
INTERNATIONAL LABOUR ORGANIZATION
BUREAU FOR WORKERS' ACTIVITIES

Background paper

Decent work in agriculture

**International Workers' Symposium on
Decent Work in Agriculture**

Geneva, 15-18 September 2003



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Introduction

The ILO has signalled its intention in this period of global transition to promote the goal of securing decent work for women and men everywhere. Decent work is a global demand today and the ILO has translated this demand into four interrelated pillars, which together comprise the Decent Work Agenda.¹ These pillars of decent work are: fundamental principles and rights at work; employment; social protection; and social dialogue. The overall concept of decent work thus encompasses many issues. These include inter alia: access to freely chosen employment exercised under safe and non-discriminatory conditions; adequate income in relation to basic economic, social and family needs and responsibilities; fair and equal treatment irrespective of national origin, race, ethnicity, gender or age; adequate social protection; opportunities for training and skills development; and freedom to participate in decision-making on issues that affect work, either directly or indirectly through freely chosen representatives.²

These characteristics constitute key elements of any programme for upholding human rights and ensuring social justice, and as such they provide an equity framework. Equally important, however, is the fact that they are also necessary for the sustainable enhancement of productivity and thus also provide an efficiency framework for socio-economic development. The emergence of the rights-based approach to development, the growing emphasis on poverty reduction and awareness in some quarters of links between agriculture and sustainable development are all helping to create a more favourable international environment for raising critical issues in agriculture. The rationale for decent work in agriculture thus comes from two distinct perspectives: firstly, the perspective of fundamental and universal rights; and secondly, the perspective of the role of decent work in sustainable agriculture and poverty reduction, and thus of its contribution to sustainable development understood as economically viable, ecologically balanced and socially just development.

This rationale underlies the present paper, which builds on previous work undertaken by the ILO and other organizations over many years. But more particularly the aim of the paper is to locate the question of agriculture and agricultural workers centrally within the ILO framework for decent work. It is extremely timely that consideration is being given to the concept of decent work as it applies to agriculture, the sector which produces the world's food, where millions of women, men and children seek their livelihoods, and where there are still too many deficits in decent work. The Symposium on Decent Work in Agriculture, organized by the ILO Bureau for Workers' Activities on 15-18 September 2003 in Geneva, provides an opportunity to highlight some of these deficits and to bring the situation of millions of waged agricultural workers to the global prominence it merits. It is also important that, in addition to highlighting deficits, recent developments and experiences in addressing some of the shortfalls are highlighted and information on good practice is disseminated.

¹ ILO: *Decent work*, Report of the Director-General, International Labour Conference, 87th Session, Geneva, 1999.

² "Decent work issues and policies", <http://www.ilo.org/intranet/english/bureau/dwpp/pilot/paper1/1.htm>

ILO policy regarding agricultural workers

ILO policy has been concerned with the situation of agricultural workers since it was founded. As early as 1921, the International Labour Conference adopted the Right of Association (Agriculture) Convention, 1921 (No. 11), which aimed to secure the same rights of association for those engaged in agriculture as for industrial workers. An important feature of ILO policy towards agricultural workers concerns the extension of elements of social protection, and a series of instruments specific to agriculture have been adopted since the early 1920s.³ More recently, the trend has been towards more general instruments that apply to all categories of workers, and many of the agriculture-specific instruments have been revised. An exception, welcomed by representatives of agricultural workers, is the Safety and Health in Agriculture Convention, 2001 (No. 184) adopted by the International Labour Conference in 2001. This new Convention comes into force on 20 September 2003.

Associated with these developments in international instruments, the ILO Committee on Work in Plantations met regularly from 1950 onwards, holding its tenth and final session in 1994. Thereafter, under the revised system of sectoral tripartite meetings, two such meetings were held. The Tripartite Meeting on Improving the Conditions of Employment and Work of Agricultural Wage Workers in the Context of Economic Restructuring was held in September 1996. The Tripartite Meeting on Moving to Sustainable Agricultural Development through the Modernization of Agriculture and Employment in a Globalized Economy was held in September 2000.

Scope of this paper

The present symposium provides an important opportunity to alert the ILO to specific recent developments in the agricultural sectors in different regions of the world, from the perspective of organizations representing waged agricultural workers. The paper provides a framework for the wide-ranging discussions and strategy development that are needed in order to move the question of decent work deficits for waged agricultural workers higher up on the international agenda, where it should be. This paper is a contribution to these discussions.

The paper does not provide a comprehensive analysis of the content or process of WTO agreements and their impact on food and agriculture in all regions of the world, although this is clearly one of the overarching aspects and key factors in the overall policy environment. It is apparent from many of the background materials produced for the symposium that there are common experiences of the impact of these agreements. There are also experiences specific to particular regions or countries. Wherever possible, these regional perspectives are highlighted in the paper, although of necessity this is more of a synthesis than an in-depth discussion.

³ These include: the Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); the Sickness Insurance (Agriculture) Convention, 1927 (No. 25); the Old-Age Insurance (Agriculture) Convention, 1933 (No. 36); the Invalidity Insurance (Agriculture) Convention, 1933 (No. 38); the Survivors' Insurance (Agriculture) Convention, 1933 (No. 40); the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99); the Holidays with Pay (Agriculture) Convention, 1952 (No. 101); the Labour Inspection (Agriculture) Convention, 1969 (No. 129) and Recommendation No. 133 of 1969; and the Plantations Convention, 1958 (No. 110) and Recommendation No. 110 of 1958. Most recently, the International Labour Conference adopted the Safety and Health in Agriculture Convention, 2001 (No. 184).

The paper is structured around the framework provided by the four pillars of the Decent Work Agenda, namely, fundamental principles and rights, employment and incomes, social protection and social dialogue. There are many linkages between these, and various themes and issues are cross-cutting in nature and reflected across several or all of the pillars. These suggest a possible focus for developing strategies. There are five sections in the paper. The first section outlines some global processes over the last decade that have profoundly influenced the agricultural sector in all regions. Subsequent sections take up the four pillars of decent work, examining them from the specific perspective of agriculture and waged agricultural workers.

An underlying and recurring question is to what extent, if at all, the agenda of corporate globalization can be compatible with the agenda for decent work in agriculture: what are the areas of possible collaboration and what are the implications for trade union strategies and the role of the ILO?

1. Defining the context: Global processes, linkages and local impacts

Globalization provides the overall context for the present consideration of decent work in agriculture. The complex processes set in motion through the globalization of agriculture have impacted on agricultural workers and their conditions of work and life in all regions of the world. These impacts have varied between and within regions, and the specific experiences of individual countries have been shaped by a number of factors including macroeconomic and trade policies. In all cases, however, the impacts on waged agricultural workers, who constitute a major part of the overall rural labour force employed in agriculture, have been significant. The agricultural labour force includes waged agricultural workers, wage-dependent small farmers and self-employed farmers. Some recent indications are that conditions are deteriorating in many instances, suggesting substantial and alarming decent work deficits for much of this labour force.

Box 1 Some decent work deficits in agriculture ¹

Every year:

- at least 170,000 agricultural workers are killed as a result of workplace accidents, and some 40,000 of these deaths are from exposure to pesticides;
- between 3 and 4 million people are affected by hazardous pesticides and suffer from severe poisoning, work-related cancer or reproductive impairments;
- in some countries, women account for more than half the total agricultural labour force, and the majority are in irregular and casual forms of employment. Indications are that these forms of employment are growing and so is the proportion of women in them;
- some 70 per cent of all child labour is employed in agriculture, a large proportion in the worst forms of child labour;
- agricultural workers are among the groups with the highest incidence of poverty in many countries;
- only 5 per cent of the world's 1.3 billion agricultural workers have access to any labour inspection system;
- the majority of waged agricultural workers are excluded from social protection;
- probably less than 10 per cent of the world's waged agricultural workers are organized and represented in trade unions or rural workers' organizations.

And the list of deficits continues.

¹IUF: *The WTO and the World Food System: A trade union approach* (Geneva, 2002), p. 3.

The extent and range of deficits thus pose new challenges for the representatives of the millions of men, women and children who rely on waged work in agriculture, and who are finding it increasingly difficult in reality to rely on employment in agriculture for their livelihoods. Trade unions and rural workers' organizations throughout the world are confronting these challenges and attempting to find ways to redress the situation. The extent and pervasiveness of these deficits are challenges, too, for those employers and enterprises grappling with the notion and implications of "corporate responsibility" and "socially responsible investment", and for governments in all regions who are increasingly being called to account for responsible governance. The ILO too, being uniquely placed through its tripartite structure and mandate, is called upon to take up this challenge to decent work in agriculture.

Waged agricultural workers

The ILO Decent Work Agenda must be applied in the world's agricultural sector if the notion of sustainable development is to have any concrete expression in reality. The present situation is clearly not sustainable. There are several critical relationships underlying the discussion of decent work in agriculture, in which waged agricultural workers are directly and indirectly implicated. Firstly, there is the obvious connection between poverty reduction efforts and sustainable agriculture, since waged agricultural workers comprise a high proportion among poverty-affected groups. Secondly, and related to the first, there is the relationship between rural incomes, livelihoods and food security. Thirdly, there are the linkages that exist between all of these key policy areas – sustainable agriculture, incomes, poverty reduction and food security – which impact on the situation of waged agricultural workers. The conditions of waged agricultural workers are in turn very important in defining the overall policy context.

The key question underlying all these relationships is which groups are we talking about? The clear definition and disaggregation of such categories as the “rural poor”, “landless” “agricultural wage workers”, “wage-dependent small farmers” and “self-employed farmers” is essential both for identifying those groups most affected by deficits and for developing appropriate responses and strategies for addressing the deficits.

Box 2
Defining waged agricultural workers ¹

Waged agricultural workers are the women and men who labour in the crop fields, orchards, glasshouses, livestock units and primary processing facilities to produce the world's food and fibres. They are employed on everything from small and medium-sized farms to large industrialized farms and plantations. They are waged workers because they do not own or rent the land on which they work or, usually, the tools and equipment they use. They are a group distinct from farmers.

Such workers include the following categories: permanent agricultural workers; temporary agricultural workers; seasonal/casual agricultural workers; migrant agricultural workers; piece-rate workers; and workers receiving some form of “in-kind” payment. There are also many indigenous agricultural workers who are part of the employed workforce. Agricultural workers work for some kind of “wage”, which can include payment in kind in an employment relationship, be it with a farmer, farming or plantation company, or agricultural contractor.

¹ ILO/IUF: *Promoting the role of agricultural workers and trade unions in sustainable agriculture and rural development*, World Summit on Sustainable Development, 2002.

The total agricultural labour force includes waged agricultural workers, self-employed farmers and self-employed workers. The definition of waged agricultural workers in box 2 recognizes that women and men in this group (and children in many contexts) form part of this larger rural agricultural labour force and are engaged predominantly in cultivation and harvesting in plantations, commercial agriculture, horticulture and primary agricultural processing, as distinct from small-holder farming, where there are significant amounts of unpaid family labour. Although waged agricultural workers are seen as a group distinct from small farmers, it is recognized that there is often an overlap with self-employed small farmers, where the latter are regularly wage-dependent on a seasonal or casual basis and supplement their low incomes with paid work on other farms or plantations. For example, it has been estimated that in *Mexico*, as many

as 4.8 million small farmers, approximately three-quarters of the rural labour force, were employed as waged workers for at least part of the year.¹

Clearly, in situations where small farmers are regularly wage-dependent, and this is certainly the case for a high proportion of women farmers in Africa, they may have several needs in common with other categories of waged agricultural workers employed on non-permanent conditions, such as temporary, seasonal or casual waged agricultural workers. Furthermore, as waged employment in agriculture becomes increasingly “casualized”, these distinctions become less apparent. What is critical, however, is the form of the employment relationship, and here the distinctions remain very clear-cut in terms of entitlements, conditions, benefits and protection.

Before looking at recent information concerning these types of conditions, it is useful to map out briefly some of the processes over the past decade which have fundamentally influenced and continue to shape the agricultural sector in all regions.

1.1. Global processes and agriculture

Globalization is the result of several interlinked processes and developments. The following are among the key factors: the growth and importance of foreign direct investment (FDI), which provides a greater role for multinational enterprises; the consolidation of corporate control; the internationalism of financial markets; the development and diffusion of communication and transport technologies; deregulation, market reforms and liberalization; and privatization of the public sector. The international environment is constantly evolving, as a result of these processes and of changes in the international policy framework, including WTO agreements and other international instruments and arrangements. These processes have been and continue to be reflected in the ongoing structural changes seen in national economies in all regions, with significant impacts on their agricultural sectors, in particular the restructuring undertaken in subsectors such as sugar. These changes have been comprehensively documented since the mid-1980s by the ILO and others institutions.²

Related to the foregoing is the way in which these processes have in turn harnessed, utilized, modified and impacted on existing labour markets, labour relations and employment practices. Although much more context-specific research is needed before we can draw strong policy conclusions, there are already clear indications that the nature and extent of these impacts are contributing to a range of deficits, which are becoming increasingly apparent in the growing inequalities at both global and local levels. To a great extent, it is the nature of these deficits that is defining both the scope for and constraints on trade union action globally in the agricultural sector.

¹ Plant: *The role for rural workers' organizations in economic and social development: A case study of ILO's Convention No. 141 in Mexico and the Philippines*, World Employment Programme Working Paper (ILO, Geneva, 1993).

² See in particular ILO: *Recent developments in the plantations sector*, Committee on Work on Plantations, Tenth Session, Report I (Geneva, 1994); ILO: *Wage workers in agriculture: Conditions of employment and work*, Report for discussion at the Tripartite Meeting on Improving the Conditions of Employment and Work of Agricultural Wage Workers in the Context of Economic Restructuring (Geneva, 1996); and ILO: *Sustainable agriculture in a globalized economy*, Report for discussion at the Tripartite Meeting on Moving to Sustainable Agricultural Development through the Modernization of Agriculture and Employment in a Globalized Economy (Geneva, 2000). See also the series of studies undertaken by the ILO Sectoral Activities Programme.

Some of these processes, their linkages and impacts at national and local level, are outlined below and are further developed in subsequent sections which examine each of the four pillars of the Decent Work Agenda from the perspective of the agricultural sector.

1.1.1. Foreign direct investment (FDI) and the role of multinational enterprises

Foreign direct investment (FDI) inflows into economies around the world have been growing rapidly. However, the pattern of FDI inflows is highly skewed, and of the total global FDI inflows of US\$1,491,934 million in 2000, less than 16 per cent went to “developing countries and territories”. This broad category includes: 40 countries in South and Central America and the Caribbean which received approximately 6.4 per cent; 48 countries in Asia, including China, which had less than 9 per cent of FDI inflows; nine countries in Oceania which received a negligible amount; and five countries in the former Yugoslavia which received 1.67 per cent of total inflows. In global terms, Africa’s economies receive a very small share of FDI inflows. In 2000, 52 countries in North Africa and the rest of Africa received only 0.58 per cent of global inflows, which had declined from 1.2 per cent in 1999.³ The pattern of inflows also reveals considerable fluctuation for many developing countries, although figures for inflows for the years 1980, 1990, 1995 and 2000 indicate a general upward trend for most developing countries. The key issue is clearly what proportion of the FDI is going to the agricultural sector. In Africa, while most FDI goes to mining, minerals and petroleum, in some countries plantation agriculture, particularly non-traditional export crops, appears to be attracting foreign investment. This is the case in *Kenya*, for example, where agriculture is one of the three main sectors attracting FDI.

An important link for national economies to investment funds and global markets is through multinational enterprises or transnational corporations. This is particularly true for economies in Africa, despite the relatively low FDI inflows, and some national governments make considerable efforts to attract foreign investment and encourage multinational enterprises, joint ventures or transnational corporation activities. Thus, foreign investment is usually preceded by economic reforms to boost investor confidence by, for example, reducing corporate tax rates. Various investment incentives are offered, for example, exemption from import duty on plant and equipment to attract investment in floriculture in *Uganda*. However, and very importantly from the perspective of promoting decent work in agriculture, efforts by national governments to attract foreign investment have also frequently included restrictions on trade union activities.⁴ This point is further developed in sections 2 and 5 in relation to the first and fourth pillars of the Decent Work Agenda, namely fundamental rights and social dialogue.

Despite the low levels of FDI inflows to African countries in global terms, the impact at local level has, in some cases, been quite significant. Agriculture, particularly the horticulture subsector producing non-traditional export crops, appears to be an important sector attracting foreign investment in several countries in East Africa, such as *Uganda*, *Kenya* and the *United Republic of Tanzania*. In fact, inflows of FDI to 11 countries in the East African subregion grew fivefold from less than \$500 million in the period 1987-92 to over \$2.6 billion in the period 1993-98. *Kenya*, the largest economy in East Africa,

³ UNCTAD: “Foreign direct investment: Inward and outward flows”, *Handbook of Statistics* (Geneva, 2002), table 6.2, pp. 274-281.

⁴ For example, *Uganda’s 1991 Investment Code*.

experienced a tripling of FDI from \$42 million in 1999 to \$127 million in 2000.⁵ By 1999, there were no less than 96 foreign affiliates operating in the country, and with recent economic reforms such as reductions in corporate tax rates, the growth in FDI for 2000 appeared to demonstrate investor confidence. Significantly, plantation agriculture was one of the three main sectors to attract the highest level of foreign investment in *Kenya*. In 2001, however, FDI declined to \$60 million, a further indicator of the significant fluctuations in FDI experienced by many developing countries.⁶

1.1.2. The consolidation of corporate control: Aggravating global inequality

The IUF together with many other analysts sees the power of transnational corporations (TNCs) based in the North, and the support they receive from political elites at home and abroad, as the real factor underlying global inequality, rather than a simplistic North versus South dichotomy. This is born out in analyses which illustrate the extent of corporate monopolization and control of the world food system and food and agricultural policy-making around the world. Some striking examples include the following:

- the top ten agro-chemical companies control about 80 per cent of the \$32 billion global market;
- 80 per cent of world grain is distributed by two companies;
- approximately 75 per cent of the banana trade is controlled by five corporations;
- three corporations control 83 per cent of the cocoa trade;
- three other corporations control 85 per cent of the tea trade;⁷
- five big coffee roasters each have sales of \$1 billion or more per year, with huge profit margins. Together they buy almost half the world's coffee beans. The price for coffee grown has fallen by almost 50 per cent in the past three years and producer-country exports capture less than 10 per cent of the value of the coffee market, compared with one-third ten years ago.⁸

The strategy of agri-food TNCs to expand markets for their produce in developing countries involves destroying local competition, gaining control over growing markets and increasing these countries' dependence on food imports. The conversion of land use to non-traditional agricultural exports creates "a paradoxical situation of increased dependency on TNCs for access to markets and distribution and inputs – including seed – while importing heavily subsidized agricultural products to substitute for the traditional

⁵ UNCTAD, loc. cit.

⁶ ILO: *Kenya facing the challenge of Africa's integration in the global economy: The role of multinational enterprises in the plantations sector*. Multinational Enterprises and Social Policy Working Paper No. 91 (Geneva, 2002); UNCTAD: *World Investment Report 2001: Promoting linkages* (Geneva, 2001).

⁷ IUF: *The WTO and the world food system*, op. cit., pp. 13-14.

⁸ Oxfam: *Mugged: Poverty in your coffee cup* (Oxfam International, 2002).

crops originally displaced”.⁹ In the *Philippines*, for example, heavily subsidized corn from the United States undercuts local corn prices by 20 per cent. The Philippine Government’s promotion of cash crop exports to replace rice and corn has involved the conversion of 5 million hectares of land to livestock production, land which had previously been used to grow these two crops, making the *Philippines* a “regular corn importer”. The livestock sector in turn is now in the process of being “opened up” with greater access for United States pork and poultry exporters. And so the cycle continues.

Almost every national economy in the South has its examples of this process and, to varying degrees, its own experiences of increasing transnational corporate control over domestic food production and trade. Historically, both developed and developing countries have achieved food security through enhanced domestic food production. And yet there is now a net cereal deficit for developing countries which has risen over the past three decades to 103 million tons, equivalent to 9 per cent of consumption in 1997-99. That deficit is projected to increase to 14 per cent of consumption by 2030. Options for bridging the gap involve increased surpluses from traditional grain exporters and new exports from the transition countries.¹⁰ This could be a precarious trend, and it is overshadowed by the debate on developments in biotechnology, particularly developments in relation to genetically modified seeds and crops (GMOs), which are viewed with scepticism in some quarters and alarm in others, including poor countries which fear the introduction of GMOs into their agricultural systems and practices.¹¹

The reasons for declining food yields and outputs in developing countries are complex, but what happens to the output of food staple(s) has a major impact on poverty trends, as those foods typically account for 45-60 per cent of consumption among the rural poor, according to IFAD’s recent report on rural poverty. In poorer countries and regions, this percentage tends to be even higher. In the 1990s, growth in food staple yield slowed down substantially, as did the rate of poverty decline. By contrast, during the 1970s and for most of the 1980s, food staple yields had risen and there was a corresponding decline in poverty rates.¹²

There are many other examples of the increasing corporate control in the global economy, such as the restructuring which has been taking place in the international sugar industry over two decades. This restructuring has been accompanied by continuing concentration of ownership and control of the industry through consolidation of TNCs within particular regions. This is reflected in some quite dramatic changes in patterns of production shown in box 3.

The overall policy environment which facilitated this consolidation and control during the 1990s was created in large part by the plethora of programmes for market reform and liberalization which swept through the world economy in the early 1990s.

⁹ IUF, loc. cit.

¹⁰ FAO: *World agriculture: Towards 2015/2030 summary report* (Rome, 2002), p. 3.

¹¹ Aspects of the debate on genetically modified crops were mentioned in ILO: *Sustainable agriculture in a globalized economy* (Geneva, 2000), op. cit., Ch. 4. Trade unions in Africa and Latin America, for example, have strong positions on the GMO debate. See “Resolution on the impact of GMOs on food safety and food security” discussed at the 24th World Congress of the IUF, 14-17 May 2002.

¹² IFAD: *Rural Poverty Report 2001: The challenge of ending rural poverty* (Oxford, 2001).

1.1.3. Market reforms and liberalization: Opening the way for market forces

The liberalization programmes and market reforms adopted and widely implemented in the early 1990s have had enormous impacts on the agricultural sectors in many countries and regions. Some industries were particularly affected. The reform programmes introduced privatization and deregulation and affected sugar industries which were accustomed to a high level of state intervention in both “market” and “centrally planned” economies.¹³ Together with important political developments such as the collapse of the former Soviet Union, these effects are reflected in some important regional trends.

Box 3

A brief overview of production trends in the global sugar economy¹

The world's total sugar output has risen from 73 million tons in 1970 to 136 million tons in 2001-02. Several significant trends and developments over 1970-71 to 2001-02 are evident.

- Asia and South America have increased their contribution to global sugar production from 29.1 per cent in 1970-71 to 54.4 per cent in 2001-02 (with 32.6 per cent contributed by some 40 countries in Asia, including giants such as *India* and *China*, but also new producers such as *Thailand*, *Indonesia* and *Pakistan*).
- South America's experience is dominated by *Brazil*, supported by an increasingly efficient Colombian industry. The Brazilian fuel alcohol and sugar industry has become perhaps the biggest single factor in the global sugar economy.
- The percentage contribution of North and Central America (including the Caribbean area) declined from 19.3 to 15.5 per cent, mainly owing to the Cuban crisis, with the announced closure of almost 50 per cent of the country's 156 mills, and falls in the *Dominican Republic* and *Jamaica*.
- The share of world sugar output in Eastern Europe dropped dramatically from 17.4 to 5.2 per cent, with major production shortfalls in the *Russian Federation* and *Ukraine* related to the political and economic turmoil following the collapse of the Soviet Union.
- Western Europe's contribution has declined slightly from 15.8 to 13.6 per cent over the period.
- Africa's contribution to total sugar production remains relatively small, at 7.3 per cent, but it is responsible for over 14 per cent of sugar imports.

¹ IUF: *Structural aspects of the sugar industry in East and southern Africa* (Draft report on regional sugar project, 2003).

The example of sugar

Sugar industries are important to many domestic economies in Africa with eight countries exporting sugar to the European Union under the Sugar Protocol to the agreement with African, Caribbean and Pacific countries (ACP).¹⁴ Many other African countries are importers, with Africa accounting for over 14 per cent of world sugar imports in 2001-02. Almost 40 per cent of sugar exports went to Asia. However, sugar markets are changing and there is pressure for reform of the ACP Sugar Protocol owing to regional developments, such as the reform of the Common Agricultural Policy (CAP) which includes the domestic sugar regime, the enlargement of the European Union to include

¹³ For an insight into recent trends in the Caribbean sugar industry, see J. Chullen: “Workers in a dialogue-less restructuring of Trinidad’s sugar industry”, in *Labour Education*, No. 134/2003 (ILO, Geneva).

¹⁴ These include Mauritius (the largest exporter under the Sugar Protocol), which has over 90 per cent of its arable land under sugar cane, Swaziland, Malawi, Madagascar, Democratic Republic of the Congo, Côte d’Ivoire and the United Republic of Tanzania. Zimbabwe’s production has been affected by the recent political turmoil.

Central and Eastern European Countries (CEECs), some of which are sugar producers, and the free trade agreement with the western Balkans.

Sugar, like few other crops, carries a high political content. Because in many countries it is considered a staple food, its consumption is sensitive to changes in price and governments tend to respond to organized pressure and lobbying from growers. Sugar has also been characterized by a high level of state involvement in both market and centrally planned economies, with state intervention either through direct ownership of production facilities (factories and land) or through regulation of the industry through international and domestic trade, fixing prices for cane or beet crops and sugar. For example, in the United States, which has a powerful sugar industry, lobby protection to the domestic sugar industry was renewed and enhanced in early 2002, when the Government passed the new Farm Act. The tariff-rate sugar quota system, through which the United States currently grants preferential treatment to some 40 countries, may come under pressure in the future.

Assessing the impact of these global processes on domestic sugar industries, one commentator noted that:

The industry has known these developments for a long time, but in the early 1990s, the massive introduction of market reforms and economic liberalization programmes identified efficiency with profit making. Increasingly, sugar industries around the world found themselves measured against lower-cost producers and pressed to perform as profit-makers, even state-owned enterprises ... whose primary goal has never been profits".¹⁵

And increasingly, one area for increasing profits is through the widespread use of sugar "outgrowers", a practice which appears to be gaining ground in many countries.

Box 4

Sugar outgrowers – Their increasing importance to multinational enterprises (MNEs)

A trend which is increasingly apparent concerns the commercial relations between large multinational sugar enterprises and outgrowers in the regions of their operations. There are two types of sugar growers, namely, large company-owned plantations and smaller individually owned outgrower farms. Outgrowers are subcontracted by the sugar companies to grow cane which is processed by the MNE-owned factories. In some cases, MNEs provide bulk-purchased inputs such as fertilizers, technical soil tests and advice on husbandry, as well as transport of harvested cane from outgrowers' lands to the factory to ensure maximum sugar content. This sugar outgrower system is prevalent in several East African countries. In the case of Kenya, one MNE employs 3,200 permanent employees on its own nucleus plantation, but buys in and processes sugar from a network of 65,000 outgrowers grouped under their own company. The outgrower network produces the bulk of the sugar cane, and the MNE provides support services and inputs to the outgrowers. The two entities are interdependent.¹

In the case of the United Republic of Tanzania, in the first state-owned sugar plantation company to be privatized in 1998, the sugar campaign in 2002 reached an all-time record. Approximately one-quarter of all the cane processed was grown by independent cane growers. At present this company accounts for about 45 per cent of the country's total sugar output. The company is still under a rehabilitation programme and when this is completed, sugar output is expected to double. Outgrowers are expected to play a key role in the increased sugar production.²

¹ ILO: *Kenya facing the challenge of Africa's integration in the global economy*, op. cit., p. 9. ² IUF: *Draft report on regional sugar project*, op. cit., p. 8.

