INTERNATIONAL LABOUR ORGANISATION

International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations

DECENT WORK IN AGRICULTURE: DEFINING TRADE UNION POSITION

WORKING DOCUMENTS

for

ILO/IUF Regional Seminar in Eastern Europe and Central Asia

June 30 – July 1, 2003

This set of information on working and living conditions of agricultural workers, implementation of fundamental workers’ rights, level of social protection, occupational health and safety in rural areas of CIS countries was prepared by IUF affiliated and partner unions in preparation to ILO Symposium on Decent Work in Agriculture. Collected and Edited by IUF Moscow Office.

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GENERAL INFORMATION

Agrarian reform was declared a goal of priority for the state and president Nursultan Nazarbaev. On June 20, 2003 the State Land Code of Kazakhstan Republic was adopted to introduce private property rights for agricultural land. The State Agricultural Programme for 2003-2005 on revival of villages was adopted. Within the Programme 40.5 billion tenge is to be invested in Kazakhstan agriculture in 2003, with 77 various programmes in progress. In 2004 total value of state budget investment in agriculture is to increase up to 50 billion tenge. In 2005 it is to increase by 5 billion tenge. Annual indirect investments (such as tax privileges, delay in debts payments, guarantees on foreign loans) are estimated at 45 million tenge. In January-May 2003, agricultural overall production was 92.7 billion tenge in current prices. In comparison with the corresponding period of the last year, it increased by 5%.

Crop export
In 2002 export of crops in 37 countries increased 1 million tons. Mainly crops were exported to Central Asian countries. 794, 445 and 51 thousand tons were exported to Iran, Azerbaijan and Turkmenistan correspondingly. Uzbekistan, Kyrgyzstan and Tajikistan bought 182, 191 and 235 thousand tons of crops correspondingly. Kazakhstan crops were also exported to Russia (278 thousand tons), Ukraine (51 thousand tons) and Baltic countries (244 thousand tons). Turkey bought 201 thousand tons, Jordan bought 271 thousand tons. Besides these, crops were exported to Afghanistan as humanitarian aid within UN programme at the amount of 85 thousand tons. Nearly 100 thousand tons were exported to Iraq in exchange for oil. It was for the first time in 2002 that Kazakhstan crops were sold in such countries as Morocco, Nigeria, Sudan and Tunis. Total export to these countries is estimated at 489 thousand tons. Countries of South-East Asia also import Kazakhstan crops.

Population and Land
Population of the country (by 01.01.2003) is 14,682.5 thousand people, including 8,440.5 thousand of urban population (56.7%) and 6,242.0 thousand of rural population (43.3%). To compare with January 2002, total population increased by 23.4 thousand people while rural population decreased by 900 people. Density of population is 5.4 people per sq.m. (Territory of Kazakhstan Republic is 2,724.9 thousand sq.m.) Within 2001 population decreased by 21 thousand people. Birth rate for 2001 was 14,9 children per 1000 people, death rate is 10,0 per 1000 people. Average family size in Kazakhstan is 3,6 people, though it varies by regions. In south-east areas of the republic families are bigger.

FUNDAMENTAL RIGHTS

Within the past years the Parliament has ratified 16 ILO Conventions, including Conventions 144, 135, 98 and 87. Thus, the Law on Social Partnership in the Kazakhstan Republic in accordance with ILO Conventions 87, 98, 135 and 144 defined standards of partnership promoting conditions for development of economic, social and labour relations. However, ILO Conventions of peculiar importance for agricultural workers, such as Conventions 99, 101, 110, 141, 184 has not been ratified, except Convention 129 on OHS inspection in agriculture.

Though agricultural workers have right for association, no worker dares dispute with the employer. The risk to lose the job is too high. Agricultural workers have the right to strike according to the Constitution of Kazakhstan Republic, the Law on Resolution of Collective Labour Disputes and Strikes. Conflicts are frequent,
their number is growing, but there are no strikes. Existing procedures to settle labour conflicts are not effective. They are regulated by Regulations on procedure of settlement of labour conflicts by conciliatory commission.

The statement about a labour dispute should be submitted to a conciliatory commission. It is a bipartite body with equal number of representatives from the employer and from the workers (unions). The commission should examine the case within 3 days in presence of those submitted the statement. Workers show their disagreement with the employer very seldom (let alone strikes), as they fear to lose their job. According to law, an employer has right not to prolong an individual contract even if he has won the case. There are very few jobs in rural area. Many people leave their houses for cities. Freedom of association is guaranteed to all workers by Constitution of Kazakhstan, Law On Trade Unions, Law on Associations. The right to collective bargaining is backed by the Law on Collective Agreements, Law on Social Partnership, Labour Law of Kazakhstan Republic. Labour Code in Kazakhstan covers agricultural workers; formally they enjoy the same rights to social protection as other workers. However, in practice their working conditions differ from other categories of workers. The government supports freedom of association and rights for collective bargaining (the Law on Social Partnership).

EMPLOYMENT AND INCOMES

28.4% of population lived below minimal living standards in 2001. Income of 11.7% of population was below the poverty line, while in Mangystau region the share was of 26.7%, in Atyrau region it was 21.6%. Income of 10% of the richest people is 11.3 times more than income of 10% the poorest ones (the limit rate is 8). Poor people are concentrated in distant rural areas and small towns. In rural districts an average share of poor people is 38%, in Mangystau district it is 95.5%. Town poverty is concentrated in small depressive towns. Unemployment rate in the republic is 10.4%. Incidence of tuberculosis in 2001 increased by 78.3% to compare with 1996. Near 55% of expectant mothers suffer from anaemia. 48.1% of population whose income is below the minimal living cost live in family farms with 5 relatives and up. Over 30 thousand of schoolchildren go to schools located 3 to 40 km far from their houses, near 6000 schoolchildren live either in rented flats or in their relatives’ houses. 14% of urban and 27% of rural population do not have proper access to drinking water. 4% of population use water delivered from other regions, in south areas of the republic the poverty mainly caused by absence of water for irrigation.

Poverty is mainly concentrated in rural areas. In depressive regions unfavourable ecological situation have lead to considerable gap in all the social standards. Nominal income of rural workers is two times less then urban one. During the last five years wages of rural workers were the lowest in the country.

2268.3 thousand workers are employed in Kazakhstan agriculture, but every fifth rural inhabitant of active age is unemployed. Most rural jobs are of seasonal character (machine-operator, cattleman, agronomist, zoo technician). Basic social, health services and education are not available for all the people. Roads and communications are in poor condition, migration of people is increasing.

Poverty of rural population is also affected by economic dependence on adjoining sectors, supplying them with means of production, energy and raw materials, undeveloped base for processing of agricultural products, their storage and transportation, unattractiveness for investors due to low income rate. System of occupational health and safety, social and economic protection of waged workers almost destroyed.

One of the most important tasks in the state social policy is to reduce poverty of population. On June 3, 2000 the government approved Programme on eliminating poverty and unemployment for 2000-2002. The Programme was worked out with a view of today problems and priorities for current level of social development. It aimed at increase of employment and direct support for poor families. The Programme was worked out according to the decree of Government of Kazakhstan of April 24, 2002, “On actions for implementation of the Programme of the Government of Kazakhstan for 2002-2004”. The Programme accounts for Declarations of World Summit on social development “UN decade for the eradication of poverty”.

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adopted in 1995 in Copenhagen, and ILO Conventions on labour, employment and gender equality. To eliminate poverty state administration, trade unions, private sector, NGOs, are to collaborate.

SOCIAL DIALOGUE

Trade unions participate in implementation of social reform in Kazakhstan through negotiations and agreements. But system of negotiated agreements between state bodies, employers and employees in all levels is not developed, despite the Law of Kazakhstan “On Social Partnership”. There are no representatives of employers-foreign investors in the republican tripartite commission, and they often break laws of Kazakhstan. In the majority of regions, commissions on social partnership exist only on paper, they neither solve current problems nor supply the partners with necessary information.

Employers’ are highly responsible for difficulties and obstacles in implementation of freedom of association. It is seldom that they support freedom of association and rights for collective bargaining.

Collective agreements are not well respected. The level of trust relationship between the partners is between satisfactory to very low. It is impossible neither to cancel nor denounce duly concluded collective agreement (so there were no such cases). All the amendments to the agreement are to be agreed by both the sides.

Agroindustrial WU of Kazakhstan represent 127.3 thousand members (52% of them are women). A share of women in the union leadership is 32%. AIWU has signed 398 collective agreements. In 2002 an agreement on national level was signed with the Ministry of Agriculture of Kazakhstan.

There are several major agricultural companies in the country that do not permit unions. Their principal products are grain crop and cotton.

Check-off system or direct deduction of union dues from wages exists not in all organizations. Union dues are deducted directly from wages according to lists given by unions and are to be transferred to the union account, but employers often do not make the transfer.

Number of individual labour contracts has grown for last years. Average duration of individual labour contracts is shorter than the duration of collective agreements. Usual duration of a collective agreement is 1 to 3 years. Individual contract can be signed for 3 or 6 months. In the new Labour Code, which is under work now, unions proposed to sign individual contracts for 1 year as minimum. According to Labour Law, which is currently in force, an employer defines duration of individual contract arbitrarily, that means for an employee total dependence on his employer.

MIGRATION

94.3 thousand people left the country in 2001. It is 23.5 % less than in 2000. External migration flows to Magystau, Jambyl, Kostanay, Almaty, South and East Kazakhstan regions. Unemployment is strongly affected by spontaneous migration processes caused by ecologic problems. Environmental pollution in some regions (such as the territory of the former Semipalatinsk nuclear testing area, or Priaralie), lack of drinking water and other problems force people to leave for more ecologically favourable areas.

The majority of emigrants, who leave the country are Russians (51,4%), 26,9% - Germans, 21,7% of other nationalities. Almost all the German emigrants (91,9%) leave the CIS, Russians (78,9%) leave Kazakhstan for CIS countries.

In January-April of this year 19,8 thousand people arrived in Kazakhstan, 18,2 thousand of them (or 91,9%) came from CIS countries. 54,6%, of the immigrants are Kazakh, 25,1% - Russians, 1,9% - Germans and 18,4% of other nationalities.

In January-April 2003, migration within the country increased by 12.4 thousand people as against the
corresponding period of the previous year (by 15.4%). In 9 regions emigration prevailed on immigration. The peak of emigration was in South-Kazakhstan region (-1,9 thousand people) and Jambyl region (-1,8 thousand people).

HEALTH AND SAFETY

Working conditions in agriculture are heavy. Occupational health and safety system does not exist in agriculture. As a result, in 2002 in agriculture 440 workers were injuries, 50 workers (incl. a woman) perished.

