Safer farms for safer food

Idyllic? Not quite. Agriculture is one of the world’s three most dangerous sectors. For the first time, new ILO standards give waged agricultural workers the industrial-strength protection that they need. Which is good news for all of us, because safer workers produce safer food.

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June 21, 2001 was an historic day for the world's agricultural workers, with the adoption of a new ILO Convention and Recommendation on safety and health in agriculture.

This is the first time that waged agricultural workers - whether permanent, temporary or seasonal - are guaranteed in international law the same rights and levels of protection as other categories of workers, despite the fact that the agricultural industry is one of the most dangerous in the world and has the largest workforce of any.

There are an estimated 450 million waged agricultural workers worldwide, and their numbers are growing in all regions of the world. They account for 40 per cent of the global agricultural workforce of over 1.1 billion. 20 to 30 per cent of the waged workers are women, and child workers also form part of the labour force.

Governments, employers and worker trade unions participating in the 89th International Labour Conference in Geneva adopted these new instruments despite the fierce resistance of the employers' group at last year's ILC. There were only two opposing votes (the employers' delegations of Indonesia and Malaysia) and 41 abstentions (28 employers and 13 governments).

An ILO Convention is in effect a treaty between governments but it is unlike other treaties in that it is drafted and approved by the International Labour Conference in which representatives of workers’ and employers organisations take part as delegates with full voting rights. Once ratified, an ILO Convention has the force of international law.

The need to improve safety and health standards in agriculture is paramount, as it is one of the three most dangerous industries, along with construction and mining. Agricultural workers labour in an industry that is not sustainable as measured by the loss of human life, injury and
ill health. In 1997, the ILO estimated that 170,000 agricultural workers and farmers were killed in producing the world's food and commodities, out of a total of 330,000 fatal workplace accidents in all occupations worldwide. Agricultural workers also suffer disproportionately among the 250+ million workers injured each year, and the 160+ million who fall ill due to workplace hazards and exposures.

One of the most distinguishing characteristics of agricultural work is that it is carried out in a rural environment where there is no clear distinction between working and living conditions, unlike for factory or office workers. As a result, agricultural workers and their families face extra dangers such as exposure to pesticides. However, agricultural workers – who continue to register among the highest levels of global poverty – are generally excluded from effective forms of health, safety and social protection.

Tough negotiations

In the first round of discussions in the Committee on Safety and Health in Agriculture at the 88th International Labour Conference in 2000, the employers’ group categorically rejected any form of Convention or Recommendation, advancing a variety of arguments to support their opposition. They said that adopting a Convention would be too rigid and would financially cripple farmers, placing too large an economic and bureaucratic burden on them, especially on small, family farms. They argued too that as agriculture was “different” from other industries, it could not be regulated in the same way as other industrial sectors. Finally, they argued that a sectoral convention on agriculture was too narrow and that safety and health standards in the industry ought to be part of a review of labour standards to be undertaken by the ILO in 2003.

On the first day of discussions, the employers’ group moved an amendment to abandon any further discussions on a Convention or Recommendation on safety and health in agriculture. In the recorded vote that followed, governments and workers decisively rejected the employer amendment. This rejection was based in part on the broad recognition in the meeting that far from being a burden, good health and safety standards not only save lives and protect health, but are cost-effective in minimising absence due to accident or illness. The employers continued to resist the idea of a Convention in the following three weeks of negotiations. However, the negotiations in 2000 finished with strong draft texts of a Convention and Recommendation.

In 2001, and after a series of informal discussions between the employers, workers and the ILO, the employers’ tactics changed to support for a Convention, provided that it was flexible.
and that many of its provisions were moved to the non-binding Recommendation. However, apart from the references to self-employed farmers, the employers were not successful in this endeavour.

The workers’ group, some 60 strong, was made up of representatives from agricultural and food unions and confederations from all regions of the world. The Secretariat and technical assistance were provided by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF).

Up to 100 plus governments participated directly in the negotiations in the Committee.

