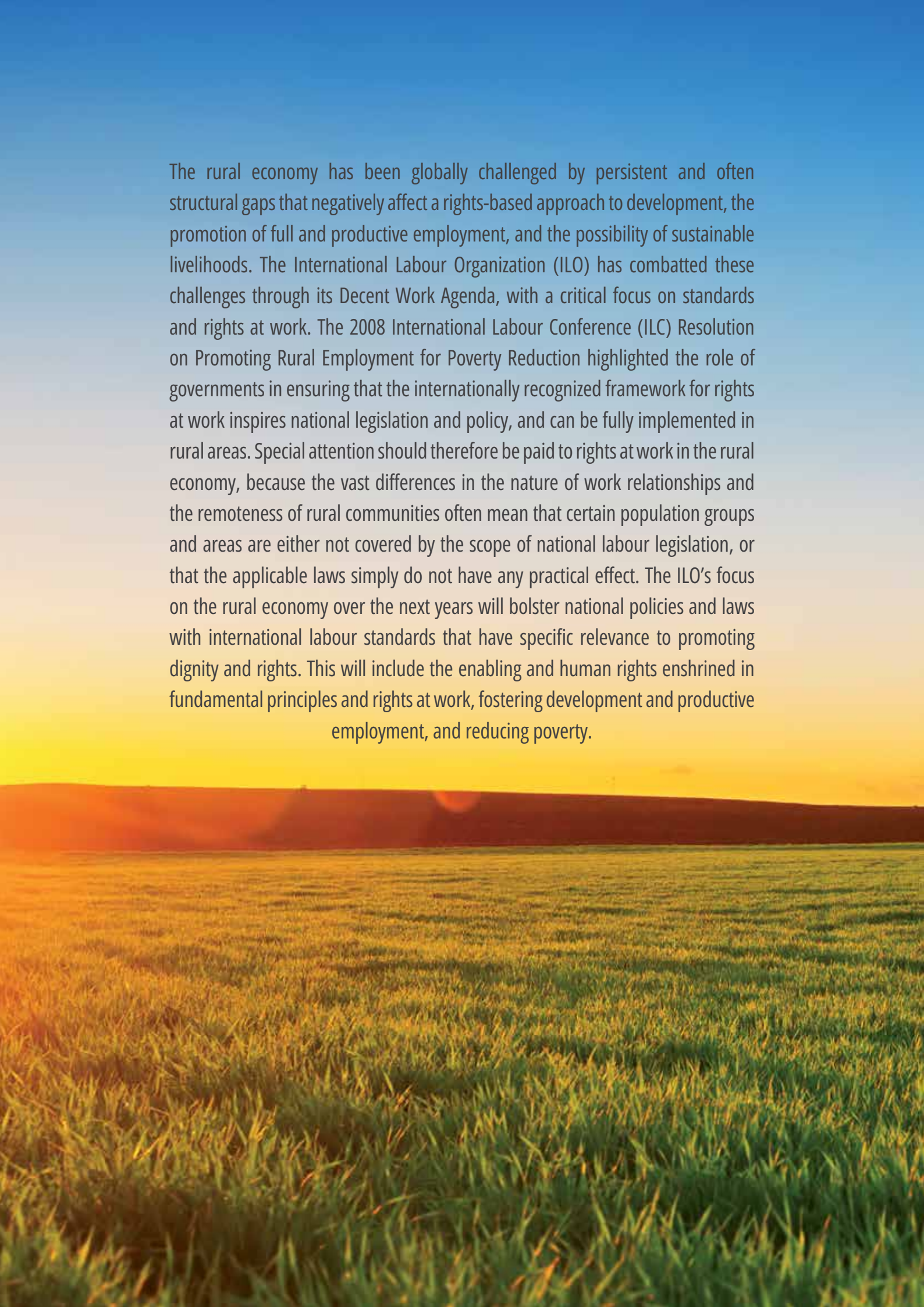




International
Labour
Office

Rights at Work in the Rural Economy

**DECENT WORK IN THE RURAL ECONOMY
POLICY GUIDANCE NOTES**



The rural economy has been globally challenged by persistent and often structural gaps that negatively affect a rights-based approach to development, the promotion of full and productive employment, and the possibility of sustainable livelihoods. The International Labour Organization (ILO) has combatted these challenges through its Decent Work Agenda, with a critical focus on standards and rights at work. The 2008 International Labour Conference (ILC) Resolution on Promoting Rural Employment for Poverty Reduction highlighted the role of governments in ensuring that the internationally recognized framework for rights at work inspires national legislation and policy, and can be fully implemented in rural areas. Special attention should therefore be paid to rights at work in the rural economy, because the vast differences in the nature of work relationships and the remoteness of rural communities often mean that certain population groups and areas are either not covered by the scope of national labour legislation, or that the applicable laws simply do not have any practical effect. The ILO's focus on the rural economy over the next years will bolster national policies and laws with international labour standards that have specific relevance to promoting dignity and rights. This will include the enabling and human rights enshrined in fundamental principles and rights at work, fostering development and productive employment, and reducing poverty.

1. Rationale and justification

Rural workers account for nearly half of the world's workforce, yet they are often excluded from the coverage or implementation of national labour laws. Poverty levels are typically higher in rural than in urban areas, and incomes and other working conditions are often poor. Women, children, youth, indigenous peoples and migrant workers, who represent the largest proportion of the rural workforce, often find themselves in circumstances that render them particularly vulnerable. Approximately half of the yearly 321,000 fatal workplace accidents worldwide occur in agriculture.

Beyond the absence of effective implementation of national legislation, there are notable challenges in the exercise of workers' and employers' basic rights to organize, and their capacity to use their collective voice. This is critical not only to issues related to terms and conditions of employment, but also to the elaboration of national policy on rural and community development and land reform. Unionization in rural areas is typically very low, and rural workers' organizations are often weak and fragmented. However, rural workers' organizations are key players in highlighting the specific needs of rural workers, who are often dependent on their work relationship for housing, education for their children, transport and a variety of services related to daily living; for urban workers, these are more likely to be provided by the State. The ILO has always paid special attention to the association rights