¹⁵ J. Chullen, op. cit.

“Free market” prices – Some local impacts

Economic policy reforms affecting export-oriented agricultural production have been widely implemented across Africa, Asia and Latin America and the Caribbean. In the case of *Uganda*, where the overall package was described as “massive and extensive”, with specific policy measures directed at various aspects of the economy, policy reforms included marketing, liberalization and pricing policies which dismantled export marketing boards,¹⁶ the removal of export duty on export crops, liberalization of producer prices on export crops connected to the world-based exchange rate, reduced tariffs on imported goods, and the adoption of an Investment Code in 1991 which reduced barriers to foreign ownership and investment.

Furthermore, these programmes were implemented at a time of steady decline in the market prices of most food commodities, beverages (coffee, cocoa and tea), vegetable oils and agricultural raw materials from the early 1990s to 2000-01, as figure 1 illustrates.¹⁷ This resulted in cheaper imports compared with locally produced products which, while there may be benefits for consumers, have impacted considerably on domestic economies and local markets. Numerous cases have been reported ranging from impacts at the micro-enterprise level to real threats to traditional giants, such as the tea industry in *India*. At one end of the scale, there is the typical case of a tomato processing enterprise in *Senegal* having to close under pressure from imports of tomato concentrate from Mediterranean Europe. Of course, other factors such as management efficiency, technology and labour productivity issues are involved. But this is symptomatic of a wider deterioration as *Senegal*, where some 47 per cent of the total population are estimated to be living in poverty, is no longer self-sufficient in rice and currently imports most of its rice from *Thailand*, *Argentina* and *Pakistan*.¹⁸ At the other end of the scale is the tea industry in *India*, the largest single employer in the country (with more than one million permanent workers, most of whom are women), and the world’s largest producer of tea (with stagnant annual production of 750 million kilograms) while *India* is also the largest consumer of tea in the world. The domestic market has grown steadily and this in turn has contributed to the industry’s relative stability. However, the new “threat” facing this industry is tea imports that are now cheaper than domestically produced tea.

The impact of falling prices coupled with declining yields in the Indian tea industry is being borne by the workers. There have been reports that wages have not been paid to some 10,000 workers for more than a year and, perhaps more alarmingly, trade union leaders have been compelled to negotiate a collective agreement which reduces wages in order to respond to the present crisis.¹⁹ The global price index for tea (with 1990 = 100) in fact declined from 130.6 in 1998 to 103.5 in 2001. The decline in the price index for the three beverages taken as a whole – coffee, tea and cocoa – was even greater, from 138.9 in

¹⁶ The marketing boards for coffee and lint, and the Uganda Tea Authority were dismantled under the programme.

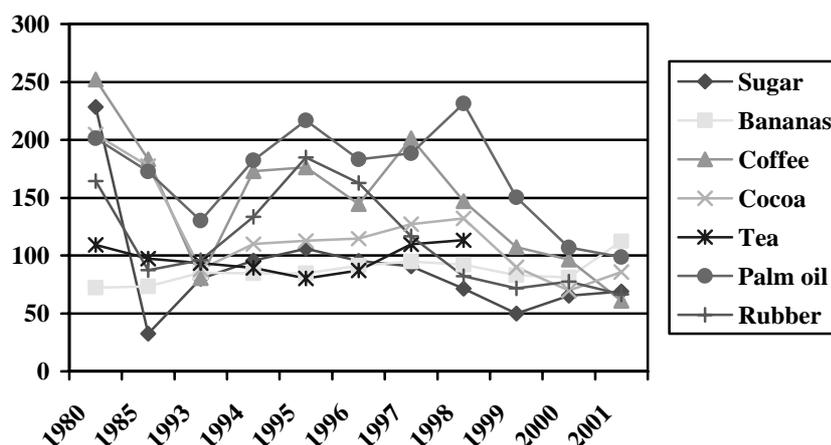
¹⁷ UNCTAD: *Handbook of Statistics 2002*, op. cit., table 2.2 “Annual and quarterly indices of free market prices of selected primary commodities”, p. 44.

¹⁸ S. Dieng: *La problématique du travail décent dans l’agriculture au Sénégal*, Background Paper prepared for ACTRAV, Mar. 2003.

¹⁹ Reported in ILO: *Draft Proceedings of the Subregional Workshop on Industrial Relations Issues and Promotion of Social Dialogue in the Plantation Sector in South Asia*, 15-17 May 2002, Colombo, Sri Lanka.

1998 to 74.9 in 2001, reflecting the huge recent falls in coffee and cocoa prices.²⁰ In the case of coffee, the price of which has fallen by almost 50 per cent in the past three years, coffee producers, who are mostly smallholders, have been selling their coffee beans for much less than they cost to produce. In one province in Viet Nam, for instance, beans have been sold at 60 per cent of their production costs. According to Oxfam, the impact of the failing coffee market is destroying the livelihoods of some 25 million coffee producers globally.²¹

Figure 1. Annual indices of "free market" prices of selected primary commodities



1.1.4. Labour-related aspects of restructuring in agriculture

One important aspect of investment policies under the umbrella of liberalization and deregulation concerns the measures implemented for restructuring agricultural enterprises in many countries. In most cases, a critical consequence of this restructuring is the downsizing of the permanent workforce accompanied by increasing casualization.²² A second, and related, aspect is the increasing proportion of women among this category of non-permanent workers. This growing predominance of women in the category of casual waged worker, however, appears to be the case also in situations where downsizing of the permanent workforce is not under way, such as in emerging agricultural industries producing non-traditional agricultural exports. These are both important trends which have significant implications for the way in which trade unions address decent work deficits in agriculture, since casual workers are rarely organized and represented, and the full potential of women wage workers needs to be specifically targeted in strategies to enhance organization and trade union membership. These issues are explored further in subsequent sections.

Casual labour has always been a feature of work in agriculture, given the seasonal nature of the industry. Collective bargaining agreements in many cases make provision for the employment of casual labour, recognizing the employer's right to employ casual labour

²⁰ UNCTAD, loc. cit.

²¹ Oxfam, op. cit., p. 2.

²² For a description of attempts to downsize, see J. Chullen, op. cit.

for a certain period, after which the worker should receive a permanent contract.²³ Women have traditionally comprised a large percentage of this category of workers in many countries producing a variety of commercial and export crops. However, a frequent and well-documented complaint has been that for many women, employment is “interrupted” just before the end of this period and resumed after a break in service which varies in duration. The result has been almost continuous employment over many years, but on a casual basis. There is of course another important outcome of the practice, in the form of reduced costs to employers in the immediate short term, since in these situations maternity and other benefits are not payable.²⁴ There is, however, the counter argument based on productivity and sustainable development of agriculture in the longer term.

An example in non-traditional agricultural exports

Another variant in this equation can be seen in some emerging industries, where growth is premised on the large scale use of casual workers from the start. An interesting example of this is the important trend in the agricultural sector in Africa and Latin America, and increasingly in Asia, in the promotion of non-traditional agricultural exports – primarily fruit and vegetables and cut flowers – aimed at the European and North American markets. According to recent estimates these exports are now part of an expanding world trade in horticultural and floricultural products with a total value exceeding that of trade in cereals.²⁵ What is striking about this growth in non-traditional agricultural exports is that it appears to rely from its inception on the widespread use of casual workers, most of them women.

In floriculture, for example, 85 per cent of the workforce on flower farms in the *United Republic of Tanzania* are casual workers employed in the main tasks of planting, harvesting and grading. Almost all these workers are women, while men occupy a small number of skilled and managerial positions.²⁶ In *Uganda*, commercial flower growing for export started only in 1993 but there are already plans to expand, increase exports and capture at least 13 per cent of the European market for roses. Some 85 per cent of the workforce is made up of women, and almost all are casual workers.²⁷ In *Kenya*, which is now the second largest exporter of cut flowers after the Netherlands, of the 12,000 workers employed on flower farms almost 70 per cent are women and some 85 per cent of the workforce is casual.²⁸ The pattern appears to be repeated in Latin America in horticulture

²³ For example, after three months under the 1993 Agreement for the Tea Industry in Uganda.

²⁴ This is shown in many documented work and life histories of women waged agricultural workers in sugar plantations in the United Republic of Tanzania. See M. Mbilinyi with A.M. Semakafa: *Gender and employment on sugar cane plantations in the United Republic of Tanzania*, Sectoral Activities Programme Working Paper SAP 2.44/WP.85 (ILO, Geneva, 1995), which is an outcome of the ILO Project URT/89/M02/NOR implemented with the trade union from 1989-92.

²⁵ M. Carr and M. Alter Chen: *Globalization and the informal economy: How global trade and investment impact on the working poor*, Employment Sector Working Paper 2002/1 (ILO, Geneva, 2002).

²⁶ H. Semboja et al.: *The cut-flower industry in the United Republic of Tanzania*, Sectoral Activities Programme Working Paper WP.152 (ILO, Geneva, 2000).

²⁷ P. Asea and D. Kaija: *Impact of the flower industry in Uganda*, Sectoral Activities Programme Working Paper WP.148 (ILO, Geneva, 2000).

²⁸ Since 1995, Kenya has overtaken Israel, Colombia and Australia in production. See M. Mwamadzingo: “International trade policies and decent work: Implications on agricultural

generally. For example, over 85 per cent of the 350,000 workers employed in such enterprises in *Chile* are temporary and more than 50 per cent of these workers are women. Men make up 95 per cent of the 50,000 permanent workers.²⁹

With regard to developments in the cut flower industry, it is clear that trade in cut flowers can make a major contribution to a country's employment and export earnings. In many countries flowers are grown commercially mainly to satisfy domestic demand, for example in the *United States, Japan, India* and *China*. In other countries there is a small home market for flowers and a large volume of exports, as in the case of *Kenya* and *Colombia*. Colombia is a typical example, with exports accounting for 95 per cent of production in recent years. The industry is estimated to employ 80,000 people directly and another 50,000 indirectly, and trade in flowers is the country's fourth largest export earner. The *Netherlands* is the best example of a large home market combined with a large export share.³⁰

The case of *Ecuador* reflects an increasing contribution of flowers to non-traditional agricultural exports – 71.4 per cent in 1996. As the most dynamic export subsector in the agro-industrial sector, the flower industry has been credited with helping to slow migration from rural areas, in large part due to the generation of employment. Women comprise over 70 per cent of the workforce in the sector, and the flower industry is seen as a key factor in regional development plans and policies.³¹

It is not only in non-traditional export crops that “feminization” of waged agricultural work is occurring. A recent comprehensive study on the impact of globalization on agriculture in *India* highlights declining levels of wage employment in agriculture caused by inter alia the decreasing availability of work, displacement by machines, shift to particular cash crops requiring less labour input, and the conversion of agricultural land to other uses. The study cited an annual survey showing an overall decline in employment opportunities per unit of agro-industries, accompanied by a considerable increase in capital investment, suggesting clear substitution of labour.³² As a consequence of these developments, many regions have reported substantial out-migration of men from villages, leaving women to take on low-paid agricultural work as marginal workers (defined as those working for less than 183 days per year). Worker unions all over *India* have spoken of an increase in the number of female agricultural workers in their areas. In fact, figures from the census show a casualization and feminization of the workforce in rural areas, with marginal women workers becoming more significant, while the number of male “main workers” (defined as working for more than 183 days per year) has declined.³³

productivity, environment and workers' issues in Kenya” in *Labour Education*, No. 134/2003 (ILO, Geneva).

²⁹ F. Barrientos et al.: *Women and agribusiness: Working miracles in the Chilean fruit export sector*, (London, Macmillan Press, 1999), cited in M. Carr and M. Alter Chen, op. cit., p. 10.

³⁰ G. van Liemt: *The world cut flower industry: Trends and prospects*, Sectoral Activities Programme Working Paper WP.139 (ILO, Geneva, 1999).

³¹ Z. Palán and C. Palán: *Employment and working conditions in the Ecuadorian flower industry*, Sectoral Activities Programme Working Paper WP.138 (ILO, Geneva, 1999).

³² IUF: *Globalization and agricultural workers*, Discussion paper No. 3, IUF – Land and freedom project (Geneva, 2002).

³³ See A. Tiwar and S. Ganguly: “Feminization of the agricultural workforce in India”, in *Labour Education*, No. 134/2003 (ILO, Geneva).

The increasing role of labour contractors and migration

In the face of stiff competition for a niche in global markets, increasing “flexibility” and the casualization of an even greater part of the waged agricultural workforce are being experienced in most regions. Studies are beginning to reflect that this push for flexibility is reflected in a simultaneous expansion in the role of labour contractors or intermediaries, which is contributing to the rapid transformation of forms of employment in agricultural enterprises throughout the world. Labour contracting is also occurring increasingly across borders in a variety of forms, some of which may be on the edge of legality or in the “grey zone” between legal and illegal movement of persons.³⁴ In many cases, such changes are giving rise to abuses in labour practices which contribute to the range of deficits in decent work. While the extent and implications of these developments need a great deal of further research, available evidence suggests increasing insecurity of livelihoods and the absence of social protection for greater numbers of agricultural workers.

In the context of understanding the current situation of workers in agriculture, one critical dimension appears to be the linkages that exist between the globalization of agriculture and international labour migration. With contemporary globalization, greater international labour mobility is accompanied by higher levels of exploitation and deregulation. In many countries agriculture is an important sector of employment for large numbers of migrants. The lack of legal protection for migrant workers makes them more attractive as instruments for “maintaining competitiveness” because they are obliged to work in situations where decent work conditions are not enforced. Irregular migrants are especially vulnerable because the threat of deportation limits unionization and increases the risk of their exposure to dangerous working conditions. The impact of globalization is thus felt in the increasing movement and flows of labour, within and across national boundaries and even across continents, coupled with the steady erosion of labour rights and protection. Protection of migrant labour has long been a concern for trade unions and the ILO, but the sheer scale of these movements globally, especially in the agricultural sector, where it has traditionally been difficult to ensure protection of workers’ rights, is creating extreme hardship for large numbers of workers in all regions and enormous challenges for trade unions.³⁵

Many of the issues under discussion, including migration, are not new. What is new is the pervasiveness of particular exploitative practices and their complex linkages under the impetus of globalization, which makes the task of defining appropriate and realistic strategies in response extremely difficult. The challenge for trade unions and representatives of waged agricultural workers is daunting, and it is important to note here the increasing pressure which workers’ organizations are under in trying to promote the fundamental rights of waged agricultural workers. But the challenge also exists for governments, both in the “North” and in the “South”; they must be held accountable for the protection of fundamental rights. This first pillar of decent work is examined in the next section.

³⁴ See ILO: *Forced labour outcomes of irregular migration and human trafficking in Europe*, Programme Consultation Meeting, 8-9 January 2003 (ILO Special Action Programme to Combat Forced Labour).

³⁵ See subsequent sections 3 and 4.

2. Fundamental rights for workers in agriculture: First pillar of decent work

The ILO Declaration on Fundamental Principles and Rights at Work recalls that specific rights and obligations developed and expressed in Conventions are recognized as fundamental both inside and outside the Organization.¹ All Members, even if they have not ratified the Conventions in question, have an obligation to respect, to promote and to realize the principles concerning the fundamental rights which are the subject of those Conventions, namely:

- freedom of association and the effective recognition of the right to collective bargaining;
- the elimination of all forms of forced or compulsory labour;
- the effective abolition of child labour; and
- the elimination of discrimination in respect of employment and occupation.

This section deals with the core ILO standards expressing these principles, and their relevance as fundamental rights for decent work in agriculture. The application of these principles and fundamental rights constitutes the first pillar of the ILO Decent Work Agenda. It will become clear from some of the information on their application in the agricultural sectors of many countries that, even if the statistical picture is incomplete, there is evidence of serious deficits in relation to this pillar of decent work.

In addition to these core ILO standards there are also other international labour standards with specific relevance to workers in agriculture, which will be referred to in subsequent sections dealing with the other three pillars of decent work, namely, access to employment and incomes, social protection and social dialogue.²

2.1. Freedom of association and the right to collective bargaining

This principle and fundamental right is expressed in 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). The principle had earlier been extended to agricultural workers in one of the first international instruments adopted by the ILO, the Right of Association (Agriculture) Convention, 1921 (No. 11).

Although the Conventions guarantee all workers the right to set up representative organizations to defend their rights, rural agricultural workers in a number of countries face both de facto and de jure obstacles to becoming organized. Violations of freedom of association among agricultural workers are frequent, as the cases examined by the Committee on Freedom of Association show. Such violations range from regulatory

¹ ILO: *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up*, adopted by the International Labour Conference at its 86th Session, Geneva, 18 June 1998, p. 7.

² Other ILO Conventions with specific relevance to agricultural workers, together with their ratifications, are presented in the appendix.

restrictions and anti-union practices to physical violence, repression and even the assassination of trade union leaders (see box 5).³ The situation is even more critical for indigenous workers, who are often denied the right to set up or join such organizations.

Of the complaints concerning violations of these core Conventions submitted between 1990 and 2002, the majority of cases concern the Americas, with over 55 per cent of the total. Some 15.7 per cent of the cases concern Africa and 15.43 per cent concern Europe. The Andean subregion, comprising Bolivia, Colombia, Ecuador, Peru and Venezuela, has the highest number of reported violations (120). Other figures are: 111 cases in Central America; 97 cases in the MERCOSUR countries (almost half of these are in Argentina); and 52 cases in North America, mostly Canada. It is significant that in the Central and Latin American region, over 62 per cent of complaints are directed at governments. The State thus appears as a prime violator of fundamental freedoms.⁴

Box 5
Reports of anti-union practices, increasing violence and repression
in Central and Latin America¹

Trade unionism in the banana sector of certain countries is under pressure and violations of trade union rights have been reported in Belize and Costa Rica. In recent years, there have been many cases where falling prices on the banana market have been used as a pretext for the dismissal of unionized workers from Costa Rican companies, who have been harassed and blacklisted. Systematic dismissals are often followed by subsequent rehiring of workers on less favourable terms. In the Dominican Republic, the privatization of former state-run sugar companies has severely undermined trade union rights. Private employers are reluctant to recognize trade unions and there are cases of unfair dismissals. Many workers from Haiti are in the country illegally, are not unionized and are exploited as cheap labour in conditions of near slavery. Despite ratification of Conventions Nos. 87 and 98, intimidation and violence make it difficult for workers to enforce their rights and collective bargaining has been significantly restricted, according to the ICFTU. In Bolivia, there are frequent reports of violence in rural areas involving members of the security forces and peasant farmers' associations trying to protect their interests. Several leaders of rural workers' unions have been killed. Violent repression against the landless rural workers' movement in Brazil, whose actions are often supported by the trade unions, has been reported. Several leaders of rural workers' unions, including an active campaigner against child labour, have been assassinated and official investigations into such crimes appear to be ineffective.

¹ ICFTU: *Annual survey of violations of trade union rights (2002)*, and cases before the ILO's Committee on Freedom of Association.

2.1.1. Issues of de jure and de facto access to the fundamental rights

In 1999 on the Application of Conventions and Recommendations, the Committee of Experts took note of allegations concerning the precarious situation of indigenous day labourers in *Mexico*, for example, where independent organizations that had started to organize agricultural workers have been systematically denied the right to register.⁵ In situations where agricultural workers are permitted to form and join organizations of their choosing and to bargain collectively, there are often requirements and restrictions in national legislation which in practice limit these activities. These can include requirements

³ See the reports of the Committee on Freedom of Association published in the ILO *Official Bulletin*.

⁴ E. Inglesias: *Trabajo decente en la agricultura: Situación en América Latina desde el punto de vista sindical*, Background Paper prepared for ACTRAV, Mar. 2003.

⁵ C. Ramos Velos: "Indigenous rural workers in Latin America", in ILO: *Top on the agenda: Health and safety in agriculture*, Labour Education 2000/1-2, Nos. 118/119, pp. 72-73.

for a given union to include a certain percentage of workers as a condition of recognition by the employer, as in the case of *Uganda*, which requires 51 per cent of the workers to be members of a union.⁶ In the case of *South Africa*, where basic employment conditions were extended to agricultural workers for the first time in 1993, the 1995 Labour Relations Act enshrines the right to belong to a union and encourages workers' participation through workplace forums. However, the Act does not guarantee union access to farms, and limits the establishment of workplace forums to large employers.

Existing labour legislation often excludes large categories of agricultural workers. In *Costa Rica*, agricultural and livestock enterprises which employ fewer than five workers on permanent contracts are excluded from the scope of the Labour Code, and hence from any form of representation. In some countries, labour legislation limits the right to engage in collective bargaining, effectively excluding seasonal and temporary workers, so that the outcome of negotiations concern only a small proportion of the agricultural workforce. In general, collective bargaining agreements are concluded in those sectors and enterprises where permanent employment is significant, and tend to reflect the concerns of permanent workers. Other workers, whether daily, weekly, temporary or seasonal, who are often in the majority, may not be covered by such agreements, or only partially covered.

The ILO report on wage workers in agriculture in 1996, posed the question "to what extent is collective bargaining an important element in improving working conditions in agriculture"? It concluded that, in general, collective bargaining does not appear to be a significant feature in the agriculture sector of many countries largely because the necessary institutions are lacking, governments do not encourage such negotiations and rural and agricultural workers' organizations tend to be weak. Even in *Brazil*, where there is a strong tradition of collective bargaining in agriculture and negotiated agreements can be very comprehensive, application of the provisions in practice appears to be limited. This is due inter alia to the weak labour inspection system, the low level of sanctions for contraventions, and complex legal procedures,⁷ which surely apply to many countries.

2.1.2. Some factors affecting the organization of agricultural workers

The various factors which have traditionally limited the level of organization among agricultural workers (such as the remoteness of agricultural undertakings, difficulties of communication, etc.), are now compounded by the apparently widespread practice of shedding permanent workers through restructuring and other means, coupled with the increasingly frequent recourse by employers to labour contractors, as well as the increasing reliance on outgrowers for the production of some crops such as sugar and tea. Although systematic data are hard to come by, it can be assumed that globalization has had a considerable impact on the level of trade union representation among waged agricultural workers. Representation has generally been low in most countries, except for large

⁶ Under the terms of the Trade Union Decree No. 26 of 1976.

⁷ ILO: *Wage workers in agriculture: Conditions of employment and work*, Report for discussion at the Tripartite Meeting on Improving the Conditions of Employment and Work of Agricultural Wage Workers in the Context of Economic Restructuring (Geneva, 1996).

plantation sectors in Asia and some countries in Africa where labour relations are more institutionalized, but even in these contexts there are reports of declining memberships.⁸

Fortunately, there are some exceptions to the general trend of declining levels of unionization, such as the National Union of Plantation and Agricultural Workers in Uganda (NUPAWU), which showed a steady increase in membership during the 1990s. Its membership grew from 22,000 members in 1990 to 32,838 in 1995, and to a current membership of approximately 47,500, well above the level of 1973 before the political, economic and social turmoil which beset the country. This is the result of NUPAWU's attempts to address the long-term questions of membership and relevance, and reflects the implementation of a coherent strategy from the beginning of the 1990s to recruit women workers. There are now some 15,000 women members, comprising approximately 32 per cent of current membership.⁹

It is thus clear that the overall political environment can be a major factor influencing levels of worker protection and rates of unionization. In *Chile* in 1973, for instance, the rate of unionization in agriculture was 42.4 per cent, higher than the national average. By 1985, after the reversals experienced under a military government, the national unionization rate fell to 5.2 per cent. The restoration of democracy in 1990 has led to the restoration of some employment rights, and labour legislation began to explicitly incorporate temporary workers.

Clearly, the right to freedom of association and collective bargaining is reflected (with varying restrictions) in the overall legislative and institutional frameworks governing labour rights and working conditions in place in individual countries. Aspects of these frameworks are touched on throughout this paper, particularly in sections 3 and 4 dealing with employment conditions and the extension of social protection to waged agricultural workers. Here, however, it is important to highlight the role of trade unions and other workers' organizations within those frameworks, the extent to which they are recognized and encouraged by governments, and the fact that in too many countries the unions face severe difficulties in exercising those rights and fulfilling their potential role. It is up to the state in many situations to create more opportunities for such bargaining and to ensure the conditions for the development of effective social dialogue.¹⁰

Some of the negative consequences of constraints on freedom of association and the fundamental right of trade union organizations to defend workers' rights are reflected in the persistence of forms of forced and compulsory labour, several of which are particularly relevant to the issue of decent work deficits in agriculture. This theme is examined in more detail below.

⁸ T. Fashoyin: "Economic liberalization and industrial relations in Uganda", contribution to the national case studies of the effects of globalization on industrial relations (ILO Task Force on Industrial Relations) (ILO, Geneva, 1997). See box 20 in section 5 for further details on this initiative.

⁹ See for example the case of India, in IUF: *Globalization and agricultural workers*, Discussion paper No. 3, IUF – Land and freedom project (Geneva, 2002).

¹⁰ See section 5.

2.2. Elimination of all forms of forced or compulsory labour

This principle is expressed in the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).¹¹ Despite extensive ratifications among member States, the practice of forced labour persists in a variety of old and new forms. The ILO Global Report on stopping forced labour¹² notes that slavery is still found in a handful of countries in Africa,¹³ while forced labour in the form of coercive recruitment is present in many countries of Latin America (a practice which is clearly linked with the violations of trade union rights outlined above) and in parts of the Caribbean as well as elsewhere. Indigenous populations suffer in particular from this form of abuse.

2.2.1. The cycle of debt and bondage: A feature of forced labour in agriculture

Bonded labour is a form of forced labour which is found in several industries but mainly in agriculture. Bonded labour persists widely in South Asia, despite efforts in some countries, notably *India*, to measure and eradicate the problem. Millions of men, women and children across the subcontinent are tied to their work in agriculture through forms of indebtedness. These forms range from personally bonded labour secured by debt (which can extend over generations) to the increasingly widespread practice in commercial agriculture, both large and small scale, involving the debt-based attachment of casual and migrant workers. Recent evaluations of attempts to assist male labourers to escape conditions of bonded labour in India have highlighted situations in which an increasing number of women are falling into bondage as they take over more responsibility for repaying family debt.¹⁴

Again, in many instances, it is indigenous peoples who are often caught up in the cycle of debt and bondage. One example of this is seen in *Peru*, where certain indigenous communities have been subjected to debt bondage on large and medium-sized agricultural and forestry estates and constitute an unpaid or only partly paid workforce.¹⁵ Another example is that of a specific ethnic group living in conditions of “semi-feudal” agrarian bonded labour in south-western *Nepal*, where the Government has recently banned the practice through legislation. There are also examples of bonded labour in specific

¹¹ Convention No. 105 followed the United Nations supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, adopted in 1956.

¹² ILO: *Stopping forced labour: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Report of the Director-General, International Labour Conference, 89th Session, 2001.

