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Legal Issues and International Labour Standards Section
International Labour Standards and Human Rights Segment

LILS

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THIRD ITEM ON THE AGENDA

Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution in 2014

Purpose of the document

In the present document, the Governing Body is invited to decide on the theme of the General Survey that should be prepared by the Committee of Experts on the Application of Conventions and Recommendations in 2014 and discussed by the Conference Committee on the Application of Standards in 2015, and the instruments that would be covered in this General Survey (see the draft decision in paragraph 13).

Relevant strategic objective: Promote and realize standards and fundamental principles and rights at work.

Policy implications: None.

Financial implications: The usual implications related to the preparation of a General Survey.

Follow-up action required: Implementation of the Governing Body decisions.

Author unit: International Labour Standards Department (NORMES).

Related documents: Constitution of the International Labour Organisation; ILO Declaration on Social Justice for a Fair Globalization; ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998, Annex revised 2010); GB.312/INS/2/2; GB.312/LILS/5; GB.310/11/2(Rev.); GB.309/10; GB.304/PV; GB.268/LILS/5(Rev.1).

I. Introduction

1. According to established practice, the Governing Body is regularly invited to examine and approve proposals regarding the choice of Conventions and Recommendations on which governments might be requested to submit reports under article 19, paragraphs 5(e), 6(d) and 7(b), of the Constitution, with a view to the preparation of the annual General Surveys by the Committee of Experts on the Application of Conventions and Recommendations (CEACR).
2. General Surveys allow the CEACR, in addition to reviewing national law and practice in member States, to examine difficulties raised by governments as standing in the way of application of instruments, clarify their scope and indicate possible means of overcoming obstacles to their implementation. In the context of the follow-up to the ILO Declaration on Social Justice for a Fair Globalization, the General Surveys have been acknowledged to be an important source of information on the law and practice of member States, from which recurrent discussion reports should benefit.¹
3. In March 2009, the Governing Body decided that the cycle of recurrent discussions to be held by the International Labour Conference (ILC) under this follow-up would be seven years in length, with employment, social protection and fundamental principles and rights at work being discussed twice in the cycle.² The first three recurrent discussions took place in 2010, 2011 and 2012 and covered, respectively, the strategic objectives of employment, social protection (social security) and the fundamental principles and rights at work. The next recurrent discussions will cover the strategic objective of social dialogue (in 2013),³ employment in 2014, social protection (labour protection) in 2015 and fundamental principles and rights at work in 2016.
4. At the 309th Session of the Governing Body (November 2010), the Steering Group on the Follow-up to the Social Justice Declaration examined, inter alia, the interaction between General Surveys and recurrent discussion reports. The Steering Group was of the view that the review of the General Survey by the Conference Committee on the Application of Standards should take place one year in advance of the recurrent discussion by the Conference as this would facilitate better consideration and integration of the standards-related aspects into the recurrent discussion, and this view was supported by the Governing Body.⁴
5. This required a shift from the arrangement under which the General Survey and the recurrent discussion report on the same theme were submitted to the Conference in the same year. In this context, the General Survey to be submitted to the June 2015 session of the Conference should, for the second time, cover a theme within the broader objective of fundamental principles and rights at work, the recurrent discussion on which will take place in 2016.

¹ ILO: *Strengthening the ILO's capacity to assist its members' efforts to reach its objectives in the*

² GB.304/PV, para. 183(b).

³ GB.312/INS/2/2.

⁴ GB.309/10, para. 8; GB.309/PV, para. 288.