of rural workers, starting from the very first Convention on freedom of association – the Right of Association (Agriculture) Convention, 1921 (No. 11) – through to the Rural Workers' Organisations Convention, 1975 (No. 141), which focuses on the need for governments to be proactive in facilitating the voluntary establishment and growth of these organizations on a voluntary basis.

Similarly, sector-specific Conventions were adopted for labour inspection systems in agriculture (No. 129) and for occupational safety and health in agriculture (No. 184), demonstrating the need to focus attention on the agricultural sector.

In this context, it has become increasingly necessary to step up the attention given to promoting and ensuring rights at work in the rural economy. This starts with fundamental principles and rights at work as enabling rights – with a special emphasis on freedom of association and collective bargaining – and goes beyond into all international labour standards related to conditions of work, working time, occupational safety and health, specific categories and sub-sectors (such as migrant workers, fisheries, plantations and indigenous peoples), employment promotion and social protection.

2. Scope and definitions

International labour standards that directly address the situation of rural workers have been adopted within the general body of international labour law, which applies equally to the rural economy as to other sectors, except where the standards explicitly state otherwise. International labour standards, therefore, are generally applicable to all rural workers – whether they are waged workers, temporary, casual or seasonal workers, tenants, sharecroppers, owner-occupiers, self-employed people, smallholders, family farmers, micro-entrepreneurs or vendors.

Where rural workers are included in the scope of protective legislation, the law is often not applied in practice, either due to the precarious nature of the employment relationship, or to a labour inspectorate ill-equipped to ensure application of the laws because of the challenging specificities of rural work. The rural economy is characterized by some of the most vulnerable categories of workers, including migrant workers (regular or irregular) or indigenous peoples. Women make up over half of the rural workers around the world and child labour is often prevalent.

