

## **Uganda**

Multinational enterprises in the plantation sector: Labour relations,  
employment, working conditions and welfare facilities

by  
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## Preface

The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) of the International Labour Office (ILO) is a set of guidelines aimed at orienting the policies and practices of multinational enterprises (MNEs), as well as domestic enterprises, trade unions and Governments, with respect to the social and labour aspects of MNE operations. Its principles cover five key areas in which MNEs can maximize their contributions to host countries and address the difficulties to which their operations may give rise. Those key areas are: general policies; employment promotion, security and equality; conditions of work and life, including occupational safety and health and child labour; skills training; and industrial relations, including freedom of association and the right to collective bargaining.

These days, when initiatives to enhance corporate social responsibility (CSR) are proliferating, the MNE Declaration represents the ILO's main instrument to promote labour standards in the world of business. Among CSR initiatives, which are mostly of a private and voluntary nature, the MNE Declaration is unique in that it was adopted by the ILO Governing Body that includes representatives from Governments, employers and workers. The MNE Declaration encourages the tripartite partners to work jointly in observing its principles so that MNE operations can help achieve decent work by promoting good labour standards around the world.

Follow-up activities for the MNE Declaration include research and dialogue at sectoral, national, regional, and international level. Following requests from the Secretary General of the National Union of Plantation and Agricultural Workers of Uganda (NUPAWU) and the Ministry of Gender, Labour and Social Development of Uganda, the ILO undertook an activity to promote the MNE Declaration and social dialogue in the Ugandan plantation sector with the aim of improving conditions of work and life and labour relations. This activity sought to strengthen social dialogue among the stakeholders and to familiarize them with the MNE Declaration as an essential tool for establishing social policy standards in the operations of multinational and local enterprises.

To achieve those objectives, the ILO Multinational Enterprises Programme, in collaboration with the Sectoral Activities Programme and the InFocus Programme on Social Dialogue, Labour Law and Labour Administration, organized a tripartite seminar in Kampala on 29 and 30 April 2003. The seminar brought together representatives from the Government, as well as employers and workers in multinational and local companies in the sugar, tea and flower sub-sectors, to discuss issues of common interest, focusing in particular on labour relations, occupational safety and health, and welfare facilities. The seminar provided a forum where the tripartite partners shared their own experiences regarding MNE operations in the plantation sector.

The purpose of this paper is to give an overview of the current situation in light of the principles of the MNE Declaration. The paper is based on the findings of research undertaken by an ILO team that visited Uganda at the beginning of 2003. During the mission, the team had the opportunity to visit six estates owned and/or managed by MNEs and to discuss with their management teams and workers' representatives the contributions and concerns of multinational enterprises in the sugar, tea, coffee and flower sub-sectors. Views expressed at the seminar are also reflected in the report and the recommendations adopted by the participants are included in appendix I.

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# 1. Foreign direct investment and the Ugandan plantation sector

## 1.1. Overview of the Ugandan economy

The agricultural sector forms the cornerstone of the Ugandan economy. It accounts for about 40 per cent of the total Gross Domestic Product (GDP), over 70 per cent of total exports and about 80 per cent of employment. Eighty five per cent of Uganda's population of 22 million live in rural areas and depend mainly on agriculture for their livelihood.<sup>1</sup>

Chart 1. Key Macroeconomic Indicators 1995 – 2002

	1995	1996	1997	1998	1999	2000	2001	2002
Per capita GDP (US\$)	297.3	304.1	309.2	323.7	294.9	248.6	261	
Agriculture/GDP (%)	45.7	44.2	42.7	42.5	41.6	37.7	36.6	
Growth rate of GDP	7.8	4.5	5.4	7.3	5.9	5.7	6.0	4.9
Agriculture				6.6	5.2	4.2	5.8	3.9
Industry				11.0	3.4	4.9	5.2	10.9
Services				7.2	5.3	5.2	6.0	5.8
Exports (US\$ millions)	560.3	639.3	592.6	510.2	453.8	441.8	444.2	539.4
by subsector:								
Coffee	384.1	396.2	309.3	306.7	186.9	109.6	85.3	100.8
Tea	7.1	15.3	30.5	22.6	25.5	27.7	26.8	29.4
Flowers	0.3	2.8	3.6	7.5	8.3	13.2	20.6	26.8
FDI inflows	113.4	160	175	210	222	254	229	

Sources: Ministry of Finance, Planning, and Economic Development: *Background to the budget 2003 – 2004; Strategies to Promote Economic Growth*, Progress report May 2003; Central Bank of Uganda: *Economic and Financial Indicators*, October 2002; Enter Uganda.com: *Uganda's macroeconomic data* December 2002; United Nations Conference on Trade and Development (UNCTAD): *World Investment Report 2002: Country Fact Sheet: Uganda*.

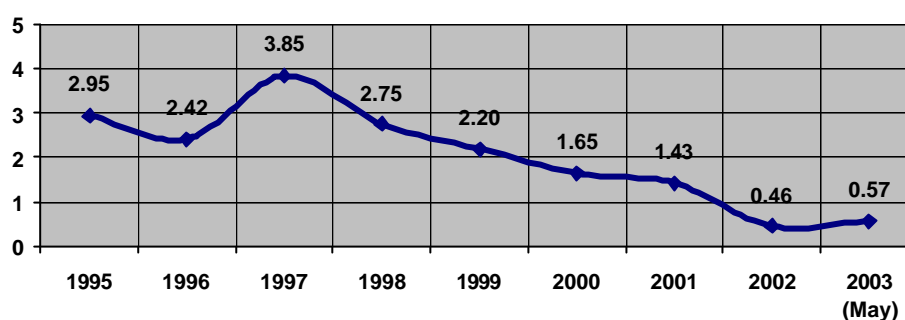
Coffee has historically been Uganda's main business. In 2001, it was estimated that 500,000 households, distributed over two-thirds of the country, depended on coffee as an important source of income. For many of these households, coffee was the only source of

<sup>1</sup> Ministry of Agriculture, Animal Industry and Fisheries (MAAIF), Ministry of Finance, Planning and Economic Development (MFPED): *Plan for Modernisation of Agriculture: Eradicating Poverty in Uganda, Government Strategy and Operational Framework* (Kampala, August 2000), p. 20.

cash income.<sup>2</sup> Coffee accounts for more than half of the total exports, followed by fish products, tea, cotton, tobacco, gold and value-added agricultural manufactured products.<sup>3</sup>

The coffee sub-sector has been Uganda's largest generator of export revenues. When world coffee prices were high in 1994 and 1997, the sub-sector earned over US\$400 million annually. However, between 1998 and 2002, coffee export prices fell by almost 70 per cent in dollar terms leading to a US\$222 million decline in coffee export earnings. In 2001, export revenues fell below US\$100 million for the first time since the 1964-65 season. Although coffee prices began to rise slightly in the first half of the financial year 2002-03, they are still much lower than they were in 1998.<sup>4</sup>

Figure 1. Coffee price trends 1995 – 2003 (US\$ per Kg estimated mean)



Source: Ministry of Finance, Planning and Economic Development.

During the four decades up to the 1990s, coffee, cotton, tea and tobacco dominated Uganda's export sector. These commodities have traditionally been exported in raw form without any significant value added. Prices for cotton, tobacco and tea also fell between 1998 and 2002, though less markedly than for coffee.

Over the last decade, Uganda has seen considerable diversification into non-traditional exports – like fish products, hides and skins, maize and flowers – which have higher added value. Non-traditional exports in aggregate now earn more than coffee, tea, tobacco and cotton combined, accounting for 64 per cent of all goods exported.<sup>5</sup> Flowers, in particular, have become increasingly important among exports since 1992.

<sup>2</sup> MFPED: *The Path Forward in Uganda's Coffee Sector*, prepared by the COMPETE Project and Alice Gowa (Uganda Coffee) on behalf of the European Commission for the Presidential Conference on Export Competitiveness (February 2001), p. 2.

<sup>3</sup> Standard Bank of South Africa, Economic Division: *Annual Profile – Uganda*, January 2002; Enter Uganda.com: *Uganda's macroeconomic data* (December 2002).

<sup>4</sup> MFPED: *The Path Forward in Uganda's Coffee Sector*, op. cit., p. 2; *Background to the budget 2003 – 2004*, p. 22.

<sup>5</sup> MFPED: *Strategies to Promote Economic Growth*, Progress report (Kampala, May 2003), pp. 34-35.

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## 1.2. Development of the agricultural sector in Uganda

After a period of positive GDP growth rates in the 1960s, Ugandan agriculture registered dramatic declines in growth rates during the 1970s and early 1980s. Several years of political instability were characterized by economic mismanagement, disintegration of public infrastructure and services, disinvestment by the private sector and scarcity of foreign exchange. In 1987, the Government started the Economic Recovery Program (ERP) in order to achieve a stable and steady macro-economic framework and to promote growth by providing an enabling environment for private sector investment. In the agricultural sector, the policy focused on three key areas:

- rehabilitation of traditional exports like coffee, cotton, tea and tobacco with a view to increasing export earnings and thereby improving balance of payments;
- development of non-traditional exports to diversify the export base; and
- removal of physical, technical and institutional constraints for sustainable agricultural development.

To achieve these objectives, the Government adopted a policy agenda for the agricultural sector in 1989, which included the prevention of erosion of farmers' price incentives, increased efficiency in the processing of crops and livestock products, improvements in marketing arrangements for agricultural products, removal of monopolistic marketing boards and the strengthening of agricultural services through increased availability of agricultural inputs and provision of research and extension services.

In line with the policy agenda, the agricultural market was liberalized. Export taxes and other market distortions were removed to provide incentives to producers. Regulatory and promotional agencies were set up for promotion, quality control and the dissemination of market information on key export crops. The National Agricultural Research Organization (NARO) was created to strengthen research in agriculture and a unified extension system was introduced to ensure technology transfer to smallholder farmers in order to improve their productivity.

As a result, the agricultural sector registered a significant recovery, achieving annual growth rates ranging from four to ten per cent between 1986 and 1999. However, fundamental constraints still affect growth in the sector as a whole. These include constraints in terms of infrastructure, technology, finance, land policy, farmers' organizations, human resources, information, storage facilities, environmental degradation and the effects of HIV/AIDS.

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## Box 1

### Agricultural sector constraints

**Marketing infrastructure constraints:** Inadequacy of physical infrastructure such as feeder roads, communication facilities, power supply, education and health facilities, water supply and market infrastructure constrain the marketing of agricultural products and investments in rural areas, and are responsible for the high market transaction costs.

**Technology generation and dissemination:** High-yielding technological packages, and efficient and cost-effective cultivation technology are not available. Additionally, there is a lack of appropriate technology due to weak linkages between researchers and farmers, as well as an absence of effective delivery of extension services to farmers.

**Financial constraints:** Both investment finance and working capital are the main bottlenecks for smallholder agricultural production. Yet creation and sustenance of a dynamic and productive modern agricultural sector would require a continuous uptake of new, more productive and high-yielding technology by farmers. Thus the creation of viable and sustainable rural financial systems is one of the key elements to agricultural development.

**Land tenure and policy:** The fairly comprehensive Land Act adopted by Parliament in 1998 has not yet brought about the desired changes in land tenure systems, policy, registration and administrative improvements. The constraints of land tenure systems that are not conducive to the emergence of land markets persist. The issue of land ownership and inheritance by women, who are key stakeholders in agricultural production, has not yet been resolved. The lack of a centralized land registry results in difficulties in acquiring land title deeds in rural areas.

**Farmers organizations:** There are no effective grassroots/village-based, commercially oriented institutions capable of mobilizing the productive capacity of small producers for income-generating commodity production. The cooperative movement, which in the past was effective in mobilizing farmers, has not been able to perform this function in the past decade.

**Human resource constraints:** The majority of Ugandan farmers are illiterate. There is therefore an urgent need to educate and empower them to undertake commercial activities efficiently and profitably. Fostering these skills is the surest way to economic growth and overall development.

**Information constraints:** Statistics regarding food crops and export crops are not available. The various agencies involved in the collection and dissemination of agricultural data are not well coordinated and show organizational, financial and managerial deficiencies. Moreover, the potential users do not know the work of those agencies. There is therefore an urgent need to establish reliable information services for producers and market operators.

**On-farm and off-farm storage:** Post-harvest losses, particularly for food crops, are very high, aggravating the food insecurity problem. In addition to timely harvesting, proper drying, and storage protection from infestation are critically important and should be introduced. Few farmers have well-constructed storage facilities in rural areas. Off-farm storage facilities owned by traders, millers, processors, and exporters are generally lacking.

**Environmental degradation:** Population pressures, intensive land utilization, grazing, soil erosion, deforestation and the drainage of swamps have resulted in considerable environmental degradation and low productivity in many areas of the country. Therefore, environmentally friendly, socially acceptable and affordable technologies should be developed and disseminated for efficient use of natural resources in rural areas.

**Effects of HIV infection:** The AIDS epidemic continues to impact negatively on agricultural production. It has resulted in loss of skilled and unskilled workers for production, research extension services and policy formulation, as well as in the loss of assets and savings for medical care and funeral expenses. AIDS mitigation measures have a positive impact on agricultural production, household incomes and people's welfare.

Source: *Plan for Modernisation of Agriculture*, op. cit., pp. 27-28.

From the analysis of the past performance of the agricultural sector, three main observations can be made. First, agricultural expansion has resulted mainly from the rapid increase in production of food crops for resurgent domestic and regional markets. Second, the increase in food production has resulted from expansion in the area cultivated; yields of the major food crops have remained stagnant and in some cases declined. Third,

international markets for Uganda's traditional export crops have become much more competitive than in the early 1970s and Uganda has limited world market prospects for its food crops.

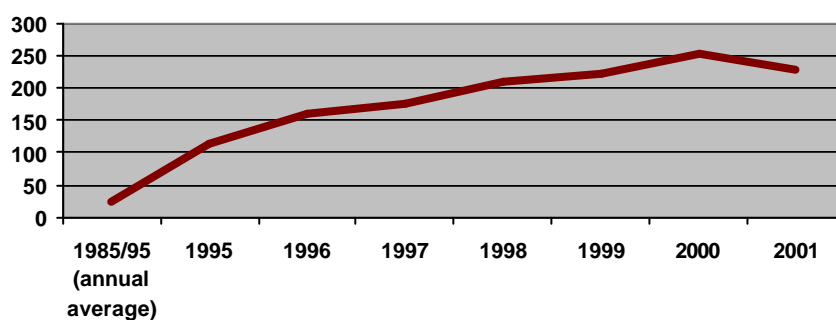
For these reasons, the Plan for Modernisation of Agriculture (PMA) has focused on the following key issues:

- a) Development and adoption of high-yielding technology through strengthened agricultural research and extension delivery mechanisms.
- b) Generation and adoption of appropriate labour-saving technology for expansion of acreage under cultivation.
- c) Promotion of increased diversification of agricultural exports through production of high value-added commodities.
- d) Creation of efficient and competitive systems for processing and marketing of agricultural commodities.
- e) Development of rural financial markets to provide easy access to finance for smallholder farmers to invest in agricultural production.
- f) Development of infrastructure such as rural roads, communication links and rural electrification to reduce transaction costs, develop marketing linkages, improve efficiency and provide power for agro-processing.<sup>6</sup>

### 1.3. FDI flows and MNEs in the plantation sector

With US\$229 million in foreign direct investment (FDI) inflows in 2001, Uganda was ranked fourth among the least developed countries (LDCs) in terms of the level of FDI received. Over the period 1986 – 2001, Uganda saw an increase of 99 per cent in FDI inflows, while the trend in most LDCs was a significant decrease.<sup>7</sup>

Figure 2. FDI inflows 1985 - 2001 (millions of US dollars)



Source: UNCTAD, *World Investment Report 2002, Country fact sheet: Uganda*.

<sup>6</sup> *ibid*, p. 29.

<sup>7</sup> UNCTAD: *World Investment Report 2002: Transnational Corporations and Export Competitiveness* (Geneva, 2002), p. 74.

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According to UNCTAD's *World Investment Report 2002*, Uganda is host to 30 MNE affiliates.<sup>8</sup> In the agricultural sector, MNEs have been operating in the tea and sugar sub-sectors for two decades, and more recently also in the flower industry, and are actively involved in both production and marketing of the commodities.

In the coffee sub-sector, production has been concentrated in small farms that sell their products to larger companies, including MNEs, which process and export coffee. The first coffee plantation owned by a multinational company started operations not long ago.<sup>9</sup>

Tea is mostly produced by large companies for the export market and sugar is produced by three major companies<sup>10</sup> exclusively for Ugandan consumption. In both sub-sectors around 40 per cent of the product is provided by outgrowers.

Growing flowers for export began only ten years ago, when the sub-sector emerged as a result of the government campaign to promote non-traditional exports. During the period 1993 – 2002, the number of flower companies went from two to 20 and this growing trend is likely to continue.

## **2. Observations regarding labour relations**

### **2.1. Legal framework**

Like other enterprises in the plantation sector, MNEs are subject to the general legislative statutes which define conditions of employment and establish minimum standards for working conditions in the country. Such conditions are set out in the following Acts:

- The Employment Act, 1975
- The Trades Disputes (Arbitration and Settlement) Act, 1964
- The Factory Act, 1964
- The Trade Unions Decree, 1976
- The Worker's Compensation Act, 2000

Uganda's labour laws have been under extensive review for more than ten years. Obsolete labour laws have been identified as an obstacle to meaningful dialogue on social and labour issues in agriculture. Among the objectives of the review process is to ensure

<sup>8</sup> UNCTAD: *World Investment Report 2002, Country fact sheet: Uganda* (Geneva, 2002).

<sup>9</sup> The Kaweri Coffee Plantation was inaugurated in August 2001. It belongs to IBERO, which is the Ugandan affiliate of Neumann Kaffee Gruppe. An ILO team visited the estate in January 2003.

<sup>10</sup> Kakira Sugar Works is a joint venture between the Government of Uganda and the Madhvani Group; Kinyara Sugar Works is managed by Booker Tate and is in the process of privatization; and the Sugar Corporation of Uganda (SCOUL) belongs to the Mehta Group.

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that enabling legislation is in place to give effect to the Constitution. Efforts have also been undertaken to promote the ratification and implementation of ILO core conventions.<sup>11</sup>

Although Uganda has not yet ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), it has ratified the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). As a member of the ILO, Uganda has agreed to respect the principles underlying these fundamental rights, in accordance with the ILO Declaration on Fundamental Principles and Rights at Work.

The international obligation to respect, promote and realize freedom of association and the effective recognition of the right to collective bargaining is implemented in the country through laws, policies and other appropriate measures. The National Constitution (1995) provides for freedom of association and the right to bargain collectively to all workers. Nonetheless, it has not been easy in practice to achieve the right to organize unions.<sup>12</sup>

A Trade Union Ordinance was enacted in colonial Uganda in 1937, but it was not until the 1950s that unions began to emerge.<sup>13</sup> In 1964, the government introduced an Industrial Relations Charter, outlining the framework for bipartite and tripartite relations. The charter recognized voluntary collective bargaining and dispute settlement in the private sector, and set up a tripartite forum for consultation among government, employers' and workers' representatives.<sup>14</sup> However, this framework for industrial relations has had little practical effect on the development of labour relations in Uganda. The legislative framework that emerged, the Trade Unions Decree (No. 20) of 1976, recognizes the right of workers to organize and bargain collectively within legal limits, but does not entirely reflect the constitutional provision which guarantees the right to freedom of association.

It is to be hoped that the labour law reform process will be successfully completed so as to ensure the full implementation of fundamental principles and rights at work and labour standards that may contribute to the social and economic progress of the country.

<sup>11</sup> Uganda has ratified five of the eight ILO core labour standards: the Forced Labour Convention, 1930 (No. 29), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Abolition of Forced Labour Convention, 1957 (No. 105), the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). It has not yet ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Equal Remuneration Convention, 1951 (No. 100), or the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

<sup>12</sup> ILO: *Seventh Survey on the effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*, Part II, Summary of reports submitted by governments and by employers' and workers' organizations, GB.280/MNE/1/2 (Geneva, 2001), pp. 54 and 292.