II. Selection of instruments

6. ILO instruments relating to the fundamental principles and rights at work cover the four main subjects in the ILO Declaration on Fundamental Principles and Rights at Work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. While the recurrent discussion on this theme, scheduled for 2016, would indeed have a broad scope covering all of these categories of rights, the Office suggests focusing the second General Survey on fundamental principles and rights at work on the freedom of association rights of rural and agricultural workers, for the following reasons.
7. The report for the 2012 recurrent discussion, *Fundamental principles and rights at work: From commitment to action*, raised the concern that, among others, agricultural workers are often persistently excluded from the right to associate and bargain collectively.⁵ Rural workers have been cited as being at particular risk due to inadequate legislative protection and insufficient mechanisms for the promotion of their collective voice.⁶
8. While there have been several General Surveys over the years in the area of freedom of association and collective bargaining, only one of these has specifically examined the global picture of law and practice in relation to rural workers' organizations through article 19 reports under the Rural Workers' Organisations Convention, 1975 (No. 141),⁷ and this was undertaken not even a decade after the Convention's adoption. Some further considerations can be gathered from the discussions and determinations made by the Working Party on Policy regarding the Revision of Standards (Cartier Working Party Report) when reviewing the Right of Association (Agriculture) Convention, 1921 (No. 11), and the Rural Workers' Organisations Convention, 1975 (No. 141).⁸
9. Convention No. 11 remains one of the best ratified Conventions of the ILO.⁹ The problems of rural workers, especially their right of association, have been an ILO concern from the very start of the Organization. Convention No. 11, adopted almost 92 years ago, is in fact the first ILO Convention to deal with the right to organize. Eight countries have ratified Convention No. 11 but not the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). For the vast agricultural populations in some of these countries, Convention No. 11 retains its impact in ensuring a certain minimum of organizational rights for agricultural workers. Convention No. 11 has been categorized under the group of "other instruments" in the Cartier Working Party concluding report.¹⁰

⁵ ILO: *Fundamental principles and rights at work: From commitment to action*, Report VI, ILC, 101st Session, Geneva, 2012, p. 21.

⁶ *ibid*, pp. 41, 42.

⁷ ILO: General Survey on freedom of association and collective bargaining, Report III (Part 4B), ILC, 69th Session, Geneva, 1983.

⁸ GB.268/LILS/5(Rev.1).

⁹ Currently 122 countries have ratified Convention No. 11.

¹⁰ GB.283/LILS/WP/PRS/1/2.

- 10.** Convention No. 141 reaffirms the principle of the right of association of rural workers, a right which is already recognized by Convention No. 11, as well as Convention No. 87. Convention No. 141 also takes up, in its Preamble, the principles established by Articles 1 and 2 of Convention No. 98. The importance and relevance of Convention No. 141 have been confirmed through its classification as an up-to-date Convention, the ratification of which should be promoted, but, at the same time, the relatively low level of ratifications (currently 40 countries have ratified Convention No. 141) had spurred requests from the Cartier Working Party for information on the obstacles and difficulties that might “prevent or delay” ratification of the Convention.¹¹ The Rural Workers’ Organisations Recommendation, 1975 (No. 149), provides guidance on the role that the rural workers’ organizations can play in relation to the economic and social development of rural workers and a variety of means available to States to encourage the growth of strong and independent rural worker organizations.
- 11.** The importance placed on the rural sector has been more recently highlighted in the framework for action following up on the recurrent discussion on fundamental principles and rights at work, where particular attention is given to the promotion of freedom of association and collective bargaining in vulnerable sectors and for vulnerable categories of workers, including a significant proportion of migrant and women workers. Further cross-cutting elements are likely to be seen within the context of the tripartite meeting of experts on advancing fundamental principles and rights at work and the informal economy which has been called for in the ILC resolution concerning the recurrent discussion on Fundamental Principles and Rights at Work.¹² In addition, these sectors figure prominently in the areas of critical importance where ILO action is expected to be focused in coming years.¹³ A General Survey on these three instruments could thus provide an informative global view of differing national schemes for rural worker organizations and examples of innovative government action and means for encouraging the growth of such organizations, via legislation, public information campaigns, education and training and financial and material assistance.¹⁴
- 12.** In view of the foregoing, it is considered that a General Survey reviewing the state of the law and practice with respect to freedom of association and collective bargaining in the rural and agricultural sector could be a particularly timely theme to provide guidance to the Office and constituents in their efforts to facilitate the establishment and growth, on a voluntary basis, of strong and independent organizations of rural workers.¹⁵ The Office therefore proposes to devote the General Survey that will be submitted to the 2015 session of the Conference to the ILO instruments for the promotion of freedom of association for rural and agricultural workers: Conventions Nos 11 and 141 and Recommendation No. 149.

