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# Giving a voice to rural workers

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104th SESSION, 2015

**International Labour Conference, 104th Session, 2015**

**General Survey concerning the right of association  
and rural workers' organizations instruments**

**Third item on the agenda:  
Information and reports on the application  
of Conventions and Recommendations**

**Report of the Committee of Experts  
on the Application of Conventions and Recommendations  
(articles 19, 22 and 35 of the Constitution)**

**Report III (Part 1B)**

**International Labour Office, Geneva**



# **Giving a voice to rural workers**

INTERNATIONAL LABOUR OFFICE, GENEVA

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# Summary

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# Introduction

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1. On the basis of information on law and practice provided by governments and social partners, General Surveys allow the Committee of Experts to provide guidance on the scope of instruments, examine difficulties raised by governments and social partners as standing in the way of their application, and indicate possible means of overcoming obstacles to their implementation.

2. Their potential to become “an ideal vehicle for evaluation” of existing instruments, effectively enabling the Organization to carry out audits of the relevance of existing standards and of the advisability of maintaining them, was highlighted in 1994 by the Director-General.<sup>1</sup> General Surveys have been acknowledged to be an important source of information on the law and practice of member States, which could also highlight their needs and the areas to be targeted by ILO technical assistance.<sup>2</sup>

3. At its 317th Session (March 2013), the Governing Body decided that the Committee of Experts’ 2014 General Survey would cover the Right of Association (Agriculture) Convention, 1921 (No. 11), the Rural Workers’ Organisations Convention, 1975 (No. 141), and the Rural Workers’ Organisations Recommendation, 1975 (No. 149).<sup>3</sup>

4. In choosing these instruments for the General Survey, the Governing Body recalled that the report for the 2012 recurrent discussion, *Fundamental principles and rights at work: From commitment to action*,<sup>4</sup> raised the concern that agricultural workers were often persistently excluded from the right to associate and bargain collectively, and that rural workers were at particular risk due to inadequate legislative protection and insufficient mechanisms for the promotion of their collective voice.<sup>5</sup>

5. It also noted that while there had been several General Surveys over the years in the area of freedom of association and collective bargaining, only one of these had specifically examined the law and practice in relation to rural workers’ organizations under Convention No. 141, and this was undertaken in 1983, eight years after its adoption.<sup>6</sup>

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<sup>1</sup> ILO: *Defending values, promoting change: Social justice in a global economy: An ILO agenda*, Report of the Director-General (Part I), International Labour Conference (ILC), 81st Session, Geneva, 1994, pp. 49–50.

<sup>2</sup> ILO: *Minutes of the 317th Session of the Governing Body of the International Labour Office*, Governing Body, 317th Session, Geneva, Mar. 2013, GB.317/PV, para. 510.

<sup>3</sup> *ibid.*, para. 512. For text of the instruments, see Annex I.

<sup>4</sup> ILO: *Fundamental principles and rights at work: From commitment to action*, Report VI, ILC, 101st Session, Geneva, 2012, paras 43, 106 and 110.

<sup>5</sup> ILO: *Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution in 2014*, Governing Body, 317th Session, Geneva, March 2013, GB.317/LILS/3, para. 7.

<sup>6</sup> ILO: *Freedom of association and collective bargaining. General Survey by the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 4B), ILC, 69th Session, Geneva, 1983, (hereinafter *General Survey on freedom of association and collective bargaining*, 1983), paras 320 et seq.

6. During the course of the discussion, the Worker spokesperson noted that as the rural economy featured in the areas of critical importance, he considered that a General Survey on rural workers' organizations could be useful to the Office as it carried out activities in that area.<sup>7</sup> The Employers' group agreed with the choice of the proposed standards, considering that "agriculture was a significant sector of the world of work, which deserved more attention than it usually received".<sup>8</sup>

7. The Governing Body accordingly requested governments to submit reports for 2014, under article 19 of the ILO Constitution, on Conventions Nos 11 and 141 and Recommendation No. 149, pursuant to a report form that it approved at the same session.<sup>9</sup> The Committee is pleased to record that 110 governments provided reports on the position of national law and practice in respect of matters dealt with in the abovementioned instruments<sup>10</sup> and that 56 workers' organizations and eight employers' organizations provided information and observations regarding these instruments.<sup>11</sup>

8. This General Survey is based on those reports communicated under article 19 of the Constitution, and on the reports submitted under articles 22 and 35 of the Constitution by countries that have ratified either or both of the Conventions. In examining the reports, the Committee has taken into account relevant legislation and practice, and highlighted its main observations on the application of the instruments.

9. There is an obvious complementarity between the instruments covered by the present General Survey and the fundamental Conventions on freedom of association and collective bargaining, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). Freedom of association is undeniably essential for rural workers' voices to be heard in economic and social development. This Survey supplements the information contained in previous General Surveys on freedom of association and collective bargaining.<sup>12</sup>

10. The General Survey gives a global picture of the legislation and practice of member States' application of Conventions Nos 11 and 141, regardless of ratification, and of Recommendation No. 149, describing both the positive initiatives undertaken and the problems encountered. It discusses the rationale, objectives and scope of the instruments, thereby assessing their potential and impact, identifying difficulties impeding their full application, and considering means to realize the full potential of the instruments.

<sup>7</sup> ILO: *Minutes of the 317th Session of the Governing Body of the International Labour Office*, Governing Body, 317th Session, Geneva, Mar. 2013, GB.317/PV, para. 508.

<sup>8</sup> *ibid.*, para. 509.

<sup>9</sup> See Annex II.

<sup>10</sup> See Annex III. All 185 ILO member States were requested to submit the report.

<sup>11</sup> See Annex IV.

<sup>12</sup> ILO: *Giving globalization a human face: General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization, 2008*, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B); ILC, 101st Session, Geneva, 2012 (hereinafter *General Survey on the fundamental Conventions, 2012*); and ILO: *Collective bargaining in the public service: A way forward: General Survey concerning labour relations and collective bargaining in the public service*, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B), ILC, 102nd Session, Geneva, 2013.

## Context

11. The scope and nature of the rural economy vary greatly around the world. To fully understand the objectives of the instruments, it is necessary to consider their context.

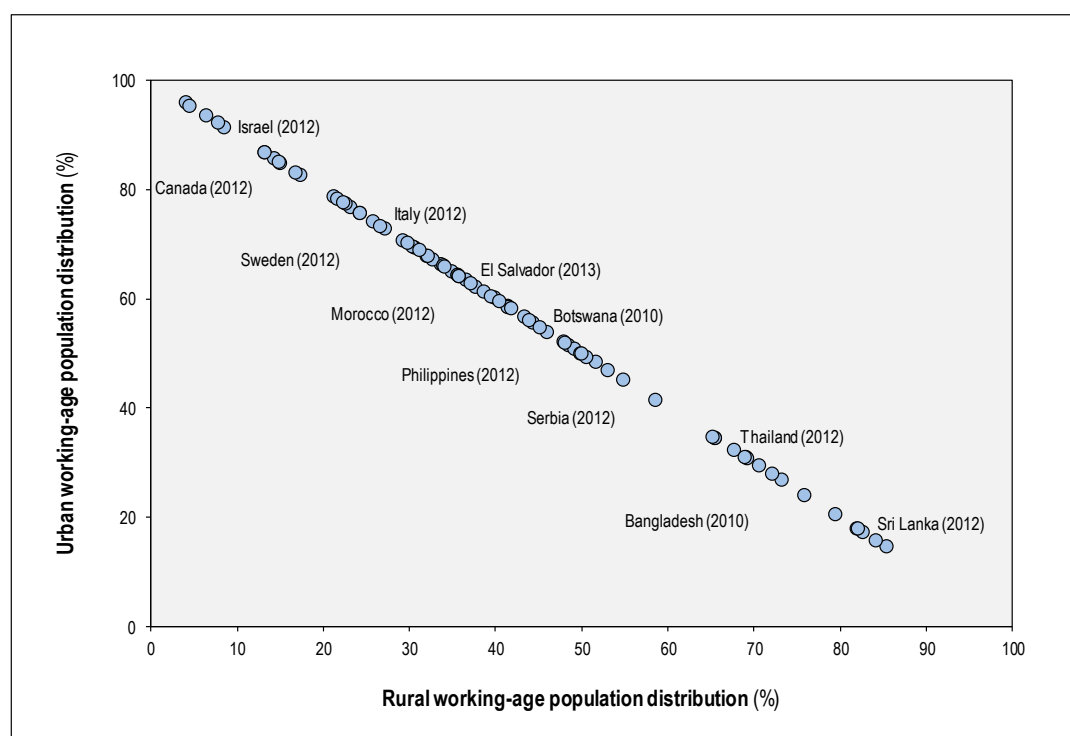
### A global view of the rural economy

12. While the global significance of agriculture and the rural economy is clear, the nature of the sector means that there is little reliable and comparative information, particularly disaggregations by indicators such as age and gender, available about the nature, value, scope, and even size, of the sector. Notably, definitions of the rural economy, agriculture and rural or agricultural workers differ significantly between countries, meaning national comparisons are often unreliable.

13. Rural areas contribute significantly to the economies of many countries. The Food and Agriculture Organization (FAO) of the United Nations (UN) estimates that more than 3 billion people – almost half of the world's population – live in rural areas.<sup>13</sup> Approximately 32 per cent of the world's population is employed in agriculture.<sup>14</sup> A majority of the world's women workers are engaged in agricultural activities in rural areas.<sup>15</sup>

14. ILO data suggests that approximately 40 per cent of the working-age population lives in rural areas; the substantial disparity between countries is shown in figure 1.<sup>16</sup>

**Figure 1. Working-age population distribution, latest year available**



<sup>13</sup> FAO: *FAO Statistical Yearbook 2013: World food and agriculture*, Rome, 2013, p. 1.

<sup>14</sup> ILO: *Global employment trends 2014: Risk of a jobless recovery?* Geneva, 2014, p. 96.

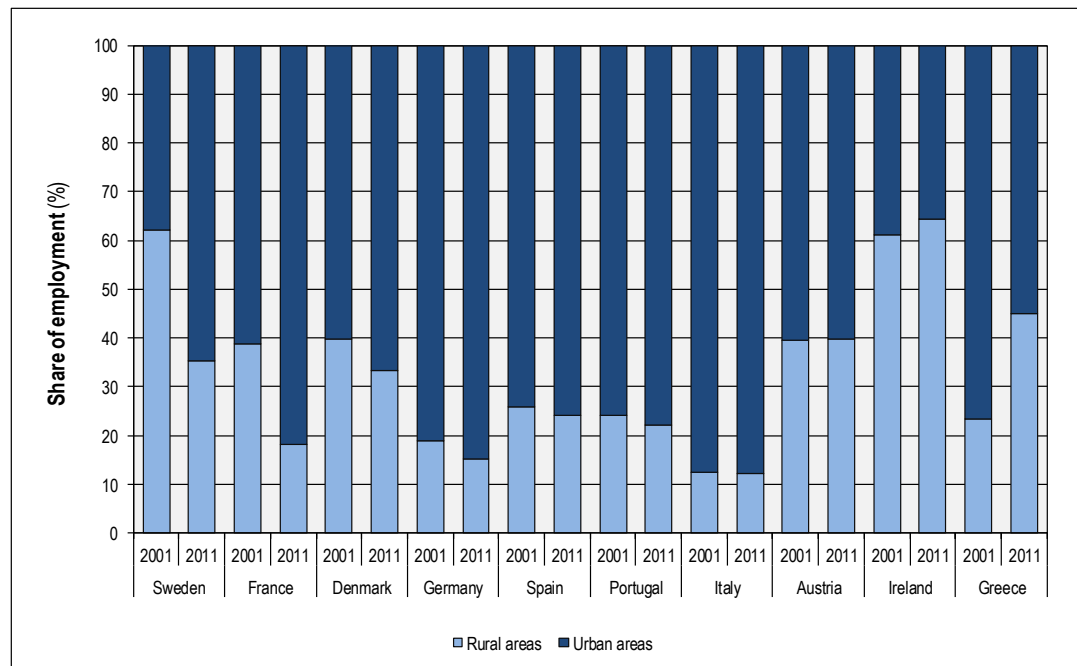
<sup>15</sup> UN: *Women 2000 and beyond: Rural women in a changing world: Opportunities and challenges*, Division for the Advancement of Women, Department of Economic and Social Affairs, 2008, p. 9.

<sup>16</sup> ILO: ILOSTAT database, Geneva, 2014; national statistical offices, 2014.

15. Worldwide, agriculture is among the sectors characterized by a significant number of migrant workers.<sup>17</sup> Rural work is also characterized by large numbers of casual or temporary workers, often in particularly vulnerable situations.<sup>18</sup>

16. The majority of the population in low-income countries remains dependant on the rural economy for their employment and livelihoods.<sup>19</sup> Meanwhile, the share of rural employment in total employment in European developed economies has varied substantially between 2001 and 2011, as shown in figure 2.<sup>20</sup>

**Figure 2. Employment by geographical coverage in developed economies, 2001–11**



17. Labour force participation rates are usually highest in the poorest countries. In these countries, low unemployment in conjunction with high labour participation rates results in large swathes of the population being engaged in vulnerable employment and many people in working poverty.<sup>21</sup> For economies in low and middle levels of economic development, a difference in the employment–population ratio exists between rural and urban areas (see figure 3).<sup>22</sup> The FAO indicates that unemployment, underemployment, poor working conditions and exposure to occupational hazards continue to prevail in many rural areas.<sup>23</sup>

<sup>17</sup> Global Migration Group, GMG issues brief No. 2: Improving the labour market outcomes of migration, 11 Sep. 2013, p. 3.

<sup>18</sup> ILO: ILOSTAT database, Geneva, 2014; national statistical offices, 2014. See also *General Survey on the fundamental Conventions*, 2012, para. 778.

<sup>19</sup> ILO: *General Survey concerning employment instruments in light of the 2008 Declaration on Social Justice for a Fair Globalization*, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B), ILC, 99th Session, Geneva, 2010, para. 688.

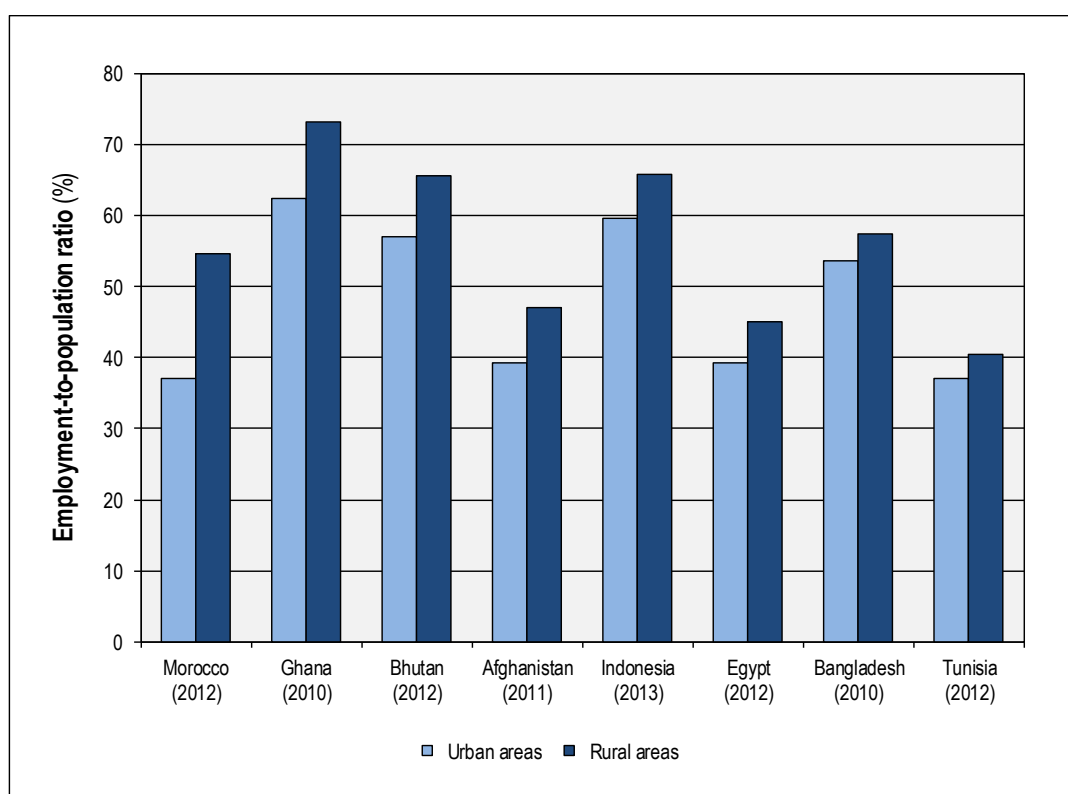
<sup>20</sup> ILO: ILOSTAT database, Geneva, 2014; national statistical offices, 2014.

<sup>21</sup> FAO: *FAO Statistical Yearbook 2013: World food and agriculture*, Rome, 2013, p. 14.

<sup>22</sup> ILO: ILOSTAT database, Geneva, 2014; national statistical offices, 2014.

<sup>23</sup> FAO: *FAO Statistical Yearbook 2013: World food and agriculture*, Rome, 2013, p. 14.

**Figure 3. Employment–population ratio by geographical coverage, economies in low and middle levels of development, latest year available**



18. In addition, like in urban areas, there has been a steady rise in the unemployment rate for those in rural areas between 2001 and 2013.<sup>24</sup> Prospects for women are particularly poor in rural areas (see figure 4).<sup>25</sup> According to the FAO, women make up approximately 43 per cent of the agricultural labour force in developing countries<sup>26</sup> and their contribution varies greatly depending on the type of crops produced and the specific crop activities. However, women often have less access than men to productive activities because of their limited access to resources, education, extension and financial services, and labour markets.<sup>27</sup>

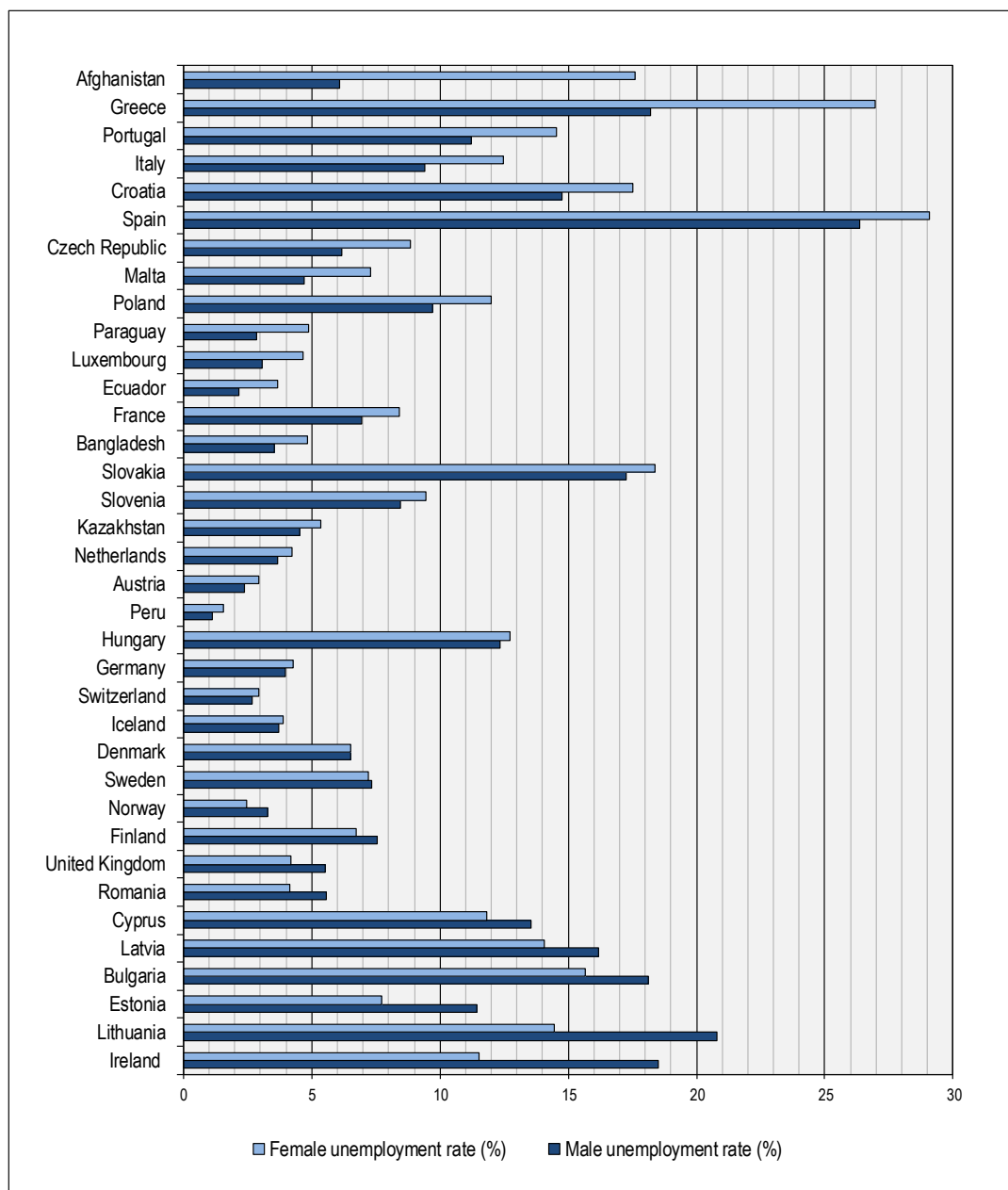
<sup>24</sup> In relation to developed economies and the European Union, see ILO: *Global employment trends 2014: Risk of a jobless recovery?* Geneva, 2014, p. 112; ILO: ILOSTAT database, Geneva, 2014.

<sup>25</sup> ILO: ILOSTAT database, Geneva, 2014; national statistical offices, 2014.

<sup>26</sup> FAO: *FAO Statistical Yearbook 2013: World food and agriculture*, Rome, 2013, p. 14.

<sup>27</sup> *ibid.*



**Figure 4. Unemployment rate in rural areas by sex, latest year available**

19. The majority of workers are not in formal wage employment but instead are engaged in self-employment or unpaid family work, such as in agriculture and especially subsistence farming. In rural areas, informal employment constitutes 82.1 per cent of total rural employment and 98.6 per cent of agricultural employment. In contrast, in urban areas only 24.5 per cent of employees are in informal employment.<sup>28</sup> Nearly eight out of ten working poor with less than US\$1.25/day live in rural areas, meaning that most jobs in rural areas do not ensure sufficient levels of income for workers to afford adequate food for themselves and their families.<sup>29</sup> Wages and salaries for employees are typically lower in rural areas than in urban areas,

<sup>28</sup> ILO: *Global employment trends 2013: Recovering from a second jobs dip*, Geneva, 2013, p. 60.

<sup>29</sup> FAO: *FAO Statistical Yearbook 2013: World food and agriculture*, Rome, 2013, p. 14.

which may contribute to the rural–urban exodus within a country’s borders.<sup>30</sup> Fewer than 20 per cent of agricultural workers have access to basic social protection.<sup>31</sup>

20. Young people account for 23.5 per cent of the working poor, the majority of whom live in rural areas.<sup>32</sup> Rural young people are more likely to be underemployed and less likely to be in school than urban young people;<sup>33</sup> youth in rural areas are far less likely than youth in urban areas to transit to stable employment.<sup>34</sup>

21. According to the ILO’s International Programme on the Elimination of Child Labour (IPEC), child labour is mainly a rural issue:<sup>35</sup>

- ❑ rural areas host 75 per cent of the world’s poor, with 2.1 billion living on less than US\$2 a day, and 880 million living on less than US\$1 a day;
- ❑ child labour is mainly a rural issue. Out of 168 million child labourers worldwide, 98 million are in agriculture alone;
- ❑ about 59 per cent of child labourers aged 5–17 years old work in agriculture, in contrast to 7 per cent in industry and 32 per cent in services;
- ❑ agriculture is among the three most dangerous sectors to work in at any age, and even more dangerous for children. Data show that around 60 per cent of hazardous child labour is in agriculture;
- ❑ only one in five child labourers are in paid employment – the vast majority are unpaid family workers;
- ❑ rural children, particularly girls, tend to begin work at a very young age, sometimes when they are 5–7 years old;
- ❑ without considering household services, on average, boys make up 63 per cent and girls 37 per cent of child labour in agriculture in the 5–17 age group. But 92 per cent of girl child labourers in the 5–14 age group also perform household chores, as compared with 67 per cent of boys.

22. The ILO estimates that 20.9 million people are victims of forced labour at any point in time and agriculture is one of the sectors most frequently cited.<sup>36</sup> Many victims of forced labour are migrant workers (and their status is usually, although not always, irregular) or poor seasonal workers, who move from rural to urban areas, or between distant regions or provinces, in search of work. Debt bondage is particularly common in rural areas and affects poor agricultural workers and members of indigenous communities.<sup>37</sup> Very often agricultural workers are obliged to work beyond normal working hours under the threat of penalties, dismissals or payment of wages below the minimum level.<sup>38</sup>

<sup>30</sup> ILO: ILOSTAT database, Geneva, 2014; national statistical offices, 2014.

<sup>31</sup> FAO: *FAO Statistical Yearbook 2013: World food and agriculture*, Rome, 2013, p. 14.

<sup>32</sup> ILO: *Global employment trends 2012: Preventing a deeper job crisis*, Geneva, 2012, p. 43.

<sup>33</sup> *ibid.*, p. 47.

<sup>34</sup> ILO: *Global employment trends for youth 2013: A generation at risk*, Geneva, 2013, p. 55.

<sup>35</sup> ILO: *Rural policy brief: Eliminating child labour in rural areas through decent work*, Geneva, 2011; and ILO: *Marking progress against child labour: Global estimates and trends 2000–12*, Geneva, 2013.

<sup>36</sup> ILO: *ILO global estimate of forced labour: Results and methodology*, Geneva, 2012, p. 13.

<sup>37</sup> ILO: *General Survey on the fundamental Conventions*, 2012, para. 294.

<sup>38</sup> *ibid.*, para. 292.

## Reports by member States: The situation on the ground

23. In their reports concerning national law and practice regarding freedom of association for agricultural workers and rural workers' organizations, a number of member States provided general information to the Committee about the rural economies in their countries.

24. Certain reports communicated information about the contribution made by the rural economy to gross domestic product (GDP). In *Algeria*, for example, agriculture accounted for 12 per cent of GDP and in *Bangladesh* for 20 per cent. In *Djibouti*, the Government reported, agriculture accounted for 4 per cent of GDP. BusinessNZ, a representative employers' organization from *New Zealand*, noted government data setting out that agriculture, food and forestry generated 70 per cent of New Zealand's merchandise export earnings and around 12 per cent of its GDP. In *Turkmenistan*, agriculture accounted for 8.4 per cent of GDP in 2012.

25. Many countries indicated that agriculture was a predominant sector, employing large numbers of people. For example, the Government of *Thailand* reported that the country was essentially agricultural. Both the Government of *Sudan* and the General Federation of Sudanese Employers indicated that the majority of the population worked in agriculture and lived in rural areas. The Government of *Peru* reported that 73.7 per cent of the economically active population in the country worked in the rural sector. The Government of *Zimbabwe* indicated that agriculture was the largest sector in the country and made a significant contribution to the national GDP.

26. While not having information on the total workforce in the countries concerned, the Committee notes the figures given by some member States on the number of workers in particular sectors. In *Bosnia and Herzegovina* in 2012, 437,331 persons were employed in agriculture, forestry and fishing.<sup>39</sup> The *New Zealand* Government reported that, at the close of the December 2013 quarter, the total number of employees in the agriculture, fishing, hunting and forestry sectors was 149,500.<sup>40</sup> According to the Government of *Lithuania*, in 2010 there were 369,033 farm workers in the country, made up of 338,174 farmers and their family members, 27,915 regular hired workers and 2,944 temporarily hired workers.<sup>41</sup> The Government of the *Bahamas* indicated that approximately 3,940 persons were employed in agriculture, hunting, forestry and fishing industries in 2007.<sup>42</sup>

27. The Government of *Bangladesh* reported that about 48 per cent of the total labour force was employed in the agricultural sector. According to the Government, about 77 per cent of Bangladesh's population lived in villages and agriculture was the main source of their livelihood. Agriculture was reported to be the only source of food and nutrition, employment and income generation for the vast unskilled low-income group in rural Bangladesh. Agricultural workers were mostly self-employed and landless families were tenant farmers and sharecroppers.

<sup>39</sup> In 2013, the population of Bosnia and Herzegovina was estimated at 3.82 million: see <http://data.worldbank.org/country/bosnia-and-herzegovina>.

<sup>40</sup> In 2013, the estimated population of New Zealand was 4.47 million: see [http://www.stats.govt.nz/browse\\_for\\_stats/population/estimates\\_and\\_projections/NationalPopulationEstimates/HOTPA30Jun13.aspx](http://www.stats.govt.nz/browse_for_stats/population/estimates_and_projections/NationalPopulationEstimates/HOTPA30Jun13.aspx).

<sup>41</sup> In 2010, the population of Lithuania was estimated at 3.32 million: see [http://epp.eurostat.ec.europa.eu/cache/ITY\\_PUBLIC/3-08062011-BP/EN/3-08062011-BP-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-08062011-BP/EN/3-08062011-BP-EN.PDF).

<sup>42</sup> In 2005, the population of the Bahamas was estimated at 325,200: see <http://statistics.bahamas.gov.bs/download/093911800.pdf>.

28. The issue of the nature of land ownership and the predominance of family-oriented labour, and the impact of this on the employment relationship, was raised by a number of member States. The Government of *Bulgaria*, for example, reported that 92 per cent of the 738,634 people employed in agriculture were family workers, 55,300 were paid workers, and 24,000 were seasonal workers. The Government of *India* reported that Indian agriculture was predominantly subsistence farming carried out by small and marginal farmers who also alternated as seasonal agri-labourers.

29. The Government of *Turkey* and the Confederation of Turkish Trade Unions (TÜRK-İŞ) indicated that, as of July 2013, 6.6 million people worked in the agricultural sector, with 2.6 million being own-account workers and just 737,000 being wage workers.<sup>43</sup> The Government of *Switzerland* indicated that in 2012, 162,000 people, out of a total labour force of 4.1 million people, were employed in agriculture; 81 per cent of these were family workers and a significant number of the remainder were foreign workers working in Switzerland for a short period of time; the Swiss Farmers' Union estimated that at least 20,000 foreign workers were employed in the agricultural sector. The Government of *Finland* also reported the presence of foreign workers, noting that berry pickers arrived in the country during the summer season. The Government of *Sudan* and the General Federation of Sudanese Employers emphasized the large numbers of seasonal workers and prevalence of family farmers.

30. In other member States, agriculture and the rural sector were less predominant. The Government of *Djibouti*, for example, reported that agriculture was a new activity with no paid workforce and provided only 10 per cent of the country's basic food needs. In *Bahrain*, the Government reported that the agricultural sector did not exceed 2 per cent of the labour market, employing 950 farmers and 9,120 migrant workers. Out of 6,400 hectares of land suitable for farming, only 4,400 hectares were used for farming. The Government of *Saudi Arabia* reported that the agricultural and rural economy – and rural and agricultural employment – were relatively limited, and the Government of *Qatar* reported that Qatar had no rural workers. The Government of *Singapore* noted that the country was almost 100 per cent urbanized, with only 1.3 per cent of residents categorized as being employed in agriculture, fishing, quarrying, utilities or sewerage and waste.

31. The Government of the *United States* reported dramatic changes to the agriculture industry since Convention No. 11 was adopted in 1921. While US farm production continued to increase, the number of farms and the number of workers engaged in agricultural work decreased significantly and there was a trend towards larger farms. In 2007, there were 2.2 million farms in the United States. Most farms had less than \$25,000 in annual sales and most farmers in the United States derived most of their income from non-farm earnings. Ninety-eight per cent of farms in the United States were family farms and in 2012 it was estimated that hired farm workers comprised one third of all persons working on farms, with the remaining two-thirds composed of self-employed farm operators and their families. The total number of hired farm workers was estimated at just over 1 million, varying by season, comprising less than 1 per cent of all US wage and salary workers. Government statistics for 2013 showed a total of 1,096,000 individuals employed in US agriculture.

<sup>43</sup> In 2013, the estimated population of Turkey was 76.67 million: see <http://country.eiu.com/article.aspx?articleid=592472443&Country=Turkey&topic=Summary&subtopic=Basic+data>.

## Historical and institutional background

32. Rural development has been on the ILO's agenda since its establishment in 1919. During the discussions of the first Conventions, the fact that no agricultural representatives were present was raised as one of the reasons why those Conventions would not apply to agriculture.<sup>44</sup> Accordingly, as agriculture Conventions were on the agenda of the 1921 Session of the International Labour Conference (ILC), the attention of member States was drawn to the need to include representatives from the agriculture sector in delegations.<sup>45</sup>

33. During the discussions in 1921, several governments objected to the adoption of any standards relating to agriculture, as they considered that the Treaty of Versailles did not apply to this sector.<sup>46</sup> Other governments considered that the Treaty did indeed apply equally to agricultural and industrial workers; the principle of freedom of association was referred to as "one of the most important objects of [the] Conference".<sup>47</sup>

34. The decision was taken to continue the discussions related to agricultural workers, and Convention No. 11 was adopted in 1921 as one of three Conventions concerning agriculture.<sup>48</sup> It required member States to undertake to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.<sup>49</sup> Interventions stressed the need for the Convention to extend beyond those "employed in agriculture" and to include non-wage workers such as peasants, farm hands and small tenant farmers.<sup>50</sup> By 1938, a tripartite Permanent Agriculture Committee had been established to discuss the ILO's work on rural matters.<sup>51</sup>

35. In the first 27 years following the adoption of Convention No. 11, it was ratified by 34 member States.<sup>52</sup> In 1948, Convention No. 87 was adopted, followed by Convention No. 98 in 1949. These are some of the most ratified ILO Conventions.<sup>53</sup> Freedom of association and collective bargaining constitute one of the fundamental

<sup>44</sup> League of Nations: *Report of the commission on employment of children, upon the age of admission of children to employment*, ILC, First Session, Washington, 1919, pp. 247–248.

<sup>45</sup> League of Nations: Vol. I – First and Second Parts, ILC, Third Session, Geneva, 1921, pp. XXIII and XXV.

<sup>46</sup> *ibid.*, pp. 22–37. Note that in 1922, the question of the competence of the ILO to regulate conditions of work in agriculture was referred to the Permanent Court of International Justice, which declared that the ILO's domain extended to the agricultural sector: Advisory Opinion of 12 August 1922 (Series B, No. 2).

<sup>47</sup> *ibid.*, pp. 22–37, 140.

<sup>48</sup> See also the Minimum Age (Agriculture) Convention, 1921 (No. 10), and the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12). Note that the Third Session of the ILC (1921) is often referred to as the "Agricultural Session". See L. de Luca et al.: *Unleashing the potential for rural development through decent work: Building on the ILO rural work legacy 1970–2010* (Geneva, ILO, 2011), p. 8.

<sup>49</sup> Article 1 of Convention No. 11.

<sup>50</sup> League of Nations: Vol. I – First and Second Parts, ILC, Third Session, Geneva, 1921, p. 145.

<sup>51</sup> L. de Luca et al.: *Unleashing the potential for rural development through decent work: Building on the ILO rural work legacy 1970–2010* (Geneva, ILO, 2011), p. 8.

<sup>52</sup> To date 122 member States have ratified Convention No. 11.

<sup>53</sup> To date 153 member States have ratified Convention No. 87, and 164 member States have ratified Convention No. 98.

principles and rights at work, with particular importance as an enabling condition for the attainment of other goals.<sup>54</sup>

36. During the 1950s and 1960s, a number of other Conventions and Recommendations touching upon agriculture were adopted. In 1958, in response to concern about the working and living conditions of rural workers on plantations, the Plantations Convention, 1958 (No. 110), was adopted. This “social charter for plantation workers” included provisions dealing with the right to organize and collective bargaining, and freedom of association of plantation workers.<sup>55</sup> The Co-operatives (Developing Countries) Recommendation, 1966 (No. 127), and the Tenants and Share-croppers Recommendation, 1968 (No. 132), referred to the need to set up and develop organizations for rural workers and to improve their conditions of life.<sup>56</sup> In 1969, the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and Recommendation, 1969 (No. 133), were adopted, recognizing the particular challenges of inspection in rural areas.

37. The ILO’s international mandate on rural areas was strengthened by a 1955 Memorandum of Understanding with the FAO, institutionalizing the working relationship between the two organizations and supplementing a Cooperation Agreement concluded in 1947.

#### **“A long history of fruitful collaboration”**

The Preamble to Convention No. 141 records that it was “framed in co-operation with the Food and Agriculture Organisation of the United Nations and that, with a view to avoiding duplication, there will be continuing co-operation with that Organisation and with the United Nations in promoting and securing the application of these standards”.

The latest Memorandum of Understanding between the ILO and the FAO was concluded in 2004. It stressed that the two organizations “share a long history of fruitful collaboration” and a commitment to support “people-centred, sustainable development and fair and inclusive globalization”. To improve the effectiveness of the support provided by the organizations to their Members, collaboration in areas of strategic interest was strengthened.

On this basis, the ILO and the FAO have co-operated and regularly consulted on matters of common interest for many years. The ongoing collaboration is a particularly important contribution to the work on decent work in the rural economy, one of the ILO’s areas of critical importance for priority action in 2014–15, which inevitably will build on the proactive framework set up in Convention No. 141 and Recommendation No. 149.

38. Recognizing the need for further action to strengthen rural workers’ organizations to enable them to function as effective channels for popular participation in development,<sup>57</sup> in November 1972 the Governing Body decided to place on the agenda of the Conference the question of organizations of rural workers and their role in economic and social development, with a view to the adoption of an international instrument or instruments. In 1975, the Conference adopted Convention No. 141 and

<sup>54</sup> See 2008 ILO Declaration on Social Justice for a Fair Globalization.

<sup>55</sup> ILO: *General Survey on freedom of association and collective bargaining*, 1983, para. 324. Note the 1982 Optional Protocol to Convention No. 110, which allowed the exclusion from the Convention’s scope of agricultural undertakings covering less than five hectares and employing not more than ten workers within a set period during a set year.

<sup>56</sup> Replaced by the Promotion of Cooperatives Recommendation, 2002 (No. 193), in 2002.

<sup>57</sup> ILO: *Minutes of the 188th Session of the Governing Body*, Governing Body, 188th Session, Geneva, Nov. 1972, para. 46.

Recommendation No. 149. As was stated at the time, the objective of the instruments “was, in the main, to strengthen the role of rural workers in economic and social development. It was no longer a question of the principle of freedom of association for these workers: that right was effectively recognized by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which under Article 2 was applicable to workers generally”.<sup>58</sup> Article 3 of Convention No. 141 reaffirms the principles of freedom of association as set out in Conventions Nos 87 and 135, and Paragraph 8(2)(a) of Recommendation No. 149 explicitly refers to Conventions Nos 11, 87 and 98. The discussion made clear that the Convention was to apply equally to developed and developing countries.<sup>59</sup> The same year, the Conference adopted the Resolution on Rural Development, which aimed to increase rural development activities and focused on rural poverty alleviation.

