

INTERNATIONAL LABOUR STANDARDS IN AGRICULTURE

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The paper provides a guideline through the presentation and interpretation of the international labour standard that should guide action to achieve decent work in the rural economy. The need for an integrated and coordinated approach at various levels (international, national, sectoral, local and enterprise) and for involving a wide range of actors is already recognized. Therefore the research on the international labour standards focusing on agriculture may be considered as the source of new values, which prove important for the promotion of sustainable livelihood in agriculture.

Keywords: *international labour standards, agricultural worker, livelihood, sustainable development.*

МЕЖДУНАРОДНЫЕ ТРУДОВЫЕ НОРМЫ В СЕЛЬСКОМ ХОЗЯЙСТВЕ

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В статье содержатся рекомендации к действию посредством представления и толкования международного трудового стандарта, которые должны служить ориентиром для действий по обеспечению достойной работы в сельской экономике. Необходимость комплексного и скоординированного подхода на различных уровнях (международном, национальном, отраслевом, местном и предприятия), а также привлечения широкого круга участников уже признана. Поэтому исследования по международным трудовым стандартам, посвященным сельскому хозяйству, можно рассматривать как источник новых ценностей, которые имеют важное значение для содействия обеспечению устойчивых источников средств к существованию в сельском хозяйстве.

Ключевые слова: *международные трудовые стандарты, сельскохозяйственный работник, средства к существованию, устойчивое развитие.*

Introduction

The financial and economic crisis has turned into a serious employment crisis with a huge loss of jobs and has led to unstable labour markets and rising poverty and social exclusion, in particular for already vulnerable individuals and disadvantaged groups. The crisis also results in the labour turnover, where the unemployment rate is higher among women than men and among younger workers, and decreases with rising levels of education, showing that change is more often imposed than chosen.

Since 1991 the percentage of agriculture in the global employment declined for 31 per cent from 45 per cent (ILO 2016). To avoid the further diminution, agricultural work requires that the world focus on addressing decent work deficits at all levels. The research on international labour standards focusing on agriculture may be considered as the source of new values, which prove important for the promotion of sustainable livelihood in agriculture. The paper provides a comprehensive guide by the international legal acts, ILO Conventions, and Recommendations aimed at building sustainable rural livelihoods through decent work, with a specific focus on the agriculture. The presentation and interpretation of the international labour standard should guide action to achieve decent work in the rural economy. It is obvious that there is a need for an integrated and coordinated approach at various levels (international, national, sectoral, local and enterprise) and for involving a wide range of actors. That is why the paper can also be used to facilitate discussions among the above mentioned actors and academics as well by providing a common policy framework to promote decent work in the rural economy. There is a recent study by the ILO (2016), called the Draft policy guidelines for the promotion of sustainable rural livelihoods targeting the agro-food sectors that explore the general problematic at improving the welfare and working conditions of the rural population.

Social dialogue in the agricultural sector

The purpose of the paper is to fostering social dialogue in rural areas and to enabling rural communities' participation in economic and social development by establishing effective organizations of rural workers and employers. The general problematic of social dialogue (Guyet, Tarren and Triomphe, 2012), where the success and the failure of social dialogue depend on which government supports the process and which relationship was coherent and legitimised before the crisis between the social partners. It is important to find the answer to the question how to guarantee that right when there is a tendency of internationalisation of labour law and fundamental rights (ibid; Servais 2006). The fundamental principles are crucial in providing guidelines to protect rights by way of applying the ILO Conventions, Recommendations. It must be taken into account that the strongest linkage between the fundamental rights and international law is the global economic integration that unarguably influences states' sovereignty (Arrigo and Casale 2005). Multinational trade caused a delocalised market and economy, the consequences of which are internationalisation and deconstruction of labour law (ibid; Servais 2006). Thus it has to be recognised that fundamental principles and rights at work have to be respected in every country regardless of its level of development (Nastase, 2013). It follows that only where these rights are respected will the labour market function as it supposed to in order to better the employment condition and improve the economic growth (Blanpain 1999; Weiss 1993). In the time of economic difficulties, it proves obvious that the negative impact on employment relation is unemployment. Moreover, the growing number of unemployed people is negatively affects the economic growth, especially in the agricultural sector. Unarguably, the main findings are that social dialogue has a key role in highlighting the negative impacts of

