

ILO Curriculum on

---

**“Building modern and effective labour inspection systems”**

MODULE

**14** **Managing labour  
inspection in rural areas**

### What this Module is about

This Module aims to help Labour Inspectorate directors and managers and their staffs to build innovative labour inspection services for rural workers, with special focus on agricultural workers, their families and communities.

The goal is to ensure that rural workers have equivalent levels of protection provided by labour inspection services to workers in industry and commerce.

### Objectives

Strengthening the competences of Directors and Regional Directors of Labour Inspectorates in planning, organizing and managing labour inspection services in rural areas.

At the end of the module, participants will be able to:

- ✓ Identify the main features, specific features and challenges of Labour Inspection in rural areas; including the nature of rural labour markets and rural supply chains.
- ✓ Target workplaces, vulnerable groups and the labour issues to be inspected in rural areas and select appropriate policies, strategies and programmes to tackle these issues.
- ✓ Organize the resources of the inspectorate and plan, control and evaluate an inspection programme in rural areas.
- ✓ Develop tools and procedures for labour inspection in rural areas.
- ✓ Identify ways forward and opportunities for developing alliances and partnerships.

## TABLE OF CONTENTS

<b>1. Labour Inspection systems in rural areas .....</b>	<b>3</b>
1.1. The work in rural areas .....	3
1.2. Labour inspection in rural areas .....	7
<b>2. Implementing decent work in agriculture .....</b>	<b>11</b>
2.1. Workers’ organizations in agriculture .....	12
2.2. Employers’ organizations in agriculture .....	16
2.3. Decent work issues in agriculture .....	16
<b>3. Implementing decent work in other primary production sectors.....</b>	<b>31</b>
3.1. Decent work issues in forestry .....	31
3.2. Decent work issues in artisanal fishing .....	33
3.3. Decent work issues in small-scale mines .....	35
<b>4. Policy on Labour Inspection in rural areas .....</b>	<b>37</b>
4.1. Government: A strategic approach to labour inspection .....	37
4.2. Planning of Labour Inspection in rural areas .....	38
<b>5. Ways forward to strengthen rural labour inspection .....</b>	<b>43</b>
5.1. Inter-institutional cooperation .....	51
5.2. Working with social partners .....	45
5.3. Building new alliances .....	47
<b>Exercises</b>	
✍ Exercise 1: Priorities and Programme of Action on Rural Labour Inspection .....	55
✍ Exercise 2: Rural Labour Inspectorate structure, scope and resources .....	57
✍ Exercise 3: Improved protection of vulnerable groups of workers.....	59
✍ Exercise 4: Cooperating with intermediaries and partners.....	60
<b>Bibliography and references .....</b>	<b>61</b>
<b>Annexes</b>	
Annex 1: Contents of ILO Conventions on labour inspection of particular relevance to rural areas. ....	65
Annex 2: Conventions and Recommendations of special relevance in rural areas.....	69



# 1. LABOUR INSPECTION SYSTEMS IN RURAL AREAS

## 1.1 Work in rural areas

At the international level, there is no standard definition of “rural” which would be applicable to all countries. The term “rural” encompasses a wide range of economic sectors, activities and jobs.

### Definition of “Rural”

An ILO report on rural employment notes that, “At the international level, there is no standard definition of “rural” which would be applicable to all countries, but the size of the locality, or the smallest civil division in a country is most typical. Thus, urban areas are often defined as localities with a population of 2,000 or more inhabitants, and rural areas as localities with a population of less than 2,000 inhabitants and sparsely populated areas. For countries where density of settlement is not sufficient to distinguish urban and rural areas, international recommendations propose the use of additional criteria: the percentage of the economically active population employed in agriculture, the general availability of electricity and/or piped water in living quarters, and the ease of access to medical care, schools and recreation facilities, for example.

The Food and Agriculture Organization of the United Nation’s (FAO) definition of a “rural area” has two criteria:

- (i) Place of residence and land settlement pattern. Rural areas are generally open areas, with low settled population densities. A high proportion of the unsettled land area and/or land used is for primary production (mining, agriculture, livestock, forestry, fisheries);
- (ii) The type of work that residents engage in. The residents of rural areas are largely dependent - either directly or indirectly - on these primary production activities as their principal, if not their only source of livelihood.

Aspects of rural life and work of special relevance to Labour Inspectorates in the setting of priorities, targeting inspections, and allocating resources to help achieve decent work for rural workers and communities include:

**Large numbers of people live and work in rural areas.** Despite the impacts of urbanization and globalization of the developing world’s 5.5 billion inhabitants, 3 billion live in rural areas; nearly half of humanity in total. In 2009, there were as many as 1.068 billion workers in agriculture, forestry, fishing and hunting, representing 35% of the global workforce and a much higher portion in many developing countries.<sup>1</sup> Even with migration to cities, rural populations continue to grow, sometimes very rapidly as in sub-Saharan Africa and South Asia. In India, for example, the rural labour force still grows at 1.5 per cent a year, adding 4 million new workers annually. In Bangladesh 1 million people join the rural workforce every year. Millions of workers already employed in rural areas are trapped in low-earning jobs like agriculture, forestry, fishing, small-scale mining, and

**Table 8.2 Rural Employment by Sector of Activity and Type of Employment, Selected Countries**

Sector of Activity	East Asia and the Pacific (excl. China) (%)	Europe and Central Asia (%)	Latin America and the Caribbean (%)	Middle East and North Africa (%)	South Asia (%)	Sub-Saharan Africa (%)
<b>Men</b>						
Agriculture, self-employed	46.8	8.5	38.4	24.6	33.1	56.6
Agriculture, wage earner	9.4	10.1	20.9	9.4	21.8	4.0
Nonagriculture, self-employed	11.5	7.4	9.2	8.8	11.8	6.9
Nonagriculture, wage earner	17.4	31.4	17.2	30.9	15.4	8.6
Nonactive or not reported	14.4	27.5	13.4	26.0	14.6	21.7
<b>Women</b>						
Agriculture, self-employed	38.4	6.9	22.8	38.6	12.7	53.5
Agriculture, wage earner	5.7	5.4	2.3	1.0	11.4	1.4
Nonagriculture, self-employed	11.3	1.6	11.7	2.8	2.9	6.8
Nonagriculture, wage earner	8.4	18.1	11.5	3.9	2.7	2.8
Nonactive or not reported	35.5	46.9	51.2	53.3	64.3	32.7

Source: World Bank 2007, table 9.2.

services.

**Poverty.** The rural workforce is one of the poorest, most vulnerable and most likely to be exploited. The number of people in developing regions living in extreme poverty – on less than \$1.25 a day in 2005 prices – fell from 1.8 billion in 1990 to 1.4 billion in 2005. Current projections suggest that overall poverty rates in the developing world is falling, but at a much slower pace than before the economic downturn<sup>2</sup>.

**Rural labour markets** play a key role in determining employment and income and wage levels in rural areas. They are largely markets for unskilled labour where supply comes from workers with little formal education or training and with low levels of literacy. There are different types of employment relationship. “Occupations” in this context can be difficult to distinguish and categorize. Permanent employment has

<sup>1</sup> ILO global employment trends, 2010.

<sup>2</sup> The Millennium Development Goals Report 2009. UN Department of Economic and Social Affairs, New York, July 2009.  
[http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2009/MDG\\_Report\\_2009\\_En.pdf](http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2009/MDG_Report_2009_En.pdf)

increasingly been replaced by casual, temporary labour without written contracts, and problems such as undeclared work are increasing in many countries, along with hiring of workers through labour contractors. Vulnerable groups of rural workers include:

- migrant workers (and their families);
- indigenous workers
- forced and bonded labourers;
- people living with HIV/AIDS; and,
- child labourers.

Governance mechanisms for rural labour markets are weak. In many countries there is little or no labour inspection in rural areas.

***Wage rates*** for rural workers remain below those of their urban counterparts and there is even evidence that in many transition economies, economic growth rates are actually widening urban-rural wage gaps.

***Women workers.*** A particular feature of rural labour markets and especially agriculture is the high percentage of women working either as farmers or waged workers or a combination of both. Over 50% of rural workers are women. An important trend is the increasing share of women in waged agricultural employment.<sup>3</sup> The wage gap between men and women workers in rural areas remains a key issue together with other issues such as harassment, lack of maternity protection or childcare. The extent of women's participation in the decision making bodies of trade unions has been very low when compared to the unionization rate for women. As a result, the needs and concerns of women members are often not adequately represented by unions.

Strong economic, social and political ***power imbalances between employers and workers*** tend to be more prevalent in rural society than in urban areas and can undermine the fair and effective functioning of rural labour markets. Often employers own and control not only agricultural land, but also other assets needed by working women and men, such as housing, access to water, access to forest resources, animals, convenience stores, credit, and, in some cases, schools and health-care facilities. Complex interlocking relationships that can involve wages, barter and other types of exchanges between employers and workers can reinforce workers' dependence.

***Decent work deficits for rural workers.*** Huge numbers of self-employed and waged rural workers are in poor labour conditions. Decent work deficits typically include lack of freedom of association and collective bargaining; underemployment; low wages; poor occupational safety and

---

<sup>3</sup> Agricultural Workers and Their Contribution to Sustainable Agriculture and Rural Development. FAO, ILO, IUF. ILO Geneva 2007.

<http://www.ilo.org/public/english/dialogue/actrav/new/061005.pdf>

health standards and general working conditions; gender inequality; long hours of work; poor working time arrangements; lack of social protection, poor housing; discrimination, and weak social dialogue. Compared to those working in other economic sectors, many rural/agricultural workers are only poorly protected by national labour law.

***Poor labour regulation and enforcement.*** Where it exists, protective legislation may not be fully applicable to the agriculture sector, may be out of date or may simply not be applied. In some countries, the agriculture sector is specifically excluded from the scope of general labour legislation, - a Factories Act, for example, is limited to industrial enterprises and their workforce. Even where specific legislation has been enacted which accommodates the special characteristics of agricultural work - for example, with regard to working time arrangements, wage structure, and the provision of housing in remote areas - inspection and enforcement tend to be weak.

***Ignorance of the law.*** In many countries, in rural areas there can be a general ignorance of the existence of the applicable laws or their content. Added to this is the fact that the highest illiteracy rates usually occur among rural populations, whose local language may be other than the official language, making it more difficult for them to understand legal rules which are usually written only in the official language. Furthermore, ancestral customs in some communities have more sway than legislation.

***Rural workers' organizations.*** Labour organization for both self-employed smallholder farmers and for waged workers tends to be weak and fragmented in rural areas, where traditional, even feudal labour relations, persist, and where rural workers enjoy weaker legal rights than other workers. Labour organization is much stronger when farms are large, employment is more permanent, and labour relations more formalized, as in plantations. Rural workers' unions are more often of a territorial than a sub-sectoral type and frequently include small producers alongside pure wagers. Many rural informal economy workers are poorly organized for a variety of reasons, the main one being the lack of an employer-employee relationship.

***The importance of agriculture.*** Agriculture and associated activities is usually the mainstay of most rural economies and the main source of income, employment and livelihoods. Agriculture is a source of livelihoods for an estimated 86 per cent of rural people.

***Rapid growth of non-farm jobs.*** Whilst agriculture remains the backbone of most rural economies, nonagricultural jobs in rural areas are increasing rapidly, changing the nature of local economies and the composition of the workforce, including increasing numbers of women working. Rural, non-farm enterprises are transforming the employment structure in rural areas, with retail trade and services accounting for 60-75 per cent of non-farm jobs across all regions. Rural trading and transport, often of food, make up most of the other 25-30 per cent of rural non-farm employment. Most enterprises are small, with 80-90 per cent relying exclusively on family labour.

*Food and commodity supply or value chains.* Especially in the agribusiness sector, many rural workers - both self-employed and waged - are part of product supply or value chains supplying agricultural commodities to processors and processed food and fresh food products to retailers, both domestic and/or international (export). Many smallholder farmers, through their own outgrower associations, supply crops and livestock products under contract to plantations, and national or multinational enterprises in food processing and supermarket distribution.

## **1.2 Labour inspection in rural areas**

Labour Inspection is a public function organized by Labour Administration body in charge of enforcement. In practice, labour inspection services give much information and advice to employers, workers, cooperatives and others, through workplace visits, a function that is vital to the effective working of the organization. Where necessary, and frequently as a last resort, inspectors may take formal enforcement action in order to achieve compliance with the law.

The Labour Inspectorate is the body established by national legislation to secure the enforcement of the legal provisions relating to the conditions of work and the protection of workers while engaged in their work.

How labour inspectorates and their inspectors provide coverage to, and help protect, rural workers is often poorly documented and reported on by governments and other actors. Information and research are limited and examples of best practice are few. According to ILO information, the reality in many countries is that labour inspection in rural areas is generally weak or absent.<sup>4</sup>

### *The gaps in rural labour inspection services*

There is widespread concern that labour inspection services in many countries are not able to carry out their role and functions. Only a small proportion of agricultural enterprises are legally covered by labour inspection systems worldwide. The influence of labour inspection is in many countries, mostly confined to formal activities in urban areas, in practice.

In many developing countries, these enterprises are rarely visited in practice due to a lack of resources allocated to labour inspectorates. Other reasons in addition to the weakness of the labour inspection services, include the following:

- the wide variety of enterprises,

---

<sup>4</sup> The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has also noted the reluctance of member States to extend labour inspection systems to the agricultural sector, due in part to administrative, technical and economic obstacles. This is evidenced in the difference in ratification rates between Convention No. 81 on Labour Inspection in Industry and Commerce and Convention No. 129 on Labour Inspection in Agriculture.

- the way in which they operate,
- the legal and title framework governing their ownership and their economic mode of operation,
- their socio-economic situation and impact,
- the geographical situation,
- the characteristics of their workforce and its ability to organize in trade unions, and
- gaps in legal coverage of workers in rural areas.

### *Obstacles faced by labour inspectors*

They are often under-staffed, under-trained, underpaid and under-equipped.

- Under-staffed. Even where national legislation applies to agriculture or to other groups of rural workers, especially in developing countries, there are often far too few inspectors to assure even a token appearance at more than a tiny proportion of the undertakings. The more remote the agricultural or rural activity, the greater the problem.
- Under-trained. In many developing countries, labour inspectors receive only limited initial training with little opportunity for any in-service training, resulting in a decline in the quality of inspections and advice offered.
- Underpaid and under-equipped. In addition to low pay, many inspectors have inadequate resources to carry out their work, particularly in the matter of transport, office facilities, communication and information technology, and reimbursement of expenses. This hinders their capacity to perform inspections and take the necessary follow-up action. The squeeze on labour inspection resources can also put severe strain on the professionalism, independence and impartiality of inspectors. Many inspectors have joined the private sector attracted by higher remuneration and better career prospects.

Other factors that challenge the authority and credibility of labour inspection services include violence against inspectors and corruption. In some countries there is obstruction of inspectors and threats or actual violence against them, sometimes associated with racial prejudice, and often uncontested because of lack of police support. Inspectors may also be discouraged from making any determined effort to establish a presence in the rural sector.

So the challenge is how to build and extend labour inspection services so that workers in rural areas have similar levels of labour protection to workers in industry, commerce and services.

### ***Structure and organization of the labour inspection system***

Labour inspection structures and organizations vary widely among countries. Many countries have a generalist inspectorate dealing with employment conditions (wages, contracts of employment, hours of work etc.) working side by side with a specialist OSH inspectorate. Such a division can exacerbate the difficulties of covering the agricultural/rural sector effectively. These inspectorates usually report to the same Ministry but not always.

Although the inspection service with the widest scope is usually attached to the Ministry of Labour, some countries have different kinds of inspection services reporting to other government departments or municipal authorities but whose fields of action sometimes overlap. Sectors such as agriculture, mining, ports and offshore oil and gas platforms can be inspected by officials reporting to Ministries other than the Ministry of Labour, e.g. the Ministry of Energy or the Ministry of Agriculture. Public-sector workers may also have a specific inspection services.