39. Rural areas were a major focus of development work in the 1970s and 1980s, during which period the ILO pioneered a broad range of rural empowerment methods, including strengthening rural workers, producers, women and indigenous populations through association building.<sup>60</sup> Particularly innovative programmes aimed to increase the organization and voice of rural workers. Notably, in 1977, the ILO established a Programme on Participatory Organizations of the Rural Poor, based on the fact that the landless, sharecroppers, and other groups of rural poor required basic organization and empowerment in order to benefit from other development initiatives.<sup>61</sup> The ILO’s Programme on Rural Women was launched in 1979 and helped to implement Convention No. 141 to ensure that it reached rural women.<sup>62</sup>

40. An ILO Workers’ Education Programme targeting rural areas was set up in the mid-1970s and sought to optimize workers’ education for categories of rural workers, including plantation workers, subsistence cultivators, landless labourers, tenant farmers and migrant workers, and to review the administration, activities and services of rural workers’ organizations.<sup>63</sup> During the almost 20 years that it operated, the programme launched projects in over 20 countries across Africa, Asia and Latin America, often collaborating with the Programme on Rural Women, the Cooperatives Unit and other ILO departments.<sup>64</sup>

<sup>58</sup> ILO: *Record of Proceedings*, ILC, 59th Session, Geneva, 1974, Report of the Committee on Rural Workers’ Organisations, para. 6, p. 447. At the adoption of the Convention, the Government adviser of the United Kingdom noted, “What had become clear during our discussion was that while existing instruments on freedom of association have been interpreted as applying to all workers, the practical situation has been that many governments have devoted their attention to wage earners to the exclusion of the great mass of the rural self-employed. The proposed Convention which is now before the Conference seeks to restore this balance by the specific extension to rural workers of the basic rights of association embodied in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)”; ILO: *Record of Proceedings*, ILC, 60th Session, Geneva, 1975, p. 628.

<sup>59</sup> ILO: *Record of Proceedings*, ILC, 59th Session, Geneva, 1974, Report of the Committee on Rural Workers’ Organisations, para. 13, p. 449.

<sup>60</sup> L. de Luca et al.: *Unleashing the potential for rural development through decent work: Building on the ILO rural work legacy 1970–2010* (Geneva, ILO, 2011), p. iii.

<sup>61</sup> *ibid.*, p. 48.

<sup>62</sup> *ibid.*, pp. 24–25.

<sup>63</sup> *ibid.*, p. 27.

<sup>64</sup> *ibid.*, pp. 27–29.

41. The various meetings of the tripartite Committee on Work on Plantations<sup>65</sup> held between 1950 and 1994 dealt with issues concerning agricultural undertakings employing hired workers situated in tropical or subtropical regions, and cultivating and producing crops for commercial purposes. During this time it adopted a number of conclusions and resolutions dealing with virtually all aspects of labour and social conditions on plantations, including freedom of association and collective bargaining. The conclusions concerning collective bargaining problems and practices on plantations and the exercise of trade union rights (1976, No. 69), the resolution concerning freedom of association in the plantation sector (1989, No. 86) and the resolution concerning freedom of association and international labour standards for plantation workers (1994, No. 94) highlighted the importance of Conventions Nos 11, 87, 98 and 141 for the plantation sector.

42. The Safety and Health in Agriculture Convention, 2001 (No. 184), has the objective of preventing accidents and injury to health arising out of, linked with, or occurring in the course of agricultural and forestry work. To this end, the Convention includes measures relating to machinery safety and ergonomics, handling and transport of materials, sound management of chemicals, animal handling, protection against biological risks, and welfare and accommodation facilities. The Convention stresses the need for a coherent approach to agriculture and takes into consideration the wider framework of the principles embodied in other ILO instruments applicable to the sector, in particular Conventions Nos 87 and 98, and the child labour Conventions.<sup>66</sup>

43. The Promotion of Cooperatives Recommendation, 2002 (No. 193),<sup>67</sup> defines the term cooperative as an “autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly owned and democratically controlled enterprise”.<sup>68</sup> The Recommendation emphasizes: cooperative values of self-help, self-responsibility, democracy, equality, equity and solidarity; as well as ethical values of honesty, openness, social responsibility and caring for others; and cooperative principles of voluntary and open membership; democratic member control; member economic participation; autonomy and independence; education, training and information; cooperation among cooperatives; and concern for community.<sup>69</sup> In keeping with the rural workers’ organizations instruments, the Recommendation states that measures should be adopted to promote the potential of cooperatives in all countries, irrespective of their level of development. In that context, governments should provide a supportive policy and legal framework.<sup>70</sup>

<sup>65</sup> One of the tripartite ILO sectoral committees that operated between 1938–1995.

<sup>66</sup> Convention No. 184, Preamble.

<sup>67</sup> The Recommendation revised and replaced the Co-operatives (Developing Countries) Recommendation, 1966 (No. 127).

<sup>68</sup> Para. 2.

<sup>69</sup> Paras 3 and 4.

<sup>70</sup> Para. 6.



44. In 2002, the Cartier Working Party on Policy regarding the revision of standards (1995–2002) reaffirmed the roles of Conventions Nos 11 and 141.<sup>71</sup> Convention No. 11 has been classified as an interim<sup>72</sup> Convention and Convention No. 141 is an up-to-date Convention. Both Conventions are open to ratification by member States.

45. The 2008 ILC discussion on the promotion of rural employment for poverty reduction, which culminated in the adoption of a resolution and conclusions concerning promotion of rural employment for poverty reduction, set a mandate for renewed ILO involvement in rural development issues.<sup>73</sup> As a follow-up to these conclusions, the March 2011 session of the Governing Body adopted a strategy paper on promoting decent work for rural development.<sup>74</sup>

46. The rural sector, in particular agriculture, is an important component of the global supply chain. The question of decent work in global supply chains has become increasingly important for the Organization's constituents. In November 2011, the Governing Body endorsed a strategic approach to promote food security through decent work in critical economic sectors across the global food supply chain,<sup>75</sup> due to the enhanced role given to the ILO and its Decent Work Agenda in efforts to promote and coordinate a comprehensive response to the challenge of achieving food security by the UN High-level Task Force on the Global Food Security Crisis. Following discussions in 2012 and 2013, the Governing Body selected the item “decent work in global supply chains” with a view to a general discussion at the 105th Session (2016) of the Conference.<sup>76</sup> Global supply chains were noted to be gaining importance in economic sectors such as agriculture and fishing, in addition to the historically more predominant manufacturing.<sup>77</sup>

47. In response to the significant global decent work challenges in the rural sector, “decent work in the rural economy” was established as an ILO area of critical importance for priority action in 2014–15.<sup>78</sup> Its primary goals are: to increase the voice of rural people through the organization of communities and the promotion of rights, standards and social dialogue; to achieve an employment-based rural development model through, and better integration in, global supply chains; and to provide social protection floors that guarantee minimum income and access to basic services in rural economies, which are often vulnerable to external shocks.

<sup>71</sup> ILO: *Working Party on Policy regarding the revision of standards (Cartier Working Party)*, Governing Body, 284th Session, Geneva, June 2002.

<sup>72</sup> Instruments with interim status, originally called “other instruments”, are those which are no longer fully up to date but remain relevant in certain respects. See *ibid.*

<sup>73</sup> ILO: *Resolutions adopted by the International Labour Conference*, ILC, 97th Session, Geneva, 2008, p. 2.

<sup>74</sup> ILO: *Unleashing rural development through productive employment and decent work: Building on 40 years of ILO work in rural areas*, Governing Body, 310th Session, Geneva, Mar. 2011, GB.310/ESP/1.

<sup>75</sup> ILO: *Decent work in the global food supply chain: A sectoral approach*, Governing Body, 312th Session, Geneva, Nov. 2011, GB.312/POL/7.

<sup>76</sup> ILO: *Agenda of the International Labour Conference (2015 and beyond)*, Governing Body, 319th Session, Geneva, Oct. 2013, GB.319/INS/2, para. 10.

<sup>77</sup> *ibid.*, para. 5.

<sup>78</sup> ILO: *The Director-General's Programme and Budget proposals for 2014–15*, Governing Body, 317th Session, Geneva, Mar. 2013, GB.317/PFA/1, p. 20.

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## Ratification information

48. Of the 185 member States of the ILO, 127 have ratified either Convention No. 11 or Convention No. 141. Of those 127 States, 122 have ratified Convention No. 11 and 40 have ratified Convention No. 141.<sup>79</sup> Thirty-five States have ratified both Conventions. The latest ratification for Convention No. 11 was registered in 2006,<sup>80</sup> and for Convention No. 141 in 2004.<sup>81</sup>

49. Eight States,<sup>82</sup> amounting to approximately 41 per cent of the world's population, have ratified Convention No. 11 but not Convention No. 87. For the large number of rural workers in those countries, Convention No. 11 has an impact on ensuring a minimum level of organizational rights for them.

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<sup>79</sup> See Annex V.

<sup>80</sup> *Montenegro*.

<sup>81</sup> *Albania*.

<sup>82</sup> *Brazil, China, India, Iraq, Kenya, Morocco, New Zealand and Singapore*.



# Part I. The impact of the instruments

## Chapter 1

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### The potential of the instruments

#### Rationale for the instruments

50. In the years preceding the adoption of Convention No. 11 in 1921, agricultural workers were not always understood to be entitled to the same rights as other workers. They were portrayed as “forgotten, those poor men who are in a field digging and bearing the fierce heat of the sun”.<sup>1</sup> It was argued that this neglect was because they did not have the means to defend themselves, unlike industrial workers.<sup>2</sup>

51. Consequently, the delegates to the 1921 session of the International Labour Conference decided that agricultural workers should enjoy the same rights and the same legal recognition in respect of working conditions as their fellow industrial workers, leading to the adoption of Convention No. 11.<sup>3</sup>

52. Fifty years later, during the discussion of Convention No. 141, delegates recorded that rural workers remained in a similarly vulnerable situation, describing a vicious circle of poverty. Legislation had been enacted in many countries, but had had little effect.<sup>4</sup>

53. The Workers’ spokesperson, Vice-Chairperson of the Committee on Rural Workers’ Organisations, considered that workers needed to know their rights to be able to demand them but, in the case of rural workers, they did not know their rights or were too weak economically to demand them. Rural workers, it was stated, earned pitifully low income, were dependant on middle men, lacked credit facilities, could not afford to use modern techniques, and were malnourished. With organization, the spokesperson believed, rural workers could find strength and power to improve their situation: “We wish to enable the rural workers to improve their lot, just as the industrial workers have improved theirs”.<sup>5</sup>

54. The Employers’ spokesperson, Vice-Chairperson of the Committee on Rural Workers’ Organisations, likewise noted the many needs of rural populations and considered that before rural workers enjoyed things such as education, technical knowledge and improved social services, they needed to be better organized, to be

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<sup>1</sup> League of Nations: Vol. I – First and Second Parts, ILC, Third Session, Geneva, 1921, pp. 28–29.

<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*, p. 42.

<sup>4</sup> ILO: *Record of Proceedings*, Report of the Committee on Rural Workers’ Organisations, ILC, 59th Session, Geneva, 1974, p. 647.

<sup>5</sup> *ibid.*, pp. 646–647.

able to express a collective opinion, and to be able to influence economic and social development, particularly in rural areas.<sup>6</sup> An Employers' adviser from India believed that rural workers were "forgotten people" and believed that the Convention would be transformative.<sup>7</sup>

55. As a result of this vulnerability and lack of organization, the voice of rural workers was often difficult to hear in relation to both rural development and broader economic and social development at the national level. During the debate, the necessity of improving the lot of rural workers was generally noted. The Rapporteur of the Committee on Rural Workers' Organisations indicated that the proposed instrument would "reflect the growing recognition of the important contribution which organizations of rural workers can play in the self-advancement of those workers and in national development".<sup>8</sup> Successful social and economic development relied on the input of all concerned, both in the creation of policy and in its implementation.

## Objectives of the instruments

56. The objectives of the instruments, although clearly complementary and interlinked, differ. The purpose of Convention No. 11 is to ensure that agricultural workers have the same rights of association and combination as other workers. Convention No. 141 reaffirms and builds on the principles of freedom of association of rural workers, basic rights which are already recognized by Conventions Nos 11, 87 and 98, as a basis for giving rural workers a voice in economic and social development.

57. As was explained in the Committee's previous General Survey on freedom of association and collective bargaining in 1983:

327. The Rural Workers' Organisations Convention, 1975 (No. 141), and Recommendation, 1975 (No. 149), recognize the fundamental principles of freedom of association and the right to organise for rural workers; these instruments provide that States are to adopt and carry out a policy of active encouragement to rural workers' organisations, particularly with a view to eliminating obstacles to their establishment, their growth and the pursuit of their lawful activities, as well as such legislative and administrative discrimination against rural workers' organisations and their members as may exist.

328. The main purpose of Convention No. 141 and Recommendation No. 149 is to strengthen the role of rural workers' organisations in economic and social development.

329. Convention No. 141, like the Freedom of Association and Protection of the Right to Organise Convention (No. 87), reaffirms the principle of the right of association of rural workers, a right which is already recognized by Convention No. 87, Article 2. Article 3 of Convention No. 141, moreover, takes up the principles established by Convention No. 87 and by Articles 1 and 2 of Convention No. 98, while its Preamble recalls the terms of existing Conventions and Recommendations, in particular Conventions Nos. 11, 87 and 98.<sup>9</sup>

58. In examining *Ethiopia's* application of Convention No. 87, the Committee considered the interaction of the instruments following a statement by the Government to the effect that Convention No. 87 did not apply to rural workers since Convention

<sup>6</sup> *ibid.*, p. 646.

<sup>7</sup> *ibid.*, pp. 648–649.

<sup>8</sup> *ibid.*, p. 645.

<sup>9</sup> ILO: *General Survey on freedom of association and collective bargaining*, 1983.

No. 141 had been adopted to provide specific protection for rural workers' organizations, and this instrument had not been ratified by Ethiopia:<sup>10</sup>

The Committee points out that the essential aim of Convention No. 141 is to strengthen the role of rural workers' organisations in economic and social development and that this Convention reasserts in its Article 3 the principle of the right of association of rural workers previously recognised by Convention No. 87, which is of general application by virtue of its Article 2. A member State that has not ratified Convention No. 141 cannot, therefore, evade the obligations it has undertaken by ratifying Convention No. 87 in respect of rural workers, who are covered by that instrument, the only possible exceptions being those of the armed forces and the police under Article 9.

With regard to Convention No. 11 ... the Committee points out that all those engaged in agriculture must have the same rights of association and combination as industrial workers (Article 1). The trade union rights provided for in [legislation] for peasants' associations should not, therefore, be less than those set forth in [legislation] of general application.

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***59. Convention No. 11 aims to secure to all agricultural workers the same rights of association and combination as to other workers. Convention No. 141 builds on that principle so as to ensure that rural workers have a voice in economic and social development. The Committee wishes to emphasize the importance of freedom of association in the rural sector and the need for strong and independent rural workers' organizations to contribute to sustainable and inclusive economic and social development.***

<sup>10</sup> Ethiopia – CEACR, Convention No. 87, observation, published in 1986.



## Chapter 2

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### Scope of the instruments

#### Defining agricultural and rural workers

##### Broad scope

60. The question of to whom the instruments apply is undoubtedly fundamental. While Conventions Nos 11 and 141 use different terminology, there is much similarity in the breadth of the scope of the two Conventions.

61. In accordance with the text of Article 1 of Convention No. 11, the same “rights of association and combination” as enjoyed by industrial workers are guaranteed to “all those engaged in agriculture”, a scope that is intentionally broader than those “employed” in agriculture.<sup>1</sup> Article 2 of Convention No. 141<sup>2</sup> provides that “the term rural workers means any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, subject to the provisions of paragraph 2 of this Article, as a self-employed person such as a tenant, sharecropper or small owner-occupier”. Paragraph 2 of the Article elaborates that the Convention:

... applies only to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, who work the land themselves, with the help only of their family or with the help of occasional outside labour and who do not:

- (a) permanently employ workers; or
- (b) employ a substantial number of seasonal workers; or
- (c) have any land cultivated by sharecroppers or tenants.

62. As is the case with Convention No. 11, the scope of Convention No. 141 is broad, encompassing both wage earners and the self-employed in agriculture, handicrafts and related occupations in rural areas. Discussions leading to the adoption of Convention No. 141 “devoted particular attention” to the definition of the term “rural worker”,<sup>3</sup> resulting in language that recognized the heterogeneity of labour relationships in the agricultural and rural sectors and that such labour relationships commonly extended beyond those “employed”. Both Conventions were intentionally drafted to take into account the great diversity in national circumstances.

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<sup>1</sup> League of Nations: Vol. I – First and Second Parts, ILC, Third Session, Geneva, 1921, p. 145.

<sup>2</sup> See also Paragraph 2 of Recommendation No. 149, which follows similar wording.

<sup>3</sup> ILO: *Record of Proceedings*, Report of the Committee on Rural Workers’ Organisations, ILC, 59th Session, Geneva, 1974, para. 9, p. 448.



63. The Committee has previously noted that Convention No. 141 adopts a very broad notion of the “occupations” coming within its scope<sup>4</sup> and has stressed that Convention No. 11 applies to all those engaged in agriculture.<sup>5</sup> In the course of supervising the application of the Conventions by member States, the Committee has considered the application of Convention No. 11 to small agricultural holdings which did not run an establishment, or farmers working on their own or with their family;<sup>6</sup> self-employed workers in the agricultural sector and, in particular, agricultural workers working on medium-sized and smallholder farms;<sup>7</sup> self-employed farmers,<sup>8</sup> producers,<sup>9</sup> sharecroppers and smallholders;<sup>10</sup> non-wage-earning agricultural workers;<sup>11</sup> farm dwellers, agricultural workers in royal villages and chief’s homesteads;<sup>12</sup> and agricultural workers in the informal sector.<sup>13</sup>

64. In an observation concerning *Bangladesh* published in 1977, for example, the Committee pointed out that the right of association guaranteed by Convention No. 11 applied to all persons engaged in agriculture, including independent workers, tenants, sharecroppers and smallholders. In observations published in 2001 and 2007,<sup>14</sup> the Committee considered a distinction made between agricultural workers employed in the organized sectors, namely agricultural farms, such as the tea gardens, sugar mills and other agricultural farms run on a commercial basis, and agricultural workers employed in “unorganized sectors”. The Committee emphasized that all agricultural workers, including those not employed in the organized sector, should enjoy the same rights of association and combination as industrial workers, including the right to form trade unions and conclude collective agreements.

65. In relation to seasonal or “occasional” workers, the Committee stated that provisions should not have the effect of excluding seasonal workers from the rights guaranteed by Convention No. 11.<sup>15</sup>

66. In relation to self-employed workers, in an observation on *Malaysia* published in 1993, the Committee noted that Convention No. 11 was designed to protect self-employed agricultural workers in their economic relationships, which were often with governments.<sup>16</sup> In an observation published in 1997, the Committee noted the Government of Malaysia’s indication that self-employed workers, while excluded

<sup>4</sup> ILO: *General Survey on freedom of association and collective bargaining*, 1983, para. 335.

<sup>5</sup> See, for example, *India* – CEACR, Convention No. 11, direct request, published in 2000; *Pakistan* – CEACR, Convention No. 11, observation, published in 2000.

<sup>6</sup> See, for example, *Pakistan* – CEACR, Convention No. 11, direct request, published in 2013.

<sup>7</sup> See, for example, *Mauritius* – CEACR, Convention No. 11, direct request, published in 2012; *Montenegro* – CEACR, Convention No. 11, direct request, published in 2012; *Morocco* – CEACR, Convention No. 11, direct request, published in 2007.

<sup>8</sup> See, for example, *Sri Lanka* – CEACR, Convention No. 11, direct request, published in 2012.

<sup>9</sup> See, for example, *Turkey* – CEACR, Convention No. 11, direct request, published in 2012.

<sup>10</sup> See, for example, *India* – CEACR, Convention No. 11, direct request, published in 2000.

<sup>11</sup> See, for example, *Gabon* – CEACR, Convention No. 11, direct request, published in 2000.

<sup>12</sup> See, for example, *Swaziland* – CEACR, Convention No. 11, direct request, published in 2005.

<sup>13</sup> See, for example, *Uganda* – CEACR, Convention No. 11, direct request, published in 2000.

<sup>14</sup> *Bangladesh* – CEACR, Convention No. 11, observations, published in 2001 and 2007.

<sup>15</sup> See, for example, *Belgium* (Belgian Congo and Ruanda-Urundi) – CEACR, Convention No. 11, observation, published in 1959; *Chile* – CEACR, Convention No. 11, observations, published in 1955 and 1956; *Nicaragua* – CEACR, Convention No. 11, observation, published in 1962.

<sup>16</sup> *Malaysia* – CEACR, Convention No. 11, observation, published in 1993.

from the scope of the Trade Union Act of 1959, were free under the Societies Act of 1966 and the Cooperatives Act of 1948 to join associations and cooperative organizations to enhance their interests and welfare. The Government reported the existence of over 681 cooperatives and 117 associations, including farmers' associations representing 540,000 farmers.<sup>17</sup>

67. In its consideration of the application of Convention No. 141 by *India*, the Committee considered that the term "other related occupations" in the definition of rural workers included muster assistants, female workers on an integrated child development scheme largely involved in childcare centres in rural and tribal areas, and forest and brick-making workers.<sup>18</sup> In addition, the Committee noted on other occasions that the term "rural" covered agriculture, forestry and stock-raising sectors;<sup>19</sup> and considered that rural workers included temporary workers, workers engaged in sugar-cane harvests, casual workers, tenants and sharecroppers.<sup>20</sup>

68. The Committee has noted that Convention No. 141 equally covers rural workers employed on a regular or a seasonal basis, including self-employed workers,<sup>21</sup> and rural workers who are wage earners.<sup>22</sup>

### Diverse ways to define

69. The Committee notes that while Article 1 of Convention No. 11 and Article 2 of Convention No. 141 do not require member States to define the terms "rural worker" and "agricultural work" in any particular way, the provisions envisage broad definitions responding to national circumstances so as to ensure a wide and meaningful coverage of relevant workers by the rights guaranteed by the instruments.

70. The replies submitted by member States to the report form show a considerable variation in the categories of rural workers that exist, as well as in the manner in which they are defined. An exact reproduction of the term "rural worker" as set out in the instruments is not commonly found and the terms "rural worker" and "agricultural work" are not always defined in the national labour legislation concerning freedom of association and collective bargaining rights.<sup>23</sup> Some countries leave the definition to national practice,<sup>24</sup> and others do not have definitions.<sup>25</sup> In general, the law and practice set out in reports suggest that member States define the terms broadly and in line with the definitions contained in the instruments.

***71. The Committee emphasizes that the way in which categories or definitions of rural workers are established is open to determination by the national decision-making process and, so as to be optimally effective at the country level, should reflect the national reality of rural employment arrangements, as long as all those workers covered by the Conventions enjoy the freedom of association rights afforded to them by these instruments.***

<sup>17</sup> *Malaysia* – CEACR, Convention No. 11, observation, published in 1997.

<sup>18</sup> *India* – CEACR, Convention No. 141, observations, published in 1993, 1995, 1999, 2003, 2007 and 2012.

<sup>19</sup> *Costa Rica* – CEACR, Convention No. 141, observation, published in 2001.

<sup>20</sup> *Brazil* – CEACR, Convention No. 141, observation, published in 2007.

<sup>21</sup> See, for example, *Albania* – CEACR, Convention No. 141, direct request, published in 2008.

<sup>22</sup> See, for example, *Mali* – CEACR, Convention No. 141, direct request, published in 2001.

<sup>23</sup> See paras 72–78 *infra*.

<sup>24</sup> See paras 80–84 *infra*.

<sup>25</sup> See paras 85–86 *infra*.

## Categories established in labour law

72. A number of Latin American governments, in particular, reported that labour legislation set out definitions of rural workers. In general, the definitions examined were broad, referring to work aimed at the production of primary products from agriculture, livestock, forestry and other similar activities. Legislation in *Nicaragua*, for example, sets out that farm workers are those who carry out agricultural, livestock and forestry work for one employer,<sup>26</sup> and the Government of *Panama* reported that legislation set out that farm workers were those performing agricultural, stock-raising, forestry and related work for one or more employers.<sup>27</sup>

73. Legislation varies between countries in terms of the additional activities specified. In *Argentina*, for example, beekeeping is specifically mentioned in the law,<sup>28</sup> and in *Paraguay*, carpenters, blacksmiths, masons, painters, staff cooks, grocers, bakers and butchers working in agricultural settings are expressly included.<sup>29</sup> The Government of *Guatemala* reported, for example, that rural workers included young farm hands, daily workers, ranchers and team leaders.<sup>30</sup>

74. In other countries, the labour law defined “rural work” in equally broad terms, encompassing primary production. The Government of *Malaysia*, for example, reported that the Employment Act 1955 defined “agricultural undertaking” to mean “any work in which any employee is employed under a contract of service for the purposes of agriculture, horticulture or silviculture, the tending of domestic animals and poultry or the collection of the produce of any plants or trees”.<sup>31</sup>

75. The Government of the *United States* reported that there was no uniform definition of “agricultural worker” in United States statutes or among economists, and that the definition in Convention No. 141 did not “dovetail easily” with the various definitions for agricultural workers used in United States statutes or the data collected in economic or demographic surveys related to agriculture in the United States.

76. The Government further reported that the United States National Labor Relations Act (NLRA) omitted individuals employed as agricultural labourers from its coverage.<sup>32</sup> The Government noted that the definition used in the Convention was broader than the definition of “agricultural labourer” under the NLRA, both because it included some owners and self-employed individuals who would not be covered by the Act – even without the Act’s agricultural exclusion – and would include other workers engaged in production-related activities who were not considered “agricultural labourers” under the NLRA. However, as the Convention’s definition excluded owner-occupiers who did not derive their main income from agriculture, and most farmers in the United States derived most of their income from non-farm earnings, the Government was of the view that that they would be excluded from the Convention’s definition of “rural worker”.

<sup>26</sup> Article 185 of the Labour Code, Law No. 185 of 1996.

<sup>27</sup> Article 234 of the Labour Code of 1971 (last amended 2013).

<sup>28</sup> Article 5 of Law No. 26.727 on agricultural work of 2011.

<sup>29</sup> Articles 157–159 of the Labour Code of 1993.

<sup>30</sup> Article 138 of the Labour Code of 1961 (last amended 2001).

<sup>31</sup> Section 2(1) of the Employment Act 1955.

<sup>32</sup> 29 USC Section 152(3). See further para. 31 *supra*.

77. Exclusions from the definitions of agricultural and rural workers in labour law varied between member States. In *Paraguay*, domestic workers at the exclusive service of an employer in an agriculture, livestock, forestry or similar undertaking are excluded.<sup>33</sup> In *Argentina*, activities such as the handling and storage of cereals, oilseeds, vegetables, nuts and seeds, if carried out in industrial establishments, are excluded by law from the category of rural work as are administrative staff and workers employed to perform non-farming tasks.<sup>34</sup> In the *Bolivarian Republic of Venezuela* and *Chile*, workers in an agricultural production unit performing activities of an industrial or commercial nature are not considered rural workers.<sup>35</sup>

78. Some countries indicated that workers carrying out administrative and similar activities were excluded from the definition of rural worker in labour legislation. The Government of *Chile*, for example, reported that rural workers did not include workers employed in administrative work or by industrial or permanent sawmills, sharecroppers and other self-employed rural workers.<sup>36</sup>

### Categories established in other regulations

79. In a number of countries, rural workers are not defined in the labour law or for the purposes of their freedom of association and collective bargaining rights. Rather, categories of rural workers and of rural work may be established through other legislation. Once again, definitions tend to be broad. Specific examples include economic regulations, such as in *Bosnia and Herzegovina*,<sup>37</sup> agricultural regulations, such as in the *Republic of Korea*,<sup>38</sup> and agricultural protection regimes, such as in *France*.<sup>39</sup> The Governments of *Indonesia* and *Australia* referred to their national Standard Classifications of Occupations. In the case of *Indonesia*, this included a differentiation between trained farmers and other farmers and fishers. The Australian and *New Zealand* Standard Classification included farmers and farm managers, scientists and technicians, skilled animal and horticultural workers, plant operators, and general labourers.

<sup>33</sup> Articles 157–159 of the Labour Code of 1993.

<sup>34</sup> Articles 3 and 7 of Law No. 26.727 of 2011.

<sup>35</sup> Article 229 of the Labour Law of 2012 (*Bolivarian Republic of Venezuela*); Article 87 of the Consolidated Labour Code of 2003 (*Chile*).

<sup>36</sup> Article 87 of the Consolidated Labour Code of 2003.

<sup>37</sup> For the purposes of the Agricultural Land Law (*Official Gazette* of the Federation of Bosnia and Herzegovina, Nos 88/07, 4/10, 7/13), an “agricultural worker” produces crop and livestock products in an agricultural household and carries out other tasks related to production, regardless of the degree of specialization of the household, and who has agricultural knowledge and skills. Pursuant to the Crafts and Related Activities Law (*Official Gazette* of the Federation of Bosnia and Herzegovina, Nos 35/09 and 42/11), artisans carry out activities in their own name and for their own account, and may use the work of other persons as employees. See also (Federal) Law on Agriculture, Food and Rural Development of Bosnia and Herzegovina of 2008 (*Official Gazette* of the Federation of Bosnia and Herzegovina, No. 50/08).

<sup>38</sup> Article 3 of the enforcement decree of the Framework Act on Agriculture and Fisheries, Rural Community and Food Industry sets out that persons engaged in agriculture included those who operated or cultivated farmland 1,000 m<sup>2</sup> or larger; those whose annual sales of agricultural products were worth at least 1.2 million won; those who were engaged in agriculture for at least 90 days/year; and those who had been employed continuously for a year or longer by agricultural association corporations for activities of shipping, distributing, processing or exporting agricultural products.

<sup>39</sup> The Rural and Maritime Fishing Code defines agricultural employees as workers on farms and in businesses, including crop and livestock farms, horse training, grooming and studs, agricultural and forestry businesses, and shellfish and fish farming (article L.722-1); workers employed as gamekeepers, rangers, gardeners and domestic employees on farms (article L.722-20); and forestry workers, except those in the public sector (article L.722-3).

## Categories based on practice

80. Some governments provided definitions in their reports without further explanation or indicated that while the legislation did not mention categories of rural workers, categories existed in practice. Descriptions provided by member States were often general and broad, referring to the variety of labour relationships and types of production specific to the country.

81. The Government of the *Seychelles*, for example, noted that, despite the lack of a standard definition for rural/urban in the country, the agricultural system could be categorized as commercial farmers, who employed salaried workers, and part-time farmers, who subsidized family income and used family labour. The Government reported that there was no legal definition for rural workers in *Sri Lanka* but that in general self-employed workers in agriculture in rural areas, such as small owner-occupiers or sharecroppers, were considered to be rural workers.

82. There were various methods for establishing categories in practice. The Governments of *Slovenia*<sup>40</sup> and *Lebanon*,<sup>41</sup> for example, indicated that categories of rural workers could be discerned from the trade unions and other organizations that represented them. The Government of *Zimbabwe* reported that the five existing categories of rural workers in the country had been established by the collective bargaining agreement for the agricultural sector.<sup>42</sup>

83. A number of member States reported the existence of categories of rural workers based around the labour relationship, specifying that the rural workers in their countries could be divided into categories of permanent or seasonal salaried workers, in the public or private sectors, and self-employed or own-account workers.<sup>43</sup> Some countries specified that family workers or seasonal workers were prevalent,<sup>44</sup> illustrating the irregularity that often exists in the rural economy.<sup>45</sup> Other member States noted that self-employed workers may include small owner-occupiers or sharecroppers,<sup>46</sup> some landowners and members of agricultural or forestry cooperatives.<sup>47</sup> Some member States reported diverse categories of rural workers.<sup>48</sup>

84. Other member States reported categories of rural workers in practice based on the type of work that they undertook. The categories specified depended largely on the nature of rural production in the country, and levels of detail varied greatly. Many governments indicated that categories of rural workers covered people in rural areas

<sup>40</sup> Farmers, foresters and craftspeople in the field of agriculture, forestry and craft.

<sup>41</sup> The categories existing in Lebanon, based on the organizations to which workers were affiliated, were reported to be: workers and farmers of pine nut trees; workers in agricultural compounds; vegetable, cereal, fruit, tobacco, agricultural, plant nurseries and greenhouses, olive and poultry farmers; beekeepers; cattle, fish and bird breeders; and grapevine owners. In addition, there were reported to be workers in the manufacture of agricultural products, such as pickled food and jams, driving agricultural machines, pesticide application, sewing, embroidery and other rural homemade tasks.

<sup>42</sup> The categories are general agriculture, horticulture, agro-agriculture, *kapenta* (the Tanganyika sardine), and timber.

<sup>43</sup> For example, *Mauritius* and *Mozambique*.

<sup>44</sup> For example, *Morocco*, *Seychelles* and *Sudan*.

<sup>45</sup> For example, *Egypt* (the Government indicated that rural workers were classified as irregular workers).

<sup>46</sup> For example, *Sri Lanka*.

<sup>47</sup> For example, *Ethiopia*, *Romania* and *Senegal*.

<sup>48</sup> For example, *Australia* and *Sudan*.

engaged in agriculture, handicrafts, fisheries or other related work.<sup>49</sup> Some countries specified that farmers,<sup>50</sup> sharecroppers,<sup>51</sup> livestock or crop farming were included.<sup>52</sup> Other countries referred to categories of workers such as food processors, input suppliers, aquaculturists, horticulturists,<sup>53</sup> wholesalers and retailers,<sup>54</sup> husbandry and breeding,<sup>55</sup> transportation,<sup>56</sup> and hunting and forestry.<sup>57</sup> In *Namibia*, rural workers included domestic workers.

### Absence of categories

85. Some governments indicated in their reports that national law and practice did not contain definitions of the terms in question. The Governments of *Australia*, *Brunei Darussalam*, *Czech Republic*, *Iceland*, and *Antigua and Barbuda*, for example, reported that legislation in their countries did not differentiate between workers, whether rural or otherwise. The Government of *Nepal* reported that while there was no formal category of rural workers in the country, rural workers corresponding to the definition contained in Article 2 of Convention No. 141 were prevalent in some parts of the country. The Government of *Montenegro* reported that the Law on Agriculture and Rural Development did not stipulate categories of rural workers but defined rural workers as natural persons who were engaged in agriculture on their own or as members of agricultural holdings. The Government of the *Plurinational State of Bolivia* reported that there were no categories of rural workers in the country, who fall under general labour law in the same way as other workers.

86. The Government of *Bahamas* explained that as an archipelagic nation comprised of relatively small islands and cays, it did not contain areas typically categorized as rural. While the Government indicated that approximately 3,940 persons in 2007 were employed in the agriculture, hunting, forestry and fishing industries, it doubted whether any of these workers would be classified as rural workers for the purposes of Convention No. 141, as they were not “engaged in a rural area”. The Government of *Zimbabwe* similarly noted that categories of workers in the country were established by sector and not geographical location.

**87. *Having reviewed the reports from member States, the Committee notes that member States have categorized rural workers in a great variety of ways. The Committee wishes to reiterate the breadth of scope and inclusiveness of Conventions Nos 11 and 141, and to emphasize that all agricultural and rural workers should be able to exercise the rights set out in these instruments respectively.***

<sup>49</sup> For example, *Oman* (agriculture and fishing), the *United Republic of Tanzania* (agriculture and handicrafts) and *Thailand*.

<sup>50</sup> For example, *Australia*.

<sup>51</sup> For example, *Côte d’Ivoire*.

<sup>52</sup> For example, *New Zealand*.

<sup>53</sup> For example, *Senegal*.

<sup>54</sup> For example, *Saint Vincent and the Grenadines* and *Trinidad and Tobago*.

<sup>55</sup> For example, *Algeria*, *Cameroon* and *Côte d’Ivoire*.

<sup>56</sup> For example, *Madagascar*.

<sup>57</sup> For example, *Turkey*.

## Defining rural workers' organizations

### Inclusive scope to cover rural workers' organizations

88. Article 1 of Convention No. 11 provides that all those engaged in agriculture should have the same rights of association and combination as industrial workers. Article 1 of Convention No. 141 unambiguously states that the Convention “applies to all types of organisations of rural workers, including organisations not restricted to but representative of rural workers”.

89. During the preparatory work leading to the adoption of Convention No. 141 and Recommendation No. 149, the representative of the Office specified that:<sup>58</sup>

... the instrument should apply to all types of organisations of rural workers, i.e. not only to unions but also to organisations of farmers or peasants, such as peasant leagues and associations of farmers or small owner cultivators, or of tenants and sharecroppers, whatever the status of such associations or organisations.

90. It was also stated that the instrument does not determine whether an organization should be composed exclusively of a single category of worker or have a mixed composition.

91. The discussions highlighted the role of cooperatives in furthering the interests of rural workers. Several speakers stressed the importance of self-employed persons engaged in agriculture forming cooperatives and participating in their development, since these organizations constituted one of the most effective means not only of increasing farmers' income, but also of improving rural communities, both economically and socially.<sup>59</sup>

92. Furthermore, delegates questioned whether the Convention should be broader in scope, covering all rural organizations and not just rural workers' organizations. The Employer members indicated that their wish was for an instrument not to be confined solely to worker-type organizations.<sup>60</sup> The Worker members stressed that, even in its widest sense, the term “rural worker” should not be taken to embrace “big landowners or capitalist employers who exploited the work of others”.<sup>61</sup>

93. In the course of supervising the application of the Conventions, the Committee has considered rural workers' organizations including trade unions of general composition,<sup>62</sup> trade unions of specific composition,<sup>63</sup> cooperatives,<sup>64</sup> peasant

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<sup>58</sup> ILO: *Record of Proceedings*, Report of the Committee on Rural Workers' Organisations, ILC, 59th Session, Geneva, 1974, p. 448.

<sup>59</sup> *ibid.*, p. 450.

<sup>60</sup> *ibid.*

<sup>61</sup> *ibid.*

<sup>62</sup> See, for example, *Belize* – CEACR, Convention No. 141, direct requests, published in 2004 and 2009; *Morocco* – CEACR, Convention No. 11, direct request, published in 1992.

<sup>63</sup> See, for example, *Albania* – CEACR, Convention No. 141, direct request, published in 2008; *Finland* – CEACR, Convention No. 141, direct request, published in 2007; *Mauritius* – CEACR, Convention No. 11, direct request, published in 2012; *Swaziland* – CEACR, Convention No. 11, direct request, published in 2005; *Seychelles* – CEACR, Convention No. 11, direct request, published in 1998; *Uganda* – CEACR, Convention No. 11, direct request, published in 2010.

<sup>64</sup> See, for example, *Afghanistan* – CEACR, Convention No. 141, direct request, published in 1995; *Mali* – CEACR, Convention No. 141, direct request, published in 2001.

associations,<sup>65</sup> and producer associations.<sup>66</sup> The Convention is applicable both to organizations comprised solely of rural workers and to organizations that represent their interests along with those of other workers, such as general trade unions to which various trade unions belong. The Committee has further stressed the right of rural workers to organize jointly with industrial workers<sup>67</sup> and with public servants.<sup>68</sup>

94. The Committee has noted the existence of organizations of self-employed rural workers, including organizations of indigenous self-employed workers,<sup>69</sup> and has stated that Convention No. 141 clearly encompasses rural workers' organizations, such as the Filipino Federation of Free Farmers in the *Philippines*, whose members are itinerant, ambulant and self-employed workers.<sup>70</sup> With regard to a legislative scheme in *Sri Lanka* allowing self-employed workers the right to form and join cooperatives and farmer associations, but not to form and join trade unions, the Committee noted that Article 1 of Convention No. 11 "does not mean ... that agricultural workers must necessarily be covered by the same provisions applicable to industrial workers in respect of the right to organize for the furtherance and defence of their interests, but rather that this right is duly and equally guaranteed for those occupied in agriculture as for industrial workers" and drew the Government's attention to the availability of technical assistance to review national legislation and facilitate the search for appropriate solutions to ensure this right.<sup>71</sup>

### Diversity in rural workers' organizations

95. The scope of Conventions Nos 11 and 141 reflects the purpose of the instruments, which is to ensure the existence of strong, independent and effective rural workers' organizations allowing the voice of rural workers to contribute to economic and social development. The instruments envisage the existence of diverse rural workers' organizations, varying between countries, in order to best achieve the aims of the Conventions within national circumstances and context.

96. The examination by the Committee of the replies submitted by member States to the report form shows a great variation in types of rural workers' organizations. In some countries, rural workers' organizations include trade unions, cooperatives and peasant or producer associations, while others have less variation. In general, the reports from member States suggest that the various forms of rural workers' organizations in the majority of countries largely reflect the broad categorization allowed for in the instruments.