¹³ Cases of child slaves working in cocoa plantations in West Africa received wide-scale publicity and condemnation. This led to a global initiative in the chocolate and cocoa industry in 2001 to address child labour and forced labour in cocoa cultivation and processing. Signatories include workers’ representatives, NGOs, anti-slavery and human rights groups and consumer groups. See box 25 in section 5.

¹⁴ See section 2.4, box 9.

¹⁵ ILO: *Stopping forced labour*, op. cit., para. 59.

communities in *Pakistan*, where the Government adopted legislation to abolish the system in 1992.¹⁶

The use of the “debt mechanism” to keep workers tied to production on estates until they pay off debts is one of the main features of forced labour in numerous settings. Often these “debts” are fraudulently imposed and include costs of transport, food, lodging, work tools etc., without any written contract. Frequently, in cases where workers have identity documents or working papers,¹⁷ these may be retained by the contractor. This abuse of workers’ rights is clandestine and illegal but difficult to combat, not least because labour inspection capacity in most of the countries where forced labour is rife is conspicuously absent. As mentioned previously, probably less than 5 per cent of the world’s 1.3 billion agricultural workers have access to systems for labour inspection or health and legal protection.

2.2.2. Coercive labour contracting

The practice of debt bondage leading to forced labour is encouraged through present-day abuse of systems of recruitment through labour contractors. Although in some cases labour contractors are expressly prohibited by law, they remain the key intermediaries, particularly where there is a large seasonal demand for labour in commercial agriculture. In a number of Latin American countries including *Brazil*, there is widespread recourse to such contractors. Frequently, advance payments by independent labour contractors are made during times of scarcity in peasant communities, who are thus induced into indebtedness before the harvest season. This practice of advance payments and recruitment from areas of poverty affected by seasonal unemployment or drought is widespread in *Guatemala*, *Bolivia* and especially *Brazil*. According to different sources, there are up to 200,000 people working under forced labour conditions in *Brazil*. There is a huge commercial operation dealing in forced labour, with middlemen and recruitment methods which involve the complete abuse of rights. Farmers and landowners appear to act with impunity and are rarely sanctioned.

Sugar cane production and harvesting are notorious in several countries as a setting for coercive labour contracting, in which contracts for seasonal workers are largely verbal. In *Bolivia*, for instance, ILO research on indigenous (internal) migrant labour during the sugar harvest has found that cane-cutters may borrow the monetary equivalent of 40 tons of sugar at the beginning of the harvest which is difficult to pay off by the end of the four-month harvest. Indigenous workers tend to request another loan at the end of one season and are thereby pledged to return the following season.¹⁸ In many countries prior to privatization moves, sugar cane production was under the control of state enterprises. This was the case, for instance, in the *Dominican Republic*, where Haitian migrant workers have been annually contracted for the harvest and where, since the early 1980s, forced labour practices involving state enterprises have been systematically documented. In fact, the

¹⁶ *ibid.*, paras. 94-96.

¹⁷ In the case of *Brazil*, some 80 per cent of those persons rescued from situations of forced labour have no official birth certificates or other identity documents. See ILO: *Stopping forced labour*, *op. cit.*, p. 26.

¹⁸ M. Villavicencio: *Trabajo forzoso u obligatoria entre los trabajadores de la areas rurales de Bolivia* (Background Paper prepared for the ILO, Oct. 2000), cited in ILO: *Stopping forced labour*, *op. cit.*

ILO's supervisory bodies found that both governments bore responsibility for these abuses.¹⁹

The ILO Global Report of 2001 also highlights the escalation in trafficking in persons, which has taken on global dimensions. The internationally agreed definition of trafficking includes a reference to its coercive elements, including forced labour, debt bondage and slavery-like practices. Trafficked children in West Africa, especially boys, are placed in agriculture.

2.2.3. Forced labour outcomes of irregular migration

One further dimension should be highlighted. This concerns forced labour outcomes of irregular migration, including trafficking for labour exploitation. This phenomenon is of particular concern to the ILO since, when human trafficking is for labour exploitation, it “represents a severe violation of labour rights, a labour market failure, a failure of employment systems and services and of migration management”.²⁰ The issue of irregular migration has risen to the top of the political agenda of many countries in Europe since 2000, and there is an increasing awareness of some of the forced labour and coercive conditions to which trafficked persons can be exposed in destination countries. Once again the horticultural sector, this time in Europe, provides some insights into these conditions of labour exploitation (see box 6).

Early in 2002, the issue was taken up by the Ethical Trading Initiative, which brought together the main actors in seminars on seasonal and foreign labour in the United Kingdom food industry. A working party has now been set up to explore with the Government the licensing and registration of suppliers of contract labour, and to develop a system for identifying good practice. Clearly pressure on prices from major supermarkets creates pressure on growers to minimize costs, who seek contracts with gangmasters who can provide cheap labour. It is those workers who are the most vulnerable, either as irregular migrants or as undocumented workers with “illegal” status, who are compelled to accept the appalling conditions which are beginning to be exposed in European horticulture.²¹ Thus, the commodity supply chain squeezes the weakest links in the chain.

¹⁹ ILO: Report of the Commission of Inquiry appointed under article 26 of the Constitution of the International Labour Organization to examine the observance of certain international labour Conventions by the Dominican Republic and Haiti with respect to the employment of Haitian workers on the sugar plantations of the Dominican Republic, published in *Official Bulletin*, Series B, Special Supplement, Vol. LXVI (Geneva, 1983). The recent action taken by the Government of the Dominican Republic to improve the situation is described in section 4 of this paper.

²⁰ R. Plant: “Trafficking for labour exploitation – The role and activities of the ILO”, Paper prepared for the International Conference on Trafficking: Networks and Logistics of Transnational Crime and International Terrorism, Courmayeur, Italy, 6-8 December 2002.

²¹ See for example European Civic Forum: *Le goût amer de nos fruits et légumes: l'exploitation des migrants dans l'agriculture intensive en Europe*, Mar. 2002.

Box 6
The growth in labour contracting in Europe –
The example of horticulture in the United Kingdom

In the United Kingdom, areas of traditional horticulture have seen a tremendous growth in production, an expansion of acreage under glasshouses and numerous packhouses supplying the major supermarkets. The so-called "gangmaster" system has evolved to supply large numbers of workers to pick fruit and vegetables at peak times. In some areas, Asian gangmasters supply Asian workers from India, Pakistan, Yemen, and Bangladesh. The vast majority of these workers are legally in the country with their own passports. Other newer migrants include both legal and illegal immigrants, and increasingly Eastern European and other non-EU workers, are being employed by some of the more disreputable gangmasters. Over the last ten or 15 years this phenomenon has become widespread and growers and packhouses have become heavily dependent on the supply of workers through the system. The contract between the grower or packhouse and gangmaster is based on a per hour, per worker agreement. Wage levels and working conditions are fixed by the gangmaster. The system is very profitable for some of the "agencies", many of which are not registered and engage in deceptive practices including being linked with trafficking syndicates and recruiters based in these countries. While workers from the Baltic States do not need visas and can enter the country quite easily in response to advertisements placed in their local press, trade union researchers have documented a number of abuses in relation to workers from countries where visas would be required, such as Belarus, the Russian Federation and Ukraine.¹ These workers pay high prices for visas and travel documents, additional "contact fees" on arrival and costs for rent, travel, interest on loans, etc. can be further deducted by gangmasters.

¹ See research undertaken on the gangmaster system in the United Kingdom by D. Pollard, Rural, Agricultural and Allied Workers' Trade Group (TGWU) in 2000 and 2001, presented to the ILO Special Action Programme to Combat Forced Labour, Consultation Meeting on Forced Labour Outcomes of Irregular Migration and Human Trafficking in Europe, Geneva, 8-9 January 2003.

The key question is where does legal responsibility lie? One issue highlighted in the ILO Global Report is the apparent impunity enjoyed by those responsible for supporting and exacting forced labour from millions of men, women and child agricultural workers in many regions of the world. In this situation within the national borders of many countries, and also when migrant workers from other countries are directly affected through clandestine recruitment practices and irregular migration, governments need to take more positive action if they are not to be seen to be colluding in this abuse of fundamental labour rights. There is an urgent need to clarify the role and responsibilities of those who benefit from forced labour and trafficking. The task can no longer be left up to trade unions and workers' organizations, although they are essential players in any efforts to develop strategies to combat these abusive practices.

2.3. The effective abolition of child labour

The ILO adopted its first Convention on child labour in 1919. Over the years, further Conventions on the minimum age of admission to employment have been adopted, covering agriculture through the Minimum Age (Agriculture) Convention, 1921 (No. 10). These were revised through the Minimum Age Convention, 1973 (No. 138), and its accompanying Recommendation No. 146, which require ratifying States to pursue a national policy to ensure the effective abolition of child labour, and to progressively raise the minimum age for employment. This is a flexible instrument which allows the exclusion of limited categories, and many governments have exempted small and family farms from its provisions. In June 1999, the International Labour Conference unanimously adopted a new child labour instrument, the Worst Forms of Child Labour Convention, 1999 (No. 182), which reflects the global consensus that there should be an immediate end to the worst forms of child labour. Convention No. 182 is recording the fastest ever rate of

ratifications in the history of the ILO. By March 2002, some 117 countries had ratified. Six months later, the total ratifications had risen to 131.²²

Convention No. 182 covers all girls and boys under the age of 18. It does not allow for the exclusion of any economic sectors or categories of workers, and calls for immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. Convention No. 182 defines the worst forms of child labour in Article 3, and two clauses have particular relevance for the agricultural sector, namely “(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour”, and “(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”.

The latter type of work situation for child workers in agriculture is likely to be helped through the promotion of the recently adopted Safety and Health in Agriculture Convention, 2001 (No. 184), Article 16 of which specifies the minimum age for work in agriculture as not less than 18 years where the nature or circumstances of the work are likely to harm the safety and health of young persons. However, under Article 16, paragraph 3, competent authorities may, after consultation with representative organizations of employers and workers, allow young workers from 16 years of age to perform such work on condition that appropriate prior training is given and the safety and health of the young workers are fully protected.

2.3.1. Children in forced and bonded labour and hazardous work

This area is beset with severe problems of quantification, more so than any other of the worst forms of child labour, largely because so much forced and bonded labour in agriculture, in general, remains invisible. The proportion of children subjected to these abusive practices, either as part of families or as individuals, is assumed to be significant. IPEC estimates that there were about 5.7 million children in forced and bonded labour in 2000, of which the overwhelming majority (5.5 million) was concentrated in the Asia-Pacific region.²³ There is also evidence of forced and bonded labour in the African and Latin American regions, and some forced child labour also seems to exist in developed countries, although there are no reliable estimates of its extent.

In 2000, the total economically active child population between the ages of 5 and 17 years was estimated at 352 million children. This broad concept encompasses most productive activities by children, and includes unpaid household work and subsistence production, paid casual work, illegal works as well as paid work in the so-called informal economy. Of this total, 186 million were children below the age of 15 (girls made up 47.5 per cent of the total). Even more alarmingly, more than 111 million, or almost 60 per cent of children aged 5 to 14, were working in hazardous situations and conditions, and of those almost 45 per cent were girls. A further 8.4 million children aged 5 to 17 were involved in the unconditional worst forms of child labour, with children in conditions of forced and bonded labour (5.7 million) accounting for over two-thirds of this alarming estimate.²⁴ These new IPEC estimates show that a much higher proportion of children are

²² ILO: *IPEC action against child labour: Highlights 2002* (Geneva, 2002), Annex A.

²³ ILO: *Every child counts: New global estimates on child labour* (IPEC, Geneva, 2002).

²⁴ ILO: *IPEC action against child labour: Highlights 2000*, op. cit., table 2.

working in dangerous and hazardous conditions than was previously assumed. It is clear that a high proportion of child workers in both hazardous conditions and the worst forms of child labour are to be found in agriculture.²⁵

2.3.2. The use of child labour in plantation agriculture: An entrenched practice

Historically, child labour, either as part of “family teams” or as individual workers, has been very much part of employment in plantations and commercial agriculture around the world and numerous crop cultivations are known to involve child labour. These include cotton, cocoa, grains and oilseeds, oil palm, sugar cane, tea, tobacco and vegetable farms. Other activities, such as the harvesting of latex in rubber plantations or fibre production, also involved significant numbers of children.

Children work alongside their parents often for task-based or piece-rated remuneration which lends itself to “family team” day work. It is common practice among migrant, seasonal and temporary agricultural workers to include children and adolescents in the family work team, particularly where schooling or childcare is unavailable or unaffordable. Usually, the earnings of the whole family are listed under the name of the male head of household – a practice which in effect prevents women, adolescents and children from receiving their earnings. Working alongside parents often means starting off on the backs of working mothers, with subsequent fieldwork “apprenticeship” under their supervision. An example of this is described in box 7.

Box 7

Deep-rooted images of women and child workers in tea cultivation in India

A former chairperson of the West Bengal Tea Board describes “how a child becomes a worker”:

The workers are attached to the land as the tea bushes. They were born on the tea estates. They live there all their lives. They die there. The mother who works in the tea gardens has no place to leave her children. She puts her child on her back and brings the child with her when she works. What is more natural than that the child wants to know what the mother is doing and wants to help her pluck the tea. That is how the child becomes a worker. It is easy for children to pluck. Their fingers are nimble and the bushes are at their height. The child plucks the leaves and puts them in her mother's basket. Whatever the child plucks increases the pay of the mother. I would not say that the children are employed. They are helping their parents. Then, when the child is twelve, she is given a basket of her own and earns her own wages. She is paid half of what an adult is given.¹

¹ United States Department of Labor: “By the sweat and toil of children”, in *The use of child labor in U.S. agricultural imports and forced and bonded child labour*, Vol. II, 1994, p. 48.

In *India*, the Plantation Labour Act of 1951 defines three categories of workers: adults, adolescents and children (below 14 years of age), thus explicitly acknowledging the use of child labour on plantations. The number of registered children employed is 50,000, the bulk of whom are employed in the northern states of Assam and decreasingly in West Bengal. These children are paid half wages, given “light work” and work for five instead of eight hours. However, the Prevention of Child Labour (Amendment) Act stipulates 14 years as the minimum age for employment, and all industries are expected to comply with this provision; there is a contradiction with the provisions of the Plantation Labour Act.

²⁵ ILO: *Bitter harvest – Child labour in agriculture*, Bureau for Workers’ Activities (Geneva, 2002).

Kerala is the only state to have abolished the use of child labour in the plantation industry.²⁶

The importance of women's and children's participation in tea plantation workforces in Asia is reflected in official data on the structure of employment in Assam tea gardens, contained in a 1991 *Administrative Report on the Working of the Plantation Labour Act*. The total number of workers was given as approximately 672,000 (women, men and children, permanent and temporary categories, both resident and non-resident on plantations). Three-quarters of that total were resident on plantations and almost 60 per cent were permanent workers. Women represented 45.9 per cent the total workforce, men represented 39.7 per cent, and children 14.4 per cent (of whom less than one-third were permanent workers, and these were mostly boys). Girls accounted for over half of all children employed, but for 83 per cent, employment was temporary and of a casual nature.²⁷

Apart from family team work, child workers are frequently recruited and work as individual workers. Recent rapid assessment studies conducted by IPEC in the *United Republic of Tanzania* for several commercial crops found the practice of recruiting child workers in the coffee growing areas during the picking season, where 60 per cent of the working children were female (aged 10-14).

2.3.3. The importance of child workers' contributions to household economies

The ILO report produced for a Tripartite Meeting in 1996²⁸ highlighted the need for a better understanding of the economics of child labour in commercial agriculture which would assist in the design of better policies, measures and initiatives. There is a need to better understand, inter alia: the contribution of girls' and boys' labour to total family income; the relationship of households with working children to the poverty line; and the impact of HIV/AIDS on the gender composition and age structure of households and the related impact on the incidence of child labour in agriculture. A further crucial factor concerns the impact of structural adjustment programmes on rural households and on rural-based primary school infrastructure in many countries in sub-Saharan Africa. Fees and other costs have been introduced which are not affordable for many rural households. Many children are working to cover these costs. It is clear that in tobacco growing areas in the *United Republic of Tanzania*, school children work on tobacco farms or plantations in order to meet school expenses, such as fees, contributions to school buildings and other school requirements such as uniforms, books, etc.²⁹

²⁶ ILO: *Draft Proceedings of the Subregional Workshop on Industrial Relations Issues and Promotion of Social Dialogue in the Plantation Sector in South Asia*, 15-17 May 2002, Colombo, Sri Lanka.

²⁷ *Annual Administrative Report on the Working of the Plantation Labour Act*, Office of the Labour Commissioner, Government of Assam, 11 June 1991, cited in V. Raman: "Child labour in the tea plantations of north-east India", Background Paper for the ILO South Asian Subregional Workshop on Trade Unions and Child Labour in Plantations, Kathmandu, Nepal, 4-6 September 2000.

²⁸ ILO: *Wage workers in agriculture*, op. cit.

²⁹ IPEC Rapid Assessment: *Tanzania: Child labour in commercial agriculture – Tobacco: A rapid assessment*, Geneva, Nov. 2001.

It is clear from available information collected through a series of IPEC rapid assessments that the income obtained from children's work is often important for the family's survival. In rural areas in the *United Republic of Tanzania*, for instance, households with children working on coffee plantations and farms, on small and large-scale tea plantations and on tobacco farms and plantations were found to have low levels of income, and many children were relying on themselves for food and other expenses. Also significant was the finding that in the case of tobacco, some 39 percent of the children interviewed were from households headed by women.³⁰

The 1996 ILO report on wage workers in agriculture refers to sample surveys for a number of countries which suggest that the prevalence of child labour on both small and large commercial farms is relatively high. In *Brazil*, one survey carried out in 1993 reported that 25 per cent of the total labour force was made up of children aged 14 years or under. A similar survey on the sugar cane producing region of north-eastern *Brazil*, found that children and adolescents aged 7 to 17 made up no less than 25 per cent of the 240,000 workers cutting cane in the Zona de Mata. Most of them had started work between the ages of 7 and 10, and 90 per cent were working with no formal contract of employment, no work card and no social security coverage. Some 43 per cent were paid indirectly through the family head. Over 80 per cent of households with working children were below the poverty line, and in over 79 per cent of the sample households, children contributed between 10 and 50 per cent of total household income. In the northern states of *Mexico*, where horticultural production has expanded considerably, between 20 and 35 per cent of the labour force in 1994 was composed of children between the ages of eight and 14 years.³¹

2.3.4. Initiatives in response to this decent work deficit

Fortunately, a variety of responses to the appalling situation is evident and action is being taken at the local, national and international levels. These initiatives involve the social partners and, increasingly, multi-partner alliances. Several initiatives to confront child labour in the agricultural sectors of particular countries have been taken by individual trade unions. In *Brazil*, CONTAG, the largest agricultural workers' trade union, which has a membership of nine million – covering both agricultural workers and small farmers – has been in the forefront of action, raising awareness among its leadership and lobbying the Government to ratify Convention No. 182, which it did in February 2002. In *Ghana*, the General Agricultural Workers' Union, has been able to negotiate a collective agreement with the Ghana Oil Palm Development Company which commits management to the eradication of child labour in and around its plantations and to ensure, in collaboration with the union, that child labour is not used.

There are several important recent initiatives at the international level for combating the worst forms of child labour. The first is the Joint Statement signed by the International Tobacco Growers' Association (ITGA) and the IUF on 10 June 1999.³² The second initiative concerns the global chocolate/cocoa industry and the Joint Statement signed on

³⁰ *ibid.*

³¹ ILO: *Wage workers in agriculture*, op. cit., Ch. 4.

³² The text of the Joint Statement by the ITGA and the IUF is given in ILO: *Bitter harvest*, op. cit., p. 29.

30 November 2001.³³ The scope for action at different levels is further explored in section 5 of this paper which deals with social dialogue, the fourth pillar of decent work in agriculture.

IPEC's field experience over the last ten years suggests that child labour cannot be eliminated in a sustainable way without effectively addressing two other important problems: the lack of accessible education and, even more fundamentally, the lack of adequate income for parents. It is in this context that the question of discrimination in wage levels and employment opportunities for women, in particular, takes on a critical importance in explaining both the incidence of child labour in agriculture and a host of other deficits in decent work.

Box 8

The causal linkages between gender inequalities and child labour

Many individual unions have identified the causal linkages between child labour and cost-saving production and management methods. Some of these practices have a direct impact on conditions for women, who are not only low-waged workers but are also working mothers, simultaneously caring for children, the aged and the ill. These include: increasing casualization of the workforce, which includes a very high proportion of women/mothers; the practice of labour contracting and subcontracting; the non-payment of social security to casual and contract workers; the need to provide care for the aged; the piece-rate system of remuneration, in which child inputs can greatly assist a parent, particularly mothers obliged to combine childcare and work in the field; depressed and low levels of wages generally, and in particular the persistent wage disparities affecting large numbers of women agricultural workers in many countries. All these factors place child labour in agriculture right at the centre of the debate on decent work for women.

2.4. Elimination of discrimination in respect of employment and occupation

This principle is expressed in the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The latter, in Article 1, refers to *discrimination* "on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation". There are at least three overlapping dimensions to discrimination as it is manifested in waged employment in agriculture. The first is discrimination experienced by groups of women and men which is defined on the basis of gender criteria such as wage disparities between women and men. The second is based on ethnic or racial classifications and is experienced especially by indigenous and tribal populations, as well as migrant workers, and may be experienced differently by women and men within these groups. The third is a form of discrimination based on age, where children and adolescents or the elderly are discriminated against in specific ways through the impact of particular policies and practices. Here again, girls and boys, elderly women and men may be exploited and affected differently. Each of these dimensions is briefly examined below.³⁴

³³ See box 25 in section 5 for the text of the global chocolate/cocoa industry initiative.

³⁴ There is an addition: discrimination faced by disabled women and men, although this aspect is not dealt with in this paper except in so far as workers may become disabled through work-related injuries, when the question of entitlements and eligibility criteria for disability benefits arises. See section 4.

2.4.1. Gender-based discrimination

Despite ratification of these Conventions, many women workers do not receive the same wages as men, suffer sexual harassment, and are kept out of supervisory positions. The most visible form of gender-based discrimination is seen in the wage inequalities between women and men. Here again, even where equality is guaranteed in legislation, what is important is what happens in practice. In the case of plantations in Sri Lanka, for example, women have occupied a key position in the plantation labour force over a long period and make up about 50 per cent of the regular workforce. Statutory equality of daily wage rates for women and men workers in tea and rubber plantations was achieved in 1984. In 1980, women's average daily earnings had been 83.5 per cent of men's on tea plantations and 87 per cent on rubber plantations.³⁵ However, there is also the question of the hours worked in different tasks. For example, women tea pluckers work longer hours than men who provide "sundry labour". Over time, it had become common practice for husbands who finished their working day earlier to collect their wives' wages. This practice was contributing to conflict within households as women had no control over their income. Numerous studies described the incidence of debt and alcohol abuse within these plantation communities, and this fundamental gender issue of wage collection was finally addressed through trade union worker education activities and bargaining for a clear provision requiring women to collect their own pay.

Discrimination has been reported in the *Dominican Republic*, where many women workers are paid lower wages than men. This practice is particularly rife on sugar plantations, where Haitian women workers in particular, whether in the country legally or illegally, are discriminated against in their terms of employment and are employed in conditions of virtual slavery, their belongings and wages being kept by the employers to prevent them from leaving. Sugar plantations also employ a growing number of Haitian children, many of them younger than 14 years, the statutory minimum working age in the Dominican Republic.³⁶

Box 9

The gender dimension of inequality – An example of bonded labour in agriculture¹

There are some indications that women are increasingly affected by bonded labour in agriculture. A recent study in the Indian state of Andhra Pradesh found that male agricultural labourers were the main beneficiaries of policies encouraging encroachment on government wasteland, subsidies for credit, productive assets and food, as well as non-agricultural employment generation. Employers had less control over the consumption habits and residence of male workers, enabling them to escape from traditional bonded labour relations. Men had delegated debt repayment to women both directly and indirectly by shifting more responsibility for family provisioning onto women. Consequently, women had felt compelled to take up agricultural work at whatever wages and conditions were offered. They had also been forced to take out loans to pay men's debts when the men absconded, and to satisfy employers' expectations of loyalty in order to have access to consumption credit in future. This had involved their working on employers' or creditors' farms at significantly lower tied wages, as well as performing unpaid tasks throughout the season.

As the 2001 ILO Global Report points out, the above example raises the critical question: How is it that women can inherit the debt, and therefore the debt bondage, of a father or husband, but hardly ever inherit his land?

¹ L. da Corta and D. Venkateshwarlu: "Unfree relations and the feminization of agricultural labour in Andhra Pradesh, 1970-95", in *Journal of Peasant Studies* (Essex, United Kingdom), Vol. 26, Nos. 2/3, Jan./Apr. 1999, cited in ILO: *Stopping forced labour*, op. cit., para. 116.

³⁵ S. Ranansinghe: *Sri Lanka country study on child labour in plantations*, prepared for the South Asian Subregional Workshop on Trade Unions and Child Labour in Plantations, 4-6 September 2000, Kathmandu, Nepal, table 15.

³⁶ ICFTU: *Annual survey of violations of trade union rights* (ICFTU, 2002), op. cit.

2.4.2. Discrimination against indigenous and tribal populations

The overall situation of indigenous and tribal peoples has been of concern to the ILO for several decades. The Indigenous and Tribal Populations Convention, 1957 (No. 107) was revised by the Indigenous and Tribal Peoples Convention, 1989 (No. 169). This category of workers, especially the women among them, often face even greater problems than those encountered by other agricultural and rural workers. In general, the health protection of indigenous peoples is more precarious than the average for the population. The ILO Committee of Experts on the Application of Conventions and Recommendations has drawn attention to the health hazards facing indigenous workers on tobacco plantations in *Mexico* as a result of the intensive and indiscriminate use of toxic pesticides.³⁷ The Committee of Experts has also identified wage discrimination on some estates in *Paraguay*, where the minimum wage paid to indigenous workers is lower than the statutory minimum and non-indigenous workers receive higher wages for the same work. A publication by a human rights organization cited in the Committee's 1999 observation on *Mexico* alleges that the wives of day labourers, for the most part indigenous women, are the ones who perform the most onerous tasks, sometimes working 18 to 20-hour days, doing domestic chores and farm work, their wages always being regarded as a supplement to their husband's pay. They have neither maternity leave nor medical care during pregnancy and must work until the last day of pregnancy.³⁸

2.4.3. Discrimination based on age

Age discrimination has been touched upon above in relation to the practice of child labour and children working under conditions of bonded labour. It is important to emphasize that in many situations child workers are discriminated against and exploited because of their age – because they are young, they can be taken advantage of. Some evidence points to severe abuse of child workers in respect of remuneration, making them one of the most vulnerable groups of waged agricultural workers. Studies indicate that the “contracts” children have with employers are generally unwritten, informal and provide no benefits. Often the actual payment received is much less than anticipated owing to deductions – for food, lodging, other necessities, medical expenses, fines, etc. In some cases, the actual task for child workers is the same as for adults but children are paid at a much lower rate and earn less than the minimum wage (where this exists). A few examples from different regions illustrate this extreme discrimination.

³⁷ ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III(1A), International Labour Conference, 87th Session, Geneva, 1999. Health protection for women agricultural workers is discussed in section 4.