<table>
<thead>
<tr>
<th>Economically active population (Thousand people)</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economically active population</td>
<td>7055,4</td>
<td>7107,4</td>
<td>7479,1</td>
<td>7399,7</td>
</tr>
<tr>
<td>Including:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working people:</td>
<td>6105,4</td>
<td>6201,0</td>
<td>6698,8</td>
<td>6708,9</td>
</tr>
<tr>
<td>Waged workers</td>
<td>3354,2</td>
<td>3504,4</td>
<td>3863,3</td>
<td>4030,2</td>
</tr>
<tr>
<td>Self-employed</td>
<td>2751,2</td>
<td>2696,6</td>
<td>2835,5</td>
<td>2678,7</td>
</tr>
<tr>
<td>Unemployed</td>
<td>950,0</td>
<td>906,4</td>
<td>780,3</td>
<td>690,7</td>
</tr>
<tr>
<td>Unemployment rate, %</td>
<td>13,5</td>
<td>12,8</td>
<td>10,4</td>
<td>9,3</td>
</tr>
<tr>
<td>Economically passive population</td>
<td>3639,5</td>
<td>3655,2</td>
<td>3175,8</td>
<td>3155,3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Distribution of employed workers between sectors (%)</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, hunting, forestry, fishing and pisciculture</td>
<td>22,0</td>
<td>31,4</td>
<td>35,5</td>
<td>35,5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Distribution of employed workers between sectors (Thousand people)</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, hunting, forestry</td>
<td>1335,4</td>
<td>1940,7</td>
<td>2366,3</td>
<td>2366,7</td>
</tr>
<tr>
<td>Fishing, pisciculture</td>
<td>6,9</td>
<td>7,5</td>
<td>13,1</td>
<td>13,5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Waged workers employed at large-scale and middle-scale enterprises (Thousand people)</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, hunting, forestry</td>
<td>275,4</td>
<td>238,8</td>
<td>232,0</td>
<td>213,2</td>
</tr>
<tr>
<td>Fishing, pisciculture</td>
<td>5,3</td>
<td>5,0</td>
<td>4,0</td>
<td>3,4</td>
</tr>
</tbody>
</table>

5
### Distribution of employed workers by status of employment and sex

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Including</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Employed workers</td>
<td>6698,8</td>
<td>6208,9</td>
<td>3470,2</td>
<td>3486,4</td>
</tr>
<tr>
<td>Including:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waged workers</td>
<td>3863,3</td>
<td>4030,2</td>
<td>2116,9</td>
<td>2216,5</td>
</tr>
<tr>
<td>Self-employed</td>
<td>2835,5</td>
<td>2678</td>
<td>1353,3</td>
<td>1269,9</td>
</tr>
</tbody>
</table>

### Distribution of lands between land tenants (Thousand hectares)

<table>
<thead>
<tr>
<th>Years</th>
<th>Cultivated lands</th>
<th>Including</th>
<th>Farms</th>
<th>Lands Used by individuals</th>
<th>Including</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Agricultural enterprises</td>
<td></td>
<td></td>
<td>Collective and individual gardens and vegetable gardens</td>
</tr>
<tr>
<td>Total land square</td>
<td>130382,4</td>
<td>101012,5</td>
<td>28947,9</td>
<td>422,0</td>
<td>235,5</td>
</tr>
<tr>
<td>1998</td>
<td>106997,6</td>
<td>77278,3</td>
<td>29315,3</td>
<td>404,0</td>
<td>227,9</td>
</tr>
<tr>
<td>1999</td>
<td>93361,9</td>
<td>63166,1</td>
<td>29789,8</td>
<td>406,0</td>
<td>227,9</td>
</tr>
<tr>
<td>2000</td>
<td>91192,5</td>
<td>60220,2</td>
<td>30576,0</td>
<td>396,3</td>
<td>226,4</td>
</tr>
<tr>
<td>2001</td>
<td>86500,5</td>
<td>54591,5</td>
<td>31519,5</td>
<td>389,5</td>
<td>226,7</td>
</tr>
<tr>
<td>2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural land</td>
<td>120092,7</td>
<td>91654,5</td>
<td>28072,7</td>
<td>365,5</td>
<td>191,9</td>
</tr>
<tr>
<td>1998</td>
<td>98347,2</td>
<td>69556,1</td>
<td>28444,0</td>
<td>347,1</td>
<td>184,3</td>
</tr>
<tr>
<td>1999</td>
<td>86378,9</td>
<td>57127,1</td>
<td>28904,7</td>
<td>347,1</td>
<td>182,4</td>
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<tr>
<td>2000</td>
<td>84562,5</td>
<td>54464,4</td>
<td>29761,0</td>
<td>337,1</td>
<td>182,9</td>
</tr>
<tr>
<td>2001</td>
<td>80445,7</td>
<td>49393,5</td>
<td>30722,0</td>
<td>330,2</td>
<td>179,6</td>
</tr>
<tr>
<td>2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tillage</td>
<td>22768,5</td>
<td>17801,2</td>
<td>4706,4</td>
<td>206,9</td>
<td>141,9</td>
</tr>
<tr>
<td>1998</td>
<td>19692,8</td>
<td>14394,2</td>
<td>5050,5</td>
<td>248,1</td>
<td>132,8</td>
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<tr>
<td>1999</td>
<td>19379,8</td>
<td>13077,7</td>
<td>6050,2</td>
<td>251,9</td>
<td>132,5</td>
</tr>
<tr>
<td>2000</td>
<td>20476,9</td>
<td>12854,8</td>
<td>7375,7</td>
<td>246,4</td>
<td>131,9</td>
</tr>
<tr>
<td>2001</td>
<td>24129,1</td>
<td>12876,9</td>
<td>8311,7</td>
<td>240,5</td>
<td>131,5</td>
</tr>
<tr>
<td>2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hayfields and pastures</td>
<td>92404,7</td>
<td>70463,3</td>
<td>21905,9</td>
<td>35,5</td>
<td>28,0</td>
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<tr>
<td>1998</td>
<td>73479,4</td>
<td>51835,6</td>
<td>21609,4</td>
<td>34,4</td>
<td>23,8</td>
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<tr>
<td>1999</td>
<td>63342,4</td>
<td>42096,1</td>
<td>21215,5</td>
<td>30,8</td>
<td>25,3</td>
</tr>
<tr>
<td>2000</td>
<td>61146,4</td>
<td>40030,3</td>
<td>21087,8</td>
<td>28,3</td>
<td>23,4</td>
</tr>
<tr>
<td>2001</td>
<td>56463,3</td>
<td>35253,5</td>
<td>21182,5</td>
<td>27,3</td>
<td>23,3</td>
</tr>
<tr>
<td>2002</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Number of agricultural enterprises of all kinds of property (incl. farms) by the end of 2002

<table>
<thead>
<tr>
<th></th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kazakhstan Republic</td>
<td>85673</td>
<td>91265</td>
<td>111899</td>
<td>131203</td>
<td>150696</td>
</tr>
</tbody>
</table>
### Types of agricultural Enterprises by 1.01.2003

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Including</th>
<th>State enterprises</th>
<th>Ltd</th>
<th>Joint-stock ventures</th>
<th>Consumer cooperatives</th>
<th>Farms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kazakhstan</td>
<td>150696</td>
<td></td>
<td>126</td>
<td>4822</td>
<td>269</td>
<td>2866</td>
<td>141328</td>
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<tr>
<td>Republic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Basic social and economic characteristics (tenge)

<table>
<thead>
<tr>
<th></th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimal living</td>
<td>3336</td>
<td>3394</td>
<td>4007</td>
<td>4596</td>
<td>4761</td>
</tr>
<tr>
<td>standard (average)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Average nominal monthly wages for various spheres of activity (tenge)

<table>
<thead>
<tr>
<th></th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, hunting, forestry, fishing, pisciculture</td>
<td>3896</td>
<td>4600</td>
<td>5657</td>
<td>6851</td>
<td>8144</td>
</tr>
<tr>
<td></td>
<td>4798</td>
<td>5912</td>
<td>6812</td>
<td>2562</td>
<td>8572</td>
</tr>
</tbody>
</table>

### Average monthly wages and indices of nominal and real wages for various types of activity

<table>
<thead>
<tr>
<th></th>
<th>Average monthly wages</th>
<th>Percentage in average republican level</th>
<th>Percentage of minimal wage in average wage in the sector</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>in % to previous year</td>
<td>Index of nominal wage</td>
<td>Index of real wage</td>
</tr>
<tr>
<td>2001</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture, hunting and forestry</td>
<td>6851</td>
<td>121,1</td>
<td>111,1</td>
</tr>
<tr>
<td>Fishing and pisciculture</td>
<td>7562</td>
<td>111,0</td>
<td>102,4</td>
</tr>
<tr>
<td>2002</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture, hunting and forestry</td>
<td>117,0</td>
<td>110,5</td>
<td>40,1</td>
</tr>
<tr>
<td>Fishing and pisciculture</td>
<td>112,5</td>
<td>106,2</td>
<td>42,2</td>
</tr>
</tbody>
</table>

### Average monthly wages of men and women in some sectors in 2002

| Agriculture, hunting and forestry    | 8, 718 tenge for men |
|                                      | 6, 430 tenge for women |
FUNDAMENTAL RIGHTS

The right of workers (including agricultural workers) and employers to associate freely and the right to collective bargaining in the Kyrgyz Republic are stipulated by Articles 16 through 30 and 50 through 71 of the Labour Code of the Kyrgyz Republic, adopted by the Legislative Assembly of the Kyrgyz Republic on September 18, 1997 and introduced by the Decree of the President of the Kyrgyz Republic as of January 1, 1998.

Having acquired Independence, the Kyrgyz Republic is now paying particular attention to the correspondence of the national legal acts, the labour legislation to the international labour standards. With that purpose the Government of the Kyrgyz Republic by its Letter #28-7/11 of March 19, 1993 recognised the force of 42 ILO conventions, including Convention #87 On the Right to Organise.

ILO Conventions that are of particular relevance to agricultural workers (#99, 101, 110, 129, 141 and 184) on minimum wage fixing machinery (agriculture), on holidays with pay, on plantations, on labour inspection, on rural workers’ organisations and safety and health in agriculture have not been directly ratified by the Parliament of the Republic, but the core norms declared by the said ILO standards were included in the national legislation – On Occupational Health and Safety (1992), On Trade Unions (1998) and the Labour Code of the Kyrgyz Republic (1998).

Gaps between legislation and enforcement can be found in some MNEs in the sphere of health and safety, especially between the citizens of the Kyrgyz Republic and foreign citizens, when the matter concerns wages in the case of equal qualification, service record and working experience. The difference here may well be between one to ten times. These companies also often neglect the issues of creating normative working conditions at workplaces. Although the national Legislation – the Labour Code of the Kyrgyz Republic – prohibits such actions, individual MNEs perform these violations. Measures aimed at eliminating such actions are being taken in the Republic, prosecutor's monitoring has been established, many issues are being solved through courts. On the part of the Government terms of contractual relations with the foreign capital and MNEs in the sphere of respect for citizens' labour rights are being toughened and specified. These issues are also specified during collective bargaining procedures. The Government has developed the New Generation programme in relation to ILO Convention #182 On Worst Forms of Child Labour, research into the use of child labour in agriculture (tobacco, cotton, rice, sugar beet growing) is carried out by various NGOs and the Trade Union of the Workers of the Agroindustrial Sector. This Convention is on the agenda for ratification by the Parliament this year.