In developing countries, the increasing attention to the informal economy has been one reason for the challenge to the relevance of labour inspection. There is a widespread but mistaken assumption that the role of labour inspection is necessarily negligible or limited in relation to the informal economy and even to small and medium-sized enterprises (SMEs).

Often labour inspection systems face challenges on their role and are called upon to provide evidence on the contribution they can make to economic development. It is important for labour inspectorates to assert a vision according to which their role relates to both the economic and social well-being of the whole nation, and not solely to the traditional perception of labour inspection. A clear articulation needs to be made by labour inspection systems of their contribution to a sustainable national development: a modern labour inspection service is concerned to find a balance between,

- on the one hand, labour protection in the interests of social justice; and,
- on the other hand, economic efficiency in the interests of growth and employment creation.

### ***International Labour Standards***

The International Labour Organization has two main conventions on labour inspection that are relevant to rural areas:

- ILO Convention on Labour Inspection in Industry and Commerce, 1947 (No. 81) which provides the framework for labour inspection.
- ILO Convention on Labour Inspection in Agriculture, 1969 (No. 129) which provides the framework for extending labour inspection to

agricultural workers, including workers who are not in an employment relationship or in one of dependency or subordination.

ILO Convention No. 129 is based on Convention No. 81 and so the bulk of the provisions in the two conventions are identical.<sup>5 6</sup>

Although the need to “define the line which separates agriculture from industry and commerce” is recognized in Convention No. 129, these conventions are not structured on an urban/rural divide. In reality, urban and rural areas form a continuum and are inextricably linked.

The ultimate goal is to provide labour inspection services for all rural workers in all economic sectors through the application of both Conventions Nos. 81 and 129. However, given the dominance of agriculture in the rural sector in many countries, and whilst recognizing the relevance of Convention 81 to workers in rural areas, this Module is focused on agricultural workers and those in allied occupations, including forestry, as covered by Convention No. 129. Reference is also made to labour inspection in fishing and small-scale artisanal mining. For reasons of focus and space, other occupations in rural areas are not covered in this Module.

There are other International Labour Standards, both Conventions and Recommendations which are relevant to the rural sector.<sup>7</sup>

---

<sup>5</sup> See annex 1 “Contents of ILO Conventions on labour inspection especially relevant to rural areas”.

<sup>6</sup> For further detailed guidance, see also the Labour Inspection Recommendation, 1947 (No. 81) and the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133). Reference can also be made to the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82).”

<sup>7</sup> See annex 2 “Conventions and Recommendations especially relevant in rural areas”.

## 2. IMPLEMENTING DECENT WORK IN AGRICULTURE

The term “*agriculture*” covers an enormous range of activities from highly mechanised, large scale farming, intensive livestock rearing, plantations to smallholder commercial farming and smallholder subsistence farming (with commercial forestry as a separate area of employment).

### Agriculture<sup>8</sup>

“The term agriculture covers agricultural & 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.”

According to the ILO, with a total of over 1 billion people employed in the sector, agriculture is the second greatest source of employment worldwide after services and occupies the greatest portion of the rural workforce. With over 700 million agricultural workers (mainly in China and India), Asia accounts for more than 70 per cent of the world total, and sub-Saharan Africa, with 192 million workers for almost 20 per cent.

Agriculture continues to provide the predominant source of employment in many regions, accounting for 63 per cent of rural household income in Africa, 62 per cent in Asia, 50 per cent in Europe and 56 per cent in Latin America.

### Three Worlds of Agriculture

- More than half a billion people live in “agriculture-based countries,” most of them in Sub-Saharan Africa, 49 per cent on less than \$1 a day and 68 per cent in rural areas.
- more than 2 billion people - about 75 per cent of the rural population in developing countries - reside in the rural areas of “transforming economies”, encompassing most of South and East Asia, North Africa and the Middle East, and some of Europe and Central Asia. Although agriculture contributed only 7 per cent to growth during 1993–2005, it still makes up about 13 per cent of the economy and employs 57 per cent of the labour force.
- agriculture makes up only 6 per cent of the “urbanized economies” and contributes about proportionately to growth, but the agribusiness and food industry, and services can account for 30 per cent of GDP. Although almost 75 per cent of the population of urbanized countries lives in urban areas, 45 per cent of the poor are in rural areas, and 18 per cent of the labour force still works in agriculture. Most countries in Latin America and many in Europe and Central Asia fall into this category.

Agriculture is the most important sector for women’s employment in many countries, especially in Africa and Asia. It has been estimated that rural

<sup>8</sup> ILO Convention No. 184 on Safety & Health in Agriculture, Article 1.

women produce more than half of the food grown worldwide. In rural Africa, women produce, process and store up to 80 per cent of foodstuffs while in South Asia and South-East Asia they produce and process 60 per cent of food production.

Agriculture is not just confined to the countryside. Urban and peri-urban agriculture and related enterprises already employ as many as 800 million people, and this number is likely to expand in the future.

## **2.1 Workers organizations in agriculture**

The term “rural workers” means any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, as a self-employed person such as a tenant, sharecropper or small owner-occupier;<sup>9</sup>

- who derive their main income from agriculture,
- who work the land themselves, with the help only of their family or
- with the help of occasional outside labour, and
- who do not,
  - (a) permanently employ workers; or,
  - (b) employ a substantial number of seasonal workers; or, have any land cultivated by sharecroppers or tenants.

Rural wage earners are the women and men who labour in the crop fields, orchards, glasshouses, livestock units, fish farms, and primary processing facilities to produce the world’s food, fibres and biofuels, as part of the global food chain.

They work for some kind of 'wage', which can include payment in kind, in an employment relationship, be it with a farmer, farming or plantation company, or labour contractor or sub contractor. They are employed on small- and medium-sized farms, cooperatives, as well as large industrialized farms and plantations. They are waged workers because they do not own or rent the land on which they work, nor the tools and equipment they use, and so are a group distinct from farmers.

Rural waged workers do not form a homogenous group. Their terms and conditions of employment vary tremendously, creating diverse, and sometimes overlapping, categories:

- permanent (full-time) agricultural workers;
- temporary or casual agricultural workers;
- seasonal agricultural workers;
- migrant agricultural workers;

---

<sup>9</sup> ILO Rural Workers' Organizations Convention, 1975, No. 141, Article 2.

- indigenous agricultural workers;
- piece-rate workers; or
- workers receiving some form of 'in-kind' payment.

There is a lack of clear-cut distinctions between the different categories of workers, and between the size and types of landholdings. Consequently, there are numerous types of labour relations, employment relationships, and different forms of labour force participation – and the situation varies between the industrialized and developing countries. The different categories may also be organized in, and represented by, different types of rural workers' organizations.

In many developing countries, ministries of labour - and hence labour inspectorates - limit their realm of activities to waged workers, since the contract of employment is the main point of entry through which labour administrations act. Relatively few have extended the functions of labour administration to include activities relating to the conditions of work and working life in rural areas and in the informal economy.<sup>10</sup>

ILO Convention on Rural Workers' Organizations No. 141, states in Article 3. 1: "All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations, of their own choosing without previous authorization."

*Self-employed rural workers*<sup>11</sup> include owner occupier farmers, tenant farmers, sharecroppers, squatters and nomads. Smallholder farming - also known as family farming; a small-scale farm operated by a (self-employed) household with limited labour hire - remains the most common form of organization in agriculture. They are also variously referred to as smallholdings, family farms, market-oriented smallholders, subsistence-type smallholders, etc.

Many smallholder farmers are, in reality, part self-employed farmer, part waged worker, and part employer. They regularly work on another farm or plantation, or in a non-farm job, for part of the year to supplement their meagre incomes. This phenomenon, where small farmers regularly form part of the waged workforce, needs to be taken account of in efforts to strengthen rural labour markets, and to extend rural labour inspection. Furthermore, the number of wage-dependent small farmers is growing as small family holdings are increasingly bought or taken over by large agricultural undertakings relying on waged labour. Many smallholders employ casual or seasonal labour at peak times. For example, although wage labour in rural Africa is often thought of in the context of large

---

<sup>10</sup> As foreseen in Article 7 of ILO Convention No. 150 on Labour Administration.

<sup>11</sup> All these workers as well as members of cooperatives can be covered by the labour inspection system according to article 5 of the Labour Inspection (Agriculture) Convention no.129, 1969.

commercial farms, there is an active labour market in the smallholder sector.<sup>12</sup> Farmers may also use unpaid family labour, including children.

***Agricultural Producer Organizations*** (Farmer organizations): are formal rural organizations whose members organize themselves with the objective of dealing with:

- policies on issues such as pricing and export and import of agricultural products;
- improvement of agricultural production practices;
- access to inputs and services, including agricultural credit;
- marketing of agricultural production; and
- local processing of agricultural production and its marketing.

One type of agricultural producer organization, is the smallholder farmer outgrower association.<sup>13</sup> In some countries such as, for example, Tanzania, farmer outgrower associations are formally registered with the government, and they also have a central outgrowers federation to represent them at national level.

Contract farming is becoming an increasingly important aspect of agribusiness and food supply chains, whether the products are purchased by multinational enterprises, smaller companies, government agencies, farmer cooperatives or individual entrepreneurs.

The agribusiness enterprise (plantation, food processing company, supermarket etc.) and the smallholder farmer outgrower association negotiate a product production contract agreement, generally on an annual basis. By negotiating a single renewable agreement with the farmer outgrower association, the agribusiness enterprise avoids having to deal directly with, and organize, the tens of thousands of smallholder farmers who supply it with produce. The individual farmer’s production contract is, therefore, handled via the farmer outgrower association and not directly with the agribusiness enterprise.<sup>14</sup>

Increasingly, farmer outgrower associations are providing inputs and services, for example,

- helping with hiring of seasonal and casual labour for use by the farmer members of the outgrower association, or

---

<sup>12</sup> Leavy, J., and White, H. Rural labour markets and poverty in Sub-Saharan Africa. Institute of Development Studies, University of Sussex, UK.

<sup>13</sup> Coulter, J., Goodland, A., Tallontire, A., Stringfellow, R. Marrying farmer cooperation and contract farming for service provision in a liberalising sub-Saharan Africa. UK Overseas Development Institute (ODI), Natural resource perspectives, No. 48, November 1999.

<sup>14</sup> Msangi, Y. & Hurst, P. Tanzania: Child labour, Farmer outgrower associations, contract farming, and child labour in agricultural supply chains. ILO International Programme on the Elimination of Child Labour and ILO Gender Bureau, 2009, unpublished.

- hiring labour gangs supplied by labour contractors, in areas such as land preparation, planting, harvesting and transporting produce to the local processing mill or facility.

Some outgrower associations even have a labour hiring department. Labour inspectorates may increasingly find themselves dealing with outgrower associations as hirers and users of waged labour.

#### Examples of hybrid trade union and agricultural producer organizations

Some agricultural trade unions represent both wage earner and self-employed groups. The Brazilian trade union, CONTAG, for example, had a membership composed of 3 million waged workers and 6 million smallholder farmers in 2006. Such unions usually have separate organizational and political structures for dealing with the dual types of membership. Sometimes the relationship between the two types of membership in the same organization is not easy, especially where small farmer members also employ waged labour. There are also a growing number of examples of agricultural trade unions, faced with a decline in union membership in rural areas that now recruit and represent smallholder farmers, e.g. the General Agricultural Workers Union of Ghana (GAWU).

***Trade unions in agriculture and the food chain***<sup>15</sup> Data on agricultural trade union membership are far from comprehensive. In agriculture-dependent economies, there are often specific agricultural trade unions. In countries with smaller agricultural workforces, agricultural workers are often an occupational sector/trade group within a trade union representing mainly industrial, commercial or even public sector workers. The level of trade union representation among agricultural workers, and particularly workers who are not permanent, is generally low in most countries, and particularly among women agricultural labourers.<sup>16</sup>

There are many reasons why agricultural workers remain poorly organized. Some of these difficulties are practical or financial, e.g. difficulties of organizing over large geographical areas, lack of transport for organizers, low membership dues resulting in only basic union services, and so on. Often, however, legal and administrative barriers are placed in the way of workers wishing to exercise their basic human right to freedom of association by becoming unionized and joining the union of their choice. Furthermore, waged workers engaged by labour contractors or subcontractors often face difficulties in registering as union members.

***Cooperatives*** are member-owned and controlled business enterprises that are guided in their business, social and cultural activities by a series of cooperative values and principles that oppose exploitation of labour, in whatever form.

<sup>15</sup> At the international level, many national agricultural trade unions are affiliated to the global trade union federation, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) which organises workers in the global food chain; [www.iuf.org](http://www.iuf.org)

<sup>16</sup> Wage workers in agriculture - conditions of employment and work. ILO Sectoral Activities Programme, Geneva, Report TMAWW/1996, Part I.

Worldwide, cooperatives are a major source of rural employment and an important element of local economic development. Promoting decent work makes good business sense for cooperatives especially with heightened consumer concern for socially responsible business. What is more, cooperatives have a concern for the communities within which they operate; cooperators believe in caring for others. Globally, the cooperative movement is one of the largest organised segments of civil society. In 2004, a Memorandum of Understanding was signed between the ILO and International Co-operative Alliance (ICA), which is the umbrella body for cooperatives worldwide.<sup>17</sup> Nationally, cooperatives are generally organized at primary, secondary and apex (central) organization levels.

## 2.2 Employers’ organizations in agriculture

Rural employers vary from large plantations and commercial farms through to smallholder “family units”.

Agricultural employers often have their own national organizations such as a national farmers union which may be linked to, or even part of, a national employers’ federation representing the industrial and commercial sectors as well.

In countries where agricultural commodity production is a major sector of the economy, national employers’ organizations often have affiliated crop/livestock associations that engage in sector-wide bargaining, reaching agreements with agricultural trade unions on the terms and conditions of employment that can affect wide swathes of the rural workforce. The Federation of Kenya Employers, for example, acts as a secretariat to a number of trade associations, including the Sisal Growers and Employers’ Association, the Agricultural Employers’ Association and the Kenya Coffee Growers’ and Employers’ Association. The Kenya Tea Growers’ Association is one of the federation’s affiliates. These crop/trade associations can also provide a point of contact for Labour Inspectorates.

## 2.3 Decent work issues in agriculture

Decent work deficits are widespread in rural areas, especially in agriculture. Some are related to basic labour and human rights, others to employment and working conditions. Labour inspectorates should be particularly attentive to the following areas of concern:

*Determining the employment relationship* is one of the most difficult tasks for Labour Inspectorates in a rural setting, especially given the prevalence of “family farming”, “homework” and “informal work”. Within the rural economy, employment relationships may be blurred, ambiguous, obscured

---

<sup>17</sup> The International Co-operative Alliance (ICA) is an independent, non-governmental association which unites, represents and serves co-operatives worldwide. Founded in 1895, ICA has 223 member organizations from 89 countries active in all sectors of the economy. Together these co-operatives represent more than 800 million individuals worldwide: [www.ica.coop/al-ica/](http://www.ica.coop/al-ica/)

by webs of labour contracting or deliberately disguised, making protection under the law difficult and complicated.

Article 4 of the Labour **Inspection** (Agriculture) Convention 1969 (No.129), covers all workers regardless of their employment relationship. The existence of a wage relationship with the operator should be the determining factor. The labour inspectorate is responsible for verifying whether the conditions in which the contract of employment is concluded and fulfilled comply with the applicable provisions, in particular in the case of vulnerable workers.

This insistence of the law on the employment relationship is explained by the fact that labour law seeks precisely “to address what can be an unequal bargaining position between parties to an employment relationship.” Most of the time, the law therefore makes a difference between a dependent worker who works under an employment contract and an independent worker (i.e. self-employed) who works under a civil or commercial contract.