³⁸ M.A. Pro Juárez: *Slavery in Mexico: Rural migrant workers ... their human rights*, A.C. Human Rights Centre, Mexico D.F, 1998. Cited in C. Ramos Velos, op. cit.

Box 10

Discrimination in remuneration for child workers in agriculture ¹

In Central and South America: Children (aged 12-14 years) make-up perhaps 30 per cent of internal migrants within Guatemala working on coffee, sugar cane, cardamom and cotton plantations. They do the same work as adults but are paid half as much. In Peru, the Government estimated that 7.5 million children below 15 years of age were employed in 1992, and that 70 per cent of these were child agricultural workers, working 10-12 hours a day, six days a week, and being paid half the adult wage. In Brazil, child labour is widely used on sugar cane plantations throughout the country. In the principal cane growing and processing area, children and adolescents aged from 10 to 17 years account for approximately 25 per cent of the total number of cane workers. In many cases children work with their families, contributing to the daily amount of cane cut in order to receive the minimum monthly wage. In 1995, this was equivalent to four tons per day. Payment is typically made to the head of the household.

In Asia: Children working on vegetable farms in one area of the Philippines work 10 hours a day for six days and a half day on Sunday; they earn less than half the pay of adult workers. In Malaysia, children work largely as part of a family unit, helping parents to achieve targets to earn the daily wage (e.g. 600-700 rubber trees tapped; 1.5-2 tons of palm oil fruit collected). To meet these daily quotas, assistance from children who are not paid directly is essential. In Thailand, deceptive recruiting and debt bondage of children occurs in connection with sugar plantations. Children and adults are enticed into taking loans and become entrapped in debt bondage.

In Africa: Plantations and farms in many countries hire children directly as contract workers, often sending trucks to collect child workers in the peak agricultural season. In Kenya, children make-up 58 per cent of the coffee plantation workforce during the peak season, working with mothers on piece rates for low earnings. In *South Africa*, there were reports of Mozambican refugee children recruited by local farmers, put to work and then reported to the police for deportation as illegal aliens when payment for their labour became due. In Egypt, children are regularly employed picking jasmine. Small children, who are preferred for the delicate task of picking single flowers, are recruited from villages between July and October to gather flowers in the middle of the night when the essence is purest. They work nine-hour shifts without stopping and under threat of physical abuse. In the United Republic of Tanzania, child workers (aged 12-14) on sisal plantations work under hazardous conditions for up to 11 hours a day, 6 days a week, with no regular or specified rest periods. Their earnings are approximately half those of adults.

¹ Numerous studies covering working and living conditions of child agricultural workers in many countries are cited in the report of the United States Department of Labor: *By the sweat and toil of children*, op. cit.

These three dimensions of discrimination in employment conditions and remuneration – gender inequalities, discrimination against minorities, and age-based discrimination – are clearly interlinked and overlapping. The exploitation which an indigenous, female, adolescent or child experiences may be extremely severe, given these multiple layers of discrimination. This contributes to the series of decent work deficits in agriculture which are experienced by large groups of women and men, girls and boys, in so many countries.

* * *

The foregoing paragraphs suggest possible negative synergies among the four areas of fundamental principles and rights as applied to agriculture and agricultural workers, namely: the absence of rights in relation to freedom of association; the persistence of forms of forced labour; the existence in agriculture of some of the worst forms of child labour, and the persistence of de facto and de jure discrimination and inequalities, as well as discriminatory practices based on ethnic, tribal and racial classifications. Taken together, these areas constitute the antithesis of decent work.

Subsequent sections provide further information on conditions for waged agricultural workers in relation to the other three pillars of decent work, namely: employment and incomes; social protection; and social dialogue. They highlight the critical importance of promoting fundamental rights in order to address decent work deficits in agriculture and thereby contribute to sustainable agriculture and rural development.

* * *

3. Employment and incomes for women and men in agriculture: Second pillar of decent work

During the 1990s, a decade characterized by increasing globalization and the advance of market-based economies, poverty came to be recognized as a major challenge. In 1998, 2.8 billion individuals – half the world’s population – faced monetary poverty (and income of less than \$2 per day); 1.2 billion people, about one-fifth of the world’s population, lived in severe poverty (less than \$1 per day), with the highest share of this group in countries with agriculture-dependent economies. While some areas of the world have witnessed a decline in the number of people living in poverty – East Asia and the Pacific, for example – other areas such as Latin America, Eastern Europe, Central Asia and sub-Saharan African have seen an increase in the incidence of poverty.¹

The strategic importance of agriculture in the overall economic development of many countries stems from a combination of factors. Agriculture is the source of food, a source of export revenues; it plays a role in capital formation; it has linkages with other sectors; and, most importantly, it is a source of employment, particularly in developing countries, for millions of men, women and children, as table 1 shows. The agricultural sector is crucial to rural development and, according to IFAD’s report on rural poverty in 2001, agriculture provides about 60 to 75 per cent of rural work.² Waged agricultural workers, women and men, who contribute to agricultural production and rural incomes should be addressed as key target groups in poverty reduction strategies.

Table 1. Total and agricultural labour forces

World	Total labour force		Agricultural labour force			
	Number (millions)	Average annual growth rate (%)	Number (millions)	Average annual growth rate (%)	Share in total labour force	
	1997	1990-97	1997	1990-97	1990	1997
World	2 827	1.7	1 302	0.9	49	46
Developed countries	642	0.7	52	-2.6	10	8
Developing countries	2 185	2.0	1 250	1.0	61	57
African developing countries	307	2.8	189	1.9	66	62
– of which sub-Saharan Africa	257	2.8	173	2.0	71	67
Asian developing countries	1 668	1.8	1 014	0.9	65	61
Latin American and Caribbean developing countries	207	2.4	44	-0.1	25	21
Oceanic developing countries	3	2.4	2	1.7	68	65
LIFDCs*	1 790	2.2	1 113	1.2	67	62
Low-income countries	912	2.8	568	1.8	66	62

*Low-income food-deficit countries.

¹ World Bank: *World Development Indicators 2000* (Washington, DC, 2000), p. 3; and *Global Economic Prospects and Developing Countries 2001*; see <http://www.worldbank.org/poverty/data/trends/income.htm>

² Rural non-farm activity provides 25 to 40 per cent of rural income and is growing faster than farm incomes, but depends on the demand from the farm sector. Both aspects are therefore crucial and need to be addressed simultaneously in poverty reduction strategies.

Box 11
1.1 billion agricultural labour force –
450 million waged agricultural workers

Despite the falling share of agriculture in the total workforce, the agricultural labour force of some 1.1 billion today still represents the largest single occupational group, with over 40 per cent of the world's workforce, having declined from 49 per cent in 1990. While agriculture's share has been decreasing, table 2 shows that the percentage share of women in the agricultural labour force has been increasing in all regions, except developed countries. There are an estimated 450 million waged agricultural workers in the world, with women accounting for a high and increasing percentage (50 per cent or more in some countries). The majority of children aged between 5 and 14 years who work in the worst forms of child labour (an estimated 80 million) are working in agricultural activities.

This section provides a brief overview of employment and incomes in agriculture, with “snapshots” from three perspectives:

- the importance of agriculture in national economies – its contribution to GDP, export revenues and employment;
- linkages between agriculture, rural livelihoods and poverty;
- migration for work in agriculture (domestic and international).

These three interrelated perspectives help to define the focus of the second pillar of decent work in agriculture and to highlight deficits in employment and incomes in agriculture.

Table 2. Sex distribution in the total and agricultural labour forces

	Women's share (%) in:			
	Total labour force		Agricultural labour force	
	1990	1997	1990	1997
World	40.0	40.4	42.7	43.3
Developed countries	43.4	44.2	38.4	36.7
Developing countries	38.8	39.3	42.9	43.6
African developing countries	40.0	40.5	46.6	47.3
– of which sub-Saharan Africa	42.4	42.5	46.9	47.3
Asian developing countries	39.4	39.8	43.5	44.0
Latin American and Caribbean developing countries	32.6	34.1	16.9	17.0
Oceanic developing countries	39.1	40.3	43.5	44.8
LIFDCs*	39.6	40.0	43.5	44.0
Low-income countries	36.2	36.9	41.3	42.1

*Low-income food-deficit countries.

3.1. The importance of agriculture in national economies: Some recent indicators on its contribution to GDP, export earnings and employment

Some developments in agriculture have been highlighted in preceding sections, particularly in relation to the processes and impacts of globalization. In the following paragraphs additional information is briefly presented from the perspective of national economies, in order to highlight trends in relation to indicators such as the contribution of agriculture to GDP, its share in export earnings and employment.³

Table 3 illustrates the percentage share of agriculture relative to industry in total GDP for selected countries in different regions for the years 1980, 1990, 1995 and 2000. The declining importance of agriculture in relation to increasing industrialization was highlighted in a 1996 ILO report,⁴ and current indications in some countries in South Asia support these observations. In *Malaysia*, for instance, the contribution of agriculture to GDP was 38 per cent in 1960 and had declined to 11 per cent in 2000, as a result of rapid industrialization and structural changes in the economy. Employment in agriculture as a percentage of total employment declined from 53 per cent in 1970 to 14.8 per cent in 2001, but a significant proportion of the population is still employed in agriculture.⁵

³ Since the mid-1980s, the ILO has been conducting studies and commissioning research on the impact of structural change in commercial agriculture and plantation economies. A useful synthesis was provided in the 1996 ILO Report: *Wage workers in agriculture: Conditions of employment and work*, Report for discussion at the Tripartite Meeting on Improving the Conditions of Employment and Work of Agricultural Wage Workers in the Context of Restructuring (Geneva, 1996). These are not repeated here. An attempt is made rather to highlight recent developments which appear to be influencing the overall policy environment and which may also be defining the scope for action by trade unions, the ILO and other concerned actors.

⁴ ILO: *Wage workers in agriculture*, op. cit.

⁵ N. Mukundan: *Decent work in agriculture in Malaysia*, Background Paper prepared for ACTRAV (Apr. 2003). See table 5 in this report for changes in employment in Malaysia's primary commodity sector.

Table 3. Percentage contribution of agriculture and industry to GDP for selected countries

Years	Countries	Percentage contribution to GDP by agriculture	Percentage contribution to GDP by industrial activity	Countries	Percentage contribution to GDP by agriculture	Percentage contribution to GDP by industrial activity	Countries	Percentage contribution to GDP by agriculture	Percentage contribution to GDP by industrial activity
1980	Canada	4	38	Saint Lucia	14	24	Pakistan	30	25
1990		3	33		15	18		26	25
1995		3	33		10	19		26	25
					8	20		26	23
1980	Denmark	6	27	Trinidad and Tobago	2	63	Philippines	25	39
1990		4	27		3	46		22	34
1995		4	26		2	43		22	32
2000		3	26		2	43		16	31
1980	France	5	36	Egypt	18	37	Sri Lanka	28	30
1990		4	30		19	29		26	26
1995		3	27		17	32		23	27
2000		3	26		17	34		20	27
1980	Germany	2	41	Ghana	58	12	Belarus	–	–
1990		2	38		45	17		–	–
1995		1	33		39	24		17	37
2000		1	31		35	25		15	37
1980	Netherlands	4	35	Kenya	33	21	Moldova, Republic of	–	–
1990		5	31		29	19		–	–
1995		4	29		31	16		33	32
					20	19		28	20
1980	Spain	10	36	Malawi	44	23	Romania	–	–
1990		7	34		45	29		20	50
1995		5	31		30	20		21	43
2000		4	31		42	19		13	36
1980	United Kingdom	2	42	Senegal	19	15	Ukraine	–	–
1990		2	35		20	19		–	–
1995		2	32		20	21		15	42
2000		1	29		18	27		14	38

Years	Countries	Percentage contribution to GDP by agriculture	Percentage contribution to GDP by industrial activity	Countries	Percentage contribution to GDP by agriculture	Percentage contribution to GDP by industrial activity	Countries	Percentage contribution to GDP by agriculture	Percentage contribution to GDP by industrial activity
1980	South Africa	6	48	Swaziland	24	32	Mexico	9	34
		5	40		14	43		8	28
		4	35		16	44		5	28
		3	31		17	44		4	28
1980	Argentina	6	41	Uganda	72	4	Nepal	62	12
1990		8	36		57	11		52	16
1995		6	28		49	14		42	23
2000		5	28		42	19		40	22
1980	Brazil	11	44	Tanzania, United Republic of	-	18	Dominica	31	21
1990		8	39		46	14		25	19
1995		9	37		47	16		19	22
2000		7	29		45	-		17	23
1980	Chile	7	37	Zambia	15	42	Guatemala	25	22
1990		9	41		21	51		26	20
1995		9	35		18	36		24	20
2000		11	34		27	24		23	20
1980	Colombia	20	32	Zimbabwe	16	29	Honduras	24	24
1990		17	38		16	33		22	26
1995		15	32		15	29		22	31
2000		14	31		18	25		18	32
1980	Ecuador	12	38	Azerbaijan	-	-	Indonesia	24	42
1990		13	38		-	-		20	38
1995		12	36		27	34		17	42
2000		10	40		19	38		17	47
1980	Belize	27	31	Bangladesh	50	16	Malaysia	23	41
1990		21	25		29	21		15	42
1995		20	26		25	24		13	41
2000		21	27		25	24		11	45
1980	Costa Rica	20	31	India	39	24	Mongolia	-	-
1990		18	29		31	28		-	-
1995		14	30		28	28		42	26
2000		9	31		25	27		33	19

More than 80 per cent of Africa's exports consist of primary commodities. The share of non-oil primary commodities in total exports has been estimated at 75 per cent or above in 17 countries in sub-Saharan Africa.⁶ The contribution of agriculture to export earnings in many countries is thus very significant. Its contribution to wage employment and rural incomes is also very significant. In *Kenya*, which has the largest economy in the East African subregion, agriculture is the single biggest source of wage employment, with 311,000 waged workers (18.5 per cent of the total regular waged workforce nationwide) and a great many more in total agricultural production activities in 2000. In 2000, three agricultural commodities (tea, horticultural products and coffee) accounted for more than half of Kenya's total exports and its contribution to GDP was 20 per cent, showing a decline from 33 per cent in 1980.⁷ In *Uganda*, agriculture is the main economic sector and over the period 1986-93, despite a decline, agriculture nevertheless still accounted for 57 per cent of GDP. This fell to 42 per cent in 2000, with a corresponding growth in industrial activity. Throughout this period, coffee accounted for the bulk (45 per cent) of the country's exports, while tea accounted for some 5 per cent.

The declining prices of coffee and other commodities in the volatile global market,⁸ clearly create problems for countries dependent on the export of a limited number of agricultural commodities. Table 4 illustrates export structures for selected countries, in terms of the percentages of food items and agricultural raw materials in the total value of exports. For many countries, this percentage is significant. The table indicates changes over the past ten years for countries in different regions. In the case of *Uganda* in 1995, as much as 86 per cent of the total value of exports comprised food commodities. By 2000, this had declined to 60.1 per cent and agricultural raw materials had increased to 12.5 per cent of export value.

Table 4. Export structure for selected countries: Food items (F) and agricultural raw materials (A) as a percentage of total value of exports

Countries	1990 value*	F	A	1995 value*	F	A	2000 value*	F	A	2001 value*	F	A
Argentina	12 352	56.3	3.9	20 963	49.8	4.0	26 410	43.4	1.5	26 610	44.2	1.3
Azerbaijan	-			1999: 929	6.3	2.8	1 745	3.2	2.4	-		
Bangladesh	1 556	14.3	6.8	3 407	10.5	2.7	-			-		
Belarus	-			1999: 5 909	7.5	3.5	7 331	6.8	3.6	-		
Belize	-			143	86.5	1.5	1999: 159	85.7	1.4	-		
Brazil	-			46 505	28.5	5.1	55 283	23.2	4.8	58 223	27.5	4.1
Canada	126 899	8.6	9.0	191 118	7.6	9.2	277 113	6.3	6.2	259 903	7.4	5.5
Chile	8 522	23.1	9.5	15 901	23.7	13.5	18 215	24.3	10.8	-		
Colombia	6 765	32.8	4.3	10 201	30.8	5.4	13 115	19.1	4.7	12 301	18.2	5.3

⁶ UNCTAD: *World Investment Report 2001: Promoting linkages* (Geneva, 2001), pp. 27-28.

⁷ ILO: *Kenya facing the challenge of Africa's integration in the global economy: The role of multinational enterprises in the plantation sector*, Multinational Enterprises and Social Policy, Working Paper No. 91 (Geneva, 2002), pp. 6-7.

⁸ See figure 1 in section 1 for annual indices of market prices for selected primary commodities.

Countries	1990 value*	F	A	1995 value*	F	A	2000 value*	F	A	2001 value*	F	A
Costa Rica	1 456	58.2	5.5	2 702	63.4	5.0	5 487	30.0	3.0	–		
Denmark	34 843	27.1	3.4	48 789	24.0	2.9	49 210	19.7	2.5	50 969	20.2	2.6
Dominica	53	67.2	1.0	44	51.6	0.3	51	39.4	0.1	–		
Ecuador	2 714	44.1	1.4	4 362	51.8	3.0	4 822	36.5	3.9	4 647	42	5.8
Egypt	2 582	9.7	9.5	3 444	9.8	9.5	1999: 3 501	8.9	7.9	–		
France	209 996	15.8	1.7	284 046	14.1	1.3	302 248	11.0	1.1	348 856	10.6	1
Germany	–			523 697	5.0	1.1	550	4.2	0.9	–		
Ghana	–			1999: 1 270	51.1	10.1	1 671	30.7	6.5	–		
Guatemala	1 163	66.9	6.2	1 936	65.2	4.2	2 699	56.2	3.8	2 413	51.3	4.1
Honduras	555	81.6	3.9	656	86.9	3.3	1 078	58.8	3.6	–		
India	17 859	15.6	4.1	31 650	18.7	1.3	1999: 36 672	14.5	1.4	–		
Indonesia	25 675	11.1	5.1	45 418	11.4	6.7	62 124	8.9	3.6	56 317	8.9	3.6
Kenya	1 020	49.1	5.6	1 826	56.1	7.3	1 571	59.0	8.6	–		
Malawi	402	92.0	1.9	421	90.4	2.1	–			–		
Malaysia	29 453	11.5	13.7	73 778	9.5	6.1	98 230	5.5	2.6	88 005	6.1	2.1
Mexico	26 345	11.6	1.6	79 541	7.7	1.3	166 192	4.9	0.6	158 685	5.2	0.5
Moldova, Rep. of	–			746	71.7	1.8	456	61.2	3.1	552	62.9	2.1
Nepal	180	13.2	3.0	359	7.8	1.1	709	9.9	0.5	–		
Netherlands	131 507	19.9	4.2	177 626	19.8	3.9	180 072	15.0	3.2	–		
Pakistan	5 522	9.3	10.2	8 125	11.8	3.9	9 130	10.5	3.0	–		
Philippines	8 091	18.9	1.9	17 174	13.0	1.3	38 078	4.8	0.6	–		
Romania	5 870	1.1	2.6	7 910	6.6	3.3	10 367	3.1	4.9	–		
Saint Lucia	120	71.6	0.5	94	67.8	0.4	39	79.4	0.4	40	78.6	0.6
Senegal	783	53.2	2.7	531	15.4	8.5	693	52.4	1.8	785	46.3	2.3
South Africa	–			28 226	7.9	4.1	26 075	8.5	3.8	–		
Spain	55 632	14.8	2.1	98 616	15.4	1.6	113 343	13.5	1.3	–		
Sri Lanka	1 894	34.3	5.8				1999: 4 467	21.1	2.0	–		
Trinidad and Tobago	2 080	5.5	0.1	2 467	7.1	0.1	4 273	5.7	0.1	–		
Uganda	–			575	86.0	4.4	402	60.1	12.5	–		
United Kingdom	185 500	7.0	1.0	239 948	7.5	0.9	276 462	5.5	0.5	257 252	5.5	0.5
Zimbabwe	1 470	44.9	7.3	1 845	43.2	6.8	1 925	47.1	12.5	–		

* Total value (millions of US dollars).

3.1.1. The role of agriculture in transition countries

In many countries undergoing the often brutal transition to a market economy, agriculture still accounts for a significant part of the national economy. In *Kyrgyzstan*,

agriculture's contribution to GDP was reported at 40 per cent in 2001, and in the *Republic of Moldova*, agriculture's share in GDP is still dominant at 28 per cent, although that GDP was only 33.7 per cent of the 1990 value. Box 12 describes in some detail recent developments and their impact on the *Republic of Moldova's* agricultural sector. The experiences may be shared by many other countries undergoing transition processes.

Box 12

Indicators on the impact of structural change in the Republic of Moldova¹

Described as being in "transformational decline", the Moldovan economy reflects dramatic change. GDP in 1999 represented only 33.7 per cent of its 1990 equivalent. Over the past few years, there has been some growth in industrial production but agriculture's share of GDP is still dominant at 28 per cent, with the industry's contribution at 20 per cent in 2000. Over half the workforce was employed in agriculture in 2001 (54 per cent of the population is rural), and over 70 per cent of agricultural production is from small peasant and household farms. The Inter-Ministry Committee for Sustainable Development and Poverty Reduction estimates that, for the foreseeable future, the Moldovan economy will have an "agro-alimentary character" and for more than half the population the agricultural sector will be their only means of subsistence. The agricultural sector is currently being restructured (with land privatization and a reform programme implemented particularly since 1998), and high social and economic costs are anticipated by some civil society groups including the trade unions.

Not long ago, food imports did not exceed 15 per cent of exports. The Republic of Moldova was the first CIS country to accede to WTO and, with market liberalization, experienced at first hand the "invasion" of its local markets with cheap subsidized goods from EU countries. Local producers could not compete and now the index for food imports stands at 40 per cent. Allocations from the national budget to agricultural development have declined, with less than US\$8 million foreseen for 2003, almost one-third less than the allocation in 2000. Clearly, foreign investment is hoped for, and foreign players such as the World Bank, USAID, etc., are present in the agricultural sector. However, results from pilot projects so far are not promising.

Land reforms have generated new types of agricultural units which have had dramatic impacts on the structure of agricultural employment. In 1996, agricultural wage earners amounted to 515,500 persons (43.4 per cent of total national employment). Five years later, in 2001, there were only 165,700 wage earners in agriculture, of whom 43.4 per cent were women, and the percentage share of employment in agriculture had declined to 23.9 per cent of total employment. Another cause for concern is the evolution of wages for agricultural work over the same period. The average nominal wage in agriculture compared with the economy as a whole showed a steady decline, from 72.3 per cent in 1995 to 58 per cent in 2001.

In 2001, the wage for agricultural workers was well below the minimum standard used in the Republic of Moldova. And another index, the minimum consumption budget, indicated that agricultural wages attained only 34 per cent of this value. The National Strategy for Sustainable Development recognizes that levels of poverty in the Republic of Moldova are higher than in other countries in the CIS and Eastern Europe. From available statistics it appears that over half of all people living below the poverty threshold are employed in agriculture. Moreover, *all agricultural wage-earners are living below the poverty threshold.*

The agricultural sector, which has been a crucial element in the national system for social security including food security, is clearly at risk, and as waged employment has been falling in agriculture, so the share of wages in the structure of rural household incomes has been declining. Statistical data on the sources and structure of disposable income of rural households for October-December 2002 revealed the following percentage composition: income from wages – 19.2; income from other agricultural activity – 52.1; income from individual activity – 2.2; income from ownership – 0.2; social benefits, including pensions – 12.2; other current allowances – 1.5; current transfers – 12.6. The share of wages was reported to have decreased significantly.

¹ G. Ciurea: *Moldova – Decent work in agriculture*, Background Paper prepared for ACTRAV, Apr. 2003.

3.1.2. The increasing role of women as waged agricultural workers

The significant share of women in the total agricultural labour force is illustrated in table 2. In all regions, except for developed countries, this share increased over the period 1990-97. This is particularly significant because over the same period the share of agriculture in the total labour force declined in all regions, as shown in table 1. In many countries, agricultural workers still constitute the majority of the workforce, as much as 80 per cent in some cases. Apart from their share in the total agricultural labour force,

however, women account for a large part of the waged agricultural workforce. Estimates put this at more than 50 per cent in many cases. The need for comprehensive disaggregated statistics has been recognized in several quarters, including the FAO.⁹ Despite the lack of statistics, there is enough research to suggest that in the production of primary agricultural commodities, women are playing an increasingly important role. They comprise a large and growing part of the category “waged agricultural workers”. In some labour-intensive crops, such as tea, women have traditionally formed the major part of the workforce. Tea production is the most labour-intensive plantation crop in the South Asian subregion and provides year-round employment for more than 2 million workers. Most of these workers are women.¹⁰

Table 5 presents some data on employment in the primary commodities sector of *Malaysia* and highlights several interesting points, despite the fact that the data is not disaggregated by sex and women are known to comprise 52 per cent of workers employed on plantations. Firstly, it gives an indication of the structure of employment for different crops in terms of plantations as well as the number of smallholder families involved in production. Secondly, it illustrates changes in employment within crop subsectors and forestry over two decades. In smallholder crop production, the contribution of women and children is clearly the major input. In 2001, thousands of smallholder families were involved in the production of rubber (500,000 households), oil palm (72,000 households), pepper (70,700 households), pineapple (3,500 households), and tobacco (38,000 small farmers).¹¹

Table 5. Employment in the primary commodities sector – Malaysia

Year	1980	1990	1995	2001
Rubber (Excluding about 500,000 smallholder families)	158 159	98 386	53 171	21 805
Oil palm (Not including some 72,000 households in public sector land schemes)	92 352	115 285	240 422	315 000
Cocoa (Only estate workers under direct employment and contract employment)	4 091	56 422	28 294	7 500
Pepper (Number of smallholder families)	30 600	56 035	57 401	70 700
Pineapple (Not including some 3,500 smallholder families)	6 005	7 000	7 003	7 018
Tobacco (Employment at curing stations excluding some 38,000 tobacco farmers)	26 296	28 421	23 684	22 650
Coconut (Employment estates only in Peninsula Malaysia)	4 648	2 464	1 210	888
Forestry	73 478	177 317	234 007	148 754

⁹ FAO: *Filling the data gap – Gender-sensitive statistics for agricultural development*, Report prepared for the High-Level Consultation on Rural Women and Information, Rome, 4-6 October 1999.

¹⁰ ILO: *Draft Proceedings of the Subregional Workshop on Industrial Relations Issues and Promotion of Social Dialogue in the Plantation Sector in South Asia*, 15-17 May 2002, Colombo, Sri Lanka.

¹¹ Department of Statistics 2002, cited in N. Makundan, *op. cit.*

Earlier sections referred to the increasing casualization of the agricultural workforce under the impact of globalization.¹² This trend must also be seen in the light of the increasing feminization of the agricultural workforce. These trends have several implications for the wages and incomes of waged agricultural workers.