EMPLOYMENT AND INCOMES

As a result of reforming 529 collective and state farms, over 255 thousand new economic entities have been created in agriculture, 253400 among them being peasant's (farmer's) entities. New economic entities received over 1034.3 thousand hectares of agricultural land. Land allotments were received by over 2.7 million people, i.e. 510.5 thousand families are now landholders.

Since the moment of large-scale reforms of rural areas, i.e. since 1995, the share of wage employment in total labour force involved in agriculture has decreased considerably as a result of changing large state-owned and collective enterprises into private, individual and small farmer’s entities. There is no wage employment in the latter. They work for themselves, receiving incomes (wages) at the end of the year by selling their crops. Statistically, as for June 1, 2002, 749492 working-age people live in rural areas. At the same time, there is no...
data concerning the number of the wage-employed. Statistically, there are 53340 people employed with collective enterprises.

Since the moment stipulated (1995) the share of women in the total agricultural wage employment has remained at the same level. The number of women employed in agriculture is 70-80%, mainly in plant growing. The share of child labour in agriculture is also between 20-30% involved in weeding and harvesting.

From the point of view of labour input and use of women's and child labour the main sectors are cotton growing, rice growing, tobacco growing (southern areas), vegetable farming, potato growing and sugar beet growing (northern areas).

The real wages in the national economy of the republic in 2002 were 1392 soms per worker (about 29 US dollars) per month, whereas in agriculture it is 734 soms or 15.3 US dollars (in large united entities and cooperatives); at the same time, the fixed subsistence minimum per one adult person is about 1600 soms (38 US dollars), the average wages of a rural worker being about one third of the subsistence minimum, and this tendency has remained for the last five years.

Wages of men and women do not differ much, but traditionally women are more involved in plant growing, while men are employed in stockbreeding where wages are higher, hence the difference in incomes.

According to the national statistics board of the Kyrgyz Republic, poverty level among agricultural wage employees is characterised by the following indices (in per cent)

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<tbody>
<tr>
<td>Total:</td>
<td>43.5</td>
<td>42.9</td>
<td>54.9</td>
<td>55.3</td>
<td>52.0</td>
<td>47.1</td>
</tr>
<tr>
<td>Cities</td>
<td>30.3</td>
<td>22.2</td>
<td>42.2</td>
<td>42.4</td>
<td>43.9</td>
<td>41.2</td>
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<tr>
<td>Rural areas</td>
<td>49.6</td>
<td>55.3</td>
<td>62.4</td>
<td>60.0</td>
<td>56.4</td>
<td>51.0</td>
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By the level of consumption per capita in 2001 (per cent)
Total: 56.4; Cities 45.4; Rural areas 62.4

To overcome poverty the Araket, Ardager national programmes, as well as the Complex Basis of the Development of the Kyrgyz Republic until 2010, the National Programme on Reducing Poverty until 2005, etc. have been developed.

In the Kyrgyz Republic the hugest employers are multinational enterprises involved in tobacco and cotton growing, as well as producing beans (Turkey). Using the workforce in the region, the corporations administer monopoly prices for the production without regulating the agricultural production processes.

**MIGRATION**

With the implementation of the agrarian and land reform (1994) in the republic problems of external and internal migration of the population emerged. One of the reasons of the internal migration is the difficult economic situation in rural areas as a result of restructuring working collective and state farms into small peasant's (farmer's) enterprises, introducing land market and other factors deteriorating the living standards of the rural worker. Seeking for better life, many peasants' families migrate to big cities. In the cities these people are mainly involved in small trade, work in services and construction organisations. There is also migration from some highland areas to the benign Chu valley where soil and climatic conditions stimulate agriculture.

Since 1995 the migration processes within the Republic are gradually getting stabilised.

Deriving from the circumstances around migration issues, there have not been sufficient measures taken in the republic to provide legislative framework for these processes.
According to the statistics, at the present moment among external migrants there are 300 thousand Kyrgyz citizens only in the Russian Federation, 20 thousand people in the Kazakh Republic and 9 thousand Kyrgyz citizens in the countries of the so-called far abroad (South Korea, USA, Great Britain, Germany and other European countries). According to the unofficial data, in reality the above-mentioned quantities of external migrants are 2-2.5 times as high. In the Russian Federation they are involved in ‘shuttle’ buying and selling business, mainly in the cities of the Uralian and East-Siberian regions. They are partially involved in construction and industry. Rural migrants mainly work within plant growing and growing melon cultures in southern areas and in the Volga region. In Kazakhstan they are mainly involved in growing rustic tobacco, tobacco and onions.

Migrants leaving Kyrgyzstan are illegal by their status. Till recently there were no intergovernmental agreements defining the status of migrants and guaranteeing them right to work and free movement within these countries with the CIS countries and the countries of the far abroad. This problem is being solved only now after numerous complaints of migrants, non-profit associations, NGOs and representatives of civil societies filed with the Government and the Parliament of the Kyrgyz Republic concerning the servile situation of our migrants, discrimination in the sphere of wages, lack of the necessary working and living conditions, violence on the part of the employers against women and children, including sexual harassment. The employers of Kazakhstan turned particularly cruel towards migrants working on tobacco plantations. Due to unbearable working conditions, victimisation and refusals to pay wages, there were cases of suicides, escapes from working sites. Basing on these facts, a deputy commission of the Legislative Assembly of the Kyrgyz Republic went to the Russian Federation and Kazakhstan. It was only after that that the Government took concrete measures aimed at drafting intergovernmental Agreements concerning quotas and the legal status of migrants.

In 2003 such intergovernmental Agreements were signed with South Korea (400 people), with Kazakhstan (10 thousand people). Negotiations are in progress with the Russian Federation around the introduction in this country as of January 1, 2003 «migration cards» for CIS citizens to make migrants’ registration and status easier. Migrants on the territory of the Russian Federation have formed their own fund «Way to Justice», migrants of the border areas with the Tajik and Uzbek Republics formed their fund «For International Tolerance» – both funds cooperate and work on the grants provided by the international institutions.

At the beginning of 2003 the Government of the Kyrgyz Republic presented a report to the Parliament concerning the issues of migration processes and their legal regulation. To improve this work frontier service was established in the Republic, it is planned to strengthen the checkpoints in the borderline areas, the Council for Fighting Illegal Smuggling and Trafficking in People Abroad is being formed. A number of projects are being implemented with the financial support of the Board of the UN Supreme Commissioner and the International Organisation for Refugees; in particular they have allocated over 4 million soms for the ethnic Kyrgyz relocating to the Chu valley from the Dzhergetal and Murgab districts of the Tajik Republic that had faced military action.

Issues of borderline migration from the neighbouring republics (Uzbekistan, Tajikistan) are not sufficiently enough legislatively regulated in Kyrgyzstan, either. It is very difficult to evaluate even the approximate number of migrant workers from these countries since they work illegally. Kyrgyz farmers mainly recruit citizens of the neighbouring Uzbek and Tajik Republics to work on cotton and tobacco plantations only for the season and only on day wage. Women and children are mainly involved in this work. Their work is paid for by day wage, at some places lunches are being provided, travel expenses are covered by workers themselves, they enter and exit the republic illegally, there are no official permits, but in order to regulate this issue and to provide legislative acts and provisions intergovernmental negotiations are being held.
In 2002 according to the quota provided by the Government of the Kyrgyz Republic 2 thousand migrant workers from Korea were involved in growing onions and vegetables. Migrants from China are very few, and they are all illegal.

All in all rural migrant workers form 3 to 5 per cent of the total number. They are mainly seasonal workers involved in growing cotton, tobacco and rice. According to very rough estimations, about 70% of the migrants are women. They get inside the republic by means of both concluding direct contracts with the employers and via private employment agencies. More often they have to cover their travel expenses, and only few get the refund from the employer. In the recent years the percentage of migrant workers has demonstrated the tendency towards slow growth.

Migrants get usually employed to work with the above-mentioned labour-intensive cultures bringing harm to their health, especially to that of women and children. Therefore their working conditions are often harder than those of the Kyrgyz workers, and payment is generally much lower. As a rule, workers come with their families and children who either work together with them or panhandle.

Rural migrants normally live in tents and shelters placed just next to the fields where the agroproducts are grown, i.e. living conditions are very hard. Sometimes employers provide them with a place to live which is normally a one-off house or a barrack.

The trade union started working with them, explaining their rights to them, especially if the employers violate the labour legislation. Regional trade union units assist in solving living problems and problems related to payment in case the migrant turns to a trade union. However, since most of them are seasonal workers, they do not join trade unions and are not organised. No special materials have been issued for his purpose.

At the present moment there are no special programmes implemented aimed at protecting migrant workers’ rights, but the trade union finds it necessary to carry out a special research for investigating and formulating the problem with further development of a joint trade union and governmental programme.

SOCIAL PROTECTION, HEALTH AND SAFETY

All agricultural workers, irrespective of the form of ownership and type of economic activity, are covered by the national social security and insurance system. In accordance with the fixed tariffs, they pay insurance contributions from their incomes.

Allowances in agriculture are paid in the cases of birth, funeral, maternity pay, temporary disability due to illness, to long families, to small children, survivors’ benefit, to disabled people.

As alternative systems of social support in rural areas the system of microcredit for the poor is widespread. Credits are also given by NGOs and different international financial institutions. Besides, institutions of credit unions (there are over 300 of them) created at the expense of the shareholders are developed in rural areas. An agricultural worker has free access to all these bodies. However, there are plenty of red-tape obstacles on the way to obtaining credits. Credit unions are partially controlled by trade unions and local authorities.

Health and safety in agriculture are reflected in national standards and laws regulating health and safety. At the same time many women and children are involved in tobacco growing without observing health regulations, especially when processing tobacco leaves, i.e. fermentation. Tobacco fermentation is normally organised manually in the rooms that are close to living premises and often with small children present. In the recent years there have been single cases of HIV/AIDS infection among agricultural workers, too. There is a tendency towards the growth of this disease, especially in the southern areas of the republic.
SOCIAL DIALOGUE

Before large economic entities were disbanded into small peasant's (farmer's) enterprises trade union membership in agriculture was 85-90% of the workers. At the beginning of the 90s trade union membership reached 670 thousand people. According to the data for January 1, 2003, trade union membership among agricultural workers reduced to 322 thousand members. At the same time, in the last two years huge explanation and motivation work has been carried out aimed at organising workers of small peasant's enterprises with the creation of primary trade union organisations with local authorities.

