



Food and Agriculture
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United Nations

Assessment of international labour standards that apply to rural employment

An overview for the work
of FAO relating to labour
protection in agriculture,
forestry and fisheries

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PREFACE

Under its Strategic Objective 3 to reduce rural poverty, the Food and Agriculture Organization of the United Nations (FAO) assists Member State in the implementation of international labour standards in the agriculture, forestry and fisheries sectors. As part of the broader work of FAO on decent rural employment, the Development Law Branch (LEGN) of its Legal Office provides technical support to the review and development of domestic legislative frameworks for labor protection in the agriculture and food-related sectors and in building capacity for the implementation of pertinent international and domestic labor standards. In doing so, LEGN relies on its vast experience in providing technical legal support to countries in the areas of plant protection and production, animal health and production, food security and nutrition, food safety, agribusiness development, fisheries and aquaculture, forestry, biodiversity and natural resources tenure and management.

With respect to decent rural employment, LEGN seeks to strengthen the integration of internationally accepted labour standards in its technical assistance to sectoral legislation. It would also collaborate with relevant international and national partners to make sure that generic as well as sector-specific labour laws take into account the special circumstances of work in agriculture, forestry and fisheries. LEGN provides such technical legal support based on the assessment of national legal frameworks against internationally accepted standards and best practices. The present study is intended to contribute to the delivery of such assistance as it identifies and assesses the international labour standards that apply to rural employment. It further highlights the challenges of labour protection in the agriculture, forestry and fisheries sectors and suggests ways of overcoming such constraints. The study can also be used for the purposes of technical support to policies and programmes on decent rural employment by colleagues at FAO and other partners.

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ACRONYMS AND ABBREVIATIONS

CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CERD	International Convention on the Elimination of all forms of Racial Discrimination
CFS	Committee on World Food Security
COFI	FAO Committee on Fisheries
CRC	Convention on the Rights of the Child
DWA	Decent Work Agenda
FAO	Food and Agriculture Organization of the United Nations
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
UNIDROIT	International Institute for the Unification of Private Law
ILS	International Labour Standards

1. INTRODUCTION

The Food and Agriculture Organization of the United Nations (FAO) strives to improve opportunities for the rural poor to access decent farm and off-farm employment as part of its strategic objective to reduce rural poverty. An important component of this objective is the organization's commitment to support the implementation of internationally accepted labour standards. The execution of this objective requires identifying the international labour standards (ILS) that apply to rural employment and strengthening collaboration with the International Labour Organization (ILO), which has specialized mandate in issues of labour and employment.

Rural areas are home to half of the world's population and three-quarters of the world's poor. Rural people engage in both agricultural and non-agricultural activities and businesses for cash or in-kind remuneration, profit and social or family gains. The agriculture sector, including the sub-sectors of farming, animal husbandry, forestry and fishing and aquaculture, is a source of livelihoods for over 85 percent of rural people (FAO, 2013a; ILO, 2011). The sector provides employment for over one billion workers in the world, representing 1 in 3 of all workers. Women make up approximately 43 percent of the agricultural labour force in developing countries. However, most of the people who are employed in the sector live in poverty. Nearly eight out of ten "working poor" that earn less than US\$ 1.25/day live in rural areas, mainly working in agriculture under precarious job conditions (FAO, 2013b). Youth account for a large share (about 24 per cent) of the working poor (ILO, 2012a).

Rural areas are characterized by the prevalence of unemployment, underemployment, poor remuneration, poor working conditions and exposure to occupational hazards (FAO, 2013b). The agriculture sector is one of the most dangerous sectors in terms of the safety and health of workers. An average of 170 000 agricultural workers are killed at work annually. The sector has the highest incidence of early entry into workforce. Around 59 percent of all child labourers – 98 million girls and boys in the age group 5 to 17 – work in agriculture and more than two-thirds of them are unpaid family members (ILO, 2013; FAO, 2012). More than half of these children engage in hazardous work that can compromise their health, development and education (ILO-IPEC, 2013). The problems of labour conditions in agriculture adversely affect the contributions of the sector to the reduction of rural poverty. Addressing these problems requires, among other things, long-term commitments to promote and protect decent rural employment by adopting legal frameworks that lay out labour standards and assign institutional responsibilities. However, agricultural and rural workers are not adequately protected in labour laws and/or practices at both the international and national levels. Strategies that seek to reduce rural poverty through the promotion of rural employment should address these gaps and challenges.

The present paper aims to assess ILS that apply to rural employment by identifying some core standards, protection gaps and operational challenges and makes some propositions with the domestic implementation of the standards in mind. It is divided into four major parts. The first part sets the stage for the sections that follow by locating ILS within the ILO Decent Work Agenda. The second section makes a general overview of international instruments that apply to rural employment. Part three looks at the issue of labour protection gaps, while the fourth part presents some labour standards that should be integrated in generic or sectoral policy and legal framework instruments that govern work in agriculture.

2. THE FOUR PILLARS OF THE DECENT WORK AGENDA AND THE RELEVANCE OF LEGAL STANDARDS

The Decent Work Agenda (DWA) aims to promote productive work for women and men in conditions of freedom, equality, security and human dignity based on the four pillars: (1) promoting jobs; (2) guaranteeing rights at work; (3) extending social protection; and (4) promoting social dialogue; (ILO, 2012b). The first pillar involves the promotion of productive employment through the development of enterprise and skills as well as supportive policies. The second pillar is about the recognition and respect for the rights of workers as enshrined in internationally accepted labour standards. The social protection pillar requires the extension of adequate levels of access to health care and income security, particularly in cases of inability to earn income and loss of a main source of income. Social dialogue demands negotiation, consultation or information exchange between representatives of employers, workers and governments.

International labour and human rights instruments provide standards that are pertinent to the four pillars of the DWA. States further adopt national policies, legislation and other instruments that give effect to these standards at the domestic level. These legal standards regulate labour relationships among employees, employers and government. A simple example of a relationship governed by labour law at the national level is one between a large-scale farming operator and its employees. While all the four pillars of decent work are relevant to such labour relationships, the pillar on rights at work appears to be the one to which labour standards in national laws relate most directly.

However, international labour and human rights standards can also serve as foundations for approaches to policy making and implementation. They provide normative tools and instruments for a human rights-based approach that is based on the principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law. For example, rural workers stand a relatively better chance of being covered by employment and social protection policies in the spirit of the ILO Employment Policy Convention (No. 122, 1964) if such policies are formulated and implemented in participatory, inclusive and transparent processes. Mechanisms that ensure the accountability of public officials, employers and other relevant actors and provide channels of feedback from rights holders would increase the effectiveness of labour-related policies. The imperatives of rule of law and sustainability further require supporting programmes that are meant to implement such policies with legal frameworks that assign institutional responsibilities. The pillar of social dialogue also relies on the instrumental right of participation and the existence of accountability structures. Gender equality cuts across all four pillars as all measures to ensure decent work should take it into account. For the relationship between ILS and DWA, please see Box 1.

In terms of labor standards, the agriculture sector tends to be under-regulated either as a result of its tacit or express exclusion from pertinent laws or the failure of such laws to address the particular circumstances of agricultural workers. Accordingly, agricultural and rural workers fall outside the scope of many national labour laws and international labour instruments.¹ Even those labour standard instruments that cover the agriculture sector exclude some forms of agricultural workers, such as self-employed, small-hold, subsistence

1 See ILO, Promotion of Rural Employment for Poverty Reduction, International Labour Conference, 97th session, report IV, Geneva, 2008, para 221.

farmers, casual and seasonal workers. In addition, the legal instruments often fail to take into account the special circumstances of women, migrant workers, indigenous peoples or other vulnerable groups in the context of rural employment. In reality, many of the rural poor are subsistence producers, family farmers or landless agricultural workers, including fisherfolk, pastoralists, and forest-dependent peoples² who suffer from different forms of marginalization. The failure of labour laws to cover these large groups of informal rural workers entails a significant decent work deficit. If the implementation of labour standards is to help reduce rural poverty, the protection gaps and hence decent work deficits relating to rural employment should be addressed.³

The overall applicability of generic labour laws mainly to formal employment poses serious limitations to the protection of rights at work in rural areas because a large number of agricultural workers are engaged in the informal economy. This limitations may be partially overcome by applying ILS, especially those that have wide scope of application, through the implementation of provisions on employers' duties and the broad interpretation of existing legal standards. ILS concerning fundamental principles and rights at work apply to all types of workers and also to states that have not necessarily ratified the pertinent conventions.⁴ ILS further have a peculiar tripartite nature by which their provisions are not limited to defining the rights and duties of individuals or groups and states but also include some responsibilities of employers towards their workers. Some labour instruments have been authoritatively interpreted as to cover more forms of engagement in agricultural work, such as self-employment, than their provisions appear to suggest.⁵ The international human rights regime has even broader scope of application because it provides rights (such as the right to equality and non-discrimination, the right to work, trade union rights, participatory rights and protection against child labour) to *all human beings*, with particular attention to vulnerable groups.⁶

The integrated application of existing ILS together with pertinent human rights standards provides a good approach to extending the scope of protection of labour rights to those who are excluded from generic labour instruments. As indicated above, in addition to providing foundations for national legislative and capacity building support, the relevant labour and human rights standards can also be used to inform policy-making to the benefit of all agricultural workers. The work on implementing labour standards in rural employment should, therefore, have a broad purview of the standards so as to apply them through legal, policy and programme-based approaches to poverty reduction.

2 FAO, Medium Term Plan 2014-17 - FAO (2013).

3 See Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 2015), adopted at the 104th Session of the International Labour Conference in June 2015 (pointing out the need to pay special attention to those who are especially vulnerable to the most serious decent work deficit in the informal economy, and specifically to the subsistence farmers).

4 See ILO Declaration on Fundamental Principles and Rights at Work, 1998.

5 For example, although the Safety and Health in Agriculture Convention (No. 184, 2001) excludes subsistence farmers from its scope, the Safety and Health in Agriculture Recommendation (No. 192, 2001) provides for the progressive extension of the protection afforded by the Convention to self-employed farmers, including small tenants, sharecroppers, members of a family and subsistence farmers themselves.

6 See the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966); International Covenant on Civil and Political Rights (ICCPR) (1966), Article 22; the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) (1979), 11; Convention on the Rights of the Child (CRC) (1989).

Nevertheless, the argument for the extension of labour protection to various types of rural workers should also take into account the situation of the workers and the difficulty of implementing the standards in practice. A state would, for example, find it very difficult to require self-employed or subsistence farmers to comply with labour standards in situations where there are no alternative means of livelihoods or incentives. Some states do not further have the institutional structures and/or capacities that are required for the enforcement of labour standards in rural areas. The expansion of coverage in the application of labour and human rights standards should therefore go hand in hand with positive measures, such as the provision of social protection on condition of compliance with identified standards, and strengthening the capacity to deliver services in rural areas.

Box 1. The place of International Labour Standards in the Decent Work Agenda

The four pillars of decent work and the role of ILS			
<p>Employment and enterprise development</p> <p>Human rights and labour standards as bases of policy making and implementation</p>	<p>Standards and rights at work</p> <p>International Labour Standards and national labour laws</p> <p>Human rights standards</p>	<p>Social protection</p> <p>Human rights-based approach (HRBA) to policy making and implementation</p> <p>Legal frameworks portray long term and budgetary commitment and assign institutional responsibilities</p>	<p>Governance and social dialogue</p> <p>The principles of participation, transparency and accountability (HRBA)</p>

3. INTERNATIONAL LABOUR STANDARDS THAT APPLY TO WORK IN AGRICULTURE, FORESTRY AND FISHERIES AND AQUACULTURE

Labour standards are stipulated in both general and specific international instruments that respectively reflect the communalities and peculiarities of work in farming, animal husbandry, forestry, fishing and aquaculture and other sectors. While basic ILO conventions⁷ on the four core labor standards relating to freedom of association, forced labor, child labor and non-discrimination apply to all sectors and areas of employment, some of these fundamental conventions are meant to specifically govern rural employment and work in the agriculture sector.⁸ In a similar vein, many of the conventions concerning conditions of work have general applicability, but work in agriculture is also governed by sector-specific ILS addressing issues such as occupational safety and health, working time and social security.⁹

ILS that apply to specific categories of workers, such as plantation workers and indigenous peoples, add to the list of instruments specifically governing rural or agricultural employment.¹⁰ In addition to the substantive instruments, the general labour administration and inspection conventions are complemented by a convention that lays down the institutional and procedural requirements for labour inspection in agriculture.¹¹ Other governance instruments such as those on employment policy and tripartite consultation also apply to all sectors.¹²

Many of the ILO conventions pertaining to “agriculture” include work in farming, animal husbandry and forestry to varying degrees,¹³ while the fisheries and aquaculture sub-sectors are governed by some more specialized international instruments.¹⁴ There are also more

⁷ Based on the review of ILO standards adopted before 1985, the Governing Body designated 71 conventions, including the fundamental conventions and those adopted after 1985, as being “up-to-date” and recommended for active promotion, whereas it decided that some conventions needed to be revised, some had an interim status and some were outdated. For the status of the instruments herein referred to, see <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12030:0::NO::>

⁸ Right of Association (Agriculture) Convention, 1921 (No. 11); Rural Workers' Organizations Convention, 1975 (No. 141); Minimum Age (Agriculture) Convention, 1921 (No. 10); Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99).

⁹ Safety and Health in Agriculture Convention, 2001 (No. 184); Holidays with Pay (Agriculture) Convention, 1952 (No. 101); Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); Sickness Insurance (Agriculture) Convention, 1927 (No. 25); Old-Age Insurance (Agriculture) Convention, 1933 (No. 36); Invalidity Insurance (Agriculture) Convention, 1933 (No. 38); Survivors' Insurance (Agriculture) Convention, 1933 (No. 40).

¹⁰ Plantations Convention, 1958 (No. 110) and Protocol of 1982 to the Plantations Convention, 1958; Indigenous and Tribal Peoples Convention, 1989 (No. 169).

¹¹ Labour Inspection (Agriculture) Convention, 1969 (No. 129). This is in addition to the labour inspection provisions of sector-specific instruments such as the Work in Fishing Convention, 2007 (No. 188).

¹² Employment Policy Convention, 1964 (No. 122); Tripartite Consultation (International Labour standards) Convention, 1976 (No. 144).

¹³ For example, see Labour Inspection (Agriculture) Convention, 1969 (No. 129); Safety and Health in Agriculture Convention, 2001 (No. 184).

¹⁴ For example, see Work in Fishing Convention, 2007 (No. 188), which revises earlier conventions on minimum age, medical examination, articles of agreement and accommodation of crew; Fishermen's Competency Certificates Convention, 1966 (No. 125); IMO, International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995; Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977; FAO Voluntary Guidelines for Securing Sustainable Small-Scale

specific guidelines and codes of practice that are developed with regard to specific sub-sectors.¹⁵ FAO collaborated with other international organizations in the development of such codes and guidelines with dedicated provisions on occupational safety and health in the context of work in forestry, fisheries and aquaculture.¹⁶ An overview of the status of ratification of the ILO conventions relating to work in agriculture, forestry and fisheries shows that they enjoy a generally low level of ratification and an even lower level of accession by developing countries where the sectors predominate in the economy.¹⁷ However, ILS are also part of the more widely ratified international human rights treaties, which provide for the rights of everyone to an opportunity to work, to just and favorable conditions of work, to form and join trade unions, to non-discriminatory access of women to employment opportunities, to protection against child labour and to access social security.¹⁸ For more on the international instruments, see Annex 1 to the present study.

In “soft-law” (non-legally binding) international instruments adopted within FAO and the Committee on World Food Security (CFS), ILS are stipulated as requirements that should be met within efforts to realize the right to adequate food and as criteria of responsible governance of and investment in agriculture, food systems and related natural resources.¹⁹ Such instruments further incorporate labour standards that are of particular importance to the thematic area they cover. For example, the FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication requires states to promote decent employment, eradicate forced labour and address issues of occupational health, unfair working conditions and discrimination among small-scale fisheries workers in their domestic law and practice (Guideline 6). The International Code of Conduct on Pesticide Management similarly provides for the prevention of the use of pesticides by children in a work situation and urges its classification as hazardous work in national law (FAO and the World Health Organization, 2014, Article 6). Although they are not adopted in the form of treaties that impose binding obligations on states that ratify or accede to them, these and other “soft-law” instruments can be used as important sources of inspiration for domestic labour policies, legislation and practices relating to agricultural or rural employment.

In addition to providing essential guidance to national labour standards and practices, as indicated earlier, ILS may also contribute to bridging labour protection gaps at the domestic level. States that have ratified international human rights and labour treaties undertake to implement the provisions within their respective jurisdictions. ILS are better implemented when they are enshrined in domestic legal frameworks that portray the long-term

Fisheries in the Context of Food Security and Poverty Eradication (FAO Committee on Fisheries (COFI), 2014); FAO Technical Guidelines on Aquaculture Certification (COFI, 2011).

- 15 ILO, Code of practice on safety and health in forestry work (1998); Guidelines for labour inspection in forestry (2005); ILO Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention 2007, No. 188 (2011)
- 16 FAO, the Model Code of Forest Harvesting Practices (1996); FAO, the Code of Practice for Forest Harvesting in Asia-Pacific (1999); FAO, the Regional Code of Practice for Reduced-Impact Forest Harvesting in Tropical Moist Forests of West and Central Africa (2003); FAO/ILO/IMO, Code of Safety for Fishermen and Fishing Vessels, Parts A and B (revised 2005); and the Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels (2005)
- 17 See ILO, Ratification by Convention, available at <[http://www.ilo.org/dyn/normlex/en/f?p=1000:12001:0:0:::~](http://www.ilo.org/dyn/normlex/en/f?p=1000:12001:0:0:::)>
- 18 ICESCR, Article 6-7; ICCPR, Article 22; CEDAW, Article 11; and CRC, Article 32.
- 19 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (FAO Council, 2004), Guideline 8A; Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (CFS, 2012), Guideline 12.4; FAO Code of Conduct for Responsible Fisheries (FAO Conference, 1995), principle 6 and 8; Principles for Responsible Investment in Agriculture and Food Systems (CFS, 2014), principle 2 and Article 37.

commitment of states, define the rules governing employment relations and conditions of work in the specific country and sectorial contexts and assign institutional and resource-related responsibilities. The transposition of ILS into domestic law may happen prior to, as a result of or separately from the formal ratification or acceptance of international instruments. The standards in the specialized and general conventions and other instruments may be enshrined in the constitution of a state, in national human rights instruments, in conventional labour laws and in sector-specific legislation. The international instruments may further serve as important reference texts for those working with voluntary initiatives, codes of conduct and social labelling schemes, for example, on child labour or occupational safety and health, which are applied relatively effectively in some circumstances.

4. THE APPLICABILITY OF LABOUR STANDARDS TO DIFFERENT FORMS OF WORK IN AGRICULTURE, FORESTRY AND FISHERIES AND AQUACULTURE

In terms of forms of engagement, labour law conventionally applies to formal employment relationships, for example, between large-scale agricultural operators and their employees. An important question in this connection is whether ILS on agriculture apply to self-employed farmers, agricultural producers and small-hold operators that employ family labour. This is a crucial issue because the majority of agricultural workers in developing countries are small-holders²⁰ and are engaged in self-employment or unpaid family work, including in subsistence farming. In some countries, they are considered to be neither employers nor workers to be governed by labour laws.²¹ Casual and seasonal workers and other agricultural workers that are engaged through non-conventional employment arrangements face similar challenges in terms of legal coverage.

As indicated earlier, agricultural or rural workers tend not to be fully covered by national and international labour instruments. While some of the ILO conventions, including those applying to agriculture, exclude self-employed operators such as subsistence farmers, others include “flexibility clauses” that allow states to exclude certain categories of workers from the application of a convention.²² Conversely, a number of labour standard instruments, such as the ones relating to freedom of association and rural workers organizations,²³ recognize the heterogeneity of labour relations in agriculture and clearly apply to self-employed persons such as tenants, sharecroppers or small owner-occupiers. The four fundamental principles and rights at work are considered to be applicable to all forms of work in agriculture.²⁴ Almost all ILO conventions governing the fundamental principles and rights at work apply to all types of workers.²⁵

Some labour and human rights instruments and also sector-specific instruments with labour standard components, such as the guidelines on small-scale fisheries, provide for the rights of *all workers* without distinction and the concomitant obligations of states. Together with ILS that apply to all agricultural/rural workers and those which are interpreted as covering self-employed workers,²⁶ these instruments can serve as foundations for approaches to the promotion and implementation of decent rural employment for all. As indicated earlier above, they can inform relevant policy processes and executive actions to the benefit of small-holding, casual, seasonal and other vulnerable agricultural or rural workers.

20 ILO, Agriculture: An engine of pro-poor rural growth, Rural Policy Briefs, Geneva, 2011; FAO, Social protection in agriculture, 28th Session of the FAO Regional Conference for Africa, Tunis, ARC/14/INF/12, Tunisia, 24-28 March 2014 (Almost three quarters of Africa’s economically active rural population are smallholders, and over 60 percent of women are employed in agriculture).

21 ILO, Giving a Voice to Rural Workers: General survey concerning the right of association and rural workers’ organizations instruments, International Labour Conference, 104th session, 2015, para 235.

22 For example, see Safety and Health in Agriculture Convention, 2001 (No. 184); Labour Inspection (Agriculture) Convention, 1969 (No. 129); Plantations Convention, 1958 (No. 110) and Protocol of 1982 to the Plantations Convention, 1958.

23 For example, see Right of Association (Agriculture) Convention, 1921 (No. 11); Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); Rural Workers’ Organisations Convention, 1975 (No. 141).

24 ILO, Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998).

25 An exception is the Minimum Age Convention, 1973 (No. 138), which allows for the exclusion of family and small-scale holdings that produce for local consumption and do not regularly hire workers.

26 For example, see Safety and Health in Agriculture Recommendation, 2001 (No. 192).

Even where agricultural workers are covered by labour legislation or other sectorial laws, the labour standards are not often well implemented in practice.²⁷ This may result from non-compliance with applicable standards as well as the weakness of labour administration and inspection mechanisms. The effective promotion of decent rural employment to a large extent depends on overcoming the legal as well as practical hurdles to labour protection.

Still in connection with forms of engagement, some types of agricultural work relations give rise to issues relating to the interplay between labour law and contract law. Some big agricultural enterprises, in the logging business for example, engage sub-contractors to do the actual job with their crew. In contract farming, firms engaged in agricultural products business enter into agreements with producers (for example, of crops or livestock) to organize their procurement system in accordance with their specific needs. The central issue here is whether the bigger company absolves itself of applying labour standards when it engages sub-contractors or producers, or put differently, whether service or sales contracts can be used to hide labour relationships. More specifically, may the sub-contractors or agricultural producers be considered to be in employment relationships with the firms (when they are individuals) or as independent parties under the guidance of the latter? Are the firms expected to check the compliance of a sub-contractor with basic labour standards in cases where the latter engages workers formally as well as informally? The subsidiary or production contracts offer opportunities to extend the application of ILS to rural/agricultural workers, including those left out of domestic labour laws, and to promote “formality” and better working conditions.²⁸ The main contractor could be expected to require the sub-contractor/producer to comply with labour standards. However, practical implementation also depends on the monitoring and enforcement of the contracts. Similarly, while labour standards should normally apply in the relationship between the sub-contractor and its employees, the protection gap relating to agricultural workers poses implementation challenges.

In sum, overcoming the double challenges of applicability and enforcement of labour standards in relation to small-scale and subsidiary agricultural operations and informal engagements is definitely not an easy task. At the normative level, it requires going beyond the confines of labour instruments that exclude some workers and work arrangements and applying human rights and labour standards that apply to all workers. It further requires incorporating labour standards in contracts that govern the relationship between a principal firm and a sub-contractor. At the operational level, there is firstly a need to put in place institutional (administrative and inspection) structures and sanction regimes that ensure the implementation of the standards. Effective enforcement would in addition require supplementing the enforcement mechanisms with positive measures that enable or incentivise compliance with labour standards. Social transfers may, for example, be conditioned on sending children to school or avoiding the usage of child labour.

27 Resolution concerning promotion of rural employment for poverty reduction (adopted by the International Labour Conference at its 97th Session, Geneva, June 2008), paras 38-40.

28 See the International Institute for the Unification of Private Law (UNIDROIT), FAO and the International Fund for Agricultural Development (IFAD), UNIDROIT/FAO/IFAD Legal Guide on Contract Farming, Rome, 2015, Introduction: paras 43-46; Chapter 3: Obligations of the parties, paras 5, 116, 123.

5. KEY AGRICULTURAL LABOUR ISSUES TO BE ADDRESSED IN GENERAL LABOUR LAWS OR SECTOR-SPECIFIC LEGISLATION WITH LABOUR STANDARD COMPONENTS

In defining what it does under its Strategic Objective 3 (reduce rural poverty) in terms of assisting in the application of ILS, FAO highlights core standards that closely relate to what ILO designated as fundamental principles and rights at work.²⁹ The agriculture sector hosts labour issues relating to these universally recognized enabling rights, which all ILO Member States undertake to respect, promote and realize. Where trade unions of agricultural workers exist, their rights are often limited by legal constraints and practical challenges such as the dependency of the workers on their employers. Forced labour occurs in a number of countries based on debts and other liberty-limiting practices, especially in relation to migrant workers and victims of trafficking. Millions of children continue to work in agriculture and related sectors in the formal as well as informal economies, including in the worst forms of child labour. Some vulnerable groups whose livelihoods depend on working in these sectors face discrimination not only in terms of being excluded from relevant national laws but also in practice.³⁰

The agriculture sector being one of the most dangerous sectors in terms of work-related fatalities, non-fatal accidents and occupational diseases, occupational safety and health standards are crucial. This is because agricultural work involves the use of and exposure to dangerous equipment, hazardous substances, agents of disease and other risks relating to the work environment. The involvement of migrant workers and the conditions of employment and accommodation of workers, especially in the fisheries and forestry sectors merit special attention. Wages, payment of wages and working hours add to the list of practical labour issues relating to employment in agriculture, forestry and fisheries and aquaculture. Workers in these sectors are often paid very low and irregularly paid wages, if at all, and they work for hours longer than stipulated in relevant standards.

States often adopt generic labour legislation that applies to various sectors of work. Such legislation may spell out more general labour rights provisions in constitutional and national human rights instruments. Generic labour laws may not necessarily cover all aspects of rural employment and are often supplemented by legal instruments dealing with specific labour issues (e.g., occupational safety and health) and sectorial laws incorporating labour standards. In any case, the following labour standards are among the basic and relatively important rights at work³¹ that should form part of generic and/or specific legislation that apply to work in the agriculture, forestry, fisheries and aquaculture sectors.

Effective recognition of freedom of association and the right to collective bargaining

The freedom of association is an instrumental right for agricultural workers to use for the improvement of their terms and conditions of work, for example, through collective

29 FAO, *Our Priorities: The FAO Strategic Objectives, 2014*; ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998.

30 ILO, *Promotion of Rural Employment for Poverty Reduction*, International Labour Conference, 97th session, report IV, Geneva, 2008.

31 The selection of the labour standards is based on a survey of reports and discussions with relevant professionals within FAO with a view to identify relatively critical labour issues in the agriculture, forestry and fisheries and aquaculture sectors.

bargaining, and more broadly to ensure their effective participation in socio-economic development. In addition to the prevailing poverty and informality in the agriculture sector, the involvement of family labour, migrant, seasonal and casual workers and the dependency of many of them on employers pose practical challenges to the enjoyment of the right. This is complicated even more by anti-union practices of violence, harassment and dismissals of union officials and members that occur in many countries.³² States should not only guarantee the right but also encourage the establishment and free functioning of agricultural workers organizations. This would facilitate dialogue and cooperation between governments, employers and workers in the formulation of labour standards and policies, i.e., the principle of tripartism.³³

- All agricultural workers, irrespective of their forms of engagement, should be able to form and join organizations of their own choosing without legal or administrative impediments or the need for prior authorization.³⁴ Accordingly, they should enjoy the same right of association as that of industrial workers.³⁵

The elimination of all forms of forced or compulsory labour

Despite the undertaking of states to suppress and abolish the use of any form of forced labour in various contexts, such practices are prevalent in many rural or agricultural sectors.

- States and employers shall undertake to suppress and not to make use of any form of forced or compulsory labour for any reason in all sectors or forms of employment or engagement.³⁶ The implementation of such legal provisions requires putting in place monitoring mechanisms which include the deployment of special inspection groups and the imposition of fines on agricultural operators that contravene the law.³⁷

The effective abolition of child labour

Although there is increasingly wide consensus against child labour, it is probably the most difficult agricultural labour issue to deal with. This is not only because of the sheer number of working children and related rural perceptions but also because of its adverse effects on children's development and efforts to promote decent youth employment. The problem is further complicated by gaps in legal prohibitions of hazardous child labour, legal exclusions and exemptions with regard to family labour, the non-existence or weakness of labour inspection in agriculture and the low access to or standards of education.

32 ILO, Promotion of Rural Employment for Poverty Reduction (2008.)

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

34 The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Rural Workers' Organisations Convention, 1975 (No. 141); ICCPR, Article 22; the International Convention on the Elimination of all forms of Racial Discrimination (CERD) (1965), Article 5.

35 The Right of Association (Agriculture) Convention, 1921 (No. 11); ICCPR, Article 22; CERD, Article 5

36 The Forced Labour Convention, 1930 (No. 29); the Abolition of Forced Labour Convention, 1957 (No. 105); ICCPR, Article 8.

37 For a pertinent law and practice in Brazil, see ILO, Promotion of Rural Employment for Poverty Reduction, International Labour Conference, 97th session, report IV, Geneva, 2008, page 89.

- States shall strive towards the abolition of child labour in agriculture by progressively increasing the minimum legal age of admission to work to “a level consistent with the fullest physical and mental development of young persons” and by prohibiting and eliminating the worst forms of child labour.³⁸ While the exact minimum legal age for employment depends on the context of each country and the sector/type of work, the enforcement of age-related legal requirements for agricultural labour should include institutionalized monitoring mechanisms and measures of protection to children who are engaged in such work.

The elimination of discrimination in respect of employment and occupation

Agricultural workers often face discrimination in terms of labour protection, working conditions, payment of remunerations etc.³⁹ Women and girls, who constitute almost half of the agricultural work force in the world, face particular discrimination in terms of opportunities and treatment in respect of employment and occupation. Some group of agricultural workers also face particular vulnerability and marginalization that adversely affect the application of labour standards to them.

- States shall seek to ensure that all agricultural workers are entitled to equal opportunity and treatment in employment or occupation and to equal remuneration for equal work.⁴⁰ Special attention should be given to disadvantaged groups such as women workers, indigenous workers, migrant workers, “lower-caste” workers and workers with disabilities in terms of access to vocational training, rehabilitation and guidance, to employment and to particular occupations, and with regard to terms and conditions of employment.⁴¹
- States shall take all appropriate measures to eliminate discrimination against women in the field of employment and to prevent discrimination on the grounds of maternity by taking into account the particular problems faced by rural women and the significant roles they play in the economic survival of their families, including their work in the non-monetized sectors of the economy.⁴² Such measures include ensuring equality in employment opportunities, promotion, job security, all benefits and conditions of service, treatment in respect of work of equal value, social security and paid leave, and in the provision of vocational training and protection of health and safety in working conditions.

38 The Minimum Age Convention, 1973 (No. 138); the Worst Forms of Child Labour Convention, 1999 (No. 182); CRC, Article 32.

39 ILO, Promotion of Rural Employment for Poverty Reduction (2008).

40 The Equal Remuneration Convention, 1951 (No. 100); Discrimination (Employment and Occupation) Convention, 1958 (No. 111); ICESCR, Article 7.

41 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159); Human Resources Development Convention, 1975 (No. 142); United Nations Convention on the Rights of Persons with Disabilities, 2006, Articles 26-27.

42 CEDAW, Articles 11 and 14.

Occupational safety and health

Although agriculture is one of the most dangerous sectors to work in, it is often not covered under national occupational safety and health regulations.⁴³ Even the International Labour Convention that specifically governs safety and health in agriculture clearly excludes work in the processing of agricultural raw materials and exploiting forests (along with subsistence farming) and allows the exclusion of other categories of agricultural workers.⁴⁴ However, the human right to just and favorable conditions of work, including safe and healthy working conditions, belongs to *everyone*.⁴⁵

- Labour legislation and sector-specific laws should incorporate standards on safety and health in agriculture, forestry, fisheries and aquaculture that prescribe preventive and protective measures regarding equipment or machinery safety and ergonomics, handling and transport of materials, sound management of chemicals, animal handling and protection against biological risks, the construction and maintenance of agricultural facilities etc.⁴⁶ Such provisions should apply to all forms of agricultural employment and take the special needs of women and young agricultural workers into account.

Wages, payment of wages and working hours

Wages in agriculture generally tend to be low, not paid in time (and sometimes not in legal tender), not commensurate with number of hours worked and not periodically adjusted.⁴⁷ Agricultural labourers work for very long hours and their low payments are further compromised by practices such as debt bondage (based on advances on wages) and excessive charges for services in work sites. The problems relating to wages and working hours are worse with regard to small-holder employers and in relation to family members, women, seasonal, casual and migrant workers. Appropriate mechanisms for the determination of minimum wage and maximum working hours either do not exist or do not apply to many agricultural workers, especially in developing countries. Relevant ILS do not apply to agricultural workers⁴⁸ or allow the exclusion of some categories of agricultural workers from their scope of application.⁴⁹

- States should create and/or maintain an adequate machinery to fix minimum wage rates that are sufficient to meet the needs of agricultural workers and also to preserve the purchasing power of the wage.⁵⁰ Minimum

43 ILO, Promotion of Rural Employment for Poverty Reduction (2008).

44 The Safety and Health in Agriculture Convention, 2001 (No. 184). Work in industries using agricultural raw materials is covered by the broader Occupational Safety and Health Convention, 1981 (No. 155), which in turn incorporates a flexibility clause that allows the exclusion of some group of workers.

45 ICESCR, Article 7.

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

47 ILO, Promotion of Rural Employment for Poverty Reduction(2008).

48 For example, see hours of work and weekly rest conventions, and Night Work Convention, 1990 (No. 171).

49 The Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99); Holidays with Pay Convention (Revised), 1970 (No. 132).

50 ICESCR, Article 7.

wage fixing machineries should ensure the participation of employers and workers and take into account the special circumstances of the agricultural sub-sectors and the various forms of engagement.⁵¹ While legal tender should be the principal mode of payment, the circumstances and occupations in which wages may be paid partially in the form of allowances in kind should be clearly determined.⁵² In accordance with pertinent ILS, the maximum working hours and holidays with pay for agricultural workers should be determined with a view to meeting the Forty-Hour Week threshold and the minimum of three weeks annual leave with pay, respectively.⁵³ Non-compliance with standards relating to wages and working hours should be met with adequate legal sanctions.

Social security

Seventy-three per cent of the global population is either not covered or partially covered by social security systems, which include health care, sickness, maternity, old age and invalidity benefits, and workers' compensation.⁵⁴ The majority of these people live in the rural areas of developing countries deriving their livelihoods mainly from the agriculture and related sectors. While pertinent ILS formally apply to all workers, the requirement of Convention No. 102 that social security instruments cover at least 50 percent of the total number of employees in the country creates a possibility of exclusion as the threshold can often be reached without including agricultural workers.⁵⁵ Social security and protection regimes can be important catalyzers of compliance with other labour standards, such as those relating to child labour.

- The laws and regulations of states on employment injury benefits and insurance systems against social risks such as sickness, invalidity and old age should extend to all agricultural workers with a view to ensuring universal coverage.⁵⁶ Women workers should be entitled to maternity leave and cash benefits as well as breaks for breastfeeding.⁵⁷ States should put in place social protection programmes that progressively cover all forms of engagement in agricultural work, including self-employed, casual, seasonal and migrant agricultural workers.

51 The Minimum Wage-Fixing Machinery Convention, 1928 (No. 26); The Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99); Minimum Wage Fixing Convention, 1970 (No. 131).

52 The Protection of Wages Convention, 1949 (No. 95).

53 The Forty-Hour Week Convention, 1935 (No. 47); Holidays with Pay Convention (Revised), 1970 (No. 132).

54 ILO, World Social Protection Report 2014/15: Building economic recovery, inclusive development and social justice, Geneva, 2014.

55 The Social Security (Minimum Standards) Convention, 1952 (No. 102); Medical Care and Sickness Benefits Convention, 1969 (No. 130); Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128).

56 The Workmen's Compensation (Agriculture) Convention, 1921 (No. 12); Social Insurance (Agriculture) Recommendation, 1921 (No. 17); Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121); ICESCR, Article 9.

57 The Maternity Protection Convention, 2000 (No. 183), and its Recommendation No. 191; CEDAW (1979), Articles 11 and 14.

Protection of vulnerable group of workers

The agriculture sector engages many vulnerable and marginalized groups of workers, including women and child labourers, persons with disabilities, casual or seasonal workers, migrant workers, indigenous peoples, tenants and sharecroppers. As highlighted earlier especially in relation to children and women, these groups of workers are vulnerable to discrimination and abuse because of their social status and/or dependence on their employers. Some of them face the related challenges of unequal access to productive resources and agricultural inputs.

- Migrant workers lawfully in the country of employment should be treated in equality (e.g., in social security coverage) with nationals, whereas all migrant workers should be afforded a minimum level of protection (e.g., with respect to the fundamental principles and rights at work) irrespective of their status.⁵⁸
- Indigenous and tribal peoples should enjoy equal opportunities and treatment with other workers in the agricultural and other sectors. Their sources of livelihood should be protected and promoted by safeguarding their rights to traditionally occupied land and other natural resources and strengthening rural industries and traditional occupations that contribute to cultural protection and economic development.⁵⁹
- States should put in place policies that aim to progressively and continuously increase the well-being of tenants, share-croppers and similar categories of agricultural workers, the stability and security of their work and livelihood, and the capacity for managing their holding. The establishment of organizations that represent the interests of such workers should be encouraged in the same way as those of landowners.⁶⁰

Labour administration and inspection

Labour administration and inspection mechanisms are crucial governance structures for the development and implementation of labour standards. These include the work of public administration bodies in the preparation, enforcement and review of labour policies, laws and regulations in consultation with workers, employers and their organizations, and those of mechanisms for monitoring the application of labour standards in both the formal and informal economies.⁶¹ In terms of enforcement, labour inspection in agriculture in general and in sub-sectors such as forestry, fisheries and aquaculture in particular is a very difficult

58 The Migration for Employment Convention (Revised), 1949 (No. 97); Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); Migrant Workers Equality of Treatment (Social Security) Convention, 1962 (No. 118); International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

59 The Indigenous and Tribal Peoples Convention, 1989 (No. 169); United Nations Declaration on the Rights of Indigenous Peoples (2007), Article 17.

60 The Tenants and Share-croppers Recommendation, 1968 (No. 132).

61 The Labour Administration Convention, 1978 (No. 150); Labour Inspection Convention, 1947 (No. 81).

task, because of the dispersed and temporary nature of the worksites, often in faraway and inaccessible places.⁶²

The legal, institutional and operational frameworks for labour administration, inspection and social dialogue in many developing countries fail to cover rural workers, especially those in the informal economy.⁶³ These gaps result partly from the lack of frameworks and resources for cross-sectorial institutional collaborations (e.g., between the ministries in charge of labour and human rights and those responsible for agriculture, forestry and fisheries). The huge difference in status of ratification between the general labour inspection Convention and the one on agriculture accentuates the supposed and actual difficulties in extending labour inspection to agricultural/rural work.⁶⁴

- States should put in place agricultural labour administration and inspection structures with powers to prepare, administer, coordinate and review national labour law and policy, to secure the enforcement of labour standards relating to conditions of work and protection of workers, to provide technical assistance on ways of complying with relevant legal provisions and to present evidence-based recommendations for the improvement of labour policies, laws and regulations.⁶⁵ They should have legally defined powers covering all forms of work in agriculture, forestry, fisheries and aquaculture sectors with structures extending to rural areas.
- Recognizing that labour issues often fall within the portfolio of different ministries and agencies (those dealing with labor, agriculture, forestry, health, fisheries, maritime issues), responsible public authorities should put in place frameworks for effective inter-sectorial and inter-institutional collaborations.⁶⁶

62 Othmar Wettmann, Rules, Legislation, Regulations and Codes of Forest Practices, ILO Encyclopedia of Occupational Health and Safety, 2011.

63 ILO, Promotion of Rural Employment for Poverty Reduction (2008).

64 Labour Inspection (Agriculture) Convention, 1969 (No. 129); Labour Inspection Convention, 1947 (No. 81). At the time of writing the present paper, the latter is two-thirds more ratified than the former.

65 Ibid.

66 A good example of legal framework for such collaboration is laid down in the regulation of the Ministry of Marine Affairs and Fisheries of Indonesia on the protection of human rights in fisheries business (NOMOR 35/PERMEN-KP/2015), which provides for coordination among fisheries controller, harbor master and other authorities such as labor inspectors.

6. CONCLUDING REMARKS

Reducing rural poverty through decent employment requires not only improving employment opportunities through the diversification of rural economy and the development of skills but also applying internationally accepted labour and human rights standards. In addition to their importance as benchmarks of compliance with the requisites of decent work, the standards further serve as principled bases for the making and implementation of policies that promote decent work. FAO contributes to the implementation of the ILS in its specialized areas of work in agriculture, forestry, fisheries and aquaculture sectors.

Labour in agriculture and related sectors remains largely under-regulated. While there are ILS applying to the agricultural sector in general, their exclusionary and flexibility clauses entail actual and potential gaps in labour protection in the formal as well as informal sectors. It is a mammoth task to ensure labour protection for self-employed, small-hold and subsistence producers, family farmers or landless agricultural workers, including fisherfolk, pastoralists, and forest-dependent peoples, and casual, migrant and seasonal workers, which constitute the lion's share of poor rural workers. The interpretation of international labour conventions together with relevant human rights and other sector-specific instruments could help bridge the normative gaps. The critical issues of implementation of labour standards in the agricultural sector (especially with respect to rural small-holders) should be addressed through the dual strategy of strengthening labour administration and inspection institutions and providing benefits that incentivize compliance with the standards.

In giving effect to its undertaking to extend the application of ILS in rural areas, FAO shall make use of its technical assistance to countries to integrate the standards in policies, legislation and programs that apply to the agriculture, forestry, fisheries and aquaculture sectors. FAO should further ensure the adoption of multi-stakeholder and multi-sectoral approaches to the development as well as implementation of such instruments, be them generic labour instruments or sector-specific ones. The effective protection of labour in the sectors requires appropriate coordination between institutions in charge of labour, human rights and law on the one hand and those with mandate in the agriculture, forestry, fisheries and aquaculture sectors on the other. The present publication can be used in the identification of important sectoral labour issues, applicable international instruments as well as specific labour standards.

ANNEX 1
MAJOR INTERNATIONAL INSTRUMENTS WITH PARTICULAR RELEVANCE TO WORK
IN THE AGRICULTURE, FORESTRY AND FISHERIES AND AQUACULTURE SECTORS

	Instruments	Scope of application	Exclusionary or flexibility clauses	Ratification/acceptance
ILO Conventions	Right of Association (Agriculture) Convention, 1921 (No. 11)	“all those engaged in agriculture”		122 ratifications (interim)
	Rural Workers' Organizations Convention, 1975 (No. 141)	“any person engaged in agriculture, including tenants, sharecroppers or small owner-occupiers who work the land themselves, with the help only of their family or with the help of occasional outside labour”		40 ratifications (up-to-date)
	Minimum Age (Agriculture) Convention, 1921 (No. 10)			55 ratifications, 51 denunciations, in force in 4 states (outdated)
	Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)	“workers employed in agricultural undertakings and related occupations”	“categories of persons whose conditions of employment render such provisions inapplicable to them, such as members of a farmer's family employed by the farmer”	53 ratifications, 1 denunciation (interim)
	Safety and Health in Agriculture Convention, 2001 (No. 184)	covers agricultural and forestry activities including crop production, forestry, animal husbandry and insect raising, and primary processing, storage, operation or transportation directly related to agricultural and animal production	Excludes subsistence farming, industrial processing of agricultural raw materials and industrial exploitation of forests. States may further exclude “certain agricultural undertakings or limited categories of workers”	16 ratifications
	Holidays with Pay (Agriculture) Convention, 1952 (No. 101)	“Workers employed in agricultural undertakings and related occupations”	States may exclude “categories of persons whose conditions of employment render the provisions [of the Convention] inapplicable to them, such as members of the farmer's family employed by him”	46 ratifications and 12 denunciations, in force in 34 states (outdated)
	Workmen's Compensation	“states undertake to		77 ratifications, 1

	(Agriculture) Convention, 1921 (No. 12)	extend to all agricultural wage-earners..."		denunciation (interim)
	Sickness Insurance (Agriculture) Convention, 1927 (No. 25)	"manual and non-manual workers, including apprentices, employed by agricultural undertakings"	Exceptions may be made in respect of temporary, casual, occasional and subsidiary employment, and certain category of workers that may be categorized in terms of level of income, means of payment, age and familial relationship	21 ratifications, 1 denunciation, in force in 20 states (outdated)
	Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)	manual and non-manual workers, including apprentices, employed in agricultural undertakings, and to domestic servants employed in the households of agricultural employers	Exceptions may be made in respect of workers that may be categorized in terms of level of income, other source of benefits, duration of employment, means of payment, age and familial relationship	10 ratifications (shelved)
	Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)	As above	As above	10 ratifications (shelved)
	Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)	As above	As above	7 ratifications, 1 denunciation (shelved)
	Plantations Convention, 1958 (No. 110) and Protocol of 1982 to the Plantations Convention, 1958	agricultural undertakings located in the tropical or subtropical regions that regularly employ hired workers and are engaged in the cultivation, production and primary processing of certain crops for commercial purposes	family or small-scale holdings producing for local consumption and not regularly employing hired workers	12 ratifications, 2 denunciation; 2 ratifications for Protocol (up-to-date)
	Employment Policy Convention, 1964 (No. 122)	all those who are available for and seeking work		111 ratifications
	Human Resources Development Convention, 1975 (No. 142)	Progressively to all children, young persons and adults, including appropriate programmes for all handicapped and disabled persons		68 ratifications
	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)	all categories of disabled persons		83 ratifications
	Indigenous and Tribal Peoples Convention, 1989 (No. 169)	Tribal and indigenous people whose social, cultural and economic conditions distinguish them from other sections of the national community or who descend from the populations which inhabited a land before		22 ratifications (up-to-date)

		colonization or boundary demarcation		
	Labour Inspection (Agriculture) Convention, 1969 (No. 129)	undertakings engaged in cultivation, animal husbandry including livestock production and care, forestry, horticulture, the primary processing of agricultural products by the operator of the holding or any other form of agricultural activity	May also include tenant, sharecroppers, persons participating in a collective economic enterprise, and members of the family of the operator of the undertaking	53 ratifications (up-to-date)
	Work in Fishing Convention, 2007 (No. 188)	all fishers and all fishing vessels engaged in commercial fishing operations	may extend, in whole or in part, to fishers working on smaller vessels; and may exclude fishing vessels engaged in fishing operations in rivers, lakes or canals and limited categories of fishers or fishing vessels	8 ratifications (up-to-date)
	Fishermen's Competency Certificates Convention, 1966 (No. 125)	all ships and boats, which are engaged in maritime fishing in salt waters and are registered in a state party to the Convention	ships and boats that weigh less than 25 gross registered tons and those that are engaged in whaling or similar pursuits, fishing for sport or recreation, inshore fishing and fishery research and protection	10 ratifications (to be revised)
	ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998)	All workers		all Members States of the ILO, even if they have not ratified the Conventions in question
	IMO, International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995	crews of seagoing fishing vessels generally of 24 metres in length and above		19 ratifications
	Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977	Crews of new fishing vessels of 24 metres in length and over, including those vessels also processing their catch	Provides state authorities discretion to exempt any vessel to which it considers the application of the annex to be unreasonable and impracticable in view of the type of vessel, the weather conditions and the absence of general navigational hazards, provided that some safety and maritime zone requirements are met	5 ratifications

Human Rights Instruments	International Convention on the Elimination of all forms of Racial Discrimination (1966)	all individuals/groups working in Member States		177 ratifications
	International Covenant on Economic, Social and Cultural Rights (1966), Articles 6-7	As above		164 ratifications
	International Covenant on Civil and Political Rights (1966), Articles 8 and 22	As above		168 ratifications
	Convention on the Elimination of all forms of Discrimination against Women (1979), Articles 11 and 14	As above		189 ratifications
	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	As above		48 ratifications
	Convention on the Rights of the Child (1989), Article 32	As above		195 ratifications
	United Nations Convention on the Rights of Persons with Disabilities (2006), Articles 26-27	As above		159 ratifications
	United Nations Declaration on the Rights of Indigenous Peoples (2007), Articles 17 and 21	As above		Adopted by UN General Assembly
	European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), Articles 4 and 11	As above		47 ratifications
	European Social Charter (Revised, 1961/1996), Article 1-10	As above		43 ratifications
	American Convention on Human Rights (Pact of San Jose, 1969), Articles 6 and 16	As above		25 ratifications
	Additional Protocol to the American Convention on Human Rights in the areas of Economic, Social and Cultural Rights (Protocol of San Salvador, 1988), Articles 7-9	As above		16 ratifications
	African Charter on Human and Peoples' Rights (1981), Article 15	As above		54 ratifications
	Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), Article 13	As above		37 ratifications
"Soft-law" instruments applying to specific sub-sectors	FAO Code of Conduct for Responsible Fisheries (1995), principle 6 and 8	All fishers and fishworkers, particularly those engaged in subsistence, small-scale and artisanal fisheries		FAO Conference
	ILO Code of practice on safety and health in forestry work	All forestry activities, including the establishment and	Excludes the protection of workers in	

	(1998)	regeneration of forests, silvicultural work and forest protection, timber harvesting and transportation	radioactively contaminated worksites	
	ILO Guidelines for labour inspection in forestry (2005)	Aimed at three main users, namely, labour inspectors/certifiers, forest managers and training and educational organizations		
	ILO Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention 2007, No. 188 (2011)	Same as Convention No. 188		
	FAO Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (COFI, 2014)	relevant to small-scale fisheries both in marine and inland waters, i.e. men and women working in the full range of activities along the value chain, and pre- and post-harvest activities		Approved by the 136 members of FAO Committee on Fisheries (COFI)
	FAO Technical Guidelines on Aquaculture Certification (COFI, 2011)	cover certification standard setting processes, accreditation systems and certification bodies		Approved by COFI
	FAO, the Model Code of Forest Harvesting Practices (1996)	Applies mainly to natural tropical forest harvesting		
	FAO, the Code of Practice for Forest Harvesting in Asia-Pacific (1999)	designed to cover all countries in the Asia-Pacific region		
	FAO, the Regional Code of Practice for Reduced-Impact Forest Harvesting in Tropical Moist Forests of West and Central Africa (2003)	focuses primarily on the African region, encompassing the tropical countries of West and Central Africa, timber harvesting and closed natural production moist forests		
	FAO/ILO/IMO, Code of Safety for Fishermen and Fishing Vessels, Parts A and B (revised 2005)	Part A applies to all vessels regardless of size, the fishing vessel owners, skippers and crew members; part B provides safety and health-related information on the design, construction and equipment of fishing vessels of 24 meters or above		adopted by the Maritime Safety Committee of IMO, the Governing Body of ILO and the FAO Committee on Fisheries
	FAO/ILO/IMO, Voluntary Guidelines for the Design, Construction and Equipment of Small Fishing Vessels (2005)	Applies mainly to new decked fishing vessels of less than 24 meters in length but above 12 meters		As above
	Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (FAO Council, 2004),	addressed to all states (to the benefit of all individuals/groups)		Adopted by consensus at FAO Council (49 member nations elected by Conference)

	Guideline 8A			
	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (CFS, 2012), Guideline 12.4	to be used by all countries and regions for the governance of all forms of tenure, including public, private, communal, collective, indigenous and customary		endorsed by the multi-stakeholder Committee on World Food Security (CFS)
	Principles for Responsible Investment in Agriculture and Food Systems (CFS, 2014), principle 2 and Article 37	address stakeholders in investments in agriculture and food systems, including smallholders, workers, consumers and their organizations		Adopted by the CFS
		Addressed to governments, international organizations, industries that use or have an interest in pesticides, pesticide users, and public-interest groups such as environmental groups, consumer groups and trade unions		Adopted by the FAO Conference

BIBLIOGRAPHY

- FAO.** 2012. *FAO Statistical Yearbook 2012: World Food and Agriculture*, Rome.
- FAO.** 2013a. *FAO Statistical Yearbook 2013: World Food and Agriculture*, Rome.
- FAO.** 2013b. *The Director-General's Medium Term Plan 2014-17 and Programme of Work and Budget 2014-15*, 38th Session of the Conference, C 2013/3, Rome.
- ILO.** 2011. *Rural Policy Briefs: Skills for Rural Development*.
- ILO.** 2012a. *Global Employment Trends*, Geneva.
- ILO.** 2012b. *Decent Work Indicators: Concepts and definitions*, ILO Manual, first version, Geneva.
- ILO.** 2013. *Global Child Labour Trends 2008 to 2012*, Geneva.
- ILO-IPEC.** 2013. *Making Progress against Child Labour – Global estimates and trends 2000-2012*, Geneva.

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