3.1.3. Wages and income levels for agricultural workers

Despite the major contribution of agriculture to national economies, through exports and as a source of employment, with strong forward and backward linkages with the manufacturing sector, wage levels are consistently lower in this sector than in any other. In the case of *Kenya* in 2000, for example, average wage earnings for employees in agriculture were only 43 per cent of average earnings among workers in the building and construction sector.¹³ A similar situation is seen in the *Republic of Moldova*, where the average wage in agriculture fell from 72.3 per cent of the average for the economy as a whole in 1995 to 58 per cent in 2001. In the European Union too, there are reports of wages for agricultural workers being significantly lower than for workers in other sectors. In the *United Kingdom*, the increase requested in a union submission to the Agricultural Wages Board in July 2002, if obtained, would still be £2.00 lower than the hourly rate defined as the Council of Europe's low-pay threshold.¹⁴

The ILO 1996 report on wage workers in agriculture¹⁵ spelt out five major determinants of wage levels. They are: agricultural growth; labour force supply; non-farm employment; minimum wages (when they exist); and food prices. It suggested that although sustained increases in real wages depend on sustained growth in output, a number of factors such as inflation, labour-displacing technical change and rapid labour force growth can weaken this link. Conversely, several other factors including rapid growth in non-farm activities, primary and secondary education and the widespread use of land-augmenting technology can strengthen the relationship. Real wage increases are closely associated with rising labour absorption in agriculture, or land-augmenting agricultural growth based on higher cropping intensity, triggered by investment in irrigation. Various examples were given in the report showing great variety in these linkages, and demonstrating that the relationship between agricultural growth and wages is certainly not straightforward.

This assessment was made in 1996, as the impact of the Uruguay Round was only beginning to be felt and a further important determinant of wage levels was emerging. With more globalized markets, the increased volatility in markets for agricultural commodities and the generalized decline in prices is having an impact on wages. Many employers are feeling the squeeze between low market prices for their produce and high costs for imported inputs, such as fertilizers, pesticides and seeds. This situation is a major contributing factor to the increasing pressure on the casualization of formerly "permanent" employment, and the increasing visibility of women as waged agricultural workers, as noted in preceding sections.

¹² See section 1.4.

¹³ ILO *Kenya facing the challenge of Africa's integration in the global economy* op. cit., figure 2.6.

¹⁴ TGWU Submission to the Agricultural Wage Board, July 2002.

¹⁵ ILO: *Wage workers in agriculture*, op. cit., p. 54.

There is an additional factor, relating to declining productivity, which appears to be important in determining wages and incomes. Several cases have been reported recently, particularly in tea production, where workers are increasingly unable to rely on year-round and regular employment. This is the case in *Sri Lanka*, for instance, where surveys in 1995 showed that only 5 per cent of regular workers had worked 25 days per month and about 32 per cent had worked less than 15 days per month. These tea plantations are home to almost 1 million people, more than 86 per cent of the workers are in permanent employment and most are resident on the plantation. For such workers without alternative sources of employment, this situation of underemployment is giving rise to real hardship. Similar situations have been reported in *India* where plantation communities are resident on tea plantations with declining productivity.¹⁶ In *Nepal*, there is evidence that although land under tea cultivation has increased, the number of regular workers has not. Recourse is made to increased use of casual workers and piece-rate wage systems, with high use of adolescent and child labour in peak plucking season.

A further determinant of wage levels in terms of the wage payments received by different categories of workers is the extent to which exploitative and discriminatory practices are in force and fundamental rights disregarded, and the degree to which agricultural workers are organized with trade union representation. In combination with the impact of trade policies on national and local economies and other factors mentioned above, these determinants are giving rise to many deficits in decent work in agriculture. How else can we account for the escalation of poverty among rural households?

3.2. Linkages between agriculture, rural livelihoods and poverty

Three-quarters of the 1.2 billion “absolutely poor” with less than \$1 per day live in rural areas and depend primarily on agriculture for their livelihoods and survival. Two-thirds are found in Asia (44 per cent in South Asia and 24 per cent in East Asia); 24 per cent in sub-Saharan Africa and 6.5 per cent in Latin America and the Caribbean.¹⁷ According to the FAO, some 790 million people in developing countries and 34 million in developed countries and countries in transition do not have enough to eat.

On the one hand, greater opportunities for sustainable employment for men and women wage agricultural workers, as well as sustainable livelihoods for self-employed farmers and other workers, must be generated to enable people to lift themselves out of poverty. On the other hand, success in increasing employment opportunities and food security depends, directly and indirectly, on improving agricultural productivity. But indications suggest there has been declining support for agriculture which, together with other aspects of liberalization and globalization, have had damaging impacts on poverty reduction efforts. Several points concerning recent trends need to be highlighted to define the overall context within which this discussion on decent work in agriculture is situated.

¹⁶ IUF: *Globalization and agricultural workers*, Discussion Paper No. 3, IUF – Land and freedom project (Geneva, 2002).

¹⁷ IFAD: *Rural Poverty Report 2001: The challenge of ending rural poverty* (Oxford, 2001).

3.2.1. Declining support for agriculture is damaging to poverty reduction efforts

According to IFAD's 2001 report on rural poverty, the proportion of official development assistance going to agriculture has fallen from about 20 per cent in the late 1980s to about 12 per cent. Assistance from international financial institutions to agriculture has followed a similar pattern. The real value of net aid disbursed to agriculture in the late 1990s was only 35 per cent of the 1987 level.¹⁸ The World Bank's project portfolio by sector for April 2002 indicates only 9 per cent going to agriculture, fishing and forestry, out of a total of US\$105.7 billion.¹⁹ This decrease in allocations to agriculture at the international level is also reflected at the national level, as shown in the case of the *Republic of Moldova*, for example, where the allocation from the national budget in 2003 is approximately one-third less than the allocation in 2000. Many governments are encouraging export-oriented agriculture, but the sector is constrained by the withdrawal of national support from agriculture. Under liberalization and adjustment programmes, which have often involved the withdrawal of state-provided extension services for seeds, fertilizers, etc., and the abolition of government marketing and commodity boards, conditions have been further aggravated. There is inadequate public support for productivity growth, research and dissemination, and limited formal credit for agricultural marketing. In the *United Republic of Tanzania*, private sector investment fell from 18.5 per cent in 1994 to 11.5 per cent in 1998.²⁰

This decline in sector allocation has impacted negatively on the material means for increasing production and incomes. Even under optimum conditions, smallholder farmers in many parts of the world are estimated to reach productivity levels of only one-third of their potential. Poor farmers are more vulnerable to the demands and volatility of markets and liberalization and deregulation increase income fluctuations, in particular through exposure to changes in export crop prices, as indicated in section 1.

Evidence suggests, however, that if aid to agriculture is targeted, and contributes to raising output, it can be beneficial to the poor. Furthermore, there is growing awareness that progress will be made towards achieving the ambitious target of halving poverty by 2015 only if aid concentrates on stimulating agricultural growth, especially food production. Output and yield of food staples appear to have a major impact on poverty trends. As mentioned previously, declining poverty rates have tended to be associated with sharp rises in food staple yields, for example during the 1980s. Conversely, during the 1990s, growth in food staple yield slowed down substantially, as did the rate of poverty decline. The erosion of agricultural funding was an important factor in this.²¹ This point is important for two reasons: firstly, because waged agricultural workers make a significant contribution to food production in many countries; and secondly, because they form a very large subset of the rural poor.

¹⁸ IFAD: *ibid.*, p. 41 and table 2.5, p. 66.

¹⁹ World Bank: *World Summit on Sustainable Development*, Johannesburg, 2002, figure 1, p. 16.

²⁰ J. Hati: "Agriculture sector cries for investments" in *The Investor*, Issue No. 4, Oct. 2002 (United Republic of Tanzania).

²¹ IFAD: *op. cit.*

3.2.2. Food security and decent work in agriculture

To achieve the World Food Summit target of halving the number of undernourished people by the year 2015, the total number would have to decline by an average of 20 million per year. Through most of the 1990s, the decline in undernourished people in developing countries averaged only around 8 million per year. Even with increasing food production, an adequate production and supply of food on an aggregate basis does not guarantee universal access to food. It should be noted too that owing to poor transportation and high transaction costs, rural food prices can be higher than urban prices for food staples. Here we are faced with the central issue: those who produce the food are themselves among the groups with least access to it.

Despite the advance of technology and an increase in agricultural productivity in some cases, the conditions under which food is produced for a considerable percentage of rural populations throughout the world are deteriorating – labour is being displaced and land holdings concentrated. The situation is serious for significant groups in many countries. Economic growth must be accompanied by social progress; decent and productive employment (both wage-based and self-employment) plays a key role in generating the income that is essential for ensuring access to food. Decent work is therefore the key to poverty reduction and food security.

3.2.3. Agricultural wage labourers and poverty

A consistent finding over the past decade has been that agricultural wage labourers are among the occupational groups with the highest incidence of poverty. A high proportion of their wages, in some cases up to 70 per cent of cash wages, is spent on food. The ILO reported in 1994 that the highest incidence of poverty is commonly found among wage labourers in commercial agriculture.²² More recently, the link has been made between non-permanent wage workers and small farmers who are regularly wage-dependent, in terms of increasing rates of poverty among both groups.

Productivity is an important factor in smallholder incomes. In *Malaysia*, for instance, productivity is estimated to be 16 per cent lower for smallholders than for estates in rubber production. This is also true of oil palm production. There are currently some 500,000 households involved in smallholder production of rubber, and according to current estimates some 65 per cent of these households are below the poverty line. They have been identified as a major poverty group.²³ Box 13 compiles some available information on poverty indicators among wage agricultural workers from various sources. In some cases, an equivalent index is given for poverty among smallholder self-employed households involved in agriculture. The data are not strictly comparable, but do give an indication of the magnitude of the problem of poverty as it affects agricultural workers. In some settings the incidence of poverty among smallholders producing plantation commodity crops appears to be lower than among wage labourers. However, the recent collapse in prices for some crops, such as coffee, has had devastating effects on small farmers throughout the world. Conditions of destitution are reported in countries such as *Colombia*, where many agricultural households are turning to the production of illicit crops in order to survive. Much of the data is from the late 1980s and early 1990s, and it is to be expected that the

²² ILO: *Recent developments in the plantations sector*, Committee on Work on Plantations, Tenth Session, Report I (Geneva, 1994).

²³ N. Mukundan, op. cit.

situation will have been further aggravated in most cases. Furthermore, poverty data from Africa are not reflected here.²⁴

Box 13

Poverty indicators among waged agricultural workers and self-employed¹

Some examples from Asia:

**Indonesia*. In 1987, waged workers accounted for less than 10 per cent of the rural workforce but 38 per cent of their households were below the poverty line, compared with 31 per cent of self-employed households.

**The Philippines*. In 1988, waged agricultural workers formed less than 10 per cent of the population, but registered an incidence of poverty of over 69 per cent, compared with 63 per cent among the self-employed in agriculture. The incidence of poverty was highest among sugar cane wage workers, at 94 per cent, followed by coconut and other crop workers. In 1997, a rural poverty incidence of 44.4 per cent was reported to be declining, but it is probable that the deepening crisis in agriculture will reverse the downward trend.

**India*. In 1986-87, agricultural wage labourers accounted for 31 per cent of all rural households but registered a poverty incidence of 45 per cent, compared with 24 per cent for self-employed rural households.

**Sri Lanka*. In 1986-87, the incidence of poverty on plantation estates was 18 per cent, compared with 36 per cent for all rural households. This "exception to the rule" reflects improvements in conditions for permanent workers resulting from successive wage increases brought about by sustained trade union pressure during the 1980s.

Some examples from Central and Latin America include the percentage share of wage workers and self-employed in agriculture in the total rural economically active population (EAP). Seasonal migrant workers are broadly estimated at up to 30 per cent of the rural EAP in some countries.

**Brazil*. In 1990, waged agriculture workers comprised 39 per cent of EAP, but registered a 48.5 per cent poverty rate, compared with a 65.3 per cent poverty rate for self-employed, who comprised 45.6 per cent of the rural EAP.

**Guatemala*. In 1989, waged workers comprised 37 per cent of EAP, but had a 70.1 per cent poverty rate, compared with a 75.9 per cent poverty rate for self-employed, who formed 47.9 per cent of EAP. In 1997, some 72 per cent of rural households were living in poverty

**Honduras*. In 1990, waged workers comprised 31.5 per cent of EAP but had a 74.6 per cent poverty rate, compared with an 89.9 per cent poverty rate for self-employed who formed 48.7 per cent of EAP.

**Costa Rica*. In 1989, waged workers comprised 58.3 per cent of EAP and had a 14.2 per cent poverty rate, compared with a 27.3 per cent poverty rate for self-employed, who formed 16.3 per cent of EAP.

**Colombia*. In 2000, the percentage of the rural population living in poverty had increased dramatically to 80.5 per cent, from 65 per cent in 1994. This was the result of a decline in real wages of 15 per cent over this period.

In 1997, some ECLA indicators on the percentage of households in poverty among rural populations were: *Guatemala* – 72 per cent; *Ecuador* – 50 per cent; *Mexico* – 53 per cent.² All of these could have risen further in the ensuing five years.

¹ Sources include ILO: *Recent developments in the plantation sector*, op. cit.; ILO: *Wage workers in agriculture*, op. cit., table 3.10; IFAD: *Rural Poverty Report*, op. cit. ² Reported by the Economic Commission for Latin America and the Caribbean (www.eclac.org); cited in Brands International, Inc.: *2000 Corporate Responsibility Report*, p. 90.

A dramatic rise in the incidence of poverty, both urban and rural, but especially the latter, has been evident in many countries undergoing transformation and transition to market-based economies. In the case of the *Republic of Moldova* statistics indicate that half of all people living below the poverty threshold are employed in agriculture, and all

²⁴ Systematic research needs to be undertaken on this area. Poverty Reduction Strategy Programmes (PRSPs) are being formulated in many countries in Africa and the situation of waged agricultural workers and other categories of the agricultural labour force are central to the concerns and objectives of PRSPs.

agricultural wage-earners are living below the poverty threshold. In the case of *Georgia*, 53 per cent of the entire population was estimated to be living below the official poverty line in 2000. There has been a significant reallocation of labour from paid employment to small-plot agricultural self-employment, and this may well be what is interpreted as the social “safety net”.²⁵

With increasing poverty now evident in so many regions and countries of the world, there has been a concomitant escalation in the numbers of people who are migrating in search of employment and income opportunities. These migration flows are both within countries and across borders. Traditionally there has always been migration for seasonal agricultural employment, but the distances between source and destination countries appear to be increasing for large numbers of migrant agricultural workers. This is examined in section 3.3 below.

3.3. Migration for work in agriculture: A growing trend²⁶

In 2000, the ILO reported that world migration had risen from 75 million in 1965 to 120 million and was continuing to increase, with no fewer than 67 countries classified as major receivers of migrant workers. Agriculture is an important sector of employment for many migrants in most countries receiving migrants. In the United States, for example, the Department of Labor estimated in 1991 that 73 per cent of all workers employed in crop production were immigrants, mostly from *Mexico*. Recent estimates put the number of migrant agricultural workers in North America today at approximately 5 million.²⁷

Clearly, differences in living standards help to explain the direction of migration flows. In terms of GDP per capita, the ratio between the *United States* and *Mexico*, for example, was 6 to 1 in 2000; between *Germany* and *Poland*, it was 11 to 1. A more realistic indicator of the potential for migration is the difference in wage rates for occupations that are open to immigrants, which may produce greater or smaller contrasts. Agricultural jobs are perceived as “open”, with relatively easy entry in several countries, even or particularly in situations of irregular migration.²⁸

For many reasons, increasing numbers of agricultural workers are compelled to seek employment elsewhere, either as migrants in their own country or further afield. The reasons include job losses due to a variety of factors. Preceding sections have suggested that in many countries trade liberalization has replaced and undercut domestic agricultural production with cheap imports, at the expense of many jobs. For example, corn and rice growing in the *Philippines* formerly occupied several farmers and labourers and supported several households per ton produced. The *Philippines* is now a net importer, and many workers have had to seek alternative sources of employment and incomes, including migrating for agricultural work in *Malaysia*. Similarly, the declining support to agriculture

²⁵ S. Bernabe: *A profile of informal employment: The case of Georgia*, Working Paper on the Informal Economy No. 9 (ILO, Geneva, 2002).

²⁶ See P. Stalker: *Workers without frontiers – The impact of globalization on international migration* (ILO, Geneva, 2000). ILO press release, 2 Mar. 2000.

²⁷ Commission for Labor Cooperation: *Protection of migrant agricultural workers in Canada, Mexico and the United States* (Washington, DC, 2002).

²⁸ P. Stalker: *Workers without frontiers*, op. cit.

as a consequence of the reductions in government budgets and subsidies, including food price supports, imposed by structural adjustment programmes, has also impacted on employment. Furthermore, increasing rates of poverty among rural populations are exerting considerable pressure for migration from many areas in different regions.

Pressure to migrate is matched by a demand for cheap, low-skilled agricultural labour in destination countries, both in industrialized countries in Europe and North America and in a considerable number of countries in Africa, Asia, Latin America and the Middle East. There are concerns that larger numbers of migrant workers are increasingly vulnerable to abusive recruitment practices and exploitative employment conditions on arrival.²⁹

3.3.1. Seasonal work in agriculture and migration

The demand for labour generated by seasonal work in agriculture attracts a substantial migrant workforce, although for most countries it is not known to what extent seasonal work is undertaken by migrant workers rather than locals. In *Canada*, for instance, the national census is conducted after many crops have been harvested, so that many seasonal workers are not counted as agricultural workers. The extent of statistical information on migrant agricultural workers varies greatly between different countries and regions. Available data in the cases of *Canada*, the *United States* and *Mexico*³⁰ suggest that in each country ethnic minorities and recent immigrants constitute an important part of the migrant worker population.

The origins of migrant workers who find their way into agricultural employment in many countries are extremely diverse, and so too are the routes – both formal and private, legal and illegal – which they take, as illustrated in the case of the *United Kingdom*.³¹ Some countries in Europe have formal programmes for admitting foreign agricultural workers on a temporary basis, such as the “OMI contract” offered in *France* since the 1960s, which allows several thousand workers to come to France to work in agriculture for up to six and occasionally eight months. These workers come from Poland, Tunisia and particularly Morocco. In 1991, *Germany* introduced the status of seasonal worker for agriculture with contracts limited to three months, and has signed bilateral agreements with Poland, Romania, Hungary, Slovakia, the Czech Republic, Croatia, Slovenia and Bulgaria. Some 220,000 new permits were issued in 2000 for agricultural seasonal workers. Germany has helped to establish recruitment agencies in Central and Eastern European countries. However, there are also many private recruiters, and according to some estimates the number of undocumented agricultural workers equals those legally registered. *Austria* established a “harvest helper” status for seasonal workers in 2000

²⁹ See P. Taran and E. Geronimi: *Globalization, labour and migration: Protection is paramount*, Perspectives on Labour Migration (International Migration Programme, ILO, 2003); see also the extensive study on the exploitation of migrants in European agriculture undertaken by the European Civic Forum: *Le goût amer de nos fruits et légumes – L’exploitation des migrants dans l’agriculture intensive en Europe*, Mar. 2002.

³⁰ Commission for Labor Cooperation: *Protection of migrant agricultural workers*, op. cit.

³¹ See box 6 in section 2.

through which up to 7,000 workers can be recruited for a maximum of six weeks, and many Polish workers are engaged as “harvest helpers” to pick strawberries.³²

Both *Canada* and the *United States* have formal programmes for admitting foreign agricultural workers on a temporary basis – most are from Mexico – but these programmes supply a relatively small proportion of the total agricultural workforce. In Canada in 1998, for example, fewer than 15,000 workers had entered under the Commonwealth Caribbean and Mexican Seasonal Agricultural Workers Programme for work primarily in the harvesting of fruits, vegetables and tobacco. They formed a small proportion of total seasonal agricultural workers, although the numbers have been increasing.³³ Most frequently, migrant agricultural workers obtain work through intermediaries generally referred to as “farm labour contractors”, who recruit and supply workers to agricultural producers. One informal survey conducted in British Columbia in 1998 indicated that the vast majority of seasonal harvest workers hired by farm labour contractors were from India, specifically of Punjabi origin. Two-thirds had entered Canada within the previous three years.³⁴

In the *United States*, agricultural employers rely heavily on migrant workers for crop harvesting. In 1999-2000, migrants performed 61 per cent of the harvest tasks. The official National Agricultural Worker Survey for 1999-2000 estimates that there are approximately 2.5 million agricultural workers, but experts believe this to be an underestimate. Seventy-two per cent are workers engaged in crop production (with the rest in stock production), and migrants (defined as workers who have travelled more than 75 miles for the job) account for half of the workers. Among these, 37 per cent had recently travelled to the United States to work in crop agriculture for the first time. The survey found that 55 per cent of all hired crop farm workers (migrant and settled) were unauthorized and 85 per cent were foreign-born. Two-thirds of the foreign-born workers lacked authorization to work in the United States. Among the foreign-born workers, 97 per cent were born in Mexico.³⁵

While *Mexico* is an important source country for agricultural migrant workers for Canada and the United States, it also experiences a significant amount of internal migration within its borders for agricultural work in different areas, and it is a receiving country for agricultural migrant workers from Guatemala. It is difficult to ascertain the total number of migrant agricultural workers in Mexico. The 1991 census estimated that there were approximately 2.3 million agricultural workers, of whom 86.6 per cent were seasonal workers. Other more recent sources point to between 3.5 and 5 million agricultural workers. Surveys conducted by the National Programme for Agricultural Day Workers of the Secretariat of Social Development indicate that women migrant workers comprise 48 per cent of total migrant agricultural workers. Almost one-third are indigenous workers. Migrant agricultural workers have established relatively fixed routes

³² N. Bell: “The exploitation of migrants in Europe”, contribution to the conference on “Borders and migration”, organized by the Austrian League for Human Rights, Vienna, 29-30 Oct. 2002 (European Civic Forum, Limans, 2002).

³³ Since the programme’s inception in 1966, Canada has negotiated agreements with Mexico, Jamaica, Trinidad and Tobago, Barbados, Grenada, Antigua, Dominica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Monserrat. See: Commission for Labor Cooperation, op. cit., pp. 7-8.

³⁴ *ibid.*

³⁵ *ibid.*, p. 37.

and workplaces over the years. According to the surveys, more than half the day-workers from certain communities have firmly established destinations where people from the same communities have worked for at least five years.³⁶ While most agricultural workers migrate from within Mexico, the state of Chiapas draws temporary international migrant agricultural workers from *Guatemala* under the terms of an agreement between the two countries. Guatemalan agricultural workers are characterized by their extreme poverty and dependence on the land. They have a tradition of migrating to Mexico, generally travelling with families and frequently hired through agricultural intermediaries or subcontractors. Their stay is temporary, with work permits allowing them to remain in Chiapas restricted to approximately six months, generally for coffee, banana and sugar cane production.

In *Malaysia*, work in the plantations sector is increasingly found through labour contractors, and migrant labour now accounts for 40 per cent of all workers. With industrialization, alternative options to employment in plantations have become available, leading sometimes to labour shortages. Plantation employers have lobbied for migrant agricultural workers from Indonesia, Thailand and the Philippines and, in June 2002, about 181,000 migrant workers were “registered” on plantations. In some sectors, such as oil palm harvesting, where half the workers are migrants engaged on a contract basis, there are real difficulties for trade union organization. Contractors hold a “contract-for-service” with employers, and workers work under the contractor, with control exerted through various means such as the withholding of travel documents and work permits, or indebtedness. This situation severely constrains trade union activity, and currently only 12 per cent of plantation workers are organized in trade unions.³⁷

From the foregoing examples, it is clear that immigration status can be a determining factor for waged agricultural workers in terms of levels of protection. Immigrant workers of different status have different relationships with immigration and labour authorities, as well as with employers or labour intermediaries. Much depends on the “route” they have followed, whether this has been through formal or more clandestine channels. The level of protection (or level of exploitation) depends also on the length of the contracting and subcontracting “chain”. What seems clear is that there is an increasing demand for these flexible employment relationships and the labour contracting system is responding globally to this in a variety of ways, many of which are giving rise to concern.³⁸

A “decent work agenda” for agriculture and its workers must ensure the inclusion of all categories of workers in the sector and distinguish carefully among the various categories – wage agricultural workers in a variety of employment relationships including permanent and non-permanent forms and self-employed farmers. Deficits exist for all categories, but vary greatly in the extent to which they are experienced, in particular for large groups of workers who are without representation and increasingly vulnerable to the impacts of globalization. The broad agenda and an appropriate strategy will thus need to include basic rights, poverty-reducing jobs, social protection and representation. Social protection is the third pillar of decent work and is considered in the next section.

³⁶ *ibid.*, p. 23.

³⁷ ILO: *Draft Proceedings of the Subregional Workshop on Industrial Relations Issues and Promotion of Social Dialogue in the Plantation Sector in South Asia*, 15-17 May 2002, Colombo, Sri Lanka.

³⁸ These aspects are examined below in section 4.

4. Social protection: Third pillar of decent work

Globalization has led to important changes in the nature of work, employment relationships and workers' access to social protection. Social protection encompasses the broad areas of income security, health protection and the assurance of safe and healthy working conditions, all of which are closely interrelated; social protection in its broadest sense is thus central to productivity and sustainable agriculture. In the case of waged agricultural workers these linkages are even more pronounced, as the working and living environments are so closely intertwined. The overall health of women and men agricultural workers and their families is determined to a great extent by the quality of their housing, water and sanitation and health services, as well as their levels of income, consumption and poverty. The deficits in decent work, such as low and fluctuating income as a result of uncertain and insecure employment, lead to extreme vulnerability among these workers when that income is lost. Days lost from work as a result of work-related injury, disease, invalidity, death or natural disasters thus create great hardship and deprivation among agricultural wage workers, who face intensified social and health risks arising from the hazardous nature of work in the agricultural sector and the insecure forms of employment within it.

Social protection, in the relatively few cases where it extends to agricultural workers, refers in practice only to permanent workers. Even then, its coverage and enforcement is rarely effective. Deficits, in terms of access to social protection for large groups among waged agricultural workers, have been consistently and regularly reported on in the ILO Committee on Work on Plantations. During its Fourth Session in 1961, for instance, the Committee adopted resolution No. 40 concerning the extension of social security to plantation workers and their families. And at its Eighth Session in 1982, the Committee adopted conclusions (No. 76) concerning occupational safety and health on plantations, with special reference to mechanization and the use of chemicals and to labour inspection. The report to the Tenth Session of the Committee in 1994 described measures taken by different countries following these earlier tripartite Committee meetings. This follow-up revealed very limited social protection and many problems encountered by countries in terms of extending effective agricultural labour inspection services to these communities.¹

With globalization and the implementation of structural adjustment policies, systems of social protection have become more necessary than ever in order to curb the harshness of market forces and alleviate poverty, help maintain incomes and ensure adequate access to health care and social services. These concerns were expressed in the report to an ILO tripartite meeting in 1996.² The report estimated that fewer than 20 per cent of agricultural wage workers were effectively protected under *any one of the nine* contingencies identified by the Social Security (Minimum Standards) Convention, 1952 (No. 102).³ Substantial differences were observed among regions and countries in their social security expenditures, suggesting considerable potential for improvements in coverage. Some

¹ See ILO: *Recent developments in the plantations sector*, Committee on Work on Plantations, Tenth Session, Report I (Geneva, 1994), Chs. 9 and 12.

² ILO: *Wage workers in agriculture: Conditions of employment and work*, report for discussion at the Tripartite Meeting on Improving the Conditions of Employment and Work of Agricultural Wage Worker in the Context of Economic Restructuring (Geneva, 1996).

