

Strengthening rural labour inspection for high-quality and productive jobs

Only a small proportion of agricultural and other rural enterprises worldwide are legally covered by labour inspection, and in many countries rural enterprises are rarely visited due to labour inspectorates' lack of human and financial resources. A key challenge is to build modern, effective labour inspection services to ensure that rural workers have equivalent levels of protection to their urban counterparts.



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Facts and Figures

- In 2009, there were as many as 1.068 billion workers in agriculture, forestry, fishing and hunting, which represents 35 percent of the global workforce,¹ and many more operated in rural manufacturing and services.
- Over 50 percent of rural women work either as farmers or waged agricultural workers, or a combination of both.²
- Some 75 percent of the world's poor live and work in rural areas.
- The rural workforce is one of the poorest, most vulnerable and most likely to be exploited.
- Many millions of rural workers are trapped in low-earning jobs in sectors like agriculture, forestry, fishing, small-scale mining, food processing and services.
- About 60 percent of child labourers work in agriculture, representing 131 million children under the age of 18.³
- Agriculture, forestry, fishing and small-scale mining are among the most dangerous sectors in terms of fatal accidents, injuries, and work-related ill health. At least 170,000 agricultural workers are killed each year. Workers in agriculture run twice the risk of dying on the job compared with workers in other sectors.⁴
- Trade unions organizing waged rural workers and agricultural producer organizations representing smallholder farmers tend to be weak, fragmented, and poorly resourced.

Why action is needed

- Effective labour inspection is essential for economic and social progress and sustainable development; by ensuring a sound business climate, productivity, economic growth and comprehensive protection of workers reflecting decent working conditions.
- Decent work deficits in rural areas are numerous and are related, among others, to contracts of employment; the employment conditions of women and young persons; weekly rest and holidays; hours of work; wages; occupational safety and health; undeclared work; migrant workers; indigenous/tribal workers; forced labour; child labour; HIV/AIDS workers; job creation/youth employment; equality of opportunity and treatment for women and men; maternity protection; social security; housing and living conditions; transport to and from work; use of labour contractors; freedom of association and collective bargaining.
- Larger enterprises are increasingly outsourcing production to smaller enterprises, requiring labour inspection along more and more complex value chains.
- Casual and seasonal labour is increasingly used in farm and non-farm rural enterprises.
- Rural workers often fall outside the scope of national labour laws. They are either explicitly excluded, fully or partially, from labour laws, or when covered by law, they are excluded in practice, due to their employment status (e.g. self-employed, smallholder farmers, casual and seasonal workers) or belong to vulnerable groups (e.g. migrant workers, indigenous peoples, lower castes), making them difficult to reach and particularly susceptible to abuse.

- Labour inspection in rural areas is either non-existent or weak. In many countries, labour inspectorates:
 - ◆ Are often under-staffed and under-equipped, and their inspectors undertrained and underpaid;
 - ◆ Have low transport and travel budgets, inadequate means of communication and record-keeping, which hinders their capacity to perform inspections and take follow-up action;
 - ◆ Have scanty resources, that puts a severe strain on the professionalism, independence and impartiality of labour inspectors.⁵
- Labour inspectorates are being required to cover new areas, such as undeclared work, migrant labour, forced labour, child labour and labour contractors, much of it in rural areas.

Policy options

- Establish well-functioning labour inspection systems, in line with the guidance provided in the ILO Conventions on labour inspection:
 - ◆ ILO Convention on Labour Inspection in Industry and Commerce, 1947 (No. 81), providing the framework for labour inspection in urban and rural areas (141 ratifications).
 - ◆ ILO Convention on Labour Inspection in Agriculture, 1969 (No. 129), providing the framework for extending labour inspection to agricultural workers (50 ratifications).
- Ensure that governments develop and implement plans and programmes to set up labour inspection systems covering all rural employers and workers.
- Prompt and support the national labour inspectorate, which as a statutory body, needs to take the initiative to:
 - ◆ Develop plans and proposals for rural labour inspection covering employers and workers in rural industries, commerce, agriculture, fishing and forestry (including informal economy workers) outlining in particular the human, technical, financial and training resources required, and time periods involved.
 - ◆ Secure political commitments and support from relevant government ministries and departments, parliamentarians, employers' and workers' organizations, and other stakeholders.



