither could most farmers afford a mobile telephone. The Employer members proposed to subamend the amendment by inserting the word “hazardous” prior to the word “work” and deleting the word “assignment” after the word “work”. They accepted the subamendment of the Worker members to add “/or” after the word “and”. Thus, the subamended text would read: “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”. Whereas the Government members of Brazil and Zimbabwe, the latter speaking on behalf of the African Government members of the Committee, accepted both amendments, the Worker Vice-Chairperson pointed out that the subamendment of the Employer members had changed the nature of the submission. In isolated places workers might encounter problems even if the work was not hazardous. The original intention was to put the emphasis on the isolated area, where a worker might not be able to call for help in case of danger. The Employer Vice-Chairperson thought that if remoteness itself caused no danger, there was no need to call for assistance. Therefore, he could accept the amendment only if it referred to hazardous work. Understanding that the Employers were ready to protect the workers in case of a hazard, the Worker members accepted the subamendment proposed by them. The Committee adopted the amendment as subamended.
- 198.** The Government member of Brazil introduced an amendment to clause 26(c), to replace the whole text with the following: “establish tripartite committees involving also self-employed farmers, for the planning, implementation and follow-up of occupational safety and health measures in agriculture”.
- 199.** The Employer Vice-Chairperson opposed the amendment on the grounds that consultations between four groups could not be referred to as tripartism, and that it was not spelled out whether the tripartite committees would be established at the enterprise or the national level. Referring to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), he recalled that many countries had already established tripartite committees at the national level. When the Worker members said that they preferred the formula of consultation proposed by the Government member of Japan, wherein the views of the self-employed were made known to employers and workers

through representative organizations, and could not support the amendment, the Government member of Brazil withdrew it.

- 200.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), withdrew the amendment to clause 26(c) that they had submitted to replace the word “guidelines” by the words “information and guidance”.
- 201.** The Employer Vice-Chairperson presented an amendment to clause 26(c) proposing to replace the word “guidelines” by the words “safety and health information”, and to delete the words “and self-employed farmers”. He believed that workers and employers needed information on safety and health more than guidelines. The Worker members explained that the term “guidelines” was broader, because it referred to policy and it explained how to use safety and health information. The Employer members withdrew the amendment.
- 202.** Point 26 was adopted as amended.

Point 27

- 203.** The Vice-Chairperson of the Employers’ group proposed an amendment to Point 27, in which he wished to replace paragraphs (1), (2) and (3) with the following text: “The competent authority should establish a system for occupational safety and health surveillance, taking into consideration the ILO Guidelines on Workers’ Health Surveillance, adopted in 1997.” He said that it was the inclusion of the term “national system”, which caused a problem for the Employer members, stressed the usefulness of the information contained in the ILO Guidelines, and considered that it was unnecessary to list the details in paragraph 27(2). The Worker members could not accept the deletion of the aforementioned paragraphs, on the grounds that it was the role of a Recommendation to fill out the corresponding Convention. The Employer members withdrew the amendment.
- 204.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), withdrew an amendment to replace the words “a national system” by “requirements” and delete the words “which should include both workers’ health surveillance and the surveillance of the working environment” from Paragraph 27(1).
- 205.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to replace “this system” by “these requirements” and to insert the words “inter alia” before the list of factors to be monitored in paragraph 27(2). They subamended the amendment to remove the replacement, in consequence of their withdrawal of the preceding amendment. The second part was retained, to make it clear that the list was not exhaustive. The Worker Vice-Chairperson agreed with the amendment as subamended. The Employer Vice-Chairperson regretted that the first part had been withdrawn and voiced opposition to the second part, which he said would make the list in paragraph 27(2) open-ended. However, the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, said that, for his group, the addition of the words “inter alia” was important because important preventative and control measures might have been inadvertently left out. The Employer Vice-Chairperson withdrew his opposition and the amendment was adopted.

