

# RURAL DEVELOPMENT through DECENT WORK

FOR GROWTH, PRODUCTIVE JOBS, INCOME, FOOD SECURITY, GOOD WORKING CONDITIONS, EQUAL OPPORTUNITIES, RIGHTS, VOICE, SUSTAINABLE DEVELOPMENT, CRISIS RESILIENCE



International Labour Office

## Themes

## Rural Policy Briefs

### Empowering rural workers, employers and communities through International Labour Standards

*Protecting workers' rights in rural areas poses a variety of challenges. Tackling these challenges is essential to provide workers and their families with decent work and fulfilling livelihoods, and enable them to contribute fully to their community's growth and development.*

#### Why action is needed

##### Weaknesses and gaps in protection

- Most rural workers are poorly protected by national labour laws. Many are excluded (e.g. casual or seasonal workers, the self-employed or smallholder farmers), due to the nature of their employment or the absence of a clearly recognized employment status; others due to their belonging to a particular group, such as migrants.

#### Facts and Figures

- Rural workers account for nearly half of the world's workforce, yet are often excluded from coverage of national labour laws or their implementation.
- Rural areas display an extent of poverty higher than urban areas.
- Rural workers represent a heterogeneous mix of farmers, agricultural workers, micro-entrepreneurs, vendors, waged workers or small business owners. Their wages and other working conditions are typically poor.<sup>1</sup>
- Women, children, youth, indigenous peoples and migrant workers, who represent the largest part of the rural workforce, are among the most vulnerable to abuses.
- Unionization barely reaches 10 percent in rural areas. Rural workers' organizations are often weak and fragmented.
- Many rural workers face large gaps in labour protection, affecting the realization of fundamental principles and rights at work – freedom of association, forced labour, child labour and discrimination – as well as other rights related to employment, wages, working time, occupational safety and health, and social security.
- Some 60 Conventions and Recommendations provide important guidance on how to close those large protection gaps.



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- Even where they are not excluded from the law, rural workers may be prevented from asserting their rights and benefitting from them in practice, often due to:
  - ◆ Informality
  - ◆ Weak or non-existent labour inspection in isolated and remote areas
  - ◆ Poor literacy
  - ◆ Lack of awareness
  - ◆ Vulnerability to abuses
- The ILO supervisory bodies signal serious violations of International Labour Standards (ILS) in rural areas, particularly: anti-union discrimination, bonded labour, child labour and discrimination, especially against women, indigenous peoples and migrant workers.
- Wage disparities between men and women and problems of wage arrears are particularly important in agriculture.<sup>2</sup>
- Indigenous peoples are particularly vulnerable to discrimination because:
  - ◆ They often face issues related to land titling and access to lands they have traditionally occupied
  - ◆ Their traditional means of production often lack recognition and protection, thus preventing traditional livelihood strategies from unlocking their potential
  - ◆ Their knowledge and skills are generally undervalued
  - ◆ They have limited access to formal education and vocational training
- Forced labour is more prevalent in rural areas, affecting particularly indigenous peoples, migrant workers and victims of trafficking.
- Some 60 percent of child labour (over 132 million girls and boys in the age group 5-14 years) is concentrated in

## Box 1

### Some definitions

#### What are International Labour Standards (ILS)?

ILS are universal legal instruments drawn up by the ILO's constituents (governments, employers and workers) and adopted at the International Labour Conference by vote. They set out basic principles and rights at work, and reflect common values and principles on work-related issues. They are either Conventions, which are legally binding international treaties that may be ratified by member States, or Recommendations, which serve as non-binding guidelines. ILS are the legal component in the ILO's strategy for governing globalization, promoting sustainable development, eradicating poverty, and ensuring that people can work in dignity and safety.<sup>10</sup>

#### Who are the "rural workers"?

The term is defined by Article 2 of the Rural Workers' Organisations Convention, 1975 (No.141), as "any person engaged in agriculture, handicrafts or related occupation in a rural area, whether as a wage earner or [...] as a self-employed person such as a tenant, sharecropper or small owner-occupier". Globally, rural workers form the largest workforce.