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Box 1

What is labour inspection?

Labour inspection is a public function organized by the State. As such:

- The Labour Inspectorate is the government's "competent body" charged with organizing and managing the labour inspection services.
- Labour inspectors are qualified, professional civil servants. They inspect "workplaces and worksites" to check compliance with national labour laws/standards, including employment and safety and health regulations.
- The international framework for labour inspection is provided by the ILO Conventions on Labour Inspection in Industry and Commerce, 1947 (No. 81), and Labour Inspection in Agriculture, 1969 (No. 129).

Labour inspectors typically:

- Give legal and technical advice and guidance on compliance to employers and workers.
- Issue legal notices to employers to ensure compliance.
- Take stronger legal action, such as prosecution, where laws are repeatedly ignored, required improvements are not made, or in the case of absent or inadequate investigations in the case of accidents or work-related ill health.
- Check that labour contractors and sub-contractors are in compliance with labour laws.

Modern labour inspection aims to:

- Change the traditional perception of the labour inspector from that of 'enforcer' to that of 'influencer', encompassing a wide range of services to industry, commerce and agriculture.
- Demonstrate the benefits that effective labour inspection can bring to the community, such as stimulating job creation and youth employment, and protecting public and environmental health, for example by controlling the use of toxic substances such as pesticides.
- Provide labour inspection integrated services, ideally a single labour inspectorate with specific occupational sections and services.

- Strengthen labour inspectorates' work with rural employers and workers, in particular:
 - ◆ Ensure the participation of representatives from Ministries of Agriculture, employers' organizations and trade unions in national consultative bodies on occupational safety and health (OSH).
 - ◆ Strengthen links between labour inspectors and workplace management-worker committees on OSH. This is already part of inspectorate policy or a legal requirement in Angola, Austria, Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Greece, Ireland, Kenya, Lithuania, South Africa, Spain, Sweden, Tanzania, and the UK.
 - ◆ Strengthen links between labour inspectors and legally-appointed and empowered worker OSH representatives. This is already part of inspectorate policy or a legal requirement in Angola, Australia,

Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Greece, Ireland, Italy, Lithuania, Luxembourg, Malta, New Zealand, South Africa, Spain, Sweden, Tanzania, Uganda, and the UK.

- ◆ Strengthen links between labour inspectors and joint worker-management Work Councils. This is already a legal requirement in Germany and the Netherlands.
- Encourage and support labour inspectorates to establish new alliances that boost coverage despite their limited resources, for example with the media, agricultural extension advisory officers and networks, agricultural producer organizations, agricultural/rural cooperative businesses, multinational enterprises, voluntary audit and certification schemes, accident liability insurance schemes, church/faith-based groups, schools, colleges and teachers, NGOs, environmental organizations, human rights organizations, social economy organizations, and information/computer technology networks.

ILO's role

- Promote ratification and implementation of ILO Conventions No. 81 and 129, taking into account the comments of the ILO supervisory bodies on their application.¹³
- Provide technical and policy support, including training, for governments and labour inspectorates to develop, and where necessary expand, their labour inspection systems to agricultural undertakings and rural industrial and commercial enterprises.
- Include links to relevant labour standards and labour inspection in ILO programmes/projects on small and medium-sized enterprises, the informal economy, homework, and domestic service, among others.
- Work with self-employed and waged rural workers' organizations, and national/sectoral employers' and trade unions federations, to expand and strengthen rural labour inspection services.