**97. *The Committee emphasizes that the instruments apply to all rural workers' organizations, including trade unions, cooperatives, and organizations of farmers, peasants and self-employed workers, irrespective of legal status. Agricultural and rural workers should be entitled to form and join all types of organizations of rural***

<sup>65</sup> See, for example, *Afghanistan* – CEACR, Convention No. 141, observation, published in 2001; *Ethiopia* – CEACR, Convention No. 87, observation, published in 1989.

<sup>66</sup> See, for example, *Sri Lanka* – CEACR, Convention No. 11, direct request, published in 2012 (section 56(A)(4) of the Agrarian Services (Amendment) Act, No. 4 of 1991).

<sup>67</sup> ILO: *General Survey on freedom of association and collective bargaining*, 1983, para. 333.

<sup>68</sup> See, for example, *Mexico* – CEACR, Convention No. 87, observation, published in 2011.

<sup>69</sup> See, for example, *El Salvador* – CEACR, Convention No. 141, observation, published in 2007.

<sup>70</sup> *Philippines* – CEACR, Convention No. 141, direct request, published in 1993. See also Committee on Freedom of Association, Case No. 1585 (*Philippines*), Report No. 279.

<sup>71</sup> *Sri Lanka* – CEACR, Convention No. 11, observation, published in 2001.



*workers, in accordance with their choice, in order to have a strong, independent and effective voice.*<sup>72</sup>

## National law and practice

98. Most national legislation provides for the existence of trade unions, cooperatives and organizations of peasants, farmers and producers. In many countries, more than one piece of legislation provides for the establishment of rural workers' organizations. In *Japan*, for example, the Labour Union Act of 1949 (as amended), the Agricultural Cooperatives Act of 1947, and the Act on Agricultural Committees of 1951 (as amended) provide for the establishment of rural workers' organizations; and, in *Niger*, various laws and ordinances apply to rural cooperatives, regional chambers of agriculture and craft cooperatives.<sup>73</sup> The Government of *Greece* reported that rural workers' organizations were governed by Act No. 1361/1983 on Rural Trade Union Organizations and Act No. 2810/2000 on Rural Cooperatives.

99. A number of countries reported the coexistence of different types of rural workers' organizations, often distinguishing between trade unions, on the one hand, and other farmer groups, such as producer associations, peasants' organizations and cooperatives, on the other.

100. The Governments of *Honduras*, *Senegal* and *Thailand*, for example, reported the existence of trade unions, associations of agricultural producers, peasants or farmers, and cooperatives in their countries. In *Denmark* and *Guatemala* rural workers' organizations included trade unions and cooperatives. The Government of *Sudan* reported the existence of farmers' federations and federations of herdsman, a few cooperatives and small organizations working in agricultural and animal activity in rural areas. The Government of *Austria* reported that there were chambers of agricultural workers and trade unions in the country.

101. A number of countries provided information on rural workers' organizations focusing on particular groups in the rural community. For example, the Government of *Switzerland* reported the existence of diverse organizations, associations and peasant federations, including *l'Union suisse des paysannes et des femmes rurales* which, with more than 60,000 women members, was an important women's organization in the country. Rural women workers in *India* have formed self-help groups to economically empower women from poor households,<sup>74</sup> and the Fako Agricultural Workers Union of *Cameroon* indicated the existence of rural women's groups. The Government of the *Plurinational State of Bolivia* reported that in addition to trade unions there were various indigenous organizations in the rural economy.<sup>75</sup> In other countries, non-governmental organizations and advocacy groups provide legal

<sup>72</sup> See paras 60–87 *supra*.

<sup>73</sup> Ordinance No. 93-015 of 1993 laying down the principles of orientation of the Rural Code, Ordinance No. 96-067 of 1996 concerning the regime for rural cooperatives, Law No. 2000-15 of 2000 concerning the creation of regional chambers of agriculture, Law No. 2006-23 of 2006 concerning the regime of craft cooperatives.

<sup>74</sup> Under the National Rural Livelihoods Mission.

<sup>75</sup> For example, indigenous organizations and organizations created under Law No. 338 of 2013, which regulates sustainable family farming and diversified family activities carried out by the Economic Organizations of Peasants and Native Indigenous of Bolivia (OECAs) and Communal Economic Organizations (OECOM).

advice and other services.<sup>76</sup> Such groups are considered to be rural workers' organizations to the extent that they are organizations of rural workers.

102. Recalling that Article 2(2) of Convention No. 141 provides that the term "rural worker" includes self-employed tenants, sharecroppers and small owner-occupiers who work the land with the help of occasional outside labour, so long as they do not permanently employ workers, employ a substantial number of seasonal workers, or have any land cultivated by sharecroppers or tenants,<sup>77</sup> the Committee notes that many member States indicated that the self-employed were considered to be employers. As such, these governments indicated, they were represented by such organizations<sup>78</sup> as chambers of trade or agriculture,<sup>79</sup> industry boards,<sup>80</sup> voluntary occupational associations,<sup>81</sup> industry bodies such as farming unions or tenant farmers' associations,<sup>82</sup> and professional organizations.<sup>83</sup> The Government of *Sri Lanka* indicated that self-employed persons and those engaged in agriculture as own-account workers were not able to form and join trade unions, but pointed out the existence of associations of farmers, fishermen and the self-employed.

103. The Committee notes that in many countries trade unions exist for rural and agricultural workers. There is a wide diversity in the way in which trade union organizations around the world represent rural workers, reflecting national circumstances. In some countries, general unions and federations represent rural workers together with other workers.<sup>84</sup> In other countries, there are agriculture-specific primary organizations,<sup>85</sup> which are sometimes affiliated to agriculture-specific federations or confederations<sup>86</sup> and sometimes to general federations or confederations.<sup>87</sup> In yet other countries, rural workers can belong to both specific and general union organizations.<sup>88</sup> Rural workers in *Sweden* are represented by the Swedish Municipal Workers' Union (*Kommunal*).

<sup>76</sup> For example, *Ecuador* (non-governmental organizations); *Republic of Korea* (about 450 non-profit corporations established in accordance with article 32 of the Civil Act of 1958 (as amended), and 37 non-profit and non-governmental organizations established in accordance with the Assistance for Non-profit, Non-governmental Organizations Act of 2000, including, for instance, the Korean Peasant League); *United States* (advocacy groups representing farm workers).

<sup>77</sup> Article 2(2) of Convention No. 141: "This Convention applies only to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, who work the land themselves, with the help only of their family or with the help of occasional outside labour and who do not – (a) permanently employ workers; or (b) employ a substantial number of seasonal workers; or (c) have any land cultivated by sharecroppers or tenants."

<sup>78</sup> For example, *Belgium*.

<sup>79</sup> For example, *Côte d'Ivoire*, *Slovenia* and *Turkey*. Note that Chambers of Agriculture will not always be composed of self-employed workers. For example, the Government of *Austria* reported that chambers of agricultural workers existed in all states in the country, except for Burgenland and Vienna, where agricultural workers were represented by general chambers of workers, which represented the interests of wage-earning workers.

<sup>80</sup> For example, *Trinidad and Tobago*.

<sup>81</sup> For example, *Bahrain* (Agricultural Engineers Society).

<sup>82</sup> For example, *United Kingdom*.

<sup>83</sup> For example, *Cameroon*, *Seychelles* (Farmers' Association), *Slovenia* and *Tunisia*.

<sup>84</sup> For example, *Antigua and Barbuda*, *Australia*, *Bahamas*, *Bahrain* and *Jordan*.

<sup>85</sup> For example, *Finland* and *Mexico*.

<sup>86</sup> For example, *France*.

<sup>87</sup> For example, *Slovenia*.

<sup>88</sup> For example, *India* and *Portugal*.

104. In a number of countries, trade unions in the agricultural or rural sector are reported to be historically and socially important, often with a large membership and significance to the trade union movement.<sup>89</sup> The Government of the *Republic of Moldova*, for example, indicated that the food and agricultural trade unions were the biggest in the country and dated back over 100 years. Certain member States reported a number of trade unions representing rural and agricultural workers.<sup>90</sup> The Government of *Slovakia* reported that a large trade union for agricultural workers existed in the country, mostly composed of public sector workers, but that its membership numbers were falling dramatically. The Government of *Myanmar* reported that 563 out of the 911 basic labour organizations registered in the country under the Labour Organization Law 2011 represented agricultural workers. Other countries reported few trade unions in the rural sector, with small memberships and influence.<sup>91</sup>

105. Arrangements differed between countries. The Government of *Indonesia* reported that rural workers may join trade unions inside the companies they work in, and trade unions outside the company if they do not work in a company; these unions can be affiliated to a trade union federation. In *Romania*, the Government reported that there were two representative unions in agriculture, whose members were salaried workers from a number of areas and branches of agriculture. The Government of *Finland* reported that the Central Union of Agricultural Producers and Forest Owners in the country supervised the interests of farmers, forest owners and entrepreneurs in rural areas. The Government of *Egypt* indicated that, as agricultural work in the country was seasonal work carried out by landowners and their relatives in their free time, these workers were members of trade union organizations linked to their original work or of organizations of their choice. In a number of countries, agricultural and rural workers are members of trade unions representing the agro-industries, such as the *Italian Federation of Agro-Industrial Workers*, which had 281,780 affiliates in 2012.

106. Many member States reported that rural workers had organized themselves into cooperatives.<sup>92</sup> In *China*, for example, the Government reported that there were 980,000 specialized farmers' cooperatives in the country at the end of 2013, with members from 74,120,000 households and an expanding number of industries covered. The Government of *Saint Vincent and the Grenadines* indicated that four cooperative societies had been established to promote the interests of fishers and fish vendors and one association to promote the interests of food processors (bee-keepers).

107. The way in which cooperatives and trade unions interact varies between countries. In *Cameroon*, for example, various categories of rural workers were reported to be organized, at the primary level, into groups of common initiative (*groupes d'initiative commune*) or cooperatives, which were then affiliated to various

<sup>89</sup> For example, governments reported that: in *Argentina*, the origins of rural workers' organizations date back to the beginning of the twentieth century, with industrial action being taken as early as 1901; the Union of Workers in Agriculture and Alimentation – Association of Free Trade Unions of the *Czech Republic* has almost 100,000 members; in *Kyrgyzstan*, there is an Agro-Industrial Workers Union, which includes 790 primary trade unions, 37 district committees and six regional committees, with a total membership of 81,000; in *Norway*, the Norwegian Farmers Union has over 60,000 members, 540 local associations and 18 regional associations.

<sup>90</sup> For example, *Bulgaria*, *Morocco* and *Zimbabwe*.

<sup>91</sup> For example, *Oman*.

<sup>92</sup> For example, *Ethiopia*, *Georgia*, *Kyrgyzstan*, *Madagascar* and *Slovenia*.

trade unions covering agricultural or related activities; these unions were in turn affiliated to the *Union des syndicats professionnels agricoles du Cameroun*.

### **SYNDICOOP: Trade unions and cooperatives working together**

SYNDICOOP was a joint initiative (2004–06) by the International Cooperative Alliance, the International Trade Union Confederation and the ILO. It aimed to strengthen the capacity of national trade unions and cooperatives to work together to organize workers out of the informal economy and improve their employment opportunities, income and working conditions: freedom of association and collective bargaining were founding pillars of this approach.

The programme operated in Kenya, Rwanda, South Africa, the United Republic of Tanzania and Uganda, and later guided COOPAFRICA (2007–10), which mobilized the cooperative self-help mechanism to tackle development constraints, such as unemployment, lack of social protection, lack of empowerment and poverty. The experience in East Africa proved that trade unions and cooperatives had much to offer each other and were natural partners to provide the services and support needed by workers in informal and unprotected situations, enhancing their role in rural development.

See further: S. Smith: *Let's organize!* A SYNDICOOP handbook for trade unions and cooperatives about organizing workers in the informal economy (ILO, ICA and ICFTU, 2006).

ILO: Rural Policy Briefs Cooperatives for People-centred Rural Development, 2011.

108. The Government of *Qatar* indicated that there were no organizations for rural workers in the country as there were no rural workers. Certain countries reported that while there were no rural workers' organizations in their country, workers were free to choose to create trade unions if they wished.<sup>93</sup>

109. The Committee has previously noted that in some countries rural workers have not implemented their right to form and join trade unions.<sup>94</sup> Similar statements were made by some member States, reporting that workers will often prefer cooperatives or other producer organizations. The Government of *Gabon*, for example, reported that agricultural workers had the same rights as workers in other sectors, and that rural workers did not establish trade unions but rather chose to establish agricultural cooperatives. The Government of the *Republic of Korea* indicated that, while rural workers could create trade unions pursuant to the law,<sup>95</sup> in practice none had been established, and instead rural workers had established a number of non-profit corporations or non-governmental organizations, such as the Korean Peasant League.

\* \* \*

110. *The scope of the Conventions is broad and inclusive covering the diverse categories of agricultural and rural workers, and of their organizations, thereby enabling national circumstances to be taken into account.*

111. *The Committee notes that Article 1 of Convention No. 11 and Article 2 of Convention No. 141 do not require member States to define the terms "agricultural work" and "rural worker" in any particular way, envisaging definitions that reflect national circumstances. The Committee considers that it is paramount that all categories of agricultural and rural workers, including wage earners and self-employed workers, permanent and seasonal workers, and workers in the informal*

<sup>93</sup> For example, *Djibouti, Malaysia and Singapore*.

<sup>94</sup> For example, *Afghanistan* – CEACR, Convention No. 141, observation, published in 2012.

<sup>95</sup> The *Korean Employers' Federation* noted that, according to the labour laws in the *Republic of Korea*, freedom of association is fully guaranteed to a person working for an agricultural company if he or she is considered as a worker.

*economy, enjoy the rights afforded by the instruments. The Committee recalls that the only exceptions allowed pursuant to Convention No. 141 in relation to tenants, sharecroppers, and small owner-occupiers who derive their main income from agriculture and work the land themselves, with the help only of their family or with the help of occasional outside labour, are for those who permanently employ workers, who employ a substantial number of seasonal workers or who have any land cultivated by sharecroppers or tenants.*

*112. The Committee emphasizes that Convention No. 141 and Recommendation No. 149 apply to all rural workers' organizations, including trade unions, cooperatives, and organizations of farmers, peasants and self-employed workers, irrespective of legal status. Agricultural and rural workers should be entitled to form and join all types of organizations of rural workers, in accordance with their choice, in order to have a strong, independent and effective voice.*

## Chapter 3

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### **National laws and policies to facilitate the establishment and growth of rural workers' organizations**

113. Convention No. 11 guarantees the same rights of association and combination to agricultural workers as those enjoyed by industrial workers. Conventions Nos 87 and 98 “affirm the right of all workers, including rural workers, to establish free and independent organisations”.<sup>1</sup> Building on Conventions Nos 11, 87 and 98, Convention No. 141 requires full respect for the principles of freedom of association.<sup>2</sup>

114. Convention No. 141 and Recommendation No. 149 go a step further than the other freedom of association instruments, requiring member States to pursue a policy of active encouragement to rural workers' organizations. The Convention and Recommendation require member States to develop and implement a national policy aimed at facilitating the establishment and growth, on a voluntary basis, of strong and independent organizations of rural workers as an effective means of ensuring their participation in economic and social development and the resulting benefits. Pursuant to paragraph 1 of Article 5 of Convention No. 141, member States should eliminate obstacles to the establishment of rural workers' organizations, their growth and the pursuit of their lawful activities, as well as any legislative and administrative discrimination against rural workers' organizations and their members. In this respect, paragraph 2 of this Article requires member States to ensure that national laws or regulations do not, given the special circumstances of the rural sector, inhibit the establishment and growth of rural workers' organizations. Paragraph 9 of Recommendation No. 149 provides that there should be adequate machinery to ensure the effective implementation of laws and regulations concerning rural workers and their organizations.

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<sup>1</sup> Convention No. 141, Preamble.

<sup>2</sup> The paragraphs that follow will be confined to a study of the specific aspects of national legislation and practice pointing to the issues particularly relevant to rural workers and their organizations. For more general and detailed aspects of freedom of association and collective bargaining rights see ILO: *General Survey on the fundamental Conventions*, 2012.

## Legislative and administrative measures concerning freedom of association and collective bargaining

### **Article 3 of the Rural Workers' Organisations Convention, 1975 (No. 141)**

1. All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations, of their own choosing without previous authorisation.

2. The principles of freedom of association shall be fully respected; rural workers' organisations shall be independent and voluntary in character and shall remain free from all interference, coercion or repression.

3. The acquisition of legal personality by organisations of rural workers shall not be made subject to conditions of such a character as to restrict the application of the provisions of the preceding paragraphs of this Article.

4. In exercising the rights provided for in this Article rural workers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

5. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Article.

115. Pursuant to paragraph 1 of Article 3 of Convention No. 141 and Paragraph 3 of Recommendation No. 149, "All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations, of their own choosing without previous authorisation." Paragraph 2 of Article 3 further takes up the principles established by Conventions Nos 87 and 98 by providing that: "The principles of freedom of association shall be fully respected; rural workers' organisations shall be independent and voluntary in character and shall remain free from all interference, coercion or repression."<sup>3</sup>

116. While pursuant to paragraph 4 of Article 3 of Convention No. 141, "In exercising the rights provided for in this Article rural workers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land", paragraph 5 of this Article stipulates that "The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Article."

117. In conformity with Conventions Nos 87 and 98 as set out in the Preamble of Convention No. 141 and Paragraph 8(2) of Recommendation No. 149, the Committee recalls that these guarantees include the right of workers to establish and join organizations of their own choosing, without previous authorization. Furthermore, whatever form rural workers' organizations may take, such organizations should be independent and established on a voluntary basis and should not be subject to any interference, coercion or repression. In order for the independence of rural workers' organizations to be fully guaranteed, national law and practice should ensure that such organizations, like organizations of other categories of workers, enjoy the right to draw up their constitutions and rules, the right to elect their representatives in full freedom and the right to organize their administration and activities, including the right to collective bargaining and to strike. Public authorities, employers and their

<sup>3</sup> In relation to freedom of association and collective bargaining in general, see ILO: *General Survey on the fundamental Conventions*, 2012, Part II (dealing with freedom of association and collective bargaining).

organizations should refrain from any interference that would restrict these rights or impede their lawful exercise. Rural workers should also enjoy protection against anti-union discrimination.

118. Pursuant to Article 1 of Convention No. 11, those engaged in agriculture must have the same rights of association and combination as industrial workers.<sup>4</sup> The Committee has equally made it clear that the rights conferred by Convention No. 11 are limited to the rights of association and combination and would not include other labour rights.<sup>5</sup>

**Paragraph 8 of the Rural Workers' Organisations  
Recommendation, 1975 (No. 149)**

1. Member States should ensure that national laws or regulations do not, given the special circumstances of the rural sector, inhibit the establishment and growth of rural workers' organisations.

2. In particular:

- (a) the principles of right of association and of collective bargaining, in conformity especially with the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949, should be made fully effective by the application to the rural sector of general laws or regulations on the subject, or by the adoption of special laws or regulations, full account being taken of the needs of all categories of rural workers;
- (b) relevant laws and regulations should be fully adapted to the special needs of rural areas; for instance:
  - (i) requirements regarding minimum membership, minimum levels of education and minimum funds should not be permitted to impede the development of organisations in rural areas where the population is scattered, ill educated and poor;
  - (ii) problems which may arise concerning the access of organisations of rural workers to their members should be dealt with in a manner respecting the rights of all concerned and in accordance with the terms of the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Workers' Representatives Convention, 1971;
  - (iii) there should be effective protection of the rural workers concerned against dismissal and against eviction which are based on their status or activities as leaders or members of rural workers' organisations.

119. Pursuant to Paragraph 8(2) of Recommendation No. 149, the principles of right of association and of collective bargaining should be made fully effective by the application to the rural sector of general laws or regulations on the subject, or by the adoption of special laws or regulations that are fully adapted to the special needs of rural areas. The right of association is guaranteed by the constitutions or fundamental laws of virtually all countries and the conditions for its exercise are determined by legislation. Most countries recognize the freedom of association rights of agricultural workers through general legislation<sup>6</sup> recognizing the rights of all wage earners.<sup>7</sup>

<sup>4</sup> See also *Ethiopia* – CEACR, Convention No. 87, observation, published in 1986.

<sup>5</sup> In an observation, published in 1983, on the application of Convention No. 11 by *New Zealand*, the Committee explained that this instrument did not deal with the difference in benefits which may be accorded to agricultural workers on the one hand and other categories of workers on the other, for example in respect of hours of work, holidays, etc.

<sup>6</sup> For example, labour codes, labour laws, trade union laws or, more generally, laws on the rights of associations and civil codes.



Other member States have specific legislation relating to agricultural workers, which grants such workers the right to establish and join organizations for the protection of their interests.<sup>8</sup>

**120. *The Committee considers, as it has previously noted with regard to Convention No. 11,<sup>9</sup> that the provisions of Convention No. 141 do not mean that rural workers must necessarily be covered by the same provisions applicable to industrial workers in respect of the right to organize for the furtherance and defence of their interests. Equally, there is no obligation to adopt specific legislation for rural workers when they can be covered by labour legislation applicable to all workers. Care should be taken to consider the special circumstances of the rural sector and to ensure that legislation effectively ensures these rights in this context.***

#### Right of all categories of rural workers to establish and join organizations

121. The Committee recalls<sup>10</sup> the broad scope of Conventions Nos 11 and 141 and that the categories of workers entitled to exercise this right include “all those engaged in agriculture”,<sup>11</sup> as well as “any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, subject to the provisions of paragraph 2 of [Article 2], as a self-employed person such as a tenant, sharecropper or small owner–occupier”.<sup>12</sup>

122. Despite general recognition of the right to organize, legislation in some member States imposes restrictions on the establishment of rural workers’ organizations or on the right of agricultural workers to join them.

123. The Committee recalls, for example, that for many years it has been expressing its concern at the denial of the right to organize to broad categories of workers in certain provinces of *Canada*<sup>13</sup> and, in this regard, the Government of Canada has

<sup>7</sup> For example, *Argentina* (article 4 of Law on Trade Unions, No. 23551 of 23 March 1988, applies to all workers); *Brunei Darussalam* (section 3 of the Trade Union Act of 1963 applies to all workers); *Bulgaria* (section 4 of the Labour Code of 1986 (as amended) recognizes the right of workers (and employers) without distinction whatsoever, to set up organizations freely and without prior authorization); *Cabo Verde* (article 19 of the Labour Code of 2007 recognizes the right of freedom of association to all workers); *Cameroon* (article 3 of the Labour Code, No. 92/007 of 1992, recognizes the right of workers (and employers), without distinction whatsoever, to set up trade unions freely and without prior authorization); *Costa Rica* (article 343 of the Labour Code of 1943 (as amended) guarantees all workers the right of association); *Ecuador* (article 440 of the Labour Code of 2005 (as amended) applies to all workers, including agricultural workers); *Egypt* (Law No. 35 of 1976, and amendments, applies to all trade union organizations, including those in the agricultural, industrial and other sectors); *Eritrea* (according to article 86 of the Labour Proclamation, No. 118/2001, the same rights of association apply in agriculture as for other workers); *Estonia* (under article 4 of the Trade Union Act of 2000, agricultural and industrial workers enjoy the same rights); *Indonesia* (article 5(1) of the Trade Union Law, No. 21 of 2000, guarantees that every worker/labourer has the right to form and become a member of a trade union/labour union); *Republic of Korea* (the Trade Union and Labour Relations Adjustment Act of 1997 (TULRAA) recognizes the right of association for all wage workers in general, including rural workers); *New Zealand* (the right of association for employees in the agriculture sector is covered by the Employment Relations Act 2000).

<sup>8</sup> For example, in *Denmark* (pursuant to section 7 of the Act on certain working relationships in agriculture, etc., No. 712 of 20 August 2012, an employee has the right to organize for the protection of his or her interests); and in *Greece* (section 12 of Act No. 1361/1983 on agricultural trade unions).

<sup>9</sup> *Sri Lanka* – CEACR, Convention No. 11, observation, published in 2001.

<sup>10</sup> Discussed in more detail in the previous chapter: see paras 60–87 *supra*.

<sup>11</sup> Article 1 of Convention No. 11.

<sup>12</sup> Article 2 of Convention No. 141. See also Paragraph 2 of Recommendation No. 149, which follows similar wording.

<sup>13</sup> *Canada* – CEACR, Convention No. 87, observation, published in 2014.

reported that not all provinces apply labour relations legislation to agricultural workers. Workers on farms or ranches in the province of *Alberta*<sup>14</sup> are excluded from labour relations legislation and thereby deprived of the protection envisaged therein in respect of the right to organize and collective bargaining. Agricultural and horticultural workers in *Ontario*<sup>15</sup> are equally excluded from labour relations legislation and the specific legislation enacted for agricultural and horticultural workers in the province does not afford the same level of protection as is enjoyed by workers covered by general labour relations legislation.<sup>16</sup>

124. The Committee further recalls that for many years it has been commenting on the exclusion of agricultural workers from the scope of the *Bolivian* General Labour Act of 1942, which implies their exclusion from the guarantees afforded by the Convention.<sup>17</sup> The Government of the *United States* reported that the NLRA, which applied generally to private employment and established particular rights and obligations regarding union representation and collective bargaining, excluded most agricultural employment.<sup>18</sup>

125. Often, however, legislation does not exclude all rural workers, but rather will exclude only particular categories. These may be workers on small family farms, and self-employed, temporary, seasonal and casual workers.

126. In a number of countries, workers on family farms and other small agricultural undertakings are excluded from the application of labour legislation. The *Bangladesh* Labour Act, for example, does not apply to agricultural farms where less than five workers are normally employed.<sup>19</sup> The Government of *Saudi Arabia* reported that the Labour Law of 2005 excluded agricultural workers, other than workers in agricultural and pastoral undertakings employing more than ten workers, workers in agricultural firms that processed their own products, and workers who operated or repaired agricultural machinery on a permanent basis.<sup>20</sup> With regard to *Honduras*, the Committee noted the exclusion from the scope of the Labour Code of 1959, and consequently from the rights and guarantees of the Convention, of workers in

<sup>14</sup> Section 4(2)(e) of the Labour Relations Code.

<sup>15</sup> Section 3(b.1) and (c) of the Labour Relations Act 1995. In *Dunmore v. Ontario (Attorney General)* [2001] 3 SCR 1016, the Supreme Court of Canada held that the inexistence of legislative provisions allowing agricultural workers to enjoy collective labour relations was unconstitutional. The constitutionality of the subsequently enacted Ontario Agricultural Employees Protection Act 2002, which provides for the right to form or join “employees’ associations” and to make representations on terms and conditions of employment to employers, and which provides protections against interference, coercion and discrimination, was upheld by the Supreme Court of Canada in 2011. The Court held that there was no requirement to provide a particular form of collective bargaining rights to agricultural workers in order to secure the effective exercise of their associational rights: *Ontario (Attorney General) v. Fraser* [2011] 2 SCR 3.

<sup>16</sup> *Canada* – CEACR, Convention No. 87, observations, published in 2001 to 2014. See also, Committee on Freedom of Association, Case No. 2704 (*Canada*), Reports Nos 358 and 363.

<sup>17</sup> Section 1 of the General Labour Act of 1942 and its regulatory Decree No. 224 of 23 August 1943. See also *Plurinational State of Bolivia* – CEACR, Convention No. 87, observation, published in 2014, in which the Committee noted the Government’s indication that “a new General Labour Act is being prepared which, among other matters, provides for the inclusion of rural and agricultural workers so that they can benefit from all social rights”.

<sup>18</sup> 29 USC Section 152(3), excepting from the Act’s coverage “any individual employed as an agricultural labourer”.

<sup>19</sup> *Bangladesh* – CEACR, Convention No. 87, observation, published in 2014. Section 1(4)(n) of the Bangladesh Labour Act 2006 amended by section 2(c)(i) of the Bangladesh Labour (Amendment) Act, 2013.

<sup>20</sup> Article 5(4), (5) and (6), and article 7(4) of Royal Decree No. M/51 of 2005.

agricultural and stock-raising enterprises that do not permanently employ more than ten workers.<sup>21</sup>

127. In many countries, self-employed and own-account workers – categories into which significant numbers of rural workers fall – are excluded from relevant national statutes guaranteeing trade union rights. For example, the Government of *Sri Lanka* reported that workers without an employer–employee relationship in rural areas, such as small owner–occupiers and sharecroppers, were not covered by the Trade Union Ordinances of 1935, but could form other organizations under the Agrarian Services (Amendment) Act No. 4 of 1991 and the Societies Ordinance No. 16 of 1891. The Committee has noted a similar exclusion for self-employed workers in the *Central African Republic*.<sup>22</sup> The Government of *Japan* indicated that those who were engaged in agriculture but did not fall under the definition of “workers”, such as the self-employed, could not be said to have the same rights of association as industrial workers covered by the Labour Union Act.<sup>23</sup> The Japanese Agricultural Cooperatives Act, however, provides that individuals who are self-employed in agriculture or engage in agriculture may form farmers’ cooperative organizations.<sup>24</sup>

128. In some countries, temporary, seasonal and casual workers in the rural sector are excluded from labour law.<sup>25</sup> In this respect, the Committee considers that a long period of employment as a prerequisite for membership in an agricultural trade union is contrary to Conventions Nos 11 and 141 as it constitutes an obstacle for temporary, seasonal and casual agricultural workers to organize.<sup>26</sup> The Committee notes that in March 2013, the Superior Court of *Quebec* upheld the right of seasonal agricultural workers to unionize.<sup>27</sup>

<sup>21</sup> *Honduras* – CEACR, Convention No. 87, observation, published in 2013 (section 2(1) of the Labour Code 1959).

<sup>22</sup> *Central African Republic* – CEACR, Convention No. 87, direct request, published in 2014 (article 2 of the Labour Code of 2009). See also *Pakistan* – CEACR, Convention No. 98, observation, published in 2013 (section 1(3), common to the Industrial Relations Act, 2012, the *Balochistan* Industrial Relations Act 2010, *Khyber Pakhtunkhwa* Industrial Relations Act 2010, *Punjab* Industrial Relations Act 2010 and *Sindh* Industrial Relations Act 2010, exclude independent agricultural workers, workers in charitable organizations and others from their application).

<sup>23</sup> Article 3 of the Labour Union Act of 1949 (last amended 2005).

<sup>24</sup> Article 3(2) of the Agricultural Cooperatives Act of 1947.

<sup>25</sup> See, for example, *Chile* – CEACR, Convention No. 87, observation, published in 2010. *Qatar* (Law No. 14 of 2004, article 3(3)) and the *Syrian Arab Republic* (Labour Code 2010, article 5(a)(6)) also exclude casual workers from labour legislation.

<sup>26</sup> See, for example, *Belgium* (Belgian Congo and Ruanda-Urundi) – CEACR, Convention No. 11, observation, published in 1959; *Brazil* – CEACR, Convention No. 141, observation, published in 2012; *Chile* – CEACR, Convention No. 11, observations, published in 1955 and 1956; *China* – CEACR, Convention No. 11, observation, published in 1948; and *Nicaragua* – CEACR, Convention No. 11, observation, published in 1962.

<sup>27</sup> On 11 March 2013, the Superior Court of Quebec upheld the ruling by the *Commission des relations du travail* (Quebec Labour Relations Board) stating that article 21, clause 5, of the Labour Code, providing that “persons employed in the operation of a farm shall not be deemed to be employees for the purposes of this division unless at least three of such persons are ordinarily and continuously so employed” was unconstitutional and of no force or effect due to the fact that it violated the right to freedom of association, which is protected by the Quebec Charter of Human Rights and Freedoms.

129. *The Committee acknowledges the particular challenges faced by workers in the informal economy in relation to organizational rights.*<sup>28</sup> *It considers that workers in the informal economy are covered by Conventions Nos 11 and 141 and should therefore enjoy the guarantees they afford and have the right to establish and join rural workers' organizations through the development or adaptation of legislation and practice.* The Committee notes that in its report the Government of Bangladesh, referring to its 2012 National Labour Policy, indicated its commitment to legislate in order to provide informal sector workers with rights.

#### Organizing rural workers in the informal sector

An ILO ACTRAV–Norway Workers' Education Project (2004–06) supported 80,426 marginalized and vulnerable rural workers, especially women workers, from the informal sector in Tamil Nadu and Madhya Pradesh, *India*, to organize themselves into unions and 854 self-help groups. With a focus on the capacity building of rural workers and rural workers' organizations, the project assisted workers in enhancing their skills and accessing various welfare benefits, created decent employment and income, empowered women, and helped trade unions play an active and constructive role in socio-economic development.

Source: T. Haque and S. Varghese (eds): *The path of deliverance: Organizing and empowering rural informal economy workers* (ILO, 2007).

130. In countries where large numbers of rural workers are migrants, restrictions on the right of migrant or foreign workers to form or join trade unions may negatively affect rural workers. Such legislative restrictions, often based on residency requirements and principles of reciprocity, may prevent migrant and foreign workers from playing an active role in the defence of their interests, especially in sectors where migrant workers are the main source of labour and this is contrary to Conventions Nos 11 and 141. The Committee has noted that in the *Central African Republic*, for example, foreign workers could only join trade unions after a minimum legal residence of two years and provided that their own country granted the same right to nationals of the Central African Republic,<sup>29</sup> and in *Algeria*, only persons who are Algerian by birth or who have had Algerian nationality for at least ten years may establish a trade union.<sup>30</sup> The United Food and Commercial Workers' Union (UFCW) Canada informed the Committee that migrant workers have been able to join UFCW Canada on some farms in *Canada* (*British Columbia* and *Quebec*). *The Committee considers that the fact of being a foreign worker should not present an obstacle to unconditional membership of trade unions and recalls in this regard that Convention No. 11 refers to all those engaged in agriculture and Convention No. 141 refers to all rural workers as defined in its Article 2, without distinction whatsoever.*

<sup>28</sup> CEACR, Convention No. 87, general observation, published in 2009. In this respect, for example, the Government of *Turkey* indicated that as temporary, seasonal and casual workers were generally employed in the informal economy, they could not benefit from the right to organize.

<sup>29</sup> *Central African Republic* – CEACR, Convention No. 87, observation, published in 2014 (article 17 of the Labour Code).

<sup>30</sup> *Algeria* – CEACR, Convention No. 87, observation, published in 2014 (section 6 of Act No. 90-14 of 2 June 1990).

## Right to establish and join organizations of their own choosing

131. Convention No. 141 applies to all types of organizations of rural workers (trade unions, cooperatives and other types of associations), including organizations not restricted to, but representative of, rural workers. It is thus applicable both to organizations composed solely of rural workers and to organizations that, while also including other workers, represent their interests, such as general trade unions to which various categories of workers belong.<sup>31</sup>

132. Globally, common forms of rural workers' organizations include farmer and peasant associations, cooperatives and trade unions. *Noting that a number of member States reported that rural workers chose to form cooperatives,*<sup>32</sup> *the Committee recalls that the existence of cooperatives should not prevent rural workers, whether wage earners or not, from setting up trade unions. Furthermore, like the Committee on Freedom of Association, this Committee considers that workers associated in cooperatives should have the right to establish and join organizations of their own choosing. It recalls that the Promotion of Cooperatives Recommendation, 2002 (No. 193), calls on governments to ensure that cooperatives are not set up or used for non-compliance with labour law or used to establish disguised employment relationships.*

133. The right to establish and join organizations of their own choosing implies free determination of the structure and membership of trade unions. In this respect, in its comments on the application of Convention No. 141 by the *Philippines*, the Committee pointed out that legislative provisions that impose the organization of direct members into locals and chapters were incompatible with the principles of freedom of association set forth in Article 3 of the Convention given the principle that each rural workers' organization should be able to choose in full independence the organizational structure it deems most appropriate.<sup>33</sup>

134. In many countries, an organization may not be established unless it has a minimum number of members.<sup>34</sup> *In this respect, the Committee considers that legislation of a general application providing for a minimum membership requirement may impede the establishment of organizations when applied to rural workers and notes that Paragraph 8(2)(b)(i) of Recommendation No. 149 stipulates that "relevant laws and regulations should be fully adapted to the special needs of rural areas; for instance – requirements regarding minimum membership ... should not be permitted to impede the development of organisations in rural areas where the population is scattered". Pursuant to the same provision, other restrictions, such as minimum levels of education and minimum funds, should not be allowed.*

<sup>31</sup> See paras 88–112 *supra*. See further, ILO: *General Survey on freedom of association and collective bargaining*, 1983, para. 333.

<sup>32</sup> For example, *Gabon* and the *Republic of Korea*. See further, para. 109 *supra*.

<sup>33</sup> *Philippines* – CEACR, Convention No. 141, observation, published in 2000. In its observation published in 2012, the Committee noted the Government's indication that the Department of Labor and Employment was initiating a review of labour laws and legislation, including section 241(c) and (p) of the Labor Code of 1974 (as amended) so as to align them with the ILO Conventions ratified by the Philippines.

<sup>34</sup> See, for example, *Angola* – CEACR, Convention No. 87, direct request, published in 2014 (section 3 of the Trade Unions Act No. 21-D/92 of 1992, providing that first level organizations must include in their membership at least 30 per cent of workers in the occupational branches and sectors of economic activity at the provincial level); *Bangladesh* – CEACR, Convention No. 87, observation, published in 2012 (section 179(2) of the Labour Act 2006, which provides for a minimum membership requirement of 30 per cent of the total number of workers employed in an establishment or group of establishments for initial and continued union registration); *El Salvador* – CEACR, Convention No. 87, direct request, published in 2014

135. The right of workers to be able to establish organizations of their own choosing implies that trade union diversity must remain possible in all cases. *The Committee considers that it is important for workers to be able to change trade union or association, or to establish a new one for reasons of independence, effectiveness or ideological choice.*<sup>35</sup> *Consequently, trade union unity imposed directly or indirectly by law is contrary to Convention No. 141.* In this regard, in its consideration of the application of Convention No. 141 by *Brazil*, the Committee recalled that “all workers, including rural workers, have the right to establish organizations of their own choosing without previous authorization and that this implies the effective possibility to create, if the workers so choose, more than one workers’ organization to represent the same occupational or economic category in the same geographical area”.<sup>36</sup>

### Right to establish organizations without previous authorization

136. The legislation in many countries explicitly provides that workers have the right to establish organizations without previous authorization. While in most countries legislation requires certain formalities to be observed for this purpose, in other countries, no particular formalities exist.<sup>37</sup> In yet other countries, while registration is optional, registered trade unions enjoy more rights than unregistered trade unions.<sup>38</sup>

*137. In the view of the Committee, regulations providing for formalities are not in themselves incompatible with Convention No. 141, provided that they do not in practice impose a requirement of previous authorization, or give the authorities*

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(article 211 of the Labour Code of 1963 (as amended) and article 76 of the Civil Service Act of 1963, which set the requirement of at least 35 members in order to establish a workers’ organization); *Georgia* – CEACR, Convention No. 87, observation, published in 2012 (section 2(9) of the Law on Trade Unions of 1997, requiring a minimum trade union membership of 100); *Guatemala* – CEACR, Convention No. 87, observation, published in 2014 (article 215(c) of the Labour Code of 1971 establishing the requirement for 50 per cent plus one of those working in the occupation, in order to be able to establish industry trade unions); *Honduras* – CEACR, Convention No. 87, observation, published in 2013 (article 475 of the Labour Code of 1979 (as amended) which requires more than 30 workers to establish a trade union); *Latvia* – CEACR, Convention No. 87, direct request, published in 2011 (section 3 of the Trade Unions Act of 1990, which requires that a trade union shall be registered if it unites not less than 50 members or not less than one quarter of those working in an enterprise, institution, organization, profession or branch); *Nigeria* – CEACR, Convention No. 87, observation, published in 2013 (section 3(1) of the Trade Union Act of 1976 (as amended) requiring 50 workers to establish a trade union); *Panama* – CEACR, Convention No. 87, observation, published in 2013 (article 41 of Act No. 44 of 1995 (amending section 344 of the Labour Code of 1971 (as amended))), which requires 40 members for the establishment of a workers’ organization at the enterprise level); *Philippines* – CEACR, Convention No. 87, observation, published in 2013 (section 237(a) of the Labor Code of 1974 (as amended), which requires ten locals or chapters, each of which must be a duly recognized collective bargaining agent in the establishment or industry in which it operates, for the registration of federations or national unions). The Committee also noted with satisfaction the progress achieved in this field by some ILO member States which reduced or removed requirements related to minimum membership. See ILO: *General Survey on the fundamental Conventions*, 2012, para. 90.