<sup>13</sup> For the history of trade unions and industrial relations in Uganda, see Nicol, Brian: "Industrial Relations in Uganda: A Historical Perspective" in Ukandi G. Damachi et al. (eds.) *Industrial Relations in Africa* (London, Macmillan, 1979), pp. 273-306.

<sup>14</sup> See Fashoyin, Tayo: *Economic liberalization and industrial relations in Uganda*, ILO Task Force on Industrial Relations (Geneva, January 1997).

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## 2.2. Freedom of Association: Employers and Workers organizations in the sector

### Employers' organizations

Employers in the plantation sector are mostly represented by the Federation of Uganda Employers (FUE) which was founded in 1958. Its membership comprises public and private sector companies, corporate bodies, schools, hospitals, sectoral associations and non-governmental organizations (NGOs). As stated in its Constitution, FUE's mission is "to offer the most valuable advisory, training and consultancy services on employment, human resource management and development issues and promote members' competitiveness by improving productivity and quality of work life".<sup>15</sup> FUE specializes in the provision of human resources competencies and in helping its members to find cost-effective solutions to their major concerns. Concretely, FUE provides four kinds of services to its members: representation on questions of economic and social policy, guidance on employment relations, training for human resource development and specific assistance on small enterprise and entrepreneurship development. Training on HIV/AIDS in the world of work is also provided. FUE is currently planning to coordinate with the Uganda Investment Authority (UIA) in the organization of training programmes for expatriates on business in Uganda.

Seventeen of FUE's 148 members are from the agricultural sector. They meet regularly to discuss issues affecting their sector. FUE carries out frequent training programmes with the companies in the plantation sector to improve industrial relations. In Kakira Sugar Works, a programme such as this was implemented recently over a six-month period in collaboration with the union. The training helped improve the relations between the company and its workers considerably.

The tea and flower sub-sectors have their own industry associations, namely, the Uganda Tea Association (UTA), which is a member of FUE, and the Uganda Flower Exporters Association (UFEA). From the latter, only Uganda Hortech Ltd. is affiliated to FUE, thanks to the fact that it is a part of the Sugar Corporation of Uganda Ltd. (SCOUL).

UTA groups 95 per cent of tea producers, including small growers, which represent 25 per cent of the total. The association disseminates information on production and marketing conditions. Regular training has been carried out to sensitize small farmers on the issue of child labour. A recent study on occupational safety and health, sanitation and industry related hazards in the tea sub-sector was complemented by a training programme on occupational safety and health, through which over 1,000 managers, supervisors and workers from UTA member estates as well as smallholder farmers have been reached.<sup>16</sup>

UFEA was established in 1995 with assistance from the Investment in Developing Export Agriculture (IDEA) Project of the Agribusiness Development Centre (ADC). It is an organized body recognized nationally and internationally and counts 20 members. UFEA is aimed at disseminating information and assisting its members on issues related to production and marketing conditions. It provides regular training on many different subjects such as occupational safety and health, first aid, and HIV/AIDS prevention. The IDEA project has developed a National Code of Practice for the Horticultural Sector that

<sup>15</sup> Federation of Uganda Employers (FUE): *FUE Constitution*.

<sup>16</sup> Uganda Tea Association (UTA): *Health, safety, sanitation and industry related hazards and their impact* (October 2000).

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provides its members with guidelines on workers' welfare, occupational safety and health, consumer health and environmental protection.

## Trade unions

Plantation workers are represented by the National Union of Plantation and Agricultural Workers of Uganda (NUPAWU), founded in 1960. Collective bargaining is handled directly by the union, which is affiliated to the country's only trade union centre, the National Organization of Trade Unions (NOTU) and to the global union federation, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). NUPAWU derives its funds from members' monthly contribution of 3 per cent of their basic wage and donations from friendly organizations.

The economic and political crisis of the 1970s reduced NUPAWU's membership from its peak of 40,000 in 1973 to a mere 8,000 by 1979. However, as a result of the impressive economic upturn that began with the introduction of the Economic Recovery Programme of 1987, union membership has increased and indeed surpassed the record of the early 1970s. Today, the union registers about 47,000 members, including almost 15,000 women workers, retaining its status as the largest and most influential union in the country. The unorganized workers in the sector are estimated at over 60,000.

Union membership is concentrated in the three sugar estates in the country, and a few large tea estates, but the union has been unsuccessful in organizing all eligible workers. At the Rwenzori Highlands Tea estate of Mwenge, for example, only 21 per cent of the more than 3,000 eligible workers have joined the union in spite of the recognition of the union by the employer. As a general rule, employers who recognize the union for bargaining purposes have, for administrative convenience and in the interest of good labour-management relations, applied collectively agreed working conditions to the workforce as a whole.

Workers from several tea plantations, coffee and flower farms have not been organized at all. Generally speaking, there is a certain degree of hostility towards unionization in those sub-sectors. For example, one large tea estate failed to recognize the union, even after the latter had secured the mandatory 51 per cent membership. In the case of coffee, employers' non-recognition of the union may be due to the lack of a clear organizing strategy by the union and the fact that the single large coffee plantation in Uganda has only recently commenced operations.

On the basis of our investigation, it appears that some employers do not fully appreciate the positive role that a union can play in stabilizing labour relations for improved productivity and performance in the workplace. This places an obligation on all the key players to strengthen the industrial relations institutions and processes so as to achieve more positive outcomes. The Ministry of Gender, Labour and Social Development, FUE, and NUPAWU should join efforts to encourage all employers to comply with public policy regarding freedom of association, commonly recognized to be a basis on which to build positive labour-management relations.

The union in particular would need to embark on intensive training for its shop stewards, both on the substantive and procedural issues of industrial relations, and on the maintenance of good labour-management relations. NUPAWU has a department of education that carries out training programmes for its members at all levels. The union has been particularly active in training on occupational safety and health since 1989, as explained in section 3.5 of this paper.

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## 2.3. Labour-management relations

The agricultural sector experienced a high incidence of industrial unrest, in particular in the last decade, with the greatest number of workdays lost to strikes in 1996. Workers' demands for higher wages and protest against the introduction of graduated tax assessment, shift work without consultation, non-provision of protective gear, excessive work, and poor and inadequate quantities of meals provided were all subjects of dispute. Nonetheless, nowadays trade union representatives at national, sectoral and enterprise level characterize labour relations with MNE employers in the plantation sector as "good" or "excellent", since MNE employers respect freedom of association and implement agreements. In addition, MNE efforts to provide medical care, schools and other welfare services for employees are appreciated. Housing is considered a major problem affecting agricultural workers in general, and improvements are desired in the standard of housing provided on estates.

As has been suggested, there has been a fundamental shift in labour-management relations in agriculture, from the adversarial contest of the 1990s, to a more cooperative relationship. Many factors on both sides have contributed to this improvement in the situation. Competitive pressures in product markets and the current public policy environment have reduced the voice of labour relative to that of employers. There appears to be deliberate realization on both sides that important issues affecting the sector, such as improving performance and productivity, need to be addressed through positive labour-management relations and joint efforts. There is also some willingness among employers to consult, negotiate and inform workers' representatives regularly on issues of mutual interest, and genuine efforts are made to resolve differences peacefully. Examples of this include consultative machinery, which has been set up in several companies, such as the joint corporate council in the Rwenzori Highlands Tea Company, the periodic task committee on specific issues at Kakira Sugar Works and the joint committee on welfare, discipline, production and related issues at SCOUL.

The flower sub-sector presents a different labour relations scenario because, as a general rule, the union is not recognized and no collective bargaining takes place. The exception is Uganda Hortech, which belongs to SCOUL. As a practical and goodwill gesture, SCOUL extends its recognition of NUPAWU to the workers in the flower farm and applies to them all the provisions of the subsisting collective agreement in the sugar estate.

In the remaining flower farms in the country, labour relations take place between the employer and the individual employees directly. Employers in the flower sub-sector determine the wages and conditions of employment, but IDEA's Code of Practice provides some guidance on how to establish these in a way that ensures the welfare of workers as well as occupational safety and health.<sup>17</sup> Recommendations aimed at ensuring fair labour conditions include the recognition of the employees' freedom of association and right to collective bargaining. The critical challenge facing the flower sub-sector will be to fully implement these recommendations.

At the Royal VanZanten flower farm that employs nearly 300 non-unionized workers, an open door forum was introduced last year whereby workers were encouraged to go personally to the estate manager's office to discuss with her any issues of interest to them.

<sup>17</sup> The first section of the Code is aimed at ensuring the welfare of workers based on three criteria: fair remuneration, fair labour conditions and non-exploitation of minors. The second section, on occupational safety and health, provides conditions to eliminate health and safety risks, and recommends the provision of adequate health services.

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According to the manager, the experience was extremely enriching as it allowed her to discover some of her employees' concerns, as well as to receive good suggestions for the better management of the farm. While such a forum demonstrates the good will and sensitivity of the employer towards her workers and a positive approach to labour-management relations within the company, it lacks the wider impact of collective bargaining through which workers as a group can express their interests.

#### Box 2

##### Labour-management relations at the Rwenzori Highlands Tea Company

The Rwenzori Highlands Tea Company (RHTC) management seeks to maintain sound relations with the workforce, based on the conviction that both parties need to know and understand the other's needs and expectations in order to make the company function most effectively. To achieve this, the human resources department aims at ensuring efficient communications between management and employees at all times.

The company's operations manual, which covers every aspect from staff development to business ethics and OSH responsibilities, is displayed in each department and division office and translated to local languages wherever needed so as to make sure that each member of staff is familiar with the company's policies and processes.

Different means of communication such as a website, e-mails, quarterly newsletters, office or estate notice procedures, and training sessions are used to keep the workforce informed of management decisions and to deal with any issues which may arise.

There is a joint corporate council (JCC) where representatives from management and the workforce meet regularly to discuss company policies, including living and working conditions and health and safety, as well as productivity indicators, anticipated changes and any problems there may be. At the JCC meetings, managers and workers have the opportunity to speak openly about their concerns with regard to each other's behaviour and the company's performance. Through this channel, for example, the company has achieved a significant reduction in absenteeism in the last four years. By identifying the various reasons for absences, a system of occasional leave has been established.

As RHTC is a member of the Uganda Tea Association, general terms and conditions of employment are negotiated collectively with NUPAWU every two years. Although only 21 per cent of its employees are unionized, the company applies the provisions of the collective bargaining agreement to the entire workforce.

Disputes are addressed through an established procedure, which consists of reporting the problem to the immediate superior and so on up the ranks until the problem is resolved. If the supervisor, the head of department and the estate manager are unable to find a solution, a joint ad hoc estate committee meets to settle the dispute, with the participation of the human resources department and union representatives. Only if this committee is unsuccessful is the dispute taken before the company's chief executive and the secretary general of the union.

Furthermore, the company has a specific policy to deal with sexual harassment that applies to the entire staff, including management, as well as to clients and suppliers. The policy is aimed at ensuring every individual's dignity, privacy and right to equity. It describes behaviour which can be considered as sexual harassment – be it physical, verbal or visual – and its detrimental effect on work and on individual performance and satisfaction. It also includes a specific procedure to settle sexual harassment cases that can result in charges being pressed against the offender.

Human resources management promotes a climate of confidence among employees so that they feel encouraged to report all kinds of concerns to their superiors. Mutual confidence between management and the workforce is seen as the key element for the success of the company's labour relations system.

The need for a clear public policy and joint collaboration emphasizes the critical role of tripartite cooperation among the stakeholders. Unfortunately, in Uganda, the tripartite body, the Labour Advisory Committee, which was reactivated in the mid-1990s, barely performed before it receded into inactivity. Its failure to reach agreement on the minimum wage issue, and to meet regularly over general labour issues in this critical period of globalization and liberalization hampers positive industrial relations practice in Uganda. The absence of a joint forum to discuss major challenges facing commercial agriculture in Uganda and the inconclusive labour law reform process need to be addressed. Steps have

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been taken recently to raise public awareness of the importance of collective bargaining in fostering peaceful industrial relations. The Government and the social partners have organized workshops and seminars to provide information on industrial relations and training to address issues pertaining to the formulation of collective agreements.

## 2.4. Collective bargaining

Structurally, collective bargaining takes place at two levels: at the industrial (or sectoral) level and at the enterprise level. Both bargaining levels are used by MNEs operating in the plantation sector. Companies in the tea sub-sector are members of UTA, which negotiates with NUPAWU on the terms and conditions of service in the sub-sector, while each sugar company negotiates directly with NUPAWU.

These enterprise-level negotiations in the sugar sub-sector take place every two years on general terms and conditions of service that include wages, working conditions, welfare, safety and health, and so forth. This negotiation produces what is referred to as a general agreement. Those parts of the agreement which the parties wish to amend are renegotiated annually. This is most often the case for wage rates.

One interesting feature of the annual negotiations is the speed with which they are conducted. In fact, negotiations over wages do not take more than one month to conclude. While this is understandable because only one issue, wages, is most often renegotiated annually, it remains true that the speed with which the agreement is reached is a reflection of the relatively good state of labour-management relations in the sugar estates today.

In the tea sub-sector, collective bargaining agreements on working and employment conditions are regularly negotiated between UTA and NUPAWU.<sup>18</sup> Since 1993 however, the parties have not been able to reach agreement on the general minimum wage applicable to all tea estates in the association.<sup>19</sup> This lack of agreement is not unrelated to the difficult economic environment of tea production, and its susceptibility to international price competition and price determination at the auction floor. Ninety-five per cent of Ugandan tea is exported through Mombasa where the auction price can be lower than the cost of production. Employers have expressed concern about the competitiveness of Ugandan tea in international markets, particularly in relation to tea from other countries in the region, such as Burundi, Kenya, Rwanda, and Tanzania.<sup>20</sup> However, on 11 July 2003, UTA and NUPAWU signed an agreement by which the two parties agreed to negotiate wages at enterprise level. Both parties are hopeful that regular revision of wages will improve productivity and the quality of tea.<sup>21</sup>

<sup>18</sup> The current collective bargaining agreement was adopted in 1999.

<sup>19</sup> Since then, management at the enterprise level has unilaterally awarded annual increases in wages.

<sup>20</sup> This issue is beyond the scope of this paper, but for a discussion of the concerns of the industry, see Fashoyin, Tayo: *op. cit.*, pp. 20-22.

<sup>21</sup> FUE news at: <http://www.employers.co.ug/newsdetail.php?newsId=66>.

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Current or recent collective agreements from the tea and sugar sub-sectors<sup>22</sup> contain provisions on a number of common points. While the actual content of the provisions varies from one agreement to another, all agreements specify pay schedules and rates for overtime and for work on public holidays or rest days, hours of work, leave (including leave for trade union business, annual leave with transport allowance, compassionate leave, education leave, maternity leave, paternity leave, and sick leave), acting allowance, housing, provision of protective clothing, medical treatment and funeral facilities. In addition, all have detailed provisions covering probation, transfer, the disciplinary code, termination of contract, redundancy, severance pay, and “gratuity” or service pay upon retirement. It is notable that most agreements contain a preambular text highlighting the parties’ desire to maintain good and normal working relations. This is to be achieved through introduction of better arrangements for working conditions, wages and other benefits in a stable and undisturbed atmosphere and for the settlement of problems pertaining to work relations by collective bargaining and determining ways and means of settling differences of opinion.

## **2.5. Grievances and dispute settlement**

As stated before, for most of the 1980s up to the mid-1990s during the economic reconstruction, labour relations in the sugar and tea estates were extremely conflictual. Rather than settle grievances and disputes by peaceful means under the existing institutional framework, workers resorted to violent strikes, including damage to property and the burning of sugar and tea farms. The response of employers and the public authorities was equally uncompromising, occasionally involving intervention from law enforcement authorities. This era has, fortunately, passed and today workers and their union have understood the need to follow agreed institutionalized procedures for resolving grievances and disputes with employers.

In the Kakira Sugar Works, where industrial violence marked the mid-1990s, labour relations have stabilized considerably, and at present, labour-management cooperation prevails. In fact, the last strike that took place in Kakira in 1996 was the turning point in the labour-management relationship. Today, both sides have cultivated the habit of solving their grievances through joint approaches to labour and work-related issues. Issues such as discipline, job evaluation, and the quality of meals are dealt with in a joint manner.

Employers and workers in the plantation sector have emphasized their commitment to peaceful resolution of grievances. As a matter of policy, companies encourage workers to take their grievances to the section head, and only when a satisfactory solution is not achieved, is the grievance referred to a higher-up management official in the workplace, and then to the estate manager. Where this process fails, the joint consultative or industrial council, as the case may be, is used to try to resolve the dispute. In the event of failure to settle at this level, the dispute goes to the legal procedure, including conciliation by the Ministry of Gender, Labour and Social Development, and ultimately the Industrial Court. This final option is considered with reluctance since the process is extremely long, slow and not always impartial.

<sup>22</sup> The collective bargaining agreements examined included the following: Agreement on terms and conditions of service between signatory members of UTA and NUPAWU, 13 April 1999; Agreement on terms and conditions of employment between Kakira Sugar Works Limited and NUPAWU, 2002; and Memorandum of Agreement on terms and conditions of employment between Kinyara Sugar Works Limited and NUPAWU, 1 February 2002; Memorandum of Agreement of salaries/wages and monetary terms and conditions of employment between Sugar Corporation of Uganda Limited and NUPAWU, 1997.

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### 3. Observations regarding employment and working conditions

#### 3.1. Employment

Agriculture provides approximately 80 percent of employment in Uganda and most industries and services in the country are dependent on this sector.<sup>23</sup> Regarding the sub-sectors covered by this report, the livelihoods of roughly one quarter of the population are in some way dependent on coffee.<sup>24</sup> The sugar industry engages approximately 40,000 workers, when both direct and indirect employment are considered. The tea sub-sector employs about 30,000 people. The flower industry has created over 4000 jobs and is expected to attain 9000 in the next three years.<sup>25</sup>

Employment in agriculture has diminished as a result of the recent drop in commodity prices for Uganda's major exports, coffee and cotton. In the coffee sub-sector, this is having major consequences for small farmers. In fact, although coffee exports remained at almost the same volume as the year before for the eight months to June 2002, earnings for its producers dropped by almost 30 per cent.<sup>26</sup> Price fluctuations are having considerable impact on tea producers as well.

The Government is adopting measures to increase employment opportunities through the enhancement of skills. Those measures include establishing 800 community polytechnics in sub-counties, promoting information and communication technology, increasing on-farm employment opportunities through the implementation of the Plan for Modernization of Agriculture, improving infrastructure, financial services and export promotion, and empowering local communities.<sup>27</sup>

MNEs have contributed meaningfully to the promotion of employment opportunities and reduction of poverty in the country.<sup>28</sup> MNE plantations not only provide significant direct employment in rural areas, but help sustain the livelihoods of many thousands of other workers through indirect employment as well. Kakira Sugar Works estimates that its operations provide livelihoods for some 70,000 people, including 6500 employees on the estate, 3600 outgrowers and numerous contract workers and transporters. The Kinyara Sugar Works employs 1800 permanent staff and, in crop, the number of employees rises to 3900. Approximately 6000 people live on the estate and their needs must be catered for. The monthly wage bill for employees approaches Ush 700 million and an additional Ush 400 million is paid out monthly to local cane farmers. Indirect employment is provided to more than 500 small-scale outgrowers who supply cane to Kinyara, the many day

<sup>23</sup> MAAIF, MFPED: *Plan for Modernisation of Agriculture*, op. cit., p. 20.

<sup>24</sup> Oxfam International: *Mugged: Poverty in Your Coffee Cup* (September 2002), p. 8.

<sup>25</sup> NUPAWU: *Research on Social Dialogue and Multinational Enterprises in Agriculture: Uganda* (Lugazi, 2003), p. 15.

<sup>26</sup> Ugandan Coffee Development Authority quoted by AFP wire agency (Kampala, 10 June 2002), quoted by Oxfam coffee report, op. cit., p. 12.