Box 2

Best practices in rural labour inspection

- **Brazil's** labour inspectorate:
 - ◆ Supports setting up "rural consortiums of employers". A consortium helps small and medium-sized employers to legally reduce hiring costs by sharing the expense of administrative procedures and mandatory payments, e.g. health insurance. In 2008, there were 150 rural consortiums covering some 100,000 workers.⁶
 - ◆ Helps young workers (14 to 24 years old) to be taken on as apprentices: 28,510 in January-June 2007 alone.⁷
 - ◆ Has created a pioneering, "Special Mobile Inspection Unit", made up of labour inspectors and federal police officers to tackle forced labour/slavery, especially in agriculture and cattle ranching.⁸
- **Bulgaria's** labour inspectorate and the **UK** Gangmasters Licensing Authority signed a cooperation agreement in 2008 on inspecting and regulating labour contractors that provide Bulgarian seasonal agricultural workers for the UK.
- 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 percent, bringing down the number of juvenile workers from 436,000 in 2000 to 155,000 in less than 10 years.⁹
- In **Kenya's** Nyeri rural district, the local departments of labour and occupational safety and health (OSH) operated a "dual system" of labour inspection whereby the Department of Forestry, sawmill employers, trade unions representing forest workers, and transporters of logging materials to the sawmills collaborated to mainstream good OSH practices in small and medium-scale forestry production.¹⁰
- Labour inspectors in **Cambodia, Guatemala, Honduras, Kenya, Mauritius, Nigeria** and **Uruguay** have extensive powers to inspect the housing and living conditions of agricultural workers.¹¹
- In a number of European countries, where undocumented migrants perform a significant proportion of undeclared labour, governments organize regularization campaigns whereby workers and employers are encouraged to declare employment relationships without risking sanctions. During such a campaign in 2005, labour inspectors in **Spain** helped over half a million foreign workers enroll in the social security system.¹²



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¹ ILO: *Global Employment Trends 2010*, Table A 11 (Geneva: 2010)

² UN: *The Millenium Development Goals Report 2009* (New York: 2009)

³ ILO: *Tackling Hazardous Child Labour in Agriculture Guidance on Policy and Practice* (Geneva: 2006)

⁴ ILO: *Agriculture: A Hazardous Work*, (Geneva: 2009)

⁵ ILO: *Strategies and Practice for Effective Labour Inspection*, Governing Body (Geneva: November 2006)

⁶ Pires, R.: "Promoting Sustainable Compliance Style of Labour Inspection and Compliance Outcomes in Brazil", in *International Labour Review* Vol. 147, Issue 2-3 (2008)

⁷ Moure, L.: "Labour Inspection-the Brazilian Experience" In *The Global Challenges of Labour Inspection*, Labour Education 2005/3-4 No. 140/141 (ILO, Geneva: 2005)

⁸ ILO: *Good Practices in Brazilian Labour Inspection The Eradication of Labour Analogous to Slavery* (Brasilia: 2010)

⁹ Schrank, A.: *A Developmental Island in a Predatory Sea The Ministry of Labour in the Dominican Republic* (University New Mexico: 2010)






¹⁰ Nyambari, S. T.: *Improving Labour Legislation, Labour Administration and Labour Inspection* (ILO, Geneva: 2007)

¹¹ ILO: *Promotion of Rural Employment for Poverty Reduction Report IV*, International Labour Conference (Geneva: June 2008)



¹² ILO: *Labour Inspection in Europe Undeclared Work, Migration, Trafficking*, working paper (Geneva: 2010)

¹³ For more information see ILO Website on Labour Standards, Available at: <http://www.ilo.org/global/standards/lang-en/index.htm>






Links

-  ILO: Labour Administration and Inspection Programme <http://www.ilo.org/labadmin/lang-en/index.htm>
-  ILO: International Labour Standards Department <http://www.ilo.org/global/standards/lang-en/index.htm>
-  ILO: Safety and Health at Work and the Environment Department <http://ilo-mirror.library.cornell.edu/public/english/protection/safework/labinsp/index.htm>
-  ILO: Sectoral Activities Department <http://www.ilo.org/public/english/dialogue/sector/index.htm>
-  International Training Centre of the ILO in Turin, Italy, for training courses on labour inspection <http://www.itcilo.org>

Tools

-  ILO: *Resource Guide on Labour Inspection* (Geneva: Last updated 2011) <http://www.ilo.org/public/english/support/lib/resource/subject/labourinsp.htm>
-  ILO: *Curriculum on Building Modern and Effective Labour Inspection Systems* (Geneva: 2011) In particular, "Managing Labour Inspection in Rural Areas" (Module 14); and "Field Labour Inspection in Rural Areas" (Module 15)

Other Materials

-  ILO: *Labour Inspection General Survey* (Geneva: 2006)
-  ILO: *Strategies and Practice for Effective Labour Inspection*, Report, Governing Body (Geneva: November 2006)
-  ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, International Labour Conference, (Geneva: May-June 2006)
-  ILO: *Labour Administration and Labour Inspection Trends and Challenges, Report, Governing Body* (Geneva: June 2010)
-  ILO: *Labour Administration and Labour Inspection, Report V, International Labour Conference* (June 2011)

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