The Central Committee of the Agroindustrial Workers’ Union, the Ministry for Agriculture, Water Resources and Processing Industry and the Associations (of seed growing, of water consumers and of peasant's (farmer's) enterprises) concluded a tripartite sectoral (tariff) Agreement on socio-economic and industrial issues for 2-3 years. Similar Agreements are also being concluded in the regions with the corresponding executive structures. In primary trade union organisations collective agreements with the employers are being concluded annually which apart from wages also contain provisions covering health and safety issues, social security and protection of workers' rights. In the recent years trade unions managed to include in the collective agreement provisions for payment of the first five days of temporary disability, and partial payment of the work of the trade union committee chairperson at the expense of the employer. Compensations in paying utility bills for the poor are being provided, as well as other social benefits. The issue of sexual harassment at workplace is almost not covered by these documents due to the mentality of the nation and ethical reasons.

Since 1998 national labour inspectorate has been operating in the Kyrgyz Republic under the Ministry of Labour and Social Protection on the basis of the Provision approved by the Government of the Kyrgyz Republic. Its work is aimed at making sure that rights of all workers, including agricultural, are observed. Besides, the trade union bodies have the institutions of technical and legal labour inspectors having the same rights as the national labour inspectorate. They perform public control over the respect for workers' rights. However, due to the grave economic situation in rural areas, personal protective equipment are not provided and events aimed at preventing occupational illnesses and accidents are not organised.

INITIATIVES AND RESPONSES

Yes, they are undertaken. In 2001 on the initiative of the Central Committee of the Agroindustrial Workers’ Union of Kyrgyzstan with the support and direct participation of representatives of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ (IUF) with the involvement of a wide range of trade union activists, deputies of the Legislative Assembly, experts from ministries and departments and NGOs seminar on the ratification of ILO Convention #184 was held. A letter addressed to the President of the Kyrgyz Republic concerning the introduction of the Convention to the Parliament for ratification was adopted. Since 2002 work has been carried out aimed at providing for the ratification of ILO Convention #182 On Prohibition and Immediate Measures on Elimination of the Worst Forms of Child Labour. Both Conventions are on the agenda of the autumn session of the Parliament of the Republic for ratification.
WORKING CONDITIONS IN AGRICULTURE OF THE REPUBLIC OF MOLDOVA

RESPECT FOR FUNDAMENTAL RIGHTS

Having ratified ILO Conventions #99 On Minimum Wage Fixing Machinery (Agriculture), #101 On Holidays with Pay (Agriculture), #141 On Rural Workers' Organisation and #184 On Safety and Health in Agriculture, the Republic of Moldova committed to apply a number of international standards in the agricultural policy and towards the workers of this sector.

Although at first the fundamental rights stipulated in the ILO Conventions and the Constitution of the Country are respected, a deeper analysis allows us to reveal a number of violations that, taken together, demonstrate a sharp decrease in the level of social protection of the agricultural workers. The agriculture is thus occupying the last place in the classification related to the respect for fundamental rights. According to sociological research, rights of only 22.3% of the workers of the sector are respected, complete violation of these rights can be found in 17.1% of the case.

One can start talking about violations of rights from the moment of employment. Employers are often more interested in the private life of the future employee rather than his or her professional qualities. The employer prefers to conclude open-end individual labour contracts with the owners of agricultural lands, and only in very few cases these contracts are concluded with young citizens who, although having performed their duties better, do not possess agricultural land. This can be explained by the fact that the tax the employer has to pay to the social security fund for owners of the agricultural land is 5-6 times as low as that for the workers who do not have land.

Violations in industrial relations can be found both in the professional and social respect. Compared to other sectors of the national economy, the share of violations on the agriculture is:

- size and payment of wages - 59.1%;
- working conditions - 48.6%;
- rest periods - 37.3%;
- working hours - 35.0%;
- guarantees and benefits - 31.4%;
- professional level - 28.0%;
- sex discrimination - 20.0%;
- disability - 10.4%.

Although the wages in the sector are beggarly, huge debts can still be found. As for January 1, 2003, the debt was 100242.6 thousand leis, which is 27.84% of the total wage arrears in the country.

The existence of the collective agreement at the enterprise guarantees that normal working and social conditions will be observed. However, such agreements exist only at 58.6% of the agricultural enterprises. This is not surprising since both the employer and the workers themselves are very sceptical about this important document. Only 61.9% of the agricultural workers participate in concluding collective agreements, while the rest have only second-hand knowledge about them. At the same time, provisions of the collective agreement are far from always respected by the employer.

Another form of protecting workers is the individual labour contract that provides for mutual rights and responsibilities both of the employee and the employer. Violation of these provisions should be considered violation of workers' social rights.
There are frequent cases when the employer suggests employment provisions that violate the legislation. A vivid example of this is Resolution #265 of the Government of the Republic of Moldova of May 13, 1996 On the Approval of the Provisions Concerning the Way of Employment of Workers on the Basis of an Agreement. After the adoption of this Resolution the employers started cancelling open-end individual labour contracts, reconcluding them for a fixed term. After the end of this term the contract was generally not prolonged and, consequently, the employee was losing corresponding benefits and social guarantees. The Constitutional Chamber declared the provisions of this Resolution unconstitutional. At the same time, there are still attempts to conclude fixed-term individual labour contracts.

In the agriculture of today only 62.5% of the workers are employed on the basis of an individual labour contract. At the same time, 3.2% of the workers are employed for the period of three months, 0.7% - for 6 months, 8.6% - for up to one year, 17.8% - for the period between 1 and 5 years, 5.3% - for performing specific work.

Disrespect for the form of the individual labour contract on the part of the employers also forms a violation of workers' fundamental rights. As a result workers employed on the basis of oral agreement receive lower wages than other workers. Although the labour legislation normally requires the written form of the individual labour contract, this rule is respected only at 61.8% of the enterprises with a clear tendency towards decreasing.

Terms of the individual labour contract are violated by the employers in the following ways:

- wages - 84.2%;
- working hours - 39.5%;
- occupation - 31.6%;
- rest provisions - 18.4%.

However, after individual labour contracts have been concluded, they are not always respected. In the agriculture this index is one of the highest, making 25% of the case.

It is a very important problem that workers do not realise the advantages of individual labour contracts concluded in the written form. Most agricultural workers (76.8%) are happy with the oral form of the contract.

The at the first glance insignificant fact that the employment order does not contain the name of the job can be of serious consequences for the employee. Unfortunately, this record is absent in 80.4% of the case. As for the record in the work records book when the person is being employed, it was made only for 78.9% of the overall number of those employed in the sector.

In the modern conditions work records book is the main document that entitles the worker to pension. The fact that only 84.2% of the workers in agriculture have work records book constitutes a grave violation of this right.

The said problems are aggravated by the declarative nature of the existent laws, by the lack of control on the part of the state over the respect for legal standards adopted, by the lack of system of stimulating and, respectively, sanctioning the persons in charge.

EMPLOYMENT AND INCOMES

The situation in the labour market reflects the situation of transition economy that brought, on the one hand, unemployment growth and degradation of the system of social protection of workers and, on the other hand, inefficient use of manpower accompanied by the decrease in productivity and reductions of real wages. In 2002 the number of workers reduced in all sectors of the national economy. The only exceptions here are public administration and defence. Information concerning the number of workers in the labour market involves only the enterprises where this number is over 20 people. The share of the workers of agricultural enterprises,
compared to the total number of workers, reduced from 43.3% in 1996 to 26% in 2002. The officially registered number of agricultural workers in 1995 was 560 thousand people, in 2002 being only 167 thousand people, which marks a 29.8% decrease. The main causes of this were negative shock activities from abroad (introduction of the Earth programme on privatisation and reorganisation of agricultural enterprises suggested by the World Bank) and structural adjustment processes.

Out of the total number agricultural workers 45% are women.

Out of the total number of workers of the sector involved in farm work 30% are children. Thus provisions of Convention #183 On Minimum Age are violated. Analysis shows that the age of over 5 thousand children involved in farm work is 14-16 years.

Transition to market economy, reforms in the agriculture determined considerable changes in the structure of the crop areas, which in its turn caused the necessity of redistribution of manpower. Today only about 7% of the potential labour force are involved in growing corn and sunflower that occupy over 60% of all agricultural lands. On the other hand, growing such crops as sugar beet, vegetables and fruit occupying about 18% of the areas requires 87% of the total number of workers.

As a result of the agrarian reform over 90 thousand farmers cultivating their land with their families emerged in agriculture. They are united in 3 thousand peasant's enterprises, 600 limited liability companies and over 30 joint-stock companies. It is difficult to speak about the socio-economic problems of farmers and peasant's enterprises today, since the state set them adrift without any protection or means of production.

The situation in associations and other collective labour structures is slightly better, since employee's work is constantly observed by the employer (enterprise leader), heads of subdivisions and trade union activists.

Rural citizens without land allotments found themselves in a very difficult situation. In order to somehow provide for their families, they have to sell their labour and health for a beggarly wage often risking their lives.

One of the numerous problems that our rural areas face today is that a lot of working-age people leave the country in search for jobs with decent wages. As a result of this agricultural production mainly becomes the burden of children, women and senior citizens.

The trade unions are concerned with the fact that after 9 years since the adoption of the Constitution of the Republic of Moldova the state was never able to secure the guarantees for its citizens provided in its provisions. First of all, the fundamental right – the right to work and to thus provide decent living – provided by the Constitution is being violated. Today the idea of 'work as a source of well-being' lost any meaning.

According to the statistical data, in 2002 the average wages of an agricultural worker covered only 33% of the minimum consumer budget. His wages also had the same purchasing capacity in 1996. Consequently, there has been no improvement of the situation in this respect.

The results of a survey carried out by the Labour Institute demonstrate that the wages of every third employee of the sector cover 30-40% of the minimum needs, and of every second – only 10-20%.

Although the main task of trade unions is firstly to protect their members' interests and rights, the Agroindsind Federation is not indifferent to the fate of other citizens working at the enterprises where no trade union organisations have so far been formed. It is here that there is no even elementary control mechanism and legislative acts are completely ignored by the so-called 'new leaders', and the peasants unaware of their rights suffer humiliation.
Violations of the legislative provisions regulating fixing the tariff rate for the first qualification grade at self-sustained enterprises should also be noted. In the recent five years as a result of negotiations with the social partners at the republican level, the tariff rate for the first qualification grade has been reviewed three times and was approved of by the Resolution of the Government at the level of 115, 169 and 250 leis. Unfortunately, according to local trade union bodies, provisions of the Law on wages and governmental resolutions are not applied everywhere and not to the full degree, even though the said tariff rate is compulsory for all economic agents irrespective of the organisational form and type of ownership. This is particularly demonstrated in agriculture where employers explain this by low financial capacities of the enterprises.

Of course, there are objective and subjective problems in agriculture, and wage employees are largely relied upon in solving them. Consequently, considerable decrease in labour costs is due exactly to constant 'optimisation' of the expenses under the article of 'Workers' Wages', while the expenses under other articles are often unreasonably high.

Wages and wage arrears are negatively influenced also by the imperfect and expensive taxation system for agricultural enterprises in the conditions when the state does not actively subsidise the sector. All this has a negative influence on the financial situation of the enterprises. Economic agents pay taxes on time, otherwise it results in high penalty fees and fines.