³ The nine contingencies are: medical care, sickness, maternity, family benefits, unemployment, employment injury, invalidity, survivors' benefits and old-age benefits.

progress had been achieved in several countries with the establishment or extension of social security schemes to agricultural workers for one or more contingency, but effective coverage was still low.⁴ In high-income countries, in both Europe and North America, while permanent agricultural workers generally enjoy levels of social protection similar to those for the rest of the population, considerable deficits exist in coverage for migrant and seasonal workers.⁵

In 2001, the International Labour Conference conclusions highlighted the context-specific nature of social security. The Conference concluded that, while basic principles should inform the choices made, each society must determine how best to ensure income security and access to health care. These choices will reflect social and cultural values, institutions and levels of economic development. Systems can evolve over time and become more comprehensive and inclusive as circumstances permit. The State has the lead role in the facilitation, promotion and extension of social security coverage. Of “highest priority are policies and initiatives which can bring social security to those who are not covered by existing systems”.⁶ This clearly means millions of waged agricultural workers, women and men, who are currently excluded. Everywhere questions are being posed about the equity and efficiency of conventional social protection systems in environments with more and more workers in precarious, unstable and unprotected forms of employment and work arrangements. The fact that agricultural workers suffer markedly higher rates of accidents and fatal injuries than workers in other sectors must be emphasized because there are very few resources for compensation available to the non-permanent majority – temporary, casual, seasonal or migrant workers. With these decent work deficits in agriculture so apparent, there is a need for more and better protection for waged agricultural workers, who are among the poorest groups in most societies and thus also have very low contributory capacity.

4.1. Social security systems

In their most comprehensive form, social security systems have aimed at providing nine types of benefits, namely: medical care, sickness benefits, maternity benefits, family benefits, unemployment benefits, employment injury benefits, invalidity benefits, survivors’ benefits, and old-age benefits. There are, however, few if any examples of complete coverage being achieved for all nine contingencies or for an entire population. Rather, what has evolved over time in different countries and contexts are combinations of one or more of these benefits in a variety of social security “schemes”: schemes for social assistance, universal schemes for one or two benefits, social insurance and public and private insurance. In some cases, systems have evolved to progressively include more of the contingencies and/or more of the population.

However, in the current situation for many countries where agriculture is a major contributor to the national economy there is limited capacity to finance social security, either from general tax revenues or direct contributions. Even in high-income countries where contributory social security systems have gradually been extended to waged

⁴ ILO: *Wage workers in agriculture*, op. cit., Ch. 5. See also box 15.

⁵ See for example Commission for Labor Cooperation: *Protection of migrant agricultural workers in Canada, Mexico and the United States* (Washington, DC, 2002).

⁶ ILO: *Social security issues, challenges and prospects*, report of the Committee on Social Security, International Labour Conference, 89th Session, Geneva, 2001, Conclusions concerning social security, paras. 4 and 5.

agricultural workers, a number of gaps remain, particularly concerning seasonal and migrant workers. In the Latin American and Caribbean region, social insurance coverage of the agricultural population varies. Low coverage was observed in the 1980s, particularly in *Brazil* (20 per cent), *Colombia* (4.6 per cent) and *Peru* (5.5 per cent), while in *Costa Rica* and *Uruguay* in 1988, over 50 per cent of the rural population was socially insured. In Africa, according to the 1996 ILO report, social security schemes generally exclude agricultural wage workers, with a few exceptions.⁷ Recently, *South Africa* has taken steps to include agricultural workers, extending some benefits to seasonal and temporary workers.⁸

Countries in Central and Eastern Europe are experiencing reduced coverage of low-income workers, particularly in the agricultural sector, as the State withdraws from fully funded state social security systems, as for example in the case of the *Republic of Moldova*, and more recently *Slovakia*. In many cases the situation is compounded by the non-payment of wages to agricultural workers. At the start of 2003, 28 per cent of the total volume of wage arrears in the Moldovan economy was for agricultural workers. In the majority of restructured agricultural units, payment of wages was delayed for up to six months. In conditions where cash represents only 44 per cent of income within households, with 56 per cent being “in kind”, these delays are onerous. There are reports of villages where up to 30 per cent of the population have migrated for work. Estimates vary between 600,000 and the unofficial figure of one million for the number of people who have left the country in search of work, illegally in most cases. Agriculture has been transformed during the restructuring process and property reform into an unprotected sector of the economy.⁹

Ill health and disease are prevalent in agricultural communities. Health data from South Asian countries have consistently revealed that malnutrition, anaemia and maternal mortality rates are higher for plantation workforces than for respective national averages.¹⁰ They are thus a very “exposed” category of workers in need of social protection. However, although the establishment of systems of social protection features in the development objectives of many countries, the reality is that most formal social security schemes fail to meet the needs of waged agricultural workers. In all regions, the poorest have the least coverage, and agricultural workers comprise a significant share of the poorest in most countries. Furthermore, in a number of countries casual labour is explicitly excluded from social security schemes. Even where universal coverage is provided, minimum working periods may be required as a condition for receiving benefits, and workers in unstable employment will be unlikely to meet such requirements.¹¹ Although some countries have made significant efforts to establish social security systems – or elements thereof – for agricultural workers and the rural population (see box 14), the constraints on extending social protection to the majority of rural populations and workers in non-formal and irregular employment relationships have been recognized for some time.

⁷ ILO: *Wage workers in agriculture*, op. cit., references on p. 84.

⁸ See box 15.

⁹ G. Ciurea: *Moldova – Decent work in agriculture*, Background Paper prepared for ACTRAV, Apr. 2003.

¹⁰ There are some exceptions, and improvements have been achieved with integrated health and welfare programmes in some instances.

¹¹ In Tunisia, for example, the scheme required at least 45 days of employment with the same employer over three months. See ILO: *Wage workers in agriculture*, op. cit., p. 90.

Box 14

Examples of social security systems which reach agricultural workers ¹

South Africa: There is state-provided health care, pensions and work-related injury benefits. A non-contributory pension plan, the "social pension"; pays a means-tested benefit from age 65 for men and 60 for women. This constitutes a key source of income for poorer households. The Basic Conditions of Employment Act of 1998 extended benefits to seasonal and temporary workers, who are now entitled to sickness benefit and annual leave.

Namibia: A national social insurance system is being progressively introduced after the establishment of the Social Security Commission in 1995. A contributory scheme providing sickness, maternity benefits and funeral grants is operational and a public tax-financed national pension scheme, with universal coverage based on social insurance principles, was launched in 2002. In order to have a stronger impact on poverty alleviation, the future focus with regard to social pensions will be on redistribution, possibly with a simple "means test" to ensure that the elderly poor are reached. It is estimated that approximately 50 per cent of the over-60s population would qualify for the social pension, fixed at 20 per cent of the average wage.

Tunisia and Costa Rica: Have achieved almost universal health coverage.

Chile: Recent legislation recognizes the need for protection among temporary agricultural workers, requiring employers to issue written labour contracts, and also makes employers responsible for payroll contributions to social insurance programmes in cases where workers are employed through a labour contractor. ²

India: Several states have welfare and social assistance schemes for the poor, the disabled and widows. Various states have introduced pension schemes for agricultural labourers and maternity benefits for women landless agricultural labourers. The pensions are low, occasionally supplemented by food and clothing, and are sufficient to meet approximately 50 per cent of beneficiaries' subsistence requirements. Costs are met out of the general budget and claims handled by local government institutions. One state (Gujarat) operates a maternity benefit scheme for women landless agricultural labourers, entirely funded by the state government, which provides six weeks' wages for the first birth and four weeks' wages for the second. There were some 5,000 beneficiaries (a very small number) in the late 1980s.

Turkey: Has taken steps to establish public social security schemes for agricultural workers. A voluntary scheme was established in 1983 for seasonal agricultural workers. Contributions must be paid at a prescribed level for at least 15 working days each month, and this provides entitlement to old-age, invalidity or survivors' pensions, subject to a qualifying contributory period of 15 years and 3,600 days of contributions. The scheme also provides employment injury benefits for three months and access to medical care for 120 days in any year. Farmers are also included under the special social insurance scheme for the self-employed, which provides entitlement to pensions and health care in return for a monthly contribution based on an income level chosen by the member.

¹ ILO: *Decent work to eliminate poverty and ensure food security*, position paper for the FAO World Food Summit, Rome, 6-8 June 2002; and *Wage agricultural workers*, op. cit. ² A. Barrientos and S.W. Barrientos: *Extending social protection to informal workers in the horticultural global value chain*, social protection discussion paper prepared under the auspices of the World Bank, Washington, DC, June 2002.

National labour legislation regulating working conditions and providing for social security to categories of plantation workers is generally in place in many South Asian countries, but enforcement is relatively ineffective. In many instances existing legislative frameworks are more than half a century old, and there have been calls for extensive reviews.¹² In *India*, the comprehensive Plantation Labour Act of 1951 regulates employment, working conditions and working hours and contains provisions related to housing conditions, health and hygiene, maternity, primary schools for children, crèche facilities for infants, and social welfare. Despite five decades of implementation of the Act, according to observers, there is possibly no tea plantation in Assam or West Bengal that has implemented all these provisions. Whatever has been achieved in practice is attributed

¹² ILO: *Draft Proceedings of the Subregional Workshop on Industrial Relations Issues and Promotion of Social Dialogue in the Plantations Sector in South Asia*, 15-17 May 2002.

to workers' collective action and collective bargaining on an informed basis of what is stipulated in the legislation.¹³

4.1.1. Some recent initiatives

One promising initiative has recently been reported in *India* concerning insurance for cane cutters in the sugar industry in the State of Maharashtra, one of the major sugar-producing states in India. The policy, which came into force in January 2003, may well be the country's largest insurance policy in the sugar industry, covering around 1 million cane cutters in over 150 sugar factories. The insurance scheme comprises three contingency areas: personal accidents, including an amount for accidental death; temporary housing facilities; and an amount for the death of a pair of bullocks. The agreement was signed by the Sugarcane Cutters' Association, the Maharashtra Tajya Sakhar Hakhana Sangh and the United India Insurance Company.

In *South Africa*, the Government is taking steps to extend coverage to agricultural workers, including seasonal and temporary workers, and to extend various benefits to these excluded groups of workers, who during the apartheid era had remained outside the main provisions of labour legislation and social protection. Basic conditions of employment – including a maximum working week, access to maternity and sickness leave and holidays – were extended to agricultural workers for the first time in 1993. The legislation went further in 1998, extending some of these benefits to seasonal and temporary workers who are now entitled to sickness benefits and annual leave. The Act also requires written contracts and information on workers' rights. Unlawful evictions of farm workers were prohibited in 1997. However, at the same time that this framework of protective legislation for agricultural workers is being put into place, a definite trend away from the employment of resident permanent workers is reported.

In *Chile*, rates of coverage of formal social protection programmes are comparatively low for workers in agriculture, and are significantly lower for temporary workers as compared with permanent workers as might be expected. Household survey data in 1998, for instance, showed that 67 per cent of temporary workers were not contributing to a pension plan, compared with 48 per cent of permanent workers. Some 64 per cent of temporary workers were without a contract of employment, compared to 20 per cent of permanent workers. Reasons for low rates of coverage include reluctance of employers to provide written contracts, which are a precondition for participation in the social protection programmes but which would entail other obligations and responsibilities on their part. Payroll contributions of around 21 per cent of workers' earnings may also deter workers from joining. Employers do not make any contribution.

There are also a number of trade union initiatives which have been taken over the years, covering certain contingencies. Specific schemes for agricultural workers have evolved mainly in response to pressure from workers' organizations. In *India*, the pension scheme for agricultural labourers in the State of Kerala was introduced in 1982 with strong backing from the agricultural labourers' trade unions.

In *Argentina*, there is the example of a health insurance and unemployment fund operated by UATRE (*Unión Argentina Trabajadores Rurales y Estibadores*). More recently, the union's initiative to extend protection to large numbers of unregistered and unprotected agricultural workers has been formalized in national legislation. The

¹³ *ibid.*

programme received political backing after a long process of negotiations and social dialogue involving UATRE and the agricultural employers.

Box 15

“RENATRE” – An initiative to reach unregistered agricultural workers¹

An important trade union initiative has recently passed into national law in Argentina addressing the situation of up to 1.2 million unregistered agricultural workers, who have no contracts and no social benefits.² UATRE (*Union Argentina de Trabajadores Rurales y Estibadores*) initiated the process in some provinces in the early 1990s, but lengthy negotiations were required. By March 2003 a National Registry of Agricultural Workers and Employers (RENATRE) had been established by Parliamentary Decree, and all employers and workers are to be registered, a veritable “DNA of the agricultural sector”. Direction and management of RENATRE comprises four directors from UATRE and four directors representing the main agricultural associations, including cereal producers, agricultural cooperatives, small and medium-sized producers and livestock landowners.

UATRE membership has grown during the last decade and it currently administers a health insurance scheme for 300,000 members, who are workers with contracts and thus registered for health benefits (20 per cent are women). RENATRE anticipates that women agricultural workers will become more “visible” as registration proceeds. It is estimated that about 40 per cent of the unregistered workers are domestic migrants, and 15 per cent are migrants from other countries, who come mainly from Bolivia, but also Paraguay and Uruguay, to provide family labour on tobacco plantations and onion farms. The registration process will thus also include migrant workers; however, it is unclear to what extent benefits are to be extended to migrants.

An unemployment fund is being created through the programme, with employers contributing 1.5 per cent of a worker's gross salary. RENATRE plans to canvass workers and employers in preparation for the development of a comprehensive system of unemployment benefits (*sistema integral de prestaciones por desempleo*) to include permanent and non-permanent agricultural workers and will make its proposal to the Ministry of Labour, Employment and Social Security in the near future.

¹ Based on information provided by UATRE; also E. Inglesias: *Trabajo decente en la agricultura: Situación en América Latina desde el punto de vista sindical*, background document prepared for ACTRAV, Mar. 2003. ² The Rural Workers' Act (No. 25.191).

There is ongoing ILO work exploring ways of both extending existing social security schemes to excluded groups as well as developing alternative modes of social protection through decentralized schemes. Under the latter, groups or communities have devised mutual support systems to assist members in various ways through savings and credit schemes and offering some elements of social protection. The ILO has been active in promoting and strengthening such organizations in many countries in Africa and Asia.¹⁴ An example is the scheme developed in *India* by the Self-Employed Women's Association (SEWA) which includes women agricultural labourers among its members. The scheme basically aims to cover those contingencies which threaten to push women and their families into destitution. With an annual premium equivalent to between one and one-and-a-half days' agricultural wage, women are insured for accidental death (with survivors' benefit of up to \$320), hospitalization, and loss of house, goods and working tools in the event of fire, flood or riots.

However to date, apart from some examples, little overall progress in reaching waged agricultural workers can be reported. Innovative mechanisms for extending coverage and linking decentralized approaches with public social security programmes need to be actively encouraged by the ILO. Deficits in social protection for waged agricultural workers are further exacerbated through the practice of labour contracting.

¹⁴ The ILO STEP programme (“Strategies and Tools against Social Exclusion and Poverty”) has been active in exploring new mechanisms to reach the excluded, in particular through community-based and local-level schemes.

4.1.2. Exclusion through exploitation: The underside of labour contracting

In many countries, casual and temporary agricultural workers have long been explicitly excluded from social security schemes, hence the low rates of coverage reported in successive ILO studies and reports. Given the increasing casualization among agricultural wage workers, it is probable that these low rates are declining even further. Abusive systems of labour contracting also contribute to the erosion of rights and protection. The system of labour contracting in all its forms (both national and transnational) now appears to be a central component in labour market institutions in all parts of the world. It underlies the decent work deficits identified in each of the areas under consideration. It requires detailed analysis, further research and better understanding as a basis for developing strategies.

Labour contracting takes place within the borders of many countries, and increasingly across borders. The increasing use of labour contractors within countries has been documented in *Chile* and *South Africa*, where there has been a move towards the use of contract labour as a result of the post-apartheid regulation of labour and rising labour costs in the sector. In the case of Chile, it is estimated that between 25 and 50 per cent of labour in the northern part of the country is contract labour, most of which is contracted from the south. In both countries, wages are piece-rate and workers are employed on a daily basis. Trans-border labour contracting occurs increasingly as employers and producers throughout the world seek access to a non-unionized, “flexible” labour force which will accept working and living conditions inferior to those which local unionized workers will accept. The system of labour contracts and “intermediaries” has long been of concern to workers’ organizations and the ILO, and previous sessions of the Committee on Work on Plantations and the Tripartite Meeting in 1996 have considered the diverse forms and manifold implications of this widespread system of engaging agricultural labour.¹⁵ An extreme form is the involvement of intermediaries in irregular migration and the vulnerability of agricultural workers caught up in these networks, as illustrated in box 16.

Box 16

Migrant agricultural workers: A high-risk category in Europe

Public awareness of the unhealthy, unsafe and often dangerous conditions to which migrant agricultural workers are subjected in developed countries is growing, often in response to tragedy, but also as a result of campaigning by the trade union movement in alliance with civil society groups. The massive presence in *Spain* of irregular migrants from *Ecuador* working in agriculture was highlighted in 2001, when 12 workers were killed in a traffic accident. It was then “discovered” that there were 20,000 clandestine immigrants from Ecuador in one region alone, and some 150,000 in the Iberian Peninsula. At the time of the accident, the victims had all been working without contracts or residence permits for exploitative wages.¹ Similarly, in *Canada*, the labour movement has put pressure on the Government to live up to its international responsibilities and pass legislation to protect the health and safety of migrant agricultural workers who are excluded from rights to protection, even though they enter employment through formal channels and programmes of the Federal Government.² In some provinces, residency-based eligibility criteria preclude access to workers’ compensation benefits and public health insurance.³

¹ N. Bell: “The exploitation of migrants in Europe”, contribution to the conference on “Borders and migration”, organized by the Austrian League for Human Rights, Vienna, 29-30 Oct. 2002 (European Civic Forum, Limans, 2002). ² See “New report exposes Canada’s ‘dirty little secret’”, *Canada News Wire*, 18 Feb. 2003. The Commonwealth, Caribbean and Mexican Seasonal Agricultural Workers’ Programme was referred to in s. 3.3.1. ³ Commission for Labor Cooperation: *Protection of migrant agricultural workers in Canada, Mexico and the United States*, op. cit.

¹⁵ See in particular ILO: *Recent developments in the plantations sector*, op. cit., Ch. 3, and *Wage workers in agriculture*, op. cit., Ch. 4.

At least two points are clear in the present context. First, there is increasing recourse to labour contracting on a global scale, and in some regions and enterprises it may already be the primary form of employment relationship. Second, it is spawning a great variety of abusive labour practices which pose huge challenges for decent work in agriculture. One key challenge lies in the extension and enforcement of social protection to the agricultural sector. In practice, it appears that agricultural employers generally do not provide written contracts for the majority of the workforce. It is also extremely rare for labour contractors to have written contracts with workers supplied to agricultural undertakings. Low levels of awareness on rights and entitlements among agricultural wage workers, coupled with low levels of organization and representation, perpetuate the practices. Even where inspection services exist, labour contractors are more difficult to regulate and monitor than more stationary agricultural enterprises.

A key argument is that, on the one hand, abuses such as the non-payment of wages or the vulnerability that compels contract workers, particularly migrant workers, to accept inferior and dangerous conditions, in fact increase the need for protection. On the other hand, the fact that these workers have no access to legal protection means that they are more exposed to the risk of further abuse and exploitation. These two related aspects need to be addressed in remedial actions. The example in box 17 illustrates what is required in an integrated response. Of course, the test is what happens in practice, and this would require further monitoring.

Box 17

Combating abusive labour contracting in the Dominican Republic ¹

The Government of the *Dominican Republic* has taken a number of steps to improve the situation for several categories of migrant workers from *Haiti*, who for decades have been subjected to forced labour practices through coercive recruitment contracts. The categories involved are: Haitian workers under recruiting contracts concluded annually between the State Sugar Board (now privatized) of the Dominican Republic and the Government of Haiti; Haitian workers who have entered the Dominican Republic illegally in search of work; and Haitian workers resident in the Dominican Republic, in most cases without legal status. Workers in all categories were extremely vulnerable to labour rights abuses, and Dominican trade unions continued to allege forced labour practices throughout the 1990s. ² The Government's response has included:

- moving against intermediaries who engage in improper recruitment;
- introducing written contracts of employment;
- agreeing with the trade unions to provide observers when the sugar cane is weighed;
- changing the ticket system from a monthly to a weekly basis;
- assigning labour inspectors directly to the six plantations concerned, with an emphasis on the supervision of working hours and wage payments; and
- revising the Labour Code (with ILO assistance), taking into account past difficulties encountered.

A reduction in direct coercion against Haitian migrant workers has been reported in recent years. However, by 2000 it appeared that the number of Haitians entering the Dominican Republic on an annually contracted basis for the sugar harvest was diminishing in favour of a huge flow of undocumented migrants.

¹ ILO: *Stopping forced labour: Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Report of the Director-General, International Labour Conference, 89th Session, 2001. ² ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III(IA)*, International Labour Conference, 87th Session, Geneva, 1998, referring to comments on the application of Convention No. 105 submitted by several Dominican trade unions.

4.2. Health protection in agriculture

Health protection in its broadest sense is a key component of decent work and central to productive and sustainable agriculture. The new Safety and Health in Agriculture

Convention, 2001 (No. 184) adopted by the ILO in 2001 reflects the importance attached to this question. For the first time, agricultural workers have an international instrument which can guide policies and practice in safety and health. Safe work deficits in agriculture, one of the three most dangerous occupations (along with construction and mining), are not acceptable, and most work-related accidents and illness are preventable. Nonetheless, of the approximately 350,000 deaths at work every year, half occur among agricultural workers. Global estimates of total fatalities caused by work-related diseases and occupational accidents, however, are far higher. In 2002, the ILO estimated these fatalities at over 2 million and it is probable that a high proportion of these are among agricultural workers.¹⁶

Agricultural workers suffer markedly higher rates of accidents and fatal injuries than workers in most other sectors. They also figure disproportionately among the more than 160 million workers who are estimated to become ill as a result of workplace hazards and exposures. These deficits in decent work must be emphasized because there are very few resources for compensation available to the non-permanent majority – temporary, casual, seasonal or migrant workers. Convention No. 184 provides for measures to ensure that temporary and seasonal workers receive the same safety and health protection accorded to comparable permanent workers in agriculture. Article 21 of the Convention spells out the specific coverage in this contingency area, whereby “workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors”.

4.2.1. Exposure to pesticides, agrochemicals and other work-related health risks

Increases in agricultural productivity, the search for high-yielding crops, greater intensity of production and technological developments have had significant impacts on the occupational safety and health of wage agricultural workers. Labour-intensive cultivating techniques coupled with the extensive use of agrochemicals in the form of fertilizers and pesticides expose agricultural workers to new hazards. Pesticides are, by definition, poisons used to control or destroy unwanted organisms, and they are intrinsically potentially dangerous to humans. The magnitude of occupational and environmental health risk associated with pesticide exposure varies according to the type and quantity used, use patterns, the mode of application for specific crops, climatic conditions and special groups at risk.¹⁷ Most pesticides used around the world are aimed at the following crops: fruit and vegetables, maize, wheat, rice, cotton, soybean, sugar beet and vines.¹⁸

¹⁶ Available on the web site of the InFocus Programme on Safety and Health at Work and the Environment at http://mirror/public/english/protection/safework/accidid/globest_2002/dis_world.htm. Determining with accuracy the level of work-related mortality, as opposed to deaths at work, is difficult, as the effects of exposure to occupational hazards are often cumulative, become visible after a period of time and are difficult to isolate from other potential contributing factors.

¹⁷ The majority of pesticide operations are directed at the control of insects, weeds and plant pathogens, and the main classes of pesticides in use today are insecticides, herbicides and fungicides. See A. Rice, “Pesticides in agriculture: The extent of the problem in Asia”, in ILO: *Top on the agenda: Health and safety in agriculture*, Labour Education 2000/1-2, Nos. 118/119.

¹⁸ *ibid.*, figure 3, p. 61.

Pesticide-related illnesses in both developed and developing countries are notoriously under-reported, but in the first half of the 1990s, the WHO placed the global total of pesticide poisoning cases at between 2 and 5 million each year, of which 40,000 were fatal.¹⁹ Pesticide poisoning is thus one of the major occupational risks. While developing countries consume about 20 per cent of global production of pesticides, they experience about 70 per cent of the total number of acute poisonings, or more than 1.1 million cases per year.²⁰

The horticultural sector has been cited for its numerous decent work deficits. This sector is highlighted yet again for its particularly high use of agrochemicals, and the associated risks experienced by the large number of casual or temporary women workers in particular. Workers come into contact with toxic products when applying pesticides, handling fruit, and fumigating it during packing. Recent research in *Chile*, in the region with the highest concentration of fruit growing for export, has highlighted reproductive health risks associated with exposure to agriculture-related toxic products. The rate of birth defects in the region was more than twice the rate for the country as a whole, and in 93 per cent of cases reported between 1975 and 1990 it was found that the mother was a temporary agricultural worker or the parents had been exposed to agrochemicals.²¹

The health impact of pesticides may be greater on women for several reasons. Women in general have more body fat in which certain pesticides have a tendency to accumulate, and malnutrition and exhaustion may make them more susceptible to the effects of the pesticides. In addition, because of women's reproductive role, there is a high risk of adverse effects on the unborn child if a woman is exposed to pesticides during pregnancy.²²

While international standards on the use of agrochemicals are now available, the challenge lies in monitoring their application in practice. Too many workers handling chemicals are ill-trained, cannot read labels and do not have basic protective clothing and equipment. Many child workers in agriculture are routinely exposed to chemicals. The IUF has been developing an integrated approach to the question of health, safety and the environment and the safe use of pesticides (see box 18).

¹⁹ ILO: *World Labour Report, 1994* (Geneva, 1994), Ch. 5.

²⁰ A. Rice, "Pesticides in agriculture", op. cit., table 4.

²¹ Cited in A. Barrientos and S.W. Barrientos, op. cit.

²² A. Rice, "Pesticides in agriculture", op. cit.

Box 18

The Global Health, Safety and Environment (HSE) Project

To tackle health, safety and environmental problems in the workplace, and especially the fatalities, poisoning, ill health and pollution resulting from intensive pesticide use and exposure, the IUF started a Global Health, Safety and Environment (HSE) Project in 1998. The project aims to build the capacities of IUF-affiliated national unions and of the IUF network, regionally and internationally, to work on HSE issues within the context of promoting integrated production and pest management and sustainable agriculture.

Target groups include grassroots trade union members, safety representatives, shop stewards, branch and national union officials and committee members, pesticide policy makers in governments, farming and industry representatives, and environmental and consumer organizations.

The seven participating African agricultural unions in Ghana, Malawi, United Republic of Tanzania and Uganda have each developed a core group of trainers from among their members. These union trainers run regular HSE training programmes for worker health and safety representatives, representatives on joint worker-management health and safety workplace committees, grassroots members, shop stewards, and branch and national union officials and committee members. The project involves workplaces in agricultural enterprises involved in cocoa, coffee, flowers, horticulture, sugar, tea and tobacco production.

