

Draft outcome of the discussion by the Committee on the Application of Standards of the General Survey concerning the right of association and rural workers' organizations instruments

Introduction

1. The Committee on the Application of Standards welcomed the opportunity, in the context of its examination of the General Survey 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), to discuss the rural economy, a significant sector in the world of work.
2. The Committee's discussion of this year's General Survey, together with the outcome of this discussion and the General Survey itself, will feed into the preparation of the recurrent item report and discussion on the strategic objective of fundamental principles and rights at work to be held at the 106th Session (June 2017) of the Conference, and will further inform other ILO work, particularly in the context of outcome 5 of the Programme and Budget for 2016–17.
3. The Committee highlighted the fact that the right of association of agricultural workers and the involvement of organizations of rural workers in economic and social development linked with other topical issues currently being tackled by the ILO, such as the transition from the informal to the formal economy, labour migration, economic development, poverty reduction, non-standard forms of employment, decent work in global supply chains, and significant environmental and climatic pressures.
4. The Committee reaffirmed its commitment to ensuring the application in law and practice of freedom of association for all workers and employers. Freedom of association is not only a fundamental right at work, but is also an enabling condition of particular importance to enable the attainment of the strategic objectives of employment, social protection, social dialogue and tripartism, and fundamental principles and rights at work, as set out in the ILO Declaration on Social Justice for a Fair Globalization, 2008. As a result, the Committee stressed that agricultural and rural workers should enjoy full freedom of association in law and in practice, in common with other workers and employers.

Core elements of the instruments

5. The Committee recalled that Convention No. 11 aimed to ensure that agricultural workers had the same rights of association and combination as other workers. Convention No. 141 reaffirmed and built on the basic rights of freedom of association of rural workers, as a basis for giving rural workers a voice in economic and social development.
6. The Committee also recalled that Convention No. 141, beyond providing a framework for equal rights for rural and agricultural workers, required active measures to be taken to ensure that rural workers' collective voice contributed to the elaboration and implementation of economic and social development. The Committee further noted that Convention No. 141 and Recommendation No. 149 set out a strategy to ensure that rural workers' organizations were strong, independent and effective, so as to be able to participate in economic and social development.

Contribution to the preparation of the recurrent discussion on the strategic objective of fundamental principles and rights at work

7. The follow-up to the ILO Declaration on Social Justice for a Fair Globalization, 2008, calls for the organization of recurrent discussions with a view to understanding better the diverse realities and needs of member States and responding to them more effectively, using all the means of action at the disposal of the Organization, including standards related action and technical cooperation and assistance.
8. In this regard, a number of issues are raised by the General Survey on rural workers' organizations and its examination by the Committee.

Realities and needs of member States

9. The Committee recognized that there were a range of challenges in relation to freedom of association and collective bargaining in the rural economy. Rural communities often were not able to enjoy full freedom of association rights. While some obstacles to implementation of the instruments were legal, others were related to the nature of the rural economy such as geographical isolation, lack of access to technology and means of communication, lack of capacity in the labour inspectorate, low levels of skills and education, and the high incidence of child labour, forced labour, and discrimination.
10. The Committee considered that the marginalized position of women and of migrants, both of which made up significant numbers of rural workers, was a particular challenge, and that the vulnerability of many rural workers in breach of their fundamental rights was exacerbated by the seasonality of much of the work. Recalling the high level of informality in the rural economy and the predominance of non-standard forms of employment, the Committee noted that there was often a lack of clarity in labour relationships in rural areas. Globalization, global supply chains, and changes in land ownership and management had accentuated this challenge.
11. The Committee emphasized the need for integrated national policies to promote active steps to be taken for the establishment, growth and functioning of rural workers' organizations. Organizations in the rural economy should be strong, independent and effective, so as to be able to participate in economic and social development. Such national policies would contribute to integrated national decent work strategies for the rural

economy, addressing all of the ILO's strategic objectives and intrinsically involving rural workers and employers in their development and implementation.

12. Reference was also made to the need for an overall strategy to include measures to promote investment, entrepreneurship, modernization of means and methods of production which reassures the conditions of an enabling environment for agricultural enterprises.
13. The Committee further stressed the importance of organizations of rural workers and employers as a means to ensure better resolution of many of the critical issues in the rural economy. Through representative organizations, rural workers and employers would be able to have their voices heard in the elaboration and implementation of law and policy, as well as contribute to the improvement of specific issues such as land, housing, health (including HIV/AIDS), sanitation, access to education, social protection and promotion of entrepreneurship and employment.

ILO means of action

1. Standards related action

14. The Committee considered that the Office should conduct background work with a view to enabling a consideration of the up-to-dateness of instruments concerned to ensure that international labour standards effectively respond to the many and varied challenges for rural communities. An appropriate process could be undertaken with the Standards Review Mechanism to consider both instruments specific to agriculture and the rural economy, as well as other relevant instruments of broader application. This would include the clarification of the various forms of labour relationships in this context as well as the relationship between employment relationships and other forms of relationship such as collectives and partnerships.
15. In addition to a wider review within the context of the Standards Review Mechanism, and in recognition of the value of the instruments for promoting collective voice and representation for workers and employers in the rural economy, the Committee further considered that the Office should take the necessary steps to promote the ratification and implementation of Convention No. 141, and the effect given to Recommendation No. 149 by member States. The promotion of the ratification and implementation of the Labour Inspection (Agriculture) Convention, 1969 (No. 129) should be included in any such promotion effort, given the critical role of labour inspection in ensuring the full implementation of the instruments in rural areas.

2. Technical cooperation and assistance

16. Acknowledging the references by a number of member States to the need for technical assistance in relation to the instruments, the Committee considered that the Office should provide the opportunity for member States to share experiences and information concerning the ways in which the instruments may be implemented in practice. The General Survey illustrated the variety of means and mechanisms that existed to facilitate the establishment and growth of strong and independent rural workers' organizations to ensure participation of rural workers in economic and social development as set out in Article 4 of Convention No. 141. The Committee considered that, to enable a broad outreach of such exchanges of experiences, a compilation of global good practices could be disseminated.

17. The Committee further considered that the Office should undertake research to identify possible responses to the challenges in the rural economy, harnessing the potential of rural workers' and employers' organizations. In addition, the Office was encouraged to look into ways in which existing ILO capacity-building and awareness-raising tools could be adapted, in a short time frame, to the situation of the rural economy. Emphasizing the importance of labour inspection to facilitate and monitor the application of legislation and policy in rural areas, the Office should pay particular attention to the situation of labour inspection, in particular by addressing specific challenges such as access by inspectors to isolated rural workplaces, or those workplaces that are also homes, ensuring the rights and obligations of all parties are respected. In this regard, the Committee noted that a training programme aiming to build knowledge among labour inspectors on freedom of association in the rural sector was recently pilot tested by the ILO and could be adapted for use in other countries.

18. The Committee further recorded its belief that the Office should take particular steps to investigate the use of new communication technologies in improving the effectiveness of its consultation, capacity building, awareness raising and training initiatives in rural areas.

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19. The Committee requests the Office to take into account the General Survey on the right of association and rural workers' organizations instruments and the outcome of its discussion of the General Survey, as reflected above, in the preparation of the report for the recurrent discussion on the strategic objective of fundamental principles and rights at work to be held at the 106th Session (June 2017) of the Conference, so that it can feed into the framework within which priorities are set for future ILO action. The Committee further requests the Office to ensure that the General Survey and outcome of its discussion of the General Survey will be taken into account in other relevant ILO work, particularly in the context of outcome 5 of the Programme and Budget for 2016–17.