¹¹ *ibid.*

¹² Resolution concerning the recurrent discussion on fundamental principles and rights at work, ILC, 101st Session, Geneva, 2012, conclusions, para. 13(c); GB.316/INS/5/3, paras 18 and 37.

¹³ GB.316/PFA/1.

¹⁴ Recommendation No. 149.

¹⁵ Article 4 of Convention No. 141.

Draft decision

13. Against this background, the Governing Body:

- (i) requests governments to submit reports for 2014, under article 19 of the Constitution, on the Right of Association (Agriculture) Convention, 1921 (No. 11), the Rural Workers' Organisations Convention, 1975 (No. 141), and the Rural Workers' Organisations Recommendation, 1975 (No. 149); and*
- (ii) approves the report form concerning the right of association and rural workers' organizations instruments referred to in Appendix I.*

Appendix I

REPORT

to be made no later than 28 February 2014, in accordance with article 19 of the Constitution of the International Labour Organisation by the Government of, on the position of national law and practice in regard to matters dealt with in the following instruments: ¹

RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921 (NO. 11)

adopted by the International Labour Conference at its Third Session (Geneva), 1921.

RURAL WORKERS' ORGANISATIONS CONVENTION, 1975 (NO. 141)

RURAL WORKERS' ORGANISATIONS RECOMMENDATION, 1975 (NO. 149)

adopted by the International Labour Conference at its 60th Session (Geneva), 1975. ²

I. RIGHT OF ASSOCIATION

- (1) Please indicate whether and, if so, the manner in which effect is given to Convention No. 11 in your country in law and in practice, having particular regard to the subsequent questions.
- (2) Please provide a list of any existing legislation and administrative regulations which secure the rights of association and combination for those engaged in agriculture and indicate, where applicable, the manner in which these provisions may differ from the rights afforded to industrial workers. As appropriate, please give a precise reference (if available, web links) to provisions of the relevant legislation. Article 1 of C.11
- (3) Please indicate any authority or authorities that are responsible for ensuring the application of the abovementioned legislation and administrative regulations and how application is supervised or enforced. Article 1 of C.11

¹ Governments of countries which have ratified both Conventions Nos 11 and 141 and from which a report is due under article 22 of the Constitution will use the present form only with regard to the Recommendation and to respond to sections IV and V. It will not be necessary to repeat information already provided in connection with the Conventions. Those having ratified only Convention No. 11 should respond to sections II and III (which contain questions relative to Convention No. 141) and IV and V of the report, which are of a general nature. Governments of countries having ratified only Convention No. 141 should respond to sections I, IV and V.

² The texts of the Conventions and Recommendation are appended.

II. RURAL WORKERS' ORGANIZATIONS

- (1) Please indicate whether and, if so, the manner in which effect is given to Convention No. 141 and Recommendation No. 149 in your country in law and in practice, having particular regard to the subsequent questions.
- (2) Please specify the categories of rural workers existing in your country and provide a list of any existing legislation and administrative regulations governing the establishment of organizations by these categories of workers. As appropriate, please give a precise reference (if available, web links) to provisions of the relevant legislation. Articles 1–3 of C.141
- (3) Please indicate any types of organizations that exist for the various categories of rural workers in your country, including organizations which, although not restricted to rural workers, represent them. Where available, please provide statistics on the number of rural worker members in these organizations and/or the number of workers these organizations represent in the rural sector. Articles 1–4 of C.141 and Paras 1–4 of R.149
- (4) Please indicate any authority or authorities that are responsible for ensuring the application of the abovementioned legislation and administrative regulations relating to rural workers and how application is supervised or enforced. Articles 1–3 of C.141 and Para. 9 of R.149
- (5) Please indicate any existing substantive or formal conditions that must be fulfilled by rural workers' organizations when they are established, whether the acquisition of legal personality is optional or compulsory for rural workers' organizations and any conditions that must be met to attain legal personality. Articles 1–3 of C.141 and Para. 7 of R.149
- (6) Please specify the provisions of any national legislation and/or regulation which ensure that rural workers' organizations are independent, voluntary in character and are protected against acts of interference, coercion or repression. Articles 1–3 of C.141 and Para. 7 of R.149

