



B. Proposed Recommendation concerning safety and health in agriculture

Preamble

517. The Preamble was adopted.

I. GENERAL PROVISIONS

518. Paragraph 1 was adopted.

Paragraph 2

519. The Government member of Uruguay, speaking also on behalf of the Government members of Argentina, Brazil and Paraguay, submitted an amendment to add, after the words “workers in agriculture” in the second line, the words “and forestry”. In his view, this added greater flexibility to the meaning of the Paragraph.

520. The Government member of Finland opposed the amendment, as Recommendations provided guidelines on the application of Conventions; hence the proposed Recommendation should not go beyond the scope of the proposed Convention. The Committee had agreed on the Convention’s scope, and it did not include industrial forestry. To ensure consistency, he submitted a subamendment adding the words “agricultural workers engaged in forestry activities” instead of the word “forestry” proposed in the amendment.

521. The Government member of the United States opposed both the amendment and the subamendment.

522. The Employer Vice-Chairperson supported the Government member of Finland. He stated his opposition to the amendment, but was prepared to accept either the Office text or the subamendment.

523. The Worker Vice-Chairperson disagreed that the proposed amendment widened the scope of the Convention, but in view of several delegates’ opinion to the contrary, he invited the proposers to explain their intention further.

524. The Chairperson stated he had received legal advice that the scope of the proposed Recommendation was the same as that of the proposed Convention if not otherwise specified. The Employer Vice-Chairperson considered that the amendment went exactly against that understanding, which was why he opposed it.

525. The Government member of Uruguay, speaking also on behalf of the Government members of Argentina, Brazil and Paraguay, accepted that there was no support for the

amendment and so stated their support for the subamendment of the Government member of Finland.

526. The Chairperson stated that as the Recommendation was a supplement to the Convention, there was really no need for either the amendment or the subamendment.

527. The Government member of Finland withdrew his subamendment.

528. Having heard the statement by the Chairperson regarding the ambit of the Convention, the Government member of Uruguay, speaking also on behalf of the Government members of Argentina, Brazil and Paraguay, withdrew the amendment.

529. Paragraph 2 was adopted.

II. OCCUPATIONAL SAFETY AND HEALTH SURVEILLANCE

Paragraph 3

530. The Employer Vice-Chairperson submitted an amendment to delete sub-clause 3(1)(b)(ii). The Employer members had consistently argued that the proposed instruments should not address issues outside the employment relationship, and so they opposed the inclusion of environmental issues, which were properly the concern of institutions, such as the United Nations Environment Programme (UNEP).

531. The Worker Vice-Chairperson recalled that Articles 4 and 12 of the draft Convention did address the environment, and that the Recommendation was intended to serve as a guideline to understanding the Convention. He opposed the amendment.

532. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, drew attention to the fact that all citizens, including agricultural workers, were responsible for the environment. He wished to retain the Office text. The Government member of Brazil (speaking also on behalf of the Government members of Argentina, Chile and Uruguay), the Government member of Lebanon and the Government member of Sweden (speaking on behalf of 14 Government members of the Committee Member States of the European Union) all preferred the Office text as well.

533. In the light of these responses, the Employer Vice-Chairperson withdrew the amendment.

534. He then presented another amendment to the same sub-clause, proposing to replace the word “general” with the word “working”. It was the responsibility of both employers and workers to take care of the working environment.

535. The Worker Vice-Chairperson insisted on retaining a reference to the “general environment” and so opposed the amendment.

536. The Government member of Sweden, speaking on behalf of 14 Government members of the Committee Member States of the European Union, as well as the Government member of Israel supported the amendment.

537. The Employer Vice-Chairperson pointed out that Article 4 of the proposed Convention also referred to the “working environment” and considered that the proposed instruments should be consistent.

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- 538.** The Government member of Hungary warned that deleting the word “general” here would eliminate all reference to the general environment. The Office text here was simply pointing out the need to respect the general environment when developing legislation in safety and health in agriculture. He preferred the Office text. The Government members of Barbados, Brazil (speaking also on behalf of Argentina, Chile and Uruguay), Lebanon (speaking also on behalf of the Syrian Arab Republic) and Zimbabwe (speaking on behalf of the African Government members of the Committee), also expressed their preference for the Office text.
- 539.** The Employer Vice-Chairperson withdrew the amendment.
- 540.** The Government member of Uruguay, speaking also on behalf of the Government members of Argentina, Brazil and Paraguay, withdrew an amendment submitted by the Government members of Argentina and Brazil to add “and forestry” after “agricultural” in the second line.
- 541.** The Employer Vice-Chairperson introduced an amendment to sub-clause 3(1)(b)(iii), to replace the word “endemic” by the word “work-related”. In his view, endemic diseases fell outside the scope of the proposed instrument.
- 542.** The Worker Vice-Chairperson asked the Employer members to explain their amendment further, bearing in mind that the words “where appropriate” already featured in the Office text. In his view, the proposed Recommendation should seek to cover the effects on safety and health in agriculture of certain endemic diseases (such as dengue fever, leptospirosis and diseases carried by the tsetse fly) which occurred in certain countries and areas.
- 543.** The Employer Vice-Chairperson explained that the intention was not to exclude the development of policies on work-related endemic diseases, and he proposed to subamend the amendment to retain the word “endemic” and add after it the word “work-related”, so that it would read “endemic work-related”.
- 544.** The Government member of Argentina proposed a further subamendment whereby the text would read “endemic and work-related”.
- 545.** The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, was prepared to accept the amendment only as subamended by the Employer members. The Government members of Norway and Sweden (the latter speaking on behalf of 14 Government members of the Committee Member States of the European Union) expressed the same view.
- 546.** The Worker Vice-Chairperson pointed out that if the amendment subamended by the Employer members were adopted, that rendered the inclusion of “where appropriate” unnecessary. He proposed a further subamendment to delete the words “, where appropriate,”, a proposal which the Employer members accepted.
- 547.** The amendment, as subamended by the Employer members and Worker members, was adopted.
- 548.** The Government member of Sweden, speaking on behalf of the 14 Government members of the Committee Member States of the European Union, submitted an amendment to delete the word “or” after the words “confined area” in the second line of sub-clause 3(1)(b)(iv). The Employer members supported the amendment on the grounds that it brought greater clarity, and proposed a subamendment replacing the word “or” by “;”. The Worker members accepted both amendment and subamendment and the

Government member of Sweden, on behalf of 14 Government members of the Committee Member States of the European Union, agreed with the Employer members' subamendment.

- 549.** The amendment was adopted as subamended.
- 550.** The Employer members submitted a second amendment to sub-clause 3(1)(b)(iv), inserting the words “means of” after the words “communication and”, to give the sub-clause: “specifying that no single worker should carry out hazardous work in an isolated or confined area, without an adequate possibility of communication and means of assistance.”. The Employer Vice-Chairperson presented the amendments as being more matters of drafting than of substance, but the Worker Vice-Chairperson replied that there was a great difference between an isolated worker having the possibility of assistance and merely having the possibility of means of assistance, and asked the Employer members to withdraw their amendment.
- 551.** The Employer Vice-Chairperson asserted that “possibility” was intended to refer only to “communication” in the amended text. The amendment was adopted.
- 552.** The Worker members submitted an amendment to add a clause stating that one of the responsibilities of the competent authorities was to “prepare guidelines for employers and workers”. In introducing the amendment, the Worker Vice-Chairperson observed that this was a provision that had been in the earlier text of the proposed Recommendation as subparagraph 3(c) and that its omission was a simple oversight. The Employer Vice-Chairperson had no objection to the amendment, but invited comment from Government members.
- 553.** The Government member of Switzerland asked what sort of guidelines were envisioned. The Worker Vice-Chairperson replied that the overall context was safety and health surveillance. Guidelines would serve to resolve possible differences in approach between representatives of government, employers and workers in a given country. The Government member of Switzerland accepted that answer, and after expressions of support from the Government members of Canada and the United States the amendment was adopted. The Government member of France was assured that the Drafting Committee would ensure consistency between the French and English versions of the clause.
- 554.** The Employer members submitted an amendment to replace the word “enterprise” in clause 3(2)(b) by “undertaking”, for the sake of consistency with practice elsewhere in the proposed instruments. This was accepted by the Worker and Government members, and the amendment was adopted.
- 555.** The Government member of Canada submitted an amendment to add a new clause enjoining the competent authority to “promote safety and health in agriculture by means of educational programmes and material intended to meet the needs of agricultural workers.”. The proposal was based on Canada’s experience of the benefits of a proactive education programme that included primary and secondary schools. She recalled that on its first reading the present Paragraph had contained a clause on education, which had met with wide approval.
- 556.** The Government member of Switzerland supported the amendment, saying that such programmes were an excellent way to motivate people to behave safely. Furthermore, it was the case in Switzerland that employers were great consumers of promotional and pedagogical material, so he wished to subamend the text to insert “and employers” after “agricultural workers”.

557. The amendment as subamended received expressions of support from the Employer and Worker members as well as from the Government members of Australia, India and Uruguay (speaking also for Argentina, Brazil, Chile and Paraguay), and so was adopted unanimously.

558. Paragraph 3 was adopted as amended.

Subparagraph 4(1)

559. Subparagraph 4(1) was adopted unchanged.

Subparagraph 4(2)

560. The Government members of Burkina Faso and Côte d'Ivoire submitted an amendment to replace the word "necessary" by the word "appropriate" in clause 4(2)(a), on the basis that the word in the French text corresponding to "necessary", "*requis*", did not seem to fit the purpose of the clause as well as "*adéquate*", which should be rendered in English as "appropriate". The Government member of Côte d'Ivoire said that if the English-speaking members of the Committee felt strongly about "necessary", then it would be better to render it as "obligatoire" in the French text of the clause.

561. The Worker Vice-Chairperson expressed the opinion that "the necessary risk assessment" meant the risk assessment mandated by Article 7 of the proposed Convention. The Chairperson acknowledged that a discrepancy existed between the English and French versions, and the issue was referred to the Drafting Committee for resolution.

562. The Worker members submitted an amendment to add the word "stress" to the list of factors that could be the object of risk assessment and preventive and control measures in clause 4(2)(m). The Employer Vice-Chairperson observed that the expression "inter alia" had been introduced in subparagraph 4(2) before the enumeration of factors in clauses 4(2)(a)-4(2)(n) to show that the list was considered to be only indicative and not exhaustive. He objected to the addition of more items as being unnecessary, and included in his objection five other amendments awaiting consideration.

563. The Government member of Denmark agreed that the "inter alia" formulation had been chosen to avoid an excessively long list, but felt that the inclusion of stress would add another dimension to the examples, and so supported the amendment. The Government member of the United Kingdom expressed sympathy for the positions of both the Employer Vice-Chairperson and the Government member of Denmark; he offered a subamendment to insert "work-related" before "stress" in the proposed amendment to clause 4(2)(m). The Employer Vice-Chairperson asked if "work-induced" would not be more precise. The Government member of the United Kingdom replied that "work-related" was more commonly used. On the understanding that the qualification of "stress" would be determined by the Drafting Committee, the amendment as subamended was adopted.