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- 206.** The Worker members withdrew an amendment that had also been intended to make the list of factors in paragraph 27(2) non-exhaustive.
- 207.** The Worker Vice-Chairperson introduced an amendment to the list of factors which, at clause 27(2)(m) would insert the words “and mental” between the words “physical” and “efforts” This would recognize that there were forms of injury other than physical (e.g. stress). The Employer Vice-Chairperson objected, saying that his group already had difficulty with the whole of clause 27(2)(m), as it was unclear how the competent authority, to whom Point 27 was addressed, could in practice monitor or control all these factors. The Government member of Zimbabwe, on the other hand, speaking on behalf of the African Government members of the Committee, felt that psychosocial factors like stress needed to be highlighted, and he supported the amendment. The Worker Vice-Chairperson offered piece-work as an illustration of stressful work. The Employer Vice-Chairperson withdrew his opposition and the amendment was adopted.
- 208.** The Worker Vice-Chairperson introduced an amendment which would add to paragraph 27(2) a new clause (n) with the text “potential risks from new technologies”. He reminded the Committee of its debate and acceptance of similar wording under an earlier point in the Proposed Conclusions. The Employer Vice-Chairperson replied that, precisely because this issue had already been dealt with, it could be left out here. However, as the obligation in Point 27 was on the competent authority, the Employer members would not oppose it. The amendment was adopted.
- 209.** The Government member of Brazil withdrew an amendment to add “electrical installations” to the list in paragraph 27(2).
- 210.** The Worker Vice-Chairperson withdrew an amendment to add “unsafe work practices linked to payment systems” to the list in paragraph 27(2).
- 211.** Point 27 was adopted as amended.

Point 28

- 212.** The Employer members introduced an amendment to delete clauses (a) and (c) of Point 28, which called for the competent authority to “make provisions for the progressive extension of appropriate occupational health services for workers in agriculture” and to “progressively develop procedures for the recording and notification of occupational accidents and diseases concerning self-employed farmers”. They immediately subamended the amendment to remove the deletion of clause (c), but still felt that the extension of occupational health services to agriculture had already been dealt with in earlier points of the Proposed Conclusions. The Worker Vice-Chairperson opposed the amendment as subamended, saying that it was the custom and practice of the ILO to include in Recommendations provisions which had been included in Conventions. Member States, he pointed out, might not be able to ratify a Convention immediately but could apply the Recommendation, so repetition was in fact desirable. The Employer Vice-Chairperson withdrew the amendment.
- 213.** The Government members of Algeria, Botswana, Cameroon, Chad, Kenya, Lesotho, Namibia, South Africa and Zimbabwe withdrew an amendment that they had submitted to replace the word policy by the word “legislation” in clause 28(b).
- 214.** Point 28 was adopted without amendment.

III. Preventive and protective measures

Risk assessment and management

Point 29

- 215.** The Government member of Portugal speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), submitted an amendment to replace the word “programme” by “a set of measures” in the introductory clause of Point 29. As subamended on introduction to maintain the proper word order, the amendment resulted in the initial clause reading “to give effect to Point 10, a set of measures on safety and health at the enterprise level should include:”. With the support of the Worker members and the Employer members the amendment was adopted.
- 216.** The Employer members, as a result of the acceptance of the preceding acceptance, withdrew an amendment that they had submitted to replace “programme” by “initiative”.
- 217.** The Employer members withdrew an amendment to delete the entire clause (a) under Point 29.
- 218.** The Employer members withdrew an amendment to repeat “at the enterprise level” in clause (b) of Point 29.
- 219.** The Government member of Canada withdrew an amendment to insert “define, identify and” before “eliminate the risk” in the elements of an enterprise-level programme enumerated in clause 29(b).
- 220.** The Employer members withdrew an amendment to delete the specification of the means of risk minimization in sub-clause 29(b)(iii).
- 221.** The Worker members submitted an amendment to replace “or” by “and/or” and add the words “and/or training” after the word “practices” in the same clause. With support from the Employer members, the amendment was adopted.
- 222.** The Worker members submitted an amendment to add the words “at no cost to the worker” to the end of sub-clause (iv) of Point 29, which named the provision of protective equipment and clothing as an element of an enterprise-level safety and health programme. The Employer members voiced dissatisfaction with the amendment, but did not oppose it, and it was adopted by the Committee.
- 223.** The Employer members submitted an amendment to delete the entire clause (c) of Point 29, which dealt with emergency response, first aid and access to medical facilities, because it might imply that the smallest farm would be obliged to provide medical facilities. The Worker Vice-Chairman agreed that the provision of medical facilities by every agricultural undertaking was impractical, but felt that it was reasonable to provide transportation to adequate medical facilities in the event of accident or emergency. He proposed a subamendment to say “access to appropriate transportation to medical facilities” instead of “access to appropriate transportation and medical facilities”, but the Employer Vice-Chairman withdrew the amendment with the suggestion that the Office seek a clearer formulation for the clause.