<sup>27</sup> MFPED: *Background to the budget 2002 – 2003*, pp. 59-60.

<sup>28</sup> ILO: *Seventh Survey*, op. cit., p. 113.

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labourers employed on several big cane farms, and the workers hired by contractor companies to carry out weeding. Besides making a major contribution to poverty alleviation in the local area, the company contributes to the national economy through remittance to Government of tax, fees and dividends.

As in the examples above, most plantations operate with a core staff of permanent workers, but call upon large numbers of seasonal or casual workers as the need arises. Seasonal workers thus form a substantial part of the plantation workforce. Most seasonal workers are recruited from a distance and retain strong ties with their areas of origin outside the plantation district.

The frequent recourse to casual workers, i.e. those employed and paid on a daily basis, is encouraged by, amongst other factors, unpredictable weather conditions, and unstable market demand for produce. According to a recent report to the ILO from the tripartite constituents, MNEs were turning towards the “casualization of labour” and workers were fired without warning.<sup>29</sup> Trade union representatives consider a heavy reliance on casual labour to be a means of denying workers the rights and benefits associated with permanent employment. They note, for example, that in the flower sub-sector, over 70 per cent of the total workforce are in casual employment, without job security or benefits.<sup>30</sup>

To counter this development, the trade union has stressed the need to include provisions in collective agreements limiting the length of time during which casual employees may be engaged. In the tea sub-sector, for example, casual employment was not to exceed three months at the daily wage rate. One sugar company agreed to convert casual workers to probationary employment status after one month of continuous work. In another sugar company, it was stated that casual workers were employed as and when casual work was available.

### **3.2. Conditions of work: Wages, hours of work, leave**

Quality of employment includes a complex array of factors such as working conditions, wages paid, and other benefits that accrue to an employee. These are often compared to the wages and benefits earned by employees of the same calibre in other sectors. According to a recent report to the ILO from the tripartite partners in Uganda, wages, benefits and conditions of work in the majority of MNEs were generally more favourable than those in comparable local enterprises. Some aspects of wages and working conditions were determined through collective agreements.<sup>31</sup>

Paragraph 34 of the MNE Declaration states that:

When multinational enterprises operate in developing countries, where comparable employers may not exist, they should provide the best possible wages, benefits and conditions of work, within the framework of government policies<sup>32</sup>. These should be related to the economic position of the enterprise,

<sup>29</sup> ILO: *Seventh Survey*, op. cit., p. 154.

<sup>30</sup> NUPAWU: op. cit., p. 17.

<sup>31</sup> The report did not specifically focus on the plantations sector, but on MNEs in general. See ILO: *Seventh Survey*, op. cit., p. 210.

<sup>32</sup> Reduction of Hours of Work Recommendation, 1962 (No. 116).

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but should be at least adequate to satisfy basic needs of the workers and their families. Where they provide workers with basic amenities such as housing, medical care or food, these amenities should be of good standard<sup>33</sup>.

## Wages

The Employment Act of Uganda does not fix minimum wages in the plantation sector, leaving the wage-fixing mechanisms to collective bargaining between employer and union representatives in unionized sub-sectors or to the discretion of the employer. In principle, the minimum wage is fixed by a tripartite Labour Advisory Committee but, as noted, no minimum wage has been agreed during the past few years.

The question of wages has been one of the most contentious issues in plantations in Uganda. Wage increases have not always kept pace with inflation, which has led to disputes with the management of the plantations. For their part, the plantations have been hit by unstable prices in the international market, competition from lower priced imports and increasingly expensive agricultural inputs.

Nonetheless, because MNE plantations appear to be better organized than the rest of the agricultural industry, the wages and terms of service set through collective bargaining have tended to be more favourable than those common in the rest of the agricultural sector. This is not to say that the prevailing wage is acceptable to all parties. The absence of an agreed minimum wage in the tea sub-sector remained a source of contention until the recently reached agreement between UTA and NUPAWU.

## Hours of work

The maximum working week in Uganda is set at 48 hours divided into six days. The collective agreements examined<sup>34</sup> provide for a shorter working week, however. Agreed working hours generally vary from 40 to 45 hours spread over a six-day work week, after which overtime pay applies. Agreements specify overtime payments which vary from 1.5 to 2.5 times the hourly rate.

## Leave

The minimum statutory paid annual leave in Uganda is 21 working days. The collective bargaining agreements examined provide between 24 and 30 working days. All contain provisions regarding an annual leave transport allowance to cover or defray the travel costs of the employee and the family.

Compassionate leave, which employees might use in the event of bereavement in the family, is included in all the collective agreements as well, although the exact terms vary from one company to another. In some cases, compassionate leave is deducted from the annual leave entitlement, in others up to 7 days of paid leave is offered along with the possibility of extension.

According to Ugandan legislation, workers are entitled to one month of sick leave per year at full pay. In the tea sub-sector, the collective agreement provides for 30 days' leave

<sup>33</sup> Plantations Convention, 1958 (No. 110) and its accompanying Recommendation No. 110, Workers' Housing Recommendation, 1961 (No. 115), Medical Care Recommendation, 1944 (No. 69), Medical Care and Sickness Benefits Convention, 1969 (No. 130) and its accompanying Recommendation No. 134.

<sup>34</sup> See reference in section 2.4 for the list of collective agreements examined.

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at full pay, with an additional 90 days paid leave in the event of hospitalization. One sugar company provides for 30 days of paid sick leave, and in the event of hospitalization, 90 days of fully paid leave, an additional 90 days at half-pay and a further 30 days of unpaid leave.

All the collective agreements examined mention female employees' entitlement to 60 working days of paid maternity leave, with additional leave at half pay in the event of complications. These provisions go beyond those of Ugandan legislation. One agreement states that the company will not terminate the employment of a woman during maternity leave. Another specifies the woman's right to nursing breaks of one hour daily for a period of six months following the birth.

Most collective agreements provide for leave for trade union representatives to attend to union affairs, subject to prior arrangement. Two specify that shop stewards or union branch executives who leave their work with the permission of management in order to settle individual or collective grievances will suffer no penalty such as loss of pay for time not worked.

### **3.3. Conditions of life: Housing, recreation, medical benefits and education**

Sanitation, schools and health services are often poor in rural areas and Government recognizes that District level provision of services to plantations has been inadequate. While it should not be the sole responsibility of employers to meet such welfare needs, the possibility of exploring public-private partnerships to improve health, education and social services was mentioned by both government officials and employers.

#### **Housing**

Because many workers reside on the plantations, their living and working conditions are inseparable. Considerations with regard to the workers' health, safety and well-being therefore go beyond the field and factory to include the home and the services provided for workers and their families. In view of the heavy investments required to house workers in this labour-intensive sector, it has been a challenge for plantations to provide adequate accommodation for their employees. Many plantations in Uganda have not met the desired target. The quality of housing varies greatly from one estate to another and living conditions on some plantations are very poor. Trade union representatives cited housing problems as one of the major concerns facing agricultural workers in Uganda.

The type and size of housing provided to an employee is determined by the grade of the employee and sometimes by his or her marital status as well. In many cases, housing facilities are provided for the workers themselves but nothing is foreseen for their families. Overcrowding is a common problem.

Most workers' housing in established companies is built of permanent materials, but facilities in a number of plantations appear to be in need of repairs and upgrading to improve the living standards of workers. Some houses should simply be replaced. Workers in some estates are housed in quarters with toilet facilities or pit latrines shared by several families. Workers complained of poor or non-existent sanitation made worse by the congestion in the living quarters. The hygiene situation in these settlements has contributed to the spread of disease, as witnessed by outbreaks of cholera and dysentery. According to a recent study of tea estates, some 40 per cent of employees interviewed found the general

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hygiene unsatisfactory with regard to water, latrines, housing and the prevalence of disease.<sup>35</sup> A high rate of sexually transmitted diseases has been recorded in these areas.

The ILO Plantations Convention, 1958 (No. 110) does not require that employers provide housing for their workers.<sup>36</sup> Article 85, however, provides that

the appropriate authorities shall, in consultation with the representatives of the employers' and workers' organizations concerned, where such exist, encourage the provision of adequate housing accommodation for plantation workers.

It goes on to state that the minimum standards of such accommodation shall be laid down by the appropriate public authority and shall include specifications with regard to the construction materials to be used, the minimum size, the layout, ventilation, floor and air space, veranda space, as well as cooking, washing, storage, water supply and sanitary facilities.<sup>37</sup>

Two of the MNEs visited provide housing only for the managerial or supervisory staff as most of their workers live in nearby villages. The other plantations provide rent-free housing to most, if not all, of their permanent employees and are responsible for the general maintenance of the estates. Some houses benefit from access to piped water, others rely on boreholes or cisterns. Some have electricity. One MNE visited was investing heavily in the rehabilitation of the plantation infrastructure, including the renovation of 2200 housing units and improvements in the water filtration and treatment systems. Clearly, the matter of housing and sanitation remains highly relevant to the economic success and social development of plantations, given the close relationship between housing conditions, general hygiene, workers' health and productivity

## Recreational facilities

The Plantations Recommendation, 1958 (No. 110) stipulates that

appropriate measures should be taken to encourage the provision of recreation facilities for the workers or near the undertaking in which they are employed...

Many plantation estates organize sports and cultural activities for their workers. Sports fields for soccer and volleyball are common features, especially in the sugar and tea plantations. Such sports activities provide useful and affordable recreation to workers. Other recreational facilities in the estates include social halls offering a variety of indoor activities and other entertainment facilities like television and cinema. While recreational halls exist in most of the estates visited, the facilities provided and their quality vary from one estate to another.

<sup>35</sup> UTA: op. cit., p. 14. The report argues that productivity can be raised, the costs to industry of accident and illness can be reduced, and workers' well-being enhanced by addressing health, hygiene and safety issues in workers' living and working conditions.

<sup>36</sup> Convention No. 110 has not been ratified by Uganda. It is cited here as the relevant international labour standard on plantations.

<sup>37</sup> It is noted that the Employment Decree, 1975 provides in Article 65(o) that the Minister may make regulations regulating and prescribing the housing condition, and the care and medical attention of employees generally.

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## Medical benefits

Due to the hazardous nature of agricultural occupations and the often remote location of plantations, access to medical care is a critical employment benefit for plantation workers. Employers have traditionally provided basic medical care on the plantations, in the form of dispensaries or clinics which are able to treat minor illnesses or injuries while referral cases are handled in more fully equipped government and private hospitals.

All of the collective agreements examined contain provisions concerning medical treatment for plantation employees and their families. With regard to occupational injuries, several cite the Workmen's Compensation Act.

In practice, all the MNE plantations visited provide some form of free medical care not only to employees, but also to their dependents. Dispensaries and clinics staffed with medical personnel able to provide first aid treatment as well as preventive health care were a feature everywhere. Transport was provided to the nearest hospital in the event of serious illness or injury. In a few cases, MNE plantations operated their own hospitals; at least one had a medical laboratory, an intensive care ward, and a radiology unit. Several provided reproductive health services.

Malaria, respiratory illnesses, stomachaches and injuries due to accidents, including lacerations and fractures, were the most frequent complaints. According to a study carried out by the Uganda Tea Association, almost 90 per cent of employers identified malaria as a major problem for companies, and almost three-quarters of employees interviewed reported having suffered from malaria within the past 30 days.<sup>38</sup> At Kinyara Sugar Works, the company has taken strong measures to reduce the incidence of malaria. These include providing impregnated bed nets at cost, fogging the estates on a weekly basis and fumigating houses.

### Box 3

#### Kakira Sugar Works Hospital

At the Kakira Sugar estate, a 100-bed modern industrial hospital provides quality primary and secondary health care to the plantation employees and their family members. The personnel comprise three full time doctors, seven clinical officers, five midwives, 28 nurses, nine other health care workers and 31 support staff. Facilities such as a clinical laboratory, X-ray unit, blood bank, pharmacy and intensive care unit are available on site as well.

The hospital includes a well-equipped delivery suite, an eight-bed maternity ward, and a gynaecological intervention room. It also offers comprehensive mother and child health services through its pre- and postnatal clinics, immunisation, nutrition management service to malnourished children, family planning services and sexually transmitted infections management and prevention programmes. In addition, an ambulance for prone patients care and a patient-carrying vehicle are available for transporting sick patients to and from their residence to the hospital as well as for referring patients to tertiary health care centres should the need arise.

In terms of HIV and AIDS care, the hospital offers general and HIV counselling services, a voluntary HIV testing facility, prevention of mother to child transmission of HIV illness, opportune infection management, anti-retroviral treatment management and terminally ill patient's support care, etc. The hospital is also committed to conducting regular outreach services, public health, sanitation and hygiene support as well as training and continuing medical / nursing education programmes for health care workers.

There was one health issue of overarching importance to the population at large about which both employers and workers were surprisingly reticent: this was HIV/AIDS. Only one company mentioned the number of employees infected with the virus, admitting those were the "known" cases. Others stated that there was not a high incidence of HIV/AIDS

<sup>38</sup> UTA: op. cit., pp. 22-23.

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among their workers. One employer observed that 12 years ago, the company lost 23 workers per day due to HIV/AIDS, whereas now the figure was two per month. It is to be hoped that the positive results achieved so far in Uganda in reducing the rate of new infections will not lead to complacency.

Almost all the companies visited provide free, voluntary HIV-testing in their clinics or medical centres, offer counselling for infected employees and distribute condoms. Two have family planning units that offer guidance on how to prevent the spread of HIV/AIDS. Nonetheless, little was said in terms of company policy with regard to HIV/AIDS prevention and management in the workplace.

In many African countries, the cost of HIV/AIDS to enterprises has been tremendous in terms of loss of life, loss of production capacity due to HIV/AIDS-related absenteeism, replacement and training of staff, healthcare costs and funeral expenses. Left unchecked, the HIV/AIDS pandemic threatens a nation's capacity for economic growth and social development. Experience has demonstrated that enterprise-level interventions can be particularly effective in raising awareness of the disease, lessening stigmatization and avoiding discrimination against workers infected with the HIV virus. Through the concerted efforts of the Government and the social partners, much can be done to encourage safe behaviour so as to limit new infections, to assist workers living with HIV/AIDS to live productive lives for as long as possible, and to support social welfare programmes to meet the basic needs of AIDS orphans and surviving spouses.

In practice, Ugandan employers and workers have been active in the fight against HIV/AIDS. FUE, for example, provides training to its members on HIV/AIDS education and prevention, has published a training manual and, more recently, a book entitled *Employers' Recommended Practices on HIV/AIDS at the Workplace*. Workers' organizations also have a special role to play in sensitizing workers and their families to the nature of the disease, its causes, how to prevent it and how to cope with the problems of living with HIV/AIDS.

## Education

The provision of educational facilities for their children is considered part of the welfare package for plantation employees, particularly on estates located in remote areas. Collective agreements with two sugar companies state that the company and union will encourage employees to take their children for education at the estate schools or at schools in the surrounding area.

Not all the plantations visited provide primary schools. Where schools are provided, there are marked differences in the quality of these institutions from one estate to another, with some schools comparatively well developed and equipped. As a general practice, the MNEs provide the school buildings, desks and basic classroom equipment, and in some cases, housing for teachers. The Government is responsible for the teachers' salaries, although in several cases, the companies top them up. Some of the MNEs that do not provide schools within their estates support the nearest school financially or with human and material resources.

Since the institution of universal public education, many plantation schools have become overcrowded with up to 80 pupils in classrooms built to accommodate 40. Educational standards are dropping and the primary failure rate has been rising. There is an urgent need for the Government to increase the number of teachers and the availability of supplies, since many of the children attending come from the surrounding community and are not the children of company employees.

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### 3.4. Child labour

Uganda has ratified the Worst Forms of Child Labour Convention, 1999 (No. 182), and MNE employers expressed a high degree of awareness regarding the elimination of child labour. In several plantations, management reported that they did not engage workers under the age of 18. One included a prohibition on contractors' employing children. Nonetheless, several employers recognized that child labour was likely to be prevalent among small-scale outgrowers who relied on family labour. Trade union representatives affirmed that child labour was a problem on tea estates as well as with sub-contractors.

Certain types of payment systems were seen to encourage child labour, for example, payment upon completion of a task unit, wherein the task unit was at the limit or beyond the capacity of a single adult worker to achieve within a working day. When payment was based on the weight of tea plucked, for example, adult workers might be encouraged to use the labour of family members, including children, to augment the family earnings. Two collective agreements specified that employees could not bring their children to work on tasks, but these were not in the tea sub-sector.

With regard to government policies to eliminate child labour, labour inspectors are only mandated to visit factories, not fields. In addition, district officers charged with enforcing the law lack adequate resources and thus are not able to determine the actual incidence of child labour.

### 3.5. Occupational safety and health

Agriculture is a hazardous occupation carried out in difficult, and sometimes dangerous working conditions. The specific hazards facing plantation workers vary from one plantation to another. The main areas of concern include injuries from machinery and equipment, unsafe handling of and exposure to chemicals for crop protection, and injuries from the crops themselves, especially during harvesting. Other common hazards include long daily and weekly hours of physically strenuous work, the repeated shouldering of heavy loads, falls, insect and snake bites, and adverse weather conditions, including harsh sunshine, heavy rains, morning dew and cold. The injury rate is high in agriculture as is the risk of illness or death due to exposure to toxic chemicals, biological agents and transmissible animal diseases. A recent study of occupational hazards on tea estates found that almost two-thirds of employees had suffered from work-related illness or injury. A considerable portion (30.3 per cent) reported facing occupational safety hazards at least every month. Occupational illnesses were reported to be quite severe (56 per cent) and long-lasting (45 per cent).<sup>39</sup> Lack of appropriate legislation with regard to occupational safety and health has been cited as a hindrance to the improvement of working conditions.

Much attention in recent years has been focused on working conditions in floriculture. The extensive use of agrochemicals and the lack of safety and health training for workers have led to incidents of pesticide poisoning as well as allegations of environmental damage. Spraying of chemicals without appropriate protective gear, non-observance of re-entry intervals following spraying, the excessive heat in greenhouses, the numbing chill in cold rooms, and ergonomic factors which lead to musculo-skeletal disorders are among the main complaints cited by workers. Since the vast majority of workers in the flower sector are women, concerns have centred on the potential reproductive hazards of chemical exposure and the potential impact on pregnant women, nursing mothers and their children.

<sup>39</sup> UTA: *op. cit.*, pp. 28-35.

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In this regard, the IDEA Code of Practice contains twelve concrete requirements for horticultural companies to eliminate health and safety risks. These include a prohibition on women workers and children under 18 years of age from applying agro-chemicals, and a requirement that appropriate training and periodical health surveillance be provided to the personnel handling those products. It is not known how widely these recommendations are being followed in practice by UFEA member companies.

Ensuring workers' safety and health in the workplace has long been considered an area where MNE practices make a difference in their own workplaces and often through the linkages MNEs establish with providers of goods and services up and down the supply chain. MNEs are in a good position to implement health and safety practices of a high international standard. Indeed, in a recent report to the ILO, the Ugandan tripartite partners reported that MNEs generally maintained "the best occupational health and safety measures", though some problems do remain.<sup>40</sup>

Much can be achieved through management initiatives. Nonetheless, to be fully effective, the workforce needs to adopt good occupational safety and health practices. The challenge is to instil a safety culture in the enterprise.<sup>41</sup> Incorporating safety and health matters in collective agreements with workers and their organizations is one step towards achieving this.<sup>42</sup> Several of the agreements examined include provisions for joint occupational safety and health committees in the enterprise, but more efforts are needed to raise awareness within the workforce as a whole of the important mutual benefits to be derived from implementing safe work practices. This opportunity appears not to have yet been used to its full potential in the plantation sector. While the agreements examined all contained provisions regarding the employer's obligation to provide protective clothing, none signalled an obligation on the part of workers to use the protective equipment. Observations in several workplaces revealed lax enforcement.