When it comes to rights at work, there are numerous ILO standards that have particular relevance to rural communities. International labour standards are not only critical to ensure a rights-based approach to development in the rural economy, but standards also provide an enabling environment for improved productivity and performance. Relevant international labour standards range from those concerning fundamental principles and rights at work to social protection, from migrant workers to occupational safety and health in agriculture. Promoting rights at work in the rural economy means taking a holistic view of the needs of rural workers and employers, the development of the rural economy, and its domino effect on the overall national economy. Some key areas of international labour standards necessary to rights-based development in rural areas are set out below.

Organizational rights and collective bargaining: Strong workers' and employers' organizations can play a major role in rural development, through facilitating access to financial services, education and vocational opportunities, and ensuring a voice for those directly affected by rural employment policy, land reform and poverty reduction measures. Collective bargaining can contribute to the availability of employment opportunities, an improvement in general conditions of work and of life in rural areas, improved occupational safety and health, improved income security, higher productivity and workplace adaptability, higher wages, greater wage equality and a more equitable distribution of wealth.

Equality and non-discrimination: The high rates of ratification of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100) mean that there is general acceptance of the principles of non-discrimination, equality and equal remuneration for work of equal value, including for rural workers. However, significant groups of rural workers – including agricultural workers, migrant workers and indigenous and tribal peoples involved in subsistence farming – may not be covered by national legislation that prohibits discrimination and unequal pay. Even where there is legislation in force, many rural workers still face discrimination based on a number of grounds, including race, sex, national extraction, migrant status, disability, indigenous background and social origin. Thus they may be subject to exploitation, including low wages and abusive and dangerous working conditions. Rural workers, particularly women, may also face disadvantages and legal or practical obstacles relating to access to adequate training, credit, land and various goods and services necessary for the exercise of their occupation. Lack of access to dispute resolution mechanisms and appropriate remedies, including through the labour inspectorate, the courts or specialized equality bodies, also constitutes a significant barrier for rural workers in enforcing the right to non-discrimination and equal remuneration, in particular in remote rural areas.

Child labour: The two fundamental child labour Conventions – the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) – are very highly ratified. Eliminating child labour in the rural economy firstly ensures the protection of the lives, safety and personal development of children who may otherwise be called upon to work, often in hazardous environments in commercial or subsistence farming (and in fisheries, aquaculture and forestry). These include, for example, children using or being exposed to dangerous chemicals, machinery or tools, lifting and transporting heavy loads, working long hours in extreme temperatures without access to sanitation or drinking water, and exposed to one of the highest risks for many children working in agriculture especially – snakebites. Rural communities are also the location of most of the world's artisanal and small-scale mines and quarries, in which an estimated one million children perform hazardous and other worst forms of child labour. Coupling policies for the eradication of child labour with investment in better schooling and social services can generate economic benefits up to seven times the investment cost of halting child labour. Schooled children can break the vicious circle of poverty that is often more prevalent in the rural economy, and such policies may have the impact of lifting sub-standard wages previously paid to adult workers when there had been low-cost competition of child labour.

Forced labour: Forced labour is particularly prevalent in rural areas and has a particular impact on vulnerable categories of workers, such as indigenous peoples and migrant workers. Rural workers may be locked into debt bondage given their dependency on their employer or landlord for shelter and basic living necessities, as well as for wage advances and loans.

Employment policy: The Employment Policy Convention, 1964 (No. 122) provides for a broad participatory approach to consultations on employment policies. Rather than limiting consultations to the social partners, Article 3 of the Convention refers to representatives of the persons affected by the employment measures. Consultations, therefore, should include the views of other sections of the economically active population, such as those working in the rural economy and the informal economy.