**The Convention**

The main provisions of ILO Convention 184 include:

- A broad definition of agriculture. *"For the purpose of this Convention the term ‘agriculture’ covers agricultural and forestry activities carried out in agricultural undertakings including crop production, forestry activities, animal husbandry and insect raising, the primary processing of agricultural and animal products by or on behalf of the operator of the undertaking, as well as the use and maintenance of machinery, equipment, appliances, tools, agricultural installations, including any process, storage, operation or transportation in an agricultural undertaking which are directly related to agricultural production."* (Article 1)

- Governments have to develop a national policy on agricultural safety and health based on “consultations with the representative organisations of employers and workers concerned.” (Article 4).

- Employers - that is, farmers/growers - have to carry out workplace risk assessments on the farm, plantation, agricultural undertaking before exposing workers to the hazards/risks covered by the Convention, including exposure to chemicals (Article 7(a)).

- Workers have the right to "remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions."

- Articles 12 and 13 cover sound management of chemicals. Although the Convention deals primarily with occupational, that is, workplace, safety and health, Article 12 (c)
also refers to the need to protect the general environment in respect of disposal of empty containers and wastes - see also the Recommendation, paragraph 7.

- Article 18 on women workers states: "Measures shall be taken to ensure the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health."

- With regard to young workers and hazardous work, Article 16 sets the minimum age for such work at 18 years. National authorities may however permit persons as young as 16 years of age to carry out hazardous work "on condition that appropriate prior training is given and the safety and health of the young workers are fully protected". Currently, some countries allow children as young as 11/13 years old to carry out many types of agricultural work.

- Article 20 on working time arrangements - for the first time in an ILO Convention - makes the connection between hours of work, rest periods, night work and health and safety on the job, issues which are too often neglected.

- Article 21 states: "According to national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors." Currently, many workers are not covered by this form of social protection.

The Convention covers only waged workers who work for an employer. At the insistence of the employers and many governments, all references to various categories of self-employed farmers and workers were moved to paragraphs 12-15 of the non-binding Recommendation. This means that categories of self-employed farmers/workers such as small-tenants, sharecroppers and subsistence farmers are not covered by the Convention. However, Article 3 of the Convention provides: "Each Member (government) shall list, in the first report on the application of the Convention....any undertaking or category of workers which has been excluded, giving the reasons for such exclusion. In subsequent reports, it shall describe the measures taken with a view to extending progressively the provisions of the Convention to the workers concerned."
The Recommendation

This non-binding Recommendation provides additional guidance on the provisions of the Convention. Paragraph 7 deals with sound management of chemicals, complementing Articles 12 and 13. In this paragraph, clear reference is also made to the ILO Convention 170 - the main ILO instrument dealing with chemicals management.

The next steps

Ratification of a Convention is a free act by a State, but once this commitment has been made, the Convention acquires a force that is binding and independent of the mere will of States and must be applied.

ILO member governments have to submit the Convention to their competent authority, usually the national parliament, within 12 months of the adoption (18 months in the case of federal states) for consideration of the action to be taken. Two countries need to ratify the Convention for it to enter into force.

Lobbying and campaigning to ensure speedy ratification and comprehensive implementation will be needed from trade unions working in cooperation with NGOs/civil society organisations such as the Pesticides Action Network (PAN). Campaigns should include raising awareness of the new standard in farming communities everywhere. Speedy ratification and comprehensive implementation are clearly the ideals but even where a country is slow to ratify, or does not ratify, the Convention and Recommendation can be used as standards on which a progressive national agricultural safety and health policy/programme can be based.

In conclusion, the IUF views adoption, ratification and implementation of the Convention and Recommendation as key elements and measures of sustainable agriculture. Agriculture cannot be sustainable if it continues to kill, maim and make ill huge numbers of workers and farmers producing the world's food and commodities, nor if it continues to harm the environment.

A safe and healthy agricultural workforce organised in strong trade unions is also a key element in helping to ensure world food security and promoting food safety. For example, giving workers both the right and the means to wash their hands not only protects them, it also
protects the quality of the food. Food should not only be ecologically labelled but socially labelled to say that those producing it did so in safe and healthy working conditions.

Notes


3 International Labour Office: *Safe Work – security and productivity through safety*. ILO Social Protection Sector, 04.08.99, h:\ng\safework\ngsafework7.wpd, p 2.


5 Op cit 3.

6 Ibid.