564. The Chairperson next invited the Committee to consider five amendments that would add new clauses to subparagraph 4(2). In light of the foregoing discussion of the purpose of "inter alia", it was decided that the amendments would be withdrawn, but that they would appear in the record of the meeting to document the concerns of their submitters. The Government member of Canada wished to see work in confined spaces mentioned. One of two amendments submitted by the Government members of Argentina and Brazil named risks of explosion in storage areas, in particular in silos, while the other focused on electric installations. The Worker members had also submitted two amendments, one of which read "commuting workers to and from work", the other "levels of productivity and

piece-rate or task-rate wage systems”. The Government member of Finland asked if this last did not fall outside the scope of “inter alia”, since the regulation of remuneration systems was a different thing than safety and health surveillance. The Worker Vice-Chairperson agreed that the regulation of piece-work and similar systems was a different issue, but that here such systems were considered as stress factors, and thus a safety-and-health matter. The five amendments were thus withdrawn.

565. Subparagraph 4(2) was adopted as amended.

Subparagraph 4(3)

566. The Employer members submitted an amendment to replace the word “special” with the word “appropriate” in subparagraph 4(3), which initially read “Special health surveillance measures for young workers, pregnant and nursing women and aged workers should be taken, where appropriate.”, because the implications of “special” were not clear. The Worker Vice-Chairperson suggested that the word meant simply “specific”. The Government member of the United Kingdom offered a subamendment to delete “special” since the words “where appropriate” were already present at the end of the Paragraph. This met with general agreement and the amendment was adopted. The Government member of Chile was assured that the Drafting Committee would review the use of the word “lactantes” in the Spanish version of the amendment.

567. Subparagraph 4(3) was adopted as amended.

568. Paragraph 4 was adopted as amended.

Paragraph 5

569. The Government member of the United States submitted an amendment to insert the words “taking into account the size of the workplace,” into the introductory sentence of the Paragraph on risk assessment and management, to provide parallelism with Article 7 of the proposed Convention, but withdrew it as unnecessary.

570. The Government member of Sweden, 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 in three parts: (1) to replace the word “measures” in the first line of Paragraph 5 by “arrangements and procedures”; (2) to replace the word “measures” by the word “arrangements” elsewhere in the Paragraph; and (3) to delete the word “surrounding” that qualified the expression “general environment” in clause 5(e).

571. The Worker Vice-Chairperson observed that “measures” had been kept in Article 7 of the proposed Convention for legal reasons, but that here one was free to use an expression such as “arrangements and procedures”. He endorsed that part of the amendment, as well as the third part. The Employer Vice-Chairperson could also accept the third part of the amendment, but not the first two. He particularly wanted to know why the Government members of the Committee Member States of the European Union were proposing to change wording that they themselves had proposed on the first reading of the proposed Recommendation.

572. The Government member of the United Kingdom replied that the submitters of the amendment were benefiting from a year’s reflection. In particular, “arrangements and

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- procedures” seemed more precise than “measures” for those who had a duty to implement the provisions of the proposed instruments.
- 573.** The Employer Vice-Chairperson maintained his opposition, and the Government member of Sweden withdrew parts 1 and 2 of the amendment, deferring further discussion of part 3 until related amendments could be discussed.
- 574.** An amendment of the Employer members to replace “enterprise” by “undertaking” in the introductory sentence of Paragraph 5 was adopted without discussion.
- 575.** As no amendments had been submitted for clause 5(a) or for sub-clauses 5(b)(i)-(iii), the Office text was accordingly adopted.
- 576.** The Government member of Sweden, speaking for the aforementioned Government members of the Committee Member States of the European Union, submitted an amendment to delete the words “in so far as the risk remains,” in sub-clause 5(b)(iv). In the context of the whole Paragraph, the unamended text read “5. To give effect to Article 7 of the Convention, a set of measures on safety and health at the undertaking level should include ... (b) risk assessment and management measures in the following order of priority: (i) ... (iv) in so far as the risk remains, provision and use of personal protective equipment and clothing, at no cost to the worker.”. The words were felt to be unnecessary because of the explicit statement of priority: it was clear from the context that the fourth on the list – the “provision and use of personal protective equipment” – would only apply if the first three had been less than completely successful.
- 577.** The Employer Vice-Chairperson thought that the existing wording should be retained. Without it, the clause appeared to be meaningless. For employers, an explicit reference to the words in question drew attention to the fact that the personal protective measures referred to were a last line of defence which were applicable only where a risk remained.
- 578.** The Worker Vice-Chairperson associated himself with the explanation given by the Government member of Sweden and agreed that the words “in so far as the risk remains” served no particular purpose.
- 579.** The Chairperson suggested that there was little difference in substance between the conflicting interpretations of the clause. The wording of the Office text had in fact been chosen because the identical qualification had been included in the Safety and Health in Mines Convention, 1995 (No. 176).
- 580.** The Worker Vice-Chairperson said that he did not believe the substantive difference was significant and the Worker members were prepared to dispense with the amendment.
- 581.** The Government member of Sweden withdrew the amendment.
- 582.** Clause 5(b) was adopted without amendment.
- 583.** Clauses 5(c) and 5(d) were adopted without amendment.
- 584.** The Government member of Brazil, speaking also on behalf of the Government member of Argentina, withdrew an amendment to replace the words “an agricultural site” by the words “agricultural and forestry sites” in clause 5(e).
- 585.** The Employer Vice-Chairperson, introducing an amendment to replace the word “site” with the word “undertaking” in clause 5(e), suggested that the change was consistent with

the use of the term “undertaking” in other parts of the Recommendation but could reasonably be left to the Drafting Committee. The Worker Vice-Chairperson did not agree that it was purely a drafting matter. An undertaking might cover a number of different sites and the two terms were not synonymous. The wording of the Office text should therefore remain unchanged.

586. The Employer Vice-Chairperson noted the comments and withdrew the amendment.

587. Clause 5(e) was adopted as amended (see paragraph 570) and clause 5(f) was adopted without amendment.

588. Paragraph 5 was adopted as amended.

New Paragraph after Paragraph 5

589. The Worker-Vice Chairperson submitted an amendment to add a new Paragraph after Paragraph 5, as follows:

Workers’ representatives in small undertakings

To give effect to Article 8 of the Convention, the competent authority should develop schemes to ensure that workers’ safety and health representatives can function in small undertakings.

He then proposed two subamendments: to add “safety and health” in the title after “Workers” and to add the phrase “and after consultation with the most representative organizations of employers and workers” immediately before the words “the competent authority”. In submitting the amendment, the Worker members were being true to a commitment to return to the question that had been discussed previously in the context of the Convention, and he hoped that the Employer members would respond in kind by agreeing to the amendment.

590. The Employer Vice-Chairperson said that unfortunately the Employer members still had the same problems with the provision as they had when it had been discussed in the context of the Convention. The crucial difficulty for them was that the amendment appeared to allow workers’ representatives to visit a given undertaking even if they were not actually employed there. It thereby introduced the possibility that aggrieved parties might have an active role in assessing alleged contraventions, instead of leaving that function to independent public officials such as labour inspectors. Employers greatly valued the impartiality and independence of labour inspectors. It was appropriate to recall the Worker Vice-Chairperson’s own words to the effect that the time for such an arrangement had not yet come, even if it might come one day. The issue went to the very heart of the fundamental difference in interests between employers and workers, who needed the good offices of an impartial third party to reconcile those interests.

591. The Government member of Israel wondered how the term “small undertakings” was defined. The Worker Vice-Chairperson said that in his understanding, that was left entirely to the competent authority in the country concerned, although in the context of his own country, Barbados, the term could apply to an undertaking employing five people or less.

592. The Government member of the United States opposed the amendment. It went beyond helping workers in small undertakings and introduced new restrictions over and above those set out in Article 8 of the Convention. It appeared to impose a collective bargaining arrangement on employers, even where no suitable framework for such an arrangement existed.

593. The Government member of Switzerland said that, although he had some sympathy for the reasoning behind the amendment, he opposed it on the grounds that it made no provision for any involvement by employers' representatives.

594. The Worker Vice Chairperson said that he had hoped that the Government and Employer members might have considered such an amendment in the interests of the future. In the interests of speeding up the discussions, the Worker members were prepared to withdraw the amendment, but hoped very much that the Employer Vice-Chairperson would be willing to reconsider the matter in the review of safety and health standard setting that should take place in 2003.

595. The amendment was withdrawn.

Paragraph 6

596. An amendment to delete Paragraph 6 was withdrawn by the Government member of the United States.

597. An amendment submitted by the Government members of Austria, Belgium, Denmark, Finland, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom, to replace "measures" in the first line by "arrangements and procedures at the enterprise level" was withdrawn by the Government member of Sweden, speaking on their behalf.

598. The Employer Vice-Chairperson introduced an amendment proposing to change the term "importing countries" to "user countries". He said that the amendment would bring the Paragraph into line with Article 9.2 of the proposed Convention. The main concern of the Employer members was to take care of situations where chemicals were manufactured domestically in a country.

599. The Worker Vice-Chairperson and the Government member of Zimbabwe (speaking on behalf of the African Government members of the Committee) supported the amendment.

600. The amendment was adopted.

601. Paragraph 6 was adopted as amended.

Sound management of chemicals

Paragraph 7

602. An amendment to insert "hazardous" before "chemicals" in the title was withdrawn by the Employer members.

603. An amendment submitted by the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom, to replace "measures" by "arrangements and procedures" in subparagraph 7(2) was withdrawn by the Government member of Sweden on their behalf.

604. An amendment submitted by the Government members of Côte d'Ivoire and Burkina Faso concerned the concordance of the French and English versions of clause 7(2)(a), and was referred to the Drafting Committee.

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- 605.** The Worker Vice-Chairperson introduced an amendment adding “, at no cost to the worker” after the word “equipment” at the end of clause 7(2)(a). He said that it had to be made clear that the workers were not to be charged for the cost of protective equipment.
- 606.** The Employer Vice-Chairperson considered the “no cost to the worker” stipulation should apply only to protective equipment, not to clothing or the other items. He requested clarification from the Worker members on whether the amendment concerned all the items listed.
- 607.** The Worker Vice-Chairperson replied that the amendment was intended to refer to personal protective equipment, clothing and washing facilities.
- 608.** The Employer members agreed to support the amendment.
- 609.** The amendment was adopted.
- 610.** The Government member of Brazil, speaking also on behalf of the Government member of Argentina, submitted their amendment to include the words “re-entry periods and” after “including” in clause 7(2)(b), reasoning that such periods were required after the use of chemicals.
- 611.** The Employer Vice-Chairperson did not consider this amendment necessary. He said that provisions already mentioned in the Paragraph took account of appropriate chemical safety measures in all relevant situations, including during the re-entry period. The Worker Vice-Chairperson also thought the amendment redundant, as the term “spraying precautions” in the body of the clause covered re-entry periods.
- 612.** The Government member of Brazil withdrew the amendment.
- 613.** The Government member of Côte d’Ivoire introduced his amendment to delete the words “handling or”. He said that both the English term “handling” and its French equivalent “*manutention*” were incorrectly listed as part of a list of “preventive and protective measures” in clause 7(2)(c). Handling was not a procedure and reference to it as such should be deleted.
- 614.** The Government member of Switzerland sympathized with the point being made, but preferred to retain the Office text.
- 615.** The Government member of Côte d’Ivoire then submitted a subamendment to his amendment, to delete “*manutention*” and introduce “manipulation” in its place in the French text.
- 616.** The Government member of the United Kingdom agreed with the Government member of Switzerland. He then submitted a subamendment of his own, replacing “handling or disposal” with “handling and disposal”, thus aligning the English and French versions.
- 617.** The Employer Vice-Chairperson did not understand the reasoning of the Government member of Côte d’Ivoire. He preferred to keep the Office text. He also thought that the Government member of the United Kingdom should not have introduced a subamendment of text that was proposed for deletion.
- 618.** The Worker Vice-Chairperson considered that the subamendment submitted by the Government member of the United Kingdom should be adopted. Upon reflection, the Employer Vice-Chairperson agreed with him.