NUPAWU has established a National Health and Safety Committee as well as a resource centre to strengthen training and dissemination of information on safety and health. In 1989, NUPAWU developed an education project for workers based on study circles to spread health and safety awareness among the workers through study circles. During the first year of implementation 40 study circle leaders were trained and since then, the number has risen to 120. Over 10,000 members have benefited from the 500 study circle groups that have been carried out. In addition, NUPAWU is one of the four agricultural trade unions in Africa implementing the IUF Global Pesticides Project (GPP) since 1998.<sup>43</sup>

Occupational safety and health is an area of major importance to enterprise productivity and to workers' well-being. Awareness is now growing within workers' organizations of the extent of work-related accidents and illness due to unsafe work practices, as demonstrated by NUPAWU's training programmes. However, further building the capacity of workers and their representatives to participate more fully with management in instilling a safe work culture could help to lower the rate and severity of accidents. Positive joint achievements in safety and health in the workplace can strengthen

<sup>40</sup> ILO: *Seventh Survey*, op. cit., p. 234.

<sup>41</sup> See ILO: *Guidelines on occupational safety and health management systems: ILO-OSH 2001* (Geneva, 2001).

<sup>42</sup> See Paragraph 40 of the MNE Declaration in Appendix II.

<sup>43</sup> ILO: *Top of the agenda: Health and Safety in Agriculture*, Labour Education 2000/i-2 Nos. 118/119, pp. 46-56.

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social dialogue and provide substance to it. Ensuring safe and healthy work practices through joint efforts would appear to be an area of potential collaboration between employers and trade unions. Much is to be gained in terms of workers' well-being and enterprise productivity.

**Box 4**

**Booker Tate's Occupational Safety and Health System**

The Kinyara Sugar Works applies the comprehensive occupational safety and health policy of its managing company, Booker Tate (BT) with minor adjustments consistent with Ugandan legislation. The company's policy is that occupational health and safety of workers takes precedence over production and all other activities of the Company. Whereas machinery can be replaced, life cannot. Workers who come to Kinyara should return to their homes with earnings, while healthy and safe. The importance that the company attaches to safe work practices is evidenced in the fact that Kinyara Sugar Works has repeatedly won the Booker Tate safety awards, most recently in 2002.

The company's safety policy is explained in the BT Safety manual, which is a detailed compilation of safe methods for carrying out all the jobs and operations in the sugar cane growing and sugar manufacturing industry. Whether in the factory or the field, all jobs have to be planned so as to be executed in a healthy and safe way. All the tasks must be carried out with strict adherence to the OHS guidelines of the BT Safety Manuals provided in each department. OHS performance at Kinyara is monitored by BT headquarters in the UK, using a system of accident statistics based on monthly reports.

The OSH policy emphasizes that health and safety is equally the responsibility and concern of the company as of all who work there. The objectives of the policy are: to have no fatalities, to have no major or lost time accidents, to have no accidents of any nature, to have no occupational diseases or impairments, to have no undesired incidents, and to maintain high standards of housekeeping in all areas of operation.

The company provides staff with personal protective clothing (PPC) and equipment (PPE) appropriate to the nature of their work. Their use is mandatory and a condition for employment. The company spends nearly US\$230,000 per year on PPC and PPE items alone; for factory workers the cost is nearly US\$85 per worker per year.

Regular training and retraining sessions for various categories of workers are organized at the company's training centre while some kinds of training, like spraying safety, are done at the workplace. Cane cutters and cane haulage tractor drivers are given safety training at the beginning of each campaign. Weekly news bulletins and videotapes shown at the factory canteen are used for further sensitization on OHS issues.

All agricultural field supervisors are trained in first aid and have motorcycles equipped with first aid boxes. In the factory, there are eight first aid boxes in different sections and over 30 persons are qualified to provide first aid in various shifts. There are also nearly 120 trained fire fighters and almost all the security guards have been trained in fire fighting.

Accidents are reported to and handled by the company's clinic. A register of accidents is maintained there as well as at the safety office. Any serious injuries beyond the ability of the clinic's doctors are referred to local hospitals, where the company takes care of all expenses.

The company's health and safety office maintains records and prepares reports on OHS performance, coordinates OSH activities, organizes training and monitors compliance with OSH procedures and objectives. OSH joint committees are set up to provide fora for discussion between management and employees on all matters relating to OSH. The corporate OSH committee, chaired by the general manager and comprising all heads of departments, as well as workers representatives from each department, the company doctor and the safety manager, meets every three months and is in charge of defining policy and overseeing decisions made by the departmental OSH committees. These sit every six weeks to discuss safety performance reports, findings of health and safety audits and progress of remedial actions taken by management with regard to accidents and incidents reported by the safety office.

Teams of experienced safety-conscious workers are from time to time appointed to carry out safety audits (Risk Assessment) of various workplaces and situations to investigate how safe they are and recommend remedial measures where necessary. Safety audits have a positive impact on workers' attitude and consciousness with regard to OHS, because, as stakeholders, they are involved in identifying the risks and hazards, and finding solutions.

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## Summary observations

The MNE Declaration recommends that the tripartite partners and multinational enterprises observe at least the standards set by national laws in order to achieve sound labour relations, as well as good living and working conditions. As this report has shown, in the Ugandan plantation sector the situation can vary significantly depending on the sub-sector, the estate and the issue considered. The important point is that all stakeholders are willing to recognize the strengths and weaknesses of their practices, to share their concerns and to work – separately and jointly – in the accomplishment of improvements.

### Labour relations

Labour relations between the employers and trade unions in agriculture are considerably better nowadays than ten years ago. Both parties seem to have learned that social dialogue is a more appropriate way of handling issues of concern than dispute. Still, the agriculture sector faces the major challenge of ensuring the actual observance of freedom of association and the right to collective bargaining in the coffee, tea and flower sub-sectors.

The Government has a fundamental role to play in terms of providing an enabling environment for positive labour relations. Although Uganda has not yet ratified Convention No. 87, which ensures Freedom of Association and Protection of the Right to Organize, the National Constitution provides for freedom of association and the right to bargain collectively for all workers. It has been noted that more efforts need to be put into implementing those provisions. Active involvement on the part of the employers' and workers' organizations in the sector is needed as well. Further training of plant-level supervisory staff and shop stewards can contribute to the consolidation of the positive industrial relations atmosphere.

### Employment and working conditions

MNEs contribute meaningfully to the promotion of employment in the plantation sector and consequently, to the improvement of the livelihoods of thousands of Ugandans. The main issue of concern is the growing tendency towards casualization, which reduces the number of permanent employees who benefit from better terms and conditions. Joint tripartite initiatives could help address this issue.

The issue of wages remains one of the most contentious areas in negotiations. In the tea sub-sector, where no general minimum wage has been agreed since 1993, it is to be hoped that the recently adopted agreement to negotiate at enterprise level will be beneficial for both parties. The flower sub-sector presents a different situation, as its workers do not belong to a trade union and do not practice collective bargaining. Terms and conditions of work can vary considerably from one estate to another.

### Welfare facilities

Improving the quantity and quality of housing is a nation-wide concern, which is also reflected in the plantation sector. The quality of housing provided by MNEs varies greatly among the different estates and grades of workers. Living conditions of the lowest grade employees on some plantations can be very poor, with overcrowded housing and inadequate sanitation. Trade union members have pointed out this issue as one of the main areas that need improvement.

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Concerning medical treatment for plantation employees, all of the MNE plantations visited provide some form of free medical care not only to employees, but also to their dependants. However, the recurrent incidence of malaria, respiratory illnesses, and other diseases indicates that there is still room for improvement. With regard to HIV/AIDS, even if all the MNEs visited seem to be aware of the need to provide counselling to infected workers, as well as preventive education, more could be done to handle this matter effectively.

### Child labour

There is a high degree of awareness in MNE plantations regarding the issue of child labour. Both employers and workers stated that the MNE estates visited did not employ children below 18. However, child labour remains a problem on small farms and among subcontractors. Much effort needs to be made to raise the awareness among outgrowers of the hazards inherent in agricultural work and the tasks which children should not be allowed to perform. This is essential in a country like Uganda, where many rural families need the help of all their members – regardless of their age – to ensure their subsistence.

### Occupational safety and health

It is often the case that multinational enterprises operating in developing countries apply higher standards of occupational safety and health than local companies. The Ugandan plantation sector does not seem to be the exception to this rule, as most of the MNEs visited appear to be rather active in this area. However there seems to be the need to improve – and in some cases, establish – appropriate supervisory systems to ensure the on-site implementation of safety policies and to further educate the workforce on these matters. Often, workers appear unaware of the importance of applying safety measures. Companies and the trade union need to work together to ensure that proper protective equipment is provided and used. Cooperation between the two parties in building a safe work culture would contribute both to enterprise productivity and workers' well-being.

In the flower sub-sector, which has been the target of sharp criticism with regard to safety issues, it is particularly important that UFEA ensure the effective application of the IDEA Code of Practice.

### Working in partnership

The MNE Declaration not only promotes the observance of good standards in labour relations, employment, and conditions of work and life; it also encourages MNEs to work in association with the local tripartite partners in ensuring the maximization of their contribution to the host country. In this regard, although there exists a good understanding among the four players in Uganda, their collaboration can be further strengthened. Working in partnership would be a particularly fruitful approach to succeed in addressing the issues of malaria, HIV/AIDS, child labour and occupational safety and health, and to improve welfare facilities in the rural communities.



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Agreement of Terms and Conditions of Service between Signatory Members of UTA and NUPAWU, 1999.

Recognition Procedural Agreement between the Uganda Tea Association (UTA) and the National Union of Plantation and Agricultural Workers, Uganda (NUPAWU).

Memorandum of Agreement of salaries/wages and monetary terms and conditions of employment between Sugar Corporation of Uganda Limited and NUPAWU, 1997.



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## Appendix I

### **Tripartite Seminar on Promoting the MNE Declaration and Social Dialogue in the Ugandan Plantation Sector (Kampala, 29 – 30 April 2003)**

#### ***Summary of proceedings***

The seminar provided a forum where the tripartite partners shared their good practices and concerns regarding labour relations, occupational safety and health, and welfare facilities in the context of multinational enterprise operations in the plantation sector. The companies that were found to have best practices in those areas, as well as representatives from the Government and the National Union of Plantation and Agricultural Workers of Uganda (NUPAWU), were invited to present their experiences. The 32 participants included district labour officers and employers and workers from several locally-owned companies in the sugar, tea and flower sub-sectors.

Mr. Claudius Olweny, Director of Labour, Ministry of Gender, Labour and Social Development (MGLSD), chaired the opening session and officially opened the meeting on behalf of the Honourable Minister, Ms. Zoe Bakoko Bakoru. Ms. Rosemary Ssenabulya, Executive Director of the Federation of Uganda Employers (FUE) and Mr. Joram Pajobo, Secretary General of NUPAWU also spoke at the opening session. In their respective statements, they welcomed the ILO initiative to organize the seminar while recognizing the importance of social dialogue and the relevance of the principles of the MNE Declaration to help the partners address issues related to MNE operations in the plantations sector. From the ILO, Mr. Hans Hofmeijer and Mr. Vremudia Diejomaoh addressed the seminar and welcomed the participants. Mr. Ajmal Qureshi, the United Nations Food and Agriculture Organization (FAO) representative in Uganda, attended the opening as well.

The opening ceremony was followed by a session on the MNE Declaration and Social Dialogue with presentations by Mr. Hofmeijer and Mr. Tayo Fashoyin. Participants from the Government and the workers' group then expressed concerns regarding MNE operations in Uganda, particularly with regard to workers' rights and working conditions in the flower sub-sector.

In the afternoon, the participants were invited to discuss labour relations based on the presentations made by one representative of the employers and one of the workers. Mr. Kenneth Barungi, Personnel Manager from Rwenzori Highlands Tea, explained his company's approach to labour-management relations. Mr. Pajobo from NUPAWU spoke about the contribution of positive labour relations to enterprise performance. The general discussion that followed reflected the improvement in labour relations in the sector and the current concerns regarding the setting of wages and the observance of the right to organize and bargain collectively in the tea and flower sub-sectors. The Minister of State for Labour and Industrial Relations, Mr. Henry Obbo, then made a statement about the importance the Government attached to labour relations and equitable conditions of employment as major contributions to economic growth and prosperity in Uganda.

The second day was dedicated to occupational safety and health (OSH) and welfare facilities. During the first morning session, Mr. Sam Kwebiha, Safety Manager from Kinyara Sugar Works, gave a presentation on implementing the Booker Tate Safety Management System at Kinyara and Mr. Omara Amuko from NUPAWU spoke about training the workforce in OSH. These presentations were followed by a very interesting discussion on the concerns regarding OSH and the best ways to improve the policies and practices in the sector.

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At the second session, Mr. Aguma Acon, the Principal Safety Inspector from the MGLSD, outlined some of the challenges facing Uganda with regard to chemical safety and explained how the Government was trying to improve OSH. Ms. Ann Herbert from the ILO presented Convention No. 184 on safety and health in agriculture. During the general discussion, both Government and trade union participants highlighted the importance of ratifying Convention No. 184. Uganda has placed Convention No. 184 in the second group of ILO Conventions to be considered for ratification, immediately following the eight core labour standards. To strengthen support for ratification, Mr. Pajobo, who is himself a member of the Parliament, has invited ILO to organize a three-day retreat for key members of Parliament to familiarize them more fully with the provisions of Convention No. 184.

The afternoon session started with the presentation by Dr. Balathandan, the Medical Superintendent of Kakira Sugar Works, on the impressive work that the Kakira Estate Hospital does. The participants showed great interest in learning what could be done to take care of workers' health. Ms. Anja de Feijter, Managing Director of the Royal VanZanten flower farm and member of the board of the Uganda Flower Exporters Association (UFEA), explained the IDEA Code of Practice for the Horticultural Sector, which includes the core labour standards, as well as very specific provisions on OSH. She emphasized that UFEA is currently looking for funding in order to establish a monitoring and accreditation system that would strengthen compliance with the Code and potentially banish from the association any farm that did not make efforts to fully implement it.

At the closing session, a tripartite group composed of Mr. Nyanzi, district labour officer, Mr. Barungi from Rwenzori Highlands Tea, and Mr. Pajobo from NUPAWU, presented to the plenary a set of draft recommendations they had prepared, which summarized the common understandings achieved in the course of the seminar. The recommendations were extensively discussed and amended by participants and then adopted by consensus. ILO officials then closed the seminar.

## ***Recommendations adopted***

### **Preamble**

We, the participants of the seminar, drawn from the Ministry of Labour, top management from multinational enterprises in the tea, sugar and flower sub-sectors, and officials of the National Union of Plantation and Agricultural Workers of Uganda (NUPAWU), appreciate the role ILO continues to play in the promotion of social dialogue.

We express our support for the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the aim of which is to encourage the positive contribution which MNEs can make to economic and social progress and to minimize and resolve the difficulties to which their various operations may give rise.

Having received presentations from various speakers, the social partners have resolved to make the following recommendations:

### **Recommendations**

We have agreed to

1. Appeal to MNEs to organize training for their staff in regard to industrial relations, health and safety and the handling of disputes using the Management Training and Advisory Centre or any other appropriate training firm, at enterprise level.
2. Appeal to NUPAWU to organize training for its members in regard to industrial relations, health and safety and handling of disputes, at enterprise level.

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3. Appeal to the Government of Uganda to organize training for its labour officers in regard to industrial relations, health and safety and handling of disputes, at the district level.
  4. Appeal to the Government to complete the revision of labour laws in a timely manner.
  5. Appeal to the ILO to support the social partners in their effort to strengthen social dialogue at enterprise level in order to improve industrial relations and to encourage safe work practices.
  6. Appeal to the Ministry of Labour (MOL) to share information with the social partners, with regard to employment levels, gender imbalance, child labour, poverty alleviation and other issues.
  7. Urge the social partners to share information among themselves, both within the enterprise and across the sector.
  8. Urge the Ministry of Labour to adopt improved conciliation methods to resolve disputes between the social partners.
  9. Encourage NUPAWU to strengthen its internal management for the purpose of providing efficient services to its constituents and employers.
  10. Call upon the Government to ratify ILO Convention No.184 to enable the tripartite partners to improve the health and safety standards in the agricultural sector. Meanwhile we appeal to the MOL and the local governments to facilitate the work of the district labour officers in order to extend inspections in the agricultural sector.
  11. Appeal to the Government to centralize labour services from Districts to the MOL.
  12. Call upon the social partners to extend training on health and safety and industrial relations to outgrowers.
  13. Call upon the MNEs who are not members of the FUE to join that organization and also to recognize trade unions.
  14. Appeal to the Government to consider increasing the budget allocation for labour in order to strengthen the Labour Department, to encourage harmonious industrial relations in MNEs in the plantation sector.
  15. Appeal to the Government to waive taxation on imported personal protective equipment used in the agricultural sector.

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## Appendix II

### **Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy**

(adopted by the Governing Body of the International Labour Office at its 204th Session (Geneva, November 1977) as amended at its 279th Session (Geneva, November 2000))\*

The Governing Body of the International Labour Office:

Recalling that the International Labour Organization for many years has been involved with certain social issues related to the activities of multinational enterprises;

Noting in particular that various Industrial Committees, Regional Conferences, and the International Labour Conference since the mid-1960s have requested appropriate action by the Governing Body in the field of multinational enterprises and social policy;

Having been informed of the activities of other international bodies, in particular the UN Commission on Transnational Corporations and the Organization for Economic Cooperation and Development (OECD);

Considering that the ILO, with its unique tripartite structure, its competence, and its long-standing experience in the social field, has an essential role to play in evolving principles for the guidance of governments, workers' and employers' organizations, and multinational enterprises themselves;

Recalling that it convened a Tripartite Meeting of Experts on the Relationship between Multinational Enterprises and Social Policy in 1972, which recommended an ILO programme of research and study, and a Tripartite Advisory Meeting on the Relationship of Multinational Enterprises and Social Policy in 1976 for the purpose of reviewing the ILO programme of research and suggesting appropriate ILO action in the social and labour field;

Bearing in mind the deliberations of the World Employment Conference;

Having thereafter decided to establish a tripartite group to prepare a Draft Tripartite Declaration of Principles covering all of the areas of ILO concern which relate to the social aspects of the activities of multinational enterprises, including employment creation in the developing countries, all the while bearing in mind the recommendations made by the Tripartite Advisory Meeting held in 1976;

Having also decided to reconvene the Tripartite Advisory Meeting to consider the Draft Declaration of Principles as prepared by the tripartite group;

Having considered the Report and the Draft Declaration of Principles submitted to it by the reconvened Tripartite Advisory Meeting;

Hereby approves the following Declaration which may be cited as the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body of the International Labour Office, and invites governments of States Members of the ILO, the employers' and workers' organizations concerned and the multinational enterprises operating in their territories to observe the principles embodied therein.

\* *Official Bulletin*, Vol. LXXXIII, 2000, Series A, No. 3.