III. NATIONAL POLICY TO FACILITATE THE GROWTH OF RURAL WORKERS' ORGANIZATIONS

- (1) Please describe any measures taken to facilitate and actively encourage the establishment and growth, on a voluntary basis, of strong and independent rural workers' organizations and the outcome of these measures. Please indicate whether the Government has undertaken any specific training programmes to develop the capacity of rural workers and foster the independence of their organizations and further indicate whether any such programmes have a gender component. Articles 4–5 of C.141 and Paras 4, 6, 10–18 of R.149

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| (2) Please provide information on any obstacles encountered by these organizations in their establishment and growth and the pursuit of their lawful activities and on any measures taken or contemplated to eliminate such difficulties. | Articles 4–5 of C.141 and Paras 6, 8 and 9 of R.149 |
| (3) Please describe the manner in which the existence of rural workers’ organizations has enabled rural workers to participate in economic and social development and in the benefits resulting therefrom. Please indicate any steps taken to promote the capacity of these organizations to engage in collective bargaining and in consultations at all levels on behalf of rural workers and to represent them in connection with the formulation, implementation and evaluation of rural development programmes. | Articles 4–5 of C.141 and Paras 5, 11–12, 16–18 of R.149 |
| (4) Please describe any methods used or contemplated to promote understanding of the need to further the development of rural workers’ organizations and of the contribution they can make to improving employment opportunities and general conditions of work and life in rural areas. Please include in this regard information on any public information campaigns to promote understanding of the importance of rural workers’ organizations. | Article 6 of C.141 and Para. 14 of R.149 |

IV. IMPACT OF ILO INSTRUMENTS

- (1) Please indicate whether any modifications have been made in the national legislation or practice with a view to giving effect to all or some of the provisions of the Conventions or of the Recommendation. Please state also whether it is intended to adopt measures to give further effect to the provisions of the Conventions or of the Recommendation, including ratification.
- (2) Please state any difficulties due to the Conventions, to the national law or practice, or to any other reason, which may prevent or delay the ratification of the Conventions. Please indicate any measures taken or envisaged to overcome these obstacles.
- (3) Please state, where appropriate, if the possible ratification of Convention No. 11 or Convention No. 141 has been discussed on a tripartite basis, as provided by the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and, if so, when.
- (4) Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated, in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.
- (5) Please indicate whether you have received from organizations of employers or workers concerned any observations concerning the effect given, or to be given, to the instruments to which the present report relates. If so, please communicate a copy of the observations received, together with any comments that you may consider useful.

- (6) In case your country is a federal State:
- (a) Please indicate whether the provisions of the Conventions or of the Recommendation are regarded by the federal government as appropriate, under the constitutional system, for federal action or as appropriate, in whole or in part, for action by the constituent states, provinces or cantons, rather than for federal action.
 - (b) Where federal action is appropriate, please give the information specified in points I, II, III and IV ((1)–(5)) of this form.
 - (c) Where action by the constituent units is regarded as appropriate, please supply general information corresponding to points I, II, III and IV ((1)–(5)) of the form. Please indicate also any arrangements it has been possible to make within the federal State, with a view to promoting coordinated action to give effect to all or some of the provisions of Conventions Nos 11 or 141 and of Recommendation No. 149, giving a general indication of any results achieved through such action.

V. POSSIBLE NEEDS FOR STANDARD-RELATED ACTION
AND FOR TECHNICAL COOPERATION

- (1) What suggestions would your country wish to make concerning possible standard-related action to be taken by the ILO in the area of freedom of association for rural and agricultural workers (for example, revision of existing instruments, adoption of new instruments, etc.)?
- (2) Has there been any request for policy support, or technical cooperation support, provided by the ILO to give effect to the instruments in question? If this is the case, what has been the effect of this support? If not, how could the ILO best provide appropriate assistance within its mandate to support country efforts in the area of freedom of association for rural and agricultural workers?
- (3) What are the future policy advisory support and technical cooperation needs of your country to give effect to the objectives of the instruments in question?

Appendix II

Texts of Convention No. 11, Convention No. 141 and Recommendation No. 149

RIGHT OF ASSOCIATION (AGRICULTURE) CONVENTION, 1921 (NO. 11)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the rights of association and combination of agricultural workers, which is included in the fourth item of the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Right of Association (Agriculture) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

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.

Article 2

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

Article 3

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall then be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 4

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 5

Subject to the provisions of Article 3, each Member which ratifies this Convention agrees to bring the provisions of Article 1 into operation not later than 1 January 1924, and to take such action as may be necessary to make these provisions effective.

Article 6

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates in accordance with the provisions of article 35 of the Constitution of the International Labour Organisation.

Article 7

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 8

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 9

The French and English texts of this Convention shall both be authentic.

RURAL WORKERS' ORGANISATIONS CONVENTION, 1975 (No. 141)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and

Recognising that the importance of rural workers in the world makes it urgent to associate them with economic and social development action if their conditions of work and life are to be permanently and effectively improved, and

Noting that in many countries of the world and particularly in developing countries there is massive under-utilisation of land and labour and that this makes it imperative for rural workers to be given every encouragement to develop free and viable organisations capable of protecting and furthering the interests of their members and ensuring their effective contribution to economic and social development, and

Considering that such organisations can and should contribute to the alleviation of the persistent scarcity of food products in various regions of the world, and

Recognising that land reform is in many developing countries an essential factor in the improvement of the conditions of work and life of rural workers and that organisations of such workers should accordingly co-operate and participate actively in the implementation of such reform, and

Recalling the terms of existing international labour Conventions and Recommendations – in particular the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949 – which affirm the right of all workers, including rural workers, to establish free and independent organisations, and the provisions of numerous international labour Conventions and Recommendations applicable to rural workers which call for the participation, inter alia, of workers' organisations in their implementation, and

Noting the joint concern of the United Nations and the specialised agencies, in particular the International Labour Organisation and the Food and Agriculture Organisation of the United Nations, with land reform and rural development, and

Noting that the following standards have been framed in co-operation with the Food and Agriculture Organisation of the United Nations and that, with a view to avoiding duplication, there will be continuing co-operation with that Organisation and with the United Nations in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to organisations of rural workers and their role in economic and social development, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-third day of June of the year one thousand nine hundred and seventy-five the following Convention, which may be cited as the Rural Workers' Organisations Convention, 1975:

Article 1

This Convention applies to all types of organisations of rural workers, including organisations not restricted to but representative of rural workers.

Article 2

1. For the purposes of this Convention, the term “rural workers” means any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, subject to the provisions of paragraph 2 of this Article, as a self-employed person such as a tenant, sharecropper or small owner-occupier.

2. This Convention applies only to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, who work the land themselves, with the help only of their family or with the help of occasional outside labour and who do not –

- (a) permanently employ workers; or
- (b) employ a substantial number of seasonal workers; or
- (c) have any land cultivated by sharecroppers or tenants.

Article 3

1. All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations, of their own choosing without previous authorisation.

2. The principles of freedom of association shall be fully respected; rural workers’ organisations shall be independent and voluntary in character and shall remain free from all interference, coercion or repression.

3. The acquisition of legal personality by organisations of rural workers shall not be made subject to conditions of such a character as to restrict the application of the provisions of the preceding paragraphs of this Article.

4. In exercising the rights provided for in this Article rural workers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

5. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Article.

Article 4

It shall be an objective of national policy concerning rural development to facilitate the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers as an effective means of ensuring the participation of rural workers, without discrimination as defined in the Discrimination (Employment and Occupation) Convention, 1958, in economic and social development and in the benefits resulting therefrom.