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- 619.** The Government member of France supported the amendment, saying that “manipulation” in French included the term “*manutention*”, and was therefore preferable.
- 620.** The subamendments (but not the original amendment) were both adopted.
- 621.** An amendment submitted on clause 7(2)(c) was withdrawn by its proposer, the Government member of Canada.
- 622.** An amendment submitted by the Worker members to add a new clause to subparagraph 7(2), concerning the prevention and control of exposure to chemicals so as to protect the safety and health of workers, was withdrawn.
- 623.** Another amendment to add a new clause under subparagraph 7(2) was submitted by the Worker members. The clause concerned the introduction of “training of the workers on a continuing basis in the practices and procedures to be followed for safety in the use of chemicals at work”. The Worker members stated that their intention was very similar to that of the Government member of Canada.
- 624.** The Employer Vice-Chairperson said that the formulation of this amendment was too broad. In his view, only workers who actually worked with chemicals needed to be trained in the practices and procedures of work with chemicals.
- 625.** The Worker Vice-Chairperson said that his own group’s purpose was to promote safety and health through the training of all workers, not just those who worked with chemicals.
- 626.** The Employer Vice-Chairperson reiterated his view that the proposed Recommendation should be concerned with those workers who actually work with chemicals themselves. He submitted an amendment to add “who use chemicals” after the word “worker”.
- 627.** The Worker Vice-Chairperson submitted an amendment of his own, adding “concerned” after the word “workers”, to include those who worked close to workers handling chemical sprays.
- 628.** The Government member of Switzerland opined that it was not only workers who used chemicals on a daily basis who needed protection. Workers at risk included those who worked with chemicals occasionally and those who were exposed without working with them. He supported the Worker members’ subamendment.
- 629.** The Employer Vice-Chairperson reiterated that this clause dealt with training in the safe use of chemicals, not with training in avoiding exposure.
- 630.** The Worker Vice-Chairperson submitted a further subamendment, deleting the words “on a continuing basis”.
- 631.** The Employer Vice-Chairperson replied that it was not the phrase “on a continuing basis” that the Employer members were opposed to. They were not opposed to the training of the workers who would use chemicals, but to the training of those who would not.
- 632.** The Government member of the United Kingdom said that the Employer members’ concern was obviously to restrict compulsory training to those workers who would actually work with chemicals. Article 7 of the proposed Convention already covered the interests of workers who were non-users. He submitted a subamendment that might be acceptable to everyone; it would rewrite the new clause as follows: “Training of agricultural workers on a continuing basis to include, as appropriate, training in the practices and procedures of or

the information on the hazards and precautions to be followed in connection with the use of chemicals at work.”.

- 633.** The Employer Vice-Chairperson supported the subamendment, which he thought was clearer and better than any of the others.
- 634.** The Worker Vice-Chairperson disagreed. He said that just because there was already a reference to non-users in the proposed Convention, it was not a good idea to omit such references from the proposed Recommendation, which was a guide to the implementation of the Convention. At a practical level, people needing training were not only those who worked with chemicals, but also those who were exposed to them in their daily work (for example, entering rooms in which chemicals were stored or areas that had been sprayed). Such people also had to be aware of the dangers posed by chemicals.
- 635.** The Employer Vice-Chairperson proposed a further subamendment as follows: “continuing training in the practices and procedures to be followed on safety in the use of chemicals at work for those workers who use chemicals”.
- 636.** The Worker Vice-Chairperson did not understand how the proposal by the Employer Vice-Chairperson would meet the concerns of those workers who had to work in an environment where chemicals were used, and who might be expected to have some degree of training in how to protect their employer’s property, the environment, and their own lives.
- 637.** The Employer Vice-Chairperson said that the emphasis in the proposed new clause was on “practices and procedures” and it was appropriate to keep within that frame of reference when subamending, as the Employer members’ subamendment had done.
- 638.** The Worker Vice-Chairperson wondered whether it was appropriate to envisage a situation in which only a restricted elite of workers actually involved in spraying and other similar activities would receive training in the use of chemicals, while the rest would not. Surely one did not need to be a firefighter to have training in how to get out of a burning building?
- 639.** The Government member of the Democratic Republic of the Congo suggested that it would be more appropriate to provide “information” on safe procedures to all workers, while reserving “continuing training” as such for those who really needed it in their daily work.
- 640.** The Employer Vice-Chairperson suggested that the Worker members and the Employer members appeared to be thinking along broadly similar, if not parallel lines. He drew attention to Article 7(b) of the Convention on which the Committee had agreed. In his interpretation of that provision, there was a requirement on employers to train all workers at a workplace on hazards, but not necessarily to provide continuing training on the use of chemicals for all workers. Such a requirement would place an unacceptable burden on employers, and the Employer members could not accept the amendment submitted by the Worker members if that were the intention.
- 641.** After informal consultations, the Government member of the United Kingdom suggested a further subamendment as a compromise text which might resolve the differences between the parties. If adopted, all remaining subamendments would fall. The proposed new clause would read as follows: “training of agricultural workers on a continuing basis to include, as appropriate, training in the practices and procedures or in the hazards and precautions to be followed in connection with the use of chemicals at work”.

642. The new clause was adopted as subamended above.

643. Paragraph 7 was adopted as amended.

Animal handling and protection against biological risks

Paragraph 8

644. The Government member of Sweden, speaking on behalf of the 14 Government members of the Committee Member States of the European Union, submitted an amendment to the title and introductory lines of the Paragraph. The original amendment was to replace the Office text of the title and introductory lines by:

Protection against biological risks and when handling animals

8. For the purposes of implementing Article 14 of the Convention, the measures for dealing with biological agents carrying risks, such as those of infections, allergies or poisoning, and for handling of animals, should comprise the following:

645. The Government member of Sweden immediately subamended the text to restore the original Office title; change the words “carrying risks such as those” to “giving rise to risks”; change the plurals of “infections” and “allergies” to the singular forms; and adding “the” to produce:

Animal handling and protection against biological risks

8. For the purposes of implementing Article 14 of the Convention, the measures for dealing with the biological agents giving rise to risks such as those of infection, allergy or poisoning, and for the handling of animals, should comprise the following:

646. The purpose of the proposed amendment as subamended was to achieve greater clarity and to bring the provision in question into line with Article 14 of the proposed Convention as agreed by the Committee.

647. The Worker Vice-Chairperson expressed support for the proposed amendment as subamended. The Employer Vice-Chairperson asserted that the proposed new text actually went beyond the terms of Article 14 in that it appeared to introduce the notion of “biological agents” as quite separate from “animal handling”. The Employer members therefore supported the original Office text.

648. The Government member of Sweden confirmed that the intention had been to reflect the fact that biological agents could come from sources other than animals.

649. The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, said it was not clear exactly where the difficulty lay for the employers. The initial response of the African group was favourable to the proposed amendment as subamended.

650. To clarify the issue, the Chairperson read out Article 14 of the Convention as agreed on by the Committee:

National laws and regulations shall ensure that the risks such as those of infection, allergy or poisoning are prevented or kept to a minimum when biological agents are handled, and the activities involving animals, and livestock

and stabling areas, must comply with national or other recognized health and safety standards.

- 651.** This led the Employer Vice-Chairperson to further subamend the proposed new text of Paragraph 8, to replace the words “for dealing with” by “when handling”.
- 652.** The Government member of Brazil opposed the Employer members’ subamendment on the grounds that it narrowed the terms of the text proposed by the Government members of the Committee Member States of the European Union, which had covered, for example, the risks associated with organic fertilizers. The Worker Vice-Chairperson wondered how the term “handle” could apply to allergies and infections. The Employer Vice-Chairperson replied that the object of the term “handling” in his subamendment was “biological agents”, not the risks, and that the change would bring the text into line with Article 14 of the Convention, which referred to occasions “when biological agents are handled”. The Worker Vice-Chairperson then suggested that a stylistic change be made to avoid the infelicitous repetition of “handling”.
- 653.** The Government member of the United States expressed strong reservations regarding the amendment as subamended on the grounds that, while Article 14 referred to known causes of risk, the proposed new text of Paragraph 8, by referring to “biological agents giving rise to risks”, appeared to encompass potential hazards. The Worker Vice-Chairperson held that the proposed Convention and Recommendation referred to risks in a very similar indicative, non-exhaustive manner by using the phrase “such as”. The Chairperson noted the reservations expressed by the Government member of the United States but observed that general agreement appeared to have been reached on an acceptable text.
- 654.** The amendment as subamended by the Government members of the Committee Member States of the European Union and by the Employer members was adopted.
- 655.** In consequence, two other amendments submitted by the Employer members to change the title and introductory sentence of Paragraph 8 were without object and were withdrawn.
- 656.** The Employer members withdrew an amendment to delete clause 8(a), which specified risk assessment as one of the measures to be taken in implementation of Article 14.
- 657.** The Government member of Sweden, speaking on behalf of the 14 Government members of the Committee Member States of the European Union, submitted an amendment to replace clause (a) in the Office text by “measures to assess risks in accordance with Paragraph 5 in order to eliminate, prevent or reduce risks;”. He immediately submitted a subamendment to replace the phrase “measures to assess risks” by the phrase “risk assessment”.
- 658.** The Employer Vice-Chairperson and Worker Vice-Chairperson supported the amendment as subamended, and it was adopted.
- 659.** An amendment to insert the words “and animal products” in clause 8(b), which specified the control and testing of animals as a measure to be taken in implementation of Article 14, was submitted by the Government member of Algeria, but immediately withdrawn.
- 660.** The Government member of Sweden, speaking on behalf of the 14 Government members of the Committee Member States of the European Union, introduced an amendment to clause 8(c), proposing to subdivide it into two parts to read:
- (c) collective protective measures for the handling of animals and, where appropriate, provision of equipment;