<sup>35</sup> ILO: *General Survey on the fundamental Conventions*, 2012, para. 92.

<sup>36</sup> *Brazil* – CEACR, Convention No. 141, observation, published in 2012. See article 8 II, Constitution of the Republic of Brazil 1988.

<sup>37</sup> In its report under article 19 of the Constitution, the Government of *Iceland* indicated that no formal conditions were required for the establishment of an organization.

<sup>38</sup> For example, *Zimbabwe*: Any trade union may, if it so desires, apply for registration (section 29(1) of the Labour Act of 1985 (as amended)). Upon its registration, an organization becomes a body corporate and therefore capable of acquiring, holding or alienating property and any other act which its constitution requires or permits (section 29(2)). It can further exercise the rights provided under section 29(4), which include the right to represent its members, the right to various facilities, the right to recommend a collective labour action and the right to bargain collectively. In terms of section 104(3)(c), no collective action may be recommended or engaged in by any trade union unless it is registered.

*discretionary power to refuse the establishment of an organization; nor must they constitute such an obstacle that they amount in practice to a pure and simple prohibition.*<sup>39</sup> In this regard, the Government of the *Philippines* referred to legislation, pursuant to which “it is the policy of the State to promote the free and responsible exercise of the right to self-organization through the establishment of a simplified mechanism for the speedy registration of labor unions and workers’ associations, determination of representation status and resolution of inter/intra-union and other related labor relations disputes”.<sup>40</sup> The Committee recently noted the Government of *El Salvador*’s indication that the National Department of Social Organizations of the Ministry of Labour and Social Insurance provided advice to workers on the procedures for the registration of trade unions and collective agreements, which had been simplified.<sup>41</sup>

138. By virtue of paragraph 3 of Article 3 of Convention No. 141, legal personality should not be refused to organizations when they fulfil the requirements envisaged by the law and its acquisition cannot be made subject to conditions of such a character as to restrict the application of paragraphs 1 and 2 of the same Article. In some member States rural workers’ organizations acquire legal personality upon their registration,<sup>42</sup> while in others unions acquire legal personality upon their establishment.<sup>43</sup>

### Right to draw up constitutions and rules

139. Two conditions have to be met to guarantee fully the right of workers’ organizations to draw up their constitutions and rules: (i) national legislation should only lay down formal requirements respecting trade union constitutions, except with regard to the need to follow a democratic process and to ensure a right of appeal for the members; and (ii) the constitutions and rules should only be subject to the verification of formal requirements by the authorities.<sup>44</sup> Legislative provisions that go beyond these formal requirements may, in the view of the Committee, constitute interference contrary to Article 3(2) of Convention No. 141.

140. In practice, in certain countries trade unions of rural workers experience the same types of interference by public authorities, as trade unions of other categories of workers. Such interference, provided for in legislation, may take different forms, such as: a first-level trade union may be required to conform to the constitution of a single federation; the constitution of a new trade union may be subject to approval by the central administration of the existing organization; constitutions may have to be drawn up by the public authorities; trade unions may be required to follow a model constitution that contains more than certain purely formal clauses.<sup>45</sup> In this regard, in

<sup>39</sup> ILO: *General Survey on the fundamental Conventions*, 2012, para. 82.

<sup>40</sup> Department Order No. 40.03 (Series of 2003), amending the Implementing Rules of Book V of the Labor Code of the Philippines, Rule II, section 1.

<sup>41</sup> *El Salvador* – CEACR, Convention No. 141, observation, published in 2007.

<sup>42</sup> For example, *Algeria* (article 6 of Law No. 90-14 of 1990 (as amended) concerning trade union rights); *Australia (New South Wales)* – regardless of the type of organization, section 222 of the Industrial Relations Act 1996; *Cameroon* (section 6(1) of the Labour Code, Law No. 92/007 of 14 August 1992); *Chile* (article 222 of the Labour Code, consolidated 2003); *Mexico* (article 365 of the Federal Labour Law of 1970 (as amended)); *Mozambique* (Legislative Decree No. 2/2006); *Peru* (article 17 of Single Codified Text of the Act on collective labour relations (TUO of the LRCT), as approved by Supreme Decree No. 010-2003-TR); and *Portugal* (article 447 of the Labour Code of 2009 (as amended)).

<sup>43</sup> For example, *Czech Republic* (section 3025(2) of the Civil Code of 2012).

<sup>44</sup> ILO: *General Survey on the fundamental Conventions*, 2012, para. 100.

<sup>45</sup> *ibid.*

a comment concerning *Burundi*, the Committee considered that legislative provisions empowering the Minister of Agriculture to establish compulsory rural associations, draft the associations' statutes and impose obligations on members did not give effect to the Convention.<sup>46</sup>

## Freedom to elect representatives

141. By virtue of the principle set out in Article 3 of Convention No. 141, workers have the right to elect their representatives in full freedom without any intervention by the public authorities that might restrict the exercise of this right. Rural workers' organizations should be left to themselves to determine this matter through their own rules.<sup>47</sup> Having considered the reports submitted by the member States pursuant to article 19 of the Constitution, the Committee notes that in the majority of countries the law recognizes, implicitly or explicitly, the principle of the election of officers or leaders of an organization by its members.

142. In certain countries, however, the law permits arbitrary interference by the authorities in elections, which is incompatible with the Conventions. In its comments on the application of Convention No. 141 by the *Philippines*, for example, the Committee pointed out that legislative provisions that impose direct elections by secret ballot of local and national officers, under penalty of dissolution or officer expulsion, were incompatible with the principles of freedom of association set forth in Article 3 of the Convention, given the particular difficulties facing rural workers' organizations in assembling their members scattered around the country in a great number of islands to elect their leaders by direct ballot.<sup>48</sup>

143. In a number of countries, there is a requirement in trade union constitutions or national law that workers should belong to an occupation or to an enterprise, either at the time of their candidature, or for a certain period before their election.<sup>49</sup> ***The Committee considers that a legislative provision prohibiting a person who is not an employee or worker of an undertaking from being elected or appointed as an officer of a trade union may prevent qualified persons, such as retired people or full-time union officers, from carrying out union duties. In the view of the Committee, provisions of this type should be made more flexible by lifting the requirements that are set out regarding occupation for a reasonable proportion of trade union officers.***<sup>50</sup>

144. ***The Committee recalls that rules concerning the election of union officers should generally be left to the union concerned. The Committee considers conditions of age and literacy, restrictions on the grounds of political beliefs or activities, and absolute prohibitions applied to foreign workers imposed by the legislation of some member States, to be incompatible with the principles of freedom of association and to particularly impact on rural workers.***<sup>51</sup> In a number of

<sup>46</sup> *Burundi* – CEACR, Convention No. 11, direct request, published in 1993, and observations, published 1997–2014.

<sup>47</sup> See, for example, the *Philippines* – CEACR, Convention No. 141, direct request, published in 1990.

<sup>48</sup> *Philippines* – CEACR, Convention No. 141, observation, published in 2000. In its observation published in 2012, the Committee noted the Government's indication that the Department of Labor and Employment was initiating a review of labour laws and legislation, including section 241(c) and (p) of the Labor Code, so as to align them with the ILO Conventions ratified by the Philippines.

<sup>49</sup> ILO: *General Survey on the fundamental Conventions*, 2012, para. 102.

<sup>50</sup> See, for example, *Philippines* – CEACR, Convention No. 141, direct request, published in 1990.

<sup>51</sup> See ILO: *General Survey on the fundamental Conventions*, 2012, paras 103–105.



countries, legislation limits the role migrant and foreign workers may play in the leadership of trade union organizations. The Committee has noted, for example, that in Côte d'Ivoire,<sup>52</sup> Haiti,<sup>53</sup> Libya,<sup>54</sup> Mauritania,<sup>55</sup> Mexico<sup>56</sup> and Tunisia<sup>57</sup> the legislation restricts the right of foreign nationals from becoming members of trade union executive boards or trade union officers in a manner contrary to the Conventions. The Committee has accepted certain exceptions for legislation restricting the ability of foreign workers to take up trade union office, so long as it ensures that foreign workers may take up trade union office at least after a reasonable period of residence in the host country.<sup>58</sup>

### Right to organize administration and activities and to formulate programmes

145. In accordance with the right of rural workers' organizations to organize their administration and activities and to formulate their programmes, governments should refrain from interference, including through legislation providing for strict supervision, in the activities of organizations. In that respect, questions concerning the financing of trade union organizations should be governed by the by-laws of the organizations and not be imposed by law.<sup>59</sup> ***In the Committee's long held view, legislative provisions that prohibit the acceptance of assistance from, or affiliation to, any trade union organization outside the country, except with the approval of the authorities, restrict the management of the organization's internal affairs by controlling foreign assistance and as such are not in conformity with the Convention.***<sup>60</sup>

146. In reviewing the application of Convention No. 141 by Brazil, the Committee considered that the financing of trade union organizations, whether in respect of their own budgets or those of federations and confederations, should be governed by the rules of the respective organizations or be the result of standards set forth in collective agreements. In addition, it recalled that the imposition of contributions on non-affiliated workers through the Constitution or through legal channels was not in conformity with the Convention.<sup>61</sup> In an observation concerning Chile, the Committee considered that a legislative provision according to which unions of agricultural workers must obtain the prior authorization of the labour inspector to spend sums

<sup>52</sup> Côte d'Ivoire – CEACR, Convention No. 87, direct request, published in 2014 (article 51.5 of the Labour Code: Trade union officers must have Ivorian nationality, and only foreign workers who have lived in Côte d'Ivoire for at least three years may take up administrative and management functions in the union, provided that their countries grant the same right to Ivorian nationals).

<sup>53</sup> Haiti – CEACR, Convention No. 87, observation, published in 2013 (article 239 of the Labour Code).

<sup>54</sup> Libya – CEACR, Convention No. 87, direct request, published in 2011 (section 8 of Act No. 23 of 1998).

<sup>55</sup> Mauritania – CEACR, Convention No. 87, direct request, published in 2011 (article 273 of the Labour Code of 2004: Non-Mauritanian nationals do not have the right to become trade union officials unless they have worked in Mauritania and in the profession represented by the trade union for a period of at least five years).

<sup>56</sup> Mexico – CEACR, Convention No. 87, observation, published in 2011 (article 372(ii) of the Federal Labour Law of 1970 (as amended)).

<sup>57</sup> Tunisia – CEACR, Convention No. 87, observation, published in 2013 (article 251 of the Labour Code of 1966 (as amended): Foreign nationals require the approval of the Secretary of State for Youth, Sport and Social Affairs).

<sup>58</sup> ILO: *General Survey on the fundamental Conventions*, 2012, para. 103.

<sup>59</sup> See, for example, Brazil – CEACR, Convention No. 141, observation, published in 2012.

<sup>60</sup> See, for example, Zambia – CEACR, Convention No. 141, direct request, published in 1990.

<sup>61</sup> Brazil – CEACR, Convention No. 141, observations, published in 2007 and 2012.

exceeding 2,000 pesos (CLP), while a similar provision did not apply to trade unions (*profesionales*) in industry, was not in conformity with Convention No. 11.<sup>62</sup>

147. *The Committee stresses that matters relating to internal administration should be left to the discretion of the members of rural workers' organizations, without any interference by the public authorities. These include the levying of compulsory union dues for all workers in a particular economic category,<sup>63</sup> the right to represent its members<sup>64</sup> and the submission of claims to the employer.* With regard to the submission of claims to the employer in particular, the Committee has considered that a legislative provision (with no equivalent for industrial workers), according to which unions of agricultural workers may not present statements of claims “during the sowing and harvesting periods, which are fixed in each zone by regulations, the duration of each being at least 60 days” and that “claims may not be presented more than once a year”, was a restriction that amounted in practice to a denial to agricultural workers of any right to organize effectively, particularly in the case of seasonal and casual workers who, in agriculture, often represented a considerable proportion of the workers employed.<sup>65</sup>

148. *The Committee emphasizes that rural workers' organizations should remain free from all interference, coercion and repression, whether they are trade unions, cooperatives or other associations. The Committee recalls that dissolution by administrative authority involves a serious risk of interference by the authorities in the very existence of organizations.*<sup>66</sup> In this respect, the Committee noted in 2007 that a legislative provision governing the cooperative movement in *Mali*, which provided that the dissolution of a cooperative may be determined by the administrative authority in the form of the withdrawal of approval at the request of the responsible authority, had been repealed so as to comply with the obligations of the Convention.<sup>67</sup>

149. *Rural workers' organizations should have the right to organize their activities in full freedom and to formulate their programmes with a view to defending the occupational interests of their members while respecting the law of the land. This includes, in particular, the right of trade union officers to have access to places of work and to communicate with management, the right to collective bargaining, and the right to organize protest actions.*

150. *Mindful of the fact that Convention No. 141 requires member States to pursue a policy of active encouragement to organizations of rural workers, the Committee stresses that interference by governments in activities of rural workers' organizations would be contrary to the principles of freedom of association.*<sup>68</sup>

<sup>62</sup> *Chile* – CEACR, Convention No. 11, observation, published in 1954.

<sup>63</sup> See, for example, *Brazil* – CEACR, Convention No. 141, observation, published in 2012.

<sup>64</sup> In its direct requests published in 2007 and 2012 concerning the application of Convention No. 11 addressed to the Government of *Sri Lanka*, the Committee considered that self-employed farmers shall enjoy the same association rights, including the right to represent members, that are accorded to industrial workers.

<sup>65</sup> *Chile* – CEACR, Convention No. 11, observations, published in 1953 and 1962 (in its observation, published in 1968, on the application of Convention No. 11 by Chile, the Committee noted with satisfaction that Law No. 16625 of 1967 on agricultural trade unions had been promulgated, giving effect to the provisions of the Convention).

<sup>66</sup> See, for example, *Mali* – CEACR, Convention No. 141, direct requests, published in 2001 and 2003.

<sup>67</sup> *Mali* – CEACR, Convention No. 141, direct request, published in 2007.

<sup>68</sup> See, for example, *Afghanistan* – CEACR, Convention No. 141, direct requests, published in 1992 and 1998.

***Furthermore, legislation providing for strict supervision of trade union activities by the government is incompatible with the Convention.***<sup>69</sup>

151. The Committee notes that the legislation in many countries, whether of a general scope or specific to agricultural or rural workers, recognizes the right to strike of these workers.<sup>70</sup> It further observes that restrictions on the exercise of this right in some legislation often include agricultural workers among the categories targeted.<sup>71</sup> Convention No. 11 pursues the objective of ensuring for agricultural workers the same “rights of association and combination” as enjoyed by industrial workers, notably the rights to form and join trade unions and to act collectively in the defence of their members’ interests, including by means of concerted work stoppage.<sup>72</sup> The Committee recalls that nothing permits the exclusion of rural workers from the collective rights recognized to other workers, strike being one of the essential means of collective action to which they have recourse for the furtherance and defence of their economic and social interests. The Committee highlights that provisions which deprive rural workers of the right to strike are contrary to the freedom of association Conventions, including Convention No. 141.<sup>73</sup> In this respect, the Committee recalls that in recent years it has had the opportunity to note with satisfaction the extension of the right to strike to agricultural workers in several countries.<sup>74</sup>

#### *Access to workplaces*

152. Recommendation No. 149 provides in its Paragraph 8(2)(b)(ii) that problems which may arise concerning the access of organizations of rural workers to their members should be dealt with in a manner respecting the rights of all concerned and in accordance with the terms of Convention No. 87 and the Workers’ Representatives Convention, 1971 (No. 135). In this respect, the Committee emphasized the importance for governments to take measures by legislative means to safeguard the

<sup>69</sup> See, for example, *Guatemala* – CEACR, Convention No. 141, direct request, published in 1995.

<sup>70</sup> See, for example, *Argentina* (article 5(d) of Law No. 23.551 on trade union associations of 23 March 1988); *Latvia* (Law on Strikes of 1998, last amended in 2005); *Rwanda* (article 151 of the Law regulating labour in Rwanda, No. 13/2009); *South Africa* (sections 1.2(4) and 64 of the Labour Relations Act of 1995); *Spain* (article 2.2(d) of Law No. 11/1985 on freedom of association); *Togo* (article 169 of the Labour Code of 2006); *Zimbabwe* (section 104(1) of the Labour Act of 1985). See further, ILO: *General Survey on the fundamental Conventions*, 2012, para. 8: the right to strike is constitutionally protected in 93 countries.

<sup>71</sup> See, for example, *Guatemala* – CEACR, Convention No. 11, observations, published in 2000 and 2007; *Sri Lanka* – CEACR, Convention No. 11, observation, published in 2001, and direct requests, published in 2007 and 2012; *Zambia* – CEACR, Convention No. 141, direct requests, published in 1995 and 1998 (while the Labour Relations (Amendment) Act No. 8 of 2008 provides for the right to strike, it also imposes several limitations on its exercise (see 2011–13 observations on the application of Convention No. 87)).

<sup>72</sup> The questionnaire for the draft Convention on the right to association and combination of agricultural workers referred in its introduction to the need to combat situations where workers were punished for their simple participation in strikes. Moreover, this was reflected in the discussions held during the International Labour Conference in 1921 when the French Government delegate is recorded as referring to freedom to strike of workers. Several mentions of the right to strike can be found among the first government reports related to Convention No. 11 (see, for example, France: 1929 report; and Uruguay: 1936 report).

<sup>73</sup> See, in particular, ILO: *General Survey on freedom of association and collective bargaining*, 1983, para. 351.

<sup>74</sup> For example, it noted with satisfaction that sections 160 and 262 of Act No. 136 issuing the Agricultural Labour Code (1958) of the *Syrian Arab Republic*, which prohibited strikes in the agricultural sector under the penalty of imprisonment, were repealed by section 1 of Law No. 34, promulgated on 21 December 2000. It further noted with satisfaction the repeal, by Legislative Decree No. 18-2001 of 14 May 2001, of sections 243(a) and 249 of the 1971 Labour Code of *Guatemala* which, with a few exceptions, prohibited strikes or work stoppages by agricultural workers during harvests and which it considered to be contrary to the principles contained in the Convention.

right of access of trade union leaders and representatives to farms and plantations to meet with workers.<sup>75</sup>

153. *The Committee recognizes that plantations and other agricultural undertakings are private property on which the workers often not only work but also live and it is only by having access to these undertakings that trade union officials can carry out normal trade union activities. It is of special importance, therefore, that access by trade union officials for the purpose of carrying out lawful trade union activities should be readily permitted, provided that there is no interference with work being performed during working hours and subject to any appropriate precautions being taken for the protection of the property.* In this connection, the Committee notes the resolution adopted by the Committee on Work on Plantations<sup>76</sup> at its First Session in 1950, which provides that employers should remove existing hindrances, if any, in the way of the organization of free, independent and democratically controlled trade unions by plantation workers and they should provide such unions with facilities for the conduct of their normal activities, including free office accommodation, freedom to hold meetings and freedom of entry.

### *Collective bargaining*

154. *The Committee considers that the right to bargain collectively stems from the right of rural workers' organizations to exercise the principles of freedom of association, as enshrined in Convention No. 11 and in Article 3(2) of Convention No. 141.*<sup>77</sup> Paragraph 5 of Recommendation No. 149 further provides that rural workers' organizations should, as appropriate, be able to represent, further and defend the interests of rural workers, for instance by undertaking negotiations and consultations at all levels on behalf of such workers collectively.<sup>78</sup> In previous comments on the application of Convention No. 11, the Committee stressed that negotiations through organizations of workers with a view to establishing their remuneration and wage rates should be promoted, so that those engaged in agriculture benefit from the same rights of association and combination as industrial workers.<sup>79</sup> *The Committee considers that, in the rural context, it is particularly important that measures are taken to encourage and promote the full development and utilization of machinery for voluntary negotiations between employers and employers' organizations and workers' organizations.*

155. The majority of member States reported that the right of rural or agricultural workers to bargain collectively was guaranteed by general legislation in force in their countries applying to all workers and not excluding agricultural or rural workers.<sup>80</sup>

<sup>75</sup> See, for example, *Costa Rica* – CEACR, Convention No. 141, observations, published in 2001 and 2003.

<sup>76</sup> See para. 41 *supra*.

<sup>77</sup> See, for example, *India* – CEACR, Convention No. 141, observation, published in 1992.

<sup>78</sup> Note that during the preparatory works, taking into account the fact that in many countries collective bargaining applied only to wage earners and that the intention of the instrument was to cover all negotiations at all levels, including negotiations between sharecroppers and landowners, the initial proposal to refer to “collective bargaining” was amended so as to refer to “negotiations”. See ILO: *Record of Proceedings*, ILC, 59th Session, Geneva, 1974, p. 455.

<sup>79</sup> See, for example, *Azerbaijan* – CEACR, Convention No. 11, direct request, published in 2007; *Brazil* – CEACR, Convention No. 11, observation, published in 1959 (where the Committee considered that agricultural workers should enjoy the same rights as those conferred on industrial workers as regards protective measures in respect of collective agreements in force).

<sup>80</sup> For example: *Antigua and Barbuda, Australia, Belarus, Bulgaria, Czech Republic, Finland, France, Iceland, Israel, Italy, Kyrgyzstan, Malta, Republic of Moldova, Namibia, Slovakia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom and Uzbekistan.*

Accordingly, any restrictions that may be imposed on the right to collective bargaining for all workers also impact on the rights of rural workers' organizations.<sup>81</sup>

156. The Committee notes particular challenges with regard to the right to collective bargaining for self-employed workers. In an observation on the application of Convention No. 11 by *Malaysia*, the Committee disagreed with the argument advanced by the Government to the effect that "it did not make sense to accept that [agricultural workers who work on their own behalf] could form trade unions because they have nobody with whom to negotiate". The Committee recalled that this Convention was designed to protect self-employed agricultural workers in their economic relationships, which were often with governments.<sup>82</sup>

157. Similarly, in its 2011 comment, while noting the Government of *Sri Lanka's* indication that discussions were taking place on the issue of the right of association of self-employed persons in agriculture, the Committee requested the Government to take the necessary measures to amend the Agrarian Services (Amendment) Act, No. 4 of 1991 (section 56A.(4)), which excluded several rights from the list detailing the purpose of farmers' organizations, including the right to bargain collectively.<sup>83</sup> The Committee notes that the Government of *Sri Lanka* reported that associations such as farmers' organizations addressed demands relating to their interests directly to the Government.

158. Another significant challenge concerns the rights of seasonal and temporary rural workers. In this regard, for example, the Committee noted that workers in *Chile* who performed seasonal work of short duration could not enjoy collective bargaining rights.<sup>84</sup> The Committee notes that according to Fako Agricultural Workers Union of *Cameroon*, in practice, casual, seasonal and migrant workers are not covered by trade union representation and collective bargaining.

159. Some member States indicated that due to the difficulties in organizing in the rural sector, rural workers were not involved in collective bargaining. The Government of *Turkey* reported that while collective bargaining can take place only in a unionized sector, the sector in question was, to a large extent, non-unionized. In the same vein, the Government of *Gabon* reported that due to the difficulties in organizing, rural workers were not involved in collective bargaining and consultations at all levels.

160. Many countries drew a distinction between the rights of trade unions and the rights of cooperatives.<sup>85</sup> In the *Philippines*, for example, "only legitimate or registered labor unions shall have the right to represent their members for collective bargaining

<sup>81</sup> See, for example, *Dominican Republic* – CEACR, Convention No. 98, observation, published in 2014 (sections 109–110 of the Labour Code of 1992 (as amended) require an absolute majority to negotiate); *Egypt* – CEACR, Convention No. 98, observation, published in 2014 (sections 179 and 187, in conjunction with sections 156 and 163 of the Labour Code of 2003 (as amended), allow any party to the dispute to unilaterally submit the dispute to arbitration); *Fiji* – CEACR, Convention No. 98, observation, published in 2014 (section 2 of the Essential National Industries Decree 2011 provides for a threshold of 75 workers to form bargaining units); *Haiti* – CEACR, Convention No. 98, observation, published in 2013 (section 34 of the Decree of 4 November 1983 empowers the Labour Organizations Branch of the Labour Directorate of the Ministry of Social Affairs and Labour to intervene in the drafting of collective agreements and in collective labour disputes in respect of all matters related to freedom of association); *Panama* – CEACR, Convention No. 98, observation, published in 2013 (article 427 of the Labour Code of 1971 (as amended) provides that the number of representatives of the parties in negotiations shall range from two to five).

<sup>82</sup> *Malaysia* – CEACR, Convention No. 11, observation, published in 1993.

<sup>83</sup> *Sri Lanka* – CEACR, Convention No. 11, direct request, published in 2012.

<sup>84</sup> *Chile* – CEACR, Convention No. 87, observation, published in 2010.

<sup>85</sup> For example, *Bangladesh* and *Thailand*.

and other purposes. Workers' associations shall have the right to represent their members for purposes other than collective bargaining.”<sup>86</sup> The Government of *Bosnia and Herzegovina* indicated that in *Republika Srpska* only trade unions could bargain collectively and in the *Federation of Bosnia and Herzegovina*, cooperatives were not involved in collective bargaining. Equally, the Government of *Malaysia* reported that while trade unions were entitled to bargain collectively, cooperatives were not.

161. Further, in *Ethiopia*, cooperatives, established pursuant to the Cooperative Societies Proclamation No. 147/1998, should have one or more of the following objectives: to solve problems collectively that members cannot individually achieve; to achieve a better result by coordinating their knowledge, wealth and labour; to promote self-reliance among members; to collectively protect from, withstand and solve economic problems; to improve the living standards of members by reducing production and service costs, by providing input or service at a minimum cost or by finding a better price for their products or services; to expand the mechanism by which technical knowledge could be put into practice; to develop and promote savings and credit services; to minimize and reduce the individual impact of risks and uncertainties; and to develop the social and economic culture of the members through education and training.<sup>87</sup> In contrast, trade unions, their federations and confederations, established pursuant to Labour Proclamation No. 377/2003, represent members in collective negotiations and labour disputes, engage in collective bargaining and consultations with the authorities, ensure that the laws, regulations, directives and statements are known and observed, initiate laws and regulations pertaining to the interests of their members, participate in the determination or improvement of conditions of work and encourage their members to strengthen their participation in the construction of the national economy.<sup>88</sup>

162. In this respect, the Committee has always considered that collective bargaining with representatives of non-unionized workers should only be possible when there are no trade unions at the respective level.<sup>89</sup> ***The Committee has recalled on several occasions that, where a representative trade union is active within the enterprise or branch of activity concerned, the authorization for other workers' representatives to bargain collectively not only weakens the position of the trade union, but also undermines rights and principles on collective bargaining. The Committee nonetheless considers that when no trade union exists, other workers' organizations should be able to negotiate on behalf of their members. This is particularly apposite in the rural sector.***

163. The Committee is pleased to note that many member States reported on the exercise of this right in practice. For example, in *Uzbekistan*, the Agricultural Sector Workers' Union concluded a sectoral agreement for 2013–15 with the Council of Farmers of Uzbekistan. On the basis of this agreement, collective agreements between farmers and workers have been concluded at 98.2 per cent of the existing farms. In *Israel*, the National Union of Agricultural Workers and the Histadrut concluded a collective agreement with the Farmers' Association applicable to all workers in the agricultural branch.

<sup>86</sup> Department Order No. 40.03 (Series of 2003), amending the Implementing Rules of Book V of the Labor Code of the *Philippines*, Rule II, section 1.

<sup>87</sup> Section 4 of Cooperative Societies Proclamation No. 147/1998.

<sup>88</sup> Sections 115–116 of Labour Proclamation No. 377/2003.

<sup>89</sup> See further, ILO: *General Survey on the fundamental Conventions*, 2012, para. 239.

164. Other member States provided information on various formal or institutional arrangements to facilitate collective bargaining. For example, the Government of *Namibia* reported that the Namibia Agricultural Labour Forum (composed of the Agricultural Employers' Association, the Namibia National Farmers' Union and the Namibia Farm Workers' Union) negotiated collective agreements on minimum wages in the agricultural sector that applied to all workers in that sector. The Government of *Niger* indicated that rural workers' organizations participated in negotiations through regional chambers of agriculture of Niger. The Government of *Belgium* indicated that collective bargaining took place through joint committees in the relevant sector (i.e. agricultural and horticultural technical work, agriculture, horticulture and forestry). The resulting collective agreements guaranteed, for example, the same minimum salary to casual workers as to other workers and provided casual workers with various benefits. In *Zimbabwe*, the National Employment Council for the agricultural sector was reported to be a bargaining chamber made up of representatives from employers' organizations and an equal number of representatives from trade unions within the agricultural sector.

165. The Committee, however, further notes that some trade unions commented in their reports on the absence of collective bargaining in practice for many workers in the rural sector, and others indicated significant difficulties in relation to collective bargaining.<sup>90</sup> ***Noting the practical challenges that often exist in the rural sector, the Committee encourages governments to ensure that machinery for collective bargaining is fully developed and utilized in practice in the rural sector, with a view to the regulation of terms and conditions of employment.***

#### *Protection against acts of discrimination*

##### Protection against anti-union discrimination

166. Discrimination against rural workers on grounds of membership of an organization or participation in its activities violates the principles of freedom of association as it may jeopardize the very existence of workers' organizations. Pursuant to Recommendation No. 149, "there should be effective protection of the rural workers concerned against dismissal and against eviction which are based on their status or activities as leaders or members of rural workers' organisations".<sup>91</sup>

167. In an observation concerning the application of Convention No. 11 by *Brazil*, the Committee considered that agricultural workers should enjoy the same rights as those conferred on industrial workers in respect of protection against acts of anti-union discrimination.<sup>92</sup>

168. In its examination of the application of Convention No. 98 by member States, the Committee has analysed the protection of workers in the rural sector against acts of anti-union discrimination.<sup>93</sup> Commenting on the threats of dismissals made against

<sup>90</sup> For example, *Australian Council of Trade Unions*, *National Confederation of Agricultural Workers of Brazil*, *Cameroon United Workers' Confederation*, *Federación Nacional de Trabajadores Agroindustriales, Campesinos e Indígenas Libres del Ecuador* (FENACLE), *Tobacco Tenants and Allied Workers Union of Malawi*, the trade union *Unite of the United Kingdom* and the *National Union of Plantation, Agriculture and Allied Workers of Zambia*.

<sup>91</sup> Paragraph 8(2)(b)(iii). See also in this respect, ILO: *General Survey on the fundamental Conventions*, 2012, paras 173–193.

<sup>92</sup> *Brazil* – CEACR, Convention No. 11, observation, published in 1959.

<sup>93</sup> See, for example, *Ecuador* – CEACR, Convention No. 98, observation, published in 2006; *Belize* – CEACR, Convention No. 98, observations, published in 2007 and 2014; *Costa Rica* – CEACR, Convention No. 98, observation, published in 2009.

rural and informal workers for trade union activities in *Niger*, the Committee recalled that “the protection afforded to workers and trade union officials against acts of anti-union discrimination constitutes an essential aspect of freedom of association”.<sup>94</sup> *The Committee considers as a consequence that governments should ensure that measures accompanied by sufficiently effective and dissuasive sanctions exist so as to guarantee that all workers, including those in agriculture, enjoy adequate protection against all acts of anti-union discrimination.*<sup>95</sup>

#### Protection against discrimination on other grounds

169. At the time of the discussion leading to the adoption of Convention No. 141 and Recommendation No. 149, several delegates drew particular attention to the fact that rural workers “were often treated as second-class citizens and, as a result, were systematically discriminated against”.<sup>96</sup> Delegates were concerned to ensure that discrimination against rural workers, on various grounds, was prohibited.

170. As set out above, Article 4 of Convention No. 141 requires member States to adopt national policy to facilitate the establishment and growth of rural workers’ organizations as an effective means of ensuring the participation of rural workers in economic and social development and in the resulting benefits. The Article makes it clear that the participation of rural workers should be “without discrimination as defined in the Discrimination (Employment and Occupation) Convention, 1958” (Convention No. 111). Pursuant to Article 5 of the Convention, member States should adopt and carry out a policy of active encouragement to organizations, including with a view to eliminating “such legislative and administrative discrimination against rural workers’ organisations and their members as may exist”.

171. In examining the application of Convention No. 111, the Committee has discussed the situation of certain categories of rural workers with respect to the grounds set out in Article 1 of the Convention. The Committee has noted, for example, that certain agricultural workers, casual and self-employed workers, domestic workers, and workers in the informal economy, many of whom are women, are among the workers most frequently excluded from protection against discrimination and, in this regard, recalled the obligation of governments to ensure and promote the application of the principles in the instrument to all workers. In examining the situation of indigenous and tribal peoples, many of whom live in rural areas, the Committee has noted high levels of discrimination due to persistent prejudices and negative stereotypes. Recognizing the impact of traditions and customs, as well as legal obstacles, the Committee has highlighted the importance of equality of access for women and men to resources, including land, the provision of vocational training and

<sup>94</sup> *Niger* – CEACR, Convention No. 98, observation, published in 2005. See also, ILO: *Freedom of Association and Collective Bargaining, General Survey of the Reports on the Freedom of Association and the Right to Organize Convention (No. 87), 1948, and the Right to Organize and Collective Bargaining Convention (No. 98), 1949*, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 4B), ILC, 81st Session, Geneva, 1994, para. 202.

<sup>95</sup> See *Dominican Republic* – CEACR, Convention No. 98, observations, published in 1990 and 1991. The Committee on Freedom of Association has also examined cases involving acts of anti-union discrimination against workers in the rural sector. See, for example, Case No. 2034 (*Nicaragua*), concerning the termination of the employment contracts of trade union officials and the dismissal of members of the executive committee of a trade union representing workers in a banana plantation in which the Committee on Freedom of Association considered that “no person should be dismissed or prejudiced in his or her employment by reason of trade union membership or legitimate trade union activities, and it is important to forbid and penalize in practice all acts of anti-union discrimination in respect of employment” – Report No. 320, para. 745.

<sup>96</sup> ILO: *Organisations of rural workers and their role in economic and social development*, Report IV(1), ILC, 60th Session, Geneva, 1975, para. 14.



support for entrepreneurship. Given the large number of women rural workers, special attention should be paid to ensuring adequate protection against discrimination. Further, the Committee has noted its concern in respect of the situation of migrant workers, who are particularly vulnerable to prejudices and differences in treatment in the labour market on various prohibited grounds, and called on governments to declare and pursue a national policy which covers all workers, including migrant workers, with a view to eliminating discrimination against them on all the grounds listed in the Convention.<sup>97</sup>

**172. The Committee notes that rural workers are particularly vulnerable to discrimination, which may impact on their ability to exercise freedom of association rights and participate in social and economic development. The Committee encourages governments to ensure that policies supporting equality and non-discrimination for rural workers address all prohibited grounds of discrimination through legislative measures and practice.**

*Protection against acts of interference by employers*

173. Rural workers' organizations, like other workers' organizations, should enjoy adequate protection against any acts of interference by employers or their organizations so that they can maintain their independence and defend the interests of their members effectively. Unacceptable acts of interference include acts that are designed to promote the establishment of workers' organizations under the domination of an employer or an employers' organization, or to support workers' organizations by financial or other means, with the object of placing such organizations under the control of employers or employers' organizations.<sup>98</sup>

174. The Committee notes that many member States reported that the right to freedom of association of workers in the rural sector does not differ from the rights afforded to industrial workers. Certain member States referred to the legislative provisions existing in their respective countries explicitly prohibiting employers' interference in trade union affairs.<sup>99</sup> **The Committee considers that adequate protection against acts of interference requires the establishment of rapid appeal procedures and sufficiently dissuasive sanctions against such acts. Given that often,**

<sup>97</sup> ILO: *General Survey on the fundamental Conventions*, 2012, paras 761–826.

<sup>98</sup> *ibid.*, paras 194–197.

<sup>99</sup> See, for example, *Cabo Verde* (article 72 of the Labour Code, No. 5/2007 of 2007, which in general provides for the independence of trade unions with respect to the State, the employers, political parties and religious organizations); *Cameroon* (article 5(2) of the Labour Code, No. 92/007 of 1992, which prohibits all acts of interference by trade unions and employers' organizations against each other); *Côte d'Ivoire* (article 51.3 of the Labour Code of 1995 (as amended), under which "employer's interference is prohibited"); *Estonia* (article 26 of the Trade Unions Act of 2000, which imposes fines for the obstruction of the lawful activities of trade unions); *Indonesia* (article 9 of Law No. 21 of 2000, which states that trade unions are formed on the free will of the workers, without pressure or interference of employers, government, political parties and other parties); *the former Yugoslav Republic of Macedonia* (article 195 of the Law on Labour Relations of 2005 (last amended 2013), which states that "the employers and their associations shall neither be allowed to supervise the founding and activity of the trade unions and/or their associations at a higher level, nor finance or support the trade unions and their associations at a higher level in any way for the purpose of such supervision"); *Latvia* (article 4 of the Law on Trade Unions of 1990, which provides that trade unions are independent in their activity from the state authority and other organizations, and prohibits any activity that aims either directly or indirectly to subordinate trade unions to the State or other institutions and organizations); *Slovakia* (the Government reported that under the Law on Association of Citizens, No. 83/1990, state bodies and other subjects are not allowed to interfere in the affairs of trade unions); *Slovenia* (article 6 of the Representativeness of Trade Unions Act, No. 13/1993, which states that to be representative, trade unions must be independent from the State and employers); *Sudan* (section 26 of the Trade Unions Act of 2010, according to which "an employer shall not be ... permitted to interfere by any means in the business or the administration of any organization with the aim of bringing it under his control").

*by its nature, rural work is remote and may involve a degree of interdependence extending beyond the labour relationship, it considers that governments may find it appropriate, depending on national circumstances, to provide for particular measures to protect against discrimination against rural workers, recognizing that the labour relationship differs significantly from that of industrial workers.*

Right of organizations to establish federations  
and confederations and to affiliate with  
international organizations

175. *In order to defend the interests of their members more effectively, workers' organizations should have the right to form federations and confederations of their own choosing, which themselves should enjoy the various rights accorded to first-level organizations, in particular as regards their freedom of operation, activities and programmes.*<sup>100</sup> *The international solidarity of workers also requires that their national federations and confederations are able to group together and act freely at the international level.*<sup>101</sup>

176. In this respect, the Committee notes that some member States reported benefits from international partnerships developed by unions. In *Slovakia*, for example, according to the Government, the Trade Union of Agricultural Workers, as a member of the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT), prepares background documents for international comparisons on European Union agricultural issues, seasonality, migration, safety at work and working conditions. It also participates in the elaboration of position papers for the Council for Economic and Social Partnership of Slovakia.

Responsible authorities for ensuring effective  
application of legislation

**Paragraph 9 of the Rural Workers' Organisations  
Recommendation, 1975 (No. 149)**

There should be adequate machinery, whether in the form of labour inspection or of special services, or in some other form, to ensure the effective implementation of laws and regulations concerning rural workers' organisations and their membership.

177. Pursuant to Paragraph 9 of Recommendation No. 149, there should be adequate machinery to ensure the effective implementation of laws and regulations concerning rural workers' organizations and their membership. Such machinery can take the form of labour inspection,<sup>102</sup> special services or any other form.<sup>103</sup> *Noting that a number*

<sup>100</sup> See, for example, observation on Convention No. 141, published in 2012, in relation to *Brazil*, concerning the requirement of five lower-level organizations to form federations, which the Committee considered should be amended.

<sup>101</sup> ILO: *General Survey on the fundamental Conventions*, 2012, para. 163.