Problems arise when the legal nature of the relationship is disguised; the form of the relationship is disguised; the relationship is ambiguous; the relationship is triangular - typically involving a worker, an intermediary (such as a temporary work agency) and a third party, “the user”. Improving the law enforcement in respect of the employment relationship is essential. For example, by training labour inspectors and clearly empowering them to identify cases of disguised employment relationship and remedy them; by training judges as there are cases where the employment relationship in law is too narrowly interpreted.

Information is the minimum action that should be taken to combat disguised employment relationship, to explain to the population which are the elements of an employment relationship and how it can be disguised and what can be done to solve this situation.

#### Guidelines for managers<sup>18</sup>

The labour inspectorate should:

- offer clear written guidance and instructions to its inspectors on the indicators and criteria for deciding whether an employment relationship exists;
- provide extensive information through different means to workers, employers, their organizations and other partners on the national law on employment contracts (permanent, temporary, seasonal, etc.).

Determining the employment relationship can be especially difficult when workers are employed by and through *labour contractors (gangmasters)*, a

<sup>18</sup> More information on the Module 7 “Inspection of the employment relationship” of the ILO Curriculum “Building modern and effective labour inspection systems”.

long-standing practice on plantations which is becoming increasingly common in commercial agriculture. Many agricultural undertakings retain a relatively small permanent core workforce whilst using labour contractors for routine work or to source additional labour during peak periods.

The provider of labour may not be an independent enterprise, but an intermediary of the actual user enterprise, set up in order to conceal the user’s identity as the real employer. This is a deliberate attempt to avoid the responsibilities of the employment relationship and as such is a fraudulent practice. Cross-border labour contracting is increasingly occurring in a variety of forms, some of which may be on the edge of legality, some clearly involving the illegal movement of persons.

Under Article 14 of the ILO Convention on Private Employment Agencies No.181, labour inspectors are specifically assigned the role of controlling these agencies. Effective implementation would contribute to controlling labour contractors.

Labour inspectorates have a critical role to play in:

- ensuring that labour contractors follow labour law and regulations, and
- helping inspectors to determine the employment relationship given that
  - a) an essential characteristic of labour contracting arrangements is that the workers concerned do not have a direct or clear employment relationship with the person or enterprise for which they perform work and
  - b) the worker is often uncertain as to who her/his employer is, and thus how to claim employment rights.

#### Licensing gangmasters in the United Kingdom

Following serious abuses by some labour contractors, the United Kingdom adopted the Gangmasters (Licensing) Act, 2004, establishing a Gangmaster Licensing Authority (GLA), a register of gangmasters, as well as a code of practice that gangmasters must follow when hiring labour. The Act also makes provision for the appointment of enforcement and compliance officers. In January 2009, the Bulgarian Chief Labour Inspectorate and the GLA signed an agreement that the two state institutions would work closely together when inspecting and regulating labour companies that provide Bulgarian seasonal workers for the UK. This agreement followed incidents investigated by the Authority in 2008 when Bulgarian seasonal workers in the UK agriculture sector reported that they were exploited. The incidents also involved violations of legislation by Bulgarian intermediary companies and Bulgarian and British employers.

## Guidelines for managers

The labour inspectorate should:

- propose the adoption of registry or licensing schemes for contractors;
- offer clear written guidance and instructions to its inspectors on labour contractors and the criteria and standards that apply based on regulations or/and legal decisions/court cases on labour contracting; and
- be prepared to offer extra support to inspectors, including from outside sources, in cases of violations of labour laws by labour contractors.

*Undeclared work* is an emerging challenge for labour inspection in many countries. It refers to kinds of work which are covered by labour law but are not in conformity with administrative requirements.<sup>19</sup> Many governments are now requiring Labour Inspectorates to more actively tackle this problem or it has been identified as a priority, especially in agriculture.

Approaches towards addressing undeclared work has largely focused on deterrence. However, there has been a shift in a number of countries towards transforming undeclared work into formal employment and to preventing people from taking up undeclared work.<sup>20</sup>

## Guidelines for managers

The labour inspectorate should:

- issue orders requiring employers to maintain a register of workers entering their service that should be available for the inspectors.

<sup>19</sup> Labour inspection in Europe: undeclared work, migration, trafficking. LAB/ADMIN, ILO Geneva 2010, Working Document No. 7.

<sup>20</sup> The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has made comments on the application of Convention No. 129, reminding ratifying States that “the primary function of the labour inspection system in agriculture should be, as established by Article 6(1)(a), of Convention No. 129, to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work. The monitoring of illegal employment and undeclared work would therefore appear to be an additional function and, as such, it should therefore be ensured, in accordance with Article 6(3), it is not such as to interfere with the effective discharge of the primary duties (...), and that it does not prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.”

### Personnel books and registers<sup>21</sup>

In many countries, enterprises are required to maintain a register of workers entering their service, which may be the only formal record of the contract (especially in the case of temporary contracts). It shows the entry of the worker and also the termination of services.

Registers should be standardized in conformity of the guidance issued by the Ministry of Labour. This type of register is an important element of legal security and serves as evidence of the employment relationship and the economic conditions of employment and must be available to labour inspectors.

Labour Inspectorates often do not adequately protect *vulnerable groups of workers in agriculture* for reasons which include the following:

- the law may confine inspection activities to particular types of workers or types of enterprises rather than all workers;
- their efforts usually concentrate on wage-based, urban employment;
- resources are always scarce, and many types of vulnerable workers are difficult to reach, thus requiring an extra effort to protect them; and
- inspection activities often focus more on organized groups of workers, rather than on more poorly organized workers.

Vulnerable groups include:

**a. Migrant workers.** Globally, the production and processing of many food crops and livestock products have become dependent on migrant workers, who are now the majority of agricultural workers in some regions or countries. For example, the European Union’s (EU) agricultural sector annually employs almost half a million seasonal workers from countries outside the EU; Malaysian agriculture uses an estimated 1 million migrant workers largely from neighbouring Indonesia.<sup>22</sup>

Whilst recognizing that seasonal migration can be welfare enhancing, the ILO observes that, “Migrant workers in agriculture often experience discriminatory treatment on the job and face strong disadvantages in terms of pay, social protection, housing and medical care. When families migrate for agricultural work, it is often only the male head of household who appears on the employer’s payroll, despite the involvement of the spouse and children in the actual work. When parents migrate alone, families are broken up with children left in the care of others.”<sup>23</sup>

<sup>21</sup> Informal economy, undeclared work and labour administration. ILO Geneva, 2005.  
<https://www.ilo.org/public/english/dialogue/ifpdial/downloads/informal.pdf>

<sup>22</sup> Workers and unions on the move: Organizing and defending migrant workers in agriculture and allied sectors. IUF Geneva, 2008.  
<http://www.iufdocuments.org/www/documents/IUFmigrantworkersmanual-e.pdf>

<sup>23</sup> Report “Promotion of rural employment for poverty reduction”. International Labour Conference, 97th session; Geneva 2008.

### Labour Inspection and labour migration

According to the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), migrant workers are workers just like all others and are entitled to equal protection. The labour inspection system should not deny them this protection on the basis of their residency status.

The CEACR is of the view that the functions of labour inspector and migration police should be dissociated. In its 2006 General Survey, it states that “the primary duty of labour inspectors is to protect workers and not to enforce immigration law” (para. 78). The CEACR has called for protection of freedom of association and the right to occupational safety and health for all workers, including migrant workers.

ILO’s constituents fully recognise the need for labour inspection to protect migrant workers. ILO’s multilateral framework on labour migration states in Section V. 9 (a): “*All international labour standards apply to migrant workers, unless otherwise stated*”. In the Conclusions of Towards a fair deal for migrant workers in the global economy,<sup>24</sup> ILO states: “*Strengthen the capacity of authorities, including labour inspection services and labour tribunals, to secure compliance with labour laws, with a particular focus on the situation of migrant workers, by building transparency, knowledge and professionalism, and by sharing best practices.*”

The labour inspectorate should:

- develop and disseminate information materials on the main contents of labour regulations in the languages of migrant workers.

**b. Indigenous and tribal peoples** form part of the agricultural workforce in many countries. Having been forced off their own lands, they often end up as agricultural workers, usually under poor employment and working conditions. In many countries in Latin America, for example, the living and working conditions of workers from indigenous and tribal peoples and their families are below the average for workers belonging to what is referred to as the “predominant society”, including non-indigenous rural workers. These differences are evident in access to education, social security, levels of trade union membership, salaries and occupational health and safety. The ILO Convention on Indigenous and Tribal Peoples, 1989 (No. 169), provides protection and rights for indigenous workers in seasonal and casual employment.

**c. Forced Labour.** The ILO Convention on Forced Labour 1930 (No. 29), Article 2 defines forced or compulsory labour as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

<sup>24</sup> Towards a fair deal for migrant workers in the global economy. ILC 92, ILO Geneva, 2004. [www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/rep-vi.pdf](http://www.ilo.org/public/english/standards/relm/ilc/ilc92/pdf/rep-vi.pdf)

The ILO Abolition of Forced Labour Convention, 1957 (No. 105) supplements Convention No. 29, in explicitly prohibiting recourse to forced labour for the purposes of political coercion, labour discipline, punishment or discrimination.

### Labour Inspection and Forced Labour in Brazil

In 2004, to combat forced labour, especially in agriculture and cattle ranching, Brazil recruited 150 new inspectors, and created a Special Mobile Inspection Unit made up of labour inspectors and federal police officers to tackle forced labour. All are volunteers, none of whom operate in their federal state of residence for reasons of personal safety and independence from local pressures. Their job is to investigate allegations of forced labour on “fazendas” (rural farm estates or ranches). Sometimes labour judges are also part of the unit so that prosecution can be carried out swiftly and on the spot. Regular evaluations of the operations of this Unit have pointed to two main criteria for effectiveness: centralized organization and absolute secrecy in planning. The investigative work of the mobile inspection teams has been replicated at the local and state level. The Brazilian Federal Government has rescued more than 36,000 workers since the creation of the Special Mobile Inspection Group.

The Brazilian labour inspection secretariat also publishes the names of employers convicted by courts as offenders regarding forced labour. The “Black List” has enabled public institutions to restrict access to credit, subsidies and social benefits. Such a “black list” has to be handled with care to avoid misuse and corruption. The Government of Brazil has also enabled federal law enforcement and judicial authorities to work closely together and to issue penalties against employers on the spot in order to end impunity. Furthermore, an agreement was signed between major Brazilian steel companies and their workers’ unions under which these companies commit themselves not to buy charcoal from any enterprise that has subjected its workers to slave labour conditions.

Labour inspectorates often lack a clear mandate on forced labour and human trafficking because

- in many countries forced labour and trafficking are criminal offences that are primarily investigated by the police; and
- the scope of labour inspection systems may not cover sectors in which forced labour practices tend to occur, such as agriculture, domestic work and the sex industry. There may also be a gap between legal provisions and their application in practice.

Providing labour inspectors with a mandate to combat forced labour requires strong political will to strengthen the labour inspection system as a whole, for example, by increasing the number of inspectors, training them and providing them with resources.<sup>25</sup>

**d. HIV/AIDS and workers.**<sup>26</sup> HIV and AIDS is a major threat at the global level and has a significant impact on the world of work. The epidemic

---

<sup>25</sup> Forced labour and human trafficking: Handbook for labour inspectors. ILO Special Action Programme to Combat Forced Labour, Geneva, 2008.

[http://www.oit.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_097835.pdf](http://www.oit.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_097835.pdf)

<sup>26</sup> “A handbook on HIV/AIDS for labour and factory inspectors”. ILO Geneva 2002.

affects the most productive segment of the labour force, women and men aged 15-49, reduces earnings, and imposes huge costs on enterprises in all economic sectors through declining productivity, absenteeism, increasing labour costs and loss of skills and experience. In addition, fundamental rights at work are often violated in the context of HIV and AIDS, with workers commonly being stigmatized and discriminated against on the basis of real or perceived HIV status, leading to denial of employment, unjustified termination and other discriminatory practices such as mandatory HIV testing for employment purposes and forced disclosure of HIV status.

HIV and AIDS should be recognized as a workplace issue given its impact on workers and enterprises as well as the unique role the workplace can play in reaching those most affected by the epidemic. The workplace can facilitate access to HIV prevention, treatment, care and support services for workers and their families whether it does so directly or by referral to services available in the larger community. Moreover, as part of the local community, the workplace can play a vital role in preventing the spread of HIV and mitigating its effects. The ILO's labour standard on this issue, the HIV and AIDS Recommendation, 2010 (No. 200), provides guidance on addressing HIV in and through the world of work.<sup>27</sup> It builds on the key human rights principles set out in the *ILO Code of Practice on HIV/AIDS and the world of work* (2001).<sup>28</sup> The role of the labour inspectorate in addressing HIV and AIDS in the world of work has been presented in the ILO publication *A handbook on HIV/AIDS for labour and factory inspectors*.

#### e. Child Labour<sup>29</sup>

The goal of ILO constituents is the progressive elimination of all forms of child labour. 60 per cent of child labour is found in agriculture, representing 131 million children under 18 years old.<sup>30</sup> Two conventions deal with child labour: the ILO Minimum Age Convention, 1973 (No. 138), and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), both of which are part of the eight core conventions making up the ILO Declaration on Fundamental Principles and Rights at Work. While great progress has been made in many countries in reducing child labour, child labour in agriculture and rural areas is still particularly difficult to tackle.

---

[http://www.ilo.int/aids/Publications/lang--en/docName--WCMS\\_114265/index.htm](http://www.ilo.int/aids/Publications/lang--en/docName--WCMS_114265/index.htm)

<sup>27</sup> The HIV and AIDS Recommendation, 2010 (No. 200) invites ILO member States to consider providing protection equal to that available under Convention No. 111 to prevent discrimination in employment and occupation on the basis of real or perceived HIV status.

<sup>28</sup> An ILO code of practice on HIV/AIDS and the world of work. ILO Geneva 2001.

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---ilo\\_aids/documents/publication/wcms\\_113783.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/publication/wcms_113783.pdf)

<sup>29</sup> Further information in the ILO publication "Combating child labour: A handbook for labour inspectors. ILO Geneva 2002.

<http://www.ilo.org/ipeceinfo/product/viewProduct.do?productId=2619>

<sup>30</sup> Tackling hazardous child labour in agriculture: Guidance on policy and practice. ILO International Programme on the Elimination of Child Labour (IPEC), Geneva, 2006.

### Labour Inspection and child labour: Examples

In cooperation with the ILO, the Turkish Labour Inspectorate hired 100 new labour inspectors to tackle child labour. As a result, from 2004-2006, more than 4,000 children in three Turkish provinces were withdrawn, or prevented, from entering the worst forms of child labour.<sup>31</sup>

In tackling child labour, especially in rural areas, labour inspectors in the Dominican Republic have cut the overall rate of juvenile workforce participation by two-thirds, from 18 to 5.8%, bringing down the number of juvenile workers from 436,000 in 2000 to 155,000 in less than 10 years.

The Ghana Employers’ Association (GEA) and five commercial oil palm and rubber plantations in western Ghana have developed a code of conduct on the elimination of child labour. To apply the code, the GEA and the companies have developed voluntary “inspection” teams made up of representatives from the Ministry of Labour’s Child Labour Unit and Factory Inspectorate, the GEA, the companies, the General Agricultural Workers Union, smallholder outgrower associations, contractor associations, and ILO.

Labour Inspectorates can help to ensure that jobs are decent, especially jobs for young people, and stimulate economic growth and rural development. Generally, it is a duty of the employment services to assist workers in finding suitable employment and assist employers in hiring suitable workers for the needs of the enterprise.

