

## Definitions and International Standards



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# Definitions and International Standards

## Introduction

This guidance document is designed to complement the 17 tools comprising the Socially Sustainable Sourcing Toolkit (S3T), which was developed as part of Verité’s Cooperation on Fair, Free, Equitable Employment (COFFEE) Project through generous funding from the US Department of Labor’s Bureau of International Labor Affairs (USDOL-ILAB). The S3T was developed in alignment with USDOL’s *Comply Chain* model, with at least one tool created for each of the eight steps of *Comply Chain* (see graphic below).

### STEPS OF COMPLY CHAIN AND CORRESPONDING TOOLS



U.S. Department of Labor Comply Chain Model

### S3T Socially Sustainable Sourcing Toolkit

- STEP 1. Engage Stakeholders and Partners**  
Guidance on Stakeholder Engagement
- STEP 2. Assess Risk and Impacts**  
Risk Evaluation for Action in the Coffee Trade (RE-ACT) Dashboard  
Root Cause Analysis of Labor Violations in the Coffee Sector  
Self-Assessment Questionnaire for Coffee Traders  
Self-Assessment Questionnaire for Coffee Producers  
Self-Assessment Questionnaire for Labor Brokers  
Guidance on Screening and Selection of Labor Brokers
- STEP 3. Develop a Code of Conduct**  
Sample Code of Conduct Provisions  
Sample Social Responsibility Agreements  
Primer on Recruitment-Related Risks in the Latin American Coffee Sector
- STEP 4. Communicate & Train Across Supply Chain**  
Guidance on Communicating Objectives and Standards Across the Supply Chain
- STEP 5. Monitor Compliance**  
Guidelines on Monitoring of Coffee Farms  
Guidance on Monitoring of Labor Brokers  
Worker Interview Guide Focused on Recruitment and Hiring
- STEP 6. Remediate Violations**  
Management Systems Framework for Preventing and Remediating Labor Risks
- STEP 7. Independent Review**  
Framework for Independent Verification of Ethical Sourcing
- STEP 8. Report on Performance**  
Guide on Public Reporting for Private Sector Stakeholders

## Definitions

### Forced Labor

International Labour Organization (ILO) Convention 29 (1930) is the most authoritative convention on Forced Labor. Article 2, defines “forced or compulsory labor” as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” While the Convention provides some exclusions (such as compulsory military service, prison labor under certain circumstances, and responses to national emergencies), these exclusions do not apply to work in the coffee sector or to minors under the age of 18.<sup>1</sup>

In practice it can be challenging to identify **involuntary work** and **threat or menace of penalty**. To address this challenge, the ILO and the International Conference of Labour Statisticians have developed more specific indicators of forced labour related to a worker’s experience.

The indicator framework was first presented by the ILO in a 2012 document called *Hard to see, harder to count - Survey guidelines to estimate forced labour of adults and children*<sup>2</sup> and was updated in 2018 by the International Conference of Labour Statisticians (ICLS) in a document called *Guidelines concerning the measurement of forced labour*.<sup>3</sup> The ICLS makes recommendations on issues related to labour statistics which are approved by the ILO before becoming part of the set of international standards on labour statistics.

The following ILO indicators of forced labor can help to identify the presence of indicators of menace of penalty and/or involuntary work, as well as cases of forced labor. Both involuntary work and menace of penalty need to be present for a situation to be considered forced labor. However, a worker experiencing even one component can be considered to be vulnerable to or at risk of forced labor.