New to the sphere of payment workers' wages is the phenomenon of subjectivism in evaluating the work done. Unfortunately, in the situation of today's economic crisis and supersaturation of the labour market, there is no process of negotiating labour costs in Moldova in which both employers and trade unions as workers' representatives would participate. Therefore labour costs are most often evaluated spontaneously and, as a rule, in the favour of the employer.

According to some research, only 48% of the agricultural workers work at the enterprises where there is a fixed system of evaluating labour costs. Almost every person employed in the sector has no fixed norms of evaluating labour costs. It is thus easy for the employer to manipulate the results of his employees' work.

According to 28.2% of the employees of the sector, the wages firstly depend on the employer and only then on personal input (24%), contract terms and conditions (19.7%). Besides, 21% of the respondents believe that the 'results of collective work' influence the wages. This means that every fifth employee in agriculture cannot say for sure what his personal contribution is and how much he earns 'personally' and not 'collectively'.

Research demonstrates that there are two methods of receiving wages – a) through the accounts department and b) from the employer. The first one dominates – 65.7% of the workers receive their wages in the accounts department. Although this method does not exclude the existence of double-entry bookkeeping, it is legal and more civilised. Receiving one's wages from the employer (boss) was mentioned by 19.9% of the respondents. It should not be believed that the employees are not happy with the second method. It is likely to be the opposite – from the employer they receive the wages that are not subject to taxation. In this case both parties are satisfied. However, this will have negative effects on every fourth worker whose salary is not on the paysheet (pension size, different benefits, duration of annual holidays, etc.).

Strengthening the contractual relations between the employer and the employee requires a more perfect legislative framework and a change to the mentality of the parties to the contract. Most workers of the agrarian sector (67.7%) receive their wages according to the figures stipulated in the contract. At the same time, 23% receive lower wages compared to this document. In this case violation of the provisions of the contract shows that there is something wrong in the sphere of respect for workers' rights.

Agricultural workers are often subject to various financial sanctions from the part of the administration (employer). Such sanctions are registered in 31.5% of the enterprises. In this respect it should be noted that application of these sanctions depends on the good will of the boss – it is him who determines the causes for
and the amounts of financial sanctions. Here neither the trade union bodies of the enterprise (if there are any), nor the corresponding governmental inspectorates take part in settling the conflict situations. In this case the employee remains unprotected since he himself in a ‘compulsory-voluntary’ way agrees to these fines and, finally, rejects any protection.

The most widespread form of financial sanctions in the agrarian sector is the reduction of wages by 10-50% (such cases have been registered in 39.6% of the enterprises), deprivation of wages (in 9.7% of the enterprises). These sanctions are yet another example of violations of workers’ rights. It is not surprising that 65.7% of the workers of the sector believe that for the work done the wages should be higher. Here the issue of ‘cheap labour’ typical of the developing countries shows up. Although the efficiency of this labour is lower than in the developed countries, its volumes are higher. Of course, this results from the irrational job management. For the improperly managed work the employee thus has to pay by physical and moral overexertion.

For many years the citizens’ constitutional right to on-time payment has been seriously violated in the Republic of Moldova. Wage arrears have become persistent. As for January 1, 2003, the share of arrears in agriculture was 28% of the sum of the arrears in all sectors of the national economy. The employers seriously violate workers’ right both from the point of payment on time, and from the point of the ways wages are paid. At most enterprises workers receive their wages in foodstuffs. Control over respect for their right to receive wages on time and in cash is, in fact, exercised only by trade unions.

According to the surveys, wage arrears in the agrarian sector are widespread. Such enterprises make 65.5%. This means that work of every second employee is being paid for with the violation of the legislation. The wages of considerable number of workers (48.8%) is belated by 1-3 months, 34% - by 4-6 months. In this context the issue of wage arrears is a priority in the process of negotiations between the trade unions and the management.

To solve this problem a working commission was formed in 2001 which included representatives of the Ministry for Agriculture and Foodstuffs and the Agroindsind Federation. This commission analysed the reasons for the accumulation of debts of economic agents concerning paying wages to their employees and prepared information addressed to the President of the Republic for taking adequate measures. As a result a new law on wages was passed which determines the responsibility of the employer, including criminal responsibility, for deliberate wage arrears. Unfortunately, not all the structures contributed their effort to the creation of the real mechanism that would guarantee strict observance of national and international standards on wages protection, therefore the burden of solving this problem lies on trade unions.

SOCIAL DIALOGUE

Trade union membership in agriculture and processing industry has considerably reduced in the recent five years (from 429286 people on January 1, 1999 to 170455 on January 1, 2003, i.e. by 2.52 times). The most obvious decrease was registered in 1998-2000 (by 249645 people, or by 2.39 times). In 2001-2002 there was a stabilisation of trade union membership; the decrease in these two years was just 2.1%. On January 1, 2003 out of all members of the Agroindsind Federation 49.2% were women, 50.8% were men.

Reduction in the number of trade union members was mainly due to the decrease in the number of workers in the sector – from 536300 people in 1998 to 270979 in 2002, i.e. by half. In agriculture in 1998-2002 the number decreased by 244088 workers (or by 2.46 times), and in the processing industry – by 21233, or by 1.2 times. Starting with 2000 there has been a tendency towards growth of the number of workers employed in the processing industry. The dynamics concerning the number of workers in agriculture is negative at the moment, but, according to the forecasts of trade union leaders, the number of trade union members will increase.

In 1998 80% of the workers were trade union members, this number being 62.9% in 2002. The indicator for the said period has thus decreased by 17.1%. At the moment the percentage of trade union membership in
agriculture is 69.55%, and is 34% in the processing industry. A lower percentage found in the processing industry is mainly due to the fact that most enterprises underwent such 'procedures' as bankruptcy, liquidation, privatisation, etc. In these years both the bosses of the enterprises and the workers were changing. Secondly, a number of companies with foreign or joint capital were established, and it is difficult to organise workers at these enterprises due to an obstructionist position of the bosses.

Political and socio-economic changes going on in the republic can turn successful only in the situation of social stabilisation in the country if there is a coordinated position of the social partners representing the interests of the workers, the employers and the government.

Trade union bodies of all levels of the Agroindsind Federation are not satisfied with the social dialogue at the sectoral level today. Here it is necessary for all three parties to participate in bargaining. In reality there are only two – trade unions and the government. The third party – sectoral entrepreneurs – is still being formed at the moment. March 28, 2003 was the day of the Constituent Conference of the Federation of the Entrepreneurs of Agriculture and Processing Industry. The former organisation – the Union of Agrarian Entrepreneurs – did not represent the interests of all producers in the sector. Lack of one partner in the system of social dialogue in the recent two years has had a negative impact on solving many socio-economic problems in agriculture and the processing industry. Unlike the Agroindsind Federation, the sectoral ministry did not make any concrete steps aimed at forming a single employers' body.

Relations between the Agroindsind Federation and the sectoral ministry are far from being good. It is not the circumstances that influence the cooperation of these parties, but somebody's mood. In our trade unions – ministry cooperation, which is not the most fruitful, the apolitical position of the trade unions has a certain effect, since the trade unions do not support any political party, including the governmental one. There have been cases of avoidance of settling labour conflicts at any cost, and the legislation is not always the most important criteria when solving different problems. Therefore solving the issue of establishing normal social partnership relations would be a good example and the workers of the sector would only benefit from it.

In spite of the above-mentioned problems, due to the effort made by the Agroindsind Federation, in 2002 a Collective labour agreement (national level) for 2002-2003 was concluded. Compared to previous years, its content became more specific – it contains measures aimed at overcoming the socio-economic crisis in the sector, it clearly determines the responsibilities of the parties, etc.

Today a mechanism of trade union participation in the process of development and improvement of the legislation of the republic has been created. In the Government and the Parliament of the country the Agroindsind Federation implements this right via the Confederation of Trade Unions of the Republic of Moldova or directly with the ministries and parliamentary permanent commissions. Implementing this right, the Agroindsind Federation has the opportunity of being more effective in protecting the interests of their members, putting forward concrete suggestions when drafting, adopting and changing the legislative acts of the socio-economic nature, as well as when considering different draft documents in the Republican Commission for Collective Bargaining the Federation is party to. In this context we consider the adoption of the Law On Trade Unions on July 7, 2000, as well as drafting a new Code of the Laws on Labour (passed by the Parliament in the second reading) to be a victory of the trade unions of the republic.

For the coming 5 years the Agroindsind Federation sets the objective to establish officially equal relations between the employees and the employer at every enterprise where there is a trade union operating. This objective is a consequence of today's situation when some trade unions are not recognised by the employer as equal partners.

The Federation pays special attention to the correct application of the legislation in force and to the control over the respect for the rights of the workers of the sector. At all enterprises, irrespective of their organisational form and type of ownership, industrial relations are regulated by major normative acts. Among them are:
Special role in the process of drafting and controlling the implementation of the country legislation belongs to the ILO Conventions ratified by the Parliament of the Republic of Moldova. In 2002 Conventions #11, #99, #101, #119, #141, #182 and #184 that are of primary importance for the agrarian sector were ratified.

The Agroindsind Federation seriously contributed to the drafting of Convention #184 On Safety and Health in Agriculture by the International Labour Organisation with further ratification in Moldova. With that purpose, with the support of the ILO and the IUF two international conferences were organised in Kishinev (April 4 and November 2, 2002) with the participation of the concerned bodies of the republic.

A considerable step on the way to establishing social partnership is the conclusion in 2001 of Agreement on cooperation between the Agroindsind Federation and the National Labour Protection Inspectorate (now – Labour Inspectorate). Before that a joint seminar was held where the existent problems and cooperation possibilities were considered. In March 2003 Agreement on cooperation between sectoral unions affiliated to the Confederation of Trade Unions of the Republic of Moldova and the Labour Inspectorate, including on the issue of implementing the provisions contained in the ILO Conventions.

SOCIAL PROTECTION, OCCUPATIONAL HEALTH AND SAFETY

Unfavourable conditions in which the employees of the agrarian sector often work result in the growth of occupational illnesses. Occupational accidents are often of lethal outcome. There are over 450 cases of occupational accidents annually registered in the republic, killing 20-25 people. In the agricultural sector over 200 people suffer injuries, and 10-15 lethal cases are registered. In 2002 the number of injuries here decreased considerably (about 50 injured and 11 killed). However, it should be noted that the decrease in injury rate in agriculture was achieved not due to improving working conditions of the employees and taking additional measures aimed at preventing these accidents, but as a result of a decline in mechanisation and automation of production processes.

Today there is a system of social protection of workers in the republic, including those employed in agriculture. The legislative framework for this is formed by: Law on Health and Safety, Code of Labour Laws, various provisions, instructions, norms, standards, etc. Resolution #915-XV of the Parliament of the Republic of Moldova of March 15, 2000 a working group for further improvement of the Code of Labour Laws; this group also includes representatives of trade unions.

On May 11, 2002 the Government of the Republic of Moldova adopted Resolution #745 On temporary provisions for the order of calculating and paying temporary disability and maternity benefits to the employees of the agricultural lands (for the previous 4 years this category of citizens was deprived of these benefits).

