

International Labour Standards: Reversing the race to the bottom

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“The failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries”

In 1919, when those words were included in the preamble of the Constitution of the International Labour Organization, the world was faced with stark economic, social and political choices. A century of industrialization had transformed economic and social life, generating tremendous wealth for some and appalling conditions of work for others. World War I had put an end to a period of the most intense globalization ever before seen, leaving devastation in its wake. Unless nations worked individually and in concert to improve the working lives of their people, it was feared that a “race to the bottom” would ensue, which would once again threaten the still fragile peace.

Such fears are as alive today as they were 85 years ago. As trade reforms open markets ever wider and more goods and services are traded across borders, the impact of international competition is being keenly felt at the national, sectoral and enterprise levels. Unbridled market forces, it is feared, are leading countries to compete on the basis of cheap labour costs. In the competitive world of winners and losers, those without the resources to fight their way to the top risk finding themselves on the margins. As commodity prices fall, agricultural workers find themselves in more tenuous employment situations facing an uncertain future.

The framers of the ILO Constitution cited numerous examples of the improvements so urgently required in the conditions of labour in order to reduce the injustice, hardship and privation being experienced by large numbers of people. Among these were the provision of an adequate living wage, the prevention of unemployment, the regulation of hours of work, the protection of the worker against job-related sickness, disease and injury, provision for old age and disability, the protection of children, protection of migrant workers, recognition of the principle of equal remuneration for work of equal value, and recognition of freedom of association.

Working time, wages, health protection and accident prevention are still among the principal labour concerns in agriculture and one can readily see how low standards in these four areas interact to produce poor conditions for workers. The demand for agricultural labour fluctuates with the seasons. Hours of work tend to be extremely long during planting and harvesting, with shorter hours at off-peak times. During rush periods, fieldwork can go from dawn to dusk, with transport time to and from the fields in addition. The intensity of the work offers little chance for rest breaks; the length of the working day offers insufficient time for recuperation. Payment systems can exacerbate this situation. As wages tend to be low and many agricultural workers are paid at least in part on a piece-work basis – i.e. per kilo of crop picked, row weeded, or hectare sprayed – there is a strong financial incentive for them to extend their working time to the maximum so as to enhance their earnings.

Much agricultural work is by its nature physically demanding, involving long periods of standing, stooping, bending, and carrying out repetitive movements in awkward body positions. The risk of accidents is increased by fatigue, poorly designed tools, difficult terrain, exposure to the elements and poor general health. Even when technological change has brought about a reduction in the physical drudgery of agricultural work, it has introduced new risks, notably associated with the use of sophisticated machinery and the intensive use of chemicals without appropriate safety measures, information and training. Unsurprisingly, the level of accidents and illness is high. Yet, agricultural workers are among the least well protected in terms of access to health care, workers' compensation, disability insurance and survivors' benefits. Clearly there is much room for improvement in the labour and social protection currently provided to agricultural workers in many countries.

International labour standards provide a common measuring stick against which national progress in addressing these issues can be evaluated. They have been developed through the combined efforts of governments, employers and workers' organizations from 178 countries around the world. Their overriding objective is to ensure basic rights and decent conditions of work. As the economy continues along the path of globalization, it is important that these universal instruments are brought into full play as they represent a globally agreed floor, a foundation on which to build economic well-being and social justice. Not only can international labour standards stimulate improvements in national social and labour legislation, they can also inspire good practices at the sectoral and enterprise level, as employers and workers integrate their principles into collective agreements.

International labour standards are comprised of ILO Conventions and Recommendations, which together form the International Labour Code. ILO standards span most subjects relevant to labour law and the social aspects of development and thus provide guidance to member States for the improvement of national labour legislation and social policy. ILO standards are universal in character and are formulated with sufficient flexibility to take account of variations in conditions and practices in countries at different levels of development.