Indigenous peoples: The ILO has a specific responsibility on issues related to indigenous peoples' rights over the lands that they traditionally occupy and the use of natural resources pertaining to their lands. ILO policy advice is directly inspired through social dialogue with representatives of indigenous peoples and other communities established in rural areas. Protection of indigenous peoples' land rights can generate employment opportunities within communities.

Occupational safety and health: Many of the OSH Conventions are relevant and applicable to the rural economy. Nevertheless, in 2001, the International Labour Conference, driven by the need for a coherent approach to OSH for agriculture, adopted the Safety and Health in Agriculture Convention, 2001 (No. 184). The Convention calls for a coherent national policy aimed at preventing accidents and injuries by eliminating, minimizing or controlling hazards in the agricultural working environment. Lowering incidence of occupational hazards, accidents and diseases not only respects the fundamental human right to life and personal security, but also has long been associated with overall improved economic performance.

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Social protection should be a key element of a policy aimed at securing decent work in the rural economy. ILO efforts to assist its Members in the implementation of the Social Protection Floors Recommendation, 2012 (No. 202) should fully take into consideration the needs of people in the rural economy.

Key areas to be covered include:

- a legislative framework for freedom of association and collective bargaining rights, equality, non-discrimination and equal remuneration for work of equal value;
- access to employment and occupation, and vocational training;
- access to land, resources and services required to carry out an occupation;
- access to dispute prevention and resolution procedures;
- proactive measures to address groups of rural workers who may be particularly vulnerable to discrimination, including multiple discrimination, such as women, migrant workers, indigenous and tribal peoples, people of African

descent, Roma people, people living with HIV, workers with disabilities, and workers with lower socio-economic status.

The ILO works regularly with Governments and the national social partners in the elaboration of legal protection and national policies that ensure respect for these basic rights at work. Once the legislative framework or national policy is in place, capacity-building of the actors responsible for implementation is a key factor to ensuring impact on the ground. This includes labour inspectors, judges, employers' and workers' organizations, agricultural extension officers, and outreach to rural workers and farmers.

Up to 50 per cent of all agricultural produce in the world is produced in cooperatives. The Promotion of Cooperatives Recommendation, 2002 (No. 193) emphasizes: cooperative values of self-help, self-responsibility, democracy, equality, equity and solidarity; ethical values of honesty, openness, social responsibility and caring for others; cooperative principles of voluntary and open membership; democratic member control; member economic participation; autonomy and independence; education, training and information; cooperation among cooperatives; and concern for community. The Recommendation states that measures should be adopted to promote the potential of cooperatives in all countries, irrespective of their level of development.

3. The ILO's approach

The ILO brings two unique advantages to the task of promoting rights at work for rural workers, as it does to all others: its tripartite constituency and its standards. In this context, the ILO strategy for the promotion of international labour standards (ILS) and the realization of fundamental rights at work in the rural economy is two-pronged. The first focuses on supervision and direct dialogue with Governments to explain the relevant ILS, and appropriate measures for their application in law and practice. Second, the Office is often called upon to assist member States in ensuring effective practical application of ILS through advisory services, awareness-raising, capacity-building and technical cooperation projects. Technical cooperation projects often take a single entry point to address an area of ILS, but would probably benefit from a holistic endeavour that would combine

promotion of a number of inter-related ILS relevant to the rural economy, accompanied by joint projects that can build on the synergies from different groups of rights.

A particular emphasis was placed over the 2012-13 biennium on detecting the real and perceived obstacles in law and in practice for *freedom of association rights* in the rural economy. A diagnostic tool was developed which analyses the varying country and sector-specific challenges to freedom of association and collective bargaining in law and in practice in the rural sector, and develops – with the Government and the social partners – tailored action plans and programmes for the promotion of these rights.