At the present moment the Agroindsind Federation works on the Draft Law on amendments and changes to the Law on pensions for agricultural workers. At the stage of drafting are Draft Resolution of the Government of the Republic of Moldova on additions to the Instruction on the methods of fixing, calculating and paying sick leave benefits in the Republic of Moldova (including to specific categories of the employees of the agrarian sector); Draft Resolution of the Government of the Republic of Moldova on approving the Provisions for evaluating the working conditions at workplaces and the order of applying sectoral jobs lists where compensational premium for working in unfavourable working conditions could be provided.
Article 32 of the Law on Health and Safety of the Republic of Moldova provides for reimbursement of damages induced to the employees as a result of occupational injuries and illnesses and for payment of non-recurrent aid in the case of worker’s death or disability.

On July 30, 1998 the Parliament of the Republic of Moldova passed the Law on capitalisation of time wage that provides for reimbursement of damages induced to the employees in the case of lack of the legal successor after the liquidation of the organisation, enterprise or institution. The method of calculating damages is provided by Resolution #127 of the Government of the Republic of Moldova of February 15, 2000. The necessity to pass this resolution was determined by the denationalisation of the economy, by emergence of various forms of ownership and private economic agents – limited liability companies, joint-stock companies, private enterprises, etc., which resulted in decentralisation and a decrease in the opportunities of the system of social protection of workers. This law regulates the order of paying benefits for disability due to occupational injury, survivor’s benefits (for the same reason), that the enterprises have to pay after liquidation.

However, it should be noted that this law does not provide for the capitalisation of the disability pension sum paid today from the Social fund which is afterwards returned to this fund by the enterprise responsible for the injury.

This law should be amended so that it could provide for a method of transferring payments to the employees in the case of devaluation of the national currency, decrease or increase in the size of pensions and aids, as well as determine the order and source of payments if the capitalised sums received from the debtor are insufficient.

It is common knowledge that workers’ health is of great importance for the national economy. Disability leads to double losses. Therefore the process of performing one’s duties should not have any negative effects on workers’ health. The basic principles of this concept are as follows:

- prevention of occupational injuries and worker’s disability;
- monitoring of the sanitary situation and sanitation of the workplace;
- decrease in the number of workers exposed to occupational risk factors, reinstatement of the disabled, etc.

The issue of workers’ health and working environment is very acute. High rate of morbidity with temporary disabilities, frequent occupational illnesses and poisonings, consequently high disability rate, functional disturbances in the organisms of working women, etc. are typical indicators. Unfortunately, today the government does not have a concrete policy of providing first aid at workplaces.

Harmful and unfavourable production factors occupy a considerable share in the emergence of occupational illnesses of the employees of the agrarian sector. At 41 out of 186 agricultural enterprises checked in 2000-2002 hazardous poisoning substances with concentration exceeding the required standards were found. All tractors and combine harvesterers produced in the former USSR produce noise by 10-15 dB exceeding the allowed noise and vibration level. For this reason 81 case of occupational illnesses (67 with men (82.7%) and 14 with women (17.3)) was registered in the sector in 1996-2000. In most cases such illnesses were caused by vibration – 44 (54.3%), chemical substances – 24 (30.8%), pathogenic factors – 5 (6.3%), etc. During this period there were 32 registered cases of osteochondrosis (39.5%), 10 of chronic bronchitis (12.3%), 9 cases of encephalopolyneuropathy (11.1%), 8 cases of arthrosis (9.9%), etc.

Out of the total number of workers received occupational illnesses 45 people (55.6%) are machine operators, 16 (19.8%) work with pesticides, 20 (24.6%) are tobacco growers, farm workers, etc.

Main factors caused occupational illnesses are:

- constructive drawbacks of agricultural machinery - 54.3%;
- lack of protective equipment - 22.3%;
- ineffective ventilation at workplaces - 11.1%;
- outdated technological processes - 7.4%;
Prevention of occupational injuries and illnesses is the main objective of the policy of workers’ health and safety at workplaces. This can only be achieved by means of close cooperations of all bodies concerned.

LABOUR MIGRATION

Socio-economic crisis, difficult financial situation of people determined mass labour migration of the Moldovan population abroad. According to the sociological and statistical research, today over 600 thousand people work outside the country, which is virtually every third working-age citizen of Moldova. Representative of the state themselves admit that this figure is different from reality. It should be about 1 million people.

Among major countries recipients of Moldovan labour migrants are Russia (over 220 thousand people only in Moscow and in the Moscow region, among which 64 thousand people have official work permit), Italy (about 200 thousand people), the Czech Republic (over 40 thousand people), Greece (over 30 thousand), Spain (over 20 thousand), France (15 thousand), Turkey, Israel, Germany and Cyprus.

Initially the main direction was the eastern one – CIS (Russia), but since 1999-2000 the situation changed – the western vector of labour migrations becomes dominating. Reasons for that were geographical location in between Moscow and the Mediterranean countries; higher wages in the EU countries; formation of a ramified system of Moldovan labour migrants in Europe.

Moreover, there is a clear tendency towards exploring new areas in the migration movement of the Moldovan population. Like an oilberg Moldovan labour migrants discover both close, neighbouring countries and the countries that are considerably remote from our country and where there is neither a Moldovan diaspora, nor any alliance of production, language and kindred relations with the Republic of Moldova.

All ethnic, sex and age groups are represented in labour migration. The dominating group is formed by young people of up to 30 years old. Every fourth labour migrant is a woman. Women are getting more actively involved in the processes of international labour migration today. In the village of Slobodzinya Mare of the Kagul District with the population of over 8000 people the proportion is one unmarried woman of 16 and older to 25 unmarried men of 18 and older. Both highly qualified and unskilled labour are represented in labour migration, there are representatives of the budget sphere, industry, transport, construction, agriculture.

Most Moldovan labour migrants get inside the recipient countries legally, but live there and work illegally, which has a negative effect on the nature of work and working conditions, wages, social and legal protection, social status of labour migrants. Male migrant workers are mainly involved in construction, transport and industry. Women-migrants work in services, they take care of the elderly and sick, children, they work as domestic servants and in the sphere of sex services. Both men and women are involved in agriculture.

The attitude of the Moldovan government towards the processes in international labour migration is changing. Indifferent before, it starts participating in labour migration regulating processes, forming legal, institutional, informational, organisational and methodological framework, use international, regional and bilateral mechanisms of social and legal protection of labour migrants.

Labour migration of the Moldovan population has not yet reached its summit. The remaining causes of international labour migration (deep socio-economic crisis, difficult financial situation of the Moldovan population), activation of the state structures in labour migration regulating processes, legalisation of Moldovan guest-workers, their legal and social protection in a number of European countries may well promote growth of the social status of Moldovan labour migrants, their incomes and, consequently, their numbers.
At the same time it is, in fact, profitable for the state to have an 'army' of illegal workers outside the country, since it brings in foreign currency resources (according to some data, only in 2002 those working abroad transferred to Moldova over 400 million US dollars).

**SOURCES USED FOR DRAFTING THE MATERIAL**

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7. Statistics of the Agroindsind Federation on Occupational Accident Rate, Occupational Illnesses, Rights Violations, etc.
12. Express Information of the Department of Statistics and Sociology of the Republic of Moldova
WORKING CONDITIONS IN AGRICULTURE OF THE RUSSIAN FEDERATION

FUNDAMENTAL RIGHTS


In Russia agricultural workers’ rights to associate, organise and bargain collectively are not stipulated in a separate law, but are determined by the said laws, as well as by the Labour Code of the Russian Federation and the federal law On Collective Agreements.

At the legislative level agricultural workers enjoy the same rights and guarantees as industrial workers – guaranteed minimum wage (450 roubles per month), annual holidays with pay of 28 calendar days, additional holidays for harmful working conditions and other social and labour guarantees.

At the same time in practice there are numerous facts of infringement of agricultural workers’ rights with regard to guaranteed payment and on-time payment of wages. When reforming agricultural enterprises, numerous facts of dismissals can be found, often with violations of the legislation.

EMPLOYMENT AND INCOMES

In 2002 the agriculture of Russia employed 4.09 million people, or by 8% fewer than in 2001. Average monthly wages in agriculture were 1739 roubles, having grown by 35.4% compared to 2001. However, wages in this sector remain the lowest in the country, are by 2.5 times lower than the average wages in the country and by 3 times lower than the wages in industry and transportation. In 2002 the wages in agriculture constituted 39.4% of the average in the country, 32.9% of those in industry, 33.7% of the wages in construction, 32.9% of those in transportation, 54.5% of the wages in healthcare and 59.2% of the wages in education.

According to the law, no more than 20% of the wages can be paid in products. However, at many enterprises 40-80% of the wages are paid in kind.

According to the statistics, in 2000 unemployment among the agricultural workers was 9.1%.

At the same time, research done demonstrates that in the 90s in the Russian Federation there was a steady negative process of reductions of jobs and the number of those employed in the key sectors of rural economy (agriculture, industry and construction), which determined the general tendency towards the deterioration of the situation with the employment of rural population, the level of which experienced a sharp decline and reached 56% in 2002. Besides, in the regions of Northern Caucasus rural employment reached socially dangerous limits, which is one of the reasons of the difficult situation there.

Most rural areas exist due to federal transfers and are deprived of the opportunity of pursuing independent job creation policies. Lack of efficient mechanism regulating employment, economic interest of the heads of agricultural enterprises in creation of new and maintaining the existent jobs impede the stabilisation on the labour market and creation of the system of social guarantees for working-age population willing to work.

In most rural areas of Russia since there is no use of searching for job, working-age population continues to stop being economically active and starts being involved in primitive private part-time farming.

Due to a continuing decline in agricultural production there is a process of losing the highly qualified staff of the sector. At the same time new group of labour force is entering the labour market – graduates of higher educational establishments, vocational schools and rural comprehensive schools.
SOCIAL PROTECTION, HEALTH AND SAFETY

In the recent years there has been a tendency towards a decrease in the number of occupational accidents in the organisations of the agroindustrial complex of the country. Only in 2002 the number of lethal accidents in the organisations of the agroindustrial complex decreased by 8%.

However, the situation with health and safety in the organisation requires radical improvement. Research carried out by the Department for Health and Safety of the Ministry for Agriculture of Russia (the city of Orel) demonstrated that most jobs in agroindustrial enterprises are equipped with outdated machines and do not meet the requirements of ergonomics and sanitary standards. In many organisations equipment wear is 80-90%, still they continue working with violations of health and safety requirements. Pollution and environmental damage are considerably expanding their scale; application of chemicals with violation of safety standards reduces the safety of foodstuff and endangers human health.

Special concern arises from working conditions and health and safety situation in cooperatives, outgrowers and family collectives, farmer's entities. Accident rate here is 2.6 times as high as in the organisations of public type of ownership. This is mainly caused by the intensification of labour, increase in working hours, use of old, worn-out machinery and equipment with expired depreciation limits. In such conditions higher productivity is achieved mainly at the expense of worker's health and, sometimes, life.