#### Indicators of forced labour, as defined by the ICLS in 2018<sup>4</sup>

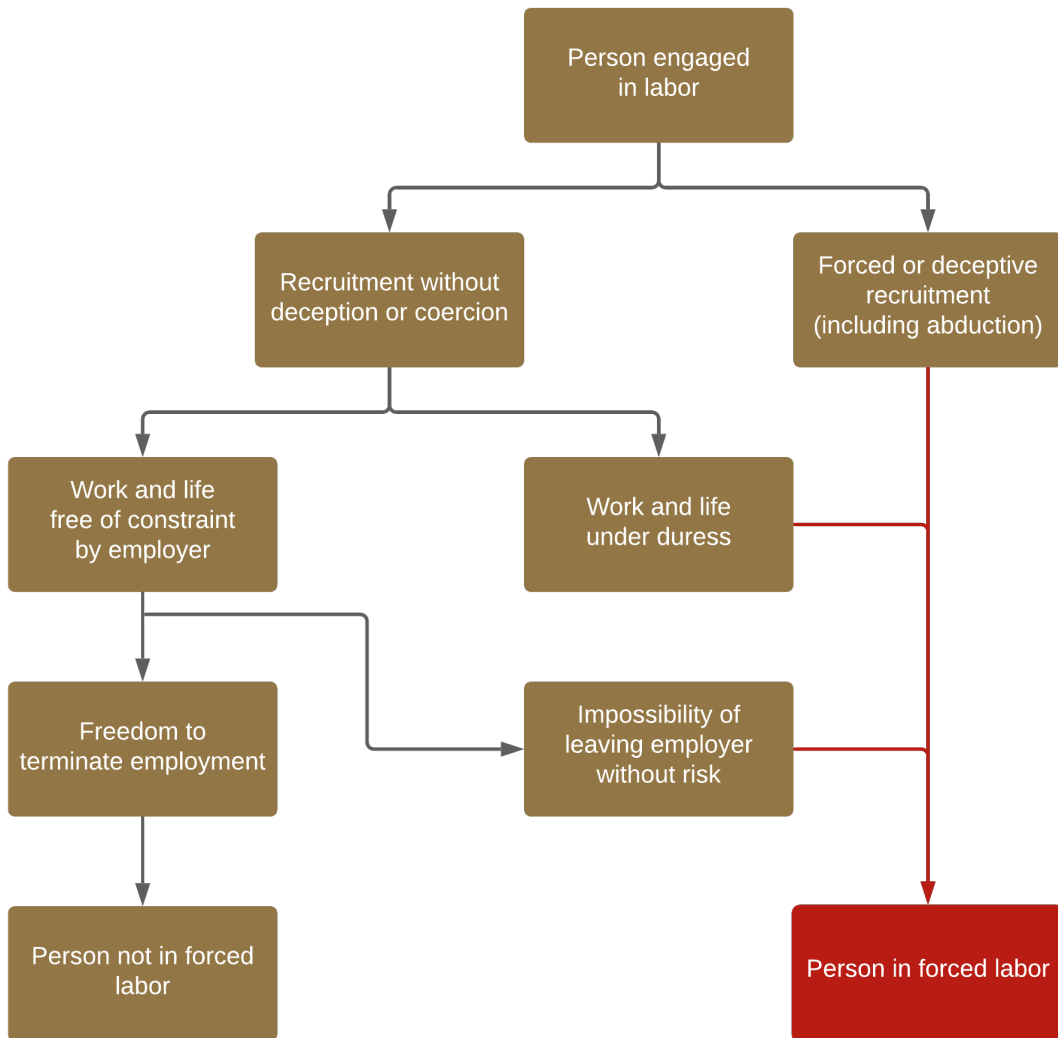
Involuntary Work	Threat or Menace of Any Penalty
<ul style="list-style-type: none"> <li>• Unfree recruitment at birth or through transaction such as bonded labour</li> <li>• Situations in which the worker must perform a job of different nature from that specified during recruitment without a person’s consent</li> <li>• Abusive requirements for overtime or on-call work that were not previously agreed with the employer</li> <li>• Work in hazardous conditions to which the worker has not consented,</li> </ul>	<ul style="list-style-type: none"> <li>• Threats or violence against workers or workers’ families and relatives, or close associates</li> <li>• Restrictions on workers’ movement</li> <li>• Debt bondage or manipulation of debt</li> <li>• Withholding of wages or other promised benefits</li> <li>• Withholding of valuable documents (such as identity documents or residence permits)</li> <li>• Abuse of workers’ vulnerability through the denial of rights or</li> </ul>