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- 224.** The Employer members withdrew an amendment to delete the entire clause (d) of Point 29, which included “procedures to record and notify accidents and diseases” among the elements of an enterprise-level programme.
- 225.** The Employer members submitted an amendment to delete the entire clause (e) of Point 29, which included environmental protection measures among the elements of an enterprise-level programme. The Employer Vice-Chairperson explained that his group was not against the idea, but that it went beyond the scope of the Proposed Conclusions. The Worker Vice-Chairperson recalled that, earlier in the discussion, all parties had agreed that everyone had shared responsibility for the environment. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, agreed that this principle had already been accepted during the consideration of the points of the Proposed Conclusions with a view to a Convention, and declared that including it in the Proposed Conclusions with a view to a Recommendation helped make it operational. His group could not support the amendment of the Employer members. The Employer Vice-Chairman interpreted the Office text as saying that if, for example, a person trespassed on a farm, the farmer would be responsible for the trespasser’s safety and health, which he felt to be an unacceptably heavy obligation on the farmer. He doubted that manufacturers had obligations to protect trespassers, people in the vicinity of their plants or the general environment, but requested clarification from the Office. An expert on the secretariat stated that it was not the intention of the Office to go beyond the responsibilities of the employer or the mandate of the ILO; the principles of preventing environmental pollution due to working practices and protecting the population around an enterprise were already enshrined in ILO instruments, such as the Chemicals Convention, 1990 (No. 170) and the Prevention of Major Industrial Accidents Convention, 1993 (No. 174). The Employer members withdrew their amendment to delete clause 29(e).
- 226.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), withdrew their three-part amendment to clause 29(e), which sought to make a number of textual changes regarding protection of the environment from risks associated with agricultural activities.
- 227.** The Employer Vice-Chairperson wished to put on record that his group would have wished to subamend their amendment to clause 29(e) to read “as far as reasonably practicable”, and withdrew the amendment to delete clause (f).
- 228.** Point 29 was adopted as amended.

Point 30

- 229.** The Government member of Portugal, speaking on behalf of the Government members of the Committee Members States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom), withdrew their amendment to delete Point 30.
- 230.** Point 30 was adopted without amendment.

New Point after Point 30

- 231.** The Government members of Argentina and Brazil submitted an amendment to insert a new Point after Point 30, with the aim of promoting respect for ergonomic principles. The Employer Vice-Chairperson opposed the amendment on the grounds that it was

insufficiently specific and failed to indicate the party responsible for designing and applying ergonomic principles.