They can be generally divided into two categories:

- Rural wage earners who labour for some 'wage' (which can include payment in kind) in an employment relationship. Their terms and conditions of employment vary considerably, creating diverse and sometimes overlapping categories:
  - ♦ permanent (full-time) workers
  - ♦ temporary or casual workers
  - ♦ seasonal workers
  - ♦ migrant and indigenous workers
  - ♦ piece-rate workers
  - ♦ workers receiving some form of 'in-kind' payment
- Self-employed rural workers include owner-occupier farmers and tenant farmers, the vast majority of whom are smallholders. They also include sharecroppers, squatters and nomads. Tenant farmers and sharecroppers pay a landlord for use of the land, in the form of a fixed rent in cash, payment in kind (e.g. a share of the crop), payment in labour or a combination of these. Farmers often also use unpaid family labour.<sup>11</sup>

agriculture.<sup>3</sup> Sometimes children as young as 5 or 6 years old become farm labourers.<sup>4</sup>

- Even though agriculture is one of the four most dangerous sectors to work in terms of fatalities, serious accidents, and work-related sickness, it is often excluded from the national laws protecting workers. Some 170,000 workers on average are killed each year,<sup>5</sup> and hazardous substances, many of which are used in agriculture (agrochemicals and pesticides for instance), kill 651,000 workers annually.<sup>6</sup>
- Only 20 percent of the world's population benefit from adequate social security coverage and that percentage is markedly lower in rural areas.<sup>7</sup>
- It is harder for rural workers to get organized because of, among other reasons, the distinctive features of rural employment (the prevalence of small enterprises, self-employment, temporary or seasonal employment), the high number of people required to form a trade union, and strong opposition by some employers notably in large farms.
- The limited capacity of the labour inspection system in rural areas, mainly linked to lack of appropriately trained inspectors, and insufficient material resources and transportation facilities in remote areas, leads to insufficient enforcement of labour laws and inadequate prevention of labour disputes and occupational accidents and diseases. In

some cases, especially in plantations, private security forces may impede access for labour inspectors.

### Relevance of International Labour Standards (ILS)

- ILS provide essential guidance to address gaps in workers' and employers' rights.
- ILS are not only a moral and social imperative but also provide an enabling environment. They are important means to improve productivity, performance and to support economic development:
  - ♦ Eliminating child labour in transition and developing economies in combination with investment in better schooling and social services, can generate economic benefits nearly seven times greater than the cost.<sup>8</sup> Children attending school improve their skills and broaden their perspectives; and adults do not have to accept sub-standard wages because of competition with children who provide a cheap workforce
  - ♦ Protection of indigenous peoples' land rights can generate employment opportunities within communities
  - ♦ Protection laws can increase worker satisfaction and motivation and reduce staff turn-over
  - ♦ Proper observation of occupational safety and health standards can lower accidents and their associated costs for both workers and employers, leading to improved economic performance
  - ♦ Social coverage can encourage people to innovate as they become less risk-averse
  - ♦ Respect for protection standards encourages micro-economic reforms that can enhance efficiency of labour markets
  - ♦ Freedom of association empowers workers and employers to realise their potential; therefore, it is not an outcome of development, but part of the process of development<sup>9</sup>
  - ♦ Strong workers' and employers' organisations play a major role in rural development. Among other things, they can facilitate access to financial services, educational and vocational opportunities for people in rural and remote areas, and provide technical and other advisory services to their members
  - ♦ Employment policies, elaborated and pursued in consultation with employers' and workers' organizations, have a larger impact on rural economies, increasing aggregate productive employment and contributing significantly to poverty reduction
  - ♦ Social dialogue can lead to greater social and political stability. When choosing where to invest foreign investors might consider workforce quality and political and legal stability more important than low labour costs
  - ♦ Labour inspectors can play an important role in educating rural workers, employers and the community at large on their rights and obligations, besides ensuring enforcement of labour laws





## Rural-relevant International Labour Standards: areas covered and main Conventions and Recommendations

Several ILO Conventions and Recommendations protect rural workers specifically, while many others that have general coverage also apply to rural workers.

### Freedom of Association

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Right of Association (Agriculture) Convention, 1921 (No. 11)

Rural workers' Organization Convention, 1975 (No. 141) and Recommendation (No. 149)

### Forced Labour

Forced Labour Convention, 1930 (No. 29)

Abolition of Forced Labour Convention, 1957 (No. 105).

### Child Labour

Minimum Age Convention, 1973 (No. 138)

Worst Forms of Child Labour Convention, 1999 (No. 182).

