

**Third session of the Open-ended Working Group on the rights of peasants and other people working in rural areas: May 17-20, 2016.**

**May 17, Panel I - The contents of the Draft declaration**

Presentation – Sue Longley, IUF

Madame Ambassador, representatives of Member States, colleagues from civil society, it is a great pleasure for me to be here today to share the views of my organization on the draft Declaration on the Rights of peasants and other people working in rural areas.

I have been asked to speak about the importance of the Declaration for rural workers and in particular its alignment with international labour standards. I want to talk this morning specifically about the ILO standards covering salaried rural workers (as they are described in Art 1, point 4 of the draft declaration).

I want to make it clear that I am not speaking for the ILO but for my organization’s experience with the Standards.

I will not talk about the 8 Core Conventions of the ILO Covering – freedom of association and the right to bargain collectively, no child labour, no forced or bonded labour and no discrimination. These are universal rights, the Fundamental Principles and Rights at Work, and today I want to look at those ILS specifically addressing rural workers. Likewise I will not address C169 the Indigenous and Tribal Peoples Convention but of course this also covers rights essential for rural people

* **Brief introduction to the IUF**

The IUF is the global trade union federation representing workers throughout the food chain. It is currently composed of 421 affiliated trade unions in 126 countries.

Our members represent w**orkers employed in agriculture and plantations.  We do have affiliates representing self-employed workers and some representing small farmers but on the whole our affiliates represent workers in some sort of employment relationship – it could be precarious work; seasonal work but there is an employer who is the owner of the farm or plantation or an agricultural services labour provider.**

* **IUF’s view on the Declaration:**

Common issues amongst the majority of rural people – disempowerment/feudal power relations, poverty caused by low wages and incomes, lack of social protection, lack of public services; poor or no access to education; a model of food production that disempowers peasants and workers alike.

The IUF recognizes that in rural areas, people have many survival mechanisms including that peasants often rely on waged employment on plantations or commercial farms for part of the year to supplement household incomes.

However, the International Labour organisation estimates that around 40 per cent of the workforce **(so about 400 million people)** is employed, with **women** making up an increasing percentage of the hired agricultural workforce.

**To be crystal clear - the rural workers the IUF represents do not own or hire the land they work on and as such are a distinct group from farmers.**

So the Declaration has to properly reflect the composition of the rural workforce and the policy tools both peasants and other rural workers need to access and exercise their human rights. However, for employed rural workers the declaration has to provide a set of rights that address their employment situation and empower them vis a vis both government and employers.

* **Background context – so what are the issues that believe that the Declaration has to address to address**

Agriculture globally is dependent on some of the most vulnerable workers – seasonal workers, migrant workers (often undocumented), workers from tribal & disadvantaged communities. These workers are often in precarious employment that prevent them from accessing their rights.

Generally:

Agricultural workers usually work long hours for low wages.

Agriculture is the biggest user of child labour with 60% (i.e. 98, 000, 000 children) working in agriculture alone, many of them in hazardous conditions.

Agriculture is one of the 3 most dangerous industries to work in alongside mining and construction and the industry with the highest rate of fatal accidents.

Agriculture is the biggest user of water but agricultural workers frequently do not have access to potable water in their workplaces.

Women workers often face sexual harassment, lower pay and limited promotion prospects.

So what is **THE** key element that the IUF is looking for in the Declaration. It is recognition that for rural works to be able to address these challenges they need to be able to organize in independent, democratic trade unions that represent their views and to be able bargain collectively to improve their living and working conditions. This for us is the key enabling right that will empower rural workers to access and claim their human rights.

BUT many rural workers are still denied this fundamental human right:

Very early in its existence, the ILO recognised the particular challenges facing rural workers, especially on freedom of association for agricultural workers and adopted in 1921 **The Right of Association (Agriculture) Convention (No. 11).**

It has 1 main article which states

“Each Member of the International Labour Organisation which ratifies this Convention undertakes to secure to all those **engaged in agriculture the** same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.”

Convention 11 has been ratified by 122 countries.

##### ILO made further efforts to address freedom of association for rural workers and in 1975 - adopting Convention 141 Rural Workers’ Organisations Convention (No. 141) and Recommendation No. 149.

##### This repeats the importance of the right to organise for rural workers but then goes on (in Article 5) to put obligations on member states to:

1. play their role in economic and social development, and adopt and carry out a policy of active encouragement to rural workers organisations, particularly with a view to eliminating obstacles to their establishment, their growth and the pursuit of their lawful activities, as well as such legislative and administrative discrimination against rural workers' organisations and their members as may exist.
2. Each Member which ratifies this Convention shall ensure that national laws or regulations do not, given the special circumstances of the rural sector, inhibit the establishment and growth of rural workers' organisations.

(Ratified by 40 countries)

* **Giving a voice to rural workers**

Last year the ILO’s Committee of Experts on the Application of Conventions and Recommendations reviewed the implementation of these two Conventions and produced a report, [*Giving a Voice to Rural workers*](http://www.ilo.org/ilc/ILCSessions/104/reports/reports-to-the-conference/WCMS_343023/lang--en/index.htm). It is a very interesting report – it looks at the history of the Conventions and comments that prior to 1921 “agricultural workers were not always understood to be entitled to the same rights as other workers

The ILO Experts found:

 “The dismal living and working conditions in the rural sector often appear to be largely the same as they were in 1975 – and, in fact, in some places are not dissimilar from the conditions that existed in 1921. A number of the same problems that existed previously have been reported to the Committee as current obstacles to the establishment, growth and functioning of rural workers’ organizations: the informality of the sector and heterogeneity of existing labour relations; severe socio-economic and cultural disadvantage; inequitable labour relationships and distribution of benefits; lack of education and awareness; prevalence of child labour, forced labour and discrimination; the particular disadvantage experienced by women; large numbers of particularly vulnerable or marginalized workers; and often insanitary, unstable and isolated living conditions”.