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- () collective protective measures for contact with biological agents and, if necessary, provision of appropriate protective equipment and clothing;
- 661.** The Government member of the United Kingdom explained that the aim of this amendment was to separate the handling of animals on the one hand, and contact with biological agents, on the other.
- 662.** The Worker Vice-Chairperson expressed general support for the amendment, but wondered why the reference to clothing was missing in the first part of the amendment. He recalled that previously there was agreement on the inclusion of this word. With regard to the second part of the amendment, he felt that the words “where appropriate” made more sense than “if necessary”.
- 663.** The Employer Vice Chairperson agreed that the first part of the amendment should include a reference to clothing. However, he was not quite sure what the term “collective” meant in this context and proposed a subamendment to delete this word in both parts. Furthermore, he preferred the term “handling of biological agents”, instead of “contact with”.
- 664.** Replying to an inquiry by the Worker Vice-Chairperson, the Government member of the United Kingdom said that he did not insist on keeping the word “collective”, because the Government members of the Committee Member States of the European Union also wanted to delete it.
- 665.** The Committee adopted the amendment as subamended to read:
- (c) protective measures for handling animals and, where appropriate, provision of equipment and clothing;
- () protective measures for handling of biological agents and, if necessary, provision of appropriate protective equipment and clothing;
- 666.** As a result, an amendment of the Employer members to replace the word “collective” by the word “provide” became without object and was withdrawn.
- 667.** An amendment submitted by the Government member of Algeria, which likewise proposed several changes of the wording of the Office text, was withdrawn.
- 668.** No amendments were submitted for clauses 8(d) and 8(e).
- 669.** The Government member of Sweden, speaking on behalf of the 14 Government members of the Committee Member States of the European Union, introduced an amendment to replace clause 8(f) with a text which he immediately subamended to read: “(f) provision of first-aid equipment and, if necessary, antidotes against poisonous animals, insects and plants;”.
- 670.** The Employer Vice-Chairperson questioned the use of the words “first-aid equipment”, because people usually spoke of “first-aid kits”. Furthermore, he objected to the inclusion of the antidotes on the grounds that it was dangerous to enable untrained farmers to administer antidotes. He preferred the Office text.
- 671.** The Government member of the United Kingdom explained that the aim of the amendment was to provide more clarity. He was convinced that some circumstances required the availability of antidotes. He indicated readiness to subamend the first part of the amendment to read: “provision of first aid and, if necessary, antidotes ...”.

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- 672.** The Employer Vice-Chairperson insisted on the danger posed by antidotes, the administration of which required training because the bites of different animals necessitated different types of antidotes. He proposed to replace the word “antidotes” by “emergency procedures”, because the aim of the clause was to ensure that protection was available when needed.
- 673.** The Government member of the United States indicated difficulty to accept the subamendment of the Employers’ group. He wished to revert to the amendment of the Government members of the Committee Member States of the European Union as subamended by them.
- 674.** The Government member of Brazil supported the subamendment of the Employers but wished to subsubamend it to delete the reference to “insects”, because they were subsumed under “animals”.
- 675.** The Worker Vice-Chairperson observed that the Committee was getting further and further away from the original intent of the clause. He felt that the term “emergency procedures” could mean simply calling an ambulance to transport a snakebite victim to a distant clinic, which was not an adequate level of protection. He believed that the availability of antidotes was important and supported the amendment proposed by the Government members of the Committee Member States of the European Union as subamended by them.
- 676.** Observing that the various positions were still not close enough to each other, the Chairperson proposed a five-minute break in order to permit the parties to formulate a consensus text: “(f) provision of first aid, antidotes or other emergency procedures in case of contact with poisonous animals, insects or plants;”.
- 677.** The amendment as subamended was adopted.
- 678.** As a result of the consensus, a separate amendment of the Employer members, to replace the word “antidotes” by “emergency procedures” was withdrawn.
- 679.** An amendment to remove the words “manure and” from clause 8(g) was submitted by the Government member of Sweden on behalf of the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal, Spain, Sweden and the United Kingdom. Manure was considered to be subsumed in waste.
- 680.** The Worker Vice-Chairperson hoped that the proposers could let the Office text prevail on this point. Along with a number of others coming up under Paragraphs 12, 13, 14 and 15, the issues addressed had all been decided on in the first discussion, and the Office had attempted to group all these details under a number of “umbrella” categories. He begged to differ from the view expressed by the proposers; he felt that the proposed Recommendation should reflect the different meanings and connotations in these terms.
- 681.** The Employer members saw no reason to single out manure as posing a problem to safety and health: in many countries, untreated manure was used as a fertilizer. They supported the amendment.
- 682.** The Government members of the Syrian Arab Republic, the Russian Federation and Zimbabwe (speaking on behalf of the African Government members of the Committee) opposed the amendment.

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- 683.** The Government member of Sweden, on behalf of the aforementioned Government members, announced they had been persuaded to support the Office text and consequently withdrew their amendment. They proceeded to submit another amendment to the Office text, to include “storage” after “collection”. The Worker members and the Employer members, as well as the Government member of Zimbabwe, on behalf of the African Government members of the Committee, all supported this new amendment. It was therefore adopted.
- 684.** An amendment to insert “and animal products” after the word “animals” in clause 8(h) was submitted by the Government member of Zimbabwe on behalf of the Government member of Algeria. The intention was to ensure the coverage of safety and health aspects of working with animal products not mentioned in the Office text, for example, the blood of infected animals.
- 685.** The Employer members considered the notion was broad and poorly defined and its inclusion likely to lead to confusion. The Government member of Zimbabwe pointed out that agricultural workers were often called on to handle blood. The Worker Vice-Chairperson considered that the handling and disposal of carcasses of infected animals could extend to parts of the carcass (which could also present health risks), in cases of prepared meat for consumption. As a way of moving forward, he suggested that the intention of this amendment be indicated in the record, and that the Office text remain unchanged. At this point the Employer Vice-Chairperson intervened to say that once again the discussion was straying beyond the scope of the proposed instruments and illustrated the very confusion he had warned was likely to arise from use of such a poorly defined term. The delegates were beginning to talk about industrial product manufacturing, instead of safety and health in agriculture.
- 686.** Returning to the idea suggested by the Worker Vice-Chairperson, the Government member of Hungary indicated that the sense of the amendment was that carcasses of infected animals were a very particular kind of waste, and that the organic parts of infected carcasses were covered under clause 8(h). The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, withdrew the amendment.
- 687.** An amendment submitted by the Employer members sought to insert “where appropriate” at the end of clause 8(i). In their view, only warning signs about dangerous animals were necessary.
- 688.** The Government member of Zimbabwe, on behalf of the African Government members of the Committee, stated their preference for the Office text, as did the Government member of Hungary, who pointed out that safety measures were by definition appropriate, so there was no need to include “where appropriate”. The Employer Vice-Chairperson withdrew the amendment on that understanding.
- 689.** Paragraph 8 was adopted as amended.

Agricultural installations

Paragraph 9

- 690.** An amendment to delete Paragraph 9 was submitted by the Government member of the United States. He argued that, unlike Article 15 of the proposed Convention which concerned established structures, this provision related to the design of space, for example, with rails and fences, and hence was not directly relevant to safety and health.

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- 691.** The Government member of Zimbabwe, on behalf of the African Government members of the Committee, thought the Recommendation should definitely include provision on agricultural installations, and opposed the amendment.
- 692.** The Government member of Hungary raised a point of interpretation of the provision: were safety and health requirements required to specify mandatory technical standards, as in the case of product standards?
- 693.** The Worker members thought the proposed Recommendation should contain easily understood guidelines, established by the competent authority.
- 694.** The Government member of the United States reiterated his view that Article 15 of the proposed Convention concerned the process of construction, maintenance and repair and therefore covered, for example, technical specifications on scaffolding, or the height and strength of a perimeter fence. The wording concerned already established structures, some of which were only tenuously linked to safety and health in agriculture.
- 695.** The Government member of Spain thought that Paragraph 9 should be retained. Agricultural installations were often of a special kind and had to be designed in accordance with technical standards that took into account the need for means to protect workers' safety and health. Particular examples of such special installations were those used for treating waste and animal carcasses.
- 696.** The Government member of Hungary raised a question concerning the precise meaning of the term "technical standards". If the term meant "criteria", he could accept the Office text, and he hoped that the Committee would accept that interpretation; but if it referred to "standardization", he had to support the amendment.
- 697.** The Government member of the United States asked whether it was understood that technical standards would be specified only where it was appropriate to do so. If that was the case the amendment could be withdrawn.
- 698.** The Government member of France recalled that in France, the term "*normes techniques*" related specifically to the technical characteristics of structures, and did not cover safety and health aspects. He suggested that it might be possible to produce a formulation that combined these two separate aspects.
- 699.** The representative of the Secretary-General, replying to the question raised by the Government member of the United States, confirmed that "technical standards" were understood to refer specifically to appropriate design criteria.
- 700.** The Government member of Côte d'Ivoire recalled that the Committee had agreed to change the text of Article 19 of the Convention as originally submitted by the Office to refer to "the minimum accommodation standards for workers who are required by the nature of the work to live temporarily or permanently in the undertaking". Paragraph 9 appeared to be consistent with that provision and should be retained.
- 701.** On the understanding that the wording of the Paragraph related to design criteria, the Government member of the United States withdrew the amendment.
- 702.** The Employer Vice-Chairperson introduced an amendment to replace the word "rails" with "guardrails". It had been clear from discussions that the term "rails" actually referred to guardrails, rather than, for example, track, and the proposed change would promote clarity and prevent confusion.

703. The Worker Vice-Chairperson supported the amendment.

704. The amendment was adopted.

705. Paragraph 9 was adopted as amended.

Welfare and accommodation facilities

Paragraph 10

706. An amendment to delete the title “Welfare and accommodation facilities” and Paragraph 10 was withdrawn by the Government member of the United States.

707. The Worker Vice-Chairperson introduced an amendment to replace the words “welfare facilities should include:” with the words “employers should provide, as appropriate and in accordance with national law and practice, to workers in agriculture:”. The proposed text kept faith with the agreement on the language to be used with regard to “welfare and accommodation facilities” that had been reflected in the proposed text of Paragraph 14 in the Committee’s [Report IV\(1\)](#) (page 17 of the English text). He suggested that the formulation as amended did no violence to the interests of any party.

708. The Employer Vice-Chairperson noted that the amendment placed an obligation specifically on the employers but was otherwise very similar to the Employer members’ own amendment to Paragraph 10. The Employer members were prepared to accept the amendment and withdrew their own.

709. The Government member of Hungary said that, although the amendment was broadly acceptable, he noted that Article 19 of the Convention stipulated that “National laws and regulations or the competent authority” were responsible for providing welfare facilities, while Paragraph 10 placed the burden of responsibility on the employer.

710. The amendment was adopted.

711. The Government member of Côte d’Ivoire introduced an amendment to clause 10(c), to add the words “and for nursing children” after the word “meals”. The amendment followed logically from the wording of Article 18 of the Convention agreed by the Committee.

712. The Employer Vice-Chairperson did not agree that the proposed amendment was a natural consequence of Article 18, which was clearly and specifically intended to protect the safety and health of pregnant or nursing workers; it was not clear how facilities for nursing children fitted in with that aim. No other ILO instrument or national law provided for nursing facilities for mothers at the workplace, although there were provisions to allow mothers to take time out from work to nurse their children. The provision did not address the matter of what was to be done with the children before and after feeding, and the provision was not realistic in the context of the agricultural working environment.