4.2.2. The ILO Safety and Health in Agriculture Convention, 2001 (No. 184)

Adopted in 2001, the Safety and Health in Agriculture Convention calls for the development of a national policy on agricultural safety and health based on consultations with the social partners. Clear responsibilities are outlined for employers in Article 7 in terms of undertaking workplace risk assessments before exposing workers to the hazards and risks covered by the Convention, including exposure to chemicals. Adequate and appropriate training and instructions are to be provided to workers. Sound management of chemicals, including both workplace safety and health and general environmental protection in respect of disposal of wastes, is a clear requirement. The Convention also addresses the question of imminent and serious danger to safety and health in the event of which employers are required to stop any operation posing such risk immediately.

Under the terms of Article 8, workers in agriculture have the right “to be informed and consulted on safety and health matters including risks from new technologies”, “to participate in the application and review of safety and health measures and, in accordance with national law and practice, to select safety and health representatives and representatives in safety and health committees”, and to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health, and so inform their supervisor immediately. They must not be placed at any disadvantage as a result of such actions.

These provisions are important, as legally appointed and empowered worker health and safety representatives are seen as the backbone of trade union organization on health and safety at work, and can play a crucial role in reducing risks. However, even when safety representatives are selected, they may have limited scope for improving occupational health, safety and environmental standards because of lack of training and technical support. Agricultural enterprises are often small, scattered and lacking in resources. A recent initiative involving a core of “roving safety representatives”, which has been developed by agricultural unions in *Sweden* and is being explored in *South Africa*, shows potential for addressing these problems and expanding union capacity to reach dispersed workplaces.

Article 18 provides for measures concerning the special needs of women in relation to pregnancy, breastfeeding and reproductive health.²³ Protection for young workers is provided through the fixing of the minimum age for hazardous work at 18 years, except where national authorities allow persons of 16 years of age to perform such work on condition that they are given appropriate prior training and full protection of their safety and health. The Convention makes clear the connection between hours of work, rest periods, night work and safety on the job through Article 20 on working time arrangements.

The Convention calls for coverage to be provided for all workers in agriculture, whether permanent, temporary or seasonal. Article 21 states that, “In accordance with national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors”. This is a very important provision, as few agricultural workers are currently covered by any form of insurance or social protection.

The Convention will enter into force on 20 September 2003 following its ratification by two countries. Significantly, one was the *Republic of Moldova*²⁴ (the other was *Slovakia*). It was also subsequently ratified by *Finland*. Its adoption has been hailed by workers’ organizations all over the world, and the task now is to lobby and campaign in all regions to ensure ratification by governments and comprehensive implementation. This action requires cooperation with NGOs and civil society groups with similar concerns. However, even in the absence of ratification the instrument can be used as a standard on which a progressive national agricultural safety and health policy and programme can be based. It contributes to perhaps the most fundamental aspect of sustainable agriculture – the protection of the health, well-being and livelihoods of agricultural workers and those who depend on their labour.

4.2.3. The living environment: Linkages between housing and health

While the main focus of Convention No. 184 is on safety and health in the working environment, the living environment is referred to in Article 19, according to which the provision of adequate welfare facilities at no cost to the worker must be prescribed by law, as must the minimum accommodation standards for workers who are required to live temporarily or permanently in the undertaking. In many countries with large-scale commercial and plantation agriculture, the problem of providing adequate housing and sanitation for thousands of agricultural workers and their children is a serious one, and has been for some time. The unsanitary and overcrowded workers’ settlements in many countries have been described in several studies.²⁵ Many of these settlements were established at a time when migrant male workers were recruited for work in plantations. The accommodation provided was largely for single men, typically barrack type or lines of

²³ See further discussion in section 4.3.

²⁴ In the Republic of Moldova, Parliament ratified a series of ILO Conventions dealing with agriculture during 2002, largely on the initiative of the Confederation of Trade Unions, namely Conventions Nos. 11, 99, 101, 141 and 184. Convention No. 129 was ratified in 1997.

²⁵ M. Pigott: *Workers’ housing in plantations: Some critical policy issues*, Conditions of Work and Welfare Facilities Branch (ILO, Geneva, 1988).

single rooms. Over time, many of these communities have stabilized and mostly consist of families, with both women and men living and working in these plantation environments.

Despite the appalling conditions in many instances, limited investments have been made to improve housing. Even when comprehensive rehabilitation programmes linked to privatization have been formulated, efforts to improve workers' housing, water supply and sanitation, as well as welfare facilities including day care and clinics, have received insufficient attention. This was the case in the rehabilitation of sisal plantations in the *United Republic of Tanzania* as well as sugar plantations.²⁶ This is partly due to the fact that the connection between housing conditions (particularly water supply and sanitation), health and productivity has not been sufficiently demonstrated. It is also due to the lack of technical capacity of trade unions to deal with the issue in negotiations. Where improvements have been made in workers' housing, as in the case of *Malaysia*, this has often meant the provision of good quality housing for a relatively limited number of workers who are usually permanent. The real health priorities in most cases, however, are for extensive improvements in water supply and sanitation and additional space for a much larger number of waged agricultural workers associated with the enterprise.

The linkages between housing and health have been focused on over the years by the ILO, the WHO and other researchers. In particular, attention has been drawn to the critical importance of access to water and sanitation, and the question of fuel supply for domestic use in these remote rural settings. The argument linking productivity, housing (in its broadest sense) and health has been put forward. An added dimension, however, is the fact that women agricultural workers are doubly burdened by housing-related deficits. On the one hand, women directly experience deficiencies in access to water, sanitation and fuel and overcrowded conditions. On the other hand, they also bear the major responsibility for dealing with ill health among children and other household members.²⁷ Much ill health is due to respiratory and intestinal diseases associated with poor housing conditions and poor levels of nutrition. The spillover of work-related safety risks to the communities established within, and rural families living adjacent to, agricultural undertakings needs to be identified and carefully controlled. Avoiding early re-entry into sprayed fields, control of chemical run-off into groundwater supplies, provision of safe water supplies (drinking water for agricultural workers as well as for domestic consumption) and the safe disposal of chemical containers are some of the necessary steps.

A further dimension to the problem of overcrowding and unsanitary conditions, which is also linked to the seasonal migration of agricultural workers, is the spread of HIV/AIDS. The impact of the pandemic particularly in sub-Saharan countries (see box 19) and its implications for social protection are enormous.

²⁶ A.A. Mwenisongole; A.A. Mwaiselage: *Gender-aware research on housing and environment in sugar plantations in the United Republic of Tanzania*, ILO/Mwena Project URT/89/M02/NOR (Geneva, 1994).

²⁷ M. Mblinyi; A.M. Semakafu: *Gender and employment on sugar cane plantations in the United Republic of Tanzania*, Sectoral Activities Programme Working Paper SAP 2.44/WP.85 (ILO, Geneva, 1995).

Box 19
The impact of HIV/AIDS

The HIV/AIDS pandemic is having a catastrophic effect on every aspect of society in many developing countries, particularly in sub-Saharan Africa. The demographic structures are completely transformed with the AIDS-related deaths of adults between the ages of 20 and 49 years. Apart from the social cost borne by communities, with elderly people forced to care for many children but with limited means to do so, there is the consequent demand on health systems that occurs with the onset of the disease. Furthermore, as the victims are concentrated among the working age population, the impact of the pandemic on the financial base of the social security systems in these countries is particularly acute. Sectors such as agriculture, which rely on seasonal and short-term workers, are especially vulnerable to the impact of HIV/AIDS as the loss of workers at crucial periods can have a dramatic impact on productivity and can significantly reduce the size of the harvest. It is not only agricultural workers who are affected, however, as the staff in ministries of agriculture are similarly affected. In *Kenya*, 58 per cent of all staff deaths at the Ministry of Agriculture are caused by AIDS, and at least 16 per cent of employees of *Malawi's* Ministry of Agriculture and Irrigation are living with the disease. One study found that up to 50 per cent of agricultural extension staff time in sub-Saharan Africa was lost through HIV/AIDS.

A recent study of commercial farms in Kenya revealed very high levels of HIV infection. On one sugar estate, one-quarter of the workforce was infected. Direct cash costs related to HIV rose dramatically – company spending on funerals increased fivefold between 1989 and 1997, and direct health expenditure increased tenfold. In addition, managers reported greatly increased absenteeism, lower productivity (a 50 per cent drop in the ratio of processed sugar recovered from raw cane between 1993 and 1997) and higher overtime costs as workers were paid to work extra hours to fill in for sick colleagues. A flower farm saw a similar tenfold rise in employee health costs between 1985 and 1995. This expenditure, estimated at over US\$1 million for a company with 7,000 workers, reduced profits so much that the owners sold the company.¹ One of the most serious consequences for waged agricultural workers is that the response of companies to escalating direct and indirect HIV/AIDS-related health costs has concentrated on reducing these costs, rather than on planning strategies to control the spread of infection.²

In *Botswana, Namibia, South Africa, Zambia and Zimbabwe*, life expectancy at birth over the period 2000-05 is expected to be between 20 and 29 years lower than it would have been in the absence of AIDS. Because of high fertility levels populations will continue to grow, but they are expected to be up to 20 per cent smaller than they would normally have been by 2015. In *Namibia*, where 20 per cent of the population is infected, life expectancy has already dropped to 43 years. It is anticipated that the age and sex distribution of the labour force will change owing to the large proportion of people with AIDS in the 20-49 age group. As a result, more children are expected to enter the active workforce. Significant numbers of orphans are already seeking a livelihood, often as wage agricultural workers. Some plantations in Zimbabwe have hired children in place of their dead parents to help them survive. It has also been reported that bonded and forced labour of children is on the increase on South African farms, where children inherit family obligations when parents die of AIDS or related causes.

Women are particularly vulnerable, both socially and economically, to HIV/AIDS. Gender inequalities in these societies mean that their economic vulnerability is disproportionately greater than men's. They are often in positions of dependence at the workplace, vulnerable to sexual exploitation and even stigmatized as carriers of HIV/AIDS. Trade unions have yet to address HIV/AIDS in any strategic way on the basis of principles of education, prevention, non-discrimination and appropriate support to those affected.

¹ *Putting HIV/AIDS on the business agenda: UNAIDS Point of View*, Nov. 1998. ² Some trade union and company initiatives are described in section 5.

4.3. Social protection, gender inequality and the special needs of women workers

According to the conclusions of the general discussion on social security at the International Labour Conference in 2001, social security should promote and be based on the principle of gender equality. This implies not only equal treatment for women and men

in similar situations, but also measures to ensure equitable outcomes for women.²⁸ This concern is particularly relevant in the case of women wage agricultural workers, who experience even greater income volatility than men, partly owing to the widespread use of the piece-rate system of remuneration and their insecurity of employment. Income security deficits contribute to social protection deficits. This is evident in the case of women's health.

4.3.1. Women's health: In need of protection

Women face particular health and safety problems in agriculture. Much agricultural work is arduous by nature, involving long hours of work with few rest breaks, the lifting and carrying of heavy loads, prolonged bending and stooping, and exposure to extreme temperatures, wind, rain and sun. Unprotected contact with biological and chemical agents, unguarded machinery and poorly designed work tools add to the toll on women's health. Access to health services thus becomes a crucial issue for women workers in these often remote rural settings, both as a means of preventing ill health and of managing it if it occurs. Nonetheless, reports from *Zimbabwe* have shown that although women workers on large-scale farms have the highest rate of illnesses (according to a farm worker survey) they do not seek health care for fear of losing their jobs, since they are casual employees.

The direct linkages between physical demands, long hours of work and health conditions are not always perceived. Some conditions manifest over a long period of time and consequently may not be diagnosed as work-related. A preventive health test carried out in 1996 with women temporary fruit workers in *Chile*, for instance, found that 56 per cent had muscular problems, 44.3 per cent had psychological problems, 37.1 per cent stomach problems, 34 per cent eye problems, and 16.5 per cent skin problems. Significantly, when asked if they had a work-related problem, only 9.3 per cent said that they had.

Women's employment status and lack of bargaining power as casual, temporary or seasonal workers weaken their capacity to reduce exposure to occupational hazards and to effectively combat forms of sexual harassment. Male supervisors control decisions concerning work performance and hence remuneration for the "task". They are also the principal perpetrators of sexual harassment at work. Decisions and authorization can be withheld in exchange for sexual favours, a common practice reinforcing the vulnerability of women workers. As an under-documented "occupational hazard", and a serious form of exploitation and sex discrimination, sexual harassment is recognized by the ILO as an occupational safety and health issue. However, it has not yet been taken up seriously by many trade unions in the agricultural sector.²⁹

One important source of ill health among women agricultural workers is the close link between their employment status and their living and social conditions. Many studies over the past two decades have reported on these conditions. In *Swaziland*, for example, many workers on pineapple estates are women hired on a seasonal basis with no guarantee of employment for the following season, regardless of how long they have worked for the company. During the off-season period, many are reported to live in overcrowded and unhygienic housing surrounding the estates, making a living through brewing beer and

²⁸ ILO: *Report of the Social Security Committee*, Conclusions concerning social security, op. cit., para. 8.

²⁹ ILO: *Promoting gender equality: A resource kit for trade unions*, Booklet 3 (ILO Gender Promotion Programme, Geneva, 2002).

prostitution.³⁰ Their poor accommodation is conducive to the spread of such diseases as tuberculosis, cholera and diphtheria as well as sexually transmitted diseases, including HIV/AIDS. In *Zimbabwe*, rates of HIV infection were found to be extremely high near the large estates in the south of the country, which are also the focuses for female seasonal and migrant labour.³¹ Similar patterns of seasonal work, overcrowding and HIV infection were found in and around sugar plantations in the *United Republic of Tanzania*, and in this case it concerned male migrant cane cutters and young women and girls.

Article 18 of the Safety and Health in Agriculture Convention provides for measures to ensure that the special needs of women agricultural workers are taken into account. These special needs are limited to pregnancy, breastfeeding and reproductive health. To meet these needs adequately would require a comprehensive approach to maternity protection.

4.3.2. Maternity protection: An ongoing dilemma

Maternity protection is not simply a matter of access to paid leave for a specific number of weeks, but includes access to prenatal and postnatal medical care, employment protection, non-discrimination, health protection at work, rights to breastfeed and the need for adequate infant care. “Maternity benefits” as reflected in collective bargaining agreements, and to some extent in national legislation, rarely provide comprehensive protection, particularly for women agricultural workers.

The question of coverage and access to maternity protection for women wage agricultural workers is an important one, as it is fundamentally linked to the issue of casual labour. Individual work histories of women workers in commercial agricultural settings in several countries in Africa reveal that large numbers of women workers who have been associated with particular agricultural enterprises for many years have had their employment “interrupted” for short intervals on several occasions, just before becoming eligible for permanent contracts. Many of these women, however, regard themselves as “permanent workers”, since they have been employed nowhere else. The economic logic for this practice, which denies many women their rights, is equally clear. Employers prefer to maintain women as the backbone of the casual workforce primarily to avoid costs incurred through payment of maternity benefits to women workers, in those contexts where this obligation in fact exists.

In the majority of collective bargaining agreements there is provision for paid maternity leave, which generally reflects national maternity protection legislation, where this exists. In some cases, women workers in the agricultural sector are specifically covered by national legislation, sometimes through specific legislative instruments. In *India*, women agricultural workers employed in plantations are covered, as are those working on tea estates in *Nepal* and *Pakistan*. In recent years, maternity protection coverage has been extended to agricultural workers in a number of countries, including *Argentina*, *Ecuador*, *Portugal* and *South Africa*. In other countries, only permanent agricultural workers are covered. Casual workers are specifically excluded in countries

³⁰ P. McFaddon: “Women in wage labour in Swaziland: A focus on agriculture”, in *South African Labour Bulletin* (Durban, 1982), pp. 140-166.

³¹ Rene Loewenson: “Occupational safety and health for women workers in agriculture: Public health issues in the agricultural sector call for specific technical inputs and for addressing the issues of deprivation and imbalances of power”, ILO: *Top on the agenda: Health and safety in agriculture*, Labour Education 2000/1-2, Nos. 118/119.

such as *Angola, Australia, Belize, Brazil, Democratic Republic of the Congo, Guyana, Haiti, Saint Lucia, Sri Lanka, Viet Nam* and *Yemen*. However, even if not specifically excluded, many women will fall outside the scope of protection because they do not satisfy eligibility requirements based upon time-in-service or a minimum period of social security contributions.³² In a number of countries, national legislation does not cover agricultural workers, and this exclusion may affect a large percentage of the female workforce in countries where a large portion of the population works in agriculture. For example, 28 per cent of women working in *Bolivia* are employed in agriculture; 10 per cent in *Brazil*; 86 per cent in *Lesotho*; 26 per cent in *Peru*; 34 per cent in the *Philippines*; 16 per cent in *Saudi Arabia*; 84 per cent in *Sudan*; 74 per cent in *Swaziland*; 60 per cent in the *Syrian Arab Republic*; 84 per cent in *Turkey*; and 45 per cent in *Yemen*. The exclusion of agricultural workers from the scope of maternity protection in these and other countries means that enormous numbers of women are without protection.³³

The Maternity Protection Convention, 2000 (No. 183)³⁴ specifies 14 weeks as the minimum maternity leave entitlement, although 18 weeks is the period specified in the Maternity Protection Recommendation, 2000 (No. 191). In an analysis of entitlements in some 152 countries undertaken by the ILO in 1997, over 20 per cent of the countries provided for less than 12 weeks of maternity leave. Just over 25 per cent specified 12 weeks, and provisions in the remaining cases ranged from 13 weeks to 17 weeks or more. The ILO report on maternity protection noted, however, that a woman's actual leave entitlement may be affected by other factors including the practical implementation of leave arrangements.³⁵

Collective bargaining can often increase maternity leave entitlements and in some cases, paternity leave is also included in collective bargaining agreements. Examples include agreements negotiated by the trade union in *Uganda* and, more recently, an agreement for the sugar industry concluded in the *United Republic of Tanzania*.³⁶

4.3.3. Child and infant care

The question of adequate care for children and infants in agricultural communities is very important, and is closely linked with issues of productivity, particularly for working mothers, and child labour. The question of nursing breaks for mothers is particularly important in agriculture because fields are often located at some distance from housing areas. In most cases, women work with young babies on their backs, although frequently young daughters carry infants for breastfeeding by their mothers.³⁷ Collective agreements usually make provision for nursing breaks but the periods during which these are granted vary greatly. This is often set at six months or one year. A recent agreement in the *United*

³² ILO: *Maternity protection at work*, Report V(I), International Labour Conference, 87th Session, Geneva, 1999, Ch. 2.

³³ United Nations: *The world's women 1995: Trends and statistics* (New York, 1995), pp. 141-145.

³⁴ Convention No. 183 revised the earlier Maternity Protection Convention (Revised), 1952 (No. 103).

³⁵ ILO: *Maternity protection at work*, op. cit., pp. 36-37.

³⁶ See further discussion in section 5.

³⁷ See box 7 on tea plantations.

Republic of Tanzania provides for two one-hour breaks per day during a period of 18 months.

The question of day care facilities for children and infants is critical in many agricultural and plantation settings. In *India*, the Plantation Labour Act requires employers to provide crèches where there are more than 50 women workers. A study in southern India found great variation in the extent of coverage for women workers, both in terms of access to maternity benefits and in the provision of childcare. It appeared that where workers were organized, in Kerala for instance, women had access to these benefits.³⁸

The issue of child and infant care is not a concern limited only to women. It is an issue for both women and men, as parents.

* * *

The ILO sees an important role for social security and extending social protection to agricultural workers as part of a broad poverty alleviation programme which seeks to expand the assets of the poor in rural areas, which addresses *inequalities* through public expenditure policies which are pro-poor and which seeks economic growth through market reform relating to agricultural produce.³⁹ In this context of such low levels of contributory capacity, the enforcement of a minimum wage in agriculture is an essential first step in overall income security and underlies the need for continued efforts to combat wage discrimination.

Sustainable interventions to improve the health and safety of women agricultural workers will therefore need to address health issues both on and off the job, taking into consideration the underlying problems of non-permanent, piece-rate, low-quality and insecure jobs. There is also the need to lighten the domestic workload of women wage agricultural workers through various forms of social support, including the provision of safe, accessible water supplies, adequate and accessible fuel and energy sources, and collective forms of childcare.

The critical question is how these needs, which express a range of deficits in social protection, are represented and “voiced” in collective bargaining. How these needs are represented and reflected in policy outcomes is the focus of the fourth pillar of decent work, namely, social dialogue.

³⁸ Background paper for South Asian Subregional Workshop on Trade Union and Child Labour, Nepal, 2000.

³⁹ ILO: “Decent work to eliminate poverty and ensure food security”. Position paper, p. 17.

5. Social dialogue: Fourth pillar of decent work

Social dialogue is the fourth pillar of the Decent Work Agenda. A prerequisite for social dialogue is the existence of social partners that have both the capacity and the will to engage responsibly in the various forms of social dialogue at different levels. From national tripartite consultations and cooperation to enterprise-level collective bargaining, the process of social dialogue can contribute to building effective labour market institutions and to reaching consensus on critical issues concerning decent work deficits. The State has an important role in enabling and fostering all forms of social dialogue, creating the overall environment within which contributions of workers, employers and other concerned civil society groups are elicited and reflected in policy outcomes. A precondition for social dialogue is respect for freedom of association and the right to collective bargaining, which is fundamental to the creation and growth of “social partners” and partnerships.

The agricultural labour force still represents the largest single occupational group with over 40 per cent of the world’s workforce, despite the declining share of agriculture in the total workforce in virtually all countries over the past two decades.¹ Today, the agricultural workforce continues to register some of the highest incidences of poverty and has the least access to effective forms of social protection. These deficits are in large part due to the fact that waged agricultural workers are still among the least organized and least represented by trade unions and rural workers’ organizations. The potential for meaningful social dialogue between the social partners at both the national and enterprise levels is therefore severely constrained, and the reality is that meaningful social dialogue tends to be the exception, rather than the rule.

Agriculture is perhaps the sector most profoundly affected by developments at the international level. With the impact of globalization, it has in many national contexts been transformed into a largely unprotected sector of the economy. The decent work deficits outlined in preceding sections pose huge challenges for the social partners, particularly for organizations representing wage agricultural workers. But domestic agricultural producers, too, are constrained by the pressures of international competition and have seen their share of the value chain diminish steadily over the past few years (see box 22). Productivity has become a high priority for employers in the production of export crops in a volatile global market (and also in production for local markets open to cheap imports), with many associated consequences for the workforce. Traditional forms of negotiation and regulation are in some cases no longer effective, and the social partners, and governments, as well as the ILO, need to explore new approaches and strategies to address critical problems. The need for strategic alliances at the international, national and local levels, and for integrated policy responses, is very clear.

This final section focuses on some of these issues pertaining to social dialogue in the agricultural sector as the fourth pillar of decent work in agriculture, and highlights some recent initiatives involving the social partners at different levels. The focus is on three related aspects which appear to be particularly important areas for clarification, discussion, and possible strategic action by trade unions and the ILO. The first aspect concerns the critical question of representation of wage agricultural workers, and this includes several issues related to levels and structures for representation, as well as the question of representatives and relevance. The second aspect concerns the relationship and linkages

¹ See table 1 in section 3.

between social dialogue and the emergence of ideas and initiatives under the rubric of corporate social accountability. There appear to be a number of issues and implications for the way in which trade unions and workers respond to these developments. The third aspect concerns the types of initiatives which are emerging through social dialogue. For each aspect, the actors involved in social dialogue, the form and content of social dialogue processes, and the substantive outcomes that are sought need to be highlighted.

5.1. Representation of waged agricultural workers: Levels, structures and issues

There are several aspects to “representation” and each one is important to the Decent Work Agenda applied to agriculture. Firstly, there is the quantitative aspect in terms of the percentage of waged agricultural workers who are represented as members of workers’ organizations, compared with the potential number. Here, apart from some individual country data, no comprehensive statistics exist for all regions. There is a general belief, however, that numbers have been affected (generally negatively) as a consequence of the increasing casualization of the agricultural workforce with globalization. This, then, is a key issue concerning the capacity of trade unions and the overall strength of workers’ organizations.

Within this broad quantitative assessment, it is also important to know the relative percentages of women and men represented in workers’ organizations. This is important because, while many decent work deficits are common to all workers, some of the deficits identified in preceding sections are experienced differently, and often disproportionately, by women. This suggests the second, qualitative, aspect of representation, namely, the representation of interests, and the procedures through which various interests and needs are prioritized and reflected in social dialogue processes.

Decent work deficits exist at different levels. Constraints on freedom of association and collective bargaining affect the actual structures for workers’ representation as well as the ability of workers’ representatives to promote the interests of waged agricultural workers. Clearly, these interests are reflected primarily at enterprise level, where decent work deficits are most visible and directly experienced. This is therefore the level at which negotiations need to start and solutions need to be implemented. But these conditions are shaped by outcomes and decisions at sector or national level, where high-level and competent representation is required. Thus the relationship within structures for workers’ representation is crucial for promoting branch-level concerns in agendas for social dialogue processes for collective bargaining.

The experience of the National Union of Plantation and Agricultural Workers of Uganda (NUPAWU) is reported on at some length in box 20 because it illustrates so many of the key issues which need to be highlighted around representation. Many of these issues have been addressed by trade unions in other countries and there is a growing body of experience to draw from.

Box 20

Representation and organization – The experience of NUPAWU, Uganda ¹

The National Union of Plantation and Agricultural Workers of Uganda (NUPAWU) represents workers in the tea and sugar plantations and general agriculture, including flower farms, rice and other agriculture-related industries. NUPAWU is the largest trade union organization in Uganda, with a total membership of 47,000 and a potential membership of 150,000. Women currently comprise almost one-third of current membership and it is probable that they comprise well over half of the potential membership, since they are the backbone of horticulture and also constitute the majority of casual workers in other major crops.

Current levels of organization are impressive, particularly when it is recalled that, with the social, political and economic turmoil of military rule during the period 1971-79, trade union activities had all but ceased. Whereas in 1967 the union had 60,000 members, at the end of 1979 there were only 3,000 members in sugar plantations and the tea estates had fallen into neglect. Rehabilitation of major sugar and tea estates started in the 1980s. A concerted workers' education and training programme (including women leaders) assisted by IFPAAW, the former International Federation of Plantation, Agricultural and Allied Workers, helped to bring about the reorganization of waged agricultural workers in the new trade union. In 1986, membership had risen to 6,000 in seven branches. By 1990 it had reached 22,000 and 32,838 by 1995.

This steady growth in membership reflects a coherent attempt by NUPAWU to address the related questions of relevance and the specific recruitment of women members. Women had been active in the union from its early days. The first woman shop steward was in fact elected in 1967 from Kakira Sugar Works. In 1978, women activists had organized over 100 women workers to demand clean water in the camps where workers and their families were housed on sugar plantations. This demand was met with the extension of piped water and the construction of clean water points nearby. In 1984 women leaders in the union supported the formation of branch-level women's committees elected by women members, which were formed on two sugar plantations. In 1986 a national-level steering committee began to offer strategic support to a process to ensure that these women's structures would be mainstreamed into the union's overall structures and processes. Soon afterwards, this initiative received support through an ILO/IFPAAW regional project for strengthening women in rural workers' organizations in Uganda, Ghana, and Zimbabwe.² Links were simultaneously established with a parallel ILO project in the United Republic of Tanzania.