### Youth employment under decent conditions in Brazil

To help end child labour, the Brazilian Labour Inspectorate promotes youth employment under decent conditions of work. In 2004, the Inspectorate promoted the hiring of 25,215 apprentices aged 14 to 18. In the first half of 2007, labour inspectors: identified 28,510 young workers (from 14 to 24 years old) contracted as apprentices due to interventions by labour inspectors; 1,664 adolescent workers (from 16 to 18 years old) were registered as workers/non-apprentices due to inspection actions.

Labour Inspectorates can help ensure that the employer provides “young workers” (14-15 years and above depending on the country) with proper training and supervision, and good health, safety and working conditions. Otherwise these children would be defined as child labourers carrying out hazardous child labour. Under ILO Convention No. 182 on Worst Forms of Child Labour, no child (under 18) is allowed to carry out hazardous work, they would then have to be removed from the agricultural undertaking, and as appropriate, directed towards relevant rehabilitative and reintegration services.

The labour inspectorate should:

- in coordination with the employment services, provide inspectors with information, instructions and best practice on

<sup>31</sup> See comments by the ILO Committee of Experts on the Application of Standards and Recommendations: *Turkey*- direct request, 2010.

youth employment.

- collaborate with the employment services in the provision of information, instructions and best practice on youth employment to employers.
- facilitate contacts with local and district employers, their associations, and with local/district trade union branches, worker representatives, etc.

The ILO Convention on *Discrimination* (Employment and Occupation), 1958 (No. 111) establishes that there should be no discrimination in employment or occupation on the basis of race, colour, sex, religion, political opinion, national extraction or social origin. The ILO Convention on Equal Remuneration, 1951 (No. 100) aims to ensure the application of the principle of equal remuneration for men and women workers for work of equal value. Unfortunately, many countries still lack legislation for equality of treatment and equal remuneration for agricultural workers. Even where there is legislation in force, agricultural workers may face discrimination (in particular women, indigenous workers, migrant workers and lower-caste workers), as well as abusive or insalubrious working conditions. They are often paid lower wages than the legal minimum in other sectors.

**Maternity Protection.** As the ILO Convention on Maternity Protection, 2000 (No. 183), applies to “all employed women, including those in atypical forms of dependent work”, it also applies to women workers in the agricultural sector. Under C 183, pregnant and breastfeeding women should be protected from health hazards at work and women are entitled to maternity leave and cash benefits and breastfeeding mothers are entitled to nursing breaks. They are also guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of maternity leave and their employment is not to be terminated during pregnancy or maternity leave. In many countries, the basic rights of women in the agricultural sector with respect to maternity protection are not ensured due to the casual, temporary or seasonal nature of their employment. There is a lack of statistical data on coverage in this sector.

**Wages** in agriculture tend to be low, with many workers being paid below the national minimum wage. Wage setting is one of the most contentious of rural labour issues, i.e. late payment of wages.

The ILO advises on wages and the role of labour inspection is that a minimum wage should be fixed and periodically revised, in order to protect the lowest paid workers and to ensure decent standards of living to workers and their families. The principle of equal pay for work of equal value should be promoted and applied, and discrimination based on sex, age, religion or ethnicity should be eliminated. Workers must be informed about their wages and related details before entering the employment relationship.

The ILO Minimum Wage Fixing Convention, 1970 (No. 131), covers the main aspects of fair pay for workers. It requires countries to establish legislation for minimum wages for all appropriate wage-earning groups. The levels of minimum wages should be set according to the needs of workers and their families, the cost of living and the general level of wages in the country. They should be set in consultation with representative organizations of employers and workers, and, where appropriate, the direct participation of such bodies.

The labour inspectorate should:

- constantly monitor employers' compliance with the minimum wage legislation and collective agreements;
- request enterprises to keep registers on the payments made to the workers.

***Freedom of association.*** The fundamental right of both employers and workers in agriculture to establish and join organizations of their own choosing as a means of defending their interests and improving their conditions is enshrined in the principle of freedom of association as expressed in the ILO Convention on Freedom of Association and Protection of the Right to Organize, 1948 (No.87) and the ILO Convention on the Right of Association (Agriculture), 1921 (No.11). The ILO Convention on Rural Workers' Organizations, 1975 (No.141) also seeks to extend the principle of freedom of association to those working in rural areas. Despite universal recognition of the right to freedom of association, rural workers, especially in agriculture, face both legal impediments and practical challenges in asserting this right. Violations of freedom of association among those working in agriculture are frequent, as evidenced by cases examined by the ILO Committee on Freedom of Association. Violations range from regulatory restrictions and practical impediments, to physical assaults and the assassination of trade union leaders and officials in rural areas. A key element in the effective promotion of the right to organize and collective bargaining in this sector is to ensure full and effective protection against anti-union discrimination.

***Collective bargaining*** is a process of negotiation whereby terms and conditions of work are determined and rules created to govern labour relations. It is a very important tool in terms of enabling agricultural workers to obtain improvements in their terms and conditions of employment. The participants in the process are employers and their organizations on the one hand, and worker representatives, usually from trade unions, on the other. The government is sometimes involved as a third party. The process usually culminates in the conclusion of an agreement, known as a "collective bargaining (labour) agreement (CBA)", though it may also be given other names. Individual bargaining between an employer and her or his employees is not regarded as collective bargaining. The right of workers to bargain collectively with their employers is supported by the ILO Convention on the Right to Organize and

Collective Bargaining, 1949 (No.98), which is also linked to the right to freedom of association.

The ILO Workers Bureau (ACTRAV) observes that,

“Because of the large number of small undertakings and the fact that they are widely scattered, the agricultural sector has always been a sticking point when it comes to trade union and collective bargaining rights. Moreover, the genuine employer can be hard to identify when the agricultural undertakings are part of a global supply operating all over the world. A lot of rural workers are independent or else temporary or seasonal workers. It also often happens that the labour legislation does not apply to this sector or includes special provisions that are less favourable than in the industrial sector. There are many such factors that account for the poor coverage of agricultural workers by collective agreements even though in some countries - Canada, Romania, South Africa and Uruguay - there has been some progress in this area in recent years, both in law and practice.”<sup>32</sup>

*Working time* also has a great impact on workers’ day-to-day lives and general well being. The determination of normal hours of work, the regulation of overtime, the rest periods and breaks and night work should be clearly defined in the employment contract. Working time is one of the main gaps in the protection of agricultural workers, with many of them regularly working long hours, often from sunrise to sunset according to the seasons, weather and crops. These workers often exceed the prescribed limit for the number of hours worked<sup>33</sup> and national laws often exclude agricultural workers from provisions concerning maximum working time.<sup>34</sup>

*Housing and living conditions.* Agricultural workers and their families often have to live on the agricultural production site. The ILO Convention on Safety and Health in Agriculture, 2001 (No. 184), requires national regulations or the competent authority to prescribe the provision of adequate welfare facilities at no cost to the worker; and the minimum accommodation standards for workers who are required by the nature of the work to live temporarily or permanently in the undertaking.

The Recommendation on Safety and Health in Agriculture, 2001 (No. 192), specify these requirements:

- (a) an adequate supply of safe drinking water;
- (b) facilities for the storage and washing of protective clothing;

---

<sup>32</sup> Collective bargaining - Sixty years after its international recognition. ILO, Geneva, 2009.  
[http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---actrav/documents/meetingdocument/wcms\\_114972.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/meetingdocument/wcms_114972.pdf)

<sup>33</sup> ILO General Survey: Hours of work: From fixed to flexible, 2005.  
<http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-iii-1b.pdf>

<sup>34</sup> Agricultural workers are not covered by the two main ILO Conventions on hours of work (Conventions Nos 1 and 30) or weekly rest (Conventions Nos 14 and 106) nor by the Night Work Convention, 1990 (No. 171).

(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.

However, the fact is that in many countries the housing and living conditions (when provided) are very poor and the labour authorities do not have the legal basis for inspecting those conditions or, if regulation exists, the inspection visits are infrequent.

#### Inspecting living conditions

Countries including Cambodia, Guatemala, Honduras, Kenya, Mauritius, Nigeria and Uruguay have vested labour inspectors with extensive powers to inspect the living conditions of agricultural workers and their families. In Guatemala, labour inspectors are responsible for enforcing regulations concerning the accommodation and facilities provided to agricultural workers and their families (water, electricity, number of rooms, etc.). In Cambodia, labour inspectors enforce legal provisions relating to the living conditions of workers and their families on plantations, which require employers to provide benefits in the form of housing, schooling, care, food and water supplies, as well as coverage of funeral expenses.

In many countries, agricultural workers are transported over long distances on a daily or seasonal basis from their living quarters to the fields where they work. Large numbers of workers are often packed in open trucks and vehicles never intended for the transport of human passengers. Weight limitations are disregarded and safety conditions ignored. Serious road accidents involving such transport are frequent. It is often unclear whether such accidents are covered by employment injury insurance.

The labour inspectorate should:

- provide guidance, instructions and training for their inspectors on their legal powers and role, with regard to housing and living conditions, and the safe transport of workers;
- draw the attention of the competent authorities on problems regarding the transportation of workers.

Since the adoption of the ILO Convention on Social Security (Minimum Standards), 1952 (No. 102), the ILO *social security* instruments apply to employees without distinction. In industrialized countries, rural workers are usually covered by general social security systems. Pension schemes in developing countries rarely apply to the rural population. Fewer than 20 per cent of the world's agricultural wage-earners are covered by one or more of the nine contingencies mentioned in Convention No. 102 - medical care, sickness and maternity benefits, family benefits, unemployment benefits, employment injury, invalidity and survivors' benefits and old-age benefits. In some countries, the general systems of social security may

cover payment mainly in case of sickness and accidents and sometimes include pension schemes. More often, social security arrangements are informal and may be restricted simply to voluntary payments of employers to workers who suffer from temporary or permanent disability for work due to accidents.

The labour inspectorate should ensure that inspectors:

- are trained on their legal powers and role with regard to social security inspection;
- have a clear understanding of employers' responsibilities with regard to social security provisions for the workers they employ;
- have access to appropriate databases, and technical/legal support to enable them to carry out inspections and investigations with regard to social security protection for rural workers.

Labour inspection on workplace *occupational safety and health (OSH)* protection is a key role of Labour Inspectorates worldwide. The ILO estimates that over 170,000 agricultural workers are killed annually and millions more are seriously injured in workplace machinery accidents or poisoned by pesticides. Furthermore, widespread under-reporting of deaths, injuries and occupational diseases in the agricultural sector means that the real picture of the OSH for farm workers is likely to be worse than official statistics indicate.

These problems are compounded by the fact that agricultural work is carried out in a rural environment where there is no clear distinction between working and living conditions, unlike the case of the factory or office worker. As a result, agricultural workers and their families face dangers, such as exposure to pesticides at home as well as at work. Furthermore, the poverty experienced by waged agricultural workers and small farmers can contribute to increased risks of work-related ill-health due to bad diet and malnutrition.

Despite the high levels of risk, agriculture is often excluded from coverage under national OSH regulations or is the least well covered sector of the economy. The ILO Occupational Safety and Health Convention, 1981 (No. 155) requires ILO member States to develop a national policy on OSH and to enforce OSH laws and regulations through a system of inspection. The ILO Occupational Health Services Convention, 1985 (No. 161), requires ILO member States to develop occupational health services for all workers. However, many workers in the informal economy and agriculture often do not have access to any preventive or curative health care.

The ILO Convention on Safety and Health in Agriculture, 2001 (No. 184), and its accompanying Recommendation No. 192, formally guarantee agricultural workers the same rights and protection with regard to OSH as other categories of workers.

Inspectors also need to be attentive to issues of violence at work, whether in form of sexual violence and harassment, behavioral violence, psychosocial violence, or mobbing. All have the potential to inflict harm that extends to workers’ private and family lives, not only their working lives.

The labour inspectorate should:

- develop clear preventive and remedial policies on OSH; and,
- provide training and instructions for their inspectors on these issues.<sup>35</sup>

---

<sup>35</sup> Module 6 “Create a respectful workplace”. Action Manual (WISE +) ILO Geneva, 2009.  
[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_145381.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_145381.pdf)

### 3. IMPLEMENTING DECENT WORK IN OTHER PRIMARY PRODUCTION SECTORS

#### 3.1 Decent work issues in forestry<sup>36</sup>

ILO Convention No. 129 mentions forestry as a category of agriculture. It is left to each country to decide if it includes forestry with agriculture. Countries with large forest industries have usually decided to leave forestry outside their interpretation of Convention No. 129. However, as the sector may also be covered by Convention No. 81, labour inspection activities should also comprise forestry inspections.

In most countries the forestry sector is characterized by a public or state forestry service, a few large integrated enterprises producing for international and domestic markets, and a large variety of small and medium-sized forest industry units. A large part of forestry work is carried out by contractors (contractor enterprises), the size of which may vary from one to two people to hundreds of workers. In these enterprises, there are direct workers and also contract workers whose employment status may not always be clear. Small-scale forestry employs self-employed persons in their own forest holdings (and may include family members including children). Temporary workers and contractors are common in small-scale forestry.

Employment in forestry is limited to the following activities: raising trees in nurseries, planting or sowing trees, tending and protecting forests, construction and maintenance of forest roads, harvesting and transport of wood and non-wood forest products, wild life management and nature conservation, construction and maintenance of recreational facilities. In agroforestry, the cultivation of trees in crop land or pastures also plays an important role. The collection of fuelwood and non-wood forest products generates significant subsistence income in many countries.<sup>37</sup>

**General working conditions.** Work sites are usually temporary, scattered, and isolated; facilities are more difficult to arrange than at permanent work premises; climatic, topographical and biological conditions, and the large number of contractual and seasonal workers have a significant impact on labour issues and labour welfare. In industrial forestry in developing countries, workers are usually young, men with a high turnover of labour because of heavy physical work and low pay, particularly among workers employed in logging<sup>38</sup>.

<sup>36</sup> Guidelines for labour inspection in forestry. ILO Geneva 2005.

<http://www.ilo.org/public/english/dialogue/sector/techmeet/melif05/guidelines.pdf>

<sup>37</sup> Approaches to labour inspection in forestry - problems and solutions

<http://www.ilo.org/public/english/dialogue/sector/papers/forestry/wp155.pdf>

<sup>38</sup> Approaches to labour inspection in forestry - problems and solutions. ILO Geneva, 2000.

<http://www.ilo.org/public/english/dialogue/sector/papers/forestry/wp155.pdf>

**Working hours** in forestry are often more flexible than in other sectors. Many tasks can be performed quite independently, weather conditions may affect the possibility to work, managers are not able to control exact working hours.

**Wages.** In many countries, forestry is a low-paid industry. As forestry work tends to be seasonal, annual income may be low even though daily rates are relatively high. The principal wage systems applied in forestry are time work (payment per hour, day, week or month) and piece work.

Time work usually results in lower wage levels than piece work which is generally more attractive for workers and increases not only wages but also productivity. Piece work is commonly used in manual or motor-manual wood harvesting. However, it favours risk-taking and may therefore result in higher accident rates than time work. In mechanized forest operations, hourly wage rates plus a production bonus are more common. Task work is based on a daily wage for a daily target, working time being flexible. It tends to lead to rather low productivity.

Within a given country, wage levels tend to be rather different depending on task and qualifications. The highest wages are paid to operators of machines such as tractors, bulldozers or harvesters. A helper to a chain saw operator will earn much less than the chain saw operator. Generally speaking, payment is higher for logging than for silvicultural tasks. Group wage systems may be in use. The group members divide the sum they have received for a certain task. Helpers are often used in felling, and the wage can be paid by the chain-saw operator or by the main employer. All these arrangements require clear and precise agreements, not only on remuneration, but also on arrangements for supervision and on other rights and responsibilities. In many countries, it is up to the employer and trade unions to negotiate remuneration. Still,

- Minimum levels of pay may be set in statutory instruments.
- Remuneration can be based on piece rates, time wage or combinations of these.
- Under no circumstances should the payment system encourage workers to take risks or to engage in unsafe work to meet production targets.