713. The Worker Vice-Chairperson suggested that more was being read into the proposed amendment than had been intended. The Plantations Convention, 1958 ([No. 110](#)) contained provisions to allow women to interrupt their work to feed their children, who might be brought to the mother for that purpose. The “facilities” in question could be extremely modest and needed only to provide elementary privacy. It would be better from every point of view to allow women to interrupt their work at the workplace rather than forcing them to leave it during work time.

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- 714.** The Employer Vice-Chairperson noted that the absence of such facilities had not apparently posed any serious problems at international conferences he had attended, where delegates had breastfed their babies without the “privacy” to which the Worker Vice-Chairperson had referred. He was not sure why it was so essential to provide such facilities for agricultural workers.
- 715.** The Government member of Zambia noted that provision of nursing facilities had been included in Paragraph 9 of the Maternity Protection Recommendation, 2000 (No. 191). It had unfortunately not been possible to agree on including such a provision in the Maternity Protection Convention, 2000 (No. 183) when it was adopted. Paragraph 9 of the Maternity Protection Recommendation stated that “Where practicable, provision should be made for the establishment of facilities for nursing under adequate hygienic conditions at or near the workplace.”.
- 716.** The Government member of Côte d’Ivoire interpreted [Convention No. 183](#), in particular Article 10, as implying that nursing facilities had to be provided, and national laws in some countries such as his own provided for a separate nursing room in enterprises over a certain size. He noted that the introductory part of Paragraph 10 as agreed by the Committee referred to the provision by employers of facilities “as appropriate and in accordance with national law and practice”. The proposed amendment would be in keeping with that condition.
- 717.** The Government member of Austria suggested that as [Recommendation No. 191](#) already provided for nursing breaks, there was no need for a similar provision in the proposed Recommendation.
- 718.** The Employer Vice-Chairperson could not accept the argument that because the provision in question had been included in [Convention No. 183](#), which the Employer members had not supported, it had to be included in the present Recommendation. The amendment that had been proposed was unacceptable. Provision for nursing children appeared in his view to be subsumed under the term “eating meals” and therefore needed no specific reference.
- 719.** The Government member of Paraguay, speaking on behalf of the Government members of Argentina, Brazil, Paraguay and Uruguay, also supported the amendment, but said that the important point was not privacy for the mothers or “hiding” a normal function but providing adequate facilities to help mothers feed their children in the optimal way.
- 720.** The Government member of Sweden, speaking on behalf of 14 Government members of the Committee Member States of the European Union, said that the point was a very important one, and suggested that the amendment be subamended to replace “and for” with “including”, and add “where practicable” after the word “children”, so that the clause would read “facilities for eating meals including nursing children where practicable”. That might create greater flexibility.
- 721.** The Government member of Côte d’Ivoire said that he had some sympathy with the proposed subamendment, but suggested that the concern for flexibility was already met in the preambular sentence already adopted by the Committee, since it contained the qualification “as appropriate and in accordance with national law and practice”. He therefore wished to maintain the original amendment.
- 722.** The Employer Vice-Chairperson supported the subamendment proposed by the Government member on behalf of the Committee Member States of the European Union.

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- 723.** The Government member of Chile said that the proposed subamendment implied that the same facilities were to be used for eating as for nursing children, and proposed as a subsubamendment that the words “and for” be restored.
- 724.** The Government member of Hungary suggested that the wording could be subsubamended to read “facilities for eating meals, and for nursing children in the workplace, where practicable”.
- 725.** The amendment was adopted as subsubamended.
- 726.** The Worker Vice-Chairperson introduced a two-part amendment to clause 10(d). Part one was to delete the words “, or separate use thereof,” in the first line. The purpose of this was to ensure that men and women workers had separate facilities to allow privacy, which did not need to be sophisticated and costly. The second part was to replace the word “workers” with the words “workers, including for those working in the fields” in the second line. That was intended to ensure that workers actually had access to basic sanitary and washing facilities when at the place of work. That was an important provision in ensuring basic dignity for workers.
- 727.** The Employer Vice-Chairperson said that the Employers had the same difficulties with the provision as they had had during the first year, when a vote had been taken on the issue. Since no similar provisions relating to workers in other sectors were found in other ILO instruments, it had to be asked why it was necessary to provide facilities for agricultural workers in the fields. Moreover, the separation of men’s and women’s facilities was becoming increasingly a thing of the past. The provision had not enjoyed wide support in the first discussion, and it was not realistic to expect it to be implemented by impoverished small farmers in developing countries, even if the developed countries or big commercial farms might afford such a luxury. It hardly seemed reasonable to insist on something unnecessary which would add to employers’ costs. The Employer members therefore opposed the amendment and supported the Office text.
- 728.** After consultation, the Worker Vice-Chairperson announced that the Committee had reached an agreement to retain the Office text of clause 10(d). He thanked those who had supported the Worker members’ position that the Office text addressed their concerns but did not go far enough, and withdrew their amendment.
- 729.** Clause 10(d) was adopted without amendment.
- 730.** Clause 10(e) was adopted without amendment.
- 731.** Paragraph 10 was adopted as amended.

IV. OTHER PROVISIONS

Women workers before and after childbirth

Paragraph 11

- 732.** The Employer members submitted an amendment to delete this Paragraph, on the grounds that it did not appear in the text approved by the Committee on its first reading. The Employer Vice-Chairperson objected particularly to the reference to the Maternity Protection Convention, 2000 (No. 183). The shortcomings of that instrument were shown by the fact that only two countries had ratified it so far. He was very mindful that the ILO’s Director-General did not want to see a repetition of the Employers’ abstention from the

vote on [Convention No. 183](#) at the International Labour Conference in 2000, but the Employer members could not now associate themselves with an instrument from which they had previously dissociated themselves. They might be able to find a compromise if they knew what provisions of Convention No. 183 had been intended. Another way forward might be a partial deletion of the Paragraph to remove the reference to Convention No. 183.

- 733.** The Worker Vice-Chairperson did not challenge the Employer members' right not to support the Maternity Protection Convention, but it was a fact that the Convention did exist. He felt that the Employer members' willingness to support a formulation that did not mention [Convention No. 183](#) showed that they supported the concept of guidelines to provide protection for women workers. This was important, because the Committee needed to cater for governments that could not ratify Convention No. 183 but could implement protective measures on the basis of the proposed Recommendation. He proposed taking over the language of Article 18 of the proposed Convention, to which the Committee had already given its assent, so that Paragraph 11 would say "In order to give effect to Article 18 of the Convention, measures should be taken to ensure that the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health."
- 734.** The Chairperson reminded the Committee that the text targeted by an amendment to delete could not be subamended. The amendment to delete could be reformulated to a partial deletion, which if accepted would leave text that could be the object of a subamendment. Alternatively, the amendment to delete could be withdrawn in favour of a less radical amendment, which could then be subamended to the desired effect.
- 735.** After an adjournment for consultation among the members of the Committee, the Employer Vice-Chairperson announced a compromise text that resulted from partial deletion and subsequent subamendment: "In order to give effect to Article 18 of the Convention, measures should be taken to ensure assessment of any workplace risks related to the safety and health of the pregnant or nursing woman and her child and women's reproductive health."
- 736.** The Government member of Côte d'Ivoire regretted the disappearance of the reference to [Convention No. 183](#), and asked if it would be possible to add such a reference to the Preamble at the time of the final Committee vote on the proposed instruments. He was informed by the Chairperson that that would not be possible, but that the record could show his defence of the reference. The Government member of Zambia requested formally that the record show the importance attached by the African Government members of the Committee to the Maternity Protection Convention.
- 737.** The Government member of the United Kingdom pointed out that Article 18 did not say anything about the child, nor did the expression "her child" in the consensus text find an echo in the title of the Paragraph. He proposed a subamendment to delete the words "and her child".
- 738.** The amendment as subamended was adopted.
- 739.** The Worker members submitted an amendment to shorten the title of Paragraph 11 to "Women Workers". This was accepted without opposition.
- 740.** Paragraph 11 was adopted as amended.

Self-employed farmers

Paragraph 12

741. The Employer members submitted an amendment to reformulate the three subparagraphs of Paragraph 12 into a single Paragraph with an introductory sentence and two clauses:

12. Members should consider extending progressively to self-employed farmers the protection afforded by the Convention. To this end, national laws and regulations should:

- (a) specify the rights and requirements of self-employed farmers with respect to safety and health in agriculture;
- (b) ensure that the views of representative organizations of self-employed farmers are taken into consideration, as appropriate, in the formulation, implementation and review of the national policy referred to in Article 4 of the Convention.

742. The Employer Vice-Chairperson declared that the formulation was in line with the Employer members' position that this part of the proposed Recommendation should be as flexible as possible and not onerous for self-employed farmers. The issue of rights and responsibilities of employers and employees would always pose problems, because the self-employed were neither, and the rights and responsibilities that would fall on them were unclear. He asserted that the proposed wording simply tightened up the formulation of Paragraph 12, so the Committee would have no difficulty in adopting it.

743. The Worker Vice-Chairperson objected that the amendment was far from a drafting change, but rather a dilution of the Office text, and opposed it.

744. The Government member of the United States felt that the instruments were going beyond the normal employer-employee relationship with which the ILO was concerned. He could support clause (a) of the Employer members' amendment, but not the rest, and none of the Office text. The Government member of Australia endorsed these remarks, and expressed doubt about the relevance of the proposed instruments to self-employed farmers.

745. The Government member of Zimbabwe agreed with the Worker Vice-Chairperson that clause (a) of the amendment weakened the text by removing the obligation to extend protection progressively to the self-employed.

746. The Government member of Switzerland reported that, although every effort was made to encourage self-employed farmers to work safely, there was no legislation in his country that authorized the application of labour laws to independent farmers. In consequence, he could not support either the Office text or the amendment. The Government member of Hungary felt that he could support the amended Paragraph, but asked for clarification of the word "requirements": did it mean "obligations" or "needs"? He thought that the Drafting Committee could address the issue without its taking time from the present discussion. The Employer Vice-Chairperson confirmed that "obligations" was the intended sense.

747. The Government member of Côte d'Ivoire asked that the Drafting Committee also consider the French version at this point, since "*obligations*" would be better than the expression "*conditions exigées*" in the French version of the Employer members' amendment.