So, I repeat, for the IUF one of the key issues that the Declaration has to address is ensuring freedom of association for rural workers – it is the key enabling right to ensure workers can come together and bargain both with governments and employers to win much needed improvements in living and working conditions.

* **Other Conventions the Declaration has to reference are:**

**The Plantations Convention (No.110) and Recommendation No.110 (1958); Protocol of 1982 to the Plantations Convention (No.110);**

## This gives detailed guidance on employment contracts, minimum wages, holidays with pay, weekly rest, maternity protection, workmen’s compensation, right to organise and collective bargaining, labour inspection, housing and medical care.

## It also contains requirements on the

## ENGAGEMENT AND RECRUITMENT OF MIGRANT WORKERS

For me this is area where the Declaration text needs to be strengthened - to ensure the that migrant workers can access their rights.

**Other conventions that we believe must be reference in the Declaration are the Safety and Health in Agriculture Convention (No.184) and Recommendation No. 192 (2001); (ratified by 15 countries) and C129 on labour inspection in agriculture.**

ILO statistics show that agriculture is alongside mining and construction one of the most dangerous industries to work in. The ILO has Conventions dealing with OHS issues for all workers and conventions dealing with chemical safety but has also developed specific conventions for those sectors with poor health and safety. It already had conventions for safety in both mining (1988) and construction (1995). In 2001 Convention 184 on safety and health in agriculture was adopted. This gives agricultural workers the same rights as other workers to a safe and heathy workplace.

It covers the requirement for states to set up national health and safety systems for agriculture, machinery safety, sound management of chemicals, how to ensure OHS for young workers, women workers and seasonal workers. It also makes the link between long working hours and the increased risk of accidents.

Labour inspection is a key element for enforcement of labour law yet it rarely takes place in rural areas.

* **Conclusions:**

I think the Declaration is getting there in duly referencing the rights for rural workers that are contained in existing ILO Conventions. In particular the Draft Declaration Articles:

**Article 11 – Freedom of association – but we would like to see this moved up in the text**

**ARTICLE 16 – RIGHT TO SAFETY AND HEALTH AT WORK**

I particularly welcome the paragraph on the right to work free from harassment, in particular sexual harassment. For women working on plantations this is a major issue.

**BUT I think the key question is - is this enough to ensure rural workers can access their human rights; does it help close the gap that currently exists between rural workers and industrial workers,**

One area that I don’t feel is sufficiently addressed in the Declaration is wages – Article 18 refers to incomes and livelihoods but I think it could also include some provisions from **ILO Convention 99 on wage fixing machinery in agriculture** which calls for on member states (of the International Labour Organisation) to create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations. This of course does not preclude collective barging at sectorial or enterprise level to increase wages but sets a minimum, a safety net for the agricultural sector as a whole.

The ILO has a Recommendation (202, 2012) on social protection floors and the importance of social protection is recognized in the draft Declaration. However I think the Declaration needs to address more clearly the right to social security of rural workers.

Also there is increasing evidence of **forced and bonded labour** – a lot of media attention forced and bonded labour in the fishing and seafood processing industries – this needs to be more fully addressed ..

My final point for your consideration - the Declaration has good language in the preamble on decent work in deficits in rural areas, the issues I talked about in my opening – lack of freedom of association, poor OHS etc. However, the solutions are scattered throughout the text – the IUF would like to see some consolidation of these rights into a section on **promotion of decent work in rural areas.** This is very much in line with SDG 8 of decent work and economic growth.

In conclusion we are looking to the Declaration to

* address the rights of workers in the context of their employoment;
* reinforce the message in ILO conventions of ending the discrimnation against rural workers eg through weaker laws and lack of enforcement
* address the decent work defecits faced by rural workers and promote decent work in rural areas.

Some of you will ask why do you need a declaration if the ILO already has the standards? Well the answer for us is clear. The declaration gives the possibility to address both the employment situation of rural workers and their broader human rights entitlements . We hope this holistic approach will drive the much needed change to improve living and working conditions in rural areas,

Thank you.

**The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) is an international federation of trade unions representing workers employed in agriculture and plantations; the preparation and manufacture of food and beverages; hotels, restaurants and catering services; all stages of tobacco processing.  The IUF is composed of 421 affiliated trade unions in 126 countries.**

**L'Union Internationale des travailleurs de l'alimentation, de l'agriculture, de l'hôtellerie-restauration, du catering, du tabac et des branches connexes (UITA) est une fédération internationale de syndicats représentant les travailleuses et travailleurs employés dans l'agriculture et les plantations; la préparation et la manufacture des aliments et boissons; les services hôteliers, de restauration et de catering; toutes les étapes de la transformation du tabac. L’UITA compte 421 organisations affiliées dans 126 pays.**

**La Unión Internacional de Trabajadores de la Alimentación, Agrícolas, Hoteles, Restaurantes, Tabaco y Afines, (UITA) es una federación internacional de organizaciones sindicales de los sectores de procesamiento de alimentos, manufactura de bebidas, procesamiento de tabaco, sectores agrícola y de plantaciones y en las industrias hotelera, de restaurantes y proveedores, comercios y servicios. La UITA está integrada por 421 organizaciones sindicales afiliadas en 126 países.**