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1. Multinational enterprises play an important part in the economies of most countries and in international economic relations. This is of increasing interest to governments as well as to employers and workers and their respective organizations. Through international direct investment and other means such enterprises can bring substantial benefits to home and host countries by contributing to the more efficient utilization of capital, technology and labour. Within the framework of development policies established by governments, they can also make an important contribution to the promotion of economic and social welfare; to the improvement of living standards and the satisfaction of basic needs; to the creation of employment opportunities, both directly and indirectly; and to the enjoyment of basic human rights, including freedom of association, throughout the world. On the other hand, the advances made by multinational enterprises in organizing their operations beyond the national framework may lead to abuse of concentrations of economic power and to conflicts with national policy objectives and with the interest of the workers. In addition, the complexity of multinational enterprises and the difficulty of clearly perceiving their diverse structures, operations and policies sometimes give rise to concern either in the home or in the host countries, or in both.
  2. The aim of this Tripartite Declaration of Principles is to encourage the positive contribution which multinational enterprises can make to economic and social progress and to minimize and resolve the difficulties to which their various operations may give rise, taking into account the United Nations resolutions advocating the establishment of a New International Economic Order.
  3. This aim will be furthered by appropriate laws and policies, measures and actions adopted by the governments and by cooperation among the governments and the employers' and workers' organizations of all countries.
  4. The principles set out in this Declaration are commended to the governments, the employers' and workers' organizations of home and host countries and to the multinational enterprises themselves.
  5. These principles are intended to guide the governments, the employers' and workers' organizations and the multinational enterprises in taking such measures and actions and adopting such social policies, including those based on the principles laid down in the Constitution and the relevant Conventions and Recommendations of the ILO, as would further social progress.
  6. To serve its purpose this Declaration does not require a precise legal definition of multinational enterprises; this paragraph is designed to facilitate the understanding of the Declaration and not to provide such a definition. Multinational enterprises include enterprises, whether they are of public, mixed or private ownership, which own or control production, distribution, services or other facilities outside the country in which they are based. The degree of autonomy of entities within multinational enterprises in relation to each other varies widely from one such enterprise to another, depending on the nature of the links between such entities and their fields of activity and having regard to the great diversity in the form of ownership, in the size, in the nature and location of the operations of the enterprises concerned. Unless otherwise specified, the term "multinational enterprise" is used in this Declaration to designate the various entities (parent companies or local entities or both or the organization as a whole) according to the distribution of responsibilities among them, in the expectation that they will cooperate and provide assistance to one another as necessary to facilitate observance of the principles laid down in the Declaration.
  7. This Declaration sets out principles in the fields of employment, training, conditions of work and life and industrial relations which governments, employers' and workers' organizations and multinational enterprises are recommended to observe on a voluntary basis; its provisions shall not limit or otherwise affect obligations arising out of ratification of any ILO Convention.

\*\* Paragraphs 1-7, 8, 10, 25, 26, and 52 (formerly paragraph 51) have been the subject of interpretation under the Procedure for the examination of disputes concerning the application of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. Copies of interpretations are available upon request to the Bureau of Multinational Enterprise Activities, International Labour Office, 4, route des Morillons, CH-1211 Geneva 22, Switzerland, or at <http://www.ilo.org>.

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## **General policies**

8. All the parties concerned by this Declaration should respect the sovereign rights of States, obey the national laws and regulations, give due consideration to local practices and respect relevant international standards. They should respect the Universal Declaration of Human Rights and the corresponding International Covenants adopted by the General Assembly of the United Nations as well as the Constitution of the International Labour Organization and its principles according to which freedom of expression and association are essential to sustained progress. They should contribute to the realization of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998. They should also honour commitments which they have freely entered into, in conformity with the national law and accepted international obligations.
9. Governments which have not yet ratified Conventions Nos. 87, 98, 111, 122, 138 and 182 are urged to do so and in any event to apply, to the greatest extent possible, through their national policies, the principles embodied therein and in Recommendations Nos. 111, 119, 122, 146 and 190. <sup>1</sup> Without prejudice to the obligation of governments to ensure compliance with Conventions they have ratified, in countries in which the Conventions and Recommendations cited in this paragraph are not complied with, all parties should refer to them for guidance in their social policy.
10. Multinational enterprises should take fully into account established general policy objectives of the countries in which they operate. Their activities should be in harmony with the development priorities and social aims and structure of the country in which they operate. To this effect, consultations should be held between multinational enterprises, the government and, wherever appropriate, the national employers' and workers' organizations concerned.
11. The principles laid down in this Declaration do not aim at introducing or maintaining inequalities of treatment between multinational and national enterprises. They reflect good practice for all. Multinational and national enterprises, wherever the principles of this Declaration are relevant to both, should be subject to the same expectations in respect of their conduct in general and their social practices in particular.
12. Governments of home countries should promote good social practice in accordance with this Declaration of Principles, having regard to the social and labour law, regulations and practices in host countries as well as to relevant international standards. Both host and home country governments should be prepared to have consultations with each other, whenever the need arises, on the initiative of either.

## **Employment**

### **Employment promotion**

13. With a view to stimulating economic growth and development, raising living standards, meeting manpower requirements and overcoming unemployment and underemployment, governments

<sup>1</sup> Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise; Convention (No. 98) concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation; Convention (No. 122) concerning Employment Policy; Convention (No. 138) concerning Minimum Age for Admission to Employment; Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; Recommendation (No. 111) concerning Discrimination in Respect of Employment and Occupation; Recommendation (No. 119) concerning Termination of Employment and Occupation; Recommendation (No. 122) concerning Employment Policy; Recommendation (No. 146) concerning Minimum Age for Admission to Employment; Recommendation (No. 190) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

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should declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.<sup>2</sup>

14. This is particularly important in the case of host country governments in developing areas of the world where the problems of unemployment and underemployment are at their most serious. In this connection, the general conclusions adopted by the Tripartite World Conference on Employment, Income Distribution and Social Progress and the International Division of Labour (Geneva, June 1976) should be kept in mind.<sup>3</sup>
15. Paragraphs 13 and 14 above establish the framework within which due attention should be paid, in both home and host countries, to the employment impact of multinational enterprises.
16. Multinational enterprises, particularly when operating in developing countries, should endeavour to increase employment opportunities and standards, taking into account the employment policies and objectives of the governments, as well as security of employment and the long-term development of the enterprise.
17. Before starting operations, multinational enterprises should, wherever appropriate, consult the competent authorities and the national employers' and workers' organizations in order to keep their manpower plans, as far as practicable, in harmony with national social development policies. Such consultation, as in the case of national enterprises, should continue between the multinational enterprises and all parties concerned, including the workers' organizations.
18. Multinational enterprises should give priority to the employment, occupational development, promotion and advancement of nationals of the host country at all levels in cooperation, as appropriate, with representatives of the workers employed by them or of the organizations of these workers and governmental authorities.
19. Multinational enterprises, when investing in developing countries, should have regard to the importance of using technologies which generate employment, both directly and indirectly. To the extent permitted by the nature of the process and the conditions prevailing in the economic sector concerned, they should adapt technologies to the needs and characteristics of the host countries. They should also, where possible, take part in the development of appropriate technology in host countries.
20. To promote employment in developing countries, in the context of an expanding world economy, multinational enterprises, wherever practicable, should give consideration to the conclusion of contracts with national enterprises for the manufacture of parts and equipment, to the use of local raw materials and to the progressive promotion of the local processing of raw materials. Such arrangements should not be used by multinational enterprises to avoid the responsibilities embodied in the principles of this Declaration.

### Equality of opportunity and treatment

21. All governments should pursue policies designed to promote equality of opportunity and treatment in employment, with a view to eliminating any discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin.<sup>4</sup>
22. Multinational enterprises should be guided by this general principle throughout their operations without prejudice to the measures envisaged in paragraph 18 or to government policies designed to

<sup>2</sup> Convention (No. 122) and Recommendation (No. 122) concerning Employment Policy.

<sup>3</sup> ILO, World Employment Conference, Geneva, 4-17 June 1976.

<sup>4</sup> Convention (No. 111) and Recommendation (No. 111) concerning Discrimination in Respect of Employment and Occupation; Convention (No. 100) and Recommendation (No. 90) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

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correct historical patterns of discrimination and thereby to extend equality of opportunity and treatment in employment. Multinational enterprises should accordingly make qualifications, skill and experience the basis for the recruitment, placement, training and advancement of their staff at all levels.

23. Governments should never require or encourage multinational enterprises to discriminate on any of the grounds mentioned in paragraph 21, and continuing guidance from governments, where appropriate, on the avoidance of such discrimination in employment is encouraged.

### Security of employment

24. Governments should carefully study the impact of multinational enterprises on employment in different industrial sectors. Governments, as well as multinational enterprises themselves, in all countries should take suitable measures to deal with the employment and labour market impacts of the operations of multinational enterprises.
25. Multinational enterprises equally with national enterprises, through active manpower planning, should endeavour to provide stable employment for their employees and should observe freely negotiated obligations concerning employment stability and social security. In view of the flexibility which multinational enterprises may have, they should strive to assume a leading role in promoting security of employment, particularly in countries where the discontinuation of operations is likely to accentuate long-term unemployment.
26. In considering changes in operations (including those resulting from mergers, take-overs or transfers of production) which would have major employment effects, multinational enterprises should provide reasonable notice of such changes to the appropriate government authorities and representatives of the workers in their employment and their organizations so that the implications may be examined jointly in order to mitigate adverse effects to the greatest possible extent. This is particularly important in the case of the closure of an entity involving collective lay-offs or dismissals.
27. Arbitrary dismissal procedures should be avoided.<sup>5</sup>
28. Governments, in cooperation with multinational as well as national enterprises, should provide some form of income protection for workers whose employment has been terminated.<sup>6</sup>

### Training

29. Governments, in cooperation with all the parties concerned, should develop national policies for vocational training and guidance, closely linked with employment.<sup>7</sup> This is the framework within which multinational enterprises should pursue their training policies.
30. In their operations, multinational enterprises should ensure that relevant training is provided for all levels of their employees in the host country, as appropriate, to meet the needs of the enterprise as well as the development policies of the country. Such training should, to the extent possible, develop generally useful skills and promote career opportunities. This responsibility should be carried out, where appropriate, in cooperation with the authorities of the country, employers' and workers' organizations and the competent local, national or international institutions.

<sup>5</sup> Recommendation (No. 119) concerning Termination of Employment at the Initiative of the Employer.

<sup>6</sup> *ibid.*

<sup>7</sup> Convention (No. 142) and Recommendation (No. 150) concerning Vocational Guidance and Vocational Training in the Development of Human Resources.

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31. Multinational enterprises operating in developing countries should participate, along with national enterprises, in programmes, including special funds, encouraged by host governments and supported by employers' and workers' organizations. These programmes should have the aim of encouraging skill formation and development as well as providing vocational guidance, and should be jointly administered by the parties which support them. Wherever practicable, multinational enterprises should make the services of skilled resource personnel available to help in training programmes organized by governments as part of a contribution to national development.
  32. Multinational enterprises, with the cooperation of governments and to the extent consistent with the efficient operation of the enterprise, should afford opportunities within the enterprise as a whole to broaden the experience of local management in suitable fields such as industrial relations.

## **Conditions of work and life**

### **Wages, benefits and conditions of work**

33. Wages, benefits and conditions of work offered by multinational enterprises should be not less favourable to the workers than those offered by comparable employers in the country concerned.
34. When multinational enterprises operate in developing countries, where comparable employers may not exist, they should provide the best possible wages, benefits and conditions of work, within the framework of government policies.<sup>8</sup> These should be related to the economic position of the enterprise, but should be at least adequate to satisfy basic needs of the workers and their families. Where they provide workers with basic amenities such as housing, medical care or food, these amenities should be of a good standard.<sup>9</sup>
35. Governments, especially in developing countries, should endeavour to adopt suitable measures to ensure that lower income groups and less developed areas benefit as much as possible from the activities of multinational enterprises.

### **Minimum age**

36. Multinational enterprises, as well as national enterprises, should respect the minimum age for admission to employment or work in order to secure the effective abolition of child labour.<sup>10</sup>

### **Safety and health**

37. Governments should ensure that both multinational and national enterprises provide adequate safety and health standards for their employees. Those governments which have not yet ratified the ILO Conventions on Guarding of Machinery (No. 119), Ionising Radiation (No. 115), Benzene (No. 136) and Occupational Cancer (No. 139) are urged nevertheless to apply to the greatest extent possible the principles embodied in these Conventions and in their related Recommendations (Nos. 118, 114, 144 and 147). The Codes of Practice and Guides in the current list of ILO publications on Occupational Safety and Health should also be taken into account.<sup>11</sup>

<sup>8</sup> Recommendation (No. 116) concerning Reduction of Hours of Work.

<sup>9</sup> Convention (No. 110) and Recommendation (No. 110) concerning Conditions of Employment of Plantation Workers; Recommendation (No. 115) concerning Workers' Housing; Recommendation (No. 69) concerning Medical Care; Convention (No. 130) and Recommendation (No. 134) concerning Medical Care and Sickness Benefits.

<sup>10</sup> Convention No. 138, Article 1; Convention No. 182, Article 1.

<sup>11</sup> The ILO Conventions and Recommendations referred to are listed in the Catalogue of ILO Publications on Occupational Safety and Health, ed. 1999, ILO Geneva. See also <<http://www.ilo.org/public/english/protection/safework/publicat/index.htm>>.

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38. Multinational enterprises should maintain the highest standards of safety and health, in conformity with national requirements, bearing in mind their relevant experience within the enterprise as a whole, including any knowledge of special hazards. They should also make available to the representatives of the workers in the enterprise, and upon request, to the competent authorities and the workers' and employers' organizations in all countries in which they operate, information on the safety and health standards relevant to their local operations, which they observe in other countries. In particular, they should make known to those concerned any special hazards and related protective measures associated with new products and processes. They, like comparable domestic enterprises, should be expected to play a leading role in the examination of causes of industrial safety and health hazards and in the application of resulting improvements within the enterprise as a whole.
  39. Multinational enterprises should cooperate in the work of international organizations concerned with the preparation and adoption of international safety and health standards.
  40. In accordance with national practice, multinational enterprises should cooperate fully with the competent safety and health authorities, the representatives of the workers and their organizations, and established safety and health organizations. Where appropriate, matters relating to safety and health should be incorporated in agreements with the representatives of the workers and their organizations.

### **Industrial relations**

41. Multinational enterprises should observe standards of industrial relations not less favourable than those observed by comparable employers in the country concerned.

### **Freedom of association and the right to organize**

42. Workers employed by multinational enterprises as well as those employed by national enterprises should, without distinction whatsoever, have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorisation.<sup>12</sup> They should also enjoy adequate protection against acts of anti-union discrimination in respect of their employment.<sup>13</sup>
43. Organizations representing multinational enterprises or the workers in their employment should enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.<sup>14</sup>
44. Where appropriate, in the local circumstances, multinational enterprises should support representative employers' organizations.
45. Governments, where they do not already do so, are urged to apply the principles of Convention No. 87, Article 5, in view of the importance, in relation to multinational enterprises, of permitting organizations representing such enterprises or the workers in their employment to affiliate with international organizations of employers and workers of their own choosing.
46. Where governments of host countries offer special incentives to attract foreign investment, these incentives should not include any limitation of the workers' freedom of association or the right to organize and bargain collectively.
47. Representatives of the workers in multinational enterprises should not be hindered from meeting for consultation and exchange of views among themselves, provided that the functioning of the

<sup>12</sup> Convention No. 87, Article 2.

<sup>13</sup> Convention No. 98, Article 1(1).

<sup>14</sup> Convention No. 98, Article 2(1).

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operations of the enterprise and the normal procedures which govern relationships with representatives of the workers and their organizations are not thereby prejudiced.

48. Governments should not restrict the entry of representatives of employers' and workers' organizations who come from other countries at the invitation of the local or national organizations concerned for the purpose of consultation on matters of mutual concern, solely on the grounds that they seek entry in that capacity.

### Collective bargaining

49. Workers employed by multinational enterprises should have the right, in accordance with national law and practice, to have representative organizations of their own choosing recognized for the purpose of collective bargaining.
50. Measures appropriate to national conditions should be taken, where necessary, to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements.<sup>15</sup>
51. Multinational enterprises, as well as national enterprises, should provide workers' representatives with such facilities as may be necessary to assist in the development of effective collective agreements.<sup>16</sup>
52. Multinational enterprises should enable duly authorized representatives of the workers in their employment in each of the countries in which they operate to conduct negotiations with representatives of management who are authorized to take decisions on the matters under negotiation.
53. Multinational enterprises, in the context of bona fide negotiations with the workers' representatives on conditions of employment, or while workers are exercising the right to organize, should not threaten to utilize a capacity to transfer the whole or part of an operating unit from the country concerned in order to influence unfairly those negotiations or to hinder the exercise of the right to organize; nor should they transfer workers from affiliates in foreign countries with a view to undermining bona fide negotiations with the workers' representatives or the workers' exercise of their right to organize.
54. Collective agreements should include provisions for the settlement of disputes arising over their interpretation and application and for ensuring mutually respected rights and responsibilities.
55. Multinational enterprises should provide workers' representatives with information required for meaningful negotiations with the entity involved and, where this accords with local law and practices, should also provide information to enable them to obtain a true and fair view of the performance of the entity or, where appropriate, of the enterprise as a whole.<sup>17</sup>
56. Governments should supply to the representatives of workers' organizations on request, where law and practice so permit, information on the industries in which the enterprise operates, which would help in laying down objective criteria in the collective bargaining process. In this context, multinational as well as national enterprises should respond constructively to requests by governments for relevant information on their operations.

<sup>15</sup> Convention No. 98, Article 4.

<sup>16</sup> Convention (No. 135) concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking.

<sup>17</sup> Recommendation (No. 129) concerning Communications between Management and Workers within the Undertaking.

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## Consultation

57. In multinational as well as in national enterprises, systems devised by mutual agreement between employers and workers and their representatives should provide, in accordance with national law and practice, for regular consultation on matters of mutual concern. Such consultation should not be a substitute for collective bargaining.<sup>18</sup>

## Examination of grievances

58. Multinational as well as national enterprises should respect the right of the workers whom they employ to have all their grievances processed in a manner consistent with the following provision: any worker who, acting individually or jointly with other workers, considers that he has grounds for a grievance should have the right to submit such grievance without suffering any prejudice whatsoever as a result, and to have such grievance examined pursuant to an appropriate procedure.<sup>19</sup> This is particularly important whenever the multinational enterprises operate in countries which do not abide by the principles of ILO Conventions pertaining to freedom of association, to the right to organize and bargain collectively and to forced labour.<sup>20</sup>

## Settlement of industrial disputes

59. Multinational as well as national enterprises jointly with the representatives and organizations of the workers whom they employ should seek to establish voluntary conciliation machinery, appropriate to national conditions, which may include provisions for voluntary arbitration, to assist in the prevention and settlement of industrial disputes between employers and workers. The voluntary conciliation machinery should include equal representation of employers and workers.<sup>21</sup>

Geneva, 17 November 2000.

<sup>18</sup> Recommendation (No. 94) concerning Consultation and Co-operation between Employers and Workers at the Level of Undertaking; Recommendation (No. 129) concerning Communications within the Undertaking.

<sup>19</sup> Recommendation (No. 130) concerning the Examination of Grievances within the Undertaking with a View to Their Settlement.

<sup>20</sup> Convention (No. 29) concerning Forced or Compulsory Labour; Convention (No. 105) concerning the Abolition of Forced Labour; Recommendation (No. 35) concerning Indirect Compulsion to Labour.

<sup>21</sup> Recommendation (No. 92) concerning Voluntary Conciliation and Arbitration.

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## Appendix III

### Plantations Convention, 1958 (No. 110) and its accompanying Recommendation (No. 110)

#### **Convention No. 110 – Convention concerning Conditions of Employment of Plantation Workers\***

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having considered the question of conditions of employment of plantation workers, which is the fifth item on the agenda of the session, and

Having decided that, as an exceptional measure, in order to expedite the application to plantations of certain provisions of existing Conventions, pending the more general ratification of these Conventions and the application of their provisions to all persons within their scope, and to provide for the application to plantations of certain Conventions not at present applicable thereto, it is desirable to adopt an instrument for these purposes, and

Having determined that this instrument shall take the form of an international Convention,

adopts this twenty-fourth day of June of the year one thousand nine hundred and fifty-eight the following Convention, which may be cited as the Plantations Convention, 1958:

#### PART I. GENERAL PROVISIONS

##### *Article 1*

1. For the purpose of this Convention, the term “plantation” includes any agricultural undertaking regularly employing hired workers which is situated in the tropical or subtropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres (sisal, jute and hemp), citrus, palm oil, cinchona or pineapple; it does not include family or small-scale holdings producing for local consumption and not regularly employing hired workers.
2. Each Member for which this Convention is in force may, after consultation with the most representative organisations of employers and workers concerned, where such exist, make the Convention applicable to other plantations by –
  - (a) adding to the list of crops referred to in paragraph 1 of this Article any one or more of the following crops: rice, chicory, cardamom, geranium and pyrethrum, or any other crop;
  - (b) adding to the plantations covered by paragraph 1 of this Article classes of undertakings not referred to therein which, by national law or practice, are classified as plantations; and shall indicate the action taken in its annual reports upon the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation.