Many ILO Conventions apply to all workers. These include, but are certainly not limited to ILO core labour standards on freedom of association¹, the right to collective bargaining², non-discrimination³, equal pay for men and women workers⁴, the abolition of forced labour⁵ and the elimination of child labour⁶. These core labour standards are often referred to as human rights at work. Not only are they important in their own right, but they also serve as enabling rights. That is, they create conditions to allow access to

¹ Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); 143 ratifications as of 31 March 2005

² Right to Organize and Collective Bargaining Convention, 1949 (No. 98); 154 ratifications as of 31 March 2005

³ Discrimination (Employment and Occupation) Convention, 1958 (No. 111); 161 ratifications as of 31 March 2005

⁴ Equal Remuneration Convention, 1951 (No. 100); 161 ratifications as of 31 March 2005

⁵ Forced Labour Convention, 1930 (No. 29); 165 ratifications as of 31 March 2005 and the Abolition of Forced Labour Convention, 1957 (No. 105); 163 ratifications as of 31 March 2005

⁶ Minimum Age Convention, 1973 (No. 138); 136 ratifications as of 31 March 2005 and the Worst Forms of Child Labour Convention, 1999 (No. 182); 153 ratifications as of 31 March 2005

other rights. Freedom of association is a prime example of that function. The right of workers and employers to establish and join independent organizations of their own choosing creates the basis on which social dialogue between employers and workers can take place with a view to regulating terms and conditions of employment through collective agreements. Freedom of association is a fundamental human right, which paves the way for improvements in social and labour conditions, for example, through collective bargaining.

Despite near universal recognition of the right to freedom of association,⁷ legal impediments to the right of agricultural workers to organize remain in a significant number of countries, where national legislation either denies the right to organize in agriculture or excludes the sector from the relevant legal protections. In other countries, government may simply fail to enforce this right in practice in rural areas.

ILO tripartite bodies have consistently recalled the need to apply in practice basic labour rights in rural areas and to strengthen rural workers' organizations. The adoption of the Rural Workers' Organizations Convention, 1975 (No. 141)⁸, framed in cooperation with the FAO, clearly signalled the importance of such organizations, not only to protect and further the interests of rural workers, but also to ensure their contributions to economic and social development, notably by improving employment opportunities and general conditions of work and life in rural areas. Indeed, the Convention requires ratifying governments to facilitate the establishment and growth of strong and independent organizations of rural workers as an objective of national rural development policy.

In addition, there are a number of Conventions aimed specifically at the agriculture sector which have a more technical orientation. Some focus principally on the policies, institutions, tools or methods needed to improve social outcomes; others place more emphasis on specific aspects of worker protection, such as the Holidays with Pay (Agriculture) Convention 1952 (No. 101)⁹, which requires that workers employed in agricultural undertakings be granted an annual holiday with pay. Two important Conventions of the first type are the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)¹⁰ and the Labour Inspection (Agriculture) Convention, 1969 (No. 129)¹¹. Two Conventions that bring together aspects of both labour protection and institutional and policy arrangements are the Plantation Convention, 1958 (No. 110)¹² and the Safety and Health in Agriculture Convention, 2001 (No. 184)¹³. Some of the specific features of these four instruments are briefly described below.¹⁴

⁷ With the adoption of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up in 1998, it was agreed that all ILO member States, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize in good faith the principles concerning the fundamental rights embodied in the core labour standards.

⁸ 40 ratifications as of 31 March 2005

⁹ 46 ratifications as of 31 March 2005. The Holidays with Pay Convention (Revised), 1970 (No. 132), which applies to all employed persons, with the exception of seafarers, has been ratified by a further 33 countries.

¹⁰ 53 ratifications as of 31 March 2005

¹¹ 43 ratifications as of 31 March 2005

¹² 12 ratifications as of 31 March 2005

¹³ 5 ratifications as of 31 March 2005

¹⁴ The full text of all ILO Conventions and Recommendations and information on ratification are available on-line at www.ilo.org

Wages in agriculture tend to be low, and wage-setting is one of the most contentious labour issues in the sector. In response to these problems, the Minimum Wage Fixing Machinery (Agriculture) Convention calls for the creation or maintenance of adequate machinery whereby minimum wage rates in agriculture can be fixed. The Convention provides that the employers and workers concerned may participate in or be consulted with regard to its operation on the basis of complete equality. Guidelines for the fixing of minimum wages are found in the accompanying Recommendation No. 89, according to which the cost of living, fair and reasonable value of services rendered, wages paid for similar or comparable work under collective bargaining agreements in agriculture, and the general level of wages for work of a comparable skill in other industries in the area where the workers are sufficiently organized should all be taken into consideration.