Article 5

1. In order to enable organisations of rural workers to play their role in economic and social development, each Member which ratifies this Convention shall adopt and carry out a policy of active encouragement to these 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.

Article 6

Steps shall be taken to promote the widest possible understanding of the need to further the development of rural workers' organisations and of the contribution they can make to improving employment opportunities and general conditions of work and life in rural areas as well as to increasing the national income and achieving a better distribution thereof.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.

RURAL WORKERS' ORGANISATIONS RECOMMENDATION, 1975 (NO. 149)

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixtieth Session on 4 June 1975, and

Recognising that the importance of rural workers in the world makes it urgent to associate them with economic and social development action if their conditions of work and life are to be permanently and effectively improved, and

Noting that in many countries of the world and particularly in developing countries there is massive under-utilisation of land and labour and that this makes it imperative for rural workers to be given every encouragement to develop free and viable organisations capable of protecting and furthering the interests of their members and ensuring their effective contribution to economic and social development, and

Considering that such organisations can and should contribute to the alleviation of the persistent scarcity of food products in various regions of the world, and

Recognising that land reform is in many developing countries an essential factor in the improvement of the conditions of work and life of rural workers and that organisations of such workers should accordingly co-operate and participate actively in the implementation of such reform, and

Recalling the terms of existing international labour Conventions and Recommendations – in particular the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949 – which affirm the right of all workers, including rural workers, to establish free and independent organisations, and the provisions of numerous international labour Conventions and Recommendations applicable to rural workers which call for the participation, inter alia, of workers' organisations in their implementation, and

Noting the joint concern of the United Nations and the specialised agencies, in particular the International Labour Organisation and the Food and Agriculture Organisation of the United Nations, with land reform and rural development, and

Noting that the following standards have been framed in co-operation with the Food and Agriculture Organisation of the United Nations and that, with a view to avoiding duplication, there will be continuing co-operation with that Organisation and with the United Nations in promoting and securing the application of these standards, and

Having decided upon the adoption of certain proposals with regard to organisations of rural workers and their role in economic and social development, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-third day of June of the year one thousand nine hundred and seventy-five the following Recommendation, which may be cited as the Rural Workers' Organisations Recommendation, 1975:

I. GENERAL PROVISIONS

1. (1) This Recommendation applies to all types of organisations of rural workers, including organisations not restricted to but representative of rural workers.

(2) The Co-operatives (Developing Countries) Recommendation, 1966, further remains applicable to the organisations of rural workers falling within its scope.

2. (1) For the purposes of this Recommendation, the term “rural workers” means any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, subject to the provisions of subparagraph (2) of this Paragraph, as a self-employed person such as a tenant, sharecropper or small owner-occupier.

(2) This Recommendation applies only to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, who work the land themselves, with the help only of their family or with the help of occasional outside labour and who do not –

- (a) permanently employ workers; or
- (b) employ a substantial number of seasonal workers; or
- (c) have any land cultivated by sharecroppers or tenants.

3. All categories of rural workers, whether they are wage earners or self-employed, should have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

II. ROLE OF ORGANISATIONS OF RURAL WORKERS

4. It should be an objective of national policy concerning rural development to facilitate the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers as an effective means of ensuring the participation of rural workers, without discrimination as defined in the Discrimination (Employment and Occupation) Convention, 1958, in economic and social development and in the benefits resulting therefrom.