<sup>102</sup> On the important role played by labour inspection as a guarantee of compliance with labour law and the protection of workers, see ILO: *Labour Inspection: General Survey of the reports concerning the Labour Inspection Convention, 1947 (No. 81), and the Protocol of 1995 to the Labour Inspection Convention, 1947, and the Labour Inspection Recommendation, 1947 (No. 81), the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)*, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B), ILC, 95th Session, Geneva, 2006 (hereinafter *General Survey on labour inspection*, 2006).

*of governments and trade union organizations commented on the particular difficulties of implementing legal rights in the rural sector,<sup>104</sup> the Committee emphasizes the importance of governments ensuring that such machinery is practically effective in this sector.*

178. The information in the reports supplied by governments indicates that in the majority of countries, the authorities responsible for ensuring the application of the legislation and administrative regulations to rural workers and their organizations are the same as for the other categories of workers covered by the general labour legislation. Very often these are the Ministry of Labour or similar authorities and the labour inspectorate,<sup>105</sup> while the police and judiciary are usually responsible for investigating and prosecuting violations of the legislation. In some countries, other agencies and officials may provide services. In *Barbados*, for example, the Government reported that the Ministry of Agriculture provided advisory and inspection services through agricultural extension officers.

179. Some countries reported that specific legislation relating to rural or agricultural workers provided for a distinct body competent to deal with alleged violations of the legislation in question. Such is the case in *Canada (Ontario)* where the Agricultural Employees Protection Act (AEPA), 2002, is enforced by a special roster of the Agriculture, Food and Rural Affairs Appeals Tribunal. Complaints alleging a breach of the AEPA can be filed with that Tribunal. The Government of *Canada* further reported that in *Quebec*, on the one hand, the *Commission des relations du travail* is responsible for ensuring the application of the Labour Code,<sup>106</sup> applicable to employees, including in the agricultural sector; and on the other, the *Régie des marchés agricoles et alimentaires du Québec* is responsible for ensuring the application of the Farm Producers Act and “may endeavour to settle, conciliate or arbitrate any dispute arising on account or in the course of the application of this Act ... if the dispute relates to ... the right of a producer to belong or not to belong to a syndicate or specialized syndicate of his choice ...”.<sup>107</sup> The Government of *Mexico* reported that under the Agrarian Law of 1992,<sup>108</sup> the Agrarian Attorney’s Office advises and represents small producers and agricultural workers in legal proceedings arising out of the violations of that Law. It also mediates in conflicts and proposes measures to strengthen legal certainty in the application of the legislation.

180. In a number of countries, different authorities deal with trade union legislation and legislation concerning cooperatives. For example, in *Ethiopia*, the application of legislation concerning cooperatives was ensured and supervised by the federal cooperative agency under the Ministry of Agriculture, whereas the application of the

<sup>103</sup> The Committee has also referred to this issue in the framework of supervision of the application of Convention No. 11. For example, in its observation concerning the application of Convention No. 11 in *Morocco*, the Committee noted the Government’s indication that the application of the Labour Code (Law No. 65-99 of 11 September 2003) in the agricultural sector is entrusted to the officials responsible for inspecting the implementation of social laws in agriculture from the Ministry of Employment and Professional Training: *Morocco* – CEACR, Convention No. 11, observation, published in 2007.

<sup>104</sup> See paras 232, 252–253 *infra*.

<sup>105</sup> For more information on labour inspection in agriculture, see ILO: *General Survey on labour inspection*, 2006.

<sup>106</sup> With the exception of the application of its Chapter IX.

<sup>107</sup> Article 46 of the Farm Producers Act, CQLR c P-28, of 1972, as amended.

<sup>108</sup> The purpose of that Law is to provide for a “comprehensive and equitable development of the rural sector through the promotion of productive activities and social action to improve the welfare of the population and their participation in national life” (article 4).

Labour Proclamation was ensured and supervised by the Federal Ministry of Labour and Social Affairs, including through labour inspection services.<sup>109</sup> The Government of the *Republic of Korea* indicated that the Ministry of Employment and Labor was responsible for the application of the relevant legislation with regard to trade unions established pursuant to the Trade Union Act<sup>110</sup> and that the Ministry of Agriculture, Food and Rural Affairs was responsible for supervising rural associations established in accordance with the Civil Act or the Assistance for Non-Profit, Non-Governmental Organizations Act.

181. The Government of *Gabon* indicated that while the Ministry of Economy, Employment and Sustainable Development, through labour inspection, was responsible for the application of labour and trade union legislation, special services of the Ministry of Agriculture, Breeding and Rural Development were responsible for cooperatives. The Government of *Niger* reported that its Ministry of Agriculture was responsible for the application of the Rural Code in respect of rural cooperatives and regional agricultural chambers; the Ministry of the Interior was responsible for associations in general; the Ministry of Tourism was responsible for artisan cooperatives; and the Ministry of Finance was responsible for savings and credit cooperatives.

#### The key role of the labour inspectorate

The labour inspectorate is often at the frontline of adequate machinery to ensure the effective implementation of laws and regulations concerning rural workers' organizations and their membership.

During 2011–12, the Government of *South Africa*, demonstrating its commitment to consider, understand and react to the particular challenges in the rural sector, invited the ILO to undertake a diagnostic process on freedom of association and collective bargaining in the wine (Western Cape province) and citrus (Limpopo province) sub-sectors. An insight from the diagnostic process was that rural workers perceived the labour inspectorate as crucially important to the promotion and defence of their freedom of association rights, although official responsibility for the implementation of those rights lies with the Commission for Conciliation, Mediation and Arbitration (CCMA).

Consequently, the tripartite partners, through the National Economic Development and Labour Council (NEDLAC), decided as a priority to request ILO support in the development of a training programme aimed at building knowledge of freedom of association in the rural sector among labour inspectors. This training programme was recently pilot tested in South Africa with the full engagement of the CCMA, to build greater synergies between the two bodies. Similar programmes may be adapted for use in other countries.

182. The Committee is mindful of the fact that a significant number of workers' organizations expressed serious concern about the lack of resources available to labour inspectorates or, indeed, their inexistence in rural areas.<sup>111</sup> ***The Committee emphasizes that adequate machinery, whether in the form of labour inspection or in the form of special services, is essential to ensure the effective implementation of rules and regulations concerning rural workers' organizations and their membership. In this regard, the Committee further emphasizes that good governance requires the existence of effective labour inspectorates, adequately resourced so as to be able to carry out inspections throughout the country, including***

<sup>109</sup> Section 170(1) and (2) of Labour Proclamation No. 377/2003.

<sup>110</sup> The Government also stated that at present there are no rural workers' trade unions in the country.

<sup>111</sup> See paras 252–253 *infra*.

*in isolated rural areas, and encourages governments to give due consideration to Convention No. 129. Supervision through adequate machinery will ensure effective implementation of legislation concerning rural workers' organizations and their members.*

\* \* \*

*183. In order to enable rural workers to be in a position to actively participate in economic and social development, and to benefit therefrom, governments should ensure that rural workers enjoy full freedom of association rights in law and practice, in accordance with Convention No. 87. Given the special nature of the labour relationship in the rural sector, governments should be mindful that legislation and policy should be fully adapted to the needs of rural populations. Adequate machinery should be adapted so as to ensure the effective implementation of legislation in practice in rural areas.*

## Chapter 4

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### **National policies to encourage the involvement of rural workers' organizations in economic and social development**

184. Convention No. 141 and Recommendation No. 149 require member States to pursue a policy of active encouragement to rural workers' organizations to facilitate their establishment and growth, so as to ensure their participation in economic and social development and the resulting benefits. In addition to legislative and administrative measures, Recommendation No. 149 envisages a national policy that includes social dialogue, information sharing, education and training, and the provision of financial assistance.

#### **The role of rural workers' organizations**

Paragraph 5 of Recommendation No. 149 details various activities that rural workers' organizations should be able to carry out:

- (a) represent, further and defend the interests of rural workers, for instance by undertaking negotiations and consultations at all levels on behalf of such workers collectively;
- (b) represent rural workers in connection with the formulation, implementation and evaluation of programmes of rural development and at all stages and levels of national planning;
- (c) involve the various categories of rural workers, according to the interests of each, actively and from the outset in the implementation of –
  - (i) programmes of agricultural development, including the improvement of techniques of production, storing, processing, transport and marketing;
  - (ii) programmes of agrarian reform, land settlement and land development;
  - (iii) programmes concerning public works, rural industries and rural crafts;
  - (iv) rural development programmes, including those implemented with the collaboration of the United Nations, the International Labour Organisation and other specialised agencies;
  - (v) the information and education programmes and other activities referred to in Paragraph 15 of this Recommendation;
- (d) promote and obtain access of rural workers to services such as credit, supply, marketing and transport as well as to technological services;
- (e) play an active part in the improvement of general and vocational education and training in rural areas as well as in training for community development, training for cooperative and other activities of rural workers' organisations and training for the management thereof;
- (f) contribute to the improvement of the conditions of work and life of rural workers, including occupational safety and health;
- (g) promote the extension of social security and basic social services in such fields as housing, health and recreation.

In one of its earliest observations on Convention No. 11, the Committee considered that legislative provisions granting agricultural unions a very narrow field of activity and authorizing them to concern themselves solely with the improvement of rural housing, the setting up of cooperative societies, education and the establishment of welfare services, and preventing such unions from pursuing any other aims, were inconsistent with the terms of the Convention as they had the effect of limiting the exercise of the right of association and combination: *Chile* – CEACR, Convention No. 11, observation, published in 1948.

## Social dialogue

185. Paragraphs 11–13 of Recommendation No. 149 call upon member States to ensure that there is effective consultation and dialogue with rural workers' organizations on all matters relating to conditions of work and life in rural areas. Rural workers' organizations should be involved in drafting legislation affecting their interests and be associated with the creation of national socio-economic policies, as well as with the formulation, implementation and evaluation of agrarian reform programmes. Member States should encourage the establishment of procedures and institutions (such as statutory boards and committees, development agencies, and economic and social councils) that foster contacts between the social partners and the competent authorities.

### **Consultation and participation by rural workers' organizations**

Paragraphs 11–13 of Recommendation No. 149 concern consultation of, and participation by, rural workers' organizations:

11. Appropriate measures should be taken to ensure that there is effective consultation and dialogue with rural workers' organisations on all matters relating to conditions of work and life in rural areas.

12. (1) In connection with the formulation and, as appropriate, the application of economic and social plans and programmes and any other general measures concerning the economic, social or cultural development of rural areas, rural workers' organisations should be associated with planning procedures and institutions, such as statutory boards and committees, development agencies and economic and social councils.

(2) In particular, appropriate measures should be taken to make possible the effective participation of such organisations in the formulation, implementation and evaluation of agrarian reform programmes.

13. Member States should encourage the establishment of procedures and institutions which foster contacts between rural workers' organisations, employers and their organisations and the competent authorities.

186. The Committee attaches great importance to the promotion of dialogue and consultations on matters of mutual interest between public authorities and organizations representing rural workers. In this respect, it considers it useful to refer to the Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113), Paragraph 1 of which provides that "Measures appropriate to national conditions should be taken to promote effective consultation and co-operation at the industrial and national levels between public authorities and employers' and workers' organisations". In accordance with Paragraph 5 of the Recommendation, such consultation and cooperation should aim "at ensuring that the competent public authorities seek the views, advice and assistance of employers' and workers' organisations", particularly in "the preparation and implementation of laws and regulations affecting their interests" and "the elaboration and implementation of plans of economic and social development".

187. *The Committee points out that the instruments require more than the mere existence of a right to be consulted or involved. Rather, governments should ensure that consultation and involvement of rural workers' organizations takes place in practice and is effective. Given the specificities of the rural sector, the Committee encourages governments to take active steps to ensure that rural workers' organizations are represented in social dialogue at different levels and that their voice is heard on various matters impacting upon rural communities and rural development.*

### Consultation on legislation

188. The Committee welcomes the fact that many governments reported that rural workers' organizations participate in the drafting of legislation affecting agriculture and the rural sector.<sup>1</sup> For example, according to the Government of *Belarus*, the Agricultural Sector Workers' Union was involved in drafting all legislation affecting the social and economic interests of workers in the sector. The Government of *Bosnia and Herzegovina* indicated that in *Republika Srpska* rural workers' organizations were consulted during the process of drafting laws and by-laws. The Government of *Australia* reported that, when designing significant new regulations, government agencies must demonstrate that they had conducted stakeholders' consultations prior to government consideration. The Government of *Cuba* reported that workers' representatives generally participated in the elaboration of labour legislation, which was also often discussed by workers' assemblies at workplaces. According to the Government of *Lithuania*, the Trade Union Federation of Lithuanian Agricultural Workers enjoyed the right to legislative initiative and submitted proposals to the *Seimas* (Parliament) and the Government concerning the adoption and improvement of national legislation.

189. The Government of the *Plurinational State of Bolivia* reported that the existence of trade unions of rural wage workers, as well as organizations of indigenous people, had resulted in the election or appointment of workers from rural areas to the National Legislative Assembly and other municipal and departmental elective bodies. It further indicated that the Ministry of Labour, Employment and Welfare promoted tripartite dialogue forums (*mesas tripartitas*) for the fulfilment of social and labour rights of rural workers.

190. *The Committee emphasizes the value of consulting rural workers' organizations during the preparation of legislation affecting their interests. Legislation drafted with the input of those most affected will benefit from their practical experience and knowledge.*

### Involvement in national socio-economic policies

191. *The Committee recalls that Convention No. 141 and Recommendation No. 149 recognize the need to enable rural workers' organizations to play their role in economic and social development.* Several governments generally stated that rural and agricultural workers were involved in the shaping of national socio-economic policies.<sup>2</sup> A number of governments stated that rural workers' participation in

<sup>1</sup> For example, *Austria*.

<sup>2</sup> The Government of *Mozambique* reported that the existence of rural workers' organizations and unions had permitted their members to participate actively in the socio-economic development of the country. The Government of *Cuba* indicated that it ensured the consultation and participation of workers and their organizations in decisions concerning labour policy and social security at all levels. The Government of *Tunisia* indicated that *l'Union Tunisienne de l'Agriculture et de la Pêche* contributed, as a member of civil society, to the policy orientation of the State.



developing national policies usually took place in the framework of tripartite bodies. In *Belarus*, for example, the Agricultural Sector Workers' Union was represented on the National Council for Labour and Social Issues and, according to the Government, had a considerable influence on the formulation and implementation of socio-economic policies in the labour sphere. In *Slovenia*, the Association of Free Trade Unions of Slovenia (to which certain unions representing rural workers are affiliated) is a member of the Economic and Social Council, a tripartite body established to consider questions and measures relating to economic and social policy and to certain aspects of social dialogue.

192. The Government of the *Czech Republic* reported that the Association of Independent Trade Unions, of which the Trade Union of Workers in Agriculture and Alimentation was a member, took part in the work of the Council of Economic and Social Agreement, the supreme tripartite body at national level. There were specific tripartite workers' teams within the Council, dealing with various topics (labour relations, collective bargaining and employment; economic policy, local development; pension reform; occupational safety and health, education and human resources), through which workers' organizations were consulted on the preparation and implementation of government policies, including those relevant to agriculture and rural areas.

193. *Given the significance of rural areas to national economies in many countries, the Committee encourages governments to involve rural communities, through rural workers' organizations, in the development and implementation of national socio-economic policies. Sustainable economic and social development cannot be attained without the contribution of rural peoples.*

### Involvement in rural development

194. Several countries reported that rural workers' organizations participated in the development and implementation of rural development policies and programmes. In this respect, the Government of *Niger* indicated that rural workers' organizations participated through regional chambers of agriculture, responsible for development of policies and programmes. In *Canada (Quebec)*, rural workers' organizations were members of various joint committees in the framework of which they collaborated in decision-making and policy orientation in respect of rural economic and social development. The Government of *Mexico* reported that a new national agro-food policy was adopted in 2014 with the participation of the main organizations of peasants and producers. The Government of *Madagascar* reported that rural workers' organizations were involved in drafting and implementing rural development projects.<sup>3</sup> The Government of *Thailand* indicated that cooperative federations were involved in determining and evaluating national plans for rural development. In its comments on the application of Convention No. 141 by *Costa Rica*, the Committee duly noted the leading role that rural workers' organizations continued to play and the scope for discussion, which allowed them to participate actively in the determination of agricultural policies, in respect of both production and social well-being.<sup>4</sup>

<sup>3</sup> Similar information was provided by the Governments of *Algeria*, *Bosnia and Herzegovina* (in respect of *Republika Srpska*), *Jordan* and *Senegal*.

<sup>4</sup> *Costa Rica* – CEACR, Convention No. 141, direct request, published in 1998.

## Involvement in advancing the rights of rural workers

195. The reports submitted by member States provide numerous examples of trade unions and other workers' organizations advancing labour rights in rural communities through varied social dialogue mechanisms, campaigns and other initiatives.

### The role of workers' organizations

Trade unions and other rural workers' organizations often carry out activities with a view to increasing the general and specific education and skills levels of their members and the wider rural community. Sometimes such activities may be carried out with the direct support and assistance of the government and other entities such as universities or non-governmental organizations. At other times, activities may be carried out by organizations themselves, within an enabling environment created by the government. In this respect, the Committee emphasizes the guidance given by Paragraph 10 of Recommendation No. 149 which sets out that:

(1) Where rural workers find it difficult, under existing conditions, to take the initiative in establishing and operating their own organisations, existing organisations should be encouraged to give them, at their request, appropriate guidance and assistance corresponding to their interests.

(2) Where necessary, such assistance could on request be supplemented by advisory services staffed by persons qualified to give legal and technical advice and to run educational courses.

196. In its recent comments on the application of Convention No. 141 by *India*, the Committee noted with interest that the All India Federation of Anganwadi Workers and Helpers (AIFAWH) and its affiliated unions in 23 states had helped to achieve benefits for *anganwadi* (pre-school nurseries) employees, and boost the self-confidence of hundreds of thousands of women workers. Members of the AIFAWH actively participated in joint trade union campaigns to improve the conditions of workers in different sectors, including agricultural workers, peasants and women.<sup>5</sup> The Government of *Niger* reported that the existence of rural workers' organizations had resulted in the creation of over 7,089 jobs. The Government of *France* reported that representatives of agricultural workers were members of the joint committee responsible for making proposals on such issues as job classification, salaries, benefits, working time and paid leave. The Government of *Argentina* reported that the tripartite National Commission for Agricultural Work<sup>6</sup> mediated collective disputes in the sector and had the authority to establish the conditions of work and minimum remuneration of rural workers, as well as the housing and food benefits to be provided by employers.

197. According to the Government of *Finland*, all rural workers' organizations, as members of the Rural Industries Division operating under the Ministry of Social Affairs and Health's Advisory Committee on Occupational Safety and Health, participated in the development and implementation of occupational safety and health policies. The Government of *Kyrgyzstan* highlighted the important role played by the relevant sectoral union in the Government's decision to ratify, in 2004, the Safety and Health in Agriculture Convention, 2001 (No. 184). In *Belgium*, according to the Government, joint committees in the relevant sector (agricultural and horticultural technical work, agriculture, horticulture and forestry) had established security funds, which fulfil, with employers' contributions, social utility tasks such as granting

<sup>5</sup> *India* – CEACR, Convention No. 141, observation, published in 2012.

<sup>6</sup> Created under Law No. 26.727 on agricultural work of 2011.

benefits, organizing vocational training for workers and young people, and financing social security and health for workers.

198. Several member States reported the involvement of rural workers' organizations in the implementation of national policies touching on rural communities. The Government of *Côte d'Ivoire* indicated that cooperatives participated in economic and social development by creating socio-economic infrastructures: primary schools, health centres, school cafeterias and village water pumps. The Government of *Austria* indicated that the *Styria* chamber of agricultural workers offered a wide range of support services, including for environmental initiatives such as alternative energy and energy conservation.

#### Reaching rural communities through cooperatives

The ILO has supported a number of governments in their efforts to empower rural cooperatives. Some important initiatives have involved using cooperatives as entry points to reach rural communities and support them to better respond to HIV/AIDS.

Since 2006, for example, the ILO has been supporting the Government of *Mozambique*, the employers' and workers' organizations, and other actors from the informal and cooperative sector in developing and implementing HIV and AIDS programmes in the workplace, with an emphasis on informal settings and agricultural cooperatives. Technical capacity to implement programmes on HIV and AIDS prevention and access to care has been developed in 250 cooperatives, 1,000 people have been tested, and a HIV and AIDS Workplace Policy has been developed and implemented.

In *Ethiopia*, in the context of similar HIV/AIDS projects, cooperatives have been essential for reaching both local and migrant workers. With ILO support, the Government has empowered agricultural cooperatives in the Oromia region to encourage information sharing and behaviour change, as well as to provide voluntary counselling and testing for HIV/AIDS, and care and treatment to their workers. Working with cooperatives ensured that groups potentially socially excluded because of poor access to information and health services, low literacy levels and poverty were reached.

#### Involvement in settling labour disputes

199. *The Committee recognizes the value of rural workers' organizations representing their members in seeking resolution of individual and collective labour disputes.* Several countries referred to the role of rural workers' organizations in representing their members in individual or collective labour disputes.<sup>7</sup> The Government of *Austria* indicated, for example, that special associations for agriculture and forestry (chambers of agricultural workers) had been established in the individual states. These chambers were mandated with the broad representation of their members, including in relevant proceedings before the labour and social courts.

#### Information-sharing, education and training

200. Under Article 6 of Convention No. 141, "Steps shall be taken to promote the widest possible understanding of the need to further the development of rural workers' organisations and of the contribution they can make to improving employment opportunities and general conditions of work and life in rural areas as well as to increasing the national income and achieving a better distribution thereof."

<sup>7</sup> For example, *Cameroon* and *Slovakia*.

201. Paragraphs 14–17 of Recommendation No. 149 set out a comprehensive list of possible measures concerning information-sharing, education and training. Member States may wish to consider the various initiatives when developing policies of active encouragement to rural workers' organizations that are appropriate to the particular national context. Paragraphs 14 and 15 concern steps to promote the understanding of both those directly involved and the general public. The breadth of suggested actions is clear: responsible authorities may consider campaigns on rights, mass media initiatives, local stakeholder seminars, field visits and school curricula.

### **Public information**

Paragraphs 14 and 15 of Recommendation No. 149 provide that:

14. Steps should be taken, particularly by the competent authority, to promote –

- (a) the understanding of those directly concerned, such as central, local and other authorities, rural employers and landlords, of the contribution which can be made by rural workers' organisations to the increase and better distribution of national income, to the increase of productive and remunerative employment opportunities in the rural sector, to the raising of the general level of education and training of the various categories of rural workers and to the improvement of the general conditions of work and life in rural areas;
- (b) the understanding of the general public, including, in particular, that in the non-rural sectors of the economy, of the importance of maintaining a proper balance between the development of rural and urban areas, and of the desirability, as a contribution towards ensuring that balance, of furthering the development of rural workers' organisations.

15. These steps might include –

- (a) mass information and education campaigns, especially with a view to giving rural workers full and practical information on their rights, so that they may exercise them as necessary;
- (b) radio, television and cinema programmes, and periodic articles in the local and national press, describing the conditions of life and work in rural areas and explaining the aims of rural workers' organisations and the results obtained by their activities;
- (c) the organisation, locally, of seminars and meetings with the participation of representatives of the various categories of rural workers, of employers and landlords, of other sectors of the population and of local authorities;
- (d) the organisation of visits to rural areas of journalists, representatives of employers and workers in industry or commerce, students of universities and schools accompanied by their teachers, and other representatives of the various sectors of the population;
- (e) the preparation of suitable curricula for the various types and levels of schools appropriately reflecting the problems of agricultural production and the life of rural workers.

202. Paragraphs 16 and 17 concern education and training of rural communities. In addition to the education of leaders and members of rural workers' organizations, programmes could include literacy programmes for rural workers in general, programmes directed at women, training for educators to help in the development of cooperative and other services, and programmes for the promotion of rural youth.

### **Education and training**

Paragraphs 16 and 17 of Recommendation No. 149 provide that:

16. In order to ensure a sound growth of rural workers' organisations and the rapid assumption of their full role in economic and social development, steps should be taken, by the competent authority among others, to –

- (a) impart to the leaders and members of rural workers' organisations knowledge of –
  - (i) national laws and regulations and international standards on questions of direct concern to the activity of the organisations, in particular the right of association;
  - (ii) the basic principles of the establishment and operation of organisations of rural workers;
  - (iii) questions regarding rural development as part of the economic and social development of the country, including agricultural and handicraft production, storing, processing, transport, marketing and trade;
  - (iv) principles and techniques of national planning at different levels;
  - (v) training manuals and programmes which are published or established by the United Nations, the International Labour Organisation or other specialised agencies and which are designed for the education and training of rural workers;
- (b) improve and foster the education of rural workers in general, technical, economic and social fields, so as to make them better able both to develop their organisations and understand their rights and to participate actively in rural development; particular attention should be paid to the training of wholly or partly illiterate workers through literacy programmes linked with the practical expansion of their activities;
- (c) promote programmes directed to the role which women can and should play in the rural community, integrated in general programmes of education and training to which women and men should have equal opportunities of access;
- (d) provide training designed particularly for educators of rural workers, to enable them, for example, to help in the development of co-operative and other appropriate forms of servicing activities which would enable organisations to respond directly to membership needs while fostering their interdependence through economic self-reliance;
- (e) give support to programmes for the promotion of rural youth in general.

17. (1) As an effective means of providing the training and education referred to in Paragraph 16, programmes of workers' education or adult education, specially adapted to national and local conditions and to the social, economic and cultural needs of the various categories of rural workers, including the special needs of women and young persons, should be formulated and applied.

(2) In view of their special knowledge and experience in these fields, trade union movements and existing organisations which represent rural workers might be closely associated with the formulation and carrying out of such programmes.

203. In their reports, many member States provided details about educational, training and information-sharing measures pursued in their respective countries. According to the Government of *Australia*, for example, the Fair Work Ombudsman helped employees and the wider community to understand their workplace rights and responsibilities and enforced compliance with Australia's workplace laws. The Ombudsman's services were free of charge and employees, including rural workers, could access a variety of educational activities (face to face, via telephone and web chat series, through fact sheets and websites, workshops, seminars and trade union programmes delivered around the country). The Ombudsman produced a community presentation package, available in English and 11 community languages, to inform workers of their rights, including freedom of association.<sup>8</sup>

204. The Government of *India* indicated that the tripartite Central Board for Workers' Education organized various types of training programmes to create awareness among workers in organized, unorganized, rural and informal sectors. Through its grants-in-aid scheme, the Board extended financial assistance to trade union organizations and educational institutions to conduct workers' education programmes. The Board also conducted exclusive training programmes for rural workers at village, *block* (local government) and district levels to enlighten the rural masses about the benefits of the

<sup>8</sup> Similar initiatives were reported by the Governments of *Malaysia* and *Nepal*.

Mahatma Gandhi National Rural Employment Guarantee Scheme.<sup>9</sup> The Government indicated that the programme had targeted and outreached the poor and marginalized groups like scheduled castes/scheduled tribes (38 per cent) and women (53 per cent); that information communication technology has been used to improve the programme efficiency, and that areas of work under the programme included agriculture, fisheries and rural sanitation. In addition, a project entitled “Trade Union Programme for Rural Organization” on capacity building of rural workers had also been undertaken by the V.V. Giri National Labour Institute. The Committee had previously noted with interest that the Government had created awareness camps to help unorganized workers engaged in small-scale industries to learn more about their rights and entitlements under the various laws. These programmes covered a wide range of subjects, including the right of association, and concentrated on special categories of workers and women workers.<sup>10</sup>

205. The Government of *Côte d’Ivoire* reported that the *centres des métiers ruraux* project for training rural populations was created in 1994. Its training activities included a focus on participative communication, strengthening of organizational capacities and negotiation skills. The Government of *Cameroon* reported that the *Institut de recherche agricole pour le développement* under the Ministry of Agriculture and Rural Development conducted training sessions aimed at developing the capacity of rural workers. In each rural region, agricultural and forestry units have been developed to support rural workers in their activities. The Government of *Argentina* reported that the Argentinian Union of Rural Workers and Dockers, jointly and/or with the assistance of the Government and other organizations (universities and non-governmental organizations), carried out activities that enabled the development of its affiliates. In addition, the Government launched the Rural Literacy Programme aimed at imparting basic reading, writing and mathematics knowledge so as to improve the capacity of workers to defend their rights.

206. The Government of *Ethiopia* referred to awareness-raising programmes focused on advising workers about the importance of organizing to promote their fundamental rights and to bargain for better conditions. All programmes gave due consideration to gender balance. The Government of *Bahrain* indicated that the Ministry of Labour sought to strengthen and promote trade unions, as well as the existing trade union federation without discrimination through training programmes and workshops. The Government referred to the Decent Work Country Programme signed by the Government, its social partners and the ILO in 2010, which included, in addition to advisory and technical support, a set of training programmes. The Government of *Ecuador* reported that programmes were being implemented to train leaders in the rural sector and to strengthen the capacity of rural organizations at community, provincial, regional and national levels. For instance, “agrarian revolution” schools endeavoured to develop the confidence of rural communities in their abilities,

<sup>9</sup> *India* – CEACR, Convention No. 122, direct request, published in 2014. The National Rural Employment Guarantee Act, No. 42 of 2005, known as the “Mahatma Gandhi National Rural Employment Guarantee Act”, extends to the whole of India except the State of Jammu and Kashmir (section 1(2)) and aims at “the enhancement of livelihood security of the households in rural areas of the country” (Preamble) by providing at least one hundred days of guaranteed wage employment in every financial year to every household whose adult members volunteer to do unskilled manual work not less than one hundred days” (article 3).

<sup>10</sup> *India* – CEACR, Convention No. 141, observation, published in 1999.

knowledge and experience. Other initiatives included the “shoulder to shoulder” methodology and “rural schools”.<sup>11</sup>

207. The Government of *Seychelles* reported that the Small Enterprise Promotion Agency administered technical and administrative support in terms of networking, business training programmes and workshops in order to develop the capacity of worker members and to encourage participation in the respective associations. The Government of the *Plurinational State of Bolivia* reported that the Ministry of Labour, Employment and Welfare, in association with other government bodies, was implementing a national campaign to share and disseminate information on fundamental labour and social rights within trade unions of rural workers and organizations of indigenous people in rural areas, through training activities and workshops, the distribution of leaflets, posters, and radio broadcasts. All addressed gender equality at work. The Government of the *United Republic of Tanzania* reported that, as well as conducting workplace inspections, labour officers educate workers and employers about the importance of trade unions for pursuing their interests, enhancing productivity and economic growth in general.

208. The role of workers’ organizations in education and information sharing has been highlighted on numerous occasions. In this respect, the Government of *Lithuania*, for example, pointed out that the Trade Union Federation of Lithuanian Agricultural Workers organized educational activities for trade union leaders and members and summer camp activities for schoolchildren. The Government of *Slovakia* referred to the Trade Union of Agricultural Workers, which provided advice, assistance and information to its members at the enterprise level and delivered training to trade union officials at the enterprise level on collective bargaining. The Government of *Cuba* reported that trade unions had their own training centre, the Lázaro Peña School, and a network of schools in all provinces, where 156,101 trade unionists from the agricultural, forestry, tobacco and sugar sectors were trained between 2006 and 2013.

209. The Government of *France* referred in its report to the example of *Association de salariés de l’agriculture pour la vulgarisation du progrès agricole* (ASAVPA). The aims of this association, created in 1961, were to raise awareness among agricultural workers of their importance in agriculture; help break social and geographic isolation; encourage the improvement of technical, economic and social skills; and enable them to become competent professionals and improve their standard of living. The ASAVPA organizes information sharing with employees in the agricultural sector through exchanges, meetings, study tours, newsletters and training.

210. The Governments of *Austria (Styria)*, *Bosnia and Herzegovina* (in respect of the *Federation of Bosnia and Herzegovina*), *France*, *Malta* and *Thailand* further highlighted the role of workers’ organizations in such education and information-sharing initiatives.

**211. *The Committee places considerable importance on education, training and information sharing as an essential means for ensuring that rural workers are enabled to take advantage of their freedom of association rights. It encourages governments to give effect to the provisions of Recommendation No. 149 in this regard.***

<sup>11</sup> The methodology “shoulder to shoulder” is a strategy under which agricultural units with agricultural technicians were established in parishes. Training programmes, technology transfer, events and internships related to the agricultural sector were developed in the “rural schools”.

## Financial and material assistance

212. Several governments provided information on various financial and material assistance programmes in their countries. Through the National Agency for Rural Development, the Government of *Côte d'Ivoire* indicated that it had put in place mechanisms to provide technical assistance to rural workers wishing to establish strong and viable organizations.<sup>12</sup> The Government of *Australia* indicated that it had supported the Australian Rural Leadership Foundation, particularly the Australian Rural Leadership Program,<sup>13</sup> by sponsoring several participants over the last 20 years. The Government also funded the Primary Industries Education Foundation which provided information on agriculture to teachers, students and the community at large, with the objective of promoting education and careers in primary industries and enhancing agricultural education.

213. The Government of *Canada* indicated that the Department of Innovation, Business and Rural Development of *Newfoundland and Labrador* provided support to organizations through the Regional Development Fund comprised of two components: the Regional Development Program and Community Capacity Building Program. The Regional Development Program disbursed grants to organizations for the development and implementation of economic initiatives supporting economic development, innovation and capacity building in all regions of the province. The Community Capacity Building component provided training support and financial assistance to non-profit organizations with a clear link to economic and business development and was based on strategy and planning, relationship building, organizational skills and management, and cooperative development. The Youth Innovation Call for Applications component awarded grants to non-profit organizations, schools, post-secondary institutions, youth organizations, municipalities and industry associations for projects that instilled new ideas and creative thinking, while strengthening concepts of innovation and collaborative problem solving, in young people.

214. The Committee had duly noted the efforts of the Government of *Malta* to promote workers' participation and the cooperative movement through a support unit set up to provide services (mainly management services) to cooperatives; the unit also assisted self-employed persons wishing to set up new cooperatives.<sup>14</sup> It further noted from the Government's article 22 report in 2002 that members of all agricultural cooperatives benefited from incentive schemes offered by the Government, such as refunds of the equivalent of half of the national insurance contribution. Members of cooperatives also benefited from preferential financial treatment when buying from and/or selling to cooperatives. Most cooperatives offered patronage refund schemes to their members and generally assisted in organizing and marketing produce, research and development.

215. The Government of *Mauritius* reported that fiscal exemptions and incentives were provided to agricultural and farming cooperative societies with a view to encouraging their formation and development. The Government of *Gabon* indicated that pursuant to Law No. 22/2008 of 2008, credit and fiscal exemptions were provided to farmers.

<sup>12</sup> The Government of *Côte d'Ivoire* additionally referred to the *fonds d'appui à la promotion de l'artisanat* and the *fonds d'appui aux femmes de Côte d'Ivoire*.

<sup>13</sup> This programme focuses on professional and personal leadership development, the examination of key national and international issues that impact on rural *Australia*, and interaction with leaders in government, industry and the community.

<sup>14</sup> *Malta* – CEACR, 1995, acknowledgement.



### Financial and material assistance

Paragraph 18 of Recommendation No. 149 provides that:

(1) Where, particularly in the initial stages of development, rural workers' organisations consider that they need financial or material assistance, for instance to help them in carrying out programmes of education and training, and where they seek and obtain such assistance, they should receive it in a manner which fully respects their independence and interests and those of their members. Such assistance should be supplementary to the initiative and efforts of rural workers in financing their own organisations.

(2) The foregoing principles apply in all cases of financial and material assistance, including those in which it is the policy of a member State to render such assistance itself.

216. In addition, some governments provided information on financial services provided by rural workers' organizations to their members. The Government of *Mozambique* reported that, through their organizations, producers benefited from credit and thus improved production and productivity, received advice as to human resource development, and access to markets. This in turn reduced poverty and unemployment in rural areas and combated hunger. The Government of *Japan* reported that cooperative organizations contributed to enhancing the economic and social status of farmers and agricultural productivity through their various activities, including credit, mutual aid, farm management guidance, sales and purchasing. According to the Government of *Thailand*, organizations of rural workers assisted members in such areas as the procurement of raw materials, financing and product distribution. The Government of *Bosnia and Herzegovina* indicated that in the *Federation of Bosnia and Herzegovina* cooperatives of rural workers associated for market promotion, and the purchase and sale of agricultural products in domestic and foreign markets. They also provided certification, credit and assistance to their members for project development.

217. In the same vein, the Committee noted the National Programme of Support to Micro-enterprises (PRONAMYPE) put in place by the Government of *Costa Rica*, aimed at assisting those unable to apply for loans in the national banking system by setting up a micro-enterprise and providing business management training. PRONAMYPE has benefited a total of 3,251 persons due to its credit and training components, and agricultural activities accounted for 56.04 per cent of the loans granted.<sup>15</sup>

***218. Rural workers' organizations may need, particularly in the initial stages of their development, financial or material assistance for activities such as education and training. The Committee recalls that any financial and material assistance provided by governments should respect the independence and interests of rural workers' organizations and their members. Pursuant to Paragraph 18(1) of Recommendation No. 149, such assistance should be supplementary to the initiative and efforts of rural workers in financing their own organizations.***

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***219. The Committee stresses that there are considerable benefits for the wider community, as well as for rural workers themselves, in ensuring the full and effective participation of rural communities in economic and social development. Noting that Recommendation No. 149 sets out a number of measures in this regard, the Committee invites governments to consider ways in which these guidelines may be adapted to their national circumstances, highlighting in particular the***

<sup>15</sup> *Costa Rica* – CEACR, Convention No. 122, direct request, published in 2014.

*importance of raising awareness among local authorities and rural communities. Particular attention should be paid to the promotion of programmes concerning rural women and rural youth.*



## Part II. Difficulties for application and prospects for ratification of the instruments

### Chapter 5

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#### Obstacles reported to impede full application of the instruments

220. In their reports submitted for the purpose of this General Survey, many governments described significant obstacles encountered by rural workers' organizations in their establishment and growth and the pursuit of their lawful activities. Other governments indicated that rural workers' organizations encountered no obstacles.

221. The Committee is mindful that many of these obstacles are the same problems that the Conventions and Recommendation strive to address. Some governments indicated the existence of legal obstacles created by national legislation not being in conformity with the provisions of the instruments. Other governments reported practical obstacles caused by the working and living conditions of rural workers, often specific to national circumstances. As was already noted by the ILO in 1974, some of these difficulties stand in the way of the establishment of organizations of rural workers, and others prevent the organizations from "playing a full and adequate role in the development of the community".<sup>1</sup>

222. In examining the difficulties experienced by member States in applying the instruments, the Committee is aware that the full potential of the instruments is not always widely understood. This is a crucial obstacle to their full and effective application.

#### Legal obstacles

223. The Committee stresses that the full application of the rights guaranteed by Conventions Nos 11 and 141 requires national legislation to be in conformity with the instruments. As discussed fully in Chapter 3, the Committee has previously noted legislative restrictions on the right of rural workers to form and join organizations of their own choosing in a number of countries.<sup>2</sup> In some cases these restrictions amount to an almost complete denial of the right to organize, while in others they limit freedom of association and collective bargaining rights for various categories of rural workers, such as the self-employed, migrant workers, workers on small farms and

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<sup>1</sup> ILO: *Organisations of rural workers and their role in economic and social development*, Report VI(1), ILC, 59th Session, Geneva, 1974, p. 37.

<sup>2</sup> See paras 121–130 *supra*.

temporary workers. Often, there is a lack of legislation establishing machinery to encourage and promote the active participation of rural workers' organizations.

## Practical obstacles

### Common challenges to implementation

224. The right of workers freely to establish and join organizations of their own choosing can only be deemed to exist if it is effectively recognized and observed both in law and in practice. In this regard the Committee recalls that the difficulties associated with implementing freedom of association in the rural economy often “stem from a combination of circumstances rather than from the law itself”.<sup>3</sup>

225. While indicating that there were no legislative obstacles to rural workers forming and joining organizations of their own choosing,<sup>4</sup> many member States reported that challenges often existed in practice in the implementation of the law. The Government of *Gabon*, for example, reported that there were difficulties in applying laws and regulations in rural zones; and the Government of *Lithuania* noted that it was particularly complicated to establish trade unions in rural areas.