- 232.** The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, supported the amendment addressing this crucial issue, for it was known that the design and use of certain machinery caused safety and health risks. The Government members of Malaysia and Spain supported the amendment. The Government member of the United States supported the principle involved but proposed a subamendment to refine the wording as follows: “Employers should not purchase or require the use of tools, machinery or equipment known to cause musculoskeletal disorders”. The Employer Vice-Chairperson considered the responsibility lay with governments, which should not permit the sale of such machinery and equipment; employers could not be expected to ensure respect for ergonomic principles if the available machinery was not designed to do so. The Worker Vice-Chairperson agreed with the Employer members on this. The Government member of the United Kingdom considered that ergonomic principles should be applied to the more general provisions under Points 12 and 13.
- 233.** The Government member of Sweden supported the amendment, saying that it was important to ensure that ergonomic principles were taken into consideration when machinery was conceived and designed. The Worker Vice-Chairperson considered this was a responsibility for governments and submitted a subamendment to read: “National laws and regulations should stipulate that tools, machinery and equipment which do not meet acceptable standards should not be sold/purchased in the country concerned”. The Employer Vice-Chairperson proposed a subamendment along the same lines, to read: “The competent authority should ensure that ergonomic principles are taken into account in the design and manufacture of machinery, equipment and tools”. This subamendment attracted the support of the Government member of Brazil and of the Worker members and the amendment was adopted as subamended.
- 234.** The new Point was adopted as amended. The Committee requested that the Drafting Committee determine where this new Point should be inserted.

Sound management of chemicals

Point 31

- 235.** The Worker Vice-Chairperson introduced an amendment to clause 31(2)(a), which added the words “at no cost to the worker” at the end. The Employer members indicated their support and the amendment was adopted.
- 236.** An amendment submitted by the Worker members to insert at the end of clause 31(2)(b) the words “including measures to prevent pollution of drinking, washing and irrigation water sources” was intended to ensure clean water. The Employer Vice-Chairperson stated that while his group could accept the reference to prevention of pollution of drinking and washing water, it could not accept extending this to irrigation water. The text was aimed at practices such as the spraying of pesticides. In such cases, employers could ensure that drinking and washing water was protected from exposure but not that irrigation water was so protected. He offered a subamendment which would remove the words “and irrigation”. The Government member of Spain considered the text should be improved to distinguish between irrigation water derived from wells and rainwater. The Government members of Germany, India, and Switzerland and the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, expressed support for the

amendment but not for the subamendment. The Employer Vice-Chairperson did not insist on his proposal and the amendment was adopted.

- 237.** The Employer Vice-Chairperson submitted an amendment to replace clause 31(2)(c) and (d) with the following text: “hazardous chemicals which are no longer required and containers which have been emptied but which may contain residues of hazardous chemicals, should be handled or disposed of in a manner which eliminates or minimizes the risk to safety and health to the environment, in accordance with national law and practice”. He pointed out that this text drew considerably on the language used in the Chemicals Convention, 1990 (No. 170). The Worker Vice-Chairperson felt that, as governments had the responsibility for environmental and recycling issues, their views were very important on this point. The Government member of the United Kingdom pointed out that, to be consistent with the text of Article 14 of the Chemicals Convention, the amendment should be subamended so as to insert the word “and” after the word “health” in the last line. The Worker Vice-Chairperson and the Employer Vice-Chairperson both agreed and the amendment was adopted as subamended. It was included as the new (c) of Point 31, thereby deleting (d).
- 238.** An amendment submitted by the Government members of the Committee Member States of the European Union to clause 31(2)(d) was not discussed because of the acceptance of the amendment just described.
- 239.** The Worker Vice-Chairperson introduced an amendment which would add a new clause at the end of paragraph 31(2), to read: “keeping a register of pesticide use”. He considered this amounted to good management practice and was not controversial. The Employer Vice-Chairperson opposed the amendment, arguing that keeping such a register would impose an unnecessary burden on small farms. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, supported the amendment, noting that the text was similar to that found in the Chemicals Convention 1990 (No. 170). The Government member of Germany also supported the amendment. The Government member of the United Kingdom proposed a subamendment to change “keeping a register of pesticides” to “keeping a register of the application of agricultural pesticides”, a proposal which received the support of the Worker members. The Employer Vice-Chairperson indicated that his group would prefer the competent authority to keep such a register, as they would then know which farm used which pesticide. He stated that this proposal would pose problems for small farms in particular, where pesticides were bought in small quantities. The amendment was adopted as subamended.
- 240.** Point 31 was adopted as amended.