economic difficulties on employment policy in the agriculture. Namely, social dialogue is a useful instrument for rural workers and employers to reduce the overly-extended rate of layoffs or collective redundancies. Economic difficulties have hit all the EU Member States; hence, the governments responded to this situation with numerous austerity measures and amendments to legislation. Although, the classical reactions of employers to these negative impacts are most commonly layoffs, which are improper. Rural employers are constantly struggling for innovative ideas to achieve the best performance that is mutually important for an organisation as well workers (Cascio and Boudreau, 2012). This statement should be applied during the period of economic difficulties, namely when striving to minimize the redundancies and to meet all requirements by leaders at the same time. Peršič and Markič (2013) stressed that there is a strong link between social responsibility and economic success. Furthermore, they emphasize that it is also important to be engaged in an ethical lead in line with the principles of fair and qualitative performance in the given situation as well as in accordance with the international rules and regulations. Hence, layoffs or collective dismissals are improper to seek alternatives for enterprises and employers; yet by way of mapping the social dialogue at national, sectoral and enterprise level, it may be found that it has additional purposes. It proves relevant during the processes of social dialogue that employers, rural workers as well as their representatives are also non-resistant in favour of the positive output of negotiations, which means that the international labour law principles – that are national law by their implementation – ensure the rights of workers, employees and their representatives who should be more flexible in light of a number of workplaces saved. Thereby, the problem definition refers to the role of social dialogue in avoiding the negative impacts of economic difficulties on employment relations and the definition of its value added.

Legal framework of the employment relations in the agricultural sector

Through the analyses and the comparison of the international, European and national regulations of industrial and employment relations with special regards to the social dialogue we will conclude certain values of the employment relations in the agriculture sector. Therefore, the aim of this part is to point out the most significant legal resources concerning social dialogue and employment relations according to the Draft policy guidelines for the promotion of sustainable rural livelihoods targeting the agro-food sectors. It means that both the rural workers and employers should make an effort to respect and employ those values. In Slovenia, the Company act is the main act for reporting social responsible issues for medium and large business entities (Horvat, 2015). And each employee in organisation is accountable for their areas of work in accordance with the definitions in employment agreements or the act on the classification of assignments and duties and in compliance with these rules (Horvat, Lipičnik, 2016, p. 31). For this reason there is a need for the internal control system which comprises a system of procedures and methods with the objective to assure compliance with the principles of legality, transparency, efficiency, effectiveness and management economy (Horvat, 2007).

The Declaration of Philadelphia (1944) is a significant document which put down the main principles of the economic and social policies and reshaped the world after the Second World War (Lee 1994). This Declaration and the ILO Constitution are actually in synergy because the Declaration of Philadelphia was incorporated into the ILO Constitution and the Constitution's purposes, the Declaration's aims concerning the functioning of the International Labour Organisation were adopted in Philadelphia 10th of May 1944 which was Annexed in the Constitution (ibid, ILO 2010). The most important part of the Declaration is that firstly established that labour is not a commodity. It follows some key principles such as freedom of expression and of association; assurance of equal opportunity (in education, vocation and employment wages; ensure of minimum living wages; right to freedom, dignity, economic security and equal opportunity. In addition, there are also significant values such as the role of the states are crucial in policy making; guarantee of employment and raising of the living standard; strong employee motivation; facilities of training and transport of labour. What concerns industrial relations for the rural workers and employers, the Declaration of Philadelphia strengths the recognition of the right of collective bargaining, the cooperation of management and labour in the continuous improvement of productive efficiency, collaboration of workers and employers in the preparation and application of social and economic measures. Furthermore, it refers to social welfare by the adequate protection for the life and health of workers in all occupations, and provision for child welfare and maternity protection as well. To sum up, both the ILO Constitution and the Declaration's purpose, which is annexed into the ILO Constitution, is to develop the system of the international labour standards by continuous yearly tripartite conferences by national tripartite representatives. But Alcock (1971) stresses that since ILO did not get any competences in economic affairs, however in both the above mentioned documents economic questions raised and went beyond labour legislations, Lee (1944) points out that by this reason Declaration gave ILO competences in the field beyond of the condition of work. Nowadays ILO till embraces the vision of the Declaration of Philadelphia and continues its work according to the Declaration (ILO 2004). The labour principles of the UN Global Compact may be among the most specific of the initiative's ten principles, but that does not mean that they are the easiest to implement. Many companies, employers face difficulties in knowing what is expected of them and what more can be done to uphold these principles.