### Geographical, socio-economic and cultural conditions

226. Several governments emphasized, in a general sense, geographical, socio-economic and cultural conditions as considerable obstacles to the establishment and functioning of rural workers' organizations. The Government of *Eritrea*, for example, pointed out the devastating effects of poverty, discrimination, lack of opportunity, declining income levels and high unemployment in rural areas, leading to gaps between urban and rural communities, and pointed to the “millions of women and men who worked in that neglected and undervalued sector”. The Government of *Nepal* considered the main obstacles to the implementation of the Convention to be political, economic, cultural and ecological factors, and pointed to the mostly traditional and informal nature of agriculture in Nepal.

227. The Government of *Bangladesh* explained that rural workers were a vast, unskilled, low-income group and that the agricultural sector was largely characterized by family-based subsistence farming and faced with low productivity, a low land-to-person ratio, fragmentation of lands, extremely high population pressure and a predominance of self-employed workers. The Government of *Mozambique* noted a lack of basic services, socio-cultural problems and a lack of land rights in the rural economy. The Government of *India* indicated that the rural sector was predominantly characterized by subsistence farming by small and marginal farmers who alternated seasonally as agri-labourers, a situation that was “not conducive to unionism”. The Government of *Lithuania* indicated that agricultural workers worked on small farms, with high unemployment and low labour efficiency. The Government of *Djibouti* reported that the agricultural sector was rudimentary and underdeveloped, and subject to many technical, financial and organizational constraints, owing to difficult geo-climatic conditions in the country.

<sup>3</sup> ILO: *General Survey on the Application of the Conventions on Freedom of Association and on the Right to Organise and Collective Bargaining*, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 4B), ILC, 58th Session, Geneva, 1973, para. 37.

<sup>4</sup> For example: *Brunei Darussalam, Finland and Oman*.

228. The Committee is aware that racial, ethnic, religious and linguistic minorities may experience further obstacles in forming and joining rural workers' organizations. In particular, indigenous and tribal peoples have been recognized as experiencing significant challenges in this, and other, areas. The Committee has previously noted a number of obstacles in relation to the observance by *French Guiana* of Convention No. 141:<sup>5</sup>

... the population of French Guiana is made up of numerous communities which differ greatly in their way of life, cultural systems and especially linguistically. French is not the mother tongue of the majority of the population which, in the Government's view, results in a general lack of knowledge of the elementary rules of labour law and difficulties for wage earners to obtain information. Finally, approximately 30,000 people live on the territory of French Guiana without a residence permit and there is a regular inflow of immigrants to French Guiana as a result of the extreme poverty of neighbouring countries. Agriculture is one of the branches of activity in which undocumented immigrants are employed under precarious working conditions, and even renounce certain rights deriving from the working relationship.

229. Noting that the reports provided by member States did not refer to particular obstacles encountered by women rural workers, the Committee is aware that these workers have often been described as facing particular difficulties. More often than men, women are likely to hold part-time, seasonal and/or low-paying jobs in the informal economy.<sup>6</sup> The barriers for women rural workers to access freedom of association rights are often higher than for men workers;<sup>7</sup> women rural workers are largely engaged in labour-intensive work in difficult conditions, and often have little social or health protection.<sup>8</sup>

230. A number of member States reported that the geographical isolation of rural workers impacted on the establishment, growth and functioning of rural workers' organizations. The Committee has previously noted that agricultural workers are often unrepresented due to the widely spread-out nature of their activities.<sup>9</sup> The Governments of *Canada*, the *Plurinational State of Bolivia*, *Guatemala* and *Namibia* reported that large distances between workplaces were an obstacle to organization.

231. The Government of *Namibia* indicated that, despite the provisions of the Labour Act granting organizational rights to registered unions, it was very difficult to access rural workers on privately owned farms. The Committee notes that the Committee on Freedom of Association considered allegations of difficulties in holding trade union meetings on plantations in relation to *Costa Rica* and the *Dominican Republic*. In those cases the Committee on Freedom of Association referred to the resolution adopted by the ILO Committee on Work on Plantations in 1950, providing that employers should remove existing hindrances.<sup>10</sup>

<sup>5</sup> *French Guiana* – CEACR, Convention No. 141, direct request, published in 2004.

<sup>6</sup> FAO and ILO: *Food, Agriculture & Decent Work: ILO & FAO working together*, at: <http://www.fao-ilo.org/more/fao-ilo-ruralworkers/en/> [last accessed 2 Oct. 2014].

<sup>7</sup> R. Gopalakrishnan and A. Sukthar: *Freedom of association for women rural workers: A manual* (Geneva, ILO, 2012), p. iii.

<sup>8</sup> *ibid.*, p. 2.

<sup>9</sup> See, for example, *Australia* – CEACR, Convention No. 11, direct request, published in 2000.

<sup>10</sup> See Committee on Freedom of Association, Case No. 239 (*Costa Rica*), Report No. 66, 1963, para. 168; and Case No. 171 (*Dominican Republic*), Report No. 295, 1994, para. 370.

## Administrative challenges

232. Administrative challenges often arise when it comes to enforcing legislation in respect of often dispersed and inaccessible rural workers. The Committee previously noted the Government of *India*'s indication that the enforcement of labour legislation to forest and brickmaking workers had not been satisfactorily managed due to the inadequacies of the labour inspection machinery in ensuring that workplaces scattered over wide areas were inspected regularly.<sup>11</sup> Resource constraints had come in the way of effective enforcement and bringing about improvements in this area. The Government of *Bangladesh* stated that as far as agriculture was concerned, labour inspection was not always feasible.

## Nature of labour relationships

233. Certain features common to rural labour relationships, such as the predominance of seasonal and family workers, cause significant problems in practice in many countries. Notably, many governments reported that rural workers' organizations found it difficult to organize seasonal and temporary workers. As the Government of the *Plurinational State of Bolivia* indicated, many rural workers were employed for short periods of up to three months in harvesting different crops. The *United States* Government believed that the transitory nature of the work performed by most farm workers, and the increase in use of undocumented workers in these jobs, were substantial obstacles for union representation.

234. Many seasonal and temporary workers will also be migrant or transient workers, which may exacerbate vulnerabilities. A number of member States reported that the challenge of organizing seasonal, temporary and casual workers was compounded by the fact that the rural economy was dominated by family-run undertakings with a great deal of informality.<sup>12</sup> The Government of *Sudan*, for example, emphasized the large numbers of seasonal and family workers in the rural sector.

235. Often, distinguishing between "rural workers" and "rural employers" is not easy. For example, the Government of the *United Kingdom* reported that self-employed rural workers would most probably not join UNITE, the trade union, and would be represented by United Kingdom industry bodies such as farming unions or tenant farmers associations rather than workers' organizations. The Committee noted the argument advanced by the Government of *Ethiopia* in the course of its supervision of the application of Convention No. 87, that rural workers were neither employers nor workers, but that they were associates of cooperatives; at that time, the Committee reiterated that rural workers were entitled to the guarantees in Convention No. 87 as Article 2 referred to "workers and employers, without distinction whatsoever".<sup>13</sup>

## Lack of awareness among rural communities

236. A number of member States reported that workers in the rural economy often lacked education or were illiterate, believing that this impacted on their ability to form and join organizations. The Governments of *Côte d'Ivoire*, *Lithuania* and *Mozambique* referred to the illiteracy of most members of rural workers'

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<sup>11</sup> *India* – CEACR, Convention No. 141, observation, published in 1995.

<sup>12</sup> For example, the *Turkish* Government noted that seasonal and casual workers were completely unorganized because of the extreme intensity of the informality and inadequate job security and that the majority of these workers worked within family economies.

<sup>13</sup> *Ethiopia* – CEACR, Convention No. 87, observation, published in 1988.

organizations. The Committee has previously noted that illiteracy constituted an obstacle for rural workers' organizations in *Mali*<sup>14</sup> and *Pakistan*.<sup>15</sup>

237. Many countries reported that low levels of education resulted in a lack of legal knowledge or knowledge of rural workers' labour rights, impacting on the ability of rural workers to take advantage of their rights. In the *Plurinational State of Bolivia*, the Government indicated that farm workers and indigenous communities typically lacked knowledge about social and labour laws. The Government of *Ecuador* noted a lack of knowledge about legislation and the procedure to establish and register trade unions, and problems with access to information. The Government of *Gabon* pointed to a lack of training for peasants; the Government of *Namibia* believed that the majority of farm workers were not affiliated due to a lack of information; and the Governments of *Peru* and *Thailand* pointed to a lack of awareness and knowledge. The Government of *Sudan* believed that one of the most important obstacles was the level of awareness and understanding of the importance of such organizations, their role and their leadership.

### Capacity of organizations

238. A result of these numerous practical obstacles is that rural workers – in particular own-account workers, family workers, seasonal or casual workers, and smallholders – may not be aware of the benefits for them of joining organizations. In addition, these practical obstacles impact on the ability of rural workers' organizations to be optimally effective.

239. A number of member States commented that trade unions in their countries often lacked the training and resources to be able to effectively represent rural workers. In *Côte d'Ivoire*, the Government reported that rural trade unions had difficulties functioning because of a lack of financial means and materials, insufficient institutional, financial and technical support, and bad management. The Government of *Jordan* reported that trade unions had few financial resources to convene training workshops and programmes for rural workers and the Government of *Ecuador* referred to the lack of economic resources available to rural trade unions. The Government of *Niger* pointed to a lack of training, technical ability and coordination on the part of the rural workers' organizations. The Government of *Estonia* reported that the Estonian Food Product and Country Workers' Confederation was small and non-representative.

240. Other member States reported that rural workers' organizations sometimes lacked the knowledge to be able to effectively manage their activities. The Government of *Panama* indicated that trade unions and rural workers often did not comply with the legal requirements for forming trade unions and that more advice was needed. The Government of *Peru* reported inefficient management and administration of organizations because of a lack of leadership capacity, which had an impact on the establishment of organizations, as well as their strength to function. The Government of *Madagascar* considered obstacles to include an absence of management for the development of activities, a lack of support, weak infrastructure, poor sharing of information and experiences among members, and difficulties to access financing.

241. Other governments reported that the ability of rural workers to contribute to the work of their organizations was an important obstacle. For example, the Small Enterprise Promotion Agency of the *Seychelles* commented that the main obstacle was

<sup>14</sup> *Mali* – CEACR, Convention No. 141, direct request, published in 2007.

<sup>15</sup> *Pakistan* – CEACR, Convention No. 11, direct request, published in 2000.



the lack of consistency by worker members in meeting their obligations and participating in, and contributing to, the functioning of these organizations. The Government of *Saint Vincent and the Grenadines* reported the challenge for organizations in getting individual members to seriously commit to functioning within a formal organizational structure and setting, as there was no strong inclination to do so. The Government of *Lithuania* noted a general passivity of the society, linked to the recent past when trade unions were of little significance in the country.

242. Rural workers reportedly did not contribute to the functioning of rural workers' organizations due to a lack of understanding and collective culture. The Government of *Madagascar* reported that members of rural workers' organizations lacked understanding of the objectives of their organizations and the Government of *Ecuador* commented that members of rural workers' organizations were often not empowered. The Government of *Peru* reported a lack of trust between members of organizations, as the self-employed focused on their individual economic interests, as well as a lack of knowledge. The Government of *Niger* highlighted a weak collective conscience, the demotivation of members of organizations, and a lack of vision and action plans among cooperatives.

243. A number of governments reported that trade unions for rural workers encountered similar obstacles to those confronting other trade unions; some of these obstacles may arise less frequently in other areas of employment.<sup>16</sup> For example, the Government of *Mauritius* reported that all workers' organizations may have problems in relation to recognition by employers, access to workplaces or to information; or difficulties relating to independence, voluntariness, interference, coercion and repression. The Government of *Japan* raised the issue of anti-union discrimination. The Government of *Peru* reported significant transaction costs in the formal creation of rural workers' organizations.

244. The Government of the *United States* reported that the obstacles for rural workers' organizations were no different than for urban organizations, with total union membership and membership of most national and international unions in the United States having declined substantially since 1975, thereby reducing the ability of trade unions to effect change through legislation and collective bargaining. The Government of *Belgium* pointed to the problem of workers who work as independent contractors but in truth should be considered salaried workers, a problem that was not specific to the rural sector. The Government of *Turkey* distinguished between public-sector rural workers, who were often on permanent or temporary status, and rural workers who were employed by private sector agricultural enterprises or by subcontractor companies who worked for public sector agricultural enterprises. Employees of private sector agricultural enterprises had a very low organization rate, often due to the negative approach of private employers to unions.

## Obstacles observed by workers' organizations

245. A number of workers' organizations provided information on obstacles impeding the application of the instruments in law and practice, many of which are similar to the obstacles reported by governments. Many workers' organizations indicated that rural workers and their organizations encountered important difficulties in the exercise of their freedom of association rights in practice. The *New Zealand* Council of Trade Unions, for example, observed that while the same rights existed in law for

<sup>16</sup> For example, the *New Zealand* Council of Trade Unions observed that agricultural workers fit into the category of workers who are more vulnerable to violation of the right to freedom of association.

agricultural workers as for industrial workers, the bigger question was whether there was recognition and fulfilment of these rights in practice.

246. Many obstacles identified by workers' organizations related to the nature of the labour relationship in rural areas. The Confederation of Independent Trade Unions in *Bulgaria*, for example, commented on the large numbers of seasonal and family workers in the rural sector. The Agriculture and Farmer Federation of *Myanmar* stated that seasonal internal migrant workers were not allowed to join unions in their temporary workplaces, but only in their home towns. The National Confederation of Agricultural Workers (CONTAG) of *Brazil* indicated that seasonal work, internal migration and job rotation had limited collective bargaining in rural areas, and the Central Organization of *Finnish* Trade Unions (SAK) raised its concern that the working conditions of foreign wild berry pickers were lower than those of Finnish workers. The trade union Unite of the *United Kingdom* indicated that the obstacles that existed for rural workers in general were aggravated for migrant workers due to language difficulties, lack of information on and awareness of employment rights, indebtedness to agencies or traffickers, and physical and social isolation.

247. The Confederation of Independent Trade Unions in *Bulgaria* noted that obstacles may be exacerbated by the fact that the workplaces themselves were often small. The *Australian* Council of Trade Unions indicated that the transient nature of the workforce and the physical distances that separated rural farming communities posed significant obstacles to organizing rural workers. The National Confederation of United Independent Unions (CONUSI) of *Panama* noted that while labour legislation applied to all workers in the same manner, the geographical spread of agricultural and rural workers made organization difficult in this sector.

248. A number of trade unions working in the rural sector indicated that precariousness and subcontracting presented severe obstacles to the establishment and growth of trade unions. The General Confederation of Workers of *Guatemala* (CGTG), for example, stated that precarious working conditions were one cause of the absence of rural workers' organizations in the country. The Trade Union Confederation of Workers of *Ecuador* (CSE) indicated that a lack of adequate supervision of agricultural work had led to precarious work in the sector and the National Federation of Free Rural Workers of *Ecuador* (FENACLE) indicated that casual work and outsourcing were widespread. Two trade unions from *Colombia* – the Confederation of Workers of Colombia (CUT) and the National Union of Agro-industry Workers (SINTRAINAGRO) – indicated that the principal barriers to forming organizations of rural workers in their country were subcontracting, precarious forms of work and lack of guarantees for freedom of association. The *Australian* Council of Trade Unions indicated that in practice low-skilled rural workers were commonly employed on a casual basis and were low paid. The Confederation of *Turkish* Trade Unions (TÜRK-İŞ) indicated that a high degree of informality and inadequate job security impacted on rights in the sector.

249. Other workers' organizations noted questions relating to migrant and indigenous rural workers. The Agriculture and Farmer Federation of *Myanmar* (AFFM) informed the Committee that many people, especially ethnic and minority groups and people living in conflict zones, were not able to access the citizenship identity cards necessary for union registration. The General Confederation of Workers of *Guatemala* (CGTG) indicated that the high levels of exclusion and marginalization of rural workers were linked to their status as indigenous people.

250. The Plantation and Agriculture Workers Union of *Malawi* and the National Union of Plantation, Agriculture and Allied Workers of *Zambia* raised the issue of anti-union discrimination. The Federation of Southern Rural and Agro-industrial Workers (UTRASURAPA) of *Uruguay* believed that workers did not organize themselves as they feared retaliation from employers. The Food and Allied Workers Union of *South Africa* stressed that access to workplaces was a serious challenge as employers would argue that their premises were private property, and the trade union Unite of the *United Kingdom* indicated that for workers living in accommodation provided by their employer, the fear of losing their homes impacted negatively on decisions to join unions.

251. A *Swiss* trade union noted that employers would not engage in social dialogue and so there were no collective labour agreements and no standard labour agreements. The Confederation of Workers Rerum Novarum (CTRN) of *Costa Rica* referred to “*solidaristas*” associations and committees under the influence of employers. The *Australian* Council of Trade Unions indicated that difficulties were compounded by legislation restricting bargaining above the level of the enterprise and prohibiting the inclusion of terms that would benefit rural workers, such as additional union entry rights or superior unfair dismissal protections, in collective agreements.

252. Many workers’ organizations considered that there were significant challenges in labour inspection in rural areas. The *Cameroon* United Workers Confederation (CTUC), for example, stressed that the labour inspectorate was not able to play its role in controlling the application of laws and rules, advising the social partners and applying collective agreements. The Fako Agricultural Workers Union of *Cameroon* stated that the labour inspectorate preferred to focus on workplace issues in large companies in the cities and the Food and Allied Workers’ Union of *South Africa* indicated that as inspection offices were located in urban areas, inspectors had to travel long distances to access rural areas. The *Tunisian* General Union of Labour (UGTT) stated that labour inspection in agriculture was limited in its country. The National Confederation of Agricultural Workers (CONTAG) of *Brazil*, the *New Zealand* Council of Trade Unions and the Banana Workers’ Union *Proyecto La Cruz de Manzanillo* of the *Dominican Republic*, among others, expressed their concern with staffing levels in their labour inspectorates.

253. The *Netherlands* Trade Union Confederation (FNV) stated that the labour inspectorate was not equipped to carry out sufficient inspections in the agricultural sector, while the Single Confederation of Workers of *Colombia* (CUT) commented on the labour administration’s lack of resources. The *Bangladesh* Agricultural Farm Labour Federation and the Agriculture and Farmer Federation of *Myanmar* indicated that there was no labour inspection service in the agricultural sector in the country. The General Confederation of Workers of *Guatemala* (CGTG) stated that labour inspection was almost non-existent in rural areas and the National Union of Plantation, Agriculture and Allied Workers of *Zambia* believed that the authorities did not frequently check working conditions on farms. The Plantation and Agriculture Workers Union of *Malawi* indicated that in the absence of inspections, working conditions were instead checked by non-governmental fair trade organizations. The Agro-Industrial Workers’ Union of *Kyrgyzstan* pointed out that the state labour inspectorate of the Ministry of Labour, Employment and Migration had been abolished and its duties transferred to the State Inspectorate for Environmental and Technical Safety. Labour inspection staff had been reduced to 25 inspectors and one state inspector was now responsible for three to four regions of the country.

## Obstacles observed by employers' organizations

254. Two employers' organizations observed obstacles encountered by rural workers' organizations in their establishment and growth. The *Sudanese* Businessmen and Employers Federation indicated that the most important obstacles were related to the level of awareness and understanding of the importance of rural workers' organizations, their role and their leadership in addition to the difficulties of making a wide impact in many parts of the rural areas. The *Turkish* Confederation of Employers' Associations (TISK) pointed to the structure of agricultural work, indicating that the work was seasonal, carried out in scattered locations, that agricultural labour migrated on a seasonal basis and that, despite developments, economic units did not take on a business nature.

## Lack of understanding of potential of instruments

255. Having reviewed the reports from member States, the Committee notes that governments and social partners are well aware of a myriad of interlinking obstacles to the establishment, growth and functioning of rural workers' organizations in law and in practice. While these difficulties vary between countries as a result of socio-economic and cultural specificities, there are considerable similarities, particularly given that in the majority of countries these problems have a significant impact on not only the existence of rural workers' organizations, but also their effectiveness.

256. There is, however, less of a general awareness of the potential of Conventions Nos 11 and 141 and Recommendation No. 149. The Committee notes that the vast majority of reports received from member States described the general measures taken to promote freedom of association for all workers in the country and did not specify particular measures for agricultural and rural workers.<sup>17</sup> The Committee further notes that few member States considered obstacles for cooperatives and other rural workers' organizations, focusing instead on obstacles for trade unions. Further, the Committee notes that most member States did not address the question of obstacles to participation by rural workers in economic and social development.

257. The Committee recalls in this respect its previous comments in relation to the observance by *Belize* of Convention No. 141 when, following the Government's indication that the tripartite secretariat and labour officers had organized presentations, not focused on rural workers in particular, but on trade unions in general, it requested the Government to take measures to promote the understanding of the need to further the development of rural workers' organizations.<sup>18</sup> The Committee further recalls that it requested the Government of *Burkina Faso* to raise awareness of the need to develop rural workers' organizations, as well as of the contribution they can make to improving employment opportunities and general conditions of work and life in rural areas.<sup>19</sup>

258. A number of governments reported that they had met the primary purpose of Conventions Nos 11 and 141 through measures taken to implement Convention

<sup>17</sup> For example: *Argentina, Bosnia and Herzegovina* (as regards *Republic of Srpska*), *Brunei Darussalam, Bulgaria, Cabo Verde, Egypt, Estonia, Ethiopia, Indonesia, Republic of Korea, Latvia, the former Yugoslav Republic of Macedonia, New Zealand, Slovakia, Slovenia, Sudan and Bolivarian Republic of Venezuela*.

<sup>18</sup> *Belize* – CEACR, Convention No. 141, direct request, published in 2009.

<sup>19</sup> *Burkina Faso* – CEACR, Convention No. 141, direct request, published in 2003.

No. 87. *While such measures are essential for ensuring the full functioning of rural workers' organizations, they do not meet fully the goals of Convention No. 141 and Recommendation No. 149: ensuring that rural workers' organizations are strong, independent and effective, so as to be able to be heard in economic and social development. Convention No. 141 and, more particularly, Recommendation No. 149, set out the components of a successful strategy in this regard, as will be discussed in more detail in Chapter 7.*

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259. *The Committee hopes that this General Survey will highlight the importance and potential of Conventions Nos 11 and 141. While noting the considerable legal and practical obstacles that member States and workers' organizations have indicated impede the application of the instruments, the Committee wishes to emphasize its firm conviction that these problems are not insurmountable. The Committee emphasizes the promotional nature of Convention No. 141 and Recommendation No. 149, which it considers are key to national economic and social development and integral to nation building, by allowing rural workers to participate fully in the development of their countries through organizations of their own choosing.*

260. *In this regard, the Committee encourages governments to eliminate all legal and practical obstacles that impede the implementation of these instruments, and to take measures to promote the broad understanding of the need to further the development of rural workers' organizations and of the contribution they can make to national social and economic development, including through campaigns on rights, awareness raising with respect to the particular needs of migrant and women workers, mass media initiatives, local stakeholder seminars, field visits and school curricula. The Committee reminds governments that they can avail themselves of the technical assistance of the Office in this regard.*

## Chapter 6

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### Prospects for ratification

261. The report form for this General Survey asked governments to provide information on the impact of the ILO instruments. In particular, governments were asked to report on: any modifications in national legislation or practice with a view to giving effect to the provisions of the Conventions or the Recommendation; any intention to adopt measures to give further effect to the instruments, including ratification; any difficulties that may prevent or delay ratification; and any tripartite discussions of ratification.

262. One government reported recent steps towards ratification. The Government of *Morocco* indicated that, following tripartite consultations, the procedure for the ratification of Convention No. 141 had been approved by the Council of Ministers on 17 June 2012 and by the Parliament on 7 August 2012. Dahir No. 1-13-27 of 13 March 2013 on approval of the ratification of the Rural Workers' Organisations Convention, 1975 (No. 141), was gazetted on 4 April 2013.<sup>1</sup>

263. Some governments reported their intention to consider the ratification of the instruments in the future. For example, the Government of *Jordan* indicated that once amendments to the Labour Code and Regulations had been promulgated, ratification of the instruments should be possible. The Government of the *Republic of Korea* reported that the ratification of Conventions Nos 11 and 141 would be considered in connection with the ratification of the freedom of association Conventions. The Government of *Mozambique* reported that it considered there to be no impediment to the ratification of Convention No. 141 and that it would discuss with the social partners the mechanisms to make ratification possible.

264. Other governments reported the possibility of discussing ratification at tripartite level. The Government of *Mauritius* reported that in the near future the ratification of Convention No. 141 would be subject to tripartite consultation at the Labour Advisory Council in the framework of the re-examination of unratified Conventions with a view to their ratification. The Government of *Romania* reported that the ratification of Convention No. 141 might be discussed by the National Tripartite Council for Social Dialogue. The Government of *Egypt* indicated that all steps relating to the possibility of ratifying Convention No. 141 were currently under discussion, the necessary measures were being taken and contacts were being made with organizations.

265. A large number of member States that completed the report form for this General Survey reported, however, that ratification was not currently foreseen or intended for one or both of the instruments. These include the Governments of *Argentina* (No. 141), *Bahamas* (No. 141), *Brunei Darussalam* (Nos 11 and 141), *Canada* (Nos 11 and 141),

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<sup>1</sup> The Government of *Morocco* has yet to complete the process of ratification by communicating the formal ratification of the Convention to the Director-General of the ILO as provided for in article 19 of the ILO Constitution.

*Côte d'Ivoire* (No. 141), *El Salvador* (Nos 11 and 141), *Honduras* (Nos 11 and 141), *Latvia* (No. 141), *Lithuania* (No. 141), *Madagascar* (No. 141), *Montenegro* (No. 141), *Namibia* (Nos 11 and 141), *Panama* (No. 141), *Senegal* (No. 141), *the former Yugoslav Republic of Macedonia* (No. 141), *Trinidad and Tobago* (Nos 11 and 141), and the *United States* (Nos 11 and 141).

266. Certain governments indicated that this was because they considered the matters to be dealt with by Convention No. 87. The Government of *Portugal*, for example, reported that the ratification of Convention No. 141 was not necessary given that Conventions Nos 87 and 98 applied to all workers, while the Government of the *Seychelles* stated that legal provisions and national practices which gave effect to Conventions Nos 87 and 98 adequately protected workers, including rural workers. The Government of the *Federation of Bosnia and Herzegovina* indicated that it would consider the ratification in the context of its previous ratification of Conventions Nos 11, 87 and 98, and noted that existing legislation securing the right of association for all workers generally to a large extent also covered rural workers, thus upholding the standards of the Convention. The Government of the *United Republic of Tanzania* indicated that as the country had ratified the ILO core Conventions, workers currently enjoyed great freedom of association.

267. Other governments reported that ratification was not feasible due to practical difficulties related to the nature of the rural sector in the country. For example, the Government of *Bangladesh* indicated that the ratification of Convention No. 141 was not feasible given the subsistence nature and structure of the agricultural sector in the country,<sup>2</sup> while the Government of *Nepal* referred to the lack of infrastructure in rural areas and political transition as responsible for the delay in ratification of Conventions Nos 11 and 141.

268. Some governments reported that the instruments were not applicable as the rural sector was of limited economic importance in the country. For example, the Government of *Singapore* indicated that the country had very few rural workers; the Government of *Gabon* indicated that while there was no obstacle to ratification, the rural sector was still embryonic; the Government of *Saudi Arabia* reported a limited rural economy and that the agricultural and rural reality in the country was not in conformity with the provisions and requirements of the Conventions. The Government of *Brunei Darussalam* noted the negligible union density in the country and that while no promotional activities had been undertaken, the existence of the union was publically known nationally and regionally; such conditions, the Government indicated, made forecasting the application and implementation review of these Conventions difficult.

269. Ratification was reported by other member States to be delayed due to limited administrative and legal capacity, such as in the case of *Ethiopia*, or the need for more information, specific training programmes, and support for the drafting and implementation of special legislation on rural work, as was reported by the Government of *Cabo Verde*. The Governments of the *Plurinational State of Bolivia* and *Jordan* reported that legislative change was needed,<sup>3</sup> while the Government of *Australia* reported that treaty-making policy provided that ILO Conventions would not be ratified unless all legislation necessary for compliance was passed and all state and

<sup>2</sup> The *Bangladesh Employers' Federation* indicated that it was of the opinion that it would not be appropriate under the present socio-economic conditions of the country to ratify the Convention.

<sup>3</sup> *Plurinational State of Bolivia*: Modification of the General Labour Act; and *Jordan*: Amendments to workers' legislation.

territory governments had formally agreed to ratification. The Government of *Canada* indicated that variations in implementation across the provinces prevented ratification at this time and the Government of *Lithuania* indicated frequent disagreements of the institutions and social partners concerning the expedience of ratification, as well as the complex procedure for changing or amending legislation.

270. The Government of *Eritrea* reported that national law and policy were in conformity with the instruments. However, the Government noted that ratification would result in an international obligation and the risk of incurring negative consequences in case of failure to meet that obligation. Given that the country was not in a position to meet all the requirements of the instruments, Eritrea would not at this time proceed with ratification, but intended to incorporate certain provisions into upcoming legislation.

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*271. The Committee notes that few member States have indicated an intention to ratify Convention No. 141. Some governments considered that these matters were dealt with by Convention No. 87 and others indicated that ratification was not feasible for practical difficulties, that the instruments were not applicable, or that there was limited administrative and legal capacity. The Committee highlights that Convention No. 141 goes a step further than the other freedom of association instruments and guides member States in pursuing a policy of active encouragement to rural workers' organizations. The Committee trusts that governments will take advantage of this very important Convention and promote the establishment and growth of rural workers' organizations so as to benefit from their valuable contribution to national social and economic development. The Committee therefore invites governments, if they have not already done so, to engage in tripartite dialogue on possible ratification of Conventions Nos 11 and 141 and to take advantage of ILO technical assistance towards implementation of these important principles.*





## Part III. Achieving the full potential of the instruments

### Chapter 7

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#### Building on common commitments and involving all stakeholders in dialogue

##### Importance of instruments

272. The examination of the member States' reports by the Committee affirms a common commitment to freedom of association rights. In addition, many member States are aware of the need for social and economic development in rural communities. The Committee notes, however, that member States have not always fully realized strategies to bring this about by involving rural workers – the key stakeholders – through their organizations. The potential of the instruments is underutilized.

273. The fact that the fundamental Conventions Nos 87 and 98 are widely ratified may have impacted on the way in which Conventions Nos 11 and 141 have been understood by constituents. As a result, a number of governments reported that they had met the primary purpose of Conventions Nos 11 and 141 through measures taken to implement Conventions Nos 87 and 98.

274. While such measures are an essential basis for ensuring the full functioning of rural workers' organizations, they are not sufficient to meet fully the goals of the instruments under review: ensuring that rural workers' organizations are strong, independent and effective, so as to be able to participate in economic and social development. Specific national policies should be put into operation to that end. Convention No. 141 and, more particularly, Recommendation No. 149, set out the components of a successful strategy in this regard. *The Committee is hopeful that the potential of the instruments will be taken up as a blueprint for how to address obstacles.*

##### Common commitment to freedom of association

275. Despite ongoing difficulties in implementation, there is a demonstrated common commitment to the principles of freedom of association among member States of the ILO. Conventions Nos 11, 87 and 98 are among the most ratified ILO Conventions, and the principles of freedom of association have been recognized in a number of

other international and regional instruments to which member States are parties.<sup>1</sup> Freedom of association is guaranteed in almost all national constitutions.

276. Significantly, the ILO Declaration on Social Justice for a Fair Globalization, unanimously adopted by the International Labour Conference in 2008, reaffirms the role of the fundamental principles and rights at work as both rights and enabling conditions. The Declaration stipulates that “freedom of association and the effective recognition of the right to collective bargaining are particularly important to enable the attainment of the four strategic objectives” of employment, social protection, social dialogue and rights at work. ***The Committee stresses that freedom of association is an enabling condition and its respect is a key component of democracy, good governance and sustainable development.***

277. This commitment to freedom of association is a common feature of the member States’ reports. All countries reported measures taken in law or practice to promote and protect the right of workers to freedom of association. A number of member States clearly indicated that freedom of association was of key importance to their country. For example, the Government of *Eritrea* stated that it had made “enormous efforts” to realize the right to organize, and the Government of *the former Yugoslav Republic of Macedonia* stressed that freedom of association presented “a parameter and proof” of democratic achievements. The Government of *Myanmar* reported that after Myanmar transformed into a democratic country, the Labour Organization Law was enacted in 2011.

278. Despite the fact that several governments have not ratified the freedom of association Conventions, a number of member States reported that their legislation and practice reflected the spirit of those fundamental Conventions even without ratification. The Governments of *Oman* and *Sudan*, for example, indicated that the fact that their countries had not ratified certain Conventions did not mean that they did not take them into account or benefit from them. The Government of *New Zealand* indicated that an objective of the Employment Relations Act 2000 was to promote observance in New Zealand of the “principles underlying” Conventions Nos 87 and 98, despite the fact that New Zealand had not ratified Convention No. 87.

## Common awareness of the particular needs of rural communities

279. The majority of countries share an awareness of the particular challenges facing rural communities, and the need for steps to be taken to remedy social and economic inequalities, improve productivity, modernize processes and enhance trade.<sup>2</sup> Having examined the reports submitted by governments, the Committee notes that a number of member States have implemented national policies to promote rural development.

280. These policies vary significantly in scope and aim between countries, reflecting vastly different challenges, needs and rural realities. In many countries, such policies

<sup>1</sup> For example, the Universal Declaration of Human Rights, 1948 (articles 20(1) and 23(4)); the International Covenant on Civil and Political Rights, 1966 (article 22); the International Covenant on Economic, Social and Cultural Rights, 1966 (article 8); the Charter of the Organization of American States, 1948 (article 45(c)); the Charter of Fundamental Rights of the European Union, 2000 (articles 12 and 28); the Convention for the Protection of Human Rights and Fundamental Freedoms, 1950 (article 11); the Arab Charter on Human Rights, 2004 (article 24(5)); and the African Charter on Human and Peoples’ Rights, 1981 (article 10).

<sup>2</sup> The Revolutionary Confederation of Workers and Peasants (CROC) of *Mexico* stated that economic and democratic progress was not possible without authentic and sustainable rural development.

are an integral part of far-reaching government economic and social policy.<sup>3</sup> The Government of *Cabo Verde*, for example, reported that its programmes to involve rural areas in the transformation process aimed to empower the poor and those living in rural areas, using a variety of means, in order to improve productivity and to modernize agriculture.<sup>4</sup> The Government of *Honduras* indicated that the Law for Agrarian Reform<sup>5</sup> and the Law for the Modernization and Development of the Rural Sector<sup>6</sup> promoted and facilitated the establishment and expansion of workers' organizations to improve living conditions in rural areas. In the *Russian Federation*, Federal Law No. 264-FZ on agricultural development sets out an agricultural policy aimed at the sustainable development of agriculture and rural areas, through measures to increase agricultural production, improve efficiency, achieve full employment of the rural population, and improve their standard of living and use of land.

281. Other countries indicated policies that aimed for food security,<sup>7</sup> or programmes targeting concerns such as land reform and equality.<sup>8</sup> For example, with a specific focus on women's employment in rural areas, the Committee noted the launch of the National Rural Women's Development Project (2012–16) and the establishment of the Department of Women, Children and Persons with Disabilities in *Sudan*.<sup>9</sup> Many member States reported rural development programmes that were concerned with sustainability.<sup>10</sup> The Government of *Mexico* referred to legislation concerning sustainable rural development and the new national agro-food policy – designed with the participation of the principal farm worker and producer organizations – which aimed to increase food production, rural workers' income and consumers' access to food.

282. A number of countries reported that they had instituted policies concerning the fair distribution of the benefits of global supply chains, in recognition of current inequalities in this regard. The Government of the *Plurinational State of Bolivia*, for example, reported that rural wage workers were aware of their contribution to GDP and accordingly were claiming a greater distribution of profits in rural areas. The Government of *Portugal* indicated that the tripartite agreement for growth, competitiveness and employment, through dialogue via the platform to monitor relationships in the agri-food chain, aimed to promote measures to strengthen the negotiating capacity of the agricultural sector in the value chain, in order to promote transparency and combat structural asymmetry in the distribution of the added value in the agri-food chain.<sup>11</sup>

<sup>3</sup> For example, *Thailand*: 11th National Economic and Social Development Plan (2012–16).

<sup>4</sup> *Cabo Verde*: *Programas de integração das áreas rurais no processo de transformação*, 2011–16.

<sup>5</sup> Legislative Decree No. 170 of 30 December 1974.

<sup>6</sup> No. 31-92 of 5 March 1992.

<sup>7</sup> For example, *Algeria*; *Trinidad and Tobago*, in partnership with the FAO.

<sup>8</sup> For example, in *Argentina* the Argentine Federation of Rural and Transport Workers (UATRE) created the Network of Rural Women in 2001, with the aim of promoting the “social, cultural and moral advancement of rural women around the country”, and in the *Plurinational State of Bolivia* public information campaigns address gender equality at work.

<sup>9</sup> *Sudan* – CEACR, Convention No. 122, observation, published in 2014.

<sup>10</sup> For example, *Bahrain*: draft national strategy for sustainable agricultural development; *Canada* (*Newfoundland and Labrador*): “sustainable rural lens policy assessment tool”; *Guatemala*: sustainable production systems provided by the *Instituto de Ciencia y Tecnología Agrícola* (ICTA).

<sup>11</sup> *Conselho Económico e Social, Comissão Permanente de Concertação Social*, 18 Jan. 2012.

283. In some member States, a number of programmes were in place to tackle various aspects of the challenges in rural areas.<sup>12</sup> The Government of *Ecuador* reported several programmes designed to facilitate trade from family farms and to include them in the regional integration process;<sup>13</sup> to promote initiatives between small agricultural producers and agribusinesses;<sup>14</sup> to promote sustainable rural development in order to guarantee “food sovereignty”, provide solutions to traditional rural structures through a small rural producers’ association, and increase the income of small producers;<sup>15</sup> and to provide specialized technical assistance to peasants, agricultural workers and producer organizations.<sup>16</sup>

284. The Government of *Uzbekistan* reported that it had adopted the Year of Rural Development state programme, which aimed to: implement a wide range of measures for the further development of the industrial and social infrastructure of rural areas; improve the efficiency of the agricultural sector of the economy; give a powerful new impetus to the strengthening of economic reforms in agriculture; accelerate the establishment of modern enterprises to process agricultural products; ensure employment growth in rural areas, especially for young people; and raise incomes and the quality of life of rural residents.<sup>17</sup>

285. Similar measures were adopted by the Government of *Turkmenistan*. The National Programme for Social and Economic Development 2011–30 was designed to promote innovative approaches to the national economy and to create high-performance industries and production sectors, including agricultural industries, which will create additional jobs. The Government further referred to a national programme for the enhancement of amenities and living conditions in villages, towns and other settlements of the country’s districts for the period up to 2020.

286. Other governments reported measures to address the basic infrastructure in rural communities, such as sanitation, schools for children, health services, housing and social security. The Government of *Brazil*, for example, reported legislation that required employers to provide housing and basic infrastructure for rural workers and their families, and set out that such benefits were not to be considered part of rural workers’ wages.<sup>18</sup> The Government of *Argentina* referred to the National Register of Agricultural Workers and Employers, responsible for the social benefits of rural workers, such as unemployment benefits and medical insurance. The Government of *Guatemala* reported the adoption of the *Reglamento del Programa Especial de Protección para los Trabajadores Eventuales Agropecuarios*, aimed at laying down rules for the protection of rural workers against the risks arising from sickness, maternity and occupational accidents.