Agricultural facilities

Point 32

- 241.** The Employer Vice-Chairperson submitted an amendment to delete the whole of Point 32, which he felt was unclear. He could understand the application of technical standards to buildings but not to fences and rails, which he considered would be to go beyond the scope of the proposed Recommendation. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, pointed out that developing countries also had standards to this effect and that these technical standards should apply to specific conditions (confined spaces) which had specific hazards; his group did not support the amendment. The Employer members proposed a subamendment to delete the words “rails and fences”. The Government member of the United Kingdom pointed out that

minimum standards did exist for railings and fences, especially where livestock was concerned. The amendment was withdrawn.

242. An identical amendment, to delete the application of technical standards to buildings, was withdrawn by the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom).

243. Point 32 was adopted.

Animal handling

Point 33

244. A two-part amendment was submitted by the Employer members to clause 33(a), to the following effect: in the first line, replace the words “at regular intervals” by the words “in accordance with veterinary standards and national law and practice”; and in the first line, delete the word “all”. The Employer Vice-Chairperson stated that the testing of animals did not have to be done at regular intervals; random testing or testing when there was an epidemic could sometimes suffice. Such situations should be governed by national conditions and practice. The Government members of Belgium, China, France, Italy, Norway and Spain supported the first part of the amendment, which was adopted. The Employer Vice-Chairperson suggested the second part of the amendment should be referred to the Drafting Committee.

245. An amendment was proposed by the Employer members to add a new clause under Point 33 stating “an obligation to workers to notify employers if they have any physical or medical condition that would render them susceptible to personal injury or disease when handling animals”. The Employer Vice-Chairperson explained that some workers had allergies to certain agents which, he argued, should be notified to the employer who would then assume liability in case of exposure. The Worker Vice-Chairperson objected to the amendment and asked why this pre-work health assessment should be imposed on agricultural workers and not on others.

246. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, did not support the amendment as its inclusion was likely to lead to abuse. The Government member of Brazil also opposed the amendment, as did the Government member of Spain, who considered it violated workers’ fundamental right to privacy. The amendment was withdrawn.

247. An amendment submitted by the Government members of Brazil and Argentina to add a new clause after clause 33(d), stating “the control of rodents and vectors for the prevention of zoonosis”, was withdrawn.

248. An amendment submitted by the Government members of Brazil and Argentina to add a new clause to Point 33, stating “instructions on safe working procedures to avoid accidents with animals”, was withdrawn.

249. Point 33 was adopted as amended.

IV. Other provisions

Self-employed farmers

New Point before 34

- 250.** The Government member of Canada proposed an amendment to include a new Point before Point 34, with the following wording: “National laws and regulations 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 independent farmers, seasonal workers and young workers.”
- 251.** She referred to the earlier discussion of this amendment, during which it had been agreed that this amendment should be transferred for consideration in the text of the proposed Recommendation. She repeated the reasons for submitting this amendment (see paragraph 81 of this report). The Employer members proposed a subamendment to replace the word “independent” before “farmers” with the word “self-employed”, that being the usual term. The proposal was supported by the Government member of the United States and by the Worker members. The Government member of Norway made the point that the promotion of safety and health could only be done through national policy, not through national laws and regulations, and proposed a subamendment to replace the words “National laws and regulations” by “National policy”. The amendment was adopted as subamended.
- 252.** The new Point was adopted for inclusion before Point 34 under “IV. Other provisions”.

Point 34

- 253.** A two-part amendment to clause 34(2)(a) was proposed by the Government member of Portugal, speaking on behalf of the Government members of the Committee Member States of the European Union (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom). The first part would insert the words “including the risk of musculoskeletal disorders” after the words “hazards”. The second part would insert the words “the design of safe work systems” after the word “agents”. The Worker members supported the first part of the amendment, but the Employer members did not. The Worker Vice-Chairperson stated he would have preferred an indicative list, but proposed to subamend the amendment, adding at the end of the introductory sentence the words “inter alia”, so that it would read: “These measures should include guidelines, appropriate advice and training to self-employed farmers to ensure, inter alia:”. The Government members of Portugal and Zimbabwe, the latter speaking on behalf of the African Government members of the Committee, indicated support for this subamendment. The first part of the amendment was adopted as subamended.
- 254.** The Employer Vice-Chairperson stated that his group would have preferred a form of words different from that proposed, but did not oppose the amendment since it related to the responsibility of governments. The second part of the amendment was adopted.
- 255.** An amendment to paragraphs 34(1) and (2) was submitted by the Worker members, to include the words “and workers” after the word “farmers” in the title and two parts of Point 34. The Employer members objected that the entire point was devoted to self-employed farmers, even listing situations specific to them. The Worker members explained that protection should also be extended to workers who went from farm to farm in search