A focus on awareness is especially important in areas with high vulnerability, such as the rural economy, as many workers and employers are largely unaware of the possibilities and potentials of freedom of association and collective bargaining rights. The process of gathering information itself raised the awareness of many employers and workers, as a step towards full implementation of these rights. Building capacity and raising awareness are equally important, in particular for training programmes on freedom of association for labour inspectors in the rural economy.

Building on the ILO tripartite constituency, the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) can act as a tool for improving dialogue through tripartite consultation at a national, provincial or local level. This links with the Rural Workers' Organisations Convention, 1975 (No. 141) and Recommendation (No. 149), which highlight the role of rural workers' organizations in economic and social development and in the benefits resulting therefrom.

An action plan for the promotion of the *labour inspection and occupational safety and health* Conventions can ensure a greater impact on the respect for rights in the rural economy. In particular, the promotion of Convention No. 129 on labour inspection in agriculture would bolster the enforcement of legal provisions related to wages and conditions of work on farms, and the identification of important rights gaps. Trade unions in some countries have experimented with the creation of roving safety representatives for agriculture, and good case studies and lessons learned could be shared in this regard.

The ILO has taken a multi-faceted approach to *non-discrimination and equality*, including promoting ratification of the relevant Conventions, assisting in the drafting of non-discrimination and equality provisions and laws, training judges and labour inspectors, assisting in the establishment of equal employment opportunities policies and bodies, providing tools and training constituents. The ILO's approach, framed by the relevant international labour standards,

does not permit exceptions to the fundamental right to non-discrimination – all workers, urban and rural, public and private sector, formal and informal, must be included. The ILO, through its various programmes dealing with specific groups of workers, has addressed the specific situation of rural women, workers living with HIV, workers with disabilities, migrant workers and indigenous and tribal peoples. Less focus has been given to multiple and intersecting discrimination, which is of relevance with respect to rural workers.

ILO social security standards adopted during the second half of the 20th century are based on the premise of a world economy following the path of industrial growth traced by the developed economies after the Second World War, imagining the standard social security beneficiary as a blue-collar worker or an ordinary industrial labourer. In practice, this development paradigm sidelined countries that remained essentially rural societies with small landholders practising subsistence agriculture and where informality progressively became the rule rather than the exception.

In 2012, recognizing the major gaps that existed worldwide in securing social protection to the most vulnerable and in need of protection, the ILO adopted the Social Protection Floors Recommendation, 2012 (No. 202). This standard provides guidance as to how to establish or maintain social protection floors as an integral part of national social security systems, based on the principles of universal protection and social inclusion, including for those in the informal economy. The Recommendation also promotes the development of national strategies for the extension of social security, which should equally apply to persons in the formal and informal economies.

Research and activities undertaken by the ILO to support the implementation of Recommendation No. 202 should include a component focusing on rural workers and inform the ILO's policy aimed at ensuring decent work in the rural economy.

4. The ILO's experience to date

A training manual specific to *freedom of association* rights in the rural economy has been developed and pilot-tested in the Western Cape of South Africa, and will be rolled out in the country and to other countries in 2015-2016. The aim of the activities was to raise awareness and elaborate protocols for ensuring more effective response to complaints brought concerning the violation of trade union rights.

In the area of *indigenous rights*, the ILO has played an important role in promoting the voice of indigenous peoples in Nepal, and the Colombian Government has been using Convention No. 169 as a basis for its interactions with indigenous peoples regarding land reform and the peace process. Particular progress has been made in relation to land titles under Convention No. 169, through the demarcation and titling of land in favour of indigenous peoples.

At present, only a small proportion of agricultural workers globally are covered by *social security*, with their protection often being partial and subsidized by the State. Since many rural workers are in fact informal economy workers, many of the efforts to extend social protection to informal economy workers are naturally relevant for rural workers. Over recent years, certain countries introduced basic pension schemes subsidized by the central and local authorities whereas, under the previously operating pension programmes, farmers alone supplied the funding. Other successful rural pension schemes aim at reducing poverty and vulnerability among

older men and women engaged in rural employment who were excluded from the general social insurance schemes. Largely financed by general taxation, these schemes often provide non-contributory old-age pension, as well as survivors', disability, maternity, sickness and employment injury benefits. In certain cases, social security extension strategies may also include recourse to collective bargaining, aimed at facilitating the payment of contributions by linking their payment to the sale of agricultural products rather than monthly pay. It should also be recalled that many agricultural workers are seasonal workers, for whom the duration of social security benefits and the waiting periods need to be adapted to their conditions of employment; this is recognized by ILO social security standards on unemployment benefits.

In relation to employment policy, the ILO is supporting the implementation and further dissemination of employment policies such as the Mahatma Gandhi National Rural Employment Guarantee Act programme (MGNREGA) in India, which aims to provide 100 days of guaranteed unskilled waged employment to each rural household in more than 600 districts of the country, and has targeted poor and marginalized groups like scheduled castes/scheduled tribes (38 per cent) and women (53 per cent), in areas of work including agriculture, fisheries and rural sanitation.

5. Practical guidance and resources

As described above, international labour standards provide a strong normative basis for a rights-based approach to achieving decent work in the rural economy. The Organization's commitment to ensuring full application of rights at work in the rural economy, both in law and in practice, builds on its unique supervisory system, the comparative advantage of its tripartite structure, and its solid expertise in providing varied technical advice and support to its constituents. Its approach will be strongly responsive to country-specific requests, tailored to the priorities and needs identified by member States and social partners, and building on the technical comments of the supervisory mechanisms.

In its 2015 General Survey on the rural workers' organizations instruments, the Committee of Experts on the Applications of Conventions and Recommendations set out a practical strategy to promote and build decent work for rural communities. The Committee pointed to the need for integrated national policies to promote active steps to be taken for the establishment, growth and functioning of rural workers' organizations, so that rural workers may participate in economic and social development, noting that more diverse participation by rural communities would impact positively on the wider economy.

The outcome of the discussion of the General Survey concerning the right of association and rural workers' organizations instruments was adopted in the ILC by the Committee on the Application of Standards in June 2015. Developing integrated national policies to promote active steps to be taken for the establishment, growth and functioning of rural workers' organizations are key to promoting collective voice and representation for workers and employers in the rural economy. The Committee noted that a better understanding of the barriers to ratification and implementation of the Right of Association (Agriculture) Convention, 1921 (No. 11), and the Rural Workers' Organisations Convention, 1975 (No. 141) and its accompanying recommendation is needed to ensure that labour standards effectively respond to the many and varied challenges for rural communities.¹ Member States might wish to take advantage of the ILO's specialist expertise in developing national policies for rural workers' organizations that harness their support to take effective action to eliminate forced labour and child labour, ensure non-discrimination and equality, take advantage of the potential of cooperatives, promote youth employment, address the challenges of migrant workers and indigenous populations, and enhance labour inspection and administration.

The full set of international labour standards, as well as the comments of the ILO's supervisory bodies, reporting requirements and ratification information, is available on the NORMLEX website.² The following instruments are of particular importance in ensuring rights at work in the rural economy:

¹ The Committee considered that the Office should take the necessary steps to promote the ratification and implementation of the instruments and that it should provide the opportunity for Member States to share experiences and information concerning the ways in which they may be implemented in practice. The Committee also considered that the Office should conduct capacity-building, undertake research, look into ways in which tools could be adapted and take steps to investigate the use of new communication technologies. The outcome will be taken into account in future ILO work, particularly in the context of outcome 5 on Decent Work in the Rural Economy in 2016-2017.

² See <http://www.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:1:0:NO>.