As a result, accident rate in agricultural organisations is almost twice as high as the average rate in the country. Over 1000 people are killed at work annually, including women and teenagers.

The constitutional right of agricultural, as well as other categories of workers to healthy and safe working conditions is being implemented by means the Labour Code of the Russian Federation and the Fundamental Articles of the Legislation of the Russian Federation on Health and Safety.

The legislation determines state regulation of health and safety issues that implies the implementation of the main directions of the national policy in the sphere of health and safety, development of legislative and normative acts in this sphere, as well as requirements to means of production, technologies and job management, guaranteeing workers healthy and safe working conditions.

The employer is in charge of providing for safe working conditions, training and briefing for workers, providing them with protective equipment, reimbursement of damages induced by mutilation or occupational illness.

In accordance with the Labour Code of the Russian Federation health and safety activities are being financed. Types, size and order of paying aids in case of accident or an occupational illness is stipulated by the federal law of the Russian Federation On Compulsory Social Insurance Against Accidents at Work and Occupational Illnesses.

In particular, insurance coverage is carried out:
- in the form of temporary disability aid;
- in the form of monthly insurance benefits and a non-recurrent insurance benefit;
- in the form of covering additional expenses for medical aid, attendance, recreation treatment, prosthetics, providing special transport, training.

SOCIAL PARTNERSHIP

In accordance with the legislation, Sectoral Agreement covering the agroindustrial complex of the Russian Federation is concluded between the Central Committee of the trade union and the Ministry of Agriculture of Russia, the Agroindustrial Union of Russia, the Association of Peasant's (Farmer's) Enterprises and Agricultural Cooperatives (AKKOR). In January 2003 the Sectoral Agreement was concluded for 2003-2005. It contains the responsibilities of the Ministry of Agriculture of Russia concerning drafting of normative acts regulating the issues of working conditions and wages in the sphere of employment and training staff, as well as social privileges, guarantees and compensations.
Norms of the Sectoral Agreement are compulsory when regional and collective agreements are concluded.

In republics, territories and regions regional agreements are concluded, which allows to solve the problem of health and safety of the workers of the agroindustrial sector by means of joint efforts of the economic management bodies and the trade union.

Collective agreements are concluded at 75% of the organisations of the agroindustrial complex of Russia.

In particular they cover the issues of working conditions and wages, additional (apart from those provided by law) days-off, retirement benefits, partial coverage of recreation treatment, etc.

At the same time there is a decrease in the number of collective agreements concluded, especially at newly established enterprises and enterprises with foreign capital.
Tajikistan is mainly an agricultural country, and agriculture is the most vulnerable sector. Speedy implementation of its potential is needed, but it depends on two components both forming and limiting further development of agriculture. This is mostly land resources that are minimal and water resources that are plentiful, but expensive due to the necessity of delivering them for irrigation. Land resources of Tajikistan are very limited since mountains form 90% of its territory. Agricultural land occupies only 3.2% of the territory of the republic, 80.9% of this being seasonal pastures. Total area of land under irrigation is 713.7 thousand hectares which produces up to 90% of the agricultural GDP of the country. In spite of the intensive exploration of new lands, the huge demographic growth that Tajikistan has been experiencing in the recent 30 years resulted in a decrease in the per capita share of irrigable lands.

| Table 1 |
|----------------------------------------------------------|------|------|------|------|
| All lands (hectares per person)                          | 0.30 | 0.23 | 0.17 | 0.13 |
| Including under irrigation (hectares per person)         | 0.17 | 0.15 | 0.12 | 0.08 |

If this rate of population growth is preserved, in 2005 the total area of land per capita will go down to 0.11 hectares, and that of irrigable land – to 0.07 hectares.

Since former resources are over, it is necessary to transfer to new forms of intensifying agricultural production on the basis of environmental and landscape strategies, as well as by transforming the structure of agricultural land.

Water resources of the Republic of Tajikistan are formed by 947 rivers and waterways with the overall length of 28500 kilometres, as well as by 8500 glaciers and snowfields. The development of the agricultural sector of the republic drops behind the rate of population growth. This sector faced a sharp decline in 1992, and is still in decline with the exception of corn growing.

The situation with the employment of agricultural workers and their wages is presented in two tables attached to this report (see Tables 2 and 3).

Large employers start emerging in the agriculture of Tajikistan, but most collective and state farms are split into small farmer's enterprises.

The share of women among wage employees involved in agriculture has been increasing in the recent years in all regions of the republic and reaches, tentatively estimated, over 53%. According to rough estimates, the share of child labour in agriculture is also growing.

The number of seasonal and contract migrant workers from other countries in agriculture is 5353 people, while 14328 left the country. Over 90% migrant workers are men.

Wages of agricultural workers increase slowly. The average monthly wages for 2002 for all sectors was 33.1 somoni, in agriculture being 16.5 somoni. The cost of foodstuffs in the consumer basket by the end of December 2002 was 60.4 somoni.
Mid-term programme of overcoming the crisis of the agricultural sector aimed at restoring and sustainable development of the priority directions for the period till 2005 was developed in the republic.

By June 1, 2003 the Republic of Tajikistan has ratified 64 Conventions of the International Labour Organisation.

On May 15, 1997 the Labour Code of the Republic of Tajikistan covering all agricultural workers was adopted. Article 216 of the Labour Code determines the types of social security for workers at the expense of the national social insurance that covers temporary disability and maternity benefits, funeral expenses, family aids, survivor's aids, seniority pay for certain categories of workers, recreation and leisure of workers and their families, health food, medical treatment according to insurance policy and other payments for preventive healthcare activities stipulated by the legislation.

Assessing the changes that have taken place in the agroindustrial complex of Tajikistan in the recent 10 years, they can be divided in two groups – positive and negative. Among positive changes the following can be mentioned. Once totally owned by the state, the agroindustrial complex of today is already a plural sector of the economy. Alongside collective and state farms, the agriculture of the republic successfully includes farmer's enterprises, outgrowers, cooperatives and joint-stock companies. Transition to the diversity of forms of land economy has thus been carried out.

It was as early as in 1992 that according to the Law of the Republic of Tajikistan On Land Reform a considerable share of lands on mountainous slopes and adjacent to the territories of collective and state farms were passed over to the members of these entities who wanted to receive land allotments in addition to their private part-time farms. They could use these allotments as they wished to, either do the farming or use them as pastures. On October 9, 1995 Decree of the President of Tajikistan On Allotting 50 Thousands Hectares of Land for Private Part-Time Farming was signed; on December 1, 1997 a similar Decree was issued concerning allotting 25 thousand hectares more. This acted as a determinative in solving the immediate needs in the first and most difficult years of reforms. In spite of the Civil War and natural calamities, these measures helped to involve a considerable share of the unemployed population in productive labour, thus removing the danger of unemployment growth, as well as reducing the acuteness of the problem of providing population with the vitally important foodstuffs, first of all, with bread.

The importance of private part-time and farmer's enterprises has grown, the sector of cooperatives and outgrowers has expanded, which allowed to increase the level of food self-support of the population. Private sector was formed in agriculture and demonstrated a high functioning sustainability. Prices were liberalised, state order was cancelled, producers became the owners of the goods they produce.

At the same time there are changes of the destabilising nature:

- asynchronous changes of the macroeconomic conditions in the agroindustrial complex, liquidation of the existent purchasing system, break-off of the economic relations, financial policy that does not consider the peculiarities of the agricultural production, etc.
- disparity in prices between industrial and agricultural goods that resulted in huge funds being extracted from the agrarian sector of the economy,
- reassessment of the role of the market as a self-regulating institution in the event of weakening of state regulation and support of the agroindustrial complex,
- deterioration of the facilities of the agricultural enterprises and low level of technical advancement of farmer's and private part-time entities,
- decrease in using mineral and organic fertilisers, reduction of land fertility,
- break-up of elite seed growing entities, decline in plant-breeding work.

In the recent five year the level of trade union membership among the workers of the agroindustrial complex has remained stable, as well as the proportion of women and men among trade union members. As for 2003, 1,150,000 people are involved in the agriculture of the country, 258,000 of them being trade union members, 50% are women (the total membership of the union with members in other sectors is 785,000 people).
At the level of the republic General agreement on socio-economic issues and protection of citizens' rights was concluded between the Government of the Republic of Tajikistan and the trade unions that also covers wage agricultural workers. Similar agreements were concluded at the levels of regions, districts and enterprises.

Despite a big range of drawbacks, a mid-term programme was developed to solve the problems of the agroindustrial complex, as well as to improve the situation of the agricultural workers, which includes:

- creation in the Republic of Tajikistan a highly efficient and receptive to novelties agroindustrial complex that would successfully combine the mechanisms of market self-regulation and active state influence on the economic and social processes for the improvement of the situation of the agricultural workers,

- providing for the stabilisation and further sustainable development of the agroindustrial complex as a long-term perspective,

- considering of the global world tendencies and the experience of the countries that achieved a considerable development of the agroindustrial complex in connection with the historical and national traditions, as well as with the socio-cultural peculiarities of the Tajik society,

- complex transformation of the agroindustrial complex by forming state, collective, cooperative, joint-stock, farming and small production sectors,

- formation of a competitive environment when privatising and reforming industrial and service enterprises of the agroindustrial sector,

- introduction of stimulating price, tax, credit, budget, customs and other regulators of the agrarian economy,

- creation of a full-size and efficient production and market infrastructure in the agroindustrial complex,

- reform of the investment policy and strengthening the facilities of the agriculture,

- creation of an effective system and method of managing the agroindustrial complex and training staff, as well as increase in the role of the agroindustrial complex in the external economic relations of the country, social transformation of rural areas, improvement of the situation of all agricultural workers.

These issues are being worked on using advanced experiences.

Table 2. Average annual number of workers employed with the agricultural enterprises of Tajikistan (thousand people)

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<td>449</td>
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<tr>
<td>with collective farms</td>
<td>293</td>
<td>297</td>
<td>308</td>
<td>334</td>
<td>291</td>
<td>267</td>
<td>371</td>
<td>378</td>
<td>409</td>
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<td>with state farms and other</td>
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<td>196</td>
<td>210</td>
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<td>223</td>
<td>176</td>
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Table 3. Average monthly wages and average pensions of the agricultural workers, officials and collective farm workers in Tajikistan

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<tr>
<td>Average wages for all sectors of the economy</td>
<td>370</td>
<td>2035</td>
<td>16155</td>
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<td>Average monthly wages of agricultural workers and officials</td>
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<td>10169</td>
<td>20723</td>
<td>0.60</td>
<td>1.54</td>
<td>2.53</td>
<td>5.60</td>
<td>6.58</td>
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<tr>
<td>Average monthly wages of state farm workers</td>
<td>317</td>
<td>1404</td>
<td>9553</td>
<td>18321</td>
<td>0.56</td>
<td>1.39</td>
<td>2.34</td>
<td>5.15</td>
<td>5.66</td>
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<td>Average pay for collective farm workers</td>
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<td>16565</td>
<td>0.95</td>
<td>1.88</td>
<td>3.31</td>
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<td>Average pension for pensioners registered with social security bodies</td>
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<td>1444</td>
<td>12502</td>
<td>18031</td>
<td>0.39</td>
<td>0.88</td>
<td>1.06</td>
<td>3.02</td>
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WORKING CONDITIONS IN THE AGRICULTURE OF THE REPUBLIC OF UKRAINE

FUNDAMENTAL RIGHTS

The national legislation of Ukraine is adapted to the standards of Conventions #87, #98, #126, #154 and #11 of the International Labour Organisation ratified by the Supreme Council of Ukraine. Fundamental workers' rights stipulated by Convention #87 are implemented on the basis of Article 36 of the Constitution of Ukraine and the law of Ukraine On Trade Unions, Their Rights and Guarantees of Activity and On Non-Profit Organisations.