<p>with or without compensation or protective equipment</p> <ul style="list-style-type: none"> <li>• Work with very low or no wages</li> <li>• Degrading living conditions imposed by the employer, recruiter, or other third-party</li> <li>• Work for other employers than agreed</li> <li>• Work for a longer period of time than agreed</li> <li>• Work with no/limited freedom to terminate contract</li> </ul>	<p>privileges, threats of dismissal or deportation</p>
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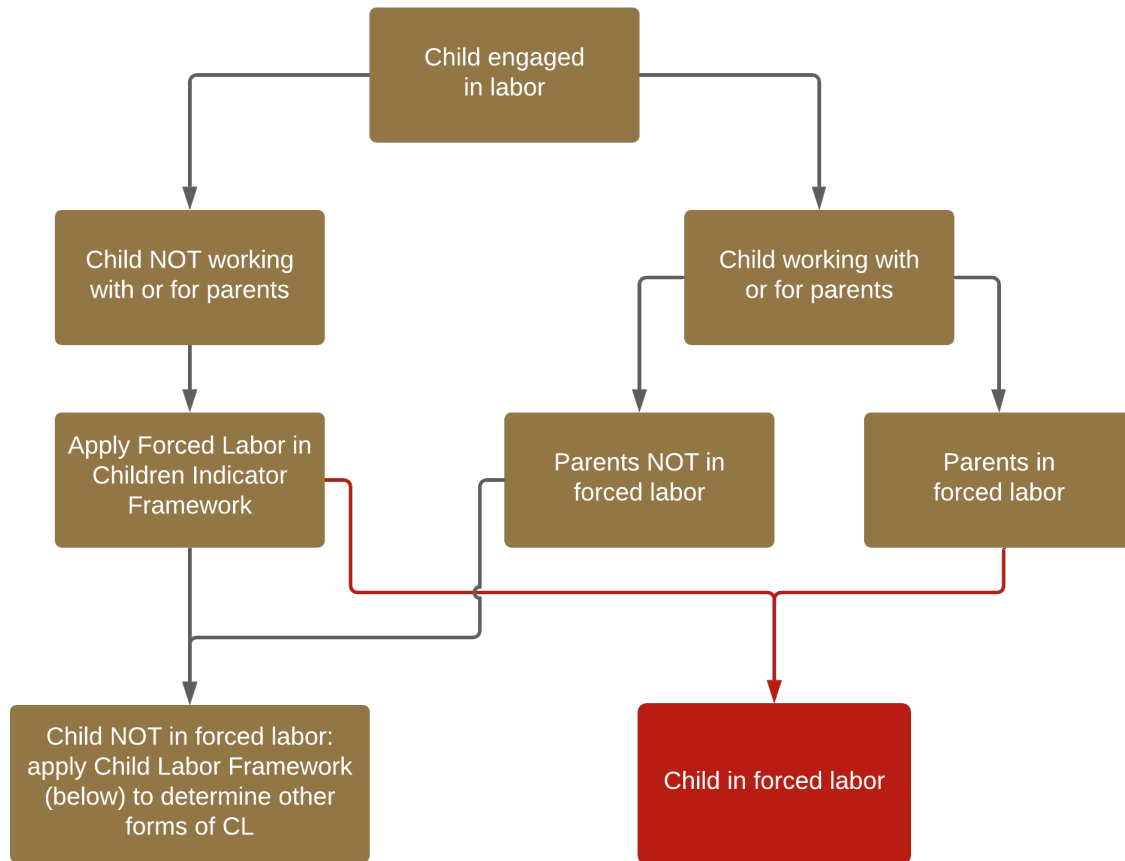
The ILO’s Guidelines Concerning the Measurement of Forced Labour define forced labor of children as: “work performed by a child during a specified reference period falling under one of the following categories:

- I. work performed for a third party, under threat or menace of any penalty applied by a third party (other than the child’s own parents) either on the child directly or the child’s parents; or
- II. (work performed with or for the child’s parents, under threat or menace of any penalty applied by a third party (other than the child’s parents) either on the child directly or the child’s parents; or
- III. work performed with or for the child’s parents where one or both parents are themselves in a situation of forced labour; or
- IV. work performed in anyone of the following worst forms of child labour: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, [as well as forced or compulsory labour], including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties.”<sup>5</sup>

**How to Determine if a Person is in a Situation of Forced Labor**



## How to Determine if a Child is in a Situation of Forced Labor



\*Note: These visual frameworks were adapted from the International Labour Organization publication, *Hard to See, Harder to Count: Survey Guidelines to Estimate Forced Labor of Adults and Children*.

## Child Labor

The 1989 United Nations Convention on the Rights of the Child (UN CRC) defines a child as a person under 18 years of age and requires states parties to protect all children from “economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”<sup>6</sup>

While ILO Convention 138 sets the minimum age for child labor at 15, developing economies may establish 14 as the minimum age of child labor after appropriate consultations. The Convention defines child labor as “work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons.”<sup>7</sup>

Convention 138 allows for the employment of children above the minimum age for child labor under certain conditions. The Convention establishes that the minimum age for child labor “shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.”<sup>8</sup>

The Convention establishes that countries may “authorize employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.”<sup>9</sup> The Convention further allows for countries to pass laws allowing children between the ages of 13 and 15 to engage in light work that is “(a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.”<sup>10</sup>

The ILO’s International Conference of Labour Statisticians (ICLS) recommends that where no national legislation on light work is available, light work for children should not exceed 14 hours during the referenced week (i.e., more than 14 hours of light work per week for children ages 13-15 should be considered child labor).<sup>11</sup>

ILO Convention 182 on the Worst Forms of Child Labor (WFCL) defines and prohibits the WFCL among all children under the age of 18. The WFCL include:

- “(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”<sup>12</sup>

Hazardous Child Labor (HCL) is a subset of the WFCL. The international legal framework for hazardous child labor stems from ILO Conventions 138 and 182, both of which prohibit all children under the age of 18 from engaging in “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”<sup>13</sup> According to ILO Convention 182, hazardous work “shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards.”<sup>14</sup>

Convention 182 requires that member states implement time-bound measures to:

- “(a) prevent the engagement of children in the worst forms of child labour;



- (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
- (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
- (d) identify and reach out to children at special risk; and
- (e) take account of the special situation of girls.”<sup>15</sup>

ILO Convention 184 on Safety and Health in Agriculture states that, “the minimum age for assignment to work in agriculture which by its nature or the circumstances in which it is carried out is likely to harm the safety and health of young persons shall not be less than 18 years.” However, it allows for countries to authorize children 16 years of age or older to work in the agricultural sector “on condition that appropriate prior training is given and the safety and health of the young workers are fully protected.” This convention covers “agricultural and forestry activities carried out in agricultural undertakings including crop production, forestry activities, animal husbandry and insect raising, the primary processing of agricultural and animal products by or on behalf of the operator of the undertaking as well as the use and maintenance of machinery, equipment, appliances, tools, and agricultural installations, including any process, storage, operation or transportation in an agricultural undertaking, which are directly related to agricultural production.” However, it does not cover (a) subsistence farming; (b) industrial processes that use agricultural products as raw material and the related services; and (c) the industrial exploitation of forests.”<sup>16</sup>

It is important to note that in many key coffee-producing countries, labor in the agricultural sector has been generally defined as hazardous, and thus the employment of all children under the age of 18 is prohibited in all work of an agricultural nature in the coffee sector.

## Key International Standards Relevant to the COFFEE Project

### Framework on Forced Labor and Human Trafficking

#### Binding Standards

##### *ILO Convention No. 29 on Forced Labour (1930)*

The Convention defines forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” Introduced in 1930, this convention preceded all contemporary conventions and guidance on labor trafficking. It centered the voluntariness of work arrangements and menace of penalty as the key attributes of forced labor. Although it did not specifically reference recruitment practices, this convention set the framework against which many forms of deceptive, unethical, and compulsory labor brokerage



could be prohibited. The ILO's *Hard to See, Harder to Count*, establishes guidelines for identifying forced labor in practice. It categorizes indicators of forced labor into three elements, one of which is indicators of unfree recruitment.

#### ***ILO Convention No. 105 on Abolition of Forced Labour (1957)***

The Convention requires that all Member States take measures to abolish all forms of forced or compulsory labor used as a means of political coercion or education; punishment for holding/expressing political views/views opposed to authorities; mobilizing labour for purposes of economic development; labor discipline; punishment for having participated in strikes; racial, social, national; or religious discrimination.

#### ***United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000)***

The Convention includes three supplementary protocols on human and arms smuggling, as well as human trafficking. One of these protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children — also known as the Palermo Protocol, as it was signed in Palermo Italy — requires that member states take concrete actions to prevent human trafficking, work with other countries to combat it, and provide services to victims of trafficking. It defines human trafficking as:

*“the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”<sup>17</sup>*

Recruitment is one of the “acts” of human trafficking and forced labor and slavery, and similar practices are among the “purposes” of human trafficking. Labor recruiters may be involved in several the “means” of human trafficking, including coercion, fraud, deception, and abuse of power or vulnerability.

## **Non-Binding Standards**

#### ***ILO Protocol No. 29 to Forced Labour Convention 29 (2014)***

This non-binding protocol encourages Member States to develop national policies and action plans to combat forced and compulsory labor, in cooperation with workers' and employers' organizations. It promotes the adoption of a number of forced labor prevention measures, including: providing education on forced labor to workers, especially those vulnerable to becoming victims, as well as employers; expanding enforcement activities across all worker populations, regions, and sectors; strengthening inspections; protecting workers, especially migrant workers, from fraudulent and abusive recruitment practices; supporting public and private sector due diligence efforts; and addressing the root causes of forced and compulsory labor. The

protocol also promotes victims' access to effective remedy, including compensation, independent of their legal status, and establishes that victims should not be prosecuted for crimes that they commit as a result of being subjected to forced labor.

## Framework on Child Labor

### Binding Standards

#### *United Nations Convention on the Rights of the Child (1989)*

The United Nations Convention on the Rights of the Child (UN CRC) and its Optional Protocols define a child as a person under 18 years of age and provide an overall framework for the human rights of children, including their right to protection from economic exploitation. Article 32 establishes that, "States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."<sup>18</sup>

#### *ILO Convention No. 138 on Child Labour (1973)*

Convention 138 prohibits children from engaging in "work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons." It sets the minimum age for child labor at 15; however, countries "whