ILO Declaration/ACTRAV Questionnaire on Freedom of Association and Collective Bargaining in Agriculture

An Analysis of Trade Union Responses
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1. Introduction

In preparation for the September 2003 Symposium on Decent Work in Agriculture, questionnaires were sent jointly from the ILO Declaration and Bureau for Workers’ Activities to trade unions affiliated to international global union federations with links to the IUF (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations), and FEMTAA (World Federation of Agriculture, Food, Hotel and Allied Workers) agricultural networks. There was a tight deadline, and due to the timeframe there was a limited response. Nonetheless, there was a good response from many regions, although there have not yet been replies from trade unions in some of the major agricultural economies. The findings will provide information that may be incorporated into the Global Report on Freedom of Association and Collective Bargaining, which is being prepared for the International Labour Conference in 2004.

This brief document provides an overview and analysis of responses to the questionnaire. The objective was to collect information as perceived by the unions involved in day-to-day operations in their efforts to represent and defend the interests of agricultural workers. The detailed questionnaire findings will be available to ILO experts in agriculture, labour standards, and the Declaration, and help provide a union perspective to deficits and obstacles which agricultural unions are facing. It looks at the results on a global basis, rather than disaggregating the data by region.

Please note that the statistical information is based on information provided by trade unions based on their first-hand perceptions and data available to them at national level.

It is also hoped that other trade union organizations which have not responded will be able to send in relevant data as soon as possible. Given the importance and role of agricultural unions in much of the developing world and the current economic and
political framework where agriculture plays a significant role, such data can provide a basis for strategies for future work of the ILO.

2. **Responding Organizations**

A total of 44 agricultural workers’ organizations from 37 countries responded in detail to the questionnaire (for a complete listing, see Appendix 1).¹

On a global level, there was no strong indication that the number of mass based organizations representing agricultural workers has increased in recent years. But at the national level some agricultural unions are growing stronger. Just over half (51%) of the organizations reported that their membership was currently increasing. In contrast, only 37% reported a declining membership, and 12% said their membership level was stable.

The participation of women workers¹ in agricultural unions appears positive. Two thirds of the respondent organizations reported that at least 30% of their members were women. However, membership rates alone do not necessarily indicate the actual participation of women in planning or decision making processes.

3. **National Legislative Frameworks**

With the notable exceptions of El Salvador, India and Republic of Korea most of the responding countries are signatories to ILO Convention No. 87: Freedom of Association and Protection of the Right to Organise and Convention No. 98: Right to Organise and Collective Bargaining.

Most of the organizations that responded to this questionnaire operate in countries that also have national laws designed to guarantee freedom of association for workers and the right to collective bargaining. For the majority of these countries, labour codes also extend coverage to agricultural workers.

**Table 1: National Legislative Frameworks**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes: %</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Does the law guarantee freedom of association for all workers?</td>
<td>89</td>
</tr>
<tr>
<td>b) Does the law guarantee the right to collective bargaining?</td>
<td>93</td>
</tr>
<tr>
<td>c) Does the labour code cover agricultural workers?</td>
<td>84</td>
</tr>
</tbody>
</table>

The agricultural sector, in particular, is often excluded from provisions that cover rights and freedoms in the formal industrial sector. The precise definitions of agricultural worker or waged agricultural labourer often exclude small farmers and rural workers

¹ The Swedish organization Kommunal also responded to the questionnaire, but too late for the inclusion of its data into this report.
(who may also be casual or temporary workers). This is the case in Bangladesh, Republic of Korea, and Ghana. In these countries, as elsewhere, labourers in agriculture are regularly denied the same rights afforded to other categories of worker.

In developing countries where the law makes no restrictions on who can be organized, poverty, illiteracy, unemployment impose other kinds of limitations.

Legal frameworks, however, do not necessarily reflect the reality of labour rights or labour conditions in a country. Almost all of the organizations responding from countries in the developing world stated clearly in their replies that the actual situation is quite different from that imagined by law.

As Colombia’s Union Nacional Agroalimentaria (UNDC) wrote: “Law yes, but practice no”.

4. Obstacles to Freedom of Association: Harassment

In their everyday activities, many trade unionists are exposed to negative attitudes, outright opposition or more subtle means by employers or state authorities. Under some political regimes this antipathy is systematic and overt. But, as the Ukraine Agro-industrial Workers' Union comment, “harassment can sometimes take a hidden form. Difficulties can include the attitude of employers to the union, absence of civilized relations between employers and workers organizations.”

On a global scale, it seems likely that at least half of all agricultural workers’ organizations reported harassment in some form in the course of their work.

52% of the organizations responding to this survey report that their officers or members have experienced some form of harassment. The most common form of harassment, confronted by 45% of organizations, is the threat. Just over one third of these organizations have a record of members losing their job or being out-rightly discriminated against. And in 16% of organizations there is a record of arrests.

Many workers’ organizations chose to respond to this survey by listing specific instances of harassment. These are recorded below.

<table>
<thead>
<tr>
<th>Table 2: Harassment Faced by Union Officers / Members</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Argentina</strong></td>
</tr>
<tr>
<td><strong>Bangladesh</strong></td>
</tr>
</tbody>
</table>
been reinstated until today. A case is pending in court regarding their illegal removal. 2) Mr Shar Alam, the vice-president of the BAFLF, was removed from his work during a strike called by the BAFLF to accompany their demands on farms. He was arrested on false charges and a case was made against him. He was later released on bail and the case was judged in his favour. But, he has not been reinstated. 3) BADC authority removed permanent workers from 72 farms from their jobs, violating the principals of employment of agricultural farm labourers (approved by the ministry). In protest of this retrenchment, workers of the 72 farms went on strike for 11 days. It was not possible to continue the strike due to the government's repressive measures and because the army was deployed all over the country at that time. 4) Seasonal and irregular workers work in the farms. There is disparity in the wages of women workers. 5) Agreements that we have made realise our demands in relation to festival holidays and compensation allowance for accidents at work.

<table>
<thead>
<tr>
<th>Barbados</th>
<th>There is no widespread or public harassment. However, some workers have felt threatened because of their TU activity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benin</td>
<td>Some employers have threatened trade unionists.</td>
</tr>
<tr>
<td>Colombia</td>
<td>Pressures on Trade Union activists include threats to delay their salaries, remove them from work and cancel their social security benefits.</td>
</tr>
<tr>
<td>Egypt</td>
<td>A few trade unionists do experience harassment inside some companies.</td>
</tr>
<tr>
<td>Ghana</td>
<td>It is common for union activists to suffer from all of the problems listed.</td>
</tr>
<tr>
<td>Guatemala</td>
<td>If unionists are not confident and loyal at work they can be threatened or lose their job.</td>
</tr>
<tr>
<td>Honduras</td>
<td>Labour activists are harassed just because they belong to a trade union.</td>
</tr>
<tr>
<td>India</td>
<td>While organizing agricultural workers activists regularly face harassment from the police, landlords, and politicians. Trade union activists are threatened, illegally detained, arrested, or discriminated against by representatives of the state and by rich landowners. There are cases of trade unionists in rural areas having their bicycles snatched while canvassing, being placed under house arrest while trying to recruit members, and in some cases, being threatened with death if they are ever seen in a village again. Furthermore, there are many cases of workers being removed from their jobs because they have attended a union meeting. Many office bearers have been arrested during labour demonstrations.</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>Many enterprises do not transfer union fees.</td>
</tr>
</tbody>
</table>

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2 Harassment often takes a more sinister form and physical violence, sometimes resulting in death, is not uncommon in many countries. In 2002 for example, the killings of 182 Colombian trade union officials were reported to the ILO Freedom of Association Committee.
<table>
<thead>
<tr>
<th>Country</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenya</td>
<td>At the enterprise level, employers have harassed union leaders. Some unionists have lost their jobs or have been arrested. In most cases people have later been released from prison after the intervention of a national office.</td>
</tr>
<tr>
<td>Kosovo</td>
<td>Workers have been sacked, prohibited from returning to their workplace, and threatened with arrest if they object. There positions have been filled by holding &quot;competitions&quot; for new workers.</td>
</tr>
<tr>
<td>Kyrgyz Republic</td>
<td>A shop steward of the Kyrgyz-China join venture &quot;Kitlap&quot; was subjected to harassment, after insisting that Chinese managers should carry out their obligations concerning wages, bans on overtime work, and the improvement of working conditions.</td>
</tr>
<tr>
<td>Namibia</td>
<td>There are cases of trade union members being asked, by employers, to withdraw their memberships or face dismissal. In other cases, salary increases have been awarded to non-union members only.</td>
</tr>
<tr>
<td>R.D. Congo</td>
<td>In 2000, the president of the UTEA was arrested for organizing a strike; UTEA members are permanently harassed.</td>
</tr>
<tr>
<td>Senegal</td>
<td>Women experience sexual harassment.</td>
</tr>
<tr>
<td>Spain</td>
<td>Workers are discriminated against for being members of a TU, and have been refused access to workplace.</td>
</tr>
<tr>
<td>South Africa</td>
<td>The above are still much a part of trade union life in South Africa. NUF is derailed from its main programme because it has both to defend its officials from trespassing prosecutions and unfair dismissals if its members.</td>
</tr>
<tr>
<td>Tajikistan</td>
<td>There has been one case of harassment. The case was settled with mediation of the central committee of AIWU of Tajikistan.</td>
</tr>
<tr>
<td>Tanzania</td>
<td>At Kilombero Sugar Company, some TPAWU members were arrested on the false charge of holding a public meeting without the permission of an employer or local authority. Similar cases have occurred in flower farms.</td>
</tr>
<tr>
<td>UK</td>
<td>Often, there is no or little evidence of harassment against trade unionists. But there is a lot of hearsay evidence, for lack of advancement, and a reduction in overtimes for members.</td>
</tr>
<tr>
<td>Ukraine</td>
<td>Harassment takes a hidden form. Difficulties include attitude of employers to the union, absence of civilised relations between employers and workers organizations.</td>
</tr>
<tr>
<td>Zambia</td>
<td>There is a lot of harassment and intimidation, both physically and sexually, the examples are too numerous to mention.</td>
</tr>
</tbody>
</table>
5. Obstacles to Freedom of Association: Organizing

Many trade unions have attempted to organize a wide range of workers. Their success has depended on the characteristics of a workforce, as well as on the capacity and resources of the union.

While many unions (70%) have the right to organise seasonal or temporary workers, it appears that relatively few have attempted to do so. Only 36% of unions report that they have tried to organise migrant workers.

More positively, a large majority of unions (82%) have worked to organise women workers.

Table 3: Groups of Workers that respondents have attempted to organize:

<table>
<thead>
<tr>
<th>Group</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Women</td>
<td>82%</td>
</tr>
<tr>
<td>ii. Self-employed farmers</td>
<td>52%</td>
</tr>
<tr>
<td>iii. Fixed term contract workers</td>
<td>48%</td>
</tr>
<tr>
<td>iv. Workers employed by out-growers</td>
<td>43%</td>
</tr>
<tr>
<td>v. Out-growers</td>
<td>36%</td>
</tr>
<tr>
<td>vi. Migrant workers</td>
<td>36%</td>
</tr>
</tbody>
</table>

In addition, agricultural trade unions have attempted to organise young workers, plantation staff, forestry workers, and fishermen.

In trying to organize new groups of workers, trade unions often find their resources and capacity stretched. Together with the characteristics of a workforce this leads to practical problems to organizing. Workers’ organizations were asked about specific problems that they encountered in trying to organize agricultural workers and these are recorded below.

The majority of these problems can be described as logistical (i.e. they are about meeting members, collecting dues, or dealing with bureaucracy). There are, however, also a range of problems that can be described as cultural (i.e. they are about communication, language, and the attitudes of workers towards labour activists).
Table 4: Problems in Organizing

<table>
<thead>
<tr>
<th>Country</th>
<th>Problems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangladesh</td>
<td>1) Agricultural workers have no interest in organize because they have no opportunity to achieve their rights like industrial workers 2) Many agriculture workers work in different places at different times, and this creates problems for organize them 3) To organize, agricultural workers must face the police and the bureaucrats 4) Political interference and political groupings create hindrances to organize agricultural workers. 5) 1) Muslim women have to face various kinds of religious problems if they want to organize.</td>
</tr>
<tr>
<td>Barbados</td>
<td>Casual workers in the agricultural sector are difficult to organize because they do not work all year round. In some cases there is the fear that if they join the union they may be discriminated against.</td>
</tr>
<tr>
<td>Belarus</td>
<td>Self employed farmers not interested in membership</td>
</tr>
<tr>
<td>Benin</td>
<td>There is a lack of money</td>
</tr>
<tr>
<td>Benin</td>
<td>Economical, organizational and communicational problems</td>
</tr>
<tr>
<td>Colombia</td>
<td>1) Violence. 2) No support from governments. 3) No budget for education and organization.</td>
</tr>
<tr>
<td>El Salvador</td>
<td>We have been successful at organizing women but faced lots of difficulties with other groups of workers, especially casual workers.</td>
</tr>
<tr>
<td>Ghana</td>
<td>1) Collecting dues from the self employed; 2) The heterogeneous nature of rural workers. 3) Increasing numbers of casuals. 4) Union resources and ability.</td>
</tr>
<tr>
<td>Honduras</td>
<td>One main difficulty has been the extremely long, difficult and bureaucratic procedures in government bodies.</td>
</tr>
<tr>
<td>India</td>
<td>Initially, illiterate workers living in poverty and extreme hardship are reluctant to join a union. But even when convinced they still face pressures not to join from local leaders, employers, and even family members. Most of the difficulties faced are due to the illiteracy of employers and workers. The majority of workers are totally unorganised, very submissive, and internalise a culture of silence even in difficult situations.</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>It is difficult to find trade union leaders among agricultural workers, especially if union work is not paid. Money is the important issue for them.</td>
</tr>
<tr>
<td>Kenya</td>
<td>Most employers feel that seasonal / temporary workers should not be unionised because it will make the union stronger</td>
</tr>
<tr>
<td>Kyrgyz Republic</td>
<td>Employers hamper the organization of unions.</td>
</tr>
<tr>
<td>Madagascar</td>
<td>Financing of activities is the major problem.</td>
</tr>
</tbody>
</table>
**Namibia**  
Financial resources, human resources, organizational structures, complicated laws that members do not understand

**Sudan**  
1) Women workers still think that unions are only for men; 2) Fixed term contract workers are reluctant to join unions because they regard their stay in employment as short lived and believe that there is no need to join a union.

**Tajikistan**  
We should explain to workers the necessity of organization to involve them in the union.

**Tanzania**  
Financial limitations mean that unions cannot provide the services that their members require.

**Togo**  
Many people are not motivated or interested in trade unions, they think that a union has nothing to offer them

**Ukraine**  
Access, resources, language, no experience in organizing farmers/out growers.

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**6. Social Partners**

The trade unions in this survey were asked to make specific assessments of the tripartite actors in ensuring freedom of association.

An assessment of government and employers by the *Hind Khet Mazdoor Panchayat Purnea*, in the Indian state of Bihar, is representative of many responses.

*On government:*

“The Government is politically supportive, but more in theory than in practice. It is very much responsible because the execution of law lies with the government.”

*On employers:*

“The Employers act as a ‘wall of China’. They leave no stone unturned in blocking all measures to implementation.”

Only half (52%) of responding organizations said that the level of trust between social partners was satisfactory, 20% said it was very low, 7% said it was very high, and 2% said it was ‘non existent’. For some reason, a rather large proportion (16%) of respondents did not respond to this question at all.

With regards collective agreements, based on this data it can be said that less than half of collective agreements between employers and workers’ organizations in agriculture are actually respected. Of the responding organizations, 55% reported that collective agreements were not respected or were systematically violated.
Table 5: Respect for Collective Agreements

<table>
<thead>
<tr>
<th>Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. well respected</td>
<td>16%</td>
</tr>
<tr>
<td>ii. respected</td>
<td>30%</td>
</tr>
<tr>
<td>iii. not well respected</td>
<td>41%</td>
</tr>
<tr>
<td>iv. systematically violated</td>
<td>14%</td>
</tr>
</tbody>
</table>

7. Relations between Workers’ Organizations

Relations between workers’ organizations - at the national, regional and international level – are a crucial factor in effectively protecting rights and bargaining collectively.

The largest proportion of all respondents (41%) described relations at the national level as being only ‘satisfactory’, and all respondents recognized the need to strengthen their collaboration.

Table 6: Ranking of issues that organizations collaborate over at the national level

<table>
<thead>
<tr>
<th>Rank</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Wages</td>
</tr>
<tr>
<td>6</td>
<td>Collective bargaining</td>
</tr>
<tr>
<td>5</td>
<td>Labour disputes</td>
</tr>
<tr>
<td>5</td>
<td>Industrial labour relations</td>
</tr>
<tr>
<td>4</td>
<td>Working conditions</td>
</tr>
<tr>
<td>4</td>
<td>Organising / Mobilising workers</td>
</tr>
<tr>
<td>3</td>
<td>Occupational Health and Safety</td>
</tr>
<tr>
<td>3</td>
<td>Freedom of association</td>
</tr>
<tr>
<td>2</td>
<td>Labour Law</td>
</tr>
<tr>
<td>2</td>
<td>Social Protection</td>
</tr>
<tr>
<td>2</td>
<td>Education</td>
</tr>
<tr>
<td>2</td>
<td>Representation</td>
</tr>
<tr>
<td>2</td>
<td>Living conditions</td>
</tr>
<tr>
<td>1</td>
<td>Privatisation</td>
</tr>
</tbody>
</table>

At the international level, national level organizations looked primarily towards the global federations for support. As one organization commented, “these relationships help us to develop international solidarities and linkages in times of our struggles for justice and negotiations.”
8. Strikes and Conflicts:

The global trend concerning strikes and lockouts in the agricultural sector seems to be that they are decreasing. However, 11% of countries did report more and more strikes taking place, and 9% of countries reported that strike action was being prohibited or strongly repressed.

The situation is country specific. In India, for example, those workers not organized under a trade union banner have no legal right to strike. In many cases the major forces prevent workers from striking are poverty and the threat of unemployment rather than the legality of strike action.
## Appendix 1: List of Responding Organizations

<table>
<thead>
<tr>
<th>Country</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>Union Argentina de Trabajadores Rurales y Estibadores</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>Bangladesh Sanjukta Sramik Federation (BSSF)</td>
</tr>
<tr>
<td></td>
<td>Bangladesh Agricultural Farm Labour Federation (BAFLF)</td>
</tr>
<tr>
<td></td>
<td>Bangladesh Cha Sramik Union (BCSU)</td>
</tr>
<tr>
<td>Barbados</td>
<td>The Barbados Workers' Union</td>
</tr>
<tr>
<td>Belarus</td>
<td>Belarus Congress of Democratic Unions</td>
</tr>
<tr>
<td>Belgium</td>
<td>FGTB</td>
</tr>
<tr>
<td>Benin</td>
<td>FESYNDER</td>
</tr>
<tr>
<td></td>
<td>FEPATAA</td>
</tr>
<tr>
<td>Bolivia</td>
<td>Centro de Organizaciones Campesina y Agropecuaria &quot;Tupac Katari&quot; (COCA _ TK)</td>
</tr>
<tr>
<td>Colombia</td>
<td>Union Nacional Agroalimentaria (UNDC)</td>
</tr>
<tr>
<td>Egypt</td>
<td>General Trade Union of Agriculture</td>
</tr>
<tr>
<td>El Salvador</td>
<td>Asociación Nacional De Trabajadores</td>
</tr>
<tr>
<td></td>
<td>Agropecuarios (ANTA)</td>
</tr>
<tr>
<td>Estonia</td>
<td>Confederation of Estonian Food and Landworkers' Unions</td>
</tr>
<tr>
<td>Ghana</td>
<td>General Agricultural Workers’ Union of the Trade Union Congress (GTUC)</td>
</tr>
<tr>
<td>Guatemala</td>
<td>Federación Nacional de Trabajadores (FENATRA)</td>
</tr>
<tr>
<td>Honduras</td>
<td>SITRAINIA</td>
</tr>
<tr>
<td></td>
<td>Union Nacional de Campesinos (UNC)</td>
</tr>
<tr>
<td>India</td>
<td>Andhra Pradesh Vyavasaya Vruthidarula Union (APVVU)</td>
</tr>
<tr>
<td></td>
<td>The Estates Staff Union of South India</td>
</tr>
<tr>
<td></td>
<td>The Neelamalai Plantation Workers' Union</td>
</tr>
<tr>
<td></td>
<td>Hind Khet Mazdoor Panchayat Purnea, Bihar</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>Agro-Industrial Worker's Union</td>
</tr>
<tr>
<td>Kenya</td>
<td>Kenyan Union of Sugar Plantation Workers (COTU)</td>
</tr>
<tr>
<td>Kosovo</td>
<td>Agrokompleksi</td>
</tr>
<tr>
<td>Kyrgyz</td>
<td>Agricultural Workers' Union of Kyrgyzstan</td>
</tr>
<tr>
<td>Republic</td>
<td>FEKRTAMA</td>
</tr>
<tr>
<td>Madagascar</td>
<td>National Federation of Trade Unions of Agriculture and Food Workers (AGROINDSIND)</td>
</tr>
<tr>
<td>Moldova</td>
<td>Namibia Farmworkers' Union</td>
</tr>
<tr>
<td>Namibia</td>
<td>Syndicat unique der travailleurs</td>
</tr>
<tr>
<td>Niger</td>
<td>Sindicato da Agricultura, Alimentacao e Florestas</td>
</tr>
</tbody>
</table>
(SETAA/UGTP)

**R.D. Congo**  U.T.E.A.
**Senegal**  SITIAS-SNAIS/UDTS
**South**  Korean Women's Trade Union
**Republic of Korea**
**Spain**  Federación Agroalimentaria de CC. OO  F.T.A. – UGT
**Sudan**  National Union of Farmworkers
**Tajikistan**  Agroindustrial Workers' Union
**Tanzania**  Tanzania Plantation and Agricultural Workers' Union
**Togo**  FESTAATO
**Turkey**  Turkish Forestry Agriculture and Agricultural Industry Workers Union (TARIM-IS)
**UK**  Transport and General Workers' Union (T & G)
**Ukraine**  Agroindustrial Workers' Union
**Zambia**  National Union of Plantation & Agricultural Workers of Zambia Congress of Trade Unions (NUPAN)

10. **Appendix 2: Questionnaire**

See attached.
QUESTIONNAIRE

SURNAME..............................................................................................................

FIRST NAME.........................................................................................................

WORKERS' ORGANISATION..............................................................................

COUNTRY............................................................................................................... 

DIFFICULTIES AND OBSTACLES TO THE IMPLEMENTATION OF FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING PRINCIPLES IN AGRICULTURE

We invite you to fill in this questionnaire.

1- GENERAL INFORMATION:

a) How many people are employed in agriculture in your country? ..............

b) How many members does your union have? ..............................................

c) Is the membership increasing, remaining stable or declining? ..............

d) How many workers does your union represent? ......................................

e) What portion of your members are women? ...........................................

f) What portion of the workers you represent are women? ....................... 

g) What portion of your union leadership are women? ..............................

h) Does your country export agricultural products? ...................................

    If so, what are its principal export crops? ..............................................
2- LEGISLATIVE CONTEXT

a) Does the law in your country guarantee freedom of association for all workers?
..........................................................................................................................

b) Does the law in your country guarantee the right to collective bargaining?....
..........................................................................................................................

c) Does the labour code in your country cover agricultural workers? ..........

..........................................................................................................................

d) If so, do agricultural workers enjoy the same conditions as other workers? ..
..........................................................................................................................

e) Do agricultural workers have the same rights to social security coverage as other workers? .................................................................

3- THE ACTORS

How do you evaluate the roles of governments, employers and trade unions in terms of implementing the right to freedom of association and collective bargaining?

a) The government:
   1 is supportive of freedom of association and the right to collective bargaining............
   2 is not involved in the implementation of these principles ...........................................
   3 is not responsible for the difficulties faced ...........................................................
   4 is responsible for difficulties and obstacles ................................................................

b) Employers’ organisations:
   1 are supportive of freedom of association and the right to organisation ..................
   2 are not responsible for the difficulties faced ..........................................................
   3 are not involved in the implementation of these principles........................................
   4 are highly responsible for the difficulties and obstacles ...........................................
   5 block all measures to implement these principles ...................................................

c) Workers’ organisations:
   1 can fully enjoy freedom of association and the right to collective bargaining..........
   2 enjoy these rights to a satisfactory degree .................................................................
   3 enjoy these rights to a limited degree ........................................................................
   4 do not enjoy these rights .........................................................................................
   5 are persecuted or banned ......................................................................................
4- SCOPE OF SOCIAL DIALOGUE

a) In recent years, have the extent and scope of collective bargaining (at all levels) decreased, increased, or remained the same? .................................................................

b) What subjects are covered in the collective agreements you have negotiated?

<table>
<thead>
<tr>
<th>Subject</th>
<th>E</th>
<th>S</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hours of work</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Overtime payments</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Rest periods</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Holidays with pay</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Accident insurance</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Health care</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Maternity leave</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Paternity leave</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Compassionate leave</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Leave for trade union activities</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Educational leave</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Minimum age</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Severance pay</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Pension</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Funeral expenses</td>
<td>E</td>
<td>S</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Please indicate in the list above whether the provisions in the agreements are equal to or superior to the labour code provisions by circling the E (equal) or S (superior) after each subject included in your agreements.

5- WORKERS’ ORGANISATIONS

a) Is there more than one trade union for agricultural workers in your country?...........

b) Has the number of agricultural workers’ organisations increased in recent years? ............

c) The relations between workers’ organisations at the national level

1. are well developed
2. are not very well developed
3. are satisfactory
4. are non-existent
5. are conflictual
d) Is there a national federation/confederation in charge of co-ordinating the relations between workers’ organisations, in particular for collective bargaining?

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........................................................................................................................................
........................................................................................................................................
........................................................................................................................................

e) Around what issues has collaboration been most intense?

........................................................................................................................................
........................................................................................................................................
........................................................................................................................................
........................................................................................................................................

f) The financial situation of the unions:

1. is improving
2. is deteriorating
3. is stable
4. threatens the very existence of workers’ organisations

g) Is there a system of check-off or direct deduction of union dues from wages? Has it changed in recent years? Does the Government intervene?

........................................................................................................................................
........................................................................................................................................
........................................................................................................................................
........................................................................................................................................
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h) The coordination among agricultural workers’ organisations at the international level:

1. is very well developed
2. is not very well developed
3. is satisfactory
4. is non-existent

i) Describe the relations between your trade union with agricultural trade unions in your region and also with international workers' organisations.

........................................................................................................................................
........................................................................................................................................
........................................................................................................................................
........................................................................................................................................
........................................................................................................................................

j) Have these relationships encouraged the introduction of new forms of negotiation in multinationals (framework agreements, codes of conduct negotiated between international workers’ organisations and multinationals)?
THE OBSTACLES TO FREEDOM OF ASSOCIATION AND
THE EFFECTIVE RIGHT TO COLLECTIVE BARGAINING

6- OBSTACLES TO FREEDOM OF ASSOCIATION

a) Does the law in your country give agricultural trade unions the right to organise
workers without restriction? .................................................................
.................................................................................................
.................................................................................................

b) If not, what are the limitations placed on agricultural trade unions’ right to
organise workers? ..............................................................................
.................................................................................................
.................................................................................................

(c) Has the law changed within the past four years? If so, what have been the recent
developments? ..................................................................................
.................................................................................................
.................................................................................................

d) Is your trade union legally registered? ...........................................
.................................................................................................
.................................................................................................

e) Have any officers or members of your union experienced any of the following
problems due to their union activities?
  harassment ..................
  threats .....................
  job loss ....................
  arrest ......................
  discrimination ............

Give details: ..................................................................................
.................................................................................................
.................................................................................................
.................................................................................................
.................................................................................................
.................................................................................................
f) Does your trade union encounter difficulties and obstacles when trying to ensure freedom of association for certain categories of workers?

1. There are a lot of difficulties
2. There are only a few difficulties
3. There are none

g) Does your union have the right to organise

- ☐ seasonal workers? ☐ self-employed agricultural workers?
- ☐ temporary workers? ☐ outgrowers?
- ☐ casual workers? ☐ others?
- ☐ migrant workers? ☐ others?

h) Has your trade union tried to organise any of the following categories of workers?

- ☐ Women
- ☐ Migrant workers
- ☐ Fixed term contract workers
- ☐ Outgrowers
- ☐ Workers employed by outgrowers
- ☐ Other categories of workers (please list):

i) If so, what practical problems have you encountered?

.................................................................................................................................................................
.................................................................................................................................................................
.................................................................................................................................................................
.................................................................................................................................................................
.................................................................................................................................................................

j) Do your trade union statutes prevent you from organising any of those categories of workers?

.................................................................................................................................................................

k) If so, do you intend to change your trade union statutes?

.................................................................................................................................................................

l) Have you negotiated any special provisions in your collective agreements concerning seasonal, temporary or casual workers?

.................................................................................................................................................................
m) If so, give examples...................................................................................................................
................................................................................................................................................

n) Has there been any interference by the public authorities in
the establishment of workers’ organisations; ..............................................................
the elaboration of trade union statutes and rules; ..............................................
or during the election of officers? ...........................................................................

7- COLLECTIVE BARGAINING LEVELS

a) With how many companies does your trade union currently have a collective
agreement?.......................................................................................................................

b) Has your trade union successfully negotiated a multi-company agreement? .......

c) Has your union successfully negotiated a collective bargaining agreement at the
sectoral level? ..............................................................................................................

d) Has your trade union successfully negotiated a collective agreement with a
multinational enterprise.............................................................................................

e) Are there any major agricultural companies in your country that do not permit
unions? ........................................................................................................................

f) If so, what are their principal products? .................................................................

g) Has the number of individual labour contracts grown, diminished or remained
stable in recent years? ..............................................................................................

h) Is the average duration of individual labour contracts longer than, shorter than or
equal to the duration of collective agreements? .....................................................

Comments.........................................................................................................................
................................................................................................................................................
................................................................................................................................................

............................................................................................................................................
8- RESPECT FOR AGREEMENTS AND CONVENTIONS:

a) How well are collective agreements respected in your country?

Agreements are:

1. well respected
2. respected
3. not well respected
4. systematically violated

b) The level of trust relationship between the social partners is:

1. Very high
2. Satisfactory
3. Very low
4. Non-existent

c) Is it possible to cancel or to denounce agreements that have been duly concluded?
   In the course of the last few years, has this happened? ............................................
   ..................................................................................................................................
   ..................................................................................................................................
   ..................................................................................................................................
   ..................................................................................................................................

9- COLLECTIVE DISPUTES

a) Do agricultural workers have the right to strike? ........................................................
   ..................................................................................................................................
   ..................................................................................................................................
   ..................................................................................................................................
   ..................................................................................................................................
   ..................................................................................................................................

b) Is there any procedure to settle disputes for workers who are deprived of the right to strike?
   ..................................................................................................................................
   ..................................................................................................................................
   ..................................................................................................................................
   ..................................................................................................................................
c) Labour conflicts:

1. are permanent
2. are very numerous (and increasing)
3. are stable
4. are not very numerous (and declining)
5. are violently repressed


d) Conflict resolution

1. Conflict resolution procedures are highly efficient
2. Conflict resolution procedures are not very efficient
3. They are satisfactory
4. There are no conflict resolution procedures


e) Have the procedures for the settlement of disputes changed recently? Are they generally of a public or private nature?

................................................................................................................................

................................................................................................................................

f) What is the trend concerning strikes and lock-outs in the agriculture sector in your country?

................................................................................................................................

................................................................................................................................

**Strikes:**

1. There are more and more strikes
2. There are fewer and fewer strikes
3. The number is steady
4. There are none or almost none
5. Strikes are prohibited or strongly repressed
10- SOCIAL DIALOGUE

a) If your country has bipartite or tripartite bodies to discuss social and labour questions in the agriculture sector, how well do these bodies work?

1. They are very efficient
2. They are satisfactory
3. They are inefficient
4. There are none

b) Does your country have national wage-fixing machinery for agricultural workers?
   If so, does it have a bipartite or tripartite composition? ..........................................
   ........................................................................................................................................

c) If your country has national wage-fixing machinery, when was the last wage review undertaken?........................................................................................................

11- TECHNICAL COOPERATION

1) Have there been ILO technical cooperation programmes on freedom of association and the right to collective bargaining in your country in recent years? ..............................
   If so, when? ................................................................................................................................

2) Has your trade union been associated with any ILO technical cooperation programmes on freedom of association and the right to collective bargaining? .........................

3) If so, what is your opinion regarding
   a) the content of the programme? ..................................................................................
   b) the implementation of the programme? ......................................................................
   c) trade union involvement in the
      planning.................................................................................................................................,
      implementation......................................................................................................................,
      monitoring.........................................................................................................................,
      and evaluation .................................................................................................................
      of the programme?
3) What suggestions do you have regarding future cooperation programmes to strengthen freedom of association and the right to collective bargaining for agricultural workers?

Please return your questionnaires at the latest by 15 May, 2003 to:

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International Labour Organization
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1211 Geneva 22
Switzerland

(fax: +41 22 799 6561)
declaration@ilo.org