5. Such organisations should, as appropriate, be able to –

- (a) represent, further and defend the interests of rural workers, for instance by undertaking negotiations and consultations at all levels on behalf of such workers collectively;
- (b) represent rural workers in connection with the formulation, implementation and evaluation of programmes of rural development and at all stages and levels of national planning;
- (c) involve the various categories of rural workers, according to the interests of each, actively and from the outset in the implementation of –
 - (i) programmes of agricultural development, including the improvement of techniques of production, storing, processing, transport and marketing;
 - (ii) programmes of agrarian reform, land settlement and land development;

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- (iii) programmes concerning public works, rural industries and rural crafts;
 - (iv) rural development programmes, including those implemented with the collaboration of the United Nations, the International Labour Organisation and other specialised agencies;
 - (v) the information and education programmes and other activities referred to in Paragraph 15 of this Recommendation;
- (d) promote and obtain access of rural workers to services such as credit, supply, marketing and transport as well as to technological services;
 - (e) play an active part in the improvement of general and vocational education and training in rural areas as well as in training for community development, training for co-operative and other activities of rural workers' organisations and training for the management thereof;
 - (f) contribute to the improvement of the conditions of work and life of rural workers, including occupational safety and health;
 - (g) promote the extension of social security and basic social services in such fields as housing, health and recreation.

III. MEANS OF ENCOURAGING THE GROWTH OF ORGANISATIONS OF RURAL WORKERS

6. In order to enable organisations of rural workers to play their role in economic and social development, member States should adopt and carry out a policy of active encouragement to these organisations, particularly with a view to –

- (a) 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;
- (b) extending to rural workers' organisations and their members such facilities for vocational education and training as are available to other workers' organisations and their members; and
- (c) enabling rural workers' organisations to pursue a policy to ensure that social and economic protection and benefits corresponding to those made available to industrial workers or, as appropriate, workers engaged in other non-industrial occupations are also extended to their members.

7. (1) The principles of freedom of association should be fully respected; rural workers' organisations should be independent and voluntary in character and should remain free from all interference, coercion or repression.

(2) The acquisition of legal personality by organisations of rural workers should not be made subject to conditions of such a character as to restrict the application of the provisions of Paragraph 3 and subparagraph (1) of this Paragraph.

(3) In exercising the rights which they enjoy in pursuance of Paragraph 3 and of this Paragraph rural workers and their respective organisations, like other persons or organised collectivities, should respect the law of the land.

(4) The law of the land should not be such as to impair, nor should it be so applied as to impair, the guarantees provided for in Paragraph 3 and in this Paragraph.

A. Legislative and Administrative Measures

8. (1) Member States should 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.

(2) In particular –

- (a) the principles of right of association and of collective bargaining, in conformity especially with the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949, should be made fully effective by the application to the rural sector of general laws or regulations on the subject, or by the adoption of special laws or regulations, full account being taken of the needs of all categories of rural workers;
- (b) relevant laws and regulations should be fully adapted to the special needs of rural areas; for instance –
 - (i) requirements regarding minimum membership, minimum levels of education and minimum funds should not be permitted to impede the development of organisations in rural areas where the population is scattered, ill educated and poor;
 - (ii) problems which may arise concerning the access of organisations of rural workers to their members should be dealt with in a manner respecting the rights of all concerned and in accordance with the terms of the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Workers' Representatives Convention, 1971;
 - (iii) there should be effective protection of the rural workers concerned against dismissal and against eviction which are based on their status or activities as leaders or members of rural workers' organisations.

9. There should be adequate machinery, whether in the form of labour inspection or of special services, or in some other form, to ensure the effective implementation of laws and regulations concerning rural workers' organisations and their membership.

10. (1) Where rural workers find it difficult, under existing conditions, to take the initiative in establishing and operating their own organisations, existing organisations should be encouraged to give them, at their request, appropriate guidance and assistance corresponding to their interests.

(2) Where necessary, such assistance could on request be supplemented by advisory services staffed by persons qualified to give legal and technical advice and to run educational courses.

11. Appropriate measures should be taken to ensure that there is effective consultation and dialogue with rural workers' organisations on all matters relating to conditions of work and life in rural areas.

12. (1) In connection with the formulation and, as appropriate, the application of economic and social plans and programmes and any other general measures concerning the economic, social or cultural development of rural areas, rural workers' organisations should be associated with planning procedures and institutions, such as statutory boards and committees, development agencies and economic and social councils.

(2) In particular, appropriate measures should be taken to make possible the effective participation of such organisations in the formulation, implementation and evaluation of agrarian reform programmes.