**Living conditions.** Forestry workers are sometimes required to stay at temporary work camps in remote areas to remain near their place of work. Camps are usually owned and managed by employers. This geographic isolation can make enforcement of labour standards more difficult. Standards of living should not threaten the health and safety of workers and adequate facilities for eating, sleeping, washing, cooking, sanitation and where possible, communication, should be provided. There should be separate quarters for women and men for sleeping and washing. There should always be access to sufficient drinking water and food.

**Occupational safety and health.** Forestry continues to be one of the most hazardous industrial sectors in most countries, with high rates of accidents

and a high incidence of occupational diseases. Early retirement is common among forestry workers. However, clear evidence shows that good OSH performance in forestry is feasible. In some countries with good management practices and legislation, the accident rate is similar to the general industry average.

Small-scale operations on farms and private small wood holdings are of particular concern. These situations and tasks are often neglected in analyzing OSH and in carrying out improvement projects. In small-scale forestry, the risk of accidents tends to be high because of poor work equipment and safety gear, unskilled and inexperienced workers, and lack of awareness of safety hazards. Most of these accidents are not reported as they are not covered by accident compensation or other systems for collecting statistics.

Forest work is usually done by small groups of workers often widely scattered on frequently changing worksites, often in remote areas. This renders supervision and control difficult and demands a great deal of self-sufficiency and independence from workers to adequately organize their jobs and to take care of themselves.

### **3.2 Decent work issues in artisanal fishing<sup>39</sup>**

In the coastal zones of developing countries, although there are substantial industrialized fishing activities, most fishers<sup>40</sup> are in the artisanal small-scale sector. Most still work in the "informal" economy. This includes self-employed fishers, the employees of very small fishing enterprises employing one or two fishers on either a regular or casual basis, and fishers who have no formal employment relationship with their employer. Many fishers are engaged only partly in fishing and derive the rest of their income from agricultural or other occupations. A fisher may be the boat owner or a member of the same household as the boat owner, may have some other long-term traditional arrangement with the boat owner, or may be a casual labourer without any particularly strong links to the boat owner.

In developed countries, many fishers are also employed in the small-scale fishing sector and may work under informal or casual employment arrangements.

In countries where employer-worker relationships are normally recognized by legislation, fishers may be excluded from such provisions because of the sharing arrangements peculiar to the fishing industry. This exclusion can lead to difficulties in obtaining unemployment insurance, health care and other benefits enjoyed by many shoreside workers. Oral contracts may make it difficult to seek redress for pay-related problems.

---

<sup>39</sup> Report for discussion at the Tripartite Meeting on Safety and Health in the Fishing Industry. ILO, Geneva 1999.

<sup>40</sup> "Fisher" is the accepted term used for men and women workers in the fishing sector in the ILO Convention No. 188 Work in Fishing.

### The share system

The traditional system of remuneration in the fishing industry is the sharing of the catch. Crew and boat owner must together cover certain operating expenses which are deducted from the gross proceeds obtained from the sale of the catch. The net proceeds are then divided among the boat owner and the members of the crew according to an agreed formula. The risk is shared by the fishing vessel owners and the members of the crew. The earnings incentive encourages the crew to improve productivity. In order to maximize their share of the proceeds, fishers tend to operate with as few crew members as possible. Variations in the catch make it difficult to estimate an optimum number of crew for a vessel. This can lead to periods when the crew is underemployed and others when the crew works excessive hours.

Sometimes, fishers are paid based on a share of the catch yet are also guaranteed a minimum wage. The fisher's income continues to depend on the size of the catch and the proceeds from its sale, but the sharing is usually done before, rather than after, the deduction of operating costs. In some operations, fishers receive both a regular salary and a share of the catch.

The share system can be motivating, create a sense of team spirit and give everyone a stake in the result, but it can also cause fishers to accept poor working conditions and long working hours. In order to increase their income, the skipper and crew will ensure that fishing gear is in use for as long as possible. This can lead to hasty manoeuvring and the adoption of unsafe practices. The working rhythm, which is controlled by the size of the catch, the length of the trip, the length of the haul and quality requirements, may be an important factor in accidents. The lack of a minimum wage for fishers and the vagueness associated with fishing income may also lead some fishers to take unnecessary risks.

In large-scale fishing enterprises, there are generally more formal employment relationships. Although most fishers are usually at least partly paid according to the share system, they generally have the benefit of being unionized and covered by collective agreements. The agreements themselves often reflect traditions which have their origins in artisanal fisheries.

Sea fishing has, at least in many countries, traditionally been carried out by men, while women have been much more active in fish processing and marketing. The advent of factory trawlers led to a greater number of women on vessels at sea, with the majority of workers on the processing lines of some vessels being women. However, women are also becoming more active in fish catching. In some countries, such as Norway, determined efforts have been made not simply to eliminate discrimination but to actively recruit women. Yet, in many places in the world old stereotypes and even superstitions remain.

Child labour can also be a problem, as many children are working in the fishing industry, either as members of a fishing family or working for others, often to the neglect of their schooling. Children may engage in a wide range of activities in capture fisheries, aquaculture, post harvest activities and related activities, especially in the informal small and

medium scale sectors, and such work may be classified as hazardous work.<sup>41</sup>

### **3.3 Decent work issues in small-scale mines**

Mining is not a major employer. It accounts for perhaps 0.5% of the world's workforce – about 11 million people. However, for every mining job there is at least one job that is directly dependent on mining. An additional 13 to 20 million people work in artisanal small-scale mines (ASM).

- Women are estimated to constitute approximately 30% of the ASM sector; generally deriving far fewer benefits from ASM than their male counterparts, yet more affected by the negative impacts of ASM.
- ILO estimates that children account for 7.7% of ASM workers, or 1.0 to 1.5 million evenly split between boys and girls.

People dependent on ASM for their livelihood are highly vulnerable. Life is difficult for the vast majority of people engaged in the ASM sector, where extreme poverty is a common condition. Not only does mining involve high-risk activities, but miners and their families are also routinely exposed to associated OSH risks including endemic and occupational diseases; crime; sexual abuse; and regular exposure to harmful chemicals. Mining remains the most hazardous occupation when the number of people exposed to risk is taken into account.

In many countries ASM is informal and illegal and the rights of miners are ignored. Even where ASM appears in the formal sector, legal protections may be minimal. Miners are vulnerable to expulsion, intimidation, and labour and human rights violations. They generally lack secure titles, and access to finance and suffer exploitation by intermediaries. ASM populations are often vulnerable to conflicts over land and mineral rights, revenues, and market access.

Despite these challenges an increasing number of people are entering the ASM sector either enticed by the prospect of getting rich quickly or securing a livelihood. In Africa alone, over five million people are now directly engaged in ASM activities, and that figure is expected to triple in the next decade, as low economic growth persists in many African countries. Environmental degradation, exacerbated by increased population pressures, is likely to further stress already vulnerable mining communities and the resources upon which they depend.

The Communities and Small-scale Mining (CASM) Initiative<sup>42</sup>, in which the ILO participates is working to change the ASM sector into a positive resource for community development.

---

<sup>41</sup> “Final Recommendations”. FAO Workshop on Child Labour in fisheries and aquaculture in cooperation with ILO. Rome, 5 May 2010.

<sup>42</sup> CASM is a global networking and coordination facility with a stated mission to “to reduce poverty by improving the environmental, social and economic performance of artisanal and

## 4. POLICY ON LABOUR INSPECTION IN RURAL AREAS

### 4.1 Government: a strategic approach to labour inspection

The strategies for improvement of rural labour inspection services to be put in place depend upon the particular situation in the Member State, political imperatives, financial capacity and practical possibilities.

- An action programme should be presented to Government by the Labour Inspectorate, in order to stimulate the political will and the necessary resources to ensure adequate inspection in rural areas.
- Clear priorities and an action programme should be presented to inspectors, to ensure that the inspection process is systematic.
- Efforts should be made to inform and motivate employers and workers, to comply with labour legislation and to ensure decent work.

The lack of political will, lack of finance or expertise are not an excuse for inaction.

Those responsible for labour inspection in agriculture and rural areas must influence their colleagues in Government to:

- ✓ ensure that agricultural and rural workers are not exempted from labour legislation nor from the coverage of labour inspection services;
- ✓ support tougher legislation to protect workers in all sectors;
- ✓ ensure policy coherence across all the relevant ministries and agencies that deal with rural work...i.e. dept of agriculture, labour, health, environment, gender, etc.
- ✓ promote integrated or coordinated labour inspection systems so that rural labour inspection is on par with labour inspection in industry and commerce;
- ✓ ratify and transpose into national legislation relevant ILO Conventions, especially Nos. 129 on Labour Inspection in Agriculture, and 184 on Safety and Health in Agriculture;
- ✓ help set priorities in terms of sectors requiring proactive inspection;
- ✓ help develop policies and procedures in relation to the investigation of complaints, and occupational accidents and diseases, so that is not swamped by short-term demands on the inspectors' time do not preclude important preventive activity;

---

small-scale mining in developing countries.” CASM is currently chaired by the UK's Department for International Development and is housed at the World Bank headquarters in Washington, D.C.

- ✓ help develop policies in relation to the use of sanctions and in particular the guidance which is given to inspectors on the balance between help, advice and information on the one hand, and enforcement of compliance or the institution of legal proceedings on the other;
- ✓ increase the funding of the labour inspectorate to enable sufficient inspectors to be recruited, and adequately trained to enable inspectors to actually do the job, for instance by providing adequate transport and information technology budget;
- ✓ promote training and a system of qualifications, which include health and safety, for workers, farmers and farm managers;
- ✓ encourage and, if necessary, finance, the labour inspectorate and other organizations to produce and distribute concise guidance on hazards, risks and preventive measures in agriculture, forestry, and other hazardous rural occupations including advice on prevention of injury and ill health to children on farms; where appropriate also in local languages or dialects;
- ✓ establish registers of agricultural undertakings or improve existing registers;
- ✓ develop policies and programmes for new and emerging risks;
- ✓ ensure a gender balance in labour inspection teams, and include gender issues as part of their preparatory training;
- ✓ promote and build new alliances.

## 4.2 Planning of Labour Inspection in rural areas

Some of the key points for the planning of Labour inspection activities are:

**1. - *Identifying the enterprises and workplaces to be inspected.*** This is one of the main challenges in rural labour inspection: knowing the legal address of the enterprises, the location of workplaces and when there are workers in those workplaces.

Accurate and well maintained databases and registers are the main tools for recording this information. Updated information should come from other government services and statutory bodies (mainly, registers of property, municipalities, agricultural officers) as well as from the inspectors' visits. Agricultural officers' information is key to knowing what is produced in different areas and where there are seasonal work activities.

**2. - *Identifying the needs and problems.*** Information should be gathered from complaints, previous inspection visits, conversations with stakeholders and other government services, etc.

An important means to get information on problems is to develop an easy and effective system to receive and process complaints, and to disseminate information on how to use the complaints procedures as

widely as possible this possibility especially among workers and rural trade unions.

**3. - Deciding on priorities, objectives and resource allocations.** Deciding which topics should be prevalently addressed and with which resources, e.g. between OSH inspections and inspections on undeclared work, wages, etc.

**4. - Evaluating the inspector's needs** as, for example, transportation or the measures to ensure the security of the inspectors in rural areas. Rural labour inspectors are often exposed to intimidation and even violence. Some measures can be considered in this regard:

- Get information from previous inspection visits of the general attitude of the employers.
- A police officer could accompany the inspector if hostilities are known to be serious.
- Instruct inspectors to avoid confrontation in any case and, especially, when they are facing hostile behaviour. They can return later with police support.
- Mobile phones, localization and contact devices are helpful for inspectors.

#### Security of inspectors

Two labour inspectors in France, and three labour inspectors and their driver in Brazil, were shot dead in 2004. In both cases, the inspectors were making inspection visits in rural areas.

The Inspectorate should recognize that transportation is indispensable in most rural areas. The practice of using the employer's transport could compromise the inspector's image of independence among workers.

**5. - Deciding on the inspection methods and strategies.**

#### Types of inspection visits

- Routine, proactive inspection - planned and at the initiative of the Inspectorate.
- Reactive inspection - to investigate an accident, incident, disease, or a complaint, or carried out at the request of other authorities.
- Follow up inspection - to determine the extent to which the undertaking or enterprise has responded to the outcome of an earlier routine inspection.
- Spot check inspection - unannounced, to check a particular activity/process being carried out.
- Special inspections- in response to a national or local programme/initiative on a particular issue, e.g. undeclared employment, asbestos OSH initiative.
- “Blitz” or campaign inspections - inspections made in quick succession in a given geographical area to a large number of undertakings in a specific sector, e.g. agriculture, construction.

Inspection visits. Labour inspectorates should provide practical guidance and instructions to labour inspectors on topics/areas/issues and procedures to be followed.

Proactive and reactive approaches. The inspection plan should include a balanced proportion of “proactive” and “reactive” inspections.

Advising vs. enforcement strategies. In general terms, as one of the main reasons for breaches in compliance with labour law is the lack of information on the part of both workers and employers, information and advising strategies should be especially reinforced. Nonetheless, serious breaches to fundamental labour rights should always have a strong enforcement response.

Information and training. Information and training can be provided in many different ways. A number of countries include the employer’s obligation of posting the labour law (or an extract of the most relevant sections) in a place accessible to the workers. The Australian Government, for example, has released regulations requiring the employer to provide a copy of the Workplace Relations Fact Sheet to his employees.<sup>43</sup> Labour inspectorates can also provide this information,<sup>44</sup> directly during the inspection visits, in partnership with other organizations or, more conveniently, by convoking the duty-holders to special information sessions. Such information should be gender sensitive, and illustrations should not reinforce stereotypical gender roles.

#### UK Safety and Health Awareness Days<sup>45</sup>

In partnership with the labour inspectorate the Health and Safety Executive (HSE), the national employers’ and workers’ organizations and the national training institutes, awareness-raising events on OSH primarily aimed at SMEs and the self-employed in the agriculture sector have been held at training centres around the country. Lasting half a day, the events focused on safety and health priorities known by the labour inspectorate to pose the most serious safety and health risks. The events were very practical and trainers gave demonstrations of how to improve working conditions, eliminate hazards and reduce risks.

Attendance is voluntary and free of charge, with lunch and refreshments provided. Free information and guidance are available during the day. The incentive to come to the events was an undertaking by the inspectorate not to select the enterprises that had attended the training event for preventive inspection in the following 2 years. Such an incentive proved very successful, and many SMEs and self-employed farmers attended. Subsequent evaluation showed that many of them put the advice into practice as a result.

HSE has run over 140 of these events in the past ten years, attended by over 43,000 people. The audience is usually made up of family farmers, the self employed and those employing up to four workers.

<sup>43</sup> [http://www.afif.asn.au/pdf/2007/news/FS\\_WR\\_020707.pdf](http://www.afif.asn.au/pdf/2007/news/FS_WR_020707.pdf)

<sup>44</sup> The Ministry of Labour and Employment of Brazil designed and disseminated in 2009 a customized booklet for forestry workers to provide them a better understanding of their rights under the labour law: <http://www.oit.org.br/info/downloadfile.php?fileId=438> (Portuguese)

<sup>45</sup> Safety and Health Awareness Days:  
<http://www.hse.gov.uk/agriculture/shads.htm>

Public awareness, working with local press, radio and television.

Building partnerships with social partners and other governmental and non-governmental organizations.