Within the framework of the national legislation, agricultural workers' rights are equalled to the rights of the workers of other sectors with regard to the right to association, to organise and to bargain collectively and are not given separately in individual legislative acts. Conventions #99, #101, #110 and #141 have not been ratified by Ukraine, but their fundamental principles are included in the laws of Ukraine On Wages, On Annual Holidays, in the Code of Labour Laws. At the moment there is ongoing work aimed at preparing ILO Conventions #129 and #184 for the ratification by the Supreme Council of Ukraine.

At the legislative level agricultural workers enjoy the same rights and guarantees as the employees of industrial enterprises – guaranteed level of wages, annual holidays with pay (24 calendar days per calendar year worked + 2 days per month worked), additional leaves for non-normalised working day, for harmful working conditions and other social and industrial guarantees.

At the same time, in practice there are numerous facts of infringement of agricultural workers' rights:

- mass dismissals took place while reforming agricultural enterprises;
- rights to guaranteed level of wages and on-time payment are violated;
- employment and protection in the case of unemployment.

EMPLOYMENT AND INCOMES

Compared to 1990, the number of those working in agriculture has decreased by 2.6 times, or by almost 3 million people; compared to 1995 – by half, or by 2 million people. In the recent 5 years the number of agricultural workers registered with the employment service has increased by 29 times (on January 1, 1998 – 14680 people, on January 1, 2003 – 423658 people). The unemployment rate in rural areas is 6.48% and is twice as high as that in towns and cities. Only 32% of those registered with employment service could implement their right to employment in 2002, there are 33 people registered per one vacant position. New jobs are virtually not created in rural areas. The real unemployment exceeds the official statistics by 1.5-2 times, and in some regions – by 3-4 times. The share of women in the total number of workers employed in agriculture is 46% and is almost not changing.

Payment is carried out on the basis of unified rate schedules. Average monthly wages in agriculture have increased by 2.2 times in the recent five years. In 2002 it increased by 1.17 times compared to 2001. At the same time, the level of wages in agriculture is the lowest compared to industrial and budget sectors. In 2002 – 177 hryvnias ($33.2), which is twice as little as the average wages in Ukraine (376 hrv.) and 2.5 times as little as those in industry. In 2002 50.6% of the agricultural workers received wages which were smaller than the officially fixed minimum wages in the country (165 hrv. – $30.9). The average monthly wages in agriculture in 2002 were only 32% of the officially fixed subsistence level (365 hrv. or $68.5).
MIGRATION

Labour migration of agricultural workers within Ukraine and abroad has a tendency towards growing, especially in the recent 5-7 years. Official statistics covers all Ukrainian citizens without treating agricultural workers separately. The report presented by N.Karpacheva, Commissioner of the Supreme Council of Ukraine, in April 2003 at a session of the Supreme Council of Ukraine gives the figures of illegal migration – 2 million people; at the same time, giving a realistic assessment of the situation, she mentions 5 million people as a real figure. Most illegal migrants work in Russia, Italy, Germany, the Czech Republic and Spain.

One can judge about migration in rural areas on the basis of the existence of these processes, as well as using quick-look data received from the regional trade union organisations. This phenomenon has become most typical of the western regions of Ukraine.

Ukraine has concluded international employment agreements with Armenia, Belarus, Vietnam, Lithuania, Latvia, Moldova, Poland, Portugal, Russia and Slovakia. Negotiation on concluding similar agreements with Azerbaijan, Argentina, Belgium, Hungary, Greece, Georgia, Spain, etc. are on the way. However, there is no effective mechanism to monitor the implementation of these agreements.

SOCIAL INSURANCE

There are 3 types of social insurance:

• on temporary disability (payments related to illness, maternity benefits, funerals, partial coverage of recreation healthcare for workers and their families);
• on unemployment;
• on occupational accidents and illnesses (provides social support to those suffered from occupational accidents and their families – in the case of death of the worker);

All types of social insurance equally cover both the workers of the production sphere and agricultural workers.

At the present moment draft laws of Ukraine On Compulsory State Medical Insurance and On Compulsory State Pension Insurance are being debated.

In 2002 law of Ukraine On Health and Safety was adopted that is fundamental in the state policy and the implementation of the constitutional right to healthy and safe working conditions, and equally covers agricultural workers. The law provides for:
- the employer to provide information concerning harmful and dangerous production factors at workplace, as well as compensation and benefits to those working in such conditions,
- the employee to have the right to refuse to work in harmful conditions, terminate the labour contract at his will (in this case severance pay is being paid according to the collective agreement, but not less than three monthly wages),
- the full reimbursement of the damages induced to the worker by occupational accidents, as well as for the payment of non-recurrent aid to the injured and his family (payments to be made by the employer), etc..

The law also regulates special standards for working women and underage.

Additions to the law adopted in November 2002 stipulated the norm of financing health and safety activities at the expense of the employer, as well as strengthened the positions of trade unions with regard to priority right to carry out public control over respect for health and safety legislation.

As of 2001 the law On National Social Insurance against Accidents at Work and Occupational Illnesses Resulting in Disability has been in force that provides for social services and payments along 24 articles. In accordance with the law, the Fund of Social Insurance against Accidents at Work was created and insurance
Premia were fixed. The law fixed a privileged insurance tariff for the agrarian sector (0.2% of the wages fund, while real payments made to the injured are 6 times as high).

One of the most acute problems is the problem of safety at work in agriculture. Formally, injury indicators in rural areas have a stable tendency towards decrease, but are of serious concern. Firstly, since due to the administrative reform the system of managing labour safety has been lost in the sector. Secondly, as a result of reforms in the agrarian sector a huge number of small agricultural enterprises were formed based on private property on land and rent relations without due registration of labour relations with wage employees, which deprives them of social protection. Thirdly, there has been an increase in number of peasants (about 600 thousand) who are self-employed, and social insurance in this case is voluntary, which in the conditions of financial and economic instability results in lack of social protection in reality. Fourthly, official statistics does not always reflect the real situation due to hidden facts of occupational accidents.

The most widespread form of child labour in Ukraine is the use of children for agricultural work and in particular for work at small and family farms. Under the aegis of the ILO an IPEC international programme on elimination of the worst forms of child labour is implemented in Ukraine. Agroindustrial Workers’ Union put forward its proposals concerning the implementation of this programme with the regard to the rights of rural children, but does not take an active part in the implementation of the programme.

National legislation is adapted to the provisions of Convention #184. Together with the IUF in 2001 Agroindustrial Workers’ Union held the round table with trade union activists, representatives of the sectoral management bodies and the deputies of Ukraine on the initiation of the ratification of this convention. Similar work was carried out in other regions of Ukraine, and the media were used. Suggested by our trade union, the issue of speeding up the ratification of this convention was introduced in the General agreement for 2003.

At the moment there is a decision of the Council for National Partnership under the President of Ukraine in passing Convention #129 On Labour Inspection (Agriculture) over to the Supreme Council for ratification.

**TRADE UNION MEMBERSHIP**

The trade union of the workers of the agroindustrial sector unites 37 regional organisations that provide annual reports to the Central Committee with regard to the situation with trade union membership. As for January 1, 2003, there are 2.7 million trade union members, 59% of them being agricultural workers. Statistics does not differentiate between the membership of men and women.

Comparative analysis of the trade union membership of the last seven years (1995-2002) – both generally and with regard to agricultural workers – demonstrates a tendency towards decrease. Thus, in these years the total membership decreased by 60%, including by 58% among agricultural workers. The process of decline in trade union membership can be explained by several factors. Firstly, by the reforms of the agrarian sector and a general decrease in the number of those employed in agriculture (by 57% over the period analysed). Secondly, by the low motivation of trade union membership. Thirdly, by a sharp decline in the number of full-time trade unionists at the level of agricultural enterprises due to general financial situation and, consequently, by a lack of staff to carry our organising work.

**SOCIAL DIALOGUE**

The sector has formed the system of social dialogue through negotiation process and concluding collective agreements. Starting with 1995, Agroindustrial Workers’ Union has been concluding sectoral agreements with the Ministry for Agrarian Policy of Ukraine representing the interests of the state property, as well as with employers’ organisations and associations (the All-Ukrainian Union of Agricultural Enterprises, Association of Farmers of Ukraine). According to the legislation in force in Ukraine, the sphere of application of this agreement covers all categories of agricultural workers, irrespective of the organisational form and type of...
ownership. The agreement regulates the issues of wages, social guarantees, industrial relations, work and rest hours, working conditions and health and safety, protection of worker's rights in the case of restructuring, guarantees of trade union activity, etc.

Provisions of the sectoral agreement are compulsory when collective agreements at the enterprises are being concluded. According to the official statistics, collective agreements have been concluded at 70% of the agricultural enterprises. At the same time, the efficiency of this work is not enough. This is explained, first, by the attitude of the new owners who avoid bargaining, second, by the formality of this document and, third, by the violations of the legislation in force on the part of the employers and the passivity of the trade union party with regard to control. Payment guarantees fixed at the national level and in the sectoral agreement are respected only at 50% of the agricultural enterprises.

205 agricultural enterprises work with foreign investment. As a rule, these are newly formed enterprises. The practice of regulating social and industrial relations at these enterprises is being researched and it is not possible to discuss the problems at this point.

In Ukraine there is no separate state structure monitoring respect for the rights of wage employees in agriculture. Functions of general control are executed by, in particular, the National Department for Control over the Implementation of Labour Legislation.

**INITIATIVES AND RESPONSES**

Agroindustrial Workers' Union:
- actively participates in the legislative process at the level of drafting and introducing proposals and amendments to the drafts and laws in force via the subjects of legislative initiative (deputies and committees of the Supreme Council of Ukraine),
- participates in the process of bargaining for the General Agreement;
- initiates bargaining process and concluding sectoral agreement;
- introduces the system of monitoring the implementation of labour legislation and the sectoral agreement (joint sessions of multipartite bodies),
- initiates joint checking together with the National Department for Control over the Implementation of Labour Legislation,
- organises training for trade union staff and activists,
- prepares recommendations and training materials,
- carries out explanatory work.