### Equality of opportunity and treatment

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Equal Remuneration Convention, 1951 (No. 100)

### Tripartite consultation

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and Recommendation (No. 152)

### Labour inspection

Labour Inspection Convention, 1947 (No. 81), Protocol of 1995 to Convention No. 81, and Recommendation (No. 81)

Labour Inspection (Agriculture) Convention, 1969 (No. 129) and Recommendation (No. 133)

### Employment policy

Employment Policy Recommendation, 1964 (No. 122) Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)

Human Resources Development Convention, 1975 (No. 142) and Recommendation (No. 195)

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)

Promotion of Cooperatives Recommendation, 2002 (No. 193)  
Employment Relationship Recommendation, 2006 (No. 198)

### Wages

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) and Recommendation (No. 89)

Protection of Wages Convention, 1949 (No. 95)

### Working time

Forty-Hour Week Convention, 1935 (No. 47), and Holiday with Pay Convention (revised), 1970 (No. 132)

### Occupational Safety and Health (OSH)

Occupational Safety and Health Convention, 1981 (No. 155), 2002 Protocol to Convention No. 155, and Recommendation (No. 161)

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

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

### Social Security

Social Security (Minimum Standards) Convention, 1952 (No. 102)

Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)

Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)

Maternity Protection Convention, 2000 (No. 183) and its Recommendation (No. 191)

### Migrant workers

Migration for Employment Convention (Revised), 1949 (No. 97),

Migrant Workers (Supplementary Provisions) Conventions, 1975 (No. 143) and their accompanying Recommendations

### Seafarers

The Maritime Labour Convention, 2006 is a consolidation of some 70 instruments (Conventions and related Recommendations) and is expected to enter into force soon

### Fisheries

Work in Fishing Convention, 2007 (No. 188) (not yet entered into force)

### Indigenous and tribal peoples

Indigenous and Tribal Peoples Convention, 1989 (No. 169)

### Plantations

Plantations Convention, 1958 (No. 110)

### Tenants and sharecroppers

Tenants and Sharecroppers Recommendation, 1968 (No. 132)

### Human Resources

## Policy options

### Extending protection in law and practice to rural areas

- Ratify the Conventions that are relevant to rural workers, notably:
  - ♦ The eight fundamental ILO Conventions on freedom of association (Nos. 87 and 98), non-discrimination (Nos. 100 and 111), abolition of forced labour (Nos. 29 and 105) and elimination of child labour (Nos. 138 and 182)
  - ♦ The four governance Conventions on employment policies (No. 122), labour inspection (Nos. 81 and 129) and tripartite consultation (No. 144)
- Where applicable, remove the exclusion of rural workers from the scope of national laws and regulations.
- Take into account the importance of rural employment when preparing, adopting and implementing, in consultation with the social partners, national employment plans and poverty reduction strategies.
- Create an enabling and positive business environment.
- Elaborate and implement time-bound programmes for the elimination of the worst forms of child labour in rural areas.
- Promote equal pay between women and men for work of equal value in rural areas.
- Implement ground-leveilling tools for the equal enjoyment of labour rights by indigenous peoples.
- Address the social protection gap of rural workers and make sure that they can benefit from a minimum social protection floor.

### Ensuring a strong voice for rural employers and workers

- Promote the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers and employers as an effective means of ensuring their

participation in economic and social development and in the benefits resulting therefrom.

- Create an enabling environment for trade unions and employers' organizations, making sure they are protected by legislation and that they can conduct their activities free from interference and pressure of any kind.
- Recognize rural workers' and employers' organizations as partners in development.
- Promote social dialogue in rural areas. Organize regular tripartite consultations with governmental authorities, workers' and employers' organisations to enable them to make a full contribution to improving employment opportunities and general conditions of work and life in rural areas; as well as to increasing the national income and ensuring its more equitable distribution. Agreements on this basis can ensure a wider support for laws and reforms, and thus help generate social peace and create an enabling and positive business environment.



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## Delivering protection to rural workplaces

- Develop effective labour inspection systems extending their coverage to rural areas.
- Make sure labour inspectors are sufficient in number, independent, endowed with adequate material resources and facilities, and empowered to carry out effective inspections and order necessary preventive and enforcement measures.
- Encourage labour inspectorates, workers, employers and their organisations, as well as the local authorities and other relevant actors in rural areas, to collaborate actively in order to promote awareness raising, voluntary compliance and effective enforcement, in spite of the often limited resources.

## Ensuring the outreach of ILS

- Strengthen the knowledge of rural-relevant ILS among governments, employers' and workers' organisations, and other key actors (e.g. judges and parliamentarians), and promote adoption of ILS by emphasizing their significance for rural development.
- Train and empower the labour inspectorate to effectively carry out its advisory, educational and enforcement role, targeting workplaces, educational institutions and the wider public, to ensure respect for workers' rights.
- Develop partnerships with employers' and workers' organizations and the wider civil society to raise awareness, encourage governments to ratify Conventions, and draw attention to abuses.