287. Other governments reported that national policy on the rural economy included measures to combat rural unemployment. The Government of *Chile*, for example, reported that in 2012, due to the harsh climatic conditions that affected the harvest, a

<sup>12</sup> For example, *Senegal: Programme national de développement agricole (PNDA)*, *Plan d’action forestier du Sénégal (PAFS)*, and *Plan national de développement de l’élevage (PNDE)*.

<sup>13</sup> *Red Especializada de Agricultura Familiar Campesina (REAF)*.

<sup>14</sup> *Programa Nacional de Negocios Rural Inclusivos (PRONERI)*.

<sup>15</sup> *Proyecto de Competitividad Agropecuario y Desarrollo Rural Sostenible (CADERS)*.

<sup>16</sup> *Programa de Innovación y Transferencia de Tecnología Participativa y de Productividad Agrícola*.

<sup>17</sup> Resolution of the President of the *Republic of Uzbekistan* on the state programme (Legislative Assembly of the Republic of Uzbekistan, 2009, No. 5, article 33).

<sup>18</sup> Article 9 of Law No. 5.889 of 8 June 1973.

programme for the rural sector was implemented that included subsidies, job fairs, training (especially for women) and a job vacancies web portal for workers in the affected regions. The Government of *India* indicated that the Ministry of Rural Development administered schemes aiming to create sustained employment opportunities to secure a minimum level of employment and income for the rural poor.

288. On the other hand, some trade unions indicated that rural development policies were not always as effective as they could be. The Sindh Sugar Mills Workers' Federation of *Pakistan*, for example, referred to governmental policies in support of rural workers, but noted that as no rural workers' organizations exist, these workers were not involved in any consultation and had no opportunity to contribute to these policies.

## National policies of active encouragement

289. Convention No. 141 and, more particularly, Recommendation No. 149 set out the components of a successful strategy for the operationalization of a national policy to promote the establishment, growth and functioning of effective rural workers' organizations to ensure that the voice of rural workers is heard in economic and social debate. *The Committee is firmly of the opinion that the instruments are an important part of the solution and accordingly believes that the means to realize their full potential exist within the common commitments of, and awareness shown by, member States. The instruments indicate a number of factors that a successful national policy of active encouragement will address.*

290. While member States reported a clear understanding of the importance of freedom of association for all workers, the Committee notes that no government reported having taken particular steps to facilitate, for rural workers, the establishment, growth and effectiveness of organizations to ensure their participatory voice. A number of rural workers' organizations commented on the lack of policy in this regard.<sup>19</sup> Taking into account the distinctive circumstances that make it especially challenging to organize rural workers, national law and practice should be "fully adapted" to the special needs of rural areas.<sup>20</sup> Further, particularly in the initial stages of development, it may be that rural workers' organizations require financial or material assistance,<sup>21</sup> as well as education and training,<sup>22</sup> from governments.

## National laws and regulations

291. *In the first place, the Committee must emphasize that member States should ensure that national laws and regulations enable all rural and agricultural workers to establish and join organizations of their own choosing. Full account should be taken of the legal and practical implications of outsourced, seasonal, temporary, migrant and informal sector workers, and workers on family farms and small undertakings.*

292. *In many instances, this will involve adapting existing legislation to respond to the particular challenges of the rural sector. For example, it may mean that certain minimum membership requirements or residency requirements for the election of*

<sup>19</sup> For example, *Paschim Banga Khet Majoor Samity (India)*, Federation of Korean Trade Unions and Korean Confederation of Trade Unions (*Republic of Korea*), and Sindh Sugar Mills Workers' Federation (*Pakistan*).

<sup>20</sup> Recommendation No. 149, Paragraph 8(2)(b).

<sup>21</sup> *ibid.*, Paragraph 18(1).

<sup>22</sup> *ibid.*, Paragraphs 16–17.

***foreign workers to trade union office that may be acceptable for industrial workers should not be applied to rural workers.***<sup>23</sup>

293. The Committee notes the question of informality was discussed by the International Labour Conference in 2014:<sup>24</sup>

Cooperatives of various types and organizations from the social and solidarity economy play an important role in local development, especially in rural areas. In this respect, the Office has observed that, “[w]here there are major constraints to informal operators or workers joining existing employers’ organizations or trade unions or establishing their own organizations, the most effective membership-based organizational structure may be that of a cooperative. ... Organizing in cooperatives could also be seen as one step on the path towards formalization.” ...

... Cooperatives have proved to constitute an important step in the path towards formality. Their members may start as informal units, which can grow to become business entities. As a result of their registration, cooperatives offer an accessible means of gaining legal recognition, particularly since their capital requirements for registration are minimal. Moreover, by enhancing economic efficiency and security, they offer a basis for risk taking and gaining access to credit and other services.

294. That report concluded that “In many developing countries, rural development and agricultural policies, including supportive legal frameworks for cooperatives, need to be enhanced and strengthened.”<sup>25</sup> ***In this regard, the Committee points out that legislation should guarantee to all rural workers’ organizations, including trade unions, cooperatives and associations of farmers and peasants, within the scope of the instruments, the necessary safeguards to allow them to function effectively.***

***295. In addition, protection against anti-union discrimination may take on particular significance for workers whose families may face eviction from their homes in the case of dismissal or other disciplinary action for union activities. Noting the concerns expressed by some workers’ organizations in this regard,<sup>26</sup> the Committee emphasizes that general legislative provisions protecting against discrimination are often insufficient in the rural sector, and considers that governments should adopt specific legislative provisions in respect of discrimination on the grounds of membership of rural workers’ organizations or involvement in the activities of such organizations, which are effective in the special circumstances of the rural sector.***

## Labour inspection and enforcement of law

296. The adaptation of national practice to the special needs of rural areas may include extending the labour inspectorate to ensure that legislation is fully enforced, particularly in light of geographical challenges. In addition, consideration should be given to ensuring that labour inspectors – and other relevant officials<sup>27</sup> – are fully aware of the principles of freedom of association and empowered to identify and

<sup>23</sup> *ibid.*, Paragraph 8(2)(b)(i).

<sup>24</sup> ILO: *Transitioning from the informal to the formal economy*, Report V(1), ILC, 103rd Session, Geneva, 2014, paras 147–148.

<sup>25</sup> *ibid.*, para. 26.

<sup>26</sup> For example, Trade Union Federation of Food, Beverage, Hotel, Restaurant and Agro-industry Workers of El Salvador (FESTSABHRA).

<sup>27</sup> For example, agricultural extension officers from the Ministry of Agriculture who, the Government of Barbados reported, provided advisory and inspection services to the agricultural and rural sectors.

respond to breaches in this regard.<sup>28</sup> This is of particular importance in remote and self-contained farming undertakings, where enforcement of legal rights may otherwise be difficult. Governments may further wish to consider the unique vulnerabilities of workers living at their workplaces,<sup>29</sup> and of seasonal, outsourced, migrant and indigenous workers, when considering the role of the labour inspectorate in rural areas.

**297. *The Committee acknowledges the special importance of labour inspectorates in ensuring rural workers are able to enjoy their freedom of association rights in practice and consequently encourages governments, in view of the fact that the Governing Body of the ILO classified Convention No. 129 as a governance Convention, to consider the ratification and implementation of that Convention.***

## Social dialogue

**298. *Appropriate measures should be taken to ensure that there is effective consultation and dialogue with rural workers' organizations on all matters relating to conditions of work and life in rural areas.***<sup>30</sup> In some member States, measures have been taken by governments and organizations to involve rural workers' organizations in economic and social development. These have included the participation of rural workers in joint committees on a variety of topics,<sup>31</sup> consultations with rural workers' organizations in relation to legislation and diverse policies,<sup>32</sup> and collective bargaining at all levels on the terms and conditions of employment of rural workers.<sup>33</sup>

**299. *The Committee notes the need to ensure that rural workers are genuinely represented in social dialogue institutions, especially when considering matters that may affect them; this approach ensures that through their organizations they can decide their own socio-economic priorities. In referring to "participation", Article 4 of Convention No. 141 implies that rural workers, through their organizations, should not only be able to influence externally initiated proposals, but should actively participate and propose measures, programmes and activities that shape their socio-economic situation. Participation extends beyond mere consultation and should lead to concrete ownership of initiatives by, and for, rural workers.***<sup>34</sup>

**300. *The Committee stresses that collective bargaining is a key instrument of dialogue. It contributes to the establishment of just and equitable working conditions, the extension of social security and basic social services, the improvement of vocational education and training in rural areas, and protection against discrimination. It also provides a basis for preventing and managing labour***

<sup>28</sup> A training programme on freedom of association for labour inspectors in the rural sector was developed by the ILO in 2012–13. Following pilot testing in the Western Cape of *South Africa*, the programme is now available for other member States.

<sup>29</sup> Recommendation No. 149, Paragraph 8(2)(b)(iii) (re eviction); and Paragraph 8(2)(b)(ii) (re access).

<sup>30</sup> *ibid.*, Paragraph 11.

<sup>31</sup> For example, *Argentina, Belgium, Czech Republic, Finland, France and Slovenia*.

<sup>32</sup> For example, *Australia, Austria, Belarus, Bosnia and Herzegovina (Republic Srpska), Costa Rica, Cuba, Estonia, Lithuania, Madagascar, Mozambique, Niger, Thailand and Tunisia*.

<sup>33</sup> For example, *Belgium, Israel and Uzbekistan*.

<sup>34</sup> Active participation could extend to the involvement of rural workers' representatives in such fundamental national initiatives as constitutional reform. See, for example, the *United Republic of Tanzania's* Constitution Review Act 2014 (an amended version of the Constitutional Review Act, 2011), s. 22(1)(vi), which provides that the National Assembly – which was sworn in on 18 February 2014 – will include, among other appointees, 19 members from trade union organizations, ten members from associations representing livestock keepers, ten members from fisheries associations and 20 members from agricultural associations.



*disputes, and ensuring harmonious labour relationships. Collective bargaining is, therefore, an effective instrument that facilitates adaptation to economic, socio-political and technological change.*<sup>35</sup>

#### Awareness raising, education and information-sharing

301. In a number of countries, policies already focus on training and education for people living in rural areas. Member States reported that topics for training and education extended from those that were specific to improving agricultural practices among farmers,<sup>36</sup> to specialist technical support and training.<sup>37</sup> A number of member States indicated that various national programmes and institutions provided financial assistance including grants to rural workers for a variety of purposes.<sup>38</sup>

302. The importance of awareness raising, education and information sharing is evident throughout the Recommendation.<sup>39</sup> As was discussed previously in this General Survey, many member States have instituted training programmes in rural areas.<sup>40</sup> *The Committee emphasizes that awareness raising and education on the principles of freedom of association are essential to ensure that rural workers actively enjoy the right to organize. In addition, information sharing is necessary to ensure the full effectiveness of rural workers' organizations when participating in economic and social development. Further, dissemination of the contributions made by rural workers' organizations should extend beyond those directly concerned to other members of rural communities through means appropriate to national circumstances. In this regard, the Committee encourages governments to consider how new communication technologies may assist in ensuring awareness raising, education and other initiatives under the instruments reach all rural communities, including those that may be particularly isolated, disempowered or marginalized.*

303. *Taking into account the many obstacles reported by member States in relation to the level of knowledge of rural workers about their labour rights and labour legislation, the Committee emphasizes that it may be necessary to consider innovative approaches in order to ensure that rural workers understand their labour rights and how to exercise them in practice.*<sup>41</sup> *In addition, the leaders of rural workers' organizations should be provided with the appropriate education and training to enable them to adequately manage their organizations' activities, including advocating on behalf of their members and representing them in*

<sup>35</sup> ILO: *General Survey on the fundamental Conventions*, 2012, para. 167.

<sup>36</sup> For example, *Egypt*: training on irrigation, fertilizer use, pruning, plant disease, cultivation, packaging, handicrafts, etc.; *Lithuania*: Centre for LEADER Programme and Agricultural Training Methodology, coordinating vocational education for farmers, agricultural specialists, rural community members and workers; *Nepal*: training for small farmers and for community forestry.

<sup>37</sup> For example, *Brunei Darussalam*; *Chile*: *Servicio Nacional de Capacitación y Empleo* (SENCE); *Guatemala*: *Sistema Nacional de Extensión Rural* (SNER).

<sup>38</sup> For example, *Guatemala*: the Ministry of Labour and Welfare offers different financial instruments in the form of trusts, with the aim of supporting small and medium-sized rural producers, including in access to credit for agricultural diversification and the construction of irrigation systems; *Algeria*; *Egypt*.

<sup>39</sup> Recommendation No. 149, Paragraphs 14–17.

<sup>40</sup> See paras 200–209 *supra*.

<sup>41</sup> In certain countries, there is a legal obligation to inform specific categories of workers, such as migrants, of their labour rights in a language that they understand. See *France* (Decree No. 2011-1693 of 30 November 2011, relating to the protection of the social and financial rights of irregular migrants and the suppression of illegal work).

*dialogues.* In this regard, the Committee notes that a number of rural workers' organizations indicated the need for specific training on collective bargaining.<sup>42</sup>

### Particular groups of rural workers

304. *The Committee considers that steps should be taken to promote programmes targeting particular groups in rural communities, such as women, young people, indigenous peoples, migrants, and outsourced and seasonal workers. Steps should also be taken to ensure that the wider rural community understands the role that these groups play in the economic and social functioning of rural areas, and to ensure that they are empowered to form and join organizations to enable them to participate in economic and social development.*

### Financial and material assistance

305. The Committee acknowledges the financial constraints reported by many governments. *Recalling that, particularly in the initial stages of development, rural workers' organizations may require financial or material assistance from governments, the Committee emphasizes that such assistance should fully respect their independence and supplement the initiatives and efforts made by rural workers to finance their own organizations.*<sup>43</sup>

### ILO technical cooperation and standards-related action

306. In response to the questions contained in the report form for this General Survey, some governments and workers' organizations provided comments concerning possible standards-related action, policy support and technical cooperation that the ILO could provide to member States and constituents to improve the implementation of Conventions Nos 11 and 141 in law and in practice. The Government of *Bosnia and Herzegovina (Brcko District of Bosnia and Herzegovina)*, for example, indicated that ILO assistance would be welcomed by the agricultural sector.

### Technical cooperation needs

#### *Comments from governments*

307. A number of countries indicated that they would appreciate receiving technical assistance in relation to the requirements of the instruments and, in particular, concerning good practices and other examples of how they have been implemented globally. Some countries specified that the exchange of information and experiences with other member States would be particularly helpful.

308. The Government of *Lithuania*, for example, indicated that it would appreciate learning more about ILO member States that had ratified the Conventions and the functioning of rural workers' organizations in such countries, as well as an exchange of information and good practices. Likewise, the Government of *the former Yugoslav Republic of Macedonia* signalled that it considered that there was a need to introduce comparative experiences from other countries, and the Government of *Senegal* noted the usefulness of the ILO supporting the sharing of good practices in member States

<sup>42</sup> For example, Fako Agricultural Workers Union (FAWO) of *Cameroon*, the United Federation of *Danish Workers (3F)*, the General Confederation of Workers of *Guatemala (CGTG)*, and the Autonomous Workers' Confederation of *Peru (CATP)*.

<sup>43</sup> Recommendation No. 149, Paragraph 18(1).

that had ratified the instruments. The Government of *Bosnia and Herzegovina (Republic Srpska)* referred to ILO support in terms of clarifying the requirements included in the instruments, as well as providing examples of member States that successfully implemented them; and the Government of *Jordan* stated that it would be interested in learning about the experiences of developed countries and their best practices in giving effect to the instruments.

309. Other countries mentioned the need to sensitize rural communities and rural workers' organizations to the requirements of freedom of association in general, and the instruments relating to the rural and agricultural sectors in particular. The Government of *Côte d'Ivoire*, for example, indicated that training programmes, workshops and awareness campaigns would be needed to achieve the objectives of the instruments, noting in particular the need for training activities for trade union representatives from the rural sector. The Government of *Honduras* considered that two linked activities could be carried out by the ILO: first, a diagnostic study to identify limits to the exercise of freedom of association by agricultural and rural workers, including practical recommendations to overcome them; and second, the development of capacity-building programmes for the main labour relations actors on the content of Conventions Nos 11 and 141 and Recommendation No. 149.

310. The Government of *Egypt* referred to the organization of training and development courses on various aspects of agriculture by ILO experts, in addition to training and information courses on freedom of association for rural workers. The Government of *Zimbabwe* indicated a need for capacity building in the areas of freedom of association and collective bargaining in the agricultural sector, and occupational safety and health. The Government of *Costa Rica* considered that employers and workers would benefit from ILO-supported capacity building and training on freedom of association to promote the development of rural workers. The Government of *Nepal* also noted the need for awareness raising and sensitization to ensure rural workers understood the importance of freedom of association and could use it for their own social and economic development. The Government of *Indonesia* indicated that the country required technical assistance related to dissemination of the Convention.

311. Some governments mentioned the need for policy support and technical cooperation to strengthen labour inspection in rural areas. The Government of *Zimbabwe*, for example, indicated that it was necessary to strengthen the labour inspectorate and the Government of *Costa Rica* requested ILO support for capacity building and training of labour inspectors on freedom of association in order to promote the development of rural workers.

312. The Government of the *United Republic of Tanzania* would be grateful for technical assistance to strengthen the capacity of the social partners, the labour administration and inspection, and the Registrar of Organizations.

#### *Comments from workers' organizations*

313. The *Bangladesh* Agricultural Farm Labour Federation, the National Confederation of Agricultural Workers (CONTAG) of *Brazil*, the Fako Agricultural Workers' Union of *Cameroon*, the United Food and Commercial Workers International Union of *Canada*, the Free Industrial Union of Banana and Allied Workers of *Costa Rica* (SINTRACOBAL), the United Federation of *Danish* Workers (3F), the General Labour Confederation of *Guatemala*, the *Hind Khet Mazdoor Panchayat* (HKMP) and the Estates Staff Union of South India (ESUSI) of *India*, the *Kenya* Union of Sugar Plantation and Allied Workers, the Federation of Korean Trade Unions (FKTU) and the Korean Confederation of Trade Unions (KCTU) of the

*Republic of Korea*, the Agro-Industrial Workers' Union of *Kyrgyzstan*, the Tobacco and Allied Workers Union of *Malawi*, the Agriculture and Farmer Federation of *Myanmar*, the *Netherlands* Trade Union Federation (FNV), the Sindh Sugar Mills' Workers Federation of *Pakistan*, the Autonomous Workers' Confederation of *Peru*, the Food and Allied Workers' Union of *South Africa*, the trade union Unite of the *United Kingdom* and the National Union of Plantation, Agriculture and Allied Workers of *Zambia* indicated a common need for ILO activities as a follow-up to the General Survey to address what they considered to be the failure by governments to ensure implementation of the instruments, even in the case of ratification.

314. In this regard, these organizations indicated the need for a study on how to overcome obstacles in law and in practice faced by rural workers exercising their right to join and be represented by trade unions, with particular attention given to women and migrants, and seasonal, outsourced and self-employed workers; and to the promotion of the ratification and application of the up-to-date standards for agricultural and rural workers, including Convention No. 129.

315. Further, the organizations suggested that the ILO should help governments to review legislation with a view to extending labour laws to rural workers, ensuring in particular that they enjoy the protection of fundamental principles and rights at work, and that any exclusions in national law concerning the application of such rights to rural workers are removed. It should also help them to provide adequate labour inspection in the agricultural sector based on the guidance provided by Convention No. 129.

316. Finally, the organizations believed that the ILO should provide capacity building to enable existing rural workers' organizations to more effectively represent workers, in particular through collective bargaining, and where such organizations do not exist, the ILO should undertake research to identify the causes that prevent workers from exercising their freedom of association rights. In common with many governments, the workers' organizations stressed the need for a study to identify good practices in respect of freedom of association for agricultural and rural workers.

317. Other workers' organizations mentioned the desirability of a number of similar activities. The Single Central Organization (CUT) of *Chile*, for example, highlighted the need for technical advice both to disseminate and increase understanding of Conventions Nos 11 and 141 and, as a complement to ratification, the adoption of legislative reforms to implement the instruments' objectives. The Banana Workers' Trade Union *Proyecto La Cruz de Manzanillo*, from the *Dominican Republic*, indicated that trade unions lacked the resources and organization to bring about change. The Trade Union Federation for Rural Development and the Environment of *Benin* (FESYNDERE) believed that there was a real need for technical assistance regarding the place of rural workers and their organizations, pointing specifically to the need for a training and capacity-building programme for rural workers. In addition to a need for more technical assistance and training, the Confederation of Workers *Rerum Novarum* (CTRN) of *Costa Rica* referred to the promotion of social dialogue to reach agreements. The Trade Union Congress of the *Philippines* indicated that capacity building in the area of global supply chains would be welcome.

318. The Trade Union Federation of Food, Beverage, Hotel, Restaurant and Agro-Industry Workers of *El Salvador* (FESTSSABHRA) considered that sectoral unionization should be promoted, that the requirements to be able to bargain collectively should be reduced, and that collective bargaining for sectoral and economic activities should be regulated. The Izabal Banana Workers' Union of *Guatemala* (SETRABI) stated that labour legislation should be reformed to give the

labour inspectorate the authority to apply sanctions, and indicated the need for high-level missions from the ILO.

## Proposals for standards-related action

### *Comments from governments*

319. Most governments either did not answer this point or indicated that there was no perceived need for standards-related activities in this regard as the current instruments were considered sufficient.

320. The Governments of *Indonesia* and *Thailand* raised the possibility of ensuring that Convention No. 11 was up to date; the Government of *Senegal* noted the need to ensure that the instruments responded to the evolution in the agricultural and rural sectors since their adoption; and the Government of the *United Republic of Tanzania* wished the ILO to review the instruments to take into account global advances and the current state of the world of work. The Government of *Seychelles* indicated that the instruments should be sure to respond to the specificities of Small Island Developing States.

### *Comments from workers' organizations*

321. Some organizations of workers commented on possible ILO standards-setting activities that could be undertaken. In particular, the *Bangladesh* Agricultural Farm Labour Federation, CONTAG of *Brazil*, the Fako Agricultural Workers' Union of *Cameroon*, the United Food and Commercial Workers International Union of *Canada*, SINTRACOBAL of *Costa Rica*, 3F of *Denmark*, the General Confederation of Workers of *Guatemala*, the HKMP and ESUSI of *India*, the *Kenya* Union of Sugar Plantation and Allied Workers, the Agro-Industrial Workers' Union of *Kyrgyzstan*, the Tobacco and Allied Workers Union of *Malawi*, the Agriculture and Farmer Federation of *Myanmar*, FNV of the *Netherlands*, the Sindh Sugar Mills' Workers Federation of *Pakistan*, the Autonomous Workers' Confederation of *Peru*, the Food and Allied Workers' Union of *South Africa*, the trade union Unite of the *United Kingdom* and the National Union of Plantation, Agriculture and Allied Workers of *Zambia* indicated the need for a study considering the advantages of consolidating all the relevant agricultural standards into a single instrument.

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***322. The Committee welcomes the requests for technical assistance from governments and workers' organizations as important steps towards ratification and ensuring the full implementation of the provisions of Conventions Nos 11 and 141. Given that the attainment of decent work in the rural economy is an area of critical importance established by the ILO for the 2014–15 biennium, the Committee hopes that the Office will rapidly provide the assistance requested, including facilitating the exchange and compilation of information on outreach efforts at the national level to ensure the organizational rights of rural workers so that their voice may be heard in economic and social development.***

## Conclusions and final remarks

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323. The Committee welcomes the choice by the Governing Body of Conventions Nos 11 and 141 and Recommendation No. 149 as the subject of a General Survey. This has given the Committee the opportunity to address in detail issues relating to the millions of agricultural and rural workers worldwide. The significant obstacles impeding the implementation of freedom of association rights in the rural sector are symptomatic of the glaring decent work gaps that exist in rural areas. This in turn has a considerable impact on the ability of agricultural and rural workers to participate in economic and social development and to enjoy the resulting benefits.<sup>1</sup>

324. In adopting the instruments in 1921 and 1975, the International Labour Conference highlighted the principle that agricultural and rural workers were entitled to the same freedom of association rights as those enjoyed by other workers, and it was of the conviction that promoting freedom of association was essential for the establishment and growth of strong and effective rural workers' organizations capable of ensuring genuine and active participation by rural workers in economic and social development. *The instruments can therefore be described as being based on two principles: first, the requirement for full freedom of association in law and in practice for agricultural and rural workers; and, second, the requirement that rural workers' organizations are sufficiently supported so as to ensure effective participation by rural workers in development.*

325. The Committee is unfortunately obliged to note that the dismal living and working conditions in the rural sector often appear to be largely the same as they were in 1975 – and, in fact, in some places are not dissimilar from the conditions that existed in 1921. A number of the same problems that existed previously have been reported to the Committee as current obstacles to the establishment, growth and functioning of rural workers' organizations: the informality of the sector and heterogeneity of existing labour relations; severe socio-economic and cultural disadvantage; inequitable labour relationships and distribution of benefits; lack of education and awareness; prevalence of child labour, forced labour and discrimination; the particular disadvantage experienced by women; large numbers of particularly vulnerable or marginalized workers; and often insanitary, unstable and isolated living conditions.

326. In addition, new challenges have been added to those ongoing difficulties. These include: greater inequalities due to expanded globalization; complex global supply chains obscuring responsibilities; increased use of migrant and outsourced workers, particularly for seasonal work; the incidence of HIV/AIDS; and significant environmental and climatic pressures. The challenges facing rural workers seeking to exercise their freedom of association rights are, in many cases, insurmountable without concerted national policies to take active steps in this regard as envisaged in Convention No. 141 and Recommendation No. 149.

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<sup>1</sup> See para. 4 supra.

327. The reports submitted by governments and the comments from workers' and employers' organizations show clearly that a large number of countries, in all regions of the world, are well aware of the difficulties encountered by rural workers' organizations in the establishment, growth and pursuit of their lawful activities. The Committee believes that the fact that there is a general awareness among the broader public of the challenges that exist for rural workers, evident in reports by member States and the growing number of consumer-led fair trade initiatives influencing global supply chains, presents an important opportunity. Nevertheless, the Committee observes that a number of countries have less favourable legislation and practice in respect of the right to organize for rural workers, and most countries have not implemented national policies to promote rural workers' organizations.

328. *The Committee firmly believes that there is a need for integrated national policies to promote active steps to be taken for the establishment, growth and functioning of rural workers' organizations so that rural workers may participate in economic and social development. The benefits will extend beyond the rural workers directly involved, as more diverse participation in regional and national economic and social development by rural communities will impact positively on the wider economy.* As the Government of Eritrea noted in its report, the growth of organizations of agricultural workers will have a great impact on countries' socio-economic progress.

329. *In this regard, the Committee emphasizes that Recommendation No. 149 contains a set of guidelines for constituents, which respond to many of the challenges described in the reports submitted by member States. In its follow-up to this General Survey, the Committee expects that the ILO will be available to provide technical assistance to countries on the application of the instruments in accordance with national circumstances.*

330. The Committee further notes that a number of member States and workers' organizations proposed that the ILO compile good practices in respect of the implementation of the instruments, and arrange for exchanges of ideas and experiences across countries. *Given the lack of practical experience in member States in terms of implementing the instruments, the Committee believes that such support would be particularly beneficial and calls upon the Office to undertake such a study as a priority within the context of the area of critical importance on decent work in the rural economy.*

331. In this regard, the Committee is mindful of the extraordinary advances made in new communication technologies and the possibilities for their utilization to allow the voice of isolated, disempowered or marginalized peoples to be heard in enhanced and innovative ways. The Committee emphasizes the potential of such technology to improve the reach of the instruments in member States, both in terms of awareness-raising and training initiatives, and in terms of facilitating the participation of rural workers in economic and social development dialogues, consultations and programmes. *The Committee encourages the ILO to make full use of such communication technologies in ensuring an integral approach to the follow-up to be given to this General Survey.*

332. Extending the capacity and reach of the labour inspectorate, a point also raised by many constituents, will be an important measure to improve the implementation of legislation in practice. *In this regard, the Committee calls upon member States to consider the ratification of Convention No. 129 as called for by the Governing Body and to take advantage of technical assistance by the Office in terms of its application in their countries.* The Committee notes that a training programme

aiming to build knowledge among labour inspectors on freedom of association in the rural sector, for example, was recently pilot tested by the ILO in *South Africa* and can be adapted for use in other countries.

333. The Committee believes that the effectiveness of rural workers' organizations would be enhanced by a capacity-building programme for the leaders of rural workers' organizations in many countries. In addition, a broad awareness-raising programme about freedom of association rights, extending to the wider community, would ensure that rural workers were empowered to take responsibility for the implementation of their own rights and would create greater understanding of the important role that they play. *The Committee considers that measures to promote the Conventions and Recommendation would be a particularly appropriate response to the activities planned under the ILO's area of critical importance on decent work in the rural economy.*

334. The Committee further points out previous technical cooperation work that the Organization has carried out in the rural sector. *Countries may wish to take advantage of the ILO's specialist expertise in developing national policies for rural workers' organizations that harness their support to take effective action to eliminate forced labour and child labour, ensure non-discrimination and equality, take advantage of the potential of cooperatives, promote youth employment, address the challenges of migrant workers and indigenous populations, and enhance labour administration.*

335. In terms of future standard setting, the Committee is mindful of the call made by many workers' organizations concerning the possibility of consolidating agricultural standards. Having examined the information provided by member States and workers' and employers' organizations, the Committee is aware that many of the obstacles to the full implementation of the instruments are integrally interlinked with issues addressed in other ILO standards concerning agricultural and rural workers. *Within the framework of the Standards Review Mechanism to be launched by the Governing Body, the Committee encourages the Office to conduct the necessary background work for consideration of the usefulness of consolidating, in a broad and comprehensive manner, the various instruments on agricultural and other activities in rural areas and promote their effective implementation.*





# Appendix I

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## Texts of the examined instruments

### Convention No. 11

#### Convention concerning the Right of Association and Combination of Agricultural Workers <sup>1</sup>

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the rights of association and combination of agricultural workers, which is included in the fourth item of the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the Right of Association (Agriculture) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

#### *Article 1*

Each Member of the International Labour Organisation which ratifies this Convention undertakes to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.

#### *Article 2*

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 3*

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall then be binding only upon those Members whose ratifications have been registered with the International Labour Office.

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<sup>1</sup> This Convention came into force on 11 May 1923.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

#### *Article 4*

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

#### *Article 5*

Subject to the provisions of Article 3, each Member which ratifies this Convention agrees to bring the provisions of Article 1 into operation not later than 1 January 1924, and to take such action as may be necessary to make these provisions effective.

#### *Article 6*

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of article 35 of the Constitution of the International Labour Organisation.

#### *Article 7*

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

#### *Article 8*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### *Article 9*

The French and English texts of this Convention shall both be authentic.

## Convention No. 141

### Convention concerning Organisations of Rural Workers and Their Role in Economic and Social Development<sup>1</sup>

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and

Recognising that the importance of rural workers in the world makes it urgent to associate them with economic and social development action if their conditions of work and life are to be permanently and effectively improved, and

Noting that in many countries of the world and particularly in developing countries there is massive under-utilisation of land and labour and that this makes it imperative for rural workers to be given every encouragement to develop free and viable organisations capable of protecting and furthering the interests of their members and ensuring their effective contribution to economic and social development, and

Considering that such organisations can and should contribute to the alleviation of the persistent scarcity of food products in various regions of the world, and

Recognising that land reform is in many developing countries an essential factor in the improvement of the conditions of work and life of rural workers and that organisations of such workers should accordingly co-operate and participate actively in the implementation of such reform, and

Recalling the terms of existing international labour Conventions and Recommendations – in particular the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949 – which affirm the right of all workers, including rural workers, to establish free and independent organisations, and the provisions of numerous international labour Conventions and Recommendations applicable to rural workers which call for the participation, inter alia, of workers' organisations in their implementation, and

Noting the joint concern of the United Nations and the specialised agencies, in particular the International Labour Organisation and the Food and Agriculture Organisation of the United Nations, with land reform and rural development, and

Noting that the following standards have been framed in co-operation with the Food and Agriculture Organisation of the United Nations and that, with a view to avoiding duplication, there will be continuing co-operation with that Organisation and with the United Nations in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to organisations of rural workers and their role in economic and social development, 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 twenty-third day of June of the year one thousand nine hundred and seventy-five the following Convention, which may be cited as the Rural Workers' Organisations Convention, 1975:

<sup>1</sup> This Convention came into force on 24 November 1977.

### *Article 1*

This Convention applies to all types of organisations of rural workers, including organisations not restricted to but representative of rural workers.

### *Article 2*

1. For the purposes of this Convention, the term “rural workers” means any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, subject to the provisions of paragraph 2 of this Article, as a self-employed person such as a tenant, sharecropper or small owner-occupier.

2. This Convention applies only to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, who work the land themselves, with the help only of their family or with the help of occasional outside labour and who do not:

- (a) permanently employ workers; or
- (b) employ a substantial number of seasonal workers; or
- (c) have any land cultivated by sharecroppers or tenants.

### *Article 3*

1. All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations, of their own choosing without previous authorisation.

2. The principles of freedom of association shall be fully respected; rural workers’ organisations shall be independent and voluntary in character and shall remain free from all interference, coercion or repression.

3. The acquisition of legal personality by organisations of rural workers shall not be made subject to conditions of such a character as to restrict the application of the provisions of the preceding paragraphs of this Article.

4. In exercising the rights provided for in this Article rural workers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

5. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Article.

### *Article 4*

It shall be an objective of national policy concerning rural development to facilitate the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers as an effective means of ensuring the participation of rural workers, without discrimination as defined in the Discrimination (Employment and Occupation) Convention, 1958, in economic and social development and in the benefits resulting therefrom.

### *Article 5*

1. In order to enable organisations of rural workers to play their role in economic and social development, each Member which ratifies this Convention shall adopt and carry out a policy of active encouragement to these organisations, particularly with a view to eliminating obstacles to their establishment, their growth and the pursuit of their lawful activities, as well as such legislative and administrative discrimination against rural workers’ organisations and their members as may exist.

2. Each Member which ratifies this Convention shall ensure that national laws or regulations do not, given the special circumstances of the rural sector, inhibit the establishment and growth of rural workers' organisations.

#### *Article 6*

Steps shall be taken to promote the widest possible understanding of the need to further the development of rural workers' organisations and of the contribution they can make to improving employment opportunities and general conditions of work and life in rural areas as well as to increasing the national income and achieving a better distribution thereof.

#### *Article 7*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### *Article 8*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### *Article 9*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### *Article 10*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

### *Article 11*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

### *Article 12*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### *Article 13*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

### *Article 14*

The English and French versions of the text of this Convention are equally authoritative.

## Recommendation No. 149

### Recommendation concerning Organisations of Rural Workers and Their Role in Economic and Social Development

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and

Recognising that the importance of rural workers in the world makes it urgent to associate them with economic and social development action if their conditions of work and life are to be permanently and effectively improved, and

Noting that in many countries of the world and particularly in developing countries there is massive under-utilisation of land and labour and that this makes it imperative for rural workers to be given every encouragement to develop free and viable organisations capable of protecting and furthering the interests of their members and ensuring their effective contribution to economic and social development, and

Considering that such organisations can and should contribute to the alleviation of the persistent scarcity of food products in various regions of the world, and

Recognising that land reform is in many developing countries an essential factor in the improvement of the conditions of work and life of rural workers and that organisations of such workers should accordingly co-operate and participate actively in the implementation of such reform, and

Recalling the terms of existing international labour Conventions and Recommendations – in particular the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949 – which affirm the right of all workers, including rural workers, to establish free and independent organisations, and the provisions of numerous international labour Conventions and Recommendations applicable to rural workers which call for the participation, inter alia, of workers' organisations in their implementation, and

Noting the joint concern of the United Nations and the specialised agencies, in particular the International Labour Organisation and the Food and Agriculture Organisation of the United Nations, with land reform and rural development, and

Noting that the following standards have been framed in co-operation with the Food and Agriculture Organisation of the United Nations and that, with a view to avoiding duplication, there will be continuing co-operation with that Organisation and with the United Nations in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to organisations of rural workers and their role in economic and social development, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and seventy-five the following Recommendation, which may be cited as the Rural Workers' Organisations Recommendation, 1975:



## I. GENERAL PROVISIONS

1. (1) This Recommendation applies to all types of organisations of rural workers, including organisations not restricted to but representative of rural workers.

(2) The Co-operatives (Developing Countries) Recommendation, 1966, further remains applicable to the organisations of rural workers falling within its scope.

2. (1) For the purposes of this Recommendation, the term “rural workers” means any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, subject to the provisions of subparagraph (2) of this Paragraph, as a self-employed person such as a tenant, sharecropper or small owner-occupier.

(2) This Recommendation applies only to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, who work the land themselves, with the help only of their family or with the help of occasional outside labour and who do not:

- (a) permanently employ workers; or
- (b) employ a substantial number of seasonal workers; or
- (c) have any land cultivated by sharecroppers or tenants.

3. All categories of rural workers, whether they are wage earners or self-employed, should have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

## II. ROLE OF ORGANISATIONS OF RURAL WORKERS

4. It should be an objective of national policy concerning rural development to facilitate the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers as an effective means of ensuring the participation of rural workers, without discrimination as defined in the Discrimination (Employment and Occupation) Convention, 1958, in economic and social development and in the benefits resulting therefrom.

5. Such organisations should, as appropriate, be able to:

- (a) represent, further and defend the interests of rural workers, for instance by undertaking negotiations and consultations at all levels on behalf of such workers collectively;
- (b) represent rural workers in connection with the formulation, implementation and evaluation of programmes of rural development and at all stages and levels of national planning;
- (c) involve the various categories of rural workers, according to the interests of each, actively and from the outset in the implementation of:
  - (i) programmes of agricultural development, including the improvement of techniques of production, storing, processing, transport and marketing;
  - (ii) programmes of agrarian reform, land settlement and land development;
  - (iii) programmes concerning public works, rural industries and rural crafts;
  - (iv) rural development programmes, including those implemented with the collaboration of the United Nations, the International Labour Organisation and other specialised agencies;
  - (v) the information and education programmes and other activities referred to in Paragraph 15 of this Recommendation;
- (d) promote and obtain access of rural workers to services such as credit, supply, marketing and transport as well as to technological services;
- (e) play an active part in the improvement of general and vocational education and training in rural areas as well as in training for community development, training for co-operative and other activities of rural workers' organisations and training for the management thereof;

- (f) contribute to the improvement of the conditions of work and life of rural workers, including occupational safety and health;
- (g) promote the extension of social security and basic social services in such fields as housing, health and recreation.

### III. MEANS OF ENCOURAGING THE GROWTH OF ORGANISATIONS OF RURAL WORKERS

6. In order to enable organisations of rural workers to play their role in economic and social development, member States should adopt and carry out a policy of active encouragement to these organisations, particularly with a view to:

- (a) eliminating obstacles to their establishment, their growth and the pursuit of their lawful activities, as well as such legislative and administrative discrimination against rural workers' organisations and their members as may exist;
- (b) extending to rural workers' organisations and their members such facilities for vocational education and training as are available to other workers' organisations and their members; and
- (c) enabling rural workers' organisations to pursue a policy to ensure that social and economic protection and benefits corresponding to those made available to industrial workers or, as appropriate, workers engaged in other non-industrial occupations are also extended to their members.

7. (1) The principles of freedom of association should be fully respected; rural workers' organisations should be independent and voluntary in character and should remain free from all interference, coercion or repression.

(2) The acquisition of legal personality by organisations of rural workers should not be made subject to conditions of such a character as to restrict the application of the provisions of Paragraph 3 and subparagraph (1) of this Paragraph.

(3) In exercising the rights which they enjoy in pursuance of Paragraph 3 and of this Paragraph rural workers and their respective organisations, like other persons or organised collectivities, should respect the law of the land.

(4) The law of the land should not be such as to impair, nor should it be so applied as to impair, the guarantees provided for in Paragraph 3 and in this Paragraph.

#### *A. Legislative and Administrative Measures*

8. (1) Member States should ensure that national laws or regulations do not, given the special circumstances of the rural sector, inhibit the establishment and growth of rural workers' organisations.