#### Campaigning in rural areas<sup>46</sup>

"Members states should undertake or promote educational campaigns intended to inform the parties concerned, by all appropriate means, of the applicable legal provisions and the need to apply them strictly as well as of the dangers to the life or health of persons working in agricultural undertakings and of the most appropriate means of avoiding them. Such campaigns might, in the light of national conditions, include:

- (a) use of the services of rural promoters or instructors;
- (b) distribution of posters, pamphlets, periodicals and newspapers;
- (c) organization of film shows, and radio and television broadcasts;
- (d) arrangements for exhibitions and practical demonstrations on hygiene and safety;
- (e) inclusion of hygiene and safety and other appropriate subjects in the teaching programmes of rural schools and agricultural schools;
- (f) organization of conferences for persons working in agriculture who are affected by the introduction of new working methods or of new materials or substances;
- (g) participation of labour inspectors in agriculture in workers' education programmes; and
- (h) arrangements for lectures, debates, seminars and competitions with prizes."

Strategic inspection refers to actions other than the traditional inspection visits having an extended impact on the stakeholder community. An increasing number of inspectorates are realizing the value of making information on their work, including results of inspections, publicly available in order to:

- create a deterrent effect to those who are not in compliance with the labour legislation;
- create a culture of compliance with labour legislation;
- build public support for their work.

Information/computer technology networks. Mobile phones, internet and other advances in communication technology are bringing new opportunities for development and outreach.

**6. - Plan the office and individual workplans.** Consider carefully the schedule of the activities taking into account the seasonal activities of rural enterprises.

---

<sup>46</sup> Paragraph 14(1) of Recommendation No. 133 concerning labour inspection in agriculture.  
<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R133>

## 7. - Monitor, control and evaluate the performance and impact.

Institutional goals of the Labour Inspectorate in 2010 & results achieved, Brazil <sup>47</sup>			
Action	Goal description	Goal	Achieved
Inspection of the labour obligations	Workers registered as a result of action of the Labour Inspectorate	500.000	515.376
Inspection of rural work	Rural workers registered under the Inspection action	108.500	78.218
Insert young workers in the labour market	Young workers inserted in the labour market under the Inspection action	100.000	87.218
Insert disabled workers in the labour market	Disabled people inserted in the labour market under the Inspection action	35.000	28.752
Inspection of OSH	Inspection visits carried out	130.000	135.621
Inspections the eradication of forced labour	Actions carried out	180	142
Inspections for the eradication of child labour	Children / teenagers in regularized situation	10.000	5.611

<sup>47</sup> Elaborated from Decrees 270 and 271, 17 February 2011, Ministry of Labour and Employment, Brazil.

## 5. Ways forward to strengthen rural labour inspection

### 5.1 Inter-institutional cooperation

*Government services and statutory bodies.* In the exercise of their functions, labour inspectorates and inspectors are called upon to maintain effective and constructive relations with other government services and statutory bodies.

The labour inspection service and the social security authorities complement each others’ efforts. In some countries, e.g. in Spain and certain Latin American countries, the labour inspection service exercises a certain amount of supervision over social security funds. Furthermore, as the respective objectives of the two bodies are complementary, the benefits of bringing them together under a single government authority are becoming increasingly evident in other countries.

Effective support from the police can be useful, and sometimes essential, in carrying out certain inspections. In some countries, occurrences concerning OSH must be reported in the first instance to the police.

The effectiveness of the sanctions available to the labour inspectorate depends to a large extent on the way in which the judicial authorities deal with the case files referred to them by or on the recommendation of the labour inspectors.

Tax authorities and the ministries responsible for the sectors covered by inspection are potential allies. Machinery should be put in place to ensure that any information needed to identify establishments and undertakings legally liable to inspection and held for other purposes by other public authorities (for example, finance and tax authorities, or departments responsible for issuing operating licenses) is made available to the labour inspectorate.

In view of the growing numbers of foreign migrant workers, many inspectorates are increasingly being asked to cooperate with immigration authorities.” As this is often controversial, the ILO notes “... that, such cooperation should be carried out cautiously, keeping in mind that the main objective of the labour inspection system is to protect the rights and interests of all workers and to improve their working conditions”.<sup>48</sup>

The labour inspector can be in touch with the municipal or district authorities responsible for public health and (town) planning. Exchange of information and consultation can be especially valuable, for example, when hazardous work activities are being undertaken in proximity to planned industrial or residential building projects, or water catchment areas.

---

<sup>48</sup> Report of the Committee of experts on the Applications of Conventions and recommendations (Report III, 1A) ILO, Geneva, 2008.

***Cooperation between labour inspectorates.*** Cross border inspection is becoming a main subject for discussion, especially in the context of undeclared work in Europe. For example:

- cross border cooperation has been included as a central topic for meetings of the European Union's Senior Labour Inspection Committee.<sup>49</sup>
- a bilateral cooperation agreement has been signed between the Polish labour inspectorate and the labour inspectorates of the Baltic States. The cooperation is related to information exchange on terms of employment; irregularities discovered and infringements identified during inspections; coordination of proceedings in case of work accidents; joint coordination of investigations to monitor compliance with the laws of both countries concerned; annual meetings; and an exchange of information on national inspection systems.

***Cooperation between Ministries.*** International discussions have identified the need to improve coordination between the labour inspectorate and government departments with parallel or related responsibilities in health, education or industrial and commercial development. Better coordinated efforts are needed to tackle the structural causes of inadequate and hazardous working conditions. The ILO emphasizes the need for active coordination between the various Ministries with a responsibility for labour administration, urban and rural labour inspection, OSH in agriculture, health, education and so on, to ensure optimal and efficient use of inspection and educational resources – which are often very scarce particularly in developing countries.

#### Cooperation between ministries in the fishing sector, Brazil

In coordination with the Ministry of Fishing (MF), the competent authority for the activity, the Labour Inspectorate uses the general list of all qualified fishing boats and the list of the program of subsidies for the purchase of diesel engines, to identify boats to be inspected. A convergence of interests between the Labour Inspectorate and the MF exists, because the labour inspectorate participates in the control of clandestine boats which are responsible for the predatory fishing that causes damage to the conservation of the fishing-grounds.

With the Ministry of Environment, the Labour Inspectorate coordinates its actions using an advanced system of remote monitoring, the National Program of Tracking of Fishing Boats by Satellite (PREPS). This system allows the monitoring in real time of the location of large industrial and commercial fishing boats.

<sup>49</sup> The global economic and social crisis and its impact on labour inspection systems. ILO LABADMIN, Social Dialogue Sector, Geneva, November 2009.

## **5.2 Working with social partners**

Labour inspectorates can only achieve their objectives if there is effective collaboration with employers and workers in their programmes and activities. There are a number of ways in which the social partners and labour inspectorates can work together:

***Employers organizations.*** The effectiveness of labour inspection services is considerably enhanced if it is supported by the concerted action of employers and their representatives, and it is seen as providing services to employers. Central employers’ federations can facilitate cooperation and dialogue.

Employers’ organizations can also contribute to rural labour standards promotion by linking up strategically with farmers’ unions (agricultural producer organizations), cooperatives and other member-based organizations in rural areas.

In more and more countries, labour inspectors provide training for employers’ representatives or staff, for example, safety engineers or occupational nurses. Increasingly, in the small enterprise sector, employers and employees are offered training programmes that combine elements of business management and basic labour protection as a service of the inspectorate.

***Consortia of rural employers.*** A “consortium” is a formal association of individual rural producers whose sole purpose is the direct hiring of rural workers. Unlike a producers’ cooperative, a consortium is an association in which members’ liability is limited only to labour-related issues (i.e. excluding production, distribution, etc.). They are “collective rural employers” that hire individual workers in the same way that any firm formally hires a worker.

### Rural consortium, Brazil

Rural consortia were pioneered by Brazilian labour inspectors who, in the late 1990s, found widespread illicit hiring arrangements when inspecting farms in Minas Gerais's new grain-producing agricultural frontier in the northwest of the Federal State. They included false labour cooperatives and the use of intermediaries (*gatos*) by medium- and small-scale rural employers due to 'the prohibitive financial and administrative costs of formally hiring workers under the official "work permit" system'.<sup>50</sup>

In 2001, 3,500 rural producers in 103 consortia helped regularize the employment of 65,000 workers. In 2008, there were more than 150 consortia in Brazil, including 46 in Minas Gerais. Consortia have worked best in irrigated areas or regions with diversified crops that allow for the staggering of harvests.<sup>51</sup>

The consortium is a solution that respects the legal principle of extending formal employment, while offering an efficient way to allocate temporary labour in rural areas. Members share the burden of administrative costs, the mandatory payments for workers' benefits (e.g. retirement benefits, unemployment insurance), and compliance with health and safety standards. For workers, consortia offer opportunities for longer-term employment, as they move from farm to farm, and the right to enjoy all statutory benefits. Moreover, consortia simplify relationships between producers and inspectors, since the latter can check the operation of consortia through monthly reports, instead of inspecting every single rural property, thereby reducing the pressure felt by farmers.

**Trade unions.** (Waged) workers are the primary clients of labour inspection services. It is therefore indispensable that labour inspectors and workers have a close relationship built on trust. Such a relationship can be established with trade unions and, within enterprises, with workers representatives in works councils and labour protection/OSH committees, shop stewards, and health and safety representatives.

**National tripartite bodies.** In a number of countries, a national consultative body, of tripartite composition and with a general mandate for labour issues, is appointed as a basic framework for collaboration between workers' and employers' organizations and the labour inspectorate in the area of OSH.

Agriculture sector-specific tripartite bodies have been established in some countries, namely in Finland, Hungary, Portugal, Romania, Slovenia, Spain and the United Kingdom. The main issues dealt with by of the active

<sup>50</sup> In Brazil, a formal worker possesses a legal work permit, known as *carteira de trabalho*, in which her/his employers must record all new employment contracts and any amendments to an existing contract, thereby building up the employee's employment history over time. The permit entitles workers to receive benefits paid for by the employer (e.g. wages, retirement benefits, unemployment insurance, etc.) while making firms liable to costs such as the taxes and contributions that finance social benefits.

<sup>51</sup> Pires, R. Promoting sustainable compliance: Styles of labour inspection and compliance outcomes in Brazil. *International Labour Review*, Vol. 147 (2008), no. 2-3, p 208.

tripartite boards are occupational accidents and diseases, training, wages and working time.

#### Tripartite structures in the United Kingdom

The Agricultural Wages Board (AWB)<sup>52</sup> is an independent body with a statutory obligation to fix minimum wages for workers employed in agriculture in England and Wales. The Board also has discretionary powers to decide other terms and conditions of employment, e.g. holidays and sick pay.

The Agriculture Industry Advisory Committee (AIAC)<sup>53</sup> was the first advisory committee to be established by the Health and Safety Executive (then Commission). It meets two to three times a year and is a source of independent advice and expertise. AIAC acts as a sounding board for the agriculture sector, reflecting its views and identifying barriers to improvements. It predicts future structural changes in agriculture, anticipates their likely impacts on health and safety performance, and assists in the development of appropriate strategies.

### 5.3 Building new alliances

Strengthening labour inspectorates and expanding their services are central to efforts to improve labour rights and standards in rural areas. Their limited resources, however, mean that labour inspection services can be more effective only if they enter into alliances with a broader group of organizations, some of whom, like groups working on minority and human rights, women’s rights, child rights, and social activists, may be less familiar to Labour Inspectorates.<sup>54</sup> Building new alliances could involve the following potential partners:

The *media* can play a fundamental role in promoting and supporting social and labour principles and values, contributing to developing and consolidating a culture of respect for principles and rights at work. Strategic alliance with the media can give the opportunity of organizing awareness campaigns on workers rights, and create a positive image of labour inspection as a tool for economic and social development.

*Agricultural extension advisory officers* of ministries of agriculture are usually much more numerous than labour inspectors and much more mobile and actively present in rural areas. Extension officers work directly with farmers and farmers groups, have authority and engender confidence among farmers. For inspectorates, they could be primary vectors of labour information and prevention messages but, like the retailers of agricultural

<sup>52</sup> Agricultural Wages Board for England and Wales.

<http://www.defra.gov.uk/foodfarm/farmmanage/working/agwages/awb/index.htm>

<sup>53</sup> Agriculture Industry Advisory Committee:

<http://www.hse.gov.uk/aboutus/meetings/iacs/aiac/further-information.htm>

<sup>54</sup> Deshingkar. P. Extending labour inspections to the informal sector and agriculture. Overseas Development Institute, Chronic Poverty Research Centre, UK. Working Paper November No. 154, 2009. [http://www.chronicpoverty.org/uploads/publication\\_files/WP154%20Deshingkar.pdf](http://www.chronicpoverty.org/uploads/publication_files/WP154%20Deshingkar.pdf)

machines, tools and chemicals, they lack training and information on labour and OSH issues in agriculture.

**Farmer Field Schools (FFS) and Farmer Life Schools (FLS)** training programmes and networks are coordinated by the UN Food and Agriculture Organization in cooperation with national ministries of agriculture and their agricultural extension services. They are field-based training initiatives in which groups of farmers or junior farmers meet regularly to study particular topics - from integrated pest management or animal husbandry and soil husbandry to income generating activities. Issues addressed in FLS include poverty, HIV and AIDS, landlessness, domestic violence and children's school attendance. Junior Farmer Field and Life Schools adapt the FFS and FLS approaches to the needs and situations of young people. FAO and ILO's International Programme for the Elimination of Child Labour have produced a joint training module on child labour for use in all these three types of farmer training.<sup>55</sup>

Promoting labour inspection coverage through synergies with **public health care systems** is another option. Labour inspectorates could interact and work with primary health care workers in the villages and rural communities where they are active to find common interests and complementarities. There is a need to develop complementary systems to protect the health of agricultural workers as, according to the World Health Organization: "*With the introduction of new agricultural techniques, agriculture has become an industry for which systems based on (labour) inspection are inadequate. Labour inspectorates could interact and work with primary health care workers in the villages and rural communities where they are active to find common interests and complementarities*".<sup>56</sup>

**Agricultural producer organizations** including young farmers can be constructively engaged by Labour inspectorates. National associations can be invited to support a particular labour issues campaign affecting its members. Young farmers can be encouraged to organise activities with themes related to health and safety for example. Competitions on "Efficiency with Safety" can be judged not just in relation to the practical outcome of some everyday farming task, but also as to how safely it was performed.

There are **farmers' and agricultural cooperatives** in just about every country. Labour inspectorates could interact and work with cooperatives at primary, secondary and apex organization levels, in ways which include:

- Cooperative audits to cover application of labour rights, OSH standards and working conditions for their own workers and with producers in cooperative supply chains;

---

<sup>55</sup> Getting started! Running a Junior Farmer Field & Life School. FAO, Rome 2007.

<sup>56</sup> World Health Organization training manual on occupational health for primary health care workers.

- Using cooperative training colleges and outreach training networks to provide information and training on labour protection, OSH and labour inspection to rural workers and communities.
- Working with cooperatives in their community outreach work with local citizens and groups to raise awareness on labour rights, OSH standards and labour inspection.

Cooperatives can incorporate promotion of labour rights and OSH standards in their campaigns, for example, in national or international poverty eradication campaigns, educational initiatives, and efforts to eliminate child labour abolition<sup>57</sup>.

*Multinational enterprises (MNEs)*, which are also referred to as transnational corporations, can exert enormous influence on labour practices in their own business operations and in the enterprises in their supply chains. Many MNEs now operate corporate social responsibility initiatives committing themselves to improve and strengthen social, economic and environmental components in their business operations, including labour and OSH standards. Some also urge compliance with such standards among their suppliers.

Regarding *private, voluntary, audit and certification schemes* and labour inspection: The 2006 ILO Governing Body discussion on labour inspection acknowledged that, “Recent years have seen a dramatic rise in private systems for assessing a private (and sometimes public) enterprise’s performance in respect of labour. These schemes have potential to contribute to decent work in that they can engage multiple actors in the supply chain, provide incentives, market access and facilitate the transfer of technology which can ultimately contribute to enterprise social and economic upgrading.”