Labour inspection is one of the means that governments can use to improve compliance with labour law and to identify gaps in legislation that can give rise to abuse. The Labour Inspection (Agriculture) Convention requires ratifying governments to maintain a system of labour inspection in agriculture. Three main functions of labour inspection are identified. The first is to ensure the enforcement of legal provisions governing conditions of work, such as working time, wages, weekly rest, safety, health and welfare, and the employment of women and children. The second is to provide technical information and advice to employers and workers on how best to comply with such legal provisions. Third, the labour inspectorate should bring to the attention of the competent authorities abuses that are not specifically covered by the law and submit proposals on how to improve law and regulations. In this sense, a labour inspectorate has a proactive role to play. Indeed, because labour inspectors are well placed to gather information on actual conditions on the ground there has been growing interest in recent years in strengthening the role of labour inspectorates in efforts to eliminate child labour. This is of particular interest in agriculture, where most child labour is found.

At the time the Plantations Convention was adopted, plantations constituted an important economic sector for many countries in tropical and subtropical regions, but the poor living and working conditions of plantation workers were widely recognized. The principal objective of the Convention was therefore to afford broader protection to those workers. Convention No. 110 is a comprehensive instrument which deals *inter alia* with conditions of work, contracts of employment, the official encouragement of collective bargaining, methods of wage payment, holidays with pay, weekly rest, maternity protection, accident compensation, freedom of association, labour inspection, housing and medical care. The Convention is complemented by accompanying Recommendation No. 110, which proposes a number of measures that governments should take to improve the conditions of plantation workers. Detailed guidance is offered in areas such as vocational training, systems of wage payment, equal pay for work of equal value, hours of work, welfare, compensation for accidents and industrial diseases and labour inspection. Together, these two instruments provide a good overall guide to the social and labour conditions in agriculture towards which the international community should strive.

The Safety and Health in Agriculture Convention is the most recent ILO standard to focus on agriculture. It is the first international instrument to address the safety and health hazards facing agricultural workers in a comprehensive manner. It proposes a framework on which national policies can be developed and mechanisms to ensure the participation of workers' and employers' organizations in that process. The Convention

covers preventive and protective measures regarding machinery safety, handling and transport of materials, chemicals managements, animal handling, and the construction and maintenance of agricultural facilities. Other provisions address the needs of young workers, temporary and seasonal workers, and women workers before and after childbirth.

The challenge facing the global community is to develop the linkages to enable this international legal framework to be translated into actual improvements on the ground, so that workers benefit directly from these rights in their place of work. Whether we work in intergovernmental organizations, national or local governments, employers' organizations, trade unions, cooperatives, NGOs or consumer groups and whether our chosen tool is national legislation, a collective bargaining agreement, a code of conduct, a social labelling scheme or some other voluntary initiative, it is important that we strive for coherence and integrity in the processes we adopt to improve the social and labour conditions of agricultural workers. International labour standards provide a solid foundation, an agreed floor, on which our efforts can be based.

Ratification of ILO Conventions Nos. 87, 98, 100, 111, 29, 105, 138 and 182 by major banana producing or banana exporting countries

Country	Freedom of Association and the Right to Collective Bargaining		Nondiscrimination		Forced Labour		Child Labour	
	C. 98	87	C. 100 111	C.	C. 105	29	C. 182	138
Brazil		x	x	x	x	x	x	x
Cameroon	x	x	x	x	x	x	x	x
China			x				x	x
Colombia	x	x	x	x	x	x	x	x
Costa Rica	x	x	x	x	x	x	x	x
Cote d'Ivoire	x	x	x	x	x	x	x	x
Dominican Republic	x	x	x	x	x	x	x	x
Ecuador	x	x	x	x	x	x	x	x
India			x	x	x	x		
Philippines	x	x	x	x		x	x	x

as of 31 March 2005

Ratification of ILO Conventions Nos. 99, 101, 110, 129, 141 and 184 by major banana producing or banana exporting countries

Country	Minimum Wage Fixing Machinery (Agriculture) Convention, 1951	Holidays with Pay (Agriculture) Convention, 1952	Plantations Convention, 1958	Labour Inspection (Agriculture) Convention, 1969	Rural Workers' Organizations Convention, 1975	Safety and Health in Agriculture Convention, 2001
	C. 99	C. 101	C. 110	C. 129	C. 141	C. 184
Brazil	x	x	x		x	
Cameroon	x	x				
China						
Colombia	x	x				
Costa Rica	x	x			x	
Cote d'Ivoire	x		x			
Dominican Republic						
Ecuador		x	x		x	
India					x	
Philippines	x		x		x	

as of 31 March 2005