of employment. On the insistence of the Employer members that self-employed farmers could not be equated with workers, the Worker members withdrew their amendment.

256. Point 34 was adopted as amended.

Welfare and accommodation facilities

Point 35

257. An amendment to the introductory line of Point 35 submitted by the Employer members to insert after the words “as appropriate” the words “and in accordance with national law and practice” was adopted.

258. An amendment to clause 35(a) proposed by the Worker members, to insert the word “safe” after the word “of”, was adopted.

259. An amendment to clause 35(a) proposed by the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, to replace the word “drinking” by the word “potable”, was withdrawn.

260. The Worker members submitted an amendment to clause 35(b) to insert the words “and washing” after the word “storage”, to insert the word “personal” after the word “of” and to add, after the word “clothing”, the words “and equipment at no cost to the worker”, to read: “facilities for the storage and washing of personal protective clothing and equipment at no cost to the worker;”. The Employer members considered the Office text was sufficient and found the amendment difficult to understand. The Worker members explained that the inclusion of the word “washing” aimed at ensuring that the workers would have at their disposal facilities for washing their clothes. Although they believed that protective clothes should be personal, the Worker members indicated their readiness to delete from their amendment the words “personal” and “and equipment”, as the proposed Recommendation had already included provision for “personal” and “at no cost to the worker”. The Committee adopted the amendment as subamended, which read: “facilities for the storage and washing of protective clothing, at no cost to the worker”.

261. An amendment to clause 35(c) was submitted by the Worker members to insert after the word “eating” the word “warm”, and after the word “meals” the words “including for those working in the fields”. The Employer members commented that more often than not there were no facilities in the fields to cook warm meals and workers had to take cold food to eat. The Worker members explained that they had in mind people who were working in a remote area for a certain period. When the Employer members indicated their intention to call for a vote on this amendment, the Worker members withdrew the amendment.

262. The Worker members submitted an amendment to Point 25(d), adding after the word “workers” the words “including for those working in the fields”, to read: “separate sanitary and washing facilities for men and women workers, including for those working in the fields;”. The Worker members stated that they felt strongly about the inclusion of this amendment. The Employer members explained that such provision was often impossible in towns and therefore even more often impossible in the fields; they asked the Worker members not to insist on the point. The Worker members explained they had in mind mobile chemical toilets, and pointed out that the Committee was formulating a Recommendation which would remain valid for a long time – something that seemed impossible now could become possible in future. The Employer members maintained their opposition to the amendment, pointing out that the words “as appropriate” covered the concerns of the Workers’ group. The Worker members replied that toilets were a necessity

and that employers should be able to afford the construction of simple toilets. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, stated that the question was important from the point of view of disease control. When building a factory, the employer was obliged to provide sanitary facilities and this should also be the case in agriculture; the important point was to make progress. Put to a vote at the request of the Employer Vice-Chairperson, the amendment was accepted by 9,156 votes in favour, 8,064 votes against, with 504 abstentions.