The first phase involved training nine women organizers (coordinators). Membership of women workers in NUPAWU rose fast. By 1993, the women's structure from branch level to national level was in place in all existing branches in the sugar sector, and one of the coordinators became a member of the Executive Committee. The second phase (from 1993-96) focused on integrating these structures and women workers generally into the mainstream of the organization. NUPAWU established a Women Workers' Department in 1996, headed by a full-time National Coordinator paid by the union. Six women coordinators at regional level, covering the three sectors (tea, sugar and general agriculture), are also paid by the union. From 1996 to 2000, women's committees were established in all 28 NUPAWU branches.

At the delegates' conference in 2001, NUPAWU amended its constitution to fully integrate these women's structures. These now include the National Women's Conference, the National Women's Committee, the Department of Women's Affairs at the Secretariat, women's committees at all branches, and shop stewards elected by the women members at their workplaces. The constitution provides for two permanent seats on the National Executive Council (currently seven out of 32 members are women), and there are two automatic positions for women on each branch executive committee, including the Chairperson of the Women's Committee. Currently, there are five branch secretaries, seven branch executive committee chairpersons, and over 80 shop stewards. NUPAWU's policy is that women should comprise 30 per cent of any trade union training programme, which is an institutional commitment to the further development of women trade union leaders.

NUPAWU national campaigns approved by the Executive Council include campaigns against child labour, sexual harassment and chemical pesticide hazards, and campaigns on reproductive health, HIV/AIDS, minimum wage and decent work. These campaigns get massive support through the Women's Committee, which handles specific grievances from women and submits proposals for negotiation to women. The Women's Drama Group – a national asset – evolved as a very effective means for communicating information, raising awareness among women and men in government, enterprises and plantation communities. The Women's Committees have mobilized women in communities around immunization programmes for children and improved hygiene and environmental conditions in the "labour camps". Most significantly, their "voices" are reflected in provisions in the "Collective Bargaining Agreement" (CBA), which include a period of 60 days' maternity leave, seven days' paternity leave, one-hour nursing breaks, prohibition of sexual harassment at the workplace, and prohibition of employment of children below the age of 18 years. These are considerable gains at a time when conditions in the industry are putting pressure on decent work.

Two things are very clear from NUPAWU's experience over almost two decades. Firstly, when a union becomes relevant to women workers and is able to demonstrate that relevance, women become extremely important for the health of the organization, both as leaders and as active members. Secondly, their insistence on integrating critical non-wage issues into collective bargaining processes is essential for dealing with decent work deficits in health and housing and for improving the livelihoods of waged agricultural workers.

¹ O. Amuko: *Women in NUPAWU*, Background Paper prepared for a symposium in April 2003; and O. Amuko: "Uganda: Training, education and information on health, safety and environment – National Union of Plantation and Agriculture Workers (NUPAWU)"; ILO: *Top on the agenda: Health and safety in agriculture*, Labour Education 2000/1-2, Nos. 118/119 (Geneva, 2000), pp. 46-56. ² Regional project "Workers' education for integrating women members in rural workers' organizations in Africa" (RAF/88/M09/NOR).

Decent work deficits are experienced by both women and men, as examples throughout this paper have indicated. There are deficits, however, which affect women in particular and impact disproportionately on women, owing to their multiple roles as workers, mothers, wives and carers within communities. How are these deficits addressed by trade unions?

At a time of declining memberships for many trade unions in the agricultural sector, this question of “relevance” is important. On the one hand, the question is a pragmatic one. Addressing issues of specific concern to particular groups of workers, such as women waged agricultural workers, can improve organization, boost membership and build capacity within a trade union organization. It can thus strengthen representative workers’ organizations. On the other hand, this process helps to identify decent work deficits clearly. With clarity, the processes and forms of social dialogue are in turn strengthened and can lead to mutually beneficial outcomes for the social partners.

This was the experience, for example, on sugar plantations in the *United Republic of Tanzania* in the early 1990s.² An ILO-supported project developed with one trade union’s women workers’ department had three interrelated objectives: first, to train women workers for participation in the union; second, to investigate deficits experienced specifically by women workers, particularly concerning working conditions, housing and childcare; and third, to strengthen the tripartite negotiating framework. Participatory research undertaken as part of the project by women workers/organizers on housing and environment needs in the sugar plantations was used to strengthen tripartite negotiations on housing rehabilitation programmes.³ Comprehensive and complementary research on gender issues in production and employment highlighted a series of critical links with productivity on sugar plantations. Declining levels of production were a real concern for plantation managements and for the Government at the time, and the research findings were recognized as a positive contribution to negotiating efforts by the social partners. The process of disseminating the findings through joint meetings arranged with the social partners contributed to improved social dialogue and better understanding of the linkages between the working and living environments and productivity issues.

The example of the United Republic of Tanzania demonstrates the importance of facilitating social dialogue and building the capacity of the social partners for informed negotiations. Several positive outcomes and changing attitudes were reflected within and between the social partners in the ensuing years. Membership of the union grew, and in 1996 it stood at approximately 60,000.⁴ However, the first of these plantations was privatized in 1998, and the partnership, and with it the basis for social dialogue, was transformed with the arrival of Illovo Sugar, a transnational giant from South Africa which

² South African sugar companies have recently entered the sugar sectors in several East African countries including the United Republic of Tanzania, consolidating their regional corporate control. This has led to reversals for workers in terms of working conditions and unions reporting difficulties.

³ A.A. Mwenisongole; A.A. Mwaiselage: *Gender-aware research on housing and environment in sugar plantations in the United Republic of Tanzania*, ILO/Mwema project, URT/89/M02/NOR (Geneva, 1994).

⁴ M. Mbilinyi; A.M. Semakafu: *Gender and employment on sugar cane plantations in the United Republic of Tanzania*, Sectoral Activities Programme Working Paper SAP 2.44/WP.85 (ILO, Geneva, 1995).

now controls about 40 per cent of the national sugar output.⁵ Negotiations before and during the privatization process were tough. After two-and-a-half years of pressing its new “partner” to negotiate, the Tanzania Plantation and Agricultural Workers’ Union (TPAWU) succeeded, in November 2002, in concluding a new collective bargaining agreement.⁶ This coincided with the sugar campaign on this plantation reaching an all-time record for sugar production. However, the union has sustained losses and current membership is reported to have declined to approximately 32,000.⁷

The outcome of the agreement reflects some of the earlier groundwork done within the union, which now reports that 30 per cent of its leaders are women. Provisions concerning the working conditions of women workers reflect some gains: after their sixth month of pregnancy, women workers must be assigned to lighter tasks not involving night work, and women are now granted paid leave for medical consultations and two one-hour breaks each day to tend to their children until they reach the age of 18 months. Furthermore, all workers (including seasonal workers) will be covered by wage negotiations, and wage negotiating criteria include production costs, trends in sugar prices and the cost of living; TPAWU membership dues are collected by payroll deduction; and once 50 per cent of the labour force is unionized, fees will also be collected from non-members to cover services provided by the union. Agreements in the area of health and safety cover training and education programmes, recording of accidents and “near misses”, workers’ compensation and programmes on HIV/AIDS. The company will provide workers with training and relevant documentation on the use of chemicals and pesticides, as well as adequate protective equipment.

This example of social dialogue leading to a collective bargaining agreement must, however, be placed in its context. There is no law guaranteeing the right to collective bargaining in the country, and the union has been restricted in its organizing activities on flower farms and sugar plantations. One of the “partners”, a regional sugar giant with tight control over the sugar industries in the region, is not known for its “progressive labour practices” in apartheid-era South Africa or in other neighbouring low labour cost countries where it has sugar operations. In common with corporate practices in some other contexts, local or national decision-making power is often undermined. Vigilance will be needed and future negotiations with such transnational “partners” will require coordinated action with support from global union federations.

If some corporate practices require vigilance, how much credibility is there to the notion of corporate accountability? And what does this mean for social dialogue? These questions provide a focus for the next section.

5.2. Social dialogue and social accountability in agriculture

The idea of corporate social accountability and socially responsible investment has emerged in recent decades and is becoming accepted as good management practice. Early ILO efforts to encourage a positive contribution to economic and social progress from multinational enterprises (MNEs) are reflected in the Tripartite Declaration of Principles

⁵ The South African-based Illovo Sugar Company increased its dominance in the region, leading to a difficult period for trade unions in several countries.

⁶ IUF: *The sugar worker*, Vol. IV, No. 11, Nov. 2002.

⁷ Provisional responses to a questionnaire under the ILO Declaration programme.

concerning Multinational Enterprises and Social Policy.⁸ The potential contribution of MNEs to economic and social welfare envisaged “within the framework of development policies established by governments” is relevant to each of the pillars of decent work. It includes the creation of employment opportunities, both directly and indirectly, and the enjoyment of basic human rights, including freedom of association, throughout the world. It is also recognized, however, that MNE operations “may lead to abuse of concentrations of economic power and to conflicts with national policy objectives and with the interest of the workers”.⁹

Recently, there has been more public debate concerning corporate social responsibility and these developments have given rise to various forms of voluntary initiatives.¹⁰ Such initiatives are essentially internal company policies which may or may not have involved workers’ representatives in their elaboration. They help to display the efforts of a company to improve working conditions, adhere to environmental standards and so on, and they may or may not make explicit reference to international labour standards. Three categories of voluntary initiatives are of interest to the agricultural sector, namely, codes of conduct, social labelling and investment initiatives. A wide range of actors are involved in these voluntary initiatives at global, regional, national and local levels. These include agricultural enterprises, their employees and their representative organizations, investors, consumers, and partners in contract or equity relationships. New coalitions are emerging between these actors, NGOs, other private groups, and in some cases government and intergovernmental partners are also included.¹¹

The late 1980s and 1990s saw a rapid proliferation of codes of conduct. The interest in codes of conduct in relation to the agricultural sector often originated in a technical or environmental standard, concerning, for example, pesticide use. As “technical standards”, they have been monitored accordingly. With the emphasis on social accountability, however, some of these environmental standards have been expanded to include social and labour issues. The question of monitoring now raises many social issues of a less technical nature. Social Accountability International has launched a generic management system standard for enterprise, based in part on ILO Conventions and Recommendations, with a third-party certification process called “Social Accountability 8000”(SA8000).¹²

Codes of conduct are meant to improve employment conditions, including social protection of workers. Recent research in African horticulture, however, has shown that there are inherent gender limitations in many of them, particularly if they are not based on ILO core Conventions. Research on codes in *Kenya*, *South Africa* and *Zambia* suggests that codes are often based on the implicit assumption of permanent employment.

⁸ Adopted by the Governing Body of the International Labour Office at its 204th Session (Geneva, Nov. 1977), as amended at its 279th Session (Geneva, Nov. 2000) (*Official Bulletin*, Vol. LXXXIII, Series A, No. 3).

⁹ *ibid.*, para. 1. This paragraph, together with other paragraphs, has been the subject of interpretation under the procedure for the examination of disputes concerning the application of the Tripartite Declaration.

¹⁰ For a comprehensive analysis of private sector initiatives, see M. Urminsky (ed.): *Self-regulation in the workplace: Codes of conduct, social labelling and socially responsible investment*, Management and Corporate Citizenship Programme Working Paper No. 1 (ILO, Geneva, 2001).

¹¹ For information on the Ethical Trading Initiative, see www.eti.org; for the United Nations Global Compact, see www.unglobalcompact.org

¹² M. Urminsky (ed.), *op. cit.*

Furthermore, many are weak in the coverage of employment issues such as equal pay and sex discrimination. Few codes extend to employment-related issues such as reproductive rights, childcare provision or sexual harassment. These findings suggest that the gender sensitivity of codes will need to be improved if they are to address the specific employment conditions of seasonal and temporary workers and cover all workers equitably.

5.2.1. Codes of conduct and framework agreements

The development and implementation of codes need to be seen against the background of the structure and operation of supply chains in increasingly globalized relationships. A comprehensive overview and analysis of a wide range of voluntary initiatives undertaken by the ILO in the late 1990s provides an important contribution to the ongoing debate on the impact of corporate social responsibility. According to this analysis, some codes have developed by virtue of common ownership/equity between enterprises in the chain, such as tea plantations and packaging. Other codes are applied as conditions to contractual arrangements, which may represent long-term relationships, or fragmented and more opportunistic outsourcing arrangements. The closer and more long term the relationship between retailer and supplier, the easier the application of the code appears to be. Retailers who contract out or buy from independent growers can potentially directly influence their contractors.¹³ The case of Chiquita's code of conduct adopted for its Latin American banana operations provides insights into some of these aspects (see box 21).

Box 21

Codes of conduct – The example of Chiquita Banana's regional operations

Based on the SA8000 Standard, the Chiquita Code of Conduct is applied on all the company-owned farms in countries in *Central America* and *Colombia*, where bananas are grown and marketed by Chiquita. In 2000, the company produced 56 per cent of the total bananas it marketed from Latin America on company-owned farms, with the balance purchased from independent growers in ten countries, including 5 per cent from *Ecuador*, where banana export volume has nearly doubled over the last ten years. This expansion in Ecuador, which exports twice the amount of bananas of any other Latin American country, has been fuelled by extremely low wages and low social and environmental standards. This growth has occurred while exports from other Latin American countries have grown by less than 15 per cent over the same period. The company's approach has been to rely on Ecuador to provide volume in response to seasonal variations in production or demand or when natural disasters reduce available supply elsewhere. In its Corporate Responsibility Report for 2000, the company spells out its intention to influence its independent growers, including Ecuadorian growers, to adopt more socially responsible practices and to adhere to social and environmental standards as contained in the code of conduct: "Ultimately, we will decide whether to initiate or renew contracts with growers based not only on quality and cost but also on their demonstrated achievement of these standards".¹

¹ Chiquita Brands International Inc.: *2000 Corporate Responsibility Report*, p. 72.

Significantly, while Chiquita's code of conduct is essentially an example of *internal company policy*, the relatively transparent way it is being implemented and reported on is clearly for wider consumption. The overall approach and apparent support for freedom of association and collective bargaining, however, has enabled the IUF to take the initiative in exploring ways of reducing social conflict in the industry in the region and to engage in meaningful dialogue with Chiquita. Lengthy negotiations culminated in an agreement between Chiquita and IUF/COLSIBA (the regional banana union coordination group) on freedom of association, minimum labour standards and employment in Latin American banana operations, which was signed at the ILO in June 2001. A Review Committee

¹³ M. Urminsky (ed.), *op. cit.*

established under the terms of the agreement meets twice a year to review its implementation in the countries concerned. In 2002, the IUF was able to report some positive progress.¹⁴

This is an example of a framework agreement reached through negotiations between the global union federation (IUF) and multinational enterprise headquarters management.¹⁵ This type of agreement represents a relatively new phenomenon, and might need to be replicated in other regions with other crops in the future.¹⁶ There are several interesting aspects to the agreement. Firstly, it makes specific reference to core ILO Conventions, and Chiquita reaffirms its commitment to respect these. Significantly, the Workers' Representatives Convention, 1971 (No. 135) is included. Secondly, there is the recognition by the signatories that the agreement is not a substitute for effective local bargaining, which should be encouraged. Thirdly, suppliers are explicitly mentioned. There is a clause that Chiquita will require its suppliers, contract growers and joint venture partners to provide reasonable evidence of compliance with national legislation and the minimum labour standards outlined in the agreement. For Chiquita, this depends on its degree of influence over suppliers and the availability of commercially viable supply alternatives.

The above is an interesting example of how internal company policy, as reflected in the company code of conduct applied in different national-level company operations, has been transformed and extended through the active process of social dialogue. An additional and complementary forum for social dialogue now exists at the regional level through the agreement between IUF/COLSIBA and Chiquita. The possibility of regular meetings of the Review Committee should contribute to improvements in the working and living environments for the thousands of women and men working on banana plantations owned by the company or by contract growers and major suppliers.

5.3. Initiatives and strategies

Participation in social dialogue processes by global union federations such as the IUF has increased through a type of international "solidarity negotiation" which has been evolving recently. Trade unions have developed negotiating strategies that apply across commodity chains, based on solidarity campaigns among trade unions in production, packaging, distribution and retail. For example, the IUF brought tea producer and distributor affiliates together in 1997 to spur enterprise initiatives in the tea industry. In addition, multi-sector coalitions are emerging in efforts to combat child labour developed through a coalition of workers, as in the example of the global chocolate and cocoa industry (see boxes 24 and 25). The outcomes of solidarity negotiation are referred to as framework agreements with multinational enterprises and apply across commodity chains and sectors. The Chiquita/COLSIBA agreement is one example.

It is important to put the issue of solidarity into focus. Negotiations on improving working conditions are usually circumscribed by the argument of declining profit margins. In many cases, this is clearly undeniable. At the lower end of the chain, producers are certainly under pressure, and small producers are particularly vulnerable to middlemen and traders. Even the hoped-for export earnings for many countries dependent on agricultural

¹⁴ IUF: Report to 24th Congress, Geneva, 14-17 May 2002.

¹⁵ IUF/COLSIBA and Chiquita: *Agreement on freedom of association, minimum labour standards and employment in Latin American banana operations.*

¹⁶ One case could be sugar in the east and southern African regions.

exports are decreasing as market prices slide.¹⁷ A couple of examples illustrate this, but it must also be emphasized that many MNEs are on both sides of the export/import chain and their pricing policies and margins are far from socially responsible.

Box 22

A window on the context for negotiations: Links in global value chains

There is a good case for building strategic alliances among workers across the food chain, and with consumers in the North, when the distribution of costs and margins is examined.

In *Chile*, fruit exports over the period 1982-94 expanded by 258 per cent to 1.2 million tons. However, producers accounted for only 11 per cent of costs in the case of seedless grapes (of which 5 per cent were for wages), exporters accounted for 28 per cent and importers and retailers in the North accounted for 26 and 35 per cent respectively.¹

In 2001, in *Uganda*, one kilogram of standard grade robusta coffee (which is sold as unroasted beans by the producer to middlemen at US\$0.14 per kilogram) arrived in the United Kingdom and was delivered to the factory ready for roasting at a price of US\$1.64. This included the costs and margins in Uganda of transporting, milling, bagging and transport to Kampala, the exporter's costs, processing, margins, bagging, transport and insurance, and the cost of freight. It also included the importer's costs in the United Kingdom, landing charges, delivery to the roaster's facility, and the importer's margin. The average retail price for one kilogram of Uganda coffee in September 2001 was US\$26.40, which included the costs of processing, packaging, distributing and marketing the coffee, as well as roasters' and retailers' profits.²

A recent study, which traced the journey of tomatoes from the fields of *Mexico* to the supermarkets and fast-food chains of *Canada*, found that the vast majority of temporary workers in Canada were women who faced similar problems with respect to low wages and insecurity as those in Mexico.³

¹ S. Barriento et al.: *Women and agribusiness: Working miracles in the Chilean fruit exporting sector* (London, Macmillan Press, 1999). ² OXFAM: *Mugged: Poverty in your coffee cup* (Oxford International, 2002). ³ D. Barndt: *Women working in the NAFTA food chain: Women, food and globalization* (Toronto, Second Story Press, 1999).

Solidarity negotiations are clearly context-specific, a factor which determines the degree of involvement by local unions in negotiation and implementation. But the overall context is an economic environment subject to increasing globalization and regionalization. Strategies and methods of representation which integrate enterprise social initiatives to enhance and supplement social dialogue and collective bargaining are required. The IUF's experience in developing an international code of conduct for the cut flower sector illustrates several important issues and implications (see box 23).

¹⁷ See figure 1 in section 1.

Box 23

An international code of conduct: Issues and implications ¹

The IUF, working with affiliates and several NGOs, drew up a model international code of conduct (ICC) in response to developments in the cut flower industry, where a plethora of unilateral/employer/importer codes of conduct had been adopted, some of them spurious. Affiliates in East Africa, in particular, were faced with a very rapid expansion of flower plantations, with workers often facing conditions similar to those in export processing zones, where foreign capital coming in is exempt from existing labour laws. In addition, these new plantations often replaced traditional plantation crops like coffee. The cut flower sector is characterized by extensive use of (young) women workers on seasonal contracts (even though work is usually on a continuous basis), heavy use of pesticides, problems of waste disposal and high water usage. NGOs in the North had been quick to raise concerns about flower production – especially, but not exclusively, about the environmental costs. The flower industry responded by issuing a number of codes.

The ICC was based firmly on ILO standards, with additional clauses pertinent to the sector, e.g. health and safety aspects. Importers were then targeted to convince them to accept the ICC, and workshops were held in East Africa to raise trade union awareness of the ICC and show them how to use it to organize workers and improve their working conditions. The IUF in 2002 reported that:

- the ICC had been accepted by German flower importers who have established a labelling programme;
- some small increases in membership had been reported in Uganda and in the United Republic of Tanzania, where several new collective agreements had been concluded with provisions for improving occupational safety and health;
- ongoing negotiations were taking place with MPS, the organization that sets environmental standards for the Dutch flower auction, to ensure that the ICC is the basis for its social standards.

The importance of harmonizing activities around the ICC is becoming evident as new areas of flower production and export are emerging (roses from India, for example, or foliage from Costa Rica). This development raises issues for trade union organization and protection of workers in this sector, most of whom are women.

The IUF's work to promote the ICC has highlighted the many problems trade union affiliates have with codes of conduct, even those drawn up multilaterally and based on ILO standards. The IUF reported in 2002 that the evidence so far was that it was very hard for our affiliates in producer countries to use codes of conduct to get new membership or to improve conditions where they had existing membership. There were no examples of a code, even with freedom of association as its cornerstone, leading to the formation of a new union. Some unions had been able to use the code to establish new branches but that was fairly exceptional. There were some examples of improvements in living and working conditions, especially when a union had been able to append the code to its collective bargaining agreement. ²

¹ IUF: Report to 24th Congress, Geneva, 14-17 May 2002. ² IUF: Report to 24th Congress (Report on Activities), Geneva, 14-17 May 2002.

There is an important issue here for trade unions, as it looks likely that developments around “codes” will continue. There is a veritable growth industry around monitoring, auditing and training, and professional consultants, auditors and educational enterprises are seizing the chance to play a role in the trend towards socially responsible business. Few have any background or experience in labour standards or labour relations. This point, coupled with the possibility that some governments may encourage such initiatives as a substitute for social regulation, means that vigilance will be required in monitoring the impact such initiatives may have on core international labour standards.

* * *

Underlying all of the preceding discussion is the need for waged agricultural workers to be organized, represented and able to present their needs and their contributions in the process of social dialogue. The paramount need for respect of fundamental rights, particularly in connection with freedom of association and the right to collective

bargaining, has never been greater.¹⁸ This respect is a precondition for the necessary organizational development, capacity building, and research and information activities which are required to implement strategies to redress decent work deficits.

Box 24

How the social partners are tackling hazardous child work in agriculture¹

Some examples of international initiatives:

- October 1996 – the IUF endorsed a code of conduct for fair trade in tea cultivation;
- in 1999, a joint statement was signed by the International Tobacco Growers' Association (ITGA) and IUF on child labour in the tobacco sector;
- in December 2001, the global chocolate/cocoa industry signed a joint statement reaffirming the urgent need to end the worst forms of child labour and forced labour in cocoa cultivation and processing in West Africa. Signatories include trade unions, NGOs, anti-slavery and human rights groups, and consumer groups.

¹ In July 2002, a foundation called *International Cocoa Initiative – Working Towards Responsible Labour Standards for Cocoa Growing* was established.

Box 25

Global initiative to address child labour and forced labour in cocoa growing¹

The signatories recognize the urgent need to identify and eliminate child labour in violation of ILO Convention No. 182 with respect to the growing and processing of cocoa beans and their derivative productions. They also recognize the need to identify and eliminate practices in violation of ILO Convention No. 29 with equal urgency.

The signatories affirm their support for the ILO's mission to improve working conditions worldwide, as exemplified in the ILO Declaration of Fundamental Principles and Rights at Work, and share the view that practices in violation of ILO Conventions Nos. 182 (the "worst forms of child labour") and 29 ("forced labour") result from poverty and a complex set of social and economic conditions often faced by small family farmers and agricultural workers, and that effective solutions to address these violations must include action by appropriate parties to improve overall labour standards and access to education.

The signatories support the framework provided in the Protocol signed by the Chocolate Manufacturers' Association and the World Cocoa Foundation on 19 September 2001, which provides for cooperation and for credible, effective problem solving in West Africa, where a specific programme of research, information exchange and action is immediately warranted.

This joint statement expresses the shared commitment of the signatories to work collaboratively towards the goal of eliminating the worst forms of child labour and forced labour in cocoa growing.

The strategies developed as part of this process will only be credible to the public and meet the expectations of consumers if there is committed engagement on the part of governments, global industry (comprising major manufacturers of cocoa and chocolate products as well as other major cocoa users), labour representatives, non-governmental organizations, and consumers that have joined this process.

The signatories recognize the need to work in concert with the ILO, because the ILO will play an important role in identifying positive strategies, including developmental alternatives for children engaged in the worst forms of child labour and adults engaged in forced labour in the growing and processing of cocoa beans and derivative products.

¹⁸ As part of the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, a Global Survey of agricultural trade unions is under way at the time of finalizing this Background Paper. The results of this questionnaire will be available as an input to the symposium discussions in Sep. 2003.

The strategies to be developed will be effective only if they are comprehensive and part of a durable initiative. The steps to be taken to sustain this initiative include:

- (i) execution of a binding memorandum of cooperation among the signatories that establishes a joint action programme of research, information exchange, and action to enforce internationally recognized and mutually agreed standards to eliminate the worst forms of child labour in the growing and processing of cocoa beans and their derivative productions;
- (ii) incorporation of this research that will include efforts to determine the most appropriate and practicable independent means of monitoring and public reporting in compliance with those standards; and
- (iii) establishment of a joint foundation to oversee and sustain efforts to eliminate the worst forms of child labour and forced labour in the growing and processing of cocoa beans and their derivative products. The signatories welcome the industry's commitment to providing initial and ongoing primary financial support for the foundation.

¹ Extracted from *Joint Statement with the Global Chocolate/Cocoa Industry to address Child Labour in Cocoa Growing*, 30 Nov. 2001.

Appendix

ILO Conventions and Recommendations relevant to agriculture

Social security standards for agricultural workers and ratification	Title of instrument	Number of countries having ratified as at April 2003
Convention No. 12, 1921	Workmen's Compensation (Agriculture) Convention	73
Convention No. 25, 1927	Sickness Insurance (Agriculture) Convention	20
Convention No. 36, 1933, revised in 1967 by the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)	Old-Age Insurance (Agriculture) Convention	10
Convention No. 38, 1933, revised in 1967 by the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)	Invalidity Insurance (Agriculture) Convention	10
Convention No. 40, 1933, revised in 1967 by the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)	Survivors' Insurance (Agriculture) Convention	7
Other standards of particular interest to agricultural and rural workers	Title of instrument	Number of countries having ratified as at April 2003
Convention No. 99, 1951	Minimum Wage Fixing Machinery (Agriculture) Convention	53
Convention No. 101, 1952, revised in 1970 by the Holidays with Pay Convention (Revised), 1970 (No. 132)	Holidays with Pay (Agriculture) Convention	46
Convention No. 110, 1958, (Recommendation No. 110)	Plantations Convention Plantations Recommendation	12
Convention No. 129, 1969	Labour Inspection (Agriculture) Convention	40
Convention No. 141, 1975 (Recommendation No. 149)	Rural Workers' Organisations Convention Rural Workers' Organisations Recommendation	38
Convention No. 184, 2001	Safety and Health in Agriculture Convention	3
Recommendation No. 193, 2002	Promotion of Cooperatives Recommendation	