## ILO's Role

### The ILO:

- Develops ILS, promotes their ratification, raises awareness on their content, and advocates measures for their full implementation.
- Provides essential guidance and support to ILO constituents in their efforts to promote decent work in rural areas notably through technical assistance activities.
- Carries out systematic monitoring of the application of ratified Conventions through an elaborate supervisory mechanism:
  - ♦ The Committee of Experts on the Application of Conventions and Recommendations (CEACR), composed of 20 eminent jurists appointed by the ILO's Governing Body. The CEACR maintains a dialogue with ratifying States on the progressive application of ratified conventions, notably through observations published in its annual report and direct requests addressed to governments.

- ♦ The Committee on the Application of Standards, a standing committee of the International Labour Conference which hosts at each ILC session a tripartite discussion on approximately 25 important cases selected from the CEACR report.
- ♦ The Committee on Freedom of Association (CFA), a tripartite committee set up by the ILO Governing Body in order to examine complaints of violations of freedom of association standards and principles in all ILO member States regardless of ratification of Conventions Nos. 87 and 98.
- Provides practical advice and builds capacities to promote the application of ILS. This includes: dialogue with the tripartite social partners; support to national programmes and projects to strengthen capacities to appropriate rights at work; guidance and advice for the design of national laws in line with the relevant ILS.
- Undertakes capacity building initiatives, such as: training of labour inspectorates; strengthening of employers' and workers' organisations; assistance in relation to reporting on ILS; courses on the content of ILS and how to achieve their effective implementation, based on best practices; production and dissemination of capacity-building materials.
- Conducts awareness-raising campaigns and promotional activities to: promote a culture of acceptance of ILS as elements of economic growth and social and political stability, tools for achieving decent work, and powerful instruments to unleash the potential of rural communities.

<sup>1</sup> ILO: *Freedom of Association and Development* (Geneva: 2011), p. 15

<sup>2</sup> ILO: *Giving globalization a human face, General Survey on the fundamental Conventions concerning rights at work*, Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B), Paragraph 664, International Labour Conference, 101<sup>st</sup> Session (Geneva: 2012)

<sup>3</sup> ILO: *Accelerating action against child labour – ILO Global report on child labour 2010*, Report of the Director-General, International Labour Conference, 99<sup>th</sup> Session (Geneva: 2010), p.56

<sup>4</sup> de Luca, L., et al.: *Unleashing rural development through productive employment and decent work: Building on 40 years of ILO work in rural areas* (Geneva: 2012), p. 10

<sup>5</sup> ILO: *International Labour Standards: Closing the labour protection gap for rural workers* (Geneva, unpublished), p.1

<sup>6</sup> ILO: *Rules of the Game, A brief introduction to International Labour Standards* (Geneva: 2009), p.57

<sup>7</sup> Ibid., p. 58

<sup>8</sup> See ILO: *Investing in every child: An economic study of costs and benefits of eliminating child labour* (Geneva: 2004); and also ILO: *The end of child labour: Within reach. Global report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work* (Geneva: 2006).

<sup>9</sup> See Doumbia-Henry, C. and Gravel, E.: Free trade agreements and labour rights: Recent developments, *International Labour Review*, Vol. 145, September 2006, pp. 200-203.

<sup>10</sup> Op. cit., ILO, 2009, p. 13

<sup>11</sup> ITC-ILO: *Managing Labour Inspection in Rural Areas, Module 14, Curriculum on Building Modern and Effective Labour Inspection Systems* (Turin: 2011), pp. 13-15

## Links

- ILO, International Labour Standards Department <http://www.ilo.org/global/standards/lang--en/index.htm>
- NORMLEX database on International Labour Standards and national legislation <http://www.ilo.org/dyn/normlex/en/f?p=1000:1:6263249862666599::NO::>

## Other Materials

- ♦ ILO: *Giving globalization a human face*, General Survey on the fundamental Conventions concerning rights at work, Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B), International Labour Conference, 101<sup>st</sup> Session (Geneva: 2012)
- ♦ ILO: *Social security and the rule of law*, General Survey concerning social security instruments, Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B), International Labour Conference, 100<sup>th</sup> Session (Geneva: 2011)

- ♦ ILO: *Unleashing rural development through productive employment and decent work: Building on 40 years of ILO work in rural areas*, Committee on Employment and Social Policy, Agenda Item I, Governing Body, 310<sup>th</sup> Session (Geneva: 2011)
- ♦ ILO: *General Survey concerning employment instruments*, Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B), International Labour Conference, 99<sup>th</sup> Session (Geneva: 2010), Paragraph 545
- ♦ ILO: *Rules of the Game: a brief introduction to International Labour Standards* (Geneva: 2009)

## Contact

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