There are many things that companies should learn about social dialogue, collective actions and social partnership to achieve successful labour activities. Management policies and practices can receive guidance from the 10 principles of the UN Global Compact (ILO 2008): 1. Principle: respect and protection of proclaimed human rights; 2. Principle: business is not against human rights; 3. Principle: Freedom of association and effective recognition of the right of collective bargaining; 4. Principle: Elimination of all forms of forced and compulsory labour; 5. Principle: the effective abolition of child labour; 6. Principle: Elimination of discrimination in respect of employment and occupation; 7. Principle: Business should support a precautionary approach of environmental challenges; 8. Principle: Business should promote greater environmental responsibility; 9. Principle: Business should provide

environmental friendly technologies; 10. Principle: Business should work against corruption. From the social dialogue and employment relations point of view among the first six principles the third, the freedom of association and effective recognition of the right of collective bargaining and the sixth the elimination of discrimination in respect of employment and occupation are significant. Beside that the purpose of the United Nations Global Compact is to increase the understanding of the four labour principles of the UN Global Compact (Human Rights Principles, Labour Principles, Environment principles and Anti-Corruption Principles) as well as to provide an inventory of key resources to help integrate these principles into business operations as well as into the employment relations.

ILO Declaration on Social Justice for a Fair Globalization adopted in 2008 also promotes decent work through a coordinated approach to achieving four strategic objectives: employment, social protection, social dialogue, and fundamental principles and rights at work. International labour principles are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and setting out basic principles and rights at work. They are either conventions, which are legally binding international treaties that may be ratified by member states, or recommendations, which serve as non-binding guidelines. ILO Convention No. 87 (Freedom of Association, 1948) Freedom of association is a right of workers to form and join organisations of their own choosing is an integral part of a free and open society. Convention No. 87 deals with various aspects of freedom of association and protection of the right to organize, in particular it sets out the general freedom of association and right to organize in the specific context of the world of work. In doing so, the Convention gives equal rights and protection to employers, workers and their respective organizations. The ILO Convention No. 98 (Right to Organise and Collective Bargaining, 194) is a fundamental right. It is also a key means through which employers and their organizations and trade unions can establish fair wages and working conditions. It also provides the basis for sound labour relations. Typical issues on the bargaining agenda include wages, working time, training, occupational health and safety and equal treatment. According to ILO Promoting Collective Bargaining (2015) ILO Recommendation No. 163 (Promotion of Collective Bargaining, 1981) stresses the importance of access to information. ILO Convention No. 100 (Equal Remuneration, 1951) that remuneration rates shall be established on the basis of job content and without discrimination based on sex of the worker (Gladstone, 1992). In 1951 the Governing Body of the International Labour Office in Geneva decided to adopt of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value. ILO Convention No. 111 (Discrimination Convention, 1958) is about to discriminate in employment and occupation is to treat people differently and less favourably because of certain characteristics, such as their sex, ethnic background, or their religion, political beliefs or social origins. Discrimination limits the freedom of individuals to obtain or exercise the type of work to which they aspire. It impairs the opportunities of men and women to develop their potential, skills and talents and to be rewarded according to merit. Referring to the Recommendation of Workers' Representatives, "workers' representatives means persons who are recognised as such under national law or

practice, whether they are trade union representatives, namely representatives designated or elected by trade unions or by the members of such unions; or elected representatives, namely representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned (ILO 1971).”