13. Member States should encourage the establishment of procedures and institutions which foster contacts between rural workers' organisations, employers and their organisations and the competent authorities.

B. Public Information

14. Steps should be taken, particularly by the competent authority, to promote –

- (a) the understanding of those directly concerned, such as central, local and other authorities, rural employers and landlords, of the contribution which can be made by rural workers' organisations to the increase and better distribution of national income, to the increase of productive and remunerative employment opportunities in the rural sector, to the raising of the general level of education and training of the various categories of rural workers and to the improvement of the general conditions of work and life in rural areas;
- (b) the understanding of the general public, including, in particular, that in the non-rural sectors of the economy, of the importance of maintaining a proper balance between the development of rural and urban areas, and of the desirability, as a contribution towards ensuring that balance, of furthering the development of rural workers' organisations.

15. These steps might include –

- (a) mass information and education campaigns, especially with a view to giving rural workers full and practical information on their rights, so that they may exercise them as necessary;
- (b) radio, television and cinema programmes, and periodic articles in the local and national press, describing the conditions of life and work in rural areas and explaining the aims of rural workers' organisations and the results obtained by their activities;
- (c) the organisation, locally, of seminars and meetings with the participation of representatives of the various categories of rural workers, of employers and landlords, of other sectors of the population and of local authorities;
- (d) the organisation of visits to rural areas of journalists, representatives of employers and workers in industry or commerce, students of universities and schools accompanied by their teachers, and other representatives of the various sectors of the population;
- (e) the preparation of suitable curricula for the various types and levels of schools appropriately reflecting the problems of agricultural production and the life of rural workers.

C. Education and Training

16. In order to ensure a sound growth of rural workers' organisations and the rapid assumption of their full role in economic and social development, steps should be taken, by the competent authority among others, to –

- (a) impart to the leaders and members of rural workers' organisations knowledge of –
 - (i) national laws and regulations and international standards on questions of direct concern to the activity of the organisations, in particular the right of association;
 - (ii) the basic principles of the establishment and operation of organisations of rural workers;
 - (iii) questions regarding rural development as part of the economic and social development of the country, including agricultural and handicraft production, storing, processing, transport, marketing and trade;
 - (iv) principles and techniques of national planning at different levels;
 - (v) training manuals and programmes which are published or established by the United Nations, the International Labour Organisation or other specialised agencies and which are designed for the education and training of rural workers;
- (b) improve and foster the education of rural workers in general, technical, economic and social fields, so as to make them better able both to develop their organisations and understand their rights and to participate actively in rural development; particular attention should be paid to the training of wholly or partly illiterate workers through literacy programmes linked with the practical expansion of their activities;
- (c) promote programmes directed to the role which women can and should play in the rural community, integrated in general programmes of education and training to which women and men should have equal opportunities of access;
- (d) provide training designed particularly for educators of rural workers, to enable them, for example, to help in the development of co-operative and other appropriate forms of servicing activities which would enable organisations to respond directly to membership needs while fostering their independence through economic self-reliance;
- (e) give support to programmes for the promotion of rural youth in general.

17. (1) As an effective means of providing the training and education referred to in Paragraph 16, programmes of workers' education or adult education, specially adapted to national and local conditions and to the social, economic and cultural needs of the various categories of rural workers, including the special needs of women and young persons, should be formulated and applied.

(2) In view of their special knowledge and experience in these fields, trade union movements and existing organisations which represent rural workers might be closely associated with the formulation and carrying out of such programmes.

D. Financial and Material Assistance

18. (1) Where, particularly in the initial stages of development, rural workers' organisations consider that they need financial or material assistance, for instance to help them in carrying out programmes of education and training, and where they seek and obtain such assistance, they should receive it in a manner which fully respects their independence and interests and those of their members. Such assistance should be supplementary to the initiative and efforts of rural workers in financing their own organisations.

(2) The foregoing principles apply in all cases of financial and material assistance, including those in which it is the policy of a member State to render such assistance itself.