At the same time the Governing Body stressed that, “from an ILO perspective, voluntary forms of self regulation can be a **complement** to public regulation, but not an alternative.”

ILO’s Guidelines for labour inspection in forestry have already addressed this topic. Since the early 1990s, independent, third party (non-governmental) forest certification has become increasingly common in the forestry sector. Two major international forest certification schemes incorporate consideration of international labour standards during certification audits: Forest Stewardship Council (FSC) and the Programme for the Endorsement of Forest Certification (PEFC). In addition, national schemes like the Indonesian Ecolabelling Institute (LEI) and the Malaysian Timber Certification Council (MTCC) standards also include certain requirements relating to workers’ rights.

*Accident Liability Insurance schemes/bodies* may also offer opportunities for collaboration and cooperation for Labour inspectorates. In Germany,

---

<sup>57</sup> Cooperating out of Child Labour: Harnessing the untapped potential of cooperatives and the cooperative movement to eliminate child labour. ILO Cooperative Programme, ILO IPEC, International Co-operative Alliance, ILO Geneva 2009.

employers and employees are represented equally on the governing and representative bodies of the accident insurance bodies (employers' liability insurance associations) They thus have the opportunity to exert permanent influence on the policy and *modus operandi* of the accident insurance bodies.<sup>58</sup>

***Work with manufacturers, designers and suppliers.*** A significant cause of injuries and/or ill health in agriculture is unsafe equipment and dangerous substances - whether hand-held equipment, farm trailers, buildings or pesticides. Labour inspectorates can therefore constructively invest time and resources to ensure that businesses in the agricultural supply chain meet their legal duties and that unsafe equipment and unsound substances are dealt with at source.

Many ***religious and church organizations and groups*** work to help the rural poor around the world, working especially with smallholder farmers and their communities. The Ecumenical Advocacy Alliance's campaign on Food Security provides an example. Some religious groups openly support workers' rights. For example, the US Council of Churches in its Social Ideals Statement supports the rights of workers to collective bargaining.<sup>59</sup> Furthermore, radio broadcasting is used by many church groups. For example, womens' church groups in Western Kenya broadcasting regularly on community/local radio, with a 10-15 km radius of coverage. The Fijian Labour inspectorate is working on labour issues with church leaders, in both the Fijian and Indian communities, as part of an inter-agency project on labour and social issues coordinated by UNICEF.

Labour inspectorates can cooperate with ***schools/colleges and teachers***, including agricultural colleges and training centres, to provide easily understandable information to pupils and students on the world of work, workers' rights and labour inspection. For example, in Niger, labour inspectors have teaching duties in schools and training centres. By ensuring OSH protection in the undertaking, Inspectors can help indirectly help promote and encourage youth employment, and apprenticeships under decent conditions of work in sectors like agriculture.

Cooperation with the ***NGO community*** is particularly important when labour inspection deals with such social issues, as child labour, and migration. Civil society organizations and the media have taken on watchdog functions to put pressure on firms to improve working conditions, ot times addressing the system's gaps in formal labour inspection. Such tactics have been more successful in the case of occupations that are part of international value chains, or where international companies are closely watched by international human rights organizations and NGOs. Occupations that are not linked to global supply chains or companies continue to suffer from poor visibility and poor labour standards, despite efforts by trade unions and NGOs.

---

<sup>58</sup> Labour inspection in Germany. EU Senior Labour Inspectors Committee, Brussels 2005.

<sup>59</sup> US Council of Churches: Social Ideals Statement.

<http://ibew.org/eworkers/organize/Religions%20All%20Agree.pdf>

Cooperation with *environmental organizations*. Agricultural operations such as application of pesticides have the potential not only to harm workers and local residents but to leave residues in food, and to pollute air, soil and water, and harm wildlife/biodiversity. Some Labour Inspectorates have legal duties to protect the environment, including control over pesticide residues in food. The UK’s Health and Safety Executive’s labour inspectors are authorized, under environmental legislation, to control pesticide applications in order to avoid excessive pesticide residues in food, and to prevent water pollution.<sup>60</sup> The Swedish Working Environment Authority (labour inspectorate) is also concerned with compliance with certain aspects of the Swedish Environmental Code, within the field of genetically modified micro-organisms.<sup>61</sup>

Following the recommendation of the Vienna Declaration and Programme of Action (1993), many countries have created a *national human rights mechanism* which individuals may use to file complaints regarding violations of human rights, including labour rights. In these countries, effective cooperation between the labour inspection system and the national human rights mechanism is useful and should be encouraged.

The *social economy* is a concept designating enterprises and organizations, which have the specific feature of producing goods, services and knowledge while pursuing both economic and social aims and fostering solidarity. Cooperatives, mutual benefit societies, associations, foundations and social enterprises are examples. Labour inspectorates could help ensure that the organizations involved have access to labour inspection services and support its activities.

In general terms, Labour inspectorates and partner organizations could complement each other. The Labour Inspectorate has the authority and the duty to act upon violations of the law, whereas other actors may have more contacts, better knowledge of the difficulties faced by employers and more awareness of violations of the law. At the same time, labour inspectorates and their potential partner organizations need to share common principles, values and objectives in promoting and assuring decent working and employment conditions in rural areas.

*Innovative approaches*. Some inspectorates are innovating and testing new approaches to increase their impacts.

---

<sup>60</sup> Food and Environment Protection Act, 1985.  
<http://www.pesticides.gov.uk/approvals.asp?id=329>

<sup>61</sup> Labour inspection in Sweden. European Union Senior Labour Inspectors Committee, Brussels 2005.

### Green jobs and Labour inspection<sup>62</sup>

In 2009, in the state of Mato Grosso, Brazil, a pilot project on green jobs<sup>63</sup> and labour inspection was launched. Under this project, training materials were developed and an awareness-raising course for labour inspectors was implemented. The course “Green jobs and Labour Inspection - a new look at the promotion of the decent work” examined the concepts of green jobs and decent work, providing inspectors with the tools to identify when a green job was not decent - and then provide advice or apply the due sanctions - and when an apparently decent work was not green - so that the case was reported to the competent authorities. The main purpose of this approach was to:

- test innovative and sustainable solutions and new approaches for the labour inspectorate;
- promote the inclusion of labour issues in sustainable development initiatives; and
- increase the culture of mutual collaboration with other authorities so that the environment inspectorate could help the Labour Inspectorate through access to their databases and satellite monitoring of rural areas.

---

<sup>62</sup> Exploring the link between Green Jobs and Labour Inspection. A new look at the promotion of decent work (*Una Nueva Mirada para la Promoción del Trabajo Decente*). Andrea Araujo, ILO, 2011.

<sup>63</sup> Green jobs: Jobs and activities that contribute to the preservation or the restoration of the environmental quality, and, at the same time, fulfill the labor demands including fair remuneration, safe working conditions, and respect for workers' rights. (Muçouçah, 2009).

# EXERCISES



## Exercise 1

<b>TITLE</b>	<b>Priorities and Programme of Action on Rural Labour Inspection</b>
<b>AIMS</b>	To make the case for the development of labour inspection services in rural areas by determining key priorities and programmes, and how best to communicate these to decision makers in government.
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ What should be the key priorities and programmes for rural labour inspection in your country? What budget would you allocate for each of the priorities and programmes? (In annex, some of the potential elements that could be included).</li> <li>✓ How would you best communicate the labour inspectorate’s priorities and programmes, and to whom in government?</li> <li>✓ How can labour inspectorates improve coordination and cooperation with relevant government departments in order to provide better labour services to rural workers?</li> </ul>
<b>TIME</b>	To be determined by the facilitator/trainer.

## Potential elements that could be included in the Action Programme

- ✓ ensure that agricultural and rural workers are not exempted from labour legislation, and that they receive coverage of labour inspection services;
- ✓ support tougher legislation to protect employees in all sectors;
- ✓ promote integrated labour inspection systems so that rural labour inspection is on par with labour inspection in industry and commerce;
- ✓ set priorities in terms of locations or sectors requiring proactive inspection;
- ✓ establishing a register of agricultural undertakings;
- ✓ develop policies in relation to the investigation of complaints and accidents, in respect of the control of employment conditions as well as ill health, so that short-term demands on the inspectors' time do not preclude important preventive activity;
- ✓ develop policies in relation to the use of sanctions and in particular the guidance which is given to inspectors on the balance between help, advice and information on the one hand, and enforcement of compliance or the institution of legal proceedings on the other;
- ✓ increase the funding of the labour inspectorate to enable sufficient inspectors to be recruited and adequately trained and to enable inspectors to actually do the job, for instance by providing adequate transport and information technology budget;
- ✓ promote training and a system of qualifications, which include health and safety, for workers, farmers and farm managers;
- ✓ encourage and, if necessary, finance, the labour inspectorate, as well as other relevant organizations, to produce and distribute concise guidance on hazards, risks and preventive measures in agriculture, forestry, and other hazardous rural occupations including advice on prevention of injury and ill health to children on farms; where appropriate also in local languages or dialects.

## Exercise 2

<b>TITLE</b>	<b>Rural Labour Inspectorate structure, scope and resources</b>
<b>AIM</b>	To examine the scope and structure of labour inspection services in agriculture in your country and to discuss which officials or representatives of occupational bodies could assist.
<b>TASK</b>	<ul style="list-style-type: none"> <li>✓ Discuss the ways of structuring labour inspection services in agriculture as per ILO Convention No. 129, Article 7.3:                             <ul style="list-style-type: none"> <li>- a single labour inspection department responsible for all sectors of the economy;</li> <li>- specialized agricultural inspection service; or</li> <li>- other models falling between these two options</li> </ul> </li> <li>✓ Discuss whether your national system of labour inspection does, or should, cover both rural waged workers and rural self employed workers?</li> <li>✓ Using the attached list below as a basis, discuss how wide the scope of labour inspection should be in your countries. Are there already too many tasks for inspectors, or should their work be widened? Is there a case for more specialization in labour inspection?</li> </ul>
<b>TIME</b>	To be determined by the facilitator/trainer.

## Scope of Labour Inspection in agriculture

- ✓ Promoting occupational safety and health and the prevention of accidents (fatal and non-fatal) and diseases, including the investigation of accident and work-related ill health; welfare facilities.
- ✓ Protection of income levels (including minimum wages where applicable) including checking wage records, overtime payments.
- ✓ Checking records of working hours and overtime, holidays and rest periods, including sick leave and maternity leave.
- ✓ Investigation of complaints - wages, conditions of work, OSH etc.;
- ✓ Protection of migrant and other vulnerable workers - forced labour, bonded labour, child labour.
- ✓ Anti-discrimination measures (e.g. with regard to gender issues, national origin or real or perceived HIV status).
- ✓ Work injury compensation.
- ✓ Employment matters (from undeclared employment, work permits to employment promotion, including vocational training programmes).
- ✓ Control of payment of social security contributions.
- ✓ Employment of young persons.
- ✓ Workers with special needs (e.g. people with disabilities).
- ✓ Industrial relations issues and monitoring of collective agreements, social dialogue.
- ✓ Checking on living conditions.
- ✓ Environmental protection and food protection measures.



## Exercise 3

<b>TITLE</b>	<b>Improved protection of vulnerable groups of workers</b>
<b>AIMS</b>	To discuss which groups of workers in your country may have need of special interventions and how to improve levels of labour protection
<b>TASK</b>	<p>Identify which of the following groups should receive special labour inspection services and how labour inspection should help specific categories of vulnerable workers</p> <ul style="list-style-type: none"> <li>✓ Casual workers</li> <li>✓ Temporary workers</li> <li>✓ Seasonal workers</li> <li>✓ Migrant workers (and their families)</li> <li>✓ Indigenous and tribal workers</li> <li>✓ Forced and bonded labourers</li> <li>✓ Child labourers and their families</li> <li>✓ Workers with real or perceived HIV status</li> </ul>
<b>TIME</b>	To be determined by the facilitator/trainer.

## Exercise 4

<b>TITLE</b>	<b>Building new alliances and partnerships</b>
<b>AIMS</b>	To strengthen and broaden rural labour inspection by identifying opportunities for new alliances and partnerships, and considering ways of working with them
<b>TASK</b>	<p>Identify potential alliances and partners from the list, and for each of those that you have chosen, write down two ways of working together:</p> <ul style="list-style-type: none"> <li>✓ Courts.</li> <li>✓ Police.</li> <li>✓ Media.</li> <li>✓ Agricultural trade unions.</li> <li>✓ Employers bodies, including agricultural crop or livestock trade associations.</li> <li>✓ Agricultural producer organizations, including outgrower associations.</li> <li>✓ Designers, manufacturers and suppliers of agricultural machinery and other equipment.</li> <li>✓ Agricultural extension officers.</li> <li>✓ Health workers.</li> <li>✓ Religious organizations.</li> <li>✓ Community networks and groups.</li> <li>✓ Cooperatives.</li> <li>✓ Schools, colleges and teachers.</li> <li>✓ Multinational enterprises.</li> <li>✓ Private auditing or certification systems.</li> <li>✓ Accident liability insurance schemes/bodies.</li> <li>✓ Environmental associations and bodies.</li> <li>✓ NGOs.</li> <li>✓ Human rights organizations.</li> <li>✓ Others.</li> </ul>
<b>TIME</b>	To be determined by the facilitator/trainer.

## BIBLIOGRAPHY AND ADDITIONAL READINGS

Labour inspection: General Survey of the reports concerning the Labour Inspection (...) ILO (Geneva), International Labour Conference, 95<sup>th</sup> Session, 2006, Report III (Part 1B).

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/meetingdocument/wcms\\_108572.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/meetingdocument/wcms_108572.pdf)

World Development Report 2008: Agriculture for development. World Bank, Washington D.C, 2008.

[http://siteresources.worldbank.org/INTWDR2008/Resources/WDR\\_00\\_book.pdf](http://siteresources.worldbank.org/INTWDR2008/Resources/WDR_00_book.pdf)

*The Millennium Development Goals Report 2009*. UN Department of Economic and Social Affairs, New York, July 2009.

[http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2009/MDG\\_Report\\_2009\\_En.pdf](http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2009/MDG_Report_2009_En.pdf)

*The path of deliverance: Organizing and empowering rural informal economy workers*. Ed. Hague, T., & Varghese, S. ILO subregional office for South Asia, New Delhi, 2007

Labour inspection: A guide to the profession. ILO, Geneva 2002.

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/publication/wcms\\_108665.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/publication/wcms_108665.pdf)

Strategies and practice for effective Labour Inspection. Governing Body, 297<sup>th</sup> Session, Committee on Employment and Social Policy, Geneva, November 2006. ILO GB.297/ESP/3.

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_gb\\_297\\_esp\\_3\\_en.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_gb_297_esp_3_en.pdf)

Labour administration: To ensure good governance through legal compliance in Latin America. LAB/ADMIN, ILO Geneva 2009, Working Document No. 1.

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---lab\\_admin/documents/publication/wcms\\_116044.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_116044.pdf)

Agriculture: hazardous work. ILO, Geneva, 2010;

[http://www.ilo.org/safework/info/lang--en/WCMS\\_110188/index.htm](http://www.ilo.org/safework/info/lang--en/WCMS_110188/index.htm)

*Reaching the rural poor: A renewed strategy for rural development*. World Bank, Washington D.C, 2008.

*Labour inspection and the micro-foundations of decent work in the globalized economy*. ILO Geneva, 2006.

*Rural development and poverty reduction: Is agriculture still the key? G. Anriquez and K. Stamoulis*; FAO, Rome, June 2007.

<http://ftp.fao.org/docrep/fao/010/ah885e/ah885e.pdf>

*Rural labour markets and poverty in Sub-Saharan Africa*. Leavy, J., and White, H. Institute of Development Studies, University of Sussex, UK.