Concerning social dialogue in managerial strategies, workers are to be protected against acts of anti-union discrimination, which may include non-membership as a condition of employment, or dismissal or other prejudicial acts relating to lawful union membership/participation. Workers' and employers' associations are to enjoy adequate protection from each other or their agents/members in the following articles: Art. 1.: effective protection of workers' representatives against any act prejudicial; Art. 3.: workers' representatives are recognised under national law; Art. 5.: representatives and elected representatives exist in the same understandings. Article 5 of the ILO Recommendation No. 143 (Workers' Representation Recommendation, 1971) is emphasizing the effective protection against any act prejudicial to the workers' representatives. Furthermore, in the article 10 (1) it is said that “workers' representatives in the undertaking should be afforded the necessary time off from work, without loss of pay or social and fringe benefits, for carrying out their representation functions in the undertaking.”

ILO Convention No. 144 (Tripartite Consultation Convention, 1976) offers for all the social partners the right to consult and negotiate, which is significant from the social dialogue point of view. The consultation required is aimed at helping the Government take decisions concerning specific ILO standards-related matters. Consultation means more than merely providing information, but does not require negotiations leading to an agreement. The key is to ensure that the views of those concerned, namely workers' and employers' organizations, will be taken into account by the Government before decisions are taken. The following articles guarantee the social dialogue between the social partners: Art. 2(1): effective consultation between social partners; Art. 3(2): Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken. Furthermore Art. 1(1) of the ILO Recommendation No. 113 (Consultation and Cooperation between Public Authorities and Employers' and Workers' Organizations at the Industrial and National Levels, 1960) promotes effective consultation and co-operation at the industrial and national levels between public authorities and employers' and workers' organisations. Representative organizations are independent employers' and workers' organizations that enjoy the right to freedom of association. Consultation should be established not only with the largest organizations but with all those representing a significant body of opinion concerning the particular issue under discussion. The decision of the Government on which organizations to consult is to be taken in good faith based on criteria which are pre-established, precise and objective. Those organizations are to freely choose who will represent them in the consultations.

The ILO Constitution sets forth the principle that workers should be protected from sickness, disease and injury arising from their employment. Yet for millions of

workers, the reality is very different. According to the ILO Convention No. 152 (Occupational Safety and Health Convention, 1979) every worker has right to safety work, and it is mandatory that the employer implements and applies the following rules in favour of safety and health at the workplace: Art. 2(1a): safe working conditions; Art. 4: providing safety at work. Employers face costly early retirements, loss of skilled staff, absenteeism, and high insurance premiums due to work-related accidents and diseases. Yet many of these tragedies are preventable through the implementation of sound prevention, reporting and inspection practices. However sources of the Convention No. 152 has no direct connection to social dialogue, it is possible to presume, that social dialogue is inevitable to in the process of the establishment of the safe and healthy work environment. In the European Union the EU Occupational Safety and Health Strategic Framework 2014-2020 tries to ensure that the EU continues to play a leading role in the promotion of high standards for working conditions both within Europe and internationally. ILO standards on occupational safety and health also provide essential tools for governments, employers, and workers to establish such practices and to provide for maximum safety at work. To sum up both internationally and nationally there is a positive tendency in favour of promoting safety at work.

Conclusion

Based on the analysis of international labour regulations, the international labour standards give rural workers and employers a new floor to foster employment conditions by way of applying the social dialogue, which may promote agricultural enterprises in preparing and facing the negative impacts of the difficulties such like unrecognized role of women in agriculture, inadequate skills, exclusion of agricultural workers from national labour laws, low wages, dangerous working conditions, and a high incidence of child and forced labour. The recognition of the importance of adoption of the new practice in the agricultural sector has been increasingly acknowledged. These are social protection and rights at work, working conditions, productivity and incomes of waged workers. The social responsibility, professional ethics and management are the categories which have an intense relation with the legal system, namely, the social, political and economic order of an individual state. In these economic turbulent times and with the challenges in Europe, social partners in agriculture need new forms of participation, new structures of representation, and the strengthening of competencies of all partners. Clarifying the experiences and expectations of rural workers and employers towards their representatives in their organizations, is an essential step towards the development of these competences and towards a more cooperative relation at the organizational level. Therefore it is possible to presume that for the above mentioned purposes social dialogue is represented as a key element for the development of the agriculture.

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