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- 748.** The Government member of South Africa rejected the Employer Vice-Chairperson's arguments. He said that even if the employer-worker relationship did not apply to self-employed farmers, their activities did have an effect on the environment, and it was right and proper for the Recommendation to address this.
- 749.** The Government member of Sweden, speaking on behalf of 14 Government members of the Committee Member States of the European Union, preferred the formulation of the Office text, which fitted in better with the fact that the self-employed were not regulated.
- 750.** The Government members of Argentina, speaking also for the Government members of Brazil, Chile, Paraguay and Uruguay, supported the Office text.
- 751.** The Worker Vice-Chairperson reminded the Committee that they had all committed themselves a year earlier to progressively bringing the self-employed under the social protection umbrella, and urged other Governments to support the Office text. The Chairperson observed that the Government members of the Committee Member States of the European Union had expressed qualified support for the original formulation, and those of Africa and MERCOSUR were fully in its favour.
- 752.** The Employer Vice-Chairperson said that the Office text could stand if the phrase "make plans to extend progressively" were changed to "consider extending progressively"; "obligations" could be used instead of "requirements".
- 753.** The Government member of the United States asserted that both the Employer members and the Worker members were taking positions with regard to business entities that were neither employers nor employees. Organizations of self-employed persons were not represented on the Committee. The self-employed should thus be outside the scope of the proposed instruments, although it would be desirable if a compromise solution offered them protection.
- 754.** The Worker Vice-Chairperson continued to reject the "consider extending" phraseology, and remarked that neither the Employers nor the Government member of the United States were taking account of the existence of the Rural Workers' Organisations Convention, 1975 (No. 141), which dealt with the case of the self-employed.
- 755.** The Employer Vice-Chairperson said that, to show the willingness of the Employer members to find compromise solutions, they would withdraw their amendment if the Committee could support a pending amendment of the Government member of Switzerland. This would insert the words "if national laws and regulations permit" at the beginning of the Office text.
- 756.** The Government member of the United States likewise offered to withdraw his pending amendment if this formulation were adopted. The Government members of Bahrain (speaking also for the Government members of Oman, Saudi Arabia and Tunisia), China, Israel, Lebanon, Mexico and Sweden (on behalf of the Government members of the 14 Committee Member States of the European Union) endorsed this procedure, but the Government member of Hungary called attention to the fact that incorporating "if national laws and regulations permit" would be a reversal of the concept that ILO instruments should incite governments to change their legislation.
- 757.** The Worker Vice-Chairperson could not support the amendment of the Government member of Switzerland.

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- 758.** The Government member of the Islamic Republic of Iran opposed all the amendments that had been advanced so far. He felt that a Recommendation could set a higher standard than a Convention. He also reported that although family workplaces in Iran were not covered by the national labour legislation, they were subject to safety and health laws, whether agricultural, industrial or other.
- 759.** The Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee, agreed with the Government member of Hungary. The African Government members were encouraged by the flexibility that had been seen earlier in the discussion of the Employer members' amendment, and expected that if the phrase "make plans to extend progressively" could be restored, a compromise could be found.
- 760.** The Government member of Barbados supported the Office text, stating that it was consistent with the position of her country's Ministry of Labour.
- 761.** After consultations, the Committee agreed on the following compromise text which was proposed on the understanding that subparagraphs 12(2) and 12(3) would remain as submitted by the Office: "1. Taking into consideration the views of representative organizations of self-employed farmers, Members should make plans to extend progressively to self-employed farmers the protection afforded by the Convention, as appropriate."
- 762.** The above text was adopted. Amendments submitted by the Government members of Japan, Switzerland and the United States were accordingly withdrawn.
- 763.** Paragraph 12 was adopted as amended.

Paragraph 13

- 764.** The Employer Vice-Chairperson introduced a three-part amendment to subparagraph 13(1): (1) to insert the words "In accordance with national law and practice," at the beginning of the sentence; (2) to insert the word "progressively" after the word "farmers"; and (3) to replace the words "that is equivalent to that provided to other workers in agriculture" by the words "afforded by the Convention". The proposed changes would add flexibility, and should not cause any difficulty, particularly since the term "progressively" had been part of the wording agreed for Paragraph 12.
- 765.** In the light of concern expressed by the Government member of Hungary that the concept of "progressive enjoyment" in the second part was difficult to understand, the Employer Vice-Chairperson withdrew the second part of the amendment.
- 766.** The first and third parts of the amendment were adopted, the new subparagraph 13(1) reading as follows: "1. In accordance with national law and practice, measures should be taken by the competent authority to ensure that self-employed farmers enjoy safety and health protection afforded by the Convention."
- 767.** Subparagraph 13(1) was adopted as amended.
- 768.** The Government member of Canada introduced an amendment to add the words "educational programmes and material," after the words "guidelines" in clause 13(2)(c). The amendment would enable self-employed farmers to benefit from educational programmes on safety and health.

769. The Government member of Switzerland supported the amendment, as did the Government member of Zimbabwe, speaking on behalf of the African Government members of the Committee. The amendment was also supported by the Employer Vice-Chairperson and the Worker Vice-Chairperson.

770. The amendment was adopted.

771. Clause 13(2)(c) was adopted as amended.

772. The Government member of Côte d'Ivoire introduced an amendment to sub-clause 13(2)(c)(ii) to add the words "as well as pregnant or nursing women" after the words "children", in order to ensure adequate protection of pregnant and nursing women.

773. The Employer Vice-Chairperson said that the amendment introduced an element not directly relevant to the implementation of the Convention in respect of protection of children. The records of the Committee's meetings already reflected the intentions of the Committee to ensure adequate protection of pregnant and nursing women. He suggested that the amendment should be withdrawn. The Worker members agreed with this suggestion.

774. The Government member of Côte d'Ivoire noted a discrepancy between the phrasing in the French text "*l'interdiction d'engager des enfants*" and "the prevention of children from engaging". He said that the amendment merely reflected something that had already been decided by the Committee regarding the prohibition of employment of pregnant and nursing women in hazardous activities, which were commonplace on farms, especially in developing countries. However, in view of the opposition to the amendment from the Workers' and Employers' groups, he withdrew the amendment.

775. The Employer Vice-Chairperson introduced an amendment to insert the words "as afforded by the Convention" at the end of sub-clause 13(2)(c)(ii). He proposed a subamendment to replace "as afforded by the Convention" with "in accordance with Article 16 of the Convention", which was a clearer and more direct cross-reference to the relevant provision, and in keeping with the practice that had been adopted by the Committee.

776. The Government member of Hungary said that the amendment appeared to be based on a misunderstanding. Article 16 of the Convention referred to the prevention of young workers from engaging in hazardous activities, while the sub-clause in question related to measures to inform self-employed farmers about keeping children away from hazardous activities. Those were two separate issues. Statistics showed that children, even those who were not involved in work, suffered a high accident rate on farms. In view of the evident misunderstanding, he hoped that the amendment might be reconsidered.

777. In the light of the above, the Employer Vice-Chairperson withdrew the amendment.

778. Paragraph 13 was adopted as amended.

Paragraph 14

779. The Employer Vice-Chairperson introduced an amendment to Paragraph 14 to insert the word "by Members" after the word "taken" in the third line. The intention was to introduce greater clarity.

780. The amendment was adopted.

781. Paragraph 14 was adopted as amended.

Paragraph 15

782. The Employer Vice-Chairperson introduced an amendment to delete clause 15(e), which referred to subsistence farmers. The amendment was proposed in order to be in keeping with the decision not to refer to subsistence farmers in the Convention.

783. The Worker Vice-Chairperson said that there was no reference in the Convention to sharecroppers or small tenants either, and it seemed appropriate that the measures in question should be applied to subsistence farmers.

784. The Employer Vice-Chairperson withdrew the amendment.

785. Paragraph 15 was adopted without amendment.

786. That concluded discussion of the proposed Recommendation.

Resolution on safety and health in agriculture

787. At its third sitting, the Committee received a draft resolution submitted to the Conference by the Government member of Argentina, and forwarded to the Committee on Safety and Health in Agriculture by the Selection Committee of the Conference.

788. The Government member of Argentina introduced the draft resolution, which described the safety and health impact of the terms of trade in agricultural products, and would commit the ILO and its member States to the elimination of discriminatory practices. He announced that the Government members of Argentina's fellow member States of MERCOSUR – Brazil, Paraguay and Uruguay – associated themselves with the draft resolution, as did the Government member of Chile.

789. He noted that half of the world's active population worked in agriculture, and half of the fatal accidents occurred in the sector; children started agricultural work at a very young age, and worked in the severest of conditions. There was some social protection, but very limited in comparison to other sectors of the economy. Farm production was the most highly subsidized in the world and tariffs for agricultural produce were more than eight times those applied to industrial products. The huge risks to which farm workers in developing countries were subject and their level of poverty were directly linked to unfair international trading rules. Any policies, whether national or international, particularly of an economic or financial nature, should be examined in the light of the principles of the ILO's Constitution. A number of delegates had expressed their concern that this discussion should take place in other forums. The Director-General of the ILO, in his Report to the Conference, had stated that "that does not mean that we will always be in agreement, and the ILO and the IMF or the World Bank may not come to the same conclusions in any given case. Each organization has its own identity and constituents, and its own mandate. From our perspective, when it comes to the hard decisions there is no reason why it should so often be the social goals that are sacrificed". For that reason the draft resolution requested the Government members, and the employers' and workers' organizations whenever possible, to apply fair trading policies and to improve real access to markets, by reducing tariff barriers and removing agricultural subsidies, as a means of enabling the ratification and application of standards on safety and health in agriculture. The draft resolution also asked the Governing Body to adopt appropriate measures in its budget, programmes, organization, technical assistance and cooperation with other international

organizations, in order to promote improved safety and health for workers, by establishing fair regulations for international trade in agricultural products.

- 790.** The Government member of Argentina assured the Committee that the introduction of this resolution was not intended to interfere with the normal work of the Committee, and suggested that a subcommittee or working group be established to work in parallel with the Committee's work. The Government member of Uruguay confirmed this position.
- 791.** The Government members of the Dominican Republic, Honduras, Nicaragua and Panama expressed support for the draft resolution.
- 792.** The Chairperson advised the Committee that consultations with the Office and the Government members submitting the resolution had defined two possible courses of action: referral of the resolution to the Selection Committee of the Conference, or discussion in the Committee on Safety and Health in Agriculture after treatment of the draft Convention and Recommendation. The latter choice would permit informal discussion of the resolution by members of the Committee before it came to the floor.
- 793.** The Worker Vice-Chairperson supported deferred discussion by the Committee.
- 794.** The Employer Vice-Chairperson associated himself with the Workers' position and introduced a formal motion to postpone consideration of the resolution until work on the Convention and Recommendation had been completed. Put to a vote, the motion for procedure was accepted by 186,135 votes for, 11,704 votes against and 21,560 abstentions.
- 795.** The Government member of Argentina then requested that the secretariat assist in the organization of informal meetings so that the substance of the resolution could be studied in parallel to the deliberations of the Committee. The Chairperson took note of the request.
- 796.** The draft resolution was taken up again at the Committee's 18th sitting.
- 797.** The Government member of Uruguay, speaking on behalf of the Government members of Chile and the Committee Member States of MERCOSUR, reminded the Committee that globalization was a fact; whether its effects were positive or negative depended on how countries reacted to it. Global trade in agricultural products was distorted by export subsidies that were granted by developed nations in the name of food security but were in fact tools for gaining trade advantages. The Declaration of Philadelphia stated that all human beings have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and that the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy. The present terms of international trade did not contribute to the attainment of these conditions. The US\$350 billion per year expended by the world in agricultural subsidies, according to the OECD, was more than the value of the exports of Latin America and the Caribbean, and three times more than direct investment in the region. Latin America had opened its markets tremendously in the past 20 years, but this had not been reciprocated by industrialized countries. Only fair and equitable economic conditions could produce good working conditions.
- 798.** The Employer Vice-Chairperson excused himself from the discussion, saying that the Employer members of the Committee had examined the document, and had decided that they had neither the competence nor the mandate to discuss the issue, nor would they take part in any decisions of the Committee on the matter.