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Instruments

Fundamental Conventions

Forced Labour Convention, 1930 (No. 29) and Protocol of 2014 (P029)

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

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

Equal Remuneration Convention, 1951 (No. 100)

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

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

Minimum Age Convention, 1973 (No. 138)

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

Governance Conventions

Labour Inspection Convention, 1947 (No. 81)

Employment Policy Convention, 1964 (No. 122)

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

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

Other up-to-date Conventions with particular importance for the rural economy

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

Plantations Convention, 1958 (No. 110) and Protocol of 1982 (P110)

Rural Workers' Organisations Convention, 1975 (No. 141)

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

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

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

Publications

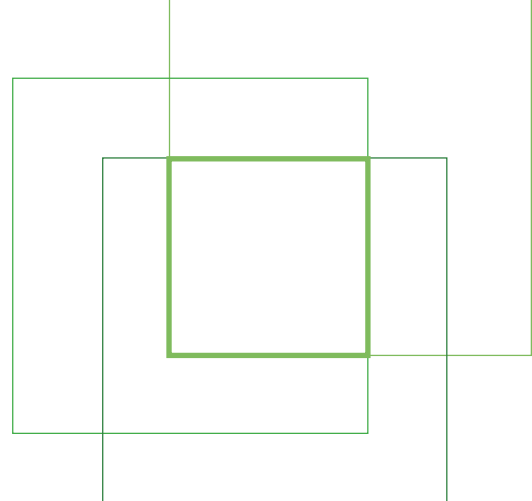
ILO. 2012. *Giving globalization a human face: General Survey on the fundamental Conventions concerning rights at work in light of the ILO Declaration on Social Justice for a Fair Globalization*, 2008, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B), ILC, 101st Session, Geneva, 2012 (Geneva).

—. 2013. *Handbook for the ILO Tripartite Constituents, Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169)*, International Labour Standards Department (Geneva).

—. 2015. *Giving a voice to rural workers: General Survey concerning the right of association and rural workers' organizations instruments*, Report III (Part 1B), ILC, 104th Session, Geneva, 2015 (Geneva).



Overview of Policy Guidance Notes on the Promotion of Decent Work in the Rural Economy



Supporting inclusive agricultural growth for improved livelihoods and food security

- Decent Work for Food Security and Resilient Rural Livelihoods
- Decent and Productive Work in Agriculture

Promoting economic diversification and triggering productive transformation for rural employment

- Economic Diversification of the Rural Economy
- Promoting Decent Work for Rural Workers at the Base of the Supply Chain
- The Role of Multinational Enterprises in the Promotion of Decent Work in Rural Areas
- Transitioning to Formality in the Rural Informal Economy
- Sustainable Tourism – A Catalyst for Inclusive Socio-economic Development and Poverty Reduction in Rural Areas

Promoting access to services, protection and employment-intensive investment

- Providing Access to Quality Services in the Rural Economy to Promote Growth and Social Development
- Extending Social Protection to the Rural Economy
- Developing the Rural Economy through Financial Inclusion: The Role of Access to Finance
- Employment-Intensive Investment in Rural Infrastructure for Economic Development, Social and Environmental Protection and Inclusive Growth

Ensuring sustainability and harnessing the benefits of natural resources

- A Just Transition towards a Resilient and Sustainable Rural Economy
- Decent Work in Forestry
- Harnessing the Potential of Extractive Industries
- Water for Improved Rural Livelihoods

Increasing the voice of rural people through organization and the promotion of rights, standards and social dialogue

- Rights at Work in the Rural Economy
- Promoting Social Dialogue in the Rural Economy
- Building Local Development in Rural Areas through Cooperatives and other Social and Solidarity Economy Enterprises and Organizations
- Decent Work for Indigenous and Tribal Peoples in the Rural Economy
- Empowering Women in the Rural Economy
- Decent Work for Rural Youth
- Promoting Fair and Effective Labour Migration Policies in Agriculture and Rural Areas

Improving the knowledge base on decent work in the rural economy

- Enhancing the Knowledge Base to Support the Promotion of Decent Work in Rural Areas

For more information please visit www.ilo.org/rural or contact rural@ilo.org

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