*Rural inequality, wage employment and labour market formation in Africa.* ILO Geneva, 2010 [http://eprints.soas.ac.uk/10308/1/wcms\\_145084.pdf](http://eprints.soas.ac.uk/10308/1/wcms_145084.pdf)

*Wage workers in agriculture - conditions of employment and work.* Report TMAWW/1996, ILO Sectoral Activities Programme, ILO Geneva, 1996.  
<http://www.eurofound.europa.eu/pubdocs/2009/25/en/1/EF0925EN.pdf>

*Labour inspection in Europe: undeclared work, migration, trafficking.* Working Document No. 7. LAB/ADMIN, ILO Geneva 2010.  
[http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---lab\\_admin/documents/publication/wcms\\_120319.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---lab_admin/documents/publication/wcms_120319.pdf)

Measures to tackle undeclared work in the European Union. European Foundation for the Improvement of Living and Working Conditions, Dublin, 2008.  
<http://www.eurofound.europa.eu/pubdocs/2009/25/en/1/EF0925EN.pdf>

Workers and unions on the move: Organizing and defending migrant workers in agriculture and allied sectors. IUF, Geneva, 2008.  
<http://www.iufdocuments.org/www/documents/IUFmigrantworkersmanual-e.pdf>

ILO Conclusions on a fair deal for migrant workers in the global economy. ILO Geneva, ILC92.  
[http://www.ilo.org/public/english/protection/migrant/download/ilcmig\\_res-eng.pdf](http://www.ilo.org/public/english/protection/migrant/download/ilcmig_res-eng.pdf)

Guidelines for labour inspection in forestry. ILO Geneva, 2006.  
<http://www.ilo.org/public/english/dialogue/sector/techmeet/melif05/guidelines.pdf>

Forced labour and human trafficking: Handbook for labour inspectors. ILO Special Action Programme to Combat Forced Labour, Geneva, 2008.  
[http://www.oit.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_097835.pdf](http://www.oit.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_097835.pdf)

ILO Handbook on HIV/AIDS for labour and factory inspectors. ILO Geneva.  
[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/instructionalmaterial/wcms\\_110151.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/instructionalmaterial/wcms_110151.pdf)

"Indigenous rural workers in Latin America", in Top on the agenda: Health and safety in agriculture. ILO, Geneva, Labour Education No118/119, 2000

The global challenges of labour inspection. Labour Education 2005/3-4, Nos. 140/141, ILO Geneva.  
[http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---actrav/documents/publication/wcms\\_111444.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_111444.pdf)

ILO General Survey: Hours of work: From fixed to flexible, 2005.  
<http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-iii-1b.pdf>

Promoting Rural Employment for Poverty Reduction. Report of the Committee on Rural Employment, International Labour Conference, 97th session, June 2008.  
[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_091721.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_091721.pdf)

ILO Declaration on Social Justice for a Fair Globalization. International Labour Conference Geneva 2008.

[http://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms\\_099766.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_099766.pdf)

*Agricultural Workers and Their Contribution to Sustainable Agriculture and Rural Development.* FAO, ILO, IUF. ILO Geneva 2007

<http://www.ilo.org/public/english/dialogue/actrav/new/061005.pdf>

Wage workers in agriculture - Conditions of Employment and work. ILO Sectoral Activities Programme, Geneva.

<http://www.ilo.org/public/english/dialogue/sector/techmeet/tmaww96/tmaww-r.pdf>

Safety and health in agriculture. Report VI (1), International Labour Conference, Geneva, 88th session, 2000.

<http://www.ilo.org/public/english/standards/reim/ilc/ilc88/rep-vi-1.htm>

ILO standards-related activities in the area of occupational safety and health: An in-depth study for discussion with a view to the elaboration of a plan of action for such activities, International Labour Conference, 91st Session, Geneva, 2003, Annex II.

Code of Practice on Safety and Health in Forestry Work (2nd edition). ILO Geneva 1998.

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---safework/documents/normativeinstrument/wcms\\_107793.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/normativeinstrument/wcms_107793.pdf)

Code of Practice on safety and health in agriculture. ILO Geneva 2010;

[http://www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Press\\_releases/lang--en/WCMS\\_146099/index.htm](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_146099/index.htm)

Series of Training Manuals on Health, Safety and Environment for Agricultural Workers. ILO ACTRAV & IUF. ILO Geneva, 2005.

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---actrav/documents/publication/wcms\\_111413.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_111413.pdf)

Work Improvement in Neighbourhood Development programme (WIND): ILO, 2005

[http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms\\_099075.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_099075.pdf)

The good practices of labour inspection in Brazil: the eradication of labour analogous to slavery / International Labour Office. - Brasilia: ILO, 2010

<http://www.oit.org.br/info/downloadfile.php?fileId=512>

Informal economy, undeclared work and labour administration. ILO Geneva, 2005.

<https://www.ilo.org/public/english/dialogue/ifpdial/downloads/informal.pdf>

WISE + Module 6 "Create a respectful workplace". Action Manual - ILO Geneva, 2009.

[http://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_145381.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_145381.pdf)



## Annex 1: Contents of ILO Conventions on labour inspection of particular relevance to rural areas.

The International Labour Organization has two main conventions on labour inspection applicable to rural areas:

- ILO Convention on Labour Inspection in Industry and Commerce, 1947 (No. 81)<sup>64</sup>, which provides the framework for labour inspection.
- ILO Convention on Labour Inspection in Agriculture, 1969 (No. 129)<sup>65</sup> which provides the framework for extending labour inspection to agricultural workers, including workers who are not in an employment relationship or one of dependency or subordination.

Although the need to “define the line which separates agriculture from industry and commerce” is recognized in C129, these conventions are not structured on an urban/rural divide. In reality, urban and rural areas form a continuum and are inextricably linked. However, given the dominance of agriculture in the rural sector in many countries, and whilst recognizing the relevance of C 81 to workers in rural areas, this Module is focused on agricultural workers and allied occupations, including forestry, as covered by C 129.

ILO Convention No. 129 is based on Convention No. 81 and so the bulk of the provisions in both conventions are identical. Specific terms and additions in C 129 (compared to C 81) are highlighted.

**Definitions:** C 129, Article 1.1. “**Agricultural undertaking**” means undertakings and parts of undertakings engaged in cultivation, animal husbandry, forestry, horticulture, the primary processing of agricultural products by the operator of the holding or any other form of agricultural activity.

C129, Article 1.2. “The competent authority (i.e. Labour Inspectorate) shall ..... **define the line which separates agriculture from industry and commerce in such a manner as not to exclude any agricultural undertaking from the national system of labour inspection.**”

**LI system:** C 81, Article 1 and 22, and C 129, Article 3 require ratifying Member States to maintain a system of labour inspection in industrial and commercial workplaces, and/or agriculture.

**Coverage:** C 129, Article 4. “The system of labour inspection in agriculture shall apply to agricultural undertakings in which work employees or apprentices, however they may be remunerated and whatever the type, form or duration of their contract.”

C 129, Article 5.1. “Any Member ratifying this Convention may, in a declaration accompanying its ratification, undertake also to cover by labour inspection in agriculture one or more of the following categories of persons working in agricultural undertakings:

- (a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers;
- (b) persons participating in a collective economic enterprise, such as members of a cooperative;
- (c) members of the family of the operator of the undertaking, as defined by national laws or regulations.”

---

<sup>64</sup> <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C081>

<sup>65</sup> <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C129>

**Functions:** C 129 Article 6.1. "The functions of the system of labour inspection in agriculture 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, [weekly rest and holidays](#), safety, health and welfare, the employment of [women](#), children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
- (b) supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
- (c) bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions, [and to submit to it proposals on the improvement of laws and regulations.](#)"

C 129, Article 6. 2. "National laws or regulations may give labour inspectors in agriculture advisory or enforcement functions regarding legal provisions relating to conditions of life of workers and their families."

**Central body:** C 129, Article 7.1. "So far as is compatible with the administrative practice of the Member, labour inspection in agriculture shall be placed under the supervision and control of a central body." (competent authority). C 129, Article 7.2. "In the case of a Federal State, the term central body may mean either one at federal level or one at the level of a federated unit."

C 129, "Article 7. 3. "Labour inspection in agriculture might be carried out for example by:

- (a) a single labour inspection department responsible for all sectors of economic activity;
- (b) a single labour inspection department, which would arrange for internal functional specialization through the appropriate training of inspectors called upon to exercise their functions in agriculture;
- (c) a single labour inspection department, which would arrange for internal institutional specialization by creating a technically qualified service, the officers of which would perform their functions in agriculture; or
- (d) by a specialized agricultural inspection service, the activity of which would be supervised by a central body vested with the same prerogatives in respect of labour inspection in other fields, such as industry, transport and commerce."<sup>66</sup>

**Public officials:** The provisions in C 81, Article 6 and C 129, Article 8.1 are identical: "The labour inspection staff in agriculture 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."

C129, Article 8.2. "[So far as is compatible with national laws or regulations or with national practice, Members may include in their system of labour inspection in agriculture officials or representatives of occupational organizations, whose activities would supplement those of the public inspection staff; the persons concerned shall be assured of stability of tenure and be independent of improper external influences.](#)"

**Recruitment, qualification and training:** The provisions in C 81, Article 7 and C 129, Article 9 are virtually identical. C 129, Article 9.1. "Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors in agriculture shall be recruited with sole regard to their qualifications for the performance of their duties." C 129, Article 9.3. "Labour inspectors

---

<sup>66</sup> Whilst the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) observes that the application of C 129 does not necessarily imply the establishment of special inspection services for agriculture, CEACR emphasises that labour inspectors in agriculture must, under C 129, Articles 9 and 11, be suitably qualified and adequately trained and there must be appropriate arrangements in place to "promote effective cooperation between the inspection services in agriculture and government services and public or approved institutions which may be engaged in similar activities."

in agriculture shall be adequately trained for the performance of their duties **and measures shall be taken to give them appropriate further training in the course of their employment.**"

**Gender:** The provisions in C 81, Article 8 and C 129, Article 10 are identical: "Both men and women shall be eligible for appointment to the labour inspection staff in agriculture; where necessary, special duties may be assigned to men and women inspectors."

**Number of inspectors:** The provisions in C 81, Article 10 and C 129, Article 14 are identical: "The number of labour inspectors in industry/commerce or agriculture shall be sufficient to secure the effective discharge of the duties of the inspectorate....."

**Offices, equipment, transport, reimbursement:** C 81, Article 11 and C 129, Article 15 are basically the same, but C129, Article 15.1. "The competent authority shall make the necessary arrangements to furnish labour inspectors in agriculture with - (a) local offices so located as to take account of the geographical situation of the agricultural undertakings and of the means of communication, suitably equipped in accordance with the requirements of the service, and, in so far as possible, accessible to the persons concerned; (b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist."

**Credentials of labour inspectors:** C 81, Articles 12.1.(a)-(c), and C 129, Articles 16.1 and 16.3 are the essentially the same, though C 129 uses more up- to-date language.

C 129, Article 16.1. "Labour inspectors in agriculture provided with proper credentials shall be empowered

- (a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;
- (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection;
- (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 interview, alone or in the presence of witnesses, the employer, the staff of the undertaking or any other person in the undertaking on any matters concerning the application of the legal provisions;
  - (ii) to require, in such manner as national laws or regulations may prescribe, the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of life and 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 take or remove for purposes of analysis samples of products, materials and substances used or handled, subject to the employer or his representative being notified of any products, materials or substances taken or removed for such purposes.

C 129, Article 16.2. "Labour inspectors shall not enter the private home of the operator of the undertaking in pursuance of subparagraph (a) or (b) of paragraph 1 of this Article except with the consent of the operator or with a special authorization issued by the competent authority."

C 81, Article 12.2 and C 129, Article 16.3. "On the occasion of an inspection visit, inspectors shall notify the employer or his representative, and the workers or their representatives, of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties."

**Empowerment to remedy defects, make legal orders:** Whilst C 81, Articles 13.1 to 13.3, and C 129, Articles 18.1 to 18.3 are broadly the same, C. 129, Article 18.2. "In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a legal or administrative authority which may be provided by law, to make or have made orders requiring-- (b) measures with immediate executory force, **which can go as far as halting the work**, in the event of imminent danger to health or safety.

C 129, Article 18.4. “The defects noted by the inspector when visiting an undertaking and the orders he is making or having made in pursuance of paragraph 2 or for which he intends to apply in pursuance of paragraph 3 shall be immediately made known to the employer and the representatives of the workers.”

**Accident & disease notification:** Whilst the basic provisions in C 81, Article 14, and C 129, Article 19.1 are the same, C 129, Article 19.2. “As far as possible, inspectors shall be associated with any inquiry on the spot into the causes of the most serious occupational accidents or occupational diseases, particularly of those which affect a number of workers or have fatal consequences.”

**Conflict of interest & confidentiality:** The provisions in C 81, Article 15, and C 129, Article 20 are identical. labour inspectors shall be prohibited from having any direct or indirect interest in the undertakings under their supervision; shall not reveal any manufacturing or commercial secrets or working processes and keep absolutely confidential the source of any complaint bringing to their notice.

**Frequency of inspection:** C 81, Article 16, and C 129, Article 21 are identical: “Agricultural undertakings/Workplaces in industry/commerce shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.”

**Legal proceedings:** C 81, Article 17, and C 129, Article 22 are identical, “Persons who violate or neglect to observe legal provisions enforceable by labour inspectors shall be liable to prompt legal or administrative proceedings without previous warning.....” But, reflecting the weaker legal position of some rural labour inspectorates, C 129, Article 23. “If labour inspectors in agriculture are not themselves authorized to institute proceedings, they shall be empowered to refer reports of infringements of the legal provisions directly to an authority competent to institute such proceedings.”

**Adequate penalties:** C 81, Article 18, and C 129, Article 24 are identical: “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.”

**Reports by inspectors:** C 81, Article 19, and C 129, Article 25 are identical. “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. 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.”

**Annual report:** C 81, Article 20, and C 129, Article 26 are identical, with the provision that C 129, Article 26.3 gives a tighter 3 month deadline for the annual report to be sent to the ILO.

## Annex 2: Conventions and Recommendations of special relevance to the rural areas.

Convention on Forced Labour 1930 (No. 29)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>

Convention on Forced Labour 1930 (No. 125)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C125>

Convention on Labour Inspection, 1947 (No. 81), and its Recommendation, 1947 (No. 81),

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C081>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R081>

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

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C087>

Convention on the Right to Organize and Collective Bargaining, 1949 (No. 98)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C098>

Convention on Equal Remuneration, 1951 (No. 100) and its Recommendation (No. 90)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C100>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R090>

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

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C110>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R110>

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

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C111>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R111>

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

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C129>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R133>

Convention on Minimum Age, 1973 (No. 138) and its Recommendation (No. 146)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C138>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R146>

Convention on Rural Workers' Organizations, 1975 (No.141)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C141>

Convention on Occupational Safety and Health, 1981 (No. 155) and its Recommendation (No. 164)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C155>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R164>

Convention on Occupational Health Services Convention, 1985 (No. 161) and its Recommendation (No. 171)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C161>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R171>

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

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>

Convention on Safety and Health in Mines, 1995 (No. 176) and its Recommendation (No. 183)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C176>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R183>

Convention on Private Employment Agencies 1997 (No. 181)  
and its Recommendation (No. 188)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C181>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R188>

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

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R190>

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

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C184>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R192>

Convention on Work in the Fishing Sector, 2007 (No. 188) and its Recommendation (No. 199)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?C188>

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R199>

Recommendation on Promotion of Cooperatives, 2002 (No. 193)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R193>

Recommendation on Employment Relationship 2006 (No. 198),

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R198>

Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200)

<http://www.ilo.org/ilolex/cgi-lex/convde.pl?R200>