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- 799.** The Worker Vice-Chairperson congratulated the Government members for raising this issue. As a person, he rejected the notion that one had to divorce trade issues from questions of worker welfare. He rejected the assertion that a matter to be discussed in another forum could not be addressed by the ILO. He felt that any matter that had an impact on the workers of Barbados, the Caribbean and the world had a right to be discussed. However, a resolution as important as the one submitted by the Government member of Argentina was of such global significance that it should be discussed at the level of the Organization, not only in the Committee on Safety and Health in Agriculture. As a representative of a trade union federation and a member of the ILO Governing Body, he was not empowered to participate in any decision-making process vis-à-vis the draft resolution. He would take back to his sponsoring organizations a report on the Committee's reaction to the draft resolution, and recommended that the authors of the draft resolution take steps to have the Governing Body of the ILO set up tripartite discussions of the issues it raised.
- 800.** The Government member of Brazil reinforced the remarks of the Government member of Uruguay. The validity of taking up trade-related issues in the ILO was analogous to the history of international organizations' reaction to the AIDS epidemic. For a long time, it had been the province of the World Health Organization, but recognition of the ramifications of the phenomenon had led to the establishment of a UN-wide programme, and to the creation of a specific programme within the ILO. The tripartite nature of the ILO made it a uniquely appropriate venue in which to discuss the impact of trade policy.
- 801.** The Government member of Paraguay spoke to the particular disadvantages faced by a small, heavily agrarian country in an unfavourable international environment. The Government members of Nicaragua and Panama further supported the draft resolution and the comments of the Worker Vice-Chairperson.
- 802.** The Government member of Sweden, speaking for the 14 Government members of the Committee Member States of the European Union, Cyprus, Czech Republic, Norway and Switzerland, recognized the importance of the matters referring to market access of agricultural products and support for farmers. The Member States of the European Union and other governments, including those of MERCOSUR, were actively taking part in the negotiations foreseen in Article XX of the WTO Agreement on Agriculture to continue the reform process in agriculture, which were focusing specifically on these matters. The European Union therefore believed that these matters fell clearly outside the scope of the competence of the delegates to this Committee, as well as outside the mandate of the Committee itself.
- 803.** The Government of Argentina reminded the Committee of the importance attached by the Director-General of the ILO to the powers given to the ILO by the Declaration of Philadelphia, and to the adoption of alternative and original approaches to adjusting the course of globalization. It should be remembered that, according to an estimate made by the Cairns group of agricultural exporting countries, more than 70 per cent of the population of developing countries live in rural areas, mostly working in agriculture. Meanwhile, agricultural export subsidies are accorded by 25 WTO members, almost all of them in the developed world. These policies cause serious market distortions and disproportionate investments in the countries that have implemented these policies.
- 804.** He recalled that discussion of the draft resolution by the Committee on Safety and Health in Agriculture had first been postponed, then could not be engaged because some Members and the Employers' and Workers' groups of the Committee did not consider themselves competent to consider the questions involved and because the Employer and Worker groups lacked the mandate to do so. He pointed out that many countries, including some

developed ones, and several employers' and workers' organizations, which he named, questioned agricultural subsidies and tariffs. The ILO's mandate was derived from Parts II, paragraphs (c) and (d), and IV of the Declaration of Philadelphia. The authors of the draft resolution were saddened and discouraged that the real tripartite discussion they had expected had not proved possible.

- 805.** The Government member of Hungary indicated his interest in the issues raised in the draft resolution, but explained that he had neither the mandate nor the competence to participate in a debate thereon.
- 806.** Speaking personally as a citizen of a developing country, the Government member of Côte d'Ivoire saluted the courage of the authors of the draft resolution in presenting it. Like them, he considered that globalization adversely affected agricultural trade. However, he had no mandate to engage in such a debate, which he considered should be submitted to a higher body.
- 807.** The Government member of the Republic of Korea endorsed the remarks of the Government members of Hungary and Sweden, the latter speaking on behalf of the Government members of the Committee Member States of the European Union as well as for Cyprus, Norway and Switzerland.
- 808.** The Government member of Mexico considered the draft resolution to be valuable, interesting and vital for developing countries. However the issue it addressed – agricultural trade – lay way beyond the scope of labour issues, and it was therefore necessary to assess the appropriateness of dealing with it within the ILO before deciding whether or not to support the draft resolution.
- 809.** The Worker Vice-Chairperson also saluted the courage of the authors of the draft resolution, and asked the Government member of Argentina what future action the countries of MERCOSUR were planning and what message they wished the returning delegates to the CSSA to take home.
- 810.** The Government member of Argentina took careful note of the difficulties they had encountered in engaging in the in-depth tripartite debate they had sought. He was grateful for the significance that several Government members and the Worker Vice-Chairperson had attributed to the issues raised. The authors of the draft resolution would be examining ways in which the subject of the draft resolution could be raised within the ILO.
- 811.** The Chairperson said that discussion of the draft resolution was now closed, and thanked the Committee members for their contributions. There being no further requests for the floor, he declared the sitting closed.

Adoption of the report and the proposed Convention and Recommendation

- 812.** At its 19th sitting, the Committee examined paragraphs 1 to 811 of its draft report. Various members submitted corrections or clarifications. Subject to incorporation of the agreed modifications, the report was adopted unanimously.
- 813.** The Government member of Côte d'Ivoire noted a discrepancy between the English and French texts of the proposed Convention that had not been fully resolved by the Committee's Drafting Committee. Note was taken. Subject to harmonization of the French

and English versions by the Conference Drafting Committee, the proposed Convention as a whole was adopted unanimously.

- 814.** The Committee unanimously adopted the proposed Recommendation as a whole.
- 815.** The Vice-Chairperson of the Employers' group expressed sincere appreciation for the Committee's work. Hard negotiations had been required on many substantive issues before arriving at a common denominator. He felt that the instruments did indeed represent a common denominator and was pleased to be associated with them and to support them.
- 816.** He congratulated the Chairperson on his excellent work, in particular his consensus-building spirit and ability to take all the various concerns into account. He also congratulated the Worker Vice-Chairperson for accommodating the Employer members' concerns and thanked him for his cooperation. In particular, he appreciated the consultations which had taken place between the first and second discussions, as they had been most helpful in clearing up problems. He also thanked all the Government members, particularly the Government members of Sweden and Zimbabwe for their contributions on behalf of their respective groups, and the Government member of Hungary for the very useful and always apposite contribution he made to the Committee's work. He expressed appreciation for the support provided to him by the Employer members and for the collaboration and understanding of the Worker members as well as of the Governments.
- 817.** The Worker Vice-Chairperson, reflecting on the work of the Committee, was reminded of the words of Shakespeare:

All the world's a stage
And all the men and women merely players:
They have their exits and their entrances;
And one man in his life plays many parts ...

and

There is a tide in the affairs of men
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of his life
Is bound in shallows and in misery.

- 818.** It was his belief that in adopting the Convention and Recommendation, the Committee was now afloat on such a full tide and that all the members of the Committee could be proud of having made a relevant and historical contribution to the betterment of working conditions of agricultural workers. The compromise reached in the Committee had satisfied everybody, now that compromise had to be carried forward with commitment and should result in endorsement, ratification and appropriate laws and practice.
- 819.** He thanked the Employer Vice-Chairperson for his valuable contribution, and especially appreciated the skilful and disarming way with which he carried out his task. He also thanked the Government members for their very important contribution to the work of the Committee. He hoped that with their help the Convention would be adopted unanimously in the plenary. Finally, he thanked the Worker members who were like pillars of strength and who, with the other members of the Committee, had gone with the full flood, and would be counted in history as faithful actors on the stage of life. For his part, he was grateful for having had the opportunity to serve.

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- 820.** The Secretary-General of the Conference, Mr. Juan Somavia, took the floor to say that he had been impressed by the willingness of the Committee members to overcome their differences and produce two high-quality instruments that would be of great value to the world of work. The willingness of each group to reach out to the others, rather than simply defending its own interests, was responsible for the successful conclusion of the Committee's deliberations. What was needed now was the will to go beyond the documents and give full effect to their provisions in practice. He extended his thanks to all those who had participated in the work of the Committee.
- 821.** The Government member of Brazil thanked the ILO for its efforts, which would inspire Brazil in its own initiatives to improve the safety and health of workers in agriculture. The flexibility of the two proposed instruments would ensure their transposition into national law.
- 822.** The Government member of India thanked the constituent groups of the Committee for their contributions. The proposed Convention would be very useful to India in framing laws and regulations to protect its 135 million agricultural workers. Gratitude was also due to the Chairperson, the secretariat, the interpreters and all support staff.
- 823.** The Government member of Bahrain, speaking also on behalf of Kuwait, Oman, Saudi Arabia, Tunisia and the United Arab Emirates, paid special tribute to the patience and wisdom of the Chairperson, the efforts of the Employer and Worker members and the hard work done by the ILO's officials, technicians and interpreters. The two instruments just adopted would be of great value, and it was to be hoped that this success would be repeated in the future elaboration of other instruments that would benefit humanity in equal degree.
- 824.** The Government member of Barbados, in thanking everyone concerned, stated that the proposed instruments were well-timed, because her country was just now reviewing its own safety and health legislation.
- 825.** The Government member of Sweden, speaking on behalf of the 14 Government members of the Committee Member States of the European Union, thanked his 13 colleagues in addition to all the other participants for their contributions to the successful outcome of the Committee's work. The implementation of the proposed Convention would be beneficial in necessitating a review of national laws and regulations; in that sense, the real work would begin where the Committee's efforts stopped.
- 826.** The Government member of Zimbabwe, speaking on behalf of the 26 African Government members of the Committee, thanked the Office for organizing the discussion of two instruments that dealt with a sector of such fundamental importance to the developing world. Although work in agriculture was not inherently more dangerous than work in other sectors, the past neglect of safety and health in relevant ILO instruments had exacerbated the problems. Adoption of the proposed Convention and Recommendation would encourage the adoption or improvement of appropriate laws and regulations.
- 827.** The Chairperson thanked the Vice-Chairpersons for their spirit of give-and-take. He added his thanks to the Office staff, interpreters and technicians. He noted that "flexibility" and "ratifiability" had been the leitmotifs of the Committee's work. He had been impressed by the potential of the proposed instruments to have an impact at the grass-roots level. He agreed that the conclusion of the Committee's work was the beginning, not the end, of a process.

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- 828.** The representative of the Secretary-General thanked the Committee members, the Chairperson and the two Vice-Chairpersons for their efforts and constructive attitude to the work. In thanking the Office team, he paid particular tribute to those who were departing on retirement or reassignment, for whom the success of this Committee was a crowning achievement. He reminded the Committee that two indicators by which the Office would judge its safety and health programme were the number of ratifications of relevant standards that were effected by member States, and the number of farm safety programmes that they inaugurated. Success for the member States would be success for the Office.
- 829.** The Report of the Committee and the texts of the proposed Convention and the proposed Recommendation are submitted to the Conference for consideration.