- 263.** An amendment proposed by the Government member of Zimbabwe, on behalf of the African Government members of the Committee, to insert the word “or” after the word “and”, in clause 35(e), was withdrawn.
- 264.** The Employer Vice-Chairperson introduced an amendment calling for the deletion of clause 35(f). He considered that the existing text, which called upon employers to provide transport to and from the workplace, was unfair as it required agricultural employers to do something not required of employers in other sectors. The Employer members did not object to a requirement on employers to provide transport from one workplace to another, but not from home to work and back. In a spirit of compromise, the Worker members stated that they would accept – if the Employer members would – the text of an amendment to clause 35(f) submitted by the Government members of the Committee Member States of the European Union. That amendment, which had not yet been formally introduced, called for clause 35(f) to be replaced by the words “work-related transportation”. The Employer members agreed to this proposal and withdrew their amendment. The amendment of the Government members of the Committee Member States of the European Union was adopted without discussion.
- 265.** An amendment to clause 35(f) proposed by the Worker members to insert the word “safe” before the word “transportation” was withdrawn, on the basis that elsewhere in the instrument the Employer members had accepted that transport was assumed to mean safe transport.
- 266.** An amendment proposed by the Government members of Brazil and Argentina, to add at the end of clause 35(f) the words “in vehicles intended exclusively for the safe transport of passengers”, was withdrawn.
- 267.** A two-part amendment was submitted by the Worker Vice-Chairperson to add two new clauses to Point 35, according to the following text: “1. emergency medical facilities; 2. crèche or child-care facilities as appropriate, and to recognized standards, to prevent children from being taken into the fields and exposed to hazards”. He immediately withdrew the first part, as the issue had been covered in an earlier discussion. As for the second part, his group felt this to be a fair and reasonable proposal. The Employer Vice-Chairperson requested, and was granted, a short break to discuss this matter with his group. He then stated that, in view of the fact that most governments and even the International Labour Office did not provide crèche and child-care facilities for their employees, the Employer members failed to see why agricultural employers should be expected to provide such facilities. The Employer members opposed the amendment and called for a vote. The Worker Vice-Chairperson spoke of the desirability of crèches and child-care facilities, but recognized that in many countries such provision did not exist. He withdrew the amendment.
- 268.** Point 35 was adopted as amended.

269. The Employer Vice-Chairperson stated his wish that the record vote taken at the beginning of the Committee's work be recorded in detail.³

Consideration and adoption of the report, Proposed Conclusions and a resolution

270. At its 16th sitting, the Committee adopted its report, subject to changes requested by several members, as well as the Proposed Conclusions as presented at the end of the report. The Committee also adopted a resolution to place on the agenda of the next ordinary session of the International Labour Conference an item entitled "Safety and health in agriculture" for a second discussion regarding the proposed adoption of a Convention and a Recommendation.
271. Changes requested by the Employer members, the Worker members and the Government members of Côte d'Ivoire, Japan, Portugal and the United Kingdom were noted and incorporated in the report. The representative of the Legal Adviser acknowledged problems with the style of one paragraph in the French version of the original Proposed Conclusions; certain expressions could be better harmonized, but the demands of parallelism between English and French were difficult to resolve.
272. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, wished to put on record their feeling that the inclusion of the results of the record vote as an annex was unnecessary, as the final outcome of the Committee's work should stand on its own.
273. The report of the Committee, the Proposed Conclusions and the resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Safety and health in agriculture" are submitted for consideration.

Geneva, 15 June 2000.

(Signed) A.A. George,
Chairperson.

A.B. Che'Man,
Reporter.

³ See Annex.

Annex

Summary details of the Record Vote concerning amendment D.14 proposed by the Employer members to Point 2

Government members: For: 330 (China); **Against: 20,790** (Argentina, Austria, Bahrain, Belgium, Botswana, Brazil, Burkina Faso, Canada, Côte d'Ivoire, Cuba, Czech Republic, Denmark, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Kuwait, Lebanon, Lesotho, Luxembourg, Malawi, Malaysia, Mali, Mexico, Morocco, Mozambique, Namibia, Netherlands, Nigeria, Norway, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Saudi Arabia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Turkey, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Venezuela, Zambia and Zimbabwe); **Abstentions: 0.** **Employer members: For: 26,070; Against: 0; Abstentions: 0,** **Worker members: For: 0; Against: 25,596; Abstentions: 474.**

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