(2) In particular:

- (a) the principles of right of association and of collective bargaining, in conformity especially with the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949, should be made fully effective by the application to the rural sector of general laws or regulations on the subject, or by the adoption of special laws or regulations, full account being taken of the needs of all categories of rural workers;
- (b) relevant laws and regulations should be fully adapted to the special needs of rural areas; for instance –
  - (i) requirements regarding minimum membership, minimum levels of education and minimum funds should not be permitted to impede the development of organisations in rural areas where the population is scattered, ill educated and poor;

- (ii) problems which may arise concerning the access of organisations of rural workers to their members should be dealt with in a manner respecting the rights of all concerned and in accordance with the terms of the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Workers' Representatives Convention, 1971;
  - (iii) there should be effective protection of the rural workers concerned against dismissal and against eviction which are based on their status or activities as leaders or members of rural workers' organisations.
9. There should be adequate machinery, whether in the form of labour inspection or of special services, or in some other form, to ensure the effective implementation of laws and regulations concerning rural workers' organisations and their membership.
10. (1) Where rural workers find it difficult, under existing conditions, to take the initiative in establishing and operating their own organisations, existing organisations should be encouraged to give them, at their request, appropriate guidance and assistance corresponding to their interests.
- (2) Where necessary, such assistance could on request be supplemented by advisory services staffed by persons qualified to give legal and technical advice and to run educational courses.
11. Appropriate measures should be taken to ensure that there is effective consultation and dialogue with rural workers' organisations on all matters relating to conditions of work and life in rural areas.
12. (1) In connection with the formulation and, as appropriate, the application of economic and social plans and programmes and any other general measures concerning the economic, social or cultural development of rural areas, rural workers' organisations should be associated with planning procedures and institutions, such as statutory boards and committees, development agencies and economic and social councils.
- (2) In particular, appropriate measures should be taken to make possible the effective participation of such organisations in the formulation, implementation and evaluation of agrarian reform programmes.
13. Member States should encourage the establishment of procedures and institutions which foster contacts between rural workers' organisations, employers and their organisations and the competent authorities.

#### *B. Public Information*

14. Steps should be taken, particularly by the competent authority, to promote:
- (a) the understanding of those directly concerned, such as central, local and other authorities, rural employers and landlords, of the contribution which can be made by rural workers' organisations to the increase and better distribution of national income, to the increase of productive and remunerative employment opportunities in the rural sector, to the raising of the general level of education and training of the various categories of rural workers and to the improvement of the general conditions of work and life in rural areas;
  - (b) the understanding of the general public, including, in particular, that in the non-rural sectors of the economy, of the importance of maintaining a proper balance between the development of rural and urban areas, and of the desirability, as a contribution towards ensuring that balance, of furthering the development of rural workers' organisations.

15. These steps might include:

- (a) mass information and education campaigns, especially with a view to giving rural workers full and practical information on their rights, so that they may exercise them as necessary;
- (b) radio, television and cinema programmes, and periodic articles in the local and national press, describing the conditions of life and work in rural areas and explaining the aims of rural workers' organisations and the results obtained by their activities;
- (c) the organisation, locally, of seminars and meetings with the participation of representatives of the various categories of rural workers, of employers and landlords, of other sectors of the population and of local authorities;
- (d) the organisation of visits to rural areas of journalists, representatives of employers and workers in industry or commerce, students of universities and schools accompanied by their teachers, and other representatives of the various sectors of the population;
- (e) the preparation of suitable curricula for the various types and levels of schools appropriately reflecting the problems of agricultural production and the life of rural workers.

### *C. Education and Training*

16. In order to ensure a sound growth of rural workers' organisations and the rapid assumption of their full role in economic and social development, steps should be taken, by the competent authority among others, to:

- (a) impart to the leaders and members of rural workers' organisations knowledge of –
  - (i) national laws and regulations and international standards on questions of direct concern to the activity of the organisations, in particular the right of association;
  - (ii) the basic principles of the establishment and operation of organisations of rural workers;
  - (iii) questions regarding rural development as part of the economic and social development of the country, including agricultural and handicraft production, storing, processing, transport, marketing and trade;
  - (iv) principles and techniques of national planning at different levels;
  - (v) training manuals and programmes which are published or established by the United Nations, the International Labour Organisation or other specialised agencies and which are designed for the education and training of rural workers;
- (b) improve and foster the education of rural workers in general, technical, economic and social fields, so as to make them better able both to develop their organisations and understand their rights and to participate actively in rural development; particular attention should be paid to the training of wholly or partly illiterate workers through literacy programmes linked with the practical expansion of their activities;
- (c) promote programmes directed to the role which women can and should play in the rural community, integrated in general programmes of education and training to which women and men should have equal opportunities of access;
- (d) provide training designed particularly for educators of rural workers, to enable them, for example, to help in the development of co-operative and other appropriate forms of servicing activities which would enable organisations to respond directly to membership needs while fostering their independence through economic self-reliance;
- (e) give support to programmes for the promotion of rural youth in general.

17. (1) As an effective means of providing the training and education referred to in Paragraph 16, programmes of workers' education or adult education, specially adapted to national and local conditions and to the social, economic and cultural needs of the various categories of rural workers, including the special needs of women and young persons, should be formulated and applied.

(2) In view of their special knowledge and experience in these fields, trade union movements and existing organisations which represent rural workers might be closely associated with the formulation and carrying out of such programmes.

#### *D. Financial and Material Assistance*

18. (1) Where, particularly in the initial stages of development, rural workers' organisations consider that they need financial or material assistance, for instance to help them in carrying out programmes of education and training, and where they seek and obtain such assistance, they should receive it in a manner which fully respects their independence and interests and those of their members. Such assistance should be supplementary to the initiative and efforts of rural workers in financing their own organisations.

(2) The foregoing principles apply in all cases of financial and material assistance, including those in which it is the policy of a member State to render such assistance itself.

## **Appendix II**

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**Report form sent to member  
States and social partners**

INTERNATIONAL LABOUR OFFICE

REPORTS ON

UNRATIFIED CONVENTIONS  
AND RECOMMENDATIONS

*(article 19 of the Constitution  
of the International Labour Organization)*

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REPORT FORM FOR THE GENERAL SURVEY CONCERNING  
THE RIGHT OF ASSOCIATION AND RURAL WORKERS' ORGANIZATIONS  
INSTRUMENTS <sup>1</sup> IN LIGHT OF THE 2008 ILO DECLARATION  
ON SOCIAL JUSTICE FOR A FAIR GLOBALIZATION <sup>2</sup>

Geneva  
2013

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<sup>1</sup> Right of Association (Agriculture) Convention, 1921 (No. 11); Rural Workers' Organisations Convention, 1975 (No. 141); Rural Workers' Organisations Recommendation, 1975 (No. 149).

<sup>2</sup> ILO Declaration on Social Justice for a Fair Globalization adopted by the International Labour Conference at its 97th Session, Geneva, 10 June 2008.

INTERNATIONAL LABOUR OFFICE

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*Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:*

5. In the case of a Convention:

...

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

...

6. In the case of a Recommendation:

...

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

...

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;
- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation,



showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

...

*In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.*

## REPORT

to be made no later than 28 February 2014, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of ....., on the position of national law and practice in regard to matters dealt with in the following instruments: <sup>3</sup>

### **RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921 (No. 11)**

adopted by the International Labour Conference  
at its Third Session (Geneva), 1921

### **RURAL WORKERS' ORGANISATIONS CONVENTION, 1975 (No. 141)**

### **RURAL WORKERS' ORGANISATIONS RECOMMENDATION, 1975 (No. 149)**

adopted by the International Labour Conference  
at its 60th Session (Geneva), 1975

#### I. RIGHT OF ASSOCIATION

(1) Please indicate whether and, if so, the manner in which effect is given to Convention No. 11 in your country in law and in practice, having particular regard to the subsequent questions.

**Art. 1 of C. 11**

(2) Please provide a list of any existing legislation and administrative regulations which secure the rights of association and combination for those engaged in agriculture and indicate, where applicable, the manner in which these provisions may differ from the rights afforded to industrial workers. As appropriate, please give a precise reference (if available, web links) to provisions of the relevant legislation.

**Art. 1 of C. 11**

(3) Please indicate any authority or authorities that are responsible for ensuring the application of the abovementioned legislation and administrative regulations and how application is supervised or enforced.

#### II. RURAL WORKERS' ORGANIZATIONS

(1) Please indicate whether and, if so, the manner in which effect is given to Convention No. 141 and Recommendation No. 149 in your country in law and in practice, having particular regard to the subsequent questions.

**Arts 1–3  
of C. 141**

(2) Please specify the categories of rural workers existing in your country and provide a list of any existing legislation and administrative regulations governing the establishment of organizations by these categories of workers. As appropriate, please give a precise reference (if available, web links) to provisions of the relevant legislation.

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<sup>3</sup> Governments of countries which have ratified both Conventions Nos 11 and 141 and from which a report is due under article 22 of the Constitution will use the present form only with regard to the Recommendation and to respond to sections IV and V. It will not be necessary to repeat information already provided in connection with the Conventions. Those having ratified only Convention No. 11 should respond to sections II and III (which contain questions relative to Convention No. 141) and IV and V of the report, which are of a general nature. Governments of countries having ratified only Convention No. 141 should respond to sections I, IV and V. The texts of the Conventions and Recommendation are appended.

**Arts 1–4 of C. 141 and Paras 1–4 of R. 149** (3) Please indicate any types of organizations that exist for the various categories of rural workers in your country, including organizations which, although not restricted to rural workers, represent them. Where available, please provide statistics on the number of rural worker members in these organizations and/or the number of workers these organizations represent in the rural sector.

**Arts 1–3 of C. 141 and Para. 9 of R. 149** (4) Please indicate any authority or authorities that are responsible for ensuring the application of the abovementioned legislation and administrative regulations relating to rural workers and how application is supervised or enforced.

**Arts 1–3 of C. 141 and Para. 7 of R. 149** (5) Please indicate any existing substantive or formal conditions that must be fulfilled by rural workers' organizations when they are established, whether the acquisition of legal personality is optional or compulsory for rural workers' organizations and any conditions that must be met to attain legal personality.

**Arts 1–3 of C. 141 and Para. 7 of R. 149** (6) Please specify the provisions of any national legislation and/or regulation which ensure that rural workers' organizations are independent, voluntary in character and are protected against acts of interference, coercion or repression.

### III. NATIONAL POLICY TO FACILITATE THE GROWTH OF RURAL WORKERS' ORGANIZATIONS

**Arts 4–5 of C. 141 and Paras 4, 6, 10–18 of R. 149** (1) Please describe any measures taken to facilitate and actively encourage the establishment and growth, on a voluntary basis, of strong and independent rural workers' organizations and the outcome of these measures. Please indicate whether the Government has undertaken any specific training programmes to develop the capacity of rural workers and foster the independence of their organizations and further indicate whether any such programmes have a gender component.

**Arts 4–5 of C. 141 and Paras 6, 8, 9 of R. 149** (2) Please provide information on any obstacles encountered by these organizations in their establishment and growth and the pursuit of their lawful activities and on any measures taken or contemplated to eliminate such difficulties.

**Arts 4–5 of C. 141 and Paras 5, 11–12, 16–18 of R. 149** (3) Please describe the manner in which the existence of rural workers' organizations has enabled rural workers to participate in economic and social development and in the benefits resulting therefrom. Please indicate any steps taken to promote the capacity of these organizations to engage in collective bargaining and in consultations at all levels on behalf of rural workers and to represent them in connection with the formulation, implementation and evaluation of rural development programmes.

**Art. 6 of C. 141 and Para. 14 of R. 149** (4) Please describe any methods used or contemplated to promote understanding of the need to further the development of rural workers' organizations and of the contribution they can make to improving employment opportunities and general conditions of work and life in rural areas. Please include in this regard information on any public information campaigns to promote understanding of the importance of rural workers' organizations.

### IV. IMPACT OF ILO INSTRUMENTS

(1) Please indicate whether any modifications have been made in the national legislation or practice with a view to giving effect to all or some of the provisions of the Conventions or of the Recommendation. Please state also whether it is intended to adopt measures to give further effect to the provisions of the Conventions or of the Recommendation, including ratification.

(2) Please state any difficulties due to the Conventions, to the national law or practice, or to any other reason, which may prevent or delay the ratification of the Conventions. Please indicate any measures taken or envisaged to overcome these obstacles.

(3) Please state, where appropriate, if the possible ratification of Convention No. 11 or Convention No. 141 has been discussed on a tripartite basis, as provided by the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and, if so, when.

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

(5) Please indicate whether you have received from organizations of employers or workers concerned any observations concerning the effect given, or to be given, to the instruments to which the present report relates. If so, please communicate a copy of the observations received, together with any comments that you may consider useful.

(6) In case your country is a federal State:

- (a) Please indicate whether the provisions of the Conventions or of the Recommendation are regarded by the federal government as appropriate, under the constitutional system, for federal action or as appropriate, in whole or in part, for action by the constituent states, provinces or cantons, rather than for federal action.
- (b) Where federal action is appropriate, please give the information specified in points I, II, III and IV ((1)–(5)) of this form.
- (c) Where action by the constituent units is regarded as appropriate, please supply general information corresponding to points I, II, III and IV ((1)–(5)) of the form. Please indicate also any arrangements it has been possible to make within the federal State, with a view to promoting coordinated action to give effect to all or some of the provisions of Conventions Nos 11 or 141 and of Recommendation No. 149, giving a general indication of any results achieved through such action.

#### V. POSSIBLE NEEDS FOR STANDARD-RELATED ACTION AND FOR TECHNICAL COOPERATION

(1) What suggestions would your country wish to make concerning possible standard-related action to be taken by the ILO in the area of freedom of association for rural and agricultural workers (for example, revision of existing instruments, adoption of new instruments, etc.)?

(2) Has there been any request for policy support, or technical cooperation support, provided by the ILO to give effect to the instruments in question? If this is the case, what has been the effect of this support? If not, how could the ILO best provide appropriate assistance within its mandate to support country efforts in the area of freedom of association for rural and agricultural workers?

(3) What are the future policy advisory support and technical cooperation needs of your country to give effect to the objectives of the instruments in question?



## Appendix III

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### Governments that provided reports

Algeria	Germany	Qatar
Antigua and Barbuda	Greece	Romania
Argentina	Guatemala	Russian Federation
Australia	Honduras	Saint Vincent and the Grenadines
Austria	Hungary	Saudi Arabia
Azerbaijan	Iceland	Senegal
Bahamas	India	Seychelles
Bahrain	Indonesia	Singapore
Bangladesh	Israel	Slovakia
Barbados	Italy	Slovenia
Belarus	Japan	Spain
Belgium	Jordan	Sri Lanka
Bolivia, Plurinational State of	Korea, Republic of	Sudan
Bosnia and Herzegovina	Kuwait	Sweden
Brazil	Kyrgyzstan	Switzerland
Brunei Darussalam	Latvia	Tajikistan
Bulgaria	Lebanon	Tanzania, United Republic of
Cabo Verde	Lithuania	Thailand
Cameroon	Madagascar	The former Yugoslav Republic of Macedonia
Canada	Malaysia	Trinidad and Tobago
Chile	Mauritius	Tunisia
China	Mexico	Turkey
Colombia	Moldova, Republic of	Turkmenistan
Costa Rica	Montenegro	Ukraine
Côte d'Ivoire	Morocco	United Kingdom
Cuba	Mozambique	United States
Cyprus	Myanmar	Uruguay
Czech Republic	Namibia	Uzbekistan
Denmark	Nepal	Venezuela, Bolivarian Republic of
Djibouti	Netherlands	Zimbabwe
Ecuador	New Zealand	
Egypt	Nicaragua	
El Salvador	Niger	
Eritrea	Norway	
Estonia	Oman	
Ethiopia	Panama	
Finland	Peru	
France	Philippines	
Gabon	Poland	
Georgia	Portugal	



## Appendix IV

### Workers' and employers' organizations that provided reports

Workers' organizations
<b>Argentina</b>
<ul style="list-style-type: none"> <li>Argentine Federation of Rural and Transport Workers (UATRE)</li> </ul>
<b>Australia</b>
<ul style="list-style-type: none"> <li>Australian Council of Trade Unions (ACTU)</li> </ul>
<b>Bangladesh</b>
<ul style="list-style-type: none"> <li>Bangladesh Agricultural Farm Labour Federation (BAFLF)</li> </ul>
<b>Benin</b>
<ul style="list-style-type: none"> <li>Trade Union Federation for Rural Development and the Environment of Benin (FESYNDERE)</li> </ul>
<b>Brazil</b>
<ul style="list-style-type: none"> <li>National Confederation of Agricultural Workers (CONTAG)</li> </ul>
<b>Bulgaria</b>
<ul style="list-style-type: none"> <li>Confederation of Independent Trade Unions in Bulgaria (KNSB/CITUB)</li> </ul>
<b>Cameroon</b>
<ul style="list-style-type: none"> <li>Cameroon United Workers Confederation (CTUC)</li> <li>Fako Agricultural Workers Union of Cameroon (FAWU)</li> </ul>
<b>Canada</b>
<ul style="list-style-type: none"> <li>United Food and Commercial Workers International Union (UFCW)</li> </ul>
<b>Chile</b>
<ul style="list-style-type: none"> <li>Single Central Organization (CUT)</li> </ul>
<b>Colombia</b>
<ul style="list-style-type: none"> <li>Confederation of Workers of Colombia (CTC)</li> <li>National Agro-Food Federation of Colombia (UNAC)</li> <li>National Union of Agro-industry Workers (SINTRAINAGRO)</li> <li>Single Confederation of Workers of Colombia (CUT)</li> </ul>
<b>Costa Rica</b>
<ul style="list-style-type: none"> <li>Confederation of Workers Rerum Novarum (CTRN)</li> <li>Free Industrial Union of Banana and Allied Workers of Costa Rica (SINTRACOBAL)</li> </ul>
<b>Denmark</b>
<ul style="list-style-type: none"> <li>United Federation of Danish Workers (3F)</li> </ul>
<b>Dominican Republic</b>
<ul style="list-style-type: none"> <li>Banana Workers' Trade Union "Project la Cruz de Manzanillo"</li> </ul>
<b>Ecuador</b>
<ul style="list-style-type: none"> <li>National Federation of Free Rural Workers of Ecuador (FENACLE)</li> <li>Trade Union Confederation of Workers of Ecuador (CSE)</li> </ul>



#### **El Salvador**

- Trade Union Federation of Food, Beverage, Hotel, Restaurant and Agro-Industry Workers of El Salvador (FESTSSABHRA)

#### **Finland**

- Central Organization of Finnish Trade Unions (SAK)

#### **Guatemala**

- General Confederation of Workers of Guatemala (CGTG)
- Izabal Banana Workers' Union (SITRABI)

#### **Honduras**

- Union of Workers of the National Agrarian Institute (SITRAINAHonduras)

#### **India**

- Estates Staffs Union of South India
- Hind Kisan Mazdoor Party, Bihar (HKMP)
- West Bengal Agricultural Workers' Union

#### **Italy**

- Italian Union of Labour (UIL)
- Italian General Confederation of Labour (CGIL)
- Italian Confederation of Workers' Union (CISL)

#### **Kenya**

- Kenya Union of Sugar Plantation and Allied Workers (KUSPAW)

#### **Korea, Republic of**

- Federation of Korean Trade Unions (FKTU)
- Korean Confederation of Trade Unions (KCTU)

#### **Kyrgyzstan**

- Agro-industrial Workers' Union of Kyrgyzstan (AIWU)

#### **Malawi**

- Plantation and Agricultural Workers Union of Malawi
- Tobacco and Allied Workers Union of Malawi (TOAWUM)

#### **Mexico**

- Revolutionary Confederation of Workers and Peasants (CROC)

#### **Myanmar**

- Agriculture and Farmer Federation of Myanmar (AFFM)

#### **Netherlands**

- Netherlands Trade Union Confederation (FNV)

#### **New Zealand**

- New Zealand Council of Trade Unions (NZCTU)

#### **Pakistan**

- Sindh Sugar Mill Workers Federation (SSMWF)

#### **Panama**

- National Confederation of United Independent Unions (CONUSI)

#### **Peru**

- Autonomous Workers' Confederation of Peru (CATP)
- National Federation of Workers of the Food, Beverage and Allied Sector

#### **Philippines**

- Trade Union Congress of the Philippines (TUCP)

#### **South Africa**

- Food and Allied Workers Union (FAWU)

#### **Spain**

- Federation of Industry and Agricultural Workers of the General Union Workers (FITAG-UGT)

**Sweden**

- Swedish Trade Union Confederation (LO)

**Switzerland**

- Swiss Federation of Trade Unions (USS/SGB)
- Swiss Union of Peasants (USP)

**Tunisia**

- General Federation of Tunisian Workers (UGTT)

**Turkey**

- Confederation of Turkish Trade Unions (TÜRK-İS)

**United Kingdom**

- Unite the Union

**Uruguay**

- Federation of Southern Rural and Agro-industrial Workers (UTRASURPA)

**Zambia**

- National Union of Plantation, Agricultural and Allied Workers (NUPAAW)

**Employers' organizations****Bangladesh**

- Bangladesh Employers' Federation (BEF)

**Finland**

- Central Union of Agricultural Producers and Forest Owners (MTK)
- Confederation of Finnish Industries (EK)

**Korea, Republic of**

- Korea Employers' Federation (KEF)

**New Zealand**

- Business New Zealand

**Sudan**

- Sudanese Businessmen and Employers Federation

**Turkey**

- Turkish Confederation of Employers' Associations (TISK)

**Uzbekistan**

- Chamber of Commerce of Uzbekistan



## Appendix V

### Ratification status (Conventions Nos 11, 87, 98 and 141)

Members	Convention No. 11	Convention No. 87	Convention No. 98	Convention No. 141
Afghanistan	–	–	–	Ratified 16/05/1979
Albania	Ratified 03/06/1957	Ratified 03/06/1957	Ratified 03/06/1957	Ratified 18/08/2004
Algeria	Ratified 19/10/1962	Ratified 19/10/1962	Ratified 19/10/1962	–
Angola	–	Ratified 13/06/2001	Ratified 04/06/1976	–
Antigua and Barbuda	Ratified 02/02/1983	Ratified 02/02/1983	Ratified 02/02/1983	–
Argentina	Ratified 26/05/1936	Ratified 18/01/1960	Ratified 24/09/1956	–
Armenia	–	Ratified 02/01/2006	Ratified 12/11/2003	–
Australia	Ratified 24/12/1957	Ratified 28/02/1973	Ratified 28/02/1973	–
Austria	Ratified 12/06/1924	Ratified 18/10/1950	Ratified 10/11/1951	Ratified 18/09/1978
Azerbaijan	Ratified 19/05/1992	Ratified 19/05/1992	Ratified 19/05/1992	–
Bahamas	Ratified 25/05/1976	Ratified 14/06/2001	Ratified 25/05/1976	–
Bahrain	–	–	–	–
Bangladesh	Ratified 22/06/1972	Ratified 22/06/1972	Ratified 22/06/1972	–
Barbados	Ratified 08/05/1967	Ratified 08/05/1967	Ratified 08/05/1967	–
Belarus	Ratified 06/11/1956	Ratified 06/11/1956	Ratified 06/11/1956	–
Belgium	Ratified 19/07/1926	Ratified 23/10/1951	Ratified 10/12/1953	Ratified 19/12/2003
Belize	Ratified 15/12/1983	Ratified 15/12/1983	Ratified 15/12/1983	Ratified 22/06/1999
Benin	Ratified 12/12/1960	Ratified 12/12/1960	Ratified 16/05/1968	–
Bolivia, Plurinational State of	–	Ratified 04/01/1965	Ratified 15/11/1973	–
Bosnia and Herzegovina	Ratified 02/06/1993	Ratified 02/06/1993	Ratified 02/06/1993	–
Botswana	–	Ratified 22/12/1997	Ratified 22/12/1997	–
Brazil	Ratified 25/04/1957	–	Ratified 18/11/1952	Ratified 27/09/1994
Brunei Darussalam	–	–	–	–
Bulgaria	Ratified 06/03/1925	Ratified 08/06/1959	Ratified 08/06/1959	–
Burkina Faso	Ratified 21/11/1960	Ratified 21/11/1960	Ratified 16/04/1962	Ratified 25/08/1997
Burundi	Ratified 11/03/1963	Ratified 25/06/1993	Ratified 10/10/1997	–
Cabo Verde	–	Ratified 01/02/1999	Ratified 03/04/1979	–
Cambodia	–	Ratified 23/08/1999	Ratified 23/08/1999	–
Cameroon	Ratified 07/06/1960	Ratified 07/06/1960	Ratified 03/09/1962	–
Canada	–	Ratified 23/03/1972	–	–

Members	Convention No. 11	Convention No. 87	Convention No. 98	Convention No. 141
Central African Republic	Ratified 27/10/1960	Ratified 27/10/1960	Ratified 09/06/1964	–
Chad	Ratified 10/11/1960	Ratified 10/11/1960	Ratified 08/06/1961	–
Chile	Ratified 15/09/1925	Ratified 01/02/1999	Ratified 01/02/1999	–
China	Ratified 27/04/1934	–	–	–
Colombia	Ratified 20/06/1933	Ratified 16/11/1976	Ratified 16/11/1976	–
Comoros	Ratified 23/10/1978	Ratified 23/10/1978	Ratified 23/10/1978	–
Congo	Ratified 10/11/1960	Ratified 10/11/1960	Ratified 26/11/1999	–
Costa Rica	Ratified 16/09/1963	Ratified 02/06/1960	Ratified 02/06/1960	Ratified 23/07/1991
Côte d'Ivoire	Ratified 21/11/1960	Ratified 21/11/1960	Ratified 05/05/1961	–
Croatia	Ratified 08/10/1991	Ratified 08/10/1991	Ratified 08/10/1991	–
Cuba	Ratified 22/08/1935	Ratified 25/06/1952	Ratified 29/04/1952	Ratified 14/04/1977
Cyprus	Ratified 08/10/1965	Ratified 24/05/1966	Ratified 24/05/1966	Ratified 28/06/1977
Czech Republic	Ratified 01/01/1993	Ratified 01/01/1993	Ratified 01/01/1993	–
Democratic Republic of the Congo	Ratified 20/09/1960	Ratified 20/06/2001	Ratified 16/06/1969	–
Denmark	Ratified 20/06/1930	Ratified 13/06/1951	Ratified 15/08/1955	Ratified 06/06/1978
Djibouti	Ratified 03/08/1978	Ratified 03/08/1978	Ratified 03/08/1978	–
Dominica	Ratified 28/02/1983	Ratified 28/02/1983	Ratified 28/02/1983	–
Dominican Republic	–	Ratified 05/12/1956	Ratified 22/09/1953	–
Ecuador	Ratified 10/03/1969	Ratified 29/05/1967	Ratified 28/05/1959	Ratified 26/10/1977
Egypt	Ratified 03/07/1954	Ratified 06/11/1957	Ratified 03/07/1954	–
El Salvador	–	Ratified 06/09/2006	Ratified 06/09/2006	Ratified 15/06/1995
Equatorial Guinea	–	Ratified 13/08/2001	Ratified 13/08/2001	–
Eritrea	–	Ratified 22/02/2000	Ratified 22/02/2000	–
Estonia	Ratified 08/09/1922	Ratified 22/03/1994	Ratified 22/03/1994	–
Ethiopia	Ratified 04/06/1963	Ratified 04/06/1963	Ratified 04/06/1963	–
Fiji	Ratified 19/04/1974	Ratified 17/04/2002	Ratified 19/04/1974	–
Finland	Ratified 19/06/1923	Ratified 20/01/1950	Ratified 22/12/1951	Ratified 14/09/1977
France	Ratified 23/03/1929	Ratified 28/06/1951	Ratified 26/10/1951	Ratified 10/09/1984
Gabon	Ratified 14/10/1960	Ratified 14/10/1960	Ratified 29/05/1961	–
Gambia	–	Ratified 04/09/2000	Ratified 04/09/2000	–
Georgia	–	Ratified 03/08/1999	Ratified 22/06/1993	–
Germany	Ratified 06/06/1925	Ratified 20/03/1957	Ratified 08/06/1956	Ratified 05/12/1978
Ghana	Ratified 14/03/1968	Ratified 02/06/1965	Ratified 02/07/1959	–
Greece	Ratified 13/06/1952	Ratified 30/03/1962	Ratified 30/03/1962	Ratified 17/10/1989
Grenada	Ratified 09/07/1979	Ratified 25/10/1994	Ratified 09/07/1979	–
Guatemala	Ratified 14/06/1988	Ratified 13/02/1952	Ratified 13/02/1952	Ratified 13/06/1989
Guinea	Ratified 21/01/1959	Ratified 21/01/1959	Ratified 26/03/1959	–
Guinea-Bissau	–	–	Ratified 21/02/1977	–
Guyana	Ratified 08/06/1966	Ratified 25/09/1967	Ratified 08/06/1966	Ratified 10/01/1983

Members	Convention No. 11	Convention No. 87	Convention No. 98	Convention No. 141
Haiti	–	Ratified 05/06/1979	Ratified 12/04/1957	–
Honduras	–	Ratified 27/06/1956	Ratified 27/06/1956	–
Hungary	–	Ratified 06/06/1957	Ratified 06/06/1957	Ratified 04/01/1994
Iceland	Ratified 21/08/1956	Ratified 19/08/1950	Ratified 15/07/1952	–
India	Ratified 11/05/1923	–	–	Ratified 18/08/1977
Indonesia	–	Ratified 09/06/1998	Ratified 15/07/1957	–
Iran, Islamic Republic of	–	–	–	–
Iraq	Ratified 01/04/1985	–	Ratified 27/11/1962	–
Ireland	Ratified 17/06/1924	Ratified 04/06/1955	Ratified 04/06/1955	–
Israel	–	Ratified 28/01/1957	Ratified 28/01/1957	Ratified 21/06/1979
Italy	Ratified 08/09/1924	Ratified 13/05/1958	Ratified 13/05/1958	Ratified 18/10/1979
Jamaica	Ratified 08/07/1963	Ratified 26/12/1962	Ratified 26/12/1962	–
Japan	–	Ratified 14/06/1965	Ratified 20/10/1953	–
Jordan	–	–	Ratified 12/12/1968	–
Kazakhstan	–	Ratified 13/12/2000	Ratified 18/05/2001	–
Kenya	Ratified 13/01/1964	–	Ratified 13/01/1964	Ratified 09/04/1979
Kiribati	–	Ratified 03/02/2000	Ratified 03/02/2000	–
Korea, Republic of	–	–	–	–
Kuwait	–	Ratified 21/09/1961	Ratified 09/08/2007	–
Kyrgyzstan	Ratified 31/03/1992	Ratified 31/03/1992	Ratified 31/03/1992	–
Lao People's Democratic Republic	–	–	–	–
Latvia	Ratified 09/09/1924	Ratified 27/01/1992	Ratified 27/01/1992	–
Lebanon	–	–	Ratified 01/06/1977	–
Lesotho	Ratified 31/10/1966	Ratified 31/10/1966	Ratified 31/10/1966	–
Liberia	–	Ratified 25/05/1962	Ratified 25/05/1962	–
Libya	–	Ratified 04/10/2000	Ratified 20/06/1962	–
Lithuania	Ratified 26/09/1994	Ratified 26/09/1994	Ratified 26/09/1994	–
Luxembourg	Ratified 16/04/1928	Ratified 03/03/1958	Ratified 03/03/1958	–
Madagascar	Ratified 01/11/1960	Ratified 01/11/1960	Ratified 03/06/1998	–
Malawi	Ratified 22/03/1965	Ratified 19/11/1999	Ratified 22/03/1965	–
Malaysia	–	–	Ratified 05/06/1961	–
Maldives, Republic of	–	Ratified 04/01/2013	Ratified 04/01/2013	–
Mali	Ratified 22/09/1960	Ratified 22/09/1960	Ratified 02/03/1964	Ratified 12/06/1995
Malta	Ratified 04/01/1965	Ratified 04/01/1965	Ratified 04/01/1965	Ratified 09/06/1988
Marshall Islands	–	–	–	–
Mauritania	Ratified 20/06/1961	Ratified 20/06/1961	Ratified 03/12/2001	–
Mauritius	Ratified 02/12/1969	Ratified 01/04/2005	Ratified 02/12/1969	–
Mexico	Ratified 20/05/1937	Ratified 01/04/1950	–	Ratified 28/06/1978
Moldova, Republic of	Ratified 04/04/2003	Ratified 12/08/1996	Ratified 12/08/1996	Ratified 04/04/2003

Members	Convention No. 11	Convention No. 87	Convention No. 98	Convention No. 141
Mongolia	–	Ratified 03/06/1969	Ratified 03/06/1969	–
Montenegro	Ratified 03/06/2006	Ratified 03/06/2006	Ratified 03/06/2006	–
Morocco	Ratified 20/05/1957	–	Ratified 20/05/1957	–
Mozambique	Ratified 06/06/1977	Ratified 23/12/1996	Ratified 23/12/1996	–
Myanmar	Ratified 11/05/1923	Ratified 04/03/1955	–	–
Namibia	–	Ratified 03/01/1995	Ratified 03/01/1995	–
Nepal	–	–	Ratified 11/11/1996	–
Netherlands	Ratified 20/08/1926	Ratified 07/03/1950	Ratified 22/12/1993	Ratified 26/01/1977
New Zealand	Ratified 29/03/1938	–	Ratified 09/06/2003	–
Nicaragua	Ratified 12/04/1934	Ratified 31/10/1967	Ratified 31/10/1967	Ratified 01/10/1981
Niger	Ratified 27/02/1961	Ratified 27/02/1961	Ratified 23/03/1962	–
Nigeria	Ratified 16/06/1961	Ratified 17/10/1960	Ratified 17/10/1960	–
Norway	Ratified 11/06/1929	Ratified 04/07/1949	Ratified 17/02/1955	Ratified 24/11/1976
Oman	–	–	–	–
Pakistan	Ratified 11/05/1923	Ratified 14/02/1951	Ratified 26/05/1952	–
Palau	–	–	–	–
Panama	Ratified 19/06/1970	Ratified 03/06/1958	Ratified 16/05/1966	–
Papua New Guinea	Ratified 01/05/1976	Ratified 02/06/2000	Ratified 01/05/1976	–
Paraguay	Ratified 16/05/1968	Ratified 28/06/1962	Ratified 21/03/1966	–
Peru	Ratified 08/11/1945	Ratified 02/03/1960	Ratified 13/03/1964	–
Philippines	–	Ratified 29/12/1953	Ratified 29/12/1953	Ratified 18/06/1979
Poland	Ratified 21/06/1924	Ratified 25/02/1957	Ratified 25/02/1957	Ratified 29/11/1991
Portugal	Ratified 27/09/1977	Ratified 14/10/1977	Ratified 01/07/1964	–
Qatar	–	–	–	–
Romania	Ratified 10/11/1930	Ratified 28/05/1957	Ratified 26/11/1958	–
Russian Federation	Ratified 10/08/1956	Ratified 10/08/1956	Ratified 10/08/1956	–
Rwanda	Ratified 18/09/1962	Ratified 08/11/1988	Ratified 08/11/1988	–
Saint Kitts and Nevis	–	Ratified 25/08/2000	Ratified 04/09/2000	–
Saint Lucia	Ratified 14/05/1980	Ratified 14/05/1980	Ratified 14/05/1980	–
Saint Vincent and the Grenadines	Ratified 21/10/1998	Ratified 09/11/2001	Ratified 21/10/1998	–
Samoa	–	Ratified 30/06/2008	Ratified 30/06/2008	–
San Marino	–	Ratified 19/12/1986	Ratified 19/12/1986	–
Sao Tome and Principe	–	Ratified 17/06/1992	Ratified 17/06/1992	–
Saudi Arabia	–	–	–	–
Senegal	Ratified 04/11/1960	Ratified 04/11/1960	Ratified 28/07/1961	–
Serbia	Ratified 24/11/2000	Ratified 24/11/2000	Ratified 24/11/2000	–
Seychelles	Ratified 06/02/1978	Ratified 06/02/1978	Ratified 04/10/1999	–
Sierra Leone	–	Ratified 15/06/1961	Ratified 13/06/1961	–
Singapore	Ratified 25/10/1965	–	Ratified 25/10/1965	–

Members	Convention No. 11	Convention No. 87	Convention No. 98	Convention No. 141
Slovakia	Ratified 01/01/1993	Ratified 01/01/1993	Ratified 01/01/1993	–
Slovenia	Ratified 29/05/1992	Ratified 29/05/1992	Ratified 29/05/1992	–
Solomon Islands	Ratified 06/08/1985	Ratified 13/04/2012	Ratified 13/04/2012	–
Somalia	–	Ratified 20/03/2014	Ratified 20/03/2014	–
South Africa	–	Ratified 19/02/1996	Ratified 19/02/1996	–
South Sudan	–	–	Ratified 29/04/2012	–
Spain	Ratified 29/08/1932	Ratified 20/04/1977	Ratified 20/04/1977	Ratified 28/04/1978
Sri Lanka	Ratified 25/08/1952	Ratified 15/09/1995	Ratified 13/12/1972	–
Sudan	–	–	Ratified 18/06/1957	–
Suriname	Ratified 15/06/1976	Ratified 15/06/1976	Ratified 05/06/1996	–
Swaziland	Ratified 26/04/1978	Ratified 26/04/1978	Ratified 26/04/1978	–
Sweden	Ratified 27/11/1923	Ratified 25/11/1949	Ratified 18/07/1950	Ratified 19/07/1976
Switzerland	Ratified 23/05/1940	Ratified 25/03/1975	Ratified 17/08/1999	Ratified 23/05/1977
Syrian Arab Republic	Ratified 26/07/1960	Ratified 26/07/1960	Ratified 07/06/1957	–
Tajikistan	Ratified 26/11/1993	Ratified 26/11/1993	Ratified 26/11/1993	–
Tanzania, United Republic of	Ratified 19/11/1962	Ratified 18/04/2000	Ratified 30/01/1962	–
Thailand	–	–	–	–
The former Yugoslav Republic of Macedonia	Ratified 17/11/1991	Ratified 17/11/1991	Ratified 17/11/1991	–
Timor-Leste	–	Ratified 16/06/2009	Ratified 16/06/2009	–
Togo	Ratified 07/06/1960	Ratified 07/06/1960	Ratified 08/11/1983	–
Trinidad and Tobago	–	Ratified 24/05/1963	Ratified 24/05/1963	–
Tunisia	Ratified 15/05/1957	Ratified 18/06/1957	Ratified 15/05/1957	–
Turkey	Ratified 29/03/1961	Ratified 12/07/1993	Ratified 23/01/1952	–
Turkmenistan	–	Ratified 15/05/1997	Ratified 15/05/1997	–
Tuvalu	–	–	–	–
Uganda	Ratified 04/06/1963	Ratified 02/06/2005	Ratified 04/06/1963	–
Ukraine	Ratified 14/09/1956	Ratified 14/09/1956	Ratified 14/09/1956	–
United Arab Emirates	–	–	–	–
United Kingdom	Ratified 06/08/1923	Ratified 27/06/1949	Ratified 30/06/1950	Ratified 15/02/1977
United States	–	–	–	–
Uruguay	Ratified 06/06/1933	Ratified 18/03/1954	Ratified 18/03/1954	Ratified 19/06/1989
Uzbekistan	–	–	Ratified 13/07/1992	–
Vanuatu	–	Ratified 28/08/2006	Ratified 28/08/2006	–
Venezuela, Bolivarian Republic of	Ratified 20/11/1944	Ratified 20/09/1982	Ratified 19/12/1968	Ratified 05/07/1983
Viet Nam	–	–	–	–
Yemen	–	Ratified 29/07/1976	Ratified 14/04/1969	–
Zambia	Ratified 02/12/1964	Ratified 02/09/1996	Ratified 02/09/1996	Ratified 04/12/1978
Zimbabwe	–	Ratified 09/04/2003	Ratified 27/08/1998	–