Geneva, 20 June 2001.

(Signed) C.H.G. Schlettwein,
Chairperson.

Abu Bakar Che Man,
Reporter.

A. Proposed Convention concerning safety and health in agriculture

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 89th Session on 5 June 2001, and

Noting the principles embodied in the relevant international labour Conventions and Recommendations, in particular the Plantations Convention and Recommendation, 1958, the Employment Injury Benefits Convention and Recommendation, 1964, the Labour Inspection (Agriculture) Convention and Recommendation, 1969, the Occupational Safety and Health Convention and Recommendation, 1981, the Occupational Health Services Convention and Recommendation, 1985, and the Chemicals Convention and Recommendation, 1990, and

Stressing the need for a coherent approach to agriculture and taking into consideration the wider framework of the principles embodied in other ILO instruments applicable to the sector, in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Minimum Age Convention, 1973, and the Worst Forms of Child Labour Convention, 1999, and

Noting the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy as well as the relevant codes of practice, in particular the Code of practice on recording and notification of occupational accidents and diseases, 1996, and the Code of practice on safety and health in forestry work, 1998, and

Having decided upon the adoption of certain proposals with regard to safety and health in agriculture, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this ... day of June of the year two thousand and one the following Convention, which may be cited as the Safety and Health in Agriculture Convention, 2001.

I. SCOPE

Article 1

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

Article 2

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

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

Article 3

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

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

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

II. GENERAL PROVISIONS

Article 4

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

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

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

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

Article 5

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

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

III. PREVENTIVE AND PROTECTIVE MEASURES

GENERAL

Article 6

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

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

Article 7

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

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

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- (c) take immediate steps to stop any operation where there is an imminent and serious danger to safety and health and to evacuate workers as appropriate.

Article 8

1. Workers in agriculture shall have the right:

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

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

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

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

MACHINERY SAFETY AND ERGONOMICS

Article 9

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

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

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

Article 10

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

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

HANDLING AND TRANSPORT OF MATERIALS

Article 11

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

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

SOUND MANAGEMENT OF CHEMICALS

Article 12

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

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

Article 13

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

2. These measures shall cover, inter alia:

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

ANIMAL HANDLING AND PROTECTION AGAINST BIOLOGICAL RISKS

Article 14

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

AGRICULTURAL INSTALLATIONS

Article 15

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

IV. OTHER PROVISIONS

YOUNG WORKERS AND HAZARDOUS WORK

Article 16

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

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

3. Notwithstanding paragraph 1, national laws or regulations or the competent authority may, after consultation with the representative organizations of employers and workers concerned, authorize the performance of work referred to in that paragraph as

from 16 years of age on condition that appropriate prior training is given and the safety and health of the young workers are fully protected.

TEMPORARY AND SEASONAL WORKERS

Article 17

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

WOMEN WORKERS

Article 18

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

WELFARE AND ACCOMMODATION FACILITIES

Article 19

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

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

WORKING TIME ARRANGEMENTS

Article 20

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

COVERAGE AGAINST OCCUPATIONAL INJURIES AND DISEASES

Article 21

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

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

B. Proposed Recommendation concerning safety and health in agriculture

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 89th Session on 5 June 2001, and

Having decided upon the adoption of certain proposals with regard to safety and health in agriculture, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Safety and Health in Agriculture Convention, 2001 (hereinafter referred to as “the Convention”);

adopts this ... day of June of the year two thousand and one the following Recommendation, which may be cited as the Safety and Health in Agriculture Recommendation, 2001.

I. GENERAL PROVISIONS

1. In order to give effect to Article 5 of the Convention, the measures concerning labour inspection in agriculture should be taken in the light of the principles embodied in the Labour Inspection (Agriculture) Convention and Recommendation, 1969.

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

II. OCCUPATIONAL SAFETY AND HEALTH SURVEILLANCE

3. (1) The competent authority designated to implement the national policy referred to in Article 4 of the Convention should, after consulting the representative organizations of employers and workers concerned:

- (a) identify major problems, establish priorities for action, develop effective methods for dealing with them and periodically evaluate the results; and
- (b) prescribe measures for the prevention and control of occupational hazards in agriculture:
 - (i) taking into consideration technological progress and knowledge in the field of safety and health, as well as relevant standards, guidelines and codes of practice adopted by recognized national or international organizations;
 - (ii) taking into account the need to protect the general environment from the impact of agricultural activities;
 - (iii) specifying the steps to be taken to prevent or control the risk of work-related endemic diseases for workers in agriculture; and

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- (iv) specifying that no single worker should carry out hazardous work in an isolated or confined area, without an adequate possibility of communication and means of assistance;
 - (c) prepare guidelines for employers and workers.
- (2) To give effect to Article 4 of the Convention, the competent authority should:
- (a) adopt provisions for the progressive extension of appropriate occupational health services for workers in agriculture;
 - (b) establish procedures for the recording and notification of occupational accidents and diseases in agriculture, in particular for the compilation of statistics, the implementation of the national policy and the development of preventive programmes at the level of the undertaking; and
 - (c) promote safety and health in agriculture by means of educational programmes and materials to meet the needs of agricultural employers and workers.

4. (1) To give effect to Article 7 of the Convention, the competent authority should establish a national system for occupational safety and health surveillance which should include both workers' health surveillance and the surveillance of the working environment.

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

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

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

III. PREVENTIVE AND PROTECTIVE MEASURES

Risk assessment and management

5. To give effect to Article 7 of the Convention, a set of measures on safety and health at the level of the undertaking should include:

- (a) occupational safety and health services;
- (b) risk assessment and management measures in the following order of priority:
 - (i) elimination of the risk;
 - (ii) control of the risk at the source;
 - (iii) minimization of the risk by such means as the design of safe work systems, the introduction of technical and organizational measures and safe practices, and training; and
 - (iv) in so far as the risk remains, provision and use of personal protective equipment and clothing, at no cost to the worker;
- (c) measures to deal with accidents and emergencies, including first aid and access to appropriate transportation to medical facilities;
- (d) procedures for the recording and notification of accidents and diseases;
- (e) appropriate measures to protect persons present at an agricultural site, the population in the vicinity of it and the general environment, from risks which may arise from the agricultural activity concerned, such as those due to agrochemical waste, livestock waste, soil and water contamination, soil depletion and topographic changes; and
- (f) measures to ensure that the technology used is adapted to climate, work organization and working practices.

Machinery safety and ergonomics

6. To give effect to Article 9 of the Convention, measures should be taken to ensure the appropriate selection or adaptation of technology, machinery and equipment, including personal protective equipment, taking into account local conditions in user countries and, in particular, ergonomic implications and the effect of climate.

Sound management of chemicals

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

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

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- (a) adequate personal protective equipment and clothing, and washing facilities for those using chemicals and for the maintenance and cleaning of personal protective and application equipment, at no cost to the worker;
 - (b) spraying and post-spraying precautions in areas treated with chemicals, including measures to prevent pollution of food, drinking, washing and irrigation water sources;
 - (c) handling and disposal of hazardous chemicals which are no longer required, and containers which have been emptied but which may contain residues of hazardous chemicals, in a manner which eliminates or minimizes the risk to safety and health and to the environment, in accordance with national law and practice;
 - (d) keeping a register of the application of pesticides used in agriculture; and
 - (e) training of agricultural workers on a continuing basis to include, as appropriate, training in the practices and procedures or about hazards and on the precautions to be followed in connection with the use of chemicals at work.

Animal handling and protection against biological risks

8. For the purpose of implementing Article 14 of the Convention, the measures for the handling of biological agents giving rise to risks of infection, allergy or poisoning, and for the handling of animals should comprise the following:

- (a) risk assessment measures in accordance with Paragraph 5, in order to eliminate, prevent or reduce biological risks;
- (b) control and testing of animals, in accordance with veterinary standards and national law and practice, for diseases transmissible to humans;
- (c) protective measures for the handling of animals and, where appropriate, provision of protective equipment and clothing;
- (d) protective measures for the handling of biological agents and, if necessary, provision of appropriate protective equipment and clothing;
- (e) immunization of workers handling animals, as appropriate;
- (f) provision of disinfectants and washing facilities, and the maintenance and cleaning of personal protective equipment and clothing;
- (g) provision of first aid, antidotes or other emergency procedures in case of contact with poisonous animals, insects or plants;
- (h) safety measures for the handling, collection, storage and disposal of manure and waste;
- (i) safety measures for the handling and disposal of carcasses of infected animals, including the cleaning and disinfection of contaminated premises; and
- (j) safety information including warning signs and training for those workers handling animals.

Agricultural installations

9. To give effect to Article 15 of the Convention, the safety and health requirements concerning agricultural installations should specify technical standards for buildings, structures, guardrails, fences and confined spaces.

Welfare and accommodation facilities

10. To give effect to Article 19 of the Convention, employers should provide, as appropriate and in accordance with national law and practice, to workers in agriculture:

- (a) an adequate supply of safe drinking water;
- (b) facilities for the storage and washing of protective clothing;
- (c) facilities for eating meals, and for nursing children in the workplace, where practicable;
- (d) separate sanitary and washing facilities, or separate use thereof, for men and women workers; and
- (e) work-related transportation.

IV. OTHER PROVISIONS

Women workers

11. In order to give effect to Article 18 of the Convention, measures should be taken to ensure assessment of any workplace risks related to the safety and health of pregnant or nursing women, and women's reproductive health.

Self-employed farmers

12. (1) Taking into consideration the views of representative organizations of self-employed farmers, Members should make plans to extend progressively to self-employed farmers the protection afforded by the Convention, as appropriate.

(2) To this end, national laws and regulations should specify the rights and duties of self-employed farmers with respect to safety and health in agriculture.

(3) In the light of national conditions and practice, the views of representative organizations of self-employed farmers should be taken into consideration, as appropriate, in the formulation, implementation and periodic review of the national policy referred to in Article 4 of the Convention.

13. (1) In accordance with national law and practice, measures should be taken by the competent authority to ensure that self-employed farmers enjoy safety and health protection afforded by the Convention.

(2) These measures should include:

- (a) provisions for the progressive extension of appropriate occupational health services for self-employed farmers;

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- (b) progressive development of procedures for including self-employed farmers in the recording and notification of occupational accidents and diseases; and
 - (c) development of guidelines, educational programmes and materials and appropriate advice and training for self-employed farmers covering, inter alia:
 - (i) their safety and health and the safety and health of those working with them concerning work-related hazards, including the risk of musculoskeletal disorders, the selection and use of chemicals and of biological agents, the design of safe work systems and the selection, use and maintenance of personal protective equipment, machinery, tools and appliances; and
 - (ii) the prevention of children from engaging in hazardous activities.

14. Where economic, social and administrative conditions do not permit the inclusion of self-employed farmers and their families in a national or voluntary insurance scheme, measures should be taken by Members for their progressive coverage to the level provided for in Article 21 of the Convention. This could be achieved by means of:

- (a) developing special insurance schemes or funds; or
- (b) adapting existing social security schemes.

15. In giving effect to the above measures concerning self-employed farmers, account should be taken of the special situation of :

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

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