\* Ed.: This Convention came into force on 22 January 1960. It was partially revised by the Protocol of 1982. The Convention is open to ratification either with the Protocol or separately.

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3. For the purpose of this Article the term “plantation” shall ordinarily include services carrying out the primary processing of the product or products of the plantation.

*Article 2*

Each Member which ratifies this Convention undertakes to apply its provisions equally to all plantation workers without distinction as to race, colour, sex, religion, political opinion, nationality, social origin, tribe or trade union membership.

*Article 3*

1. Each Member for which this Convention is in force –
  - (a) shall comply with –
    - (i) Part I;
    - (ii) Parts IV, IX and XI;
    - (iii) at least two of Parts II, III, V, VI, VII, VIII, X, XII and XIII; and
    - (iv) Part XIV;
  - (b) shall, if it has excluded one or more Parts from its acceptance of the obligations of the Convention, specify, in a declaration appended to its ratification, the Part or Parts so excluded.
2. Each Member which has made a declaration under paragraph 1(b) of this Article shall indicate in its annual reports submitted under article 22 of the Constitution of the International Labour Organisation any progress made towards the application of the excluded Part or Parts.
3. Each Member which has ratified the Convention, but has excluded any Part or Parts thereof under the provisions of the preceding paragraphs, may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of any Part or Parts so excluded; such undertakings shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.

*Article 4*

In accordance with article 19, paragraph 8, of the Constitution of the International Labour Organisation, nothing in this Convention shall affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for by the Convention.

PART II. ENGAGEMENT AND RECRUITMENT AND MIGRANT WORKERS

*Article 5*

For the purposes of this Part of this Convention the term “recruiting” includes all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services at the place of employment or at a public emigration or employment office or at an office conducted by an employers’ organisation and supervised by the competent authority.

*Article 6*

The recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his family.

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*Article 7*

No person or association shall engage in professional recruiting unless the said person or association has been licensed by the competent authority and is recruiting workers for a public department or for one or more specific employers or organisations of employers.

*Article 8*

Employers, employers' agents, organisations of employers, organisations subsidised by employers, and the agents of organisations of employers and of organisations subsidised by employers shall only engage in recruiting if licensed by the competent authority.

*Article 9*

1. Recruited workers shall be brought before a public officer, who shall satisfy himself that the law and regulations concerning recruiting have been observed and, in particular, that the workers have not been subjected to illegal pressure or recruited by misrepresentation or mistake.
2. Recruited workers shall be brought before such an officer as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.

*Article 10*

Where the circumstances make the adoption of such a provision practicable and necessary, the competent authority shall require the issue to each recruited worker who is not engaged at or near the place of recruiting of a document in writing such as a memorandum of information, a work book or a provisional contract containing such particulars as the authority may prescribe, as for example particulars of the identity of the workers, the prospective conditions of employment, and any advances of wages made to the workers.

*Article 11*

1. Every recruited worker shall be medically examined.
2. Where the worker has been recruited for employment at a distance from the place of recruiting, or has been recruited in one territory for employment in a territory under a different administration, the medical examination shall take place as near as may be convenient to the place of recruiting or, in the case of workers recruited in one territory for employment in a territory under a different administration, at latest at the place of departure from the territory of recruiting.
3. The competent authority may empower public officers before whom workers are brought in pursuance of Article 9 to authorise the departure prior to medical examination of workers in whose case they are satisfied –
  - (a) that it was and is impossible for the medical examination to take place near to the place of recruiting or at the place of departure;
  - (b) that the worker is fit for the journey and the prospective employment; and
  - (c) that the worker will be medically examined on arrival at the place of employment or as soon as possible thereafter.
4. The competent authority may, particularly when the journey of the recruited workers is of such duration and takes place under such conditions that the health of the workers is likely to be affected, require recruited workers to be examined both before departure and after arrival at the place of employment.
5. The competent authority shall ensure that all necessary measures are taken for the acclimatisation and adaptation of recruited workers and for their immunisation against disease.

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*Article 12*

1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers.
2. The competent authority shall take all necessary measures to ensure –
  - (a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded;
  - (b) that when it is necessary to break the journey for the night suitable accommodation is provided for the workers; and
  - (c) that in the case of long journeys all necessary arrangements are made for medical assistance and for the welfare of the workers.
3. When recruited workers have to make long journeys on foot to the place of employment the competent authority shall take all necessary measures to ensure –
  - (a) that the length of the daily journey is compatible with the maintenance of the health and strength of the workers; and
  - (b) that, where the extent of the movement of labour makes this necessary, rest camps or rest houses are provided at suitable points on main routes and are kept in proper sanitary condition and have the necessary facilities for medical attention.
4. When recruited workers have to make long journeys in groups to the place of employment, they shall be convoyed by a responsible person.

*Article 13*

1. The expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the recruiter or employer.
2. The recruiter or employer shall furnish recruited workers with everything necessary for their welfare during the journey to the place of employment, including particularly, as local circumstances may require, adequate and suitable supplies of food, drinking water, fuel and cooking utensils, clothing and blankets.

*Article 14*

Any recruited worker who –

- (a) becomes incapacitated by sickness or accident during the journey to the place of employment,
- (b) is found on medical examination to be unfit for employment,
- (c) is not engaged after recruiting for a reason for which he is not responsible, or
- (d) is found by the competent authority to have been recruited by misrepresentation or mistake, shall be repatriated at the expense of the recruiter or employer.

*Article 15*

Where the families of recruited workers have been authorised to accompany the workers to the place of employment the competent authority shall take all necessary measures for safeguarding their health and welfare during the journey and more particularly –

- (a) Articles 12 and 13 of this Convention shall apply to such families;

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- (b) in the event of the worker being repatriated in virtue of Article 14, his family shall also be repatriated; and
  - (c) in the event of the death of the worker during the journey to the place of employment, his family shall be repatriated.

*Article 16*

The competent authority shall limit the amount which may be paid to recruited workers in respect of advances of wages and shall regulate the conditions under which such advances may be made.

*Article 17*

1. Each Member for which this Part of this Convention is in force undertakes that it will, so far as national laws and regulations permit, take all appropriate steps against misleading propaganda relating to emigration and immigration.
2. For this purpose it will, where appropriate, act in co-operation with other Members concerned.

*Article 18*

Measures shall be taken as appropriate by each Member, within its jurisdiction, to facilitate the departure, journey and reception of migrants for employment on a plantation.

*Article 19*

Each Member for which this Part of this Convention is in force undertakes to maintain, within its jurisdiction, appropriate medical services responsible for –

- (a) ascertaining, where necessary, both at the time of departure and on arrival, that migrants for employment on a plantation and the members of their families authorised to accompany or join them are in reasonable health;
- (b) ensuring that migrants for employment on a plantation and members of their families enjoy adequate medical attention and good hygienic conditions at the time of departure, during the journey and on arrival in the territory of destination.

PART III. CONTRACTS OF EMPLOYMENT AND ABOLITION  
OF PENAL SANCTIONS

*Article 20*

1. The law and/or regulations in force in the territory concerned shall prescribe the maximum period of service which may be stipulated or implied in any contract, whether written or oral.
2. The maximum period of service which may be stipulated or implied in any contract for employment not involving a long and expensive journey shall in no case exceed 12 months if the workers are not accompanied by their families or two years if the workers are accompanied by their families.
3. The maximum period of service which may be stipulated or implied in any contract for employment involving a long and expensive journey shall in no case exceed two years if the workers are not accompanied by their families or three years if the workers are accompanied by their families.
4. The competent authority may, after consultation with the employers' and workers' organisations representative of the interests concerned, where such exist, exclude from the application of this Part of this Convention contracts entered into between employers and non-manual workers whose freedom of choice in employment is satisfactorily safeguarded; such exclusion may apply to all plantation workers in a territory, to plantation workers engaged in the production of a particular crop, to the workers in any specified undertaking or to special groups of plantation workers.

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*Article 21*

The competent authority in each country where there exists any penal sanction for any breach of a contract of employment by a plantation worker shall take action for the abolition of all such penal sanctions.

*Article 22*

Such action shall provide for the abolition of all such penal sanctions by means of an appropriate measure of immediate application.

*Article 23*

For the purpose of this Part of the Convention the term “breach of contract” means –

- (a) any refusal or failure of the worker to commence or perform the service stipulated in the contract;
- (b) any neglect of duty or lack of diligence on the part of the worker;
- (c) the absence of the worker without permission or valid reason; and
- (d) the desertion of the worker.

PART IV. WAGES

*Article 24*

1. The fixing of minimum wages by collective agreements freely negotiated between trade unions which are representative of the workers concerned and employers or employers’ organisations shall be encouraged.
2. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, the necessary arrangements shall be made whereby minimum rates of wages can be fixed, where appropriate by means of national laws or regulations, in consultation with representatives of the employers and workers, including representatives of their respective organisations, where such exist, such consultation to be on a basis of complete equality.
3. Minimum rates of wages which have been fixed in accordance with arrangements made in pursuance of the preceding paragraph shall be binding on the employers and workers concerned so as not to be subject to abatement.

*Article 25*

1. Each Member for which this Convention is in force shall take the necessary measures to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable; these measures shall include such provision for supervision, inspection, and sanctions as may be necessary and appropriate to the conditions obtaining on plantations in the country concerned.
2. A worker to whom the minimum rates are applicable and who has been paid wages at less than these rates shall be entitled to recover, by judicial or other appropriate proceedings, the amount by which he has been underpaid, subject to such limitations of time as may be determined by national laws or regulations.

*Article 26*

Wages payable in money shall be paid only in legal tender, and payment in the form of promissory notes, vouchers or coupons, or in any other form alleged to represent legal tender, shall be prohibited.

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*Article 27*

1. National laws or regulations, collective agreements or arbitration awards may authorise the partial payment of wages in the form of allowances in kind where payment in the form of such allowances is customary or desirable; the payment of wages in the form of liquor of high alcoholic content or of noxious drugs shall not be permitted in any circumstances.
2. In cases in which partial payment of wages in the form of allowances in kind is authorised, appropriate measures shall be taken to ensure that such allowances are appropriate for the personal use and benefit of the worker and his family.
3. Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken to ensure that they are adequate and their cash value properly assessed.

*Article 28*

Wages shall be paid directly to the worker concerned except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award or where the worker concerned has agreed to the contrary.

*Article 29*

Employers shall be prohibited from limiting in any manner the freedom of the worker to dispose of his wages.

*Article 30*

1. Where works stores for the sale of commodities to the workers are established or services are operated in connection with an undertaking, the workers concerned shall be free from any coercion to make use of such stores or services.
2. Where access to other stores or services is not possible, the competent authority shall take appropriate measures with the object of ensuring that goods are sold and services provided at fair and reasonable prices, or that stores established and services operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned.

*Article 31*

1. Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award.
2. Workers shall be informed, in the manner deemed most appropriate by the competent authority, of the conditions under which and the extent to which such deductions may be made.

*Article 32*

Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment, made by a worker to an employer or his representative or to any intermediary (such as a labour contractor or recruiter), shall be prohibited.

*Article 33*

1. Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award.
2. Upon the termination of a contract of employment, a final settlement of all wages due shall be effected in accordance with national laws or regulations, collective agreement or arbitration award or, in the absence of any applicable law, regulation, agreement or award, within a reasonable period of time having regard to the terms of the contract.

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*Article 34*

Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner –

- (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed; and
- (b) at the time of each payment of wages, of the particulars of their wages for the pay period concerned, in so far as such particulars may be subject to change.

*Article 35*

The laws or regulations giving effect to the provisions of Articles 26 to 34 of this Convention shall –

- (a) be made available for the information of persons concerned;
- (b) define the persons responsible for compliance therewith;
- (c) prescribe adequate penalties or other appropriate remedies for any violation thereof;
- (d) provide for the maintenance, in all appropriate cases, of adequate records in an approved form and manner.

PART V. ANNUAL HOLIDAYS WITH PAY

*Article 36*

Workers employed on plantations shall be granted an annual holiday with pay after a period of continuous service with the same employer.

*Article 37*

1. Each Member for which this Part of this Convention is in force shall be free to decide the manner in which provision shall be made for holidays with pay on plantations.
2. Such provision may be made, where appropriate, by means of collective agreement or by entrusting the regulation of holidays with pay on plantations to special bodies.
3. Wherever the manner in which provision is made for holidays with pay on plantations permits –
  - (a) there shall be full preliminary consultation with the most representative organisations of employers and workers concerned, where such exist, and with any other persons, specially qualified by their trade or functions, whom the competent authority deems it useful to consult;
  - (b) the employers and workers concerned shall participate in the regulation of holidays with pay, or be consulted or have the right to be heard, in such manner and to such extent as may be determined by national laws or regulations, but in any case on a basis of complete equality.

*Article 38*

The required minimum period of continuous service and the minimum duration of the annual holiday with pay shall be determined by national laws or regulations, collective agreement or arbitration award, or by special bodies entrusted with the regulation of holidays with pay on plantations, or in any other manner approved by the competent authority.

*Article 39*

Where appropriate, provision shall be made, in accordance with the established procedure for the regulation of holidays with pay on plantations, for –

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- (a) more favourable treatment for young workers, in cases in which the annual holiday with pay granted to adult workers is not considered adequate for young workers;
  - (b) an increase in the duration of the annual paid holiday with the length of service;
  - (c) proportionate holidays or payment in lieu thereof, in cases where the period of continuous service of a worker is not of sufficient duration to qualify him for an annual holiday with pay but exceeds such minimum period as may be determined in accordance with the established procedure;
  - (d) the exclusion from the annual holiday with pay of public and customary holidays and weekly rest periods, and, to such extent as may be determined in accordance with the established procedure, temporary interruptions of attendance at work due to such causes as sickness or accident.

*Article 40*

1. Every person taking a holiday in virtue of this Part of this Convention shall receive, in respect of the full period of the holiday, not less than his usual remuneration, or such remuneration as may be prescribed in accordance with paragraphs 2 and 3 of this Article.
2. The remuneration payable in respect of the holiday shall be calculated as prescribed by national laws or regulations, collective agreement or arbitration award, or by special bodies entrusted with the regulation of holidays with pay on plantations, or in any other manner approved by the competent authority.
3. Where the remuneration of the person taking a holiday includes payments in kind, provision may be made for the payment in respect of holidays of the cash equivalent of such payments in kind.

*Article 41*

Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void.

*Article 42*

A person who is dismissed or who has relinquished his employment before he has taken the whole or any part of the holiday due to him shall receive in respect of every day of holiday due to him in virtue of this Part of this Convention the remuneration provided for in Article 40.

PART VI. WEEKLY REST

*Article 43*

1. Plantation workers shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least 24 consecutive hours.
2. This period of rest shall, wherever possible, be granted simultaneously to all the workers of each plantation.
3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

*Article 44*

1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 43, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist.

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2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation.

*Article 45*

Each Member shall make, as far as possible, provision for compensatory periods of rest for the suspensions or diminutions made in virtue of Article 44, except in cases where agreements or customs already provide for such periods.

PART VII. MATERNITY PROTECTION

*Article 46*

For the purpose of this Part of this Convention, the term "woman" means any female person, irrespective of age, nationality, race or creed whether married or unmarried, and the term "child" means any child whether born of marriage or not.

*Article 47*

1. A woman to whom this Part of this Convention applies shall, on the production of appropriate evidence of the presumed date of her confinement, be entitled to a period of maternity leave.
2. The competent authority may, after consultation with the most representative organisations of employers and workers, where such exist, prescribe a qualifying period for maternity leave which shall not exceed a total of 150 days of employment with the same employer during the 12 months preceding the confinement.
3. The period of maternity leave shall be at least 12 weeks, and shall include a period of compulsory leave after confinement.
4. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations.
5. The leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement, and the period of compulsory leave to be taken after confinement shall not be reduced on that account.
6. In case of illness suitably certified as arising out of pregnancy national laws or regulations shall provide for additional leave before confinement, the maximum duration of which may be fixed by the competent authority.
7. In case of illness suitably certified as arising out of confinement the woman shall be entitled to an extension of the leave after confinement, the maximum duration of which may be fixed by the competent authority.
8. No pregnant woman shall be required to undertake any type of work harmful to her in the period prior to her maternity leave.

*Article 48*

1. While absent from work on maternity leave in accordance with the provisions of Article 47, the woman shall be entitled to receive cash and medical benefits.
2. The rates of cash benefit shall be fixed by national laws or regulations so as to ensure benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living.

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3. Medical benefits shall include prenatal, confinement and postnatal care by qualified midwives or medical practitioners as well as hospitalisation care where necessary: freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected as far as practicable.
  4. Any contribution due under a compulsory social insurance scheme providing maternity benefits and any tax based upon payrolls which is raised for the purpose of providing such benefits shall, whether paid both by the employer and the employees or by the employer, be paid in respect of the total number of men and women employed by the undertakings concerned, without distinction of sex.

*Article 49*

1. If a woman is nursing her child she shall be entitled to interrupt her work for this purpose, under conditions to be prescribed by national laws or regulations.
2. Interruptions of work for the purpose of nursing are to be counted as working hours and remunerated accordingly in cases in which the matter is governed by or in accordance with laws and regulations; in cases in which the matter is governed by collective agreement, the position shall be as determined by the relevant agreement.

*Article 50*

1. While a woman is absent from work on maternity leave in accordance with the provisions of Article 47, it shall not be lawful for her employer to give her notice of dismissal during such absence, or to give her notice of dismissal at such time that the notice would expire during such absence.
2. The dismissal of a woman solely because she is pregnant or a nursing mother shall be prohibited.

PART VIII. WORKMEN'S COMPENSATION

*Article 51*

Each Member of the International Labour Organisation for which this Part of this Convention is in force undertakes to extend to all plantation workers its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.

*Article 52*

1. Each Member for which this Part of this Convention is in force undertakes to grant to the nationals of any other Member for which this Part of this Convention is in force, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.
2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

*Article 53*

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

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PART IX. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING

*Article 54*

The right of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures.

*Article 55*

All procedures for the investigation of disputes between employers and workers shall be as simple and expeditious as possible.

*Article 56*

1. Employers and workers shall be encouraged to avoid disputes and, if they arise, to reach fair settlements by means of conciliation.
2. For this purpose all practicable measures shall be taken to consult and associate the representatives of organisations of employers and workers in the establishment and working of conciliation machinery.
3. Subject to the operation of such machinery, public officers shall be responsible for the investigation of disputes and shall endeavour to promote conciliation and to assist the parties in arriving at a fair settlement.
4. Where practicable, these officers shall be officers specially assigned to such duties.

*Article 57*

1. Machinery shall be created as rapidly as possible for the settlement of disputes between employers and workers.
2. Representatives of the employers and workers concerned, including representatives of their respective organisations, where such exist, shall be associated where practicable in the operation of the machinery, in such manner and to such extent, but in any case in equal numbers and on equal terms, as may be determined by the competent authority.

*Article 58*

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
2. Such protection shall apply more particularly in respect of acts calculated to –
  - (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
  - (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

*Article 59*

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of

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employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

*Article 60*

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

*Article 61*

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

PART X. FREEDOM OF ASSOCIATION

*Article 62*

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

*Article 63*

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.
2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

*Article 64*

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

*Article 65*

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

*Article 66*

The provisions of Articles 62, 63 and 64 apply to federations and confederations of workers' and employers' organisations.

*Article 67*

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 62, 63 and 64.

*Article 68*

1. In exercising the rights provided for in this Part of this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

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

*Article 69*

In this Part of this Convention the term “organisation” means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

*Article 70*

Each Member for which this Part of this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

PART XI. LABOUR INSPECTION

*Article 71*

Each Member for which this Convention is in force shall maintain a system of labour inspection.

*Article 72*

Labour inspection services shall consist of suitably trained inspectors.

*Article 73*

Workers and their representatives shall be afforded every facility for communicating freely with the inspectors.

*Article 74*

1. The functions of the system of labour inspection shall be –
  - (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
  - (b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
  - (c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.
2. Any further duties which may be entrusted to labour inspectors shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

*Article 75*

The competent authority shall make appropriate arrangements to promote –

- (a) effective co-operation between the inspection services and other government services and public or private institutions engaged in similar activities; and
- (b) collaboration between officials of the labour inspectorate and employers and workers or their organisations.

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*Article 76*

The inspection staff shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

*Article 77*

1. The competent authority shall make the necessary arrangements to furnish labour inspectors with –
  - (a) local offices, suitably equipped in accordance with the requirements of the service, and accessible to all persons concerned;
  - (b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.
2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors any travelling and incidental expenses which may be necessary for the performance of their duties.

*Article 78*

1. Labour inspectors provided with proper credentials shall be empowered –
  - (a) to enter freely and without previous notice at any hour of the day or night any place of employment liable to inspection;
  - (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection; and
  - (c) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed and, in particular –
    - (i) to interrogate, alone or in the presence of witnesses, the employer or the staff of the undertaking on any matters concerning the application of the legal provisions;
    - (ii) to require the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions and to copy such documents or make extracts from them;
    - (iii) to enforce the posting of notices required by the legal provisions;
    - (iv) to take or remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose.
2. On the occasion of an inspection visit inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

*Article 79*

Subject to such exceptions as may be made by law or regulation, labour inspectors –

- (a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;
- (b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and

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- (c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

*Article 80*

The labour inspectorate shall be notified of industrial accidents and cases of occupational disease in such cases and in such manner as may be prescribed by national laws or regulations.

*Article 81*

Places of employment shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

*Article 82*

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to prompt legal proceedings without previous warning: Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.
2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

*Article 83*

Adequate penalties for violations of the legal provisions enforceable by labour inspectors and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

*Article 84*

1. Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their inspection activities.
2. These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.

PART XII. HOUSING

*Article 85*

The appropriate authorities shall, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, encourage the provision of adequate housing accommodation for plantation workers.

*Article 86*

1. The minimum standards and specifications of the accommodation to be provided in accordance with the preceding Article shall be laid down by the appropriate public authority. The latter shall, wherever practicable, constitute advisory boards consisting of representatives of employers and workers for consultation in regard to matters connected with housing.
2. Such minimum standards shall include specifications concerning –
  - (a) the construction materials to be used;
  - (b) the minimum size of accommodation, its layout, ventilation, and floor and air space;

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- (c) verandah space, cooking, washing, storage, water supply and sanitary facilities.

*Article 87*

Adequate penalties for violations of the legal provisions made in accordance with the preceding Article shall be provided for by laws or regulations and effectively enforced.

*Article 88*

1. Where housing is provided by the employer the conditions under which plantation workers are entitled to occupancy shall be not less favourable than those established by national custom or national legislation.
2. Whenever a resident worker is discharged he shall be allowed a reasonable time in which to vacate the house. Where the time allowed is not fixed by law it shall be determined by recognised negotiating machinery, or, failing agreement on the subject, by recourse to the normal procedure of the civil courts.

PART XIII. MEDICAL CARE

*Article 89*

The appropriate authorities shall, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, encourage the provision of adequate medical services for plantation workers and members of their families.

*Article 90*

1. Medical services shall be of a standard prescribed by the public authorities, shall be adequate having regard to the number of persons involved, and shall be operated by a sufficient number of qualified personnel.
2. Such services where provided by the appropriate public authorities shall conform to the standards, customs and practices of the authority concerned.

*Article 91*

The appropriate authority, in consultation with the representatives of the employers' and workers' organisations concerned, where such exist, shall take steps in plantation areas to eradicate or control prevalent endemic diseases.

PART XIV. FINAL PROVISIONS

*Article 92*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

*Article 93*

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. This Convention shall come into force six months after the date on which there have been registered ratifications, in conformity with Article 3, of two of the following countries: Argentina, Belgium, Bolivia, Brazil, Burma, Ceylon, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Ethiopia, France, Ghana, Guatemala, Haiti, Honduras, India, Indonesia, Italy, Liberia, Federation of Malaya, Mexico, Netherlands, Nicaragua, Pakistan, Panama, Peru, Philippines, Portugal, El Salvador, Spain, Sudan, Thailand, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America and Viet-Nam.

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3. Thereafter, this Convention shall come into force for any Member six months after the date on which its ratification has been registered.

*Article 94*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

*Article 95*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

*Article 96*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

*Article 97*

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

*Article 98*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –
  - (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 94 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

*Article 99*

The English and French versions of the text of this Convention are equally authoritative.

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## **Protocol to the Plantations Convention, 1958**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-eighth Session on 2 June 1982, and

Having decided upon the adoption of certain proposals with regard to the revision of the Plantations Convention and Recommendation, 1958, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol limited to the revision of the relevant provisions of the Plantations Convention, 1958,

adopts this eighteenth day of June of the year one thousand nine hundred and eighty-two in accordance with the provisions of article 19 of the Constitution of the International Labour Organisation relating to Conventions, the following Protocol, which may be cited as the Protocol to the Plantations Convention, 1958.

### *Article 1*

A Member may, by a declaration appended to its ratification of the Plantations Convention, 1958, specify that it ratifies the Convention with the substitution for Article 1 thereof of the following text:

“Article 1 (revised)

1. For the purpose of this Convention, the term ‘plantation’ includes any agricultural undertaking regularly employing hired workers which is situated in the tropical or subtropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugar-cane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres (sisal, jute and hemp), citrus, palm oil, cinchona or pineapple; it does not include family or small-scale holdings producing for local consumption and not regularly employing hired workers.
2. A Member ratifying this Convention may, after consultation with the most representative organisations of employers and workers concerned, where such exist, exclude from the application of the Convention undertakings the area of which covers not more than 12.5 acres (5 hectares) and which employ not more than ten workers at any time during a calendar year. It shall indicate, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organisation, the categories of undertakings excluded and, in subsequent reports, any measures which it may have taken with a view to applying the Convention to some or all of the categories excluded, as well as any measures which it may have taken with a view to ensuring that the Convention continues to be applied to undertakings which come within the exclusion provided for in this paragraph but which have been created by the division of a plantation after the entry into force of Article 1 (revised) for the Member concerned.
3. Each Member for which this Convention is in force may, after consultation with the most representative organisations of employers and workers concerned, where such exist, make the Convention applicable to other plantations by –
  - (a) adding to the list of crops referred to in paragraph 1 of this Article any one or more of the following crops: rice, chicory, cardamom, geranium and pyrethrum, or any other crop;
  - (b) adding to the plantations covered by paragraph 1 of this Article classes of undertakings not referred to therein which, by national law or practice, are classified as plantations;

and shall indicate the action taken in its annual reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation.

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4. For the purpose of this Article the term ‘plantation’ shall ordinarily include services carrying out the primary processing of the product or products of the plantation, on or in close proximity to the site of the latter.”

*Article 2*

1. A Member already a party to the Plantations Convention, 1958, may, by communicating its formal ratification of this Protocol to the Director-General of the International Labour Office for registration, accept the revised text of Article 1 of the Convention set out in Article 1 of this Protocol. Such ratification shall take effect twelve months after the date on which it has been registered by the Director-General. Thereafter the Convention shall be binding on the Member concerned with the substitution of the revised text of Article 1 for the original text of that Article.
2. The reference in paragraph 2 of the revised text of Article 1 of the Convention to the first report on the application of the Convention shall be construed, in the case of a Member already a party to the Convention, as a reference to its first report submitted after the coming into force of this Protocol for the Member concerned.
3. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications of this Protocol communicated to him by parties to the Convention.
4. The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications registered by him in accordance with the provisions of paragraph 1 of this Article.

*Article 3*

The English and French versions of the text of this Protocol are equally authoritative.

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**Recommendation No. 110 –  
Recommendation concerning Conditions  
of Employment of Plantation Workers**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals concerning the conditions of employment of plantation workers, which is the fifth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fourth day of June of the year one thousand nine hundred and fifty-eight the following Recommendation, which may be cited as the Plantations Recommendation, 1958:

The Conference recommends that each Member should apply the following provisions:

I. PRELIMINARY PROVISIONS

1. (1) For the purpose of this Recommendation, the term “plantation” includes any agricultural undertaking regularly employing hired workers which is situated in the tropical or subtropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres (sisal, jute and hemp), citrus, palm oil, cinchona or pineapple; it does not include family or small-scale holdings producing for local consumption and not regularly employing hired workers.  
  
(2) Each Member may, after consultation with the most representative organisations of employers and workers concerned, where such exist, make the Recommendation applicable to other plantations by –
  - (a) adding to the list of crops referred to in subparagraph (1) of this Paragraph any one or more of the following crops: rice, chicory, cardamom, geranium and pyrethrum, or any other crop;
  - (b) adding to the plantations covered by subparagraph (1) of this Paragraph classes of undertakings not referred to therein which, by national law or practice, are classified as plantations;and should inform the Director-General of the International Labour Office of the action taken under this subparagraph in its reports submitted in accordance with article 19, paragraph 6, of the Constitution of the International Labour Organisation.  
  
(3) For the purpose of this Paragraph the term “plantation” ordinarily includes services carrying out the primary processing of the product or products of the plantation.
2. Each Member should apply the provisions of this Recommendation equally to all plantation workers without distinction as to race, colour, sex, religion, political opinion, nationality, social origin, tribe or trade union membership.
3. Each Member of the International Labour Organisation should report to the International Labour Office, at appropriate intervals, as requested by the Governing Body, the position of the law and practice in the countries and territories for which the Member is responsible in regard to the matters dealt with in the Recommendation. Such reports should show the extent to which effect has been given, or is proposed to be given, to the provisions of this Recommendation and such modification of those provisions as it has been found or may be found necessary to make in adopting or applying them.
4. In accordance with article 19, paragraph 8, of the Constitution of the International Labour Organisation, nothing in this Recommendation affects any law, award, custom or agreement which

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ensures more favourable conditions to the workers concerned than those provided for in this Recommendation.

## II. VOCATIONAL TRAINING

5. In each country the public authorities, other appropriate bodies, or a combination of both, should ensure that vocational training is provided and organised in an effective, rational, systematic and co-ordinated programme.
6. (1) In underdeveloped areas lacking training facilities one of the first steps should be the creation of a body of trained teachers and instructors.  
  
(2) Even where such trained teachers and instructors are not available all possible assistance should be given to the development of training facilities on plantations where the operator is adequately qualified to provide practical instruction.
7. Responsibility for the training programmes should be entrusted to the authority or authorities capable of obtaining the best results and, in cases where the responsibility is entrusted to several authorities jointly, measures for ensuring co-ordination of the training programmes should be taken. Local authorities should collaborate in the development of the training programmes. Close collaboration should be maintained with the organisations of employers and workers concerned and with other interested organisations, where such exist.
8. While local financial contributions to training programmes are in many places called for, the public authorities, to the extent considered appropriate and necessary, should also assist public and private training programmes in such ways as: making available financial contributions; contributing land, buildings, transport, equipment and teaching material; contributing through scholarships or otherwise to the living expenses or wages of trainees during the course of training, and making entry into residential plantation schools free of charge to appropriately qualified trainees, especially those who cannot afford to pay for the training.

## III. WAGES

9. The maximum intervals for the payment of wages should ensure that wages are paid –
  - (a) not less often than twice a month at intervals not exceeding 16 days in the case of workers whose wages are calculated by the hour, day or week; and
  - (b) not less often than once a month in the case of employed persons whose remuneration is fixed on a monthly or annual basis.
10. (1) In the case of workers whose wages are calculated on a piece-work or output basis, the maximum intervals for the payment of wages should, so far as possible, be so fixed as to ensure that wages are paid not less often than twice a month at intervals not exceeding 16 days.  
  
(2) In the case of workers employed to perform a task the completion of which requires more than a fortnight, and in respect of whom intervals for the payment of wages are not otherwise fixed by collective agreement or arbitration award, appropriate measures should be taken to ensure –
  - (a) that payments are made on account, not less often than twice a month at intervals not exceeding 16 days, in proportion to the amount of work completed; and
  - (b) that final settlement is made within a fortnight of the completion of the task.
11. The details of the wages conditions which should be brought to the knowledge of the workers should include, wherever appropriate, particulars concerning –
  - (a) the rates of wages payable;
  - (b) the method of calculation;

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- (c) the periodicity of wage payments;
  - (d) the place of payment; and
  - (e) the conditions under which deductions may be made.
12. In all appropriate cases workers should be informed, with each payment of wages, of the following particulars relating to the pay period concerned, in so far as such particulars may be subject to change:
- (a) the gross amount of wages earned;
  - (b) any deduction which may have been made, including the reasons therefor and the amount thereof; and
  - (c) the net amount of wages due.
13. Employers should be required in appropriate cases to maintain records showing, in respect of each worker employed, the particulars specified in the preceding Paragraph.
14. (1) The necessary measures should be taken to ensure the proper payment of all wages earned and employers should be required to keep registers of wage payments, to issue to workers statements of wage payments and to take other appropriate steps to facilitate the necessary supervision.
- (2) Wages should normally be paid in cash only and direct to the individual worker.
- (3) Unless there is an established local custom to the contrary, the continuance of which is desired by the workers, wages should be paid regularly at such intervals as will lessen the likelihood of indebtedness among the wage earners.
- (4) Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps should be taken by the competent authority to control strictly their adequacy and their cash value.
- (5) All practicable measures should be taken –
- (a) to inform the workers of their wage rights;
  - (b) to prevent any unauthorised deductions from wages; and
  - (c) to restrict the amounts deductible from wages in respect of supplies and services forming part of remuneration to the cash value thereof.
15. (1) Voluntary forms of thrift among wage earners should be encouraged.
- (2) The maximum amounts and manner of repayment of advances on wages should be regulated by the competent authority.
- (3) The competent authority should limit the amount of advances which may be paid to a worker who has been engaged from outside the territory. The amount of any such advances should be clearly explained to the worker. Any advance made in excess of the amount laid down by the competent authority should be irrecoverable at law.
- (4) All practicable measures should be taken for the protection of wage earners against usury, in particular by action aiming at the reduction of rates of interest on loans, by the control of the operations of money-lenders, and by the encouragement of facilities for borrowing money for appropriate purposes through co-operative credit organisations or through institutions which are under the control of the competent authority.

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16. For the purpose of determining minimum rates of wages to be fixed it is desirable that the wage-fixing body should in any case take account of the necessity of enabling the workers concerned to maintain a suitable standard of living.
  17. Among the factors which should be taken into consideration in the fixing of minimum wage rates are the following: the cost of living, fair and reasonable value of services rendered, wages paid for similar or comparable work under collective bargaining agreements, and the general level of wages for work of a comparable skill in the area where the workers are sufficiently organised.
  18. Whatever form it may assume, the minimum wage fixing machinery should operate by way of investigation into conditions on plantations and consultation with the parties who are primarily and principally concerned, namely employers and workers, or their most representative organisations, where such exist. The opinion of both parties should be sought on all questions concerning minimum wage fixing and full and equal consideration given to their opinion.
  19. To secure greater authority for the rates that may be fixed, in cases where the machinery adopted for fixing minimum wages makes it possible, the workers and employers concerned should be enabled to participate directly and on an equal footing in the operation of such machinery through their representatives, who should be equal in number or in any case have an equal number of votes.
  20. In order that the employers' and workers' representatives should enjoy the confidence of those whose interest they respectively represent, in the case referred to in Paragraph 19 above, the employers and workers concerned should have the right, in so far as circumstances permit, to participate in the nomination of the representatives, and, if any organisations of employers and workers exist, these should in any case be invited to submit names of persons recommended by them for appointment on the wage-fixing body.
  21. In the case where the machinery for minimum wage fixing provides for the participation of independent persons, whether for arbitration or otherwise, these should be chosen from among men or women who are recognised as possessing the necessary qualifications for their duties and who have no such interest in plantations and related undertakings as would give rise to doubt as to their impartiality.
  22. Provision should be made for a procedure for revising minimum wage rates at appropriate intervals.
  23. For effectively protecting the wages of the workers concerned, the measures to be taken to ensure that wages are not paid at less than the minimum rates which have been fixed should include –
    - (a) arrangements for giving publicity to the minimum wage rates in force, and in particular for informing the employers and workers concerned of these rates in the manner most appropriate to national circumstances;
    - (b) official supervision of the rates actually being paid; and
    - (c) penalties for infringements of the rates in force and measures for preventing such infringements.
  24. All necessary measures should be taken to limit deductions from wages to the extent deemed to be necessary to safeguard the maintenance of the worker and his family.
  25. (1) Deductions from wages for the reimbursement of loss of or damage to the products, goods or installations of the employer should be authorised only when loss or damage has been caused for which the worker concerned can be clearly shown to be responsible.
    - (2) The amount of such deductions should be fair and should not exceed the actual amount of the loss or damage.
    - (3) Before a decision to make such a deduction is taken, the worker concerned should be given a reasonable opportunity to show cause why the deduction should not be made.

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26. Appropriate measures should be taken to limit deductions from wages in respect of tools, materials or equipment supplied by the employer to cases in which such deductions –
- (a) are a recognised custom of the trade or occupation concerned; or
  - (b) are provided for by collective agreement or arbitration award; or
  - (c) are otherwise authorised by a procedure recognised by national laws or regulations.

#### IV. EQUAL REMUNERATION

27. (1) Each Member should, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.
- (2) This principle may be applied by means of –
- (a) national laws or regulations;
  - (b) legally established or recognised machinery for wage determination;
  - (c) collective agreements between employers and workers; or
  - (d) a combination of these various means.

#### V. HOURS OF WORK AND OVERTIME

28. The provisions of this Part apply to workers employed on a time basis.
29. The hours of work of any person employed on a plantation covered by Paragraph 1 above should not exceed eight in the day and 48 in the week, with the exceptions hereinafter provided for:
- (a) the provisions of this Part do not apply to persons holding positions of supervision or management;
  - (b) where by law, custom, or agreement between employers' and workers' organisations, or where no such organisations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement between such organisations or representatives: Provided, however, that in no case under the provisions of this Paragraph should the daily limit of eight hours be exceeded by more than one hour;
  - (c) where persons are employed in shifts it should be permissible to employ persons in excess of eight hours in any one day and 48 hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and 48 per week.
30. The limit of hours of work prescribed in Paragraph 29 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of force majeure, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking. That limit may also be exceeded in order to prevent the loss of perishable goods or materials subject to rapid deterioration.
31. The limit of hours of work prescribed in Paragraph 29 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours should not exceed 56 in the week on the average. Such regulation of the hours of work should in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day.

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32. (1) Regulations made by public authority should determine for plantations –
- (a) the permanent exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of a plantation, or for seasonal or certain other classes of work which is essentially intermittent;
  - (b) the temporary exceptions that may be allowed to deal with exceptional cases of pressure of work.
- (2) These regulations should be made only after consultation with the organisations of employers and workers concerned, if any such organisations exist. These regulations should fix the maximum of additional hours in each instance.
33. The rate of pay for any hours in excess of the hours of work provided for in Paragraph 29 worked in conformity with Paragraphs 30, 31 and 32 should not be less than one and one-quarter times the regular rate.

#### VI. WELFARE FACILITIES

34. Having regard to the variety of welfare facilities and of national practices in making provision for them, the facilities specified in this Part of this Recommendation may be provided by means of public or voluntary action –
- (a) through laws and regulations, or
  - (b) in any other manner approved by the competent authority after consultation with employers' and workers' organisations, or
  - (c) by virtue of collective agreement or as otherwise agreed upon by the employers and workers concerned.
35. In localities where there are insufficient facilities for purchasing appropriate food, beverages and meals, measures should be taken to provide workers with such facilities.
36. The workers should in no case be compelled, except as required by national laws and regulations for reasons of health, to use any of the feeding facilities provided.
37. (1) Appropriate measures should be taken to encourage the provision of recreation facilities for the workers in or near the undertaking in which they are employed, where suitable facilities organised by special bodies or by community action are not already available and where there is a real need for such facilities as indicated by the representatives of the workers concerned.
- (2) Such measures, where appropriate, should be taken by bodies established by national laws or regulations if these have a responsibility in this field, or by voluntary action of the employers or workers concerned after consultation with each other. These measures should preferably be taken in such a way as to stimulate and support action by the public authorities so that the community is able to meet the demand for recreation facilities.
38. Whatever may be the methods adopted for providing recreation facilities, the workers should in no case be under any obligation to participate in the utilisation of any of the facilities provided.
39. The competent authorities of each country should arrange for the consultation of workers' and employers' organisations concerning both the methods of administration and the supervision of the welfare facilities set up by virtue of national laws or regulations.
40. In the economically underdeveloped countries, in the absence of other legal obligations concerning welfare facilities, such facilities may be financed through welfare funds maintained by contributions fixed by the competent authorities and administered by committees with equal representation of employers and workers.

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41. (1) Where meals and other food supplies are made available to the workers directly by the employer, their prices should be reasonable and they should be provided without profit to the employer; any possible financial surplus resulting from the sale should be paid into a fund or special account and used, according to circumstances, either to offset losses or to improve the facilities made available to the workers.
- (2) Where meals and other food supplies are made available to the workers by a caterer or contractor, their prices should be reasonable and they should be provided without profit to the employer.
- (3) Where the facilities in question are provided by virtue of collective agreements or by special agreements within undertakings, the fund provided for in subparagraph (1) should be administered either by a joint body or by the workers.
42. (1) In no case should a worker be required to contribute towards the cost of welfare facilities that he does not wish to use personally.
- (2) In cases where workers have to pay for welfare facilities payment by instalment or delay in payment should not be permitted.
43. Where a substantial proportion of the workers experience special difficulties in travelling to and from work owing to the inadequacy of public transport services or unsuitability of transport timetables, the undertakings in which they are employed should endeavour to secure from the organisations providing public transport in the locality concerned the necessary adjustments or improvements in their services.
44. Where adequate and practicable transport facilities for the workers are necessary and cannot be provided in any other way, the undertakings in which they are employed should themselves provide the transport.

#### VII. PREVENTION OF ACCIDENTS

45. Members should take appropriate measures for the prevention of accidents and occupational diseases.

#### VIII. WORKMEN'S COMPENSATION

46. In case of incapacity compensation should be paid as from the day of the accident, whether it be payable by the employer, the accident insurance institution or the sickness insurance institution concerned.
47. In cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation should be provided.
48. Injured workmen should be entitled to medical aid and to such surgical and pharmaceutical aid as is recognised to be necessary in consequence of accidents. The cost of such aid should be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions.
49. (1) Injured workmen should be entitled to the supply and normal renewal, by the employer or insurer, of such artificial limbs and surgical appliances as are recognised to be necessary: Provided that national laws or regulations may allow in exceptional circumstances the supply and renewal of such artificial limbs and appliances to be replaced by the award to the injured workman of a sum representing the probable cost of the supply and renewal of such appliances, this sum to be decided at the time when the amount of compensation is settled or revised.
- (2) National laws or regulations should provide for such supervisory measures as are necessary, either to prevent abuses in connection with the renewal of appliances, or to ensure that the additional compensation is utilised for this purpose.

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#### IX. WORKMEN'S COMPENSATION FOR OCCUPATIONAL DISEASES

50. Each Member should provide that compensation shall be payable to workmen incapacitated by occupational diseases, or in the case of death from such diseases, to their dependants, in accordance with the general principles of the national legislation relating to compensation for industrial accidents.
51. The rates of such compensation should not be less than those prescribed by the national legislation for injury resulting from industrial accidents. Subject to this provision, each Member, in determining in its national laws or regulations the conditions under which compensation for the said diseases should be payable, and in applying to the said diseases its legislation in regard to compensation for industrial accidents, may make such modifications and adaptations as it thinks expedient.
52. Each Member should consider as occupational diseases those diseases and poisonings set forth in a Schedule to be established by the Member in consultation with the most representative organisations of employers and workers.

#### X. SOCIAL SECURITY

53. Each Member should extend its laws and regulations establishing systems of insurance or other appropriate systems providing security in case of sickness, maternity, invalidity, old age and similar social risks to plantation workers on conditions equivalent to those prevailing in the case of workers in industrial and commercial occupations.

#### XI. LABOUR INSPECTION

54. Inspectors provided with credentials should be empowered by law –
  - (a) to visit and inspect, at any hour of the day or night, places where they may have reasonable cause to believe that persons under the protection of the law are employed, and to enter by day any place which they may have reasonable cause to believe to be an establishment, or part thereof, subject to their supervision: Provided that, before leaving, inspectors should, if possible, notify the employer or some representative of the employer of their visit;
  - (b) to question, without witnesses, the staff belonging to the establishment, and, for the purpose of carrying out their duties, to apply for information to any other persons whose evidence they may consider necessary, and to require to be shown any registers or documents which the laws regulating conditions of work require to be kept.

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## Appendix IV

### **Safety and Health in Agriculture Convention, 2001 (No. 184) and Recommendation (No. 192)**

#### **Convention No. 184 – Convention concerning Safety and Health in Agriculture**

The General Conference of the International Labour Organization,

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

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

Stressing the need for a coherent approach to agriculture and taking into consideration the wider framework of the principles embodied in other ILO instruments applicable to the sector, in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Minimum Age Convention, 1973, and the Worst Forms of Child Labour Convention, 1999, and Noting the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy as well as the relevant codes of practice, in particular the code of practice on recording and notification of occupational accidents and diseases, 1996, and the code of practice on safety and health in forestry work, 1998, and

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

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

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

#### I. SCOPE

##### *Article 1*

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

##### *Article 2*

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

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

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*Article 3*

1. The competent authority of a Member which ratifies the Convention, after consulting the representative organizations of employers and workers concerned:
  - (a) may exclude certain agricultural undertakings or limited categories of workers from the application of this Convention or certain provisions thereof, when special problems of a substantial nature arise; and
  - (b) shall, in the case of such exclusions, make plans to cover progressively all undertakings and all categories of workers.
2. Each Member shall list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any exclusions made in pursuance of paragraph 1(a) of this Article giving the reasons for such exclusion. In subsequent reports, it shall describe the measures taken with a view to extending progressively the provisions of the Convention to the workers concerned.

II. GENERAL PROVISIONS

*Article 4*

1. In the light of national conditions and practice and after consulting the representative organizations of employers and workers concerned, Members shall formulate, carry out and periodically review a coherent national policy on safety and health in agriculture. This policy shall have the aim of preventing accidents and injury to health arising out of, linked with, or occurring in the course of work, by eliminating, minimizing or controlling hazards in the agricultural working environment.
2. To this end, national laws and regulations shall:
  - (a) designate the competent authority responsible for the implementation of the policy and for the enforcement of national laws and regulations on occupational safety and health in agriculture;
  - (b) specify the rights and duties of employers and workers with respect to occupational safety and health in agriculture; and
  - (c) establish mechanisms of inter-sectoral coordination among relevant authorities and bodies for the agricultural sector and define their functions and responsibilities, taking into account their complementarity and national conditions and practices.
3. The designated competent authority shall provide for corrective measures and appropriate penalties in accordance with national laws and regulations, including, where appropriate, the suspension or restriction of those agricultural activities which pose an imminent risk to the safety and health of workers, until the conditions giving rise to the suspension or restriction have been corrected.

*Article 5*

1. Members shall ensure that an adequate and appropriate system of inspection for agricultural workplaces is in place and is provided with adequate means.
2. In accordance with national legislation, the competent authority may entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services, public institutions, or private institutions under government control, or may associate these services or institutions with the exercise of such functions.

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### III. PREVENTIVE AND PROTECTIVE MEASURES

#### GENERAL

##### *Article 6*

1. In so far as is compatible with national laws and regulations, the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.
2. National laws and regulations or the competent authority shall provide that whenever in an agricultural workplace two or more employers undertake activities, or whenever one or more employers and one or more self-employed persons undertake activities, they shall cooperate in applying the safety and health requirements. Where appropriate, the competent authority shall prescribe general procedures for this collaboration.

##### *Article 7*

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

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

##### *Article 8*

1. Workers in agriculture shall have the right:
  - (a) to be informed and consulted on safety and health matters including risks from new technologies;
  - (b) to participate in the application and review of safety and health measures and, in accordance with national law and practice, to select safety and health representatives and representatives in safety and health committees; and
  - (c) to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions.
2. Workers in agriculture and their representatives shall have the duty to comply with the prescribed safety and health measures and to cooperate with employers in order for the latter to comply with their own duties and responsibilities.
3. The procedures for the exercise of the rights and duties referred to in paragraphs 1 and 2 shall be established by national laws and regulations, the competent authority, collective agreements or other appropriate means.

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

#### MACHINERY SAFETY AND ERGONOMICS

##### *Article 9*

1. National laws and regulations or the competent authority shall prescribe that machinery, equipment, including personal protective equipment, appliances and hand tools used in agriculture comply with national or other recognized safety and health standards and be appropriately installed, maintained and safeguarded.
2. The competent authority shall take measures to ensure that manufacturers, importers and suppliers comply with the standards referred to in paragraph 1 and provide adequate and appropriate information, including hazard warning signs, in the official language or languages of the user country, to the users and, on request, to the competent authority.
3. Employers shall ensure that workers receive and understand the safety and health information supplied by manufacturers, importers and suppliers.

##### *Article 10*

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

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

#### HANDLING AND TRANSPORT OF MATERIALS

##### *Article 11*

1. The competent authority, after consulting the representative organizations of employers and workers concerned, shall establish safety and health requirements for the handling and transport of materials, particularly on manual handling. Such requirements shall be based on risk assessment, technical standards and medical opinion, taking account of all the relevant conditions under which the work is performed in accordance with national law and practice.
2. Workers shall not be required or permitted to engage in the manual handling or transport of a load which by reason of its weight or nature is likely to jeopardize their safety or health.

#### SOUND MANAGEMENT OF CHEMICALS

##### *Article 12*

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

- (a) there is an appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging and labelling of chemicals used in agriculture and for their banning or restriction;
- (b) those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to the users in the appropriate official language or languages of the country and, on request, to the competent authority; and

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- (c) there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment.

*Article 13*

1. National laws and regulations or the competent authority shall ensure that there are preventive and protective measures for the use of chemicals and handling of chemical waste at the level of the undertaking.
2. These measures shall cover, inter alia:
  - (a) the preparation, handling, application, storage and transportation of chemicals;
  - (b) agricultural activities leading to the dispersion of chemicals;
  - (c) the maintenance, repair and cleaning of equipment and containers for chemicals; and
  - (d) the disposal of empty containers and the treatment and disposal of chemical waste and obsolete chemicals.

ANIMAL HANDLING AND PROTECTION AGAINST BIOLOGICAL RISKS

*Article 14*

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

AGRICULTURAL INSTALLATIONS

*Article 15*

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

IV. OTHER PROVISIONS

YOUNG WORKERS AND HAZARDOUS WORK

*Article 16*

1. The minimum age for assignment to work in agriculture which by its nature or the circumstances in which it is carried out is likely to harm the safety and health of young persons shall not be less than 18 years.
2. The types of employment or work to which paragraph 1 applies shall be determined by national laws and regulations or by the competent authority, after consultation with the representative organizations of employers and workers concerned.
3. Notwithstanding paragraph 1, national laws or regulations or the competent authority may, after consultation with the representative organizations of employers and workers concerned, authorize the performance of work referred to in that paragraph as from 16 years of age on condition that appropriate prior training is given and the safety and health of the young workers are fully protected.

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TEMPORARY AND SEASONAL WORKERS

*Article 17*

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

WOMEN WORKERS

*Article 18*

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

WELFARE AND ACCOMMODATION FACILITIES

*Article 19*

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

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

WORKING TIME ARRANGEMENTS

*Article 20*

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

COVERAGE AGAINST OCCUPATIONAL INJURIES AND DISEASES

*Article 21*

1. In accordance with national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors.
2. Such schemes may either be part of a national scheme or take any other appropriate form consistent with national law and practice.

*Article 22*

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

*Article 23*

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

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*Article 24*

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

*Article 25*

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

*Article 26*

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

*Article 27*

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

*Article 28*

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides -
  - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 24 above, if and when the new revising Convention shall have come into force;
  - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

*Article 29*

The English and French versions of the text of this Convention are equally authoritative.

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**Recommendation No. 192 -  
Recommendation concerning Safety and Health  
in Agriculture**

The General Conference of the International Labour Organization,

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

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

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

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

I. GENERAL PROVISIONS

1. In order to give effect to Article 5 of the Convention, the measures concerning labour inspection in agriculture should be taken in the light of the principles embodied in the Labour Inspection (Agriculture) Convention and Recommendation, 1969.
2. Multinational enterprises should provide adequate safety and health protection for their workers in agriculture in all their establishments, without discrimination and regardless of the place or country in which they are situated, in accordance with national law and practice and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

II. OCCUPATIONAL SAFETY AND HEALTH SURVEILLANCE

3. (1) The competent authority designated to implement the national policy referred to in Article 4 of the Convention should, after consulting the representative organizations of employers and workers concerned:
  - (a) identify major problems, establish priorities for action, develop effective methods for dealing with them and periodically evaluate the results;
  - (b) prescribe measures for the prevention and control of occupational hazards in agriculture:
    - (i) taking into consideration technological progress and knowledge in the field of safety and health, as well as relevant standards, guidelines and codes of practice adopted by recognized national or international organizations;
    - (ii) taking into account the need to protect the general environment from the impact of agricultural activities;
    - (iii) specifying the steps to be taken to prevent or control the risk of work-related endemic diseases for workers in agriculture; and
    - (iv) specifying that no single worker should carry out hazardous work in an isolated or confined area, without an adequate possibility of communication and means of assistance; and
  - (c) prepare guidelines for employers and workers.

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- (2) To give effect to Article 4 of the Convention, the competent authority should:
- (a) adopt provisions for the progressive extension of appropriate occupational health services for workers in agriculture;
  - (b) establish procedures for the recording and notification of occupational accidents and diseases in agriculture, in particular for the compilation of statistics, the implementation of the national policy and the development of preventive programmes at the level of the undertaking; and
  - (c) promote safety and health in agriculture by means of educational programmes and materials to meet the needs of agricultural employers and workers.
4. (1) To give effect to Article 7 of the Convention, the competent authority should establish a national system for occupational safety and health surveillance which should include both workers' health surveillance and the surveillance of the working environment.
- (2) This system should include the necessary risk assessment and, where appropriate, preventive and control measures with respect to, inter alia:
- (a) hazardous chemicals and waste;
  - (b) toxic, infectious or allergenic biological agents and waste;
  - (c) irritant or toxic vapours;
  - (d) hazardous dusts;
  - (e) carcinogenic substances or agents;
  - (f) noise and vibration;
  - (g) extreme temperatures;
  - (h) solar ultraviolet radiations;
  - (i) transmissible animal diseases;
  - (j) contact with wild or poisonous animals;
  - (k) the use of machinery and equipment, including personal protective equipment;
  - (l) the manual handling or transport of loads;
  - (m) intense or sustained physical and mental efforts, work-related stress and inadequate working postures; and
  - (n) risks from new technologies.
- (3) Health surveillance measures for young workers, pregnant and nursing women and aged workers should be taken, where appropriate.

### III. PREVENTIVE AND PROTECTIVE MEASURES

#### *Risk assessment and management*

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

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

*Machinery safety and ergonomics*

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

*Sound management of chemicals*

- 7. (1) The measures prescribed concerning the sound management of chemicals in agriculture should be taken in the light of the principles of the Chemicals Convention and Recommendation, 1990, and other relevant international technical standards.
- (2) In particular, preventive and protective measures to be taken at the level of the undertaking should include:
  - (a) adequate personal protective equipment and clothing, and washing facilities for those using chemicals and for the maintenance and cleaning of personal protective and application equipment, at no cost to the worker;
  - (b) spraying and post-spraying precautions in areas treated with chemicals, including measures to prevent pollution of food, drinking, washing and irrigation water sources;
  - (c) handling and disposal of hazardous chemicals which are no longer required, and containers which have been emptied but which may contain residues of hazardous chemicals, in a manner which eliminates or minimizes the risk to safety and health and to the environment, in accordance with national law and practice;
  - (d) keeping a register of the application of pesticides used in agriculture; and
  - (e) training of agricultural workers on a continuing basis to include, as appropriate, training in the practices and procedures or about hazards and on the precautions to be followed in connection with the use of chemicals at work.

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*Animal handling and protection against biological risks*

8. For the purpose of implementing Article 14 of the Convention, the measures for the handling of biological agents giving rise to risks of infection, allergy or poisoning, and for the handling of animals should comprise the following:
- (a) risk assessment measures in accordance with Paragraph 5, in order to eliminate, prevent or reduce biological risks;
  - (b) control and testing of animals, in accordance with veterinary standards and national law and practice, for diseases transmissible to humans;
  - (c) protective measures for the handling of animals and, where appropriate, provision of protective equipment and clothing;
  - (d) protective measures for the handling of biological agents and, if necessary, provision of appropriate protective equipment and clothing;
  - (e) immunization of workers handling animals, as appropriate;
  - (f) provision of disinfectants and washing facilities, and the maintenance and cleaning of personal protective equipment and clothing;
  - (g) provision of first aid, antidotes or other emergency procedures in case of contact with poisonous animals, insects or plants;
  - (h) safety measures for the handling, collection, storage and disposal of manure and waste;
  - (i) safety measures for the handling and disposal of carcasses of infected animals, including the cleaning and disinfection of contaminated premises; and
  - (j) safety information including warning signs and training for those workers handling animals.

*Agricultural installations*

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

*Welfare and accommodation facilities*

10. To give effect to Article 19 of the Convention, employers should provide, as appropriate and in accordance with national law and practice, to workers in agriculture:
- (a) an adequate supply of safe drinking water;
  - (b) facilities for the storage and washing of protective clothing;
  - (c) facilities for eating meals, and for nursing children in the workplace where practicable;
  - (d) separate sanitary and washing facilities, or separate use thereof, for men and women workers; and
  - (e) work-related transportation.

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#### IV. OTHER PROVISIONS

##### *Women workers*

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

##### *Self-employed farmers*

12. (1) Taking into consideration the views of representative organizations of self-employed farmers, Members should make plans to extend progressively to self-employed farmers the protection afforded by the Convention, as appropriate.
- (2) To this end, national laws and regulations should specify the rights and duties of self-employed farmers with respect to safety and health in agriculture.
- (3) In the light of national conditions and practice, the views of representative organizations of self-employed farmers should be taken into consideration, as appropriate, in the formulation, implementation and periodic review of the national policy referred to in Article 4 of the Convention.
13. (1) In accordance with national law and practice, measures should be taken by the competent authority to ensure that self-employed farmers enjoy safety and health protection afforded by the Convention.
- (2) These measures should include:
- (a) provisions for the progressive extension of appropriate occupational health services for self-employed farmers;
  - (b) progressive development of procedures for including self-employed farmers in the recording and notification of occupational accidents and diseases; and
  - (c) development of guidelines, educational programmes and materials and appropriate advice and training for self-employed farmers covering, inter alia:
    - (i) their safety and health and the safety and health of those working with them concerning work-related hazards, including the risk of musculoskeletal disorders, the selection and use of chemicals and of biological agents, the design of safe work systems and the selection, use and maintenance of personal protective equipment, machinery, tools and appliances; and
    - (ii) the prevention of children from engaging in hazardous activities.
14. Where economic, social and administrative conditions do not permit the inclusion of self-employed farmers and their families in a national or voluntary insurance scheme, measures should be taken by Members for their progressive coverage to the level provided for in Article 21 of the Convention. This could be achieved by means of:
- (a) developing special insurance schemes or funds; or
  - (b) adapting existing social security schemes.
15. In giving effect to the above measures concerning self-employed farmers, account should be taken of the special situation of:
- (a) small tenants and sharecroppers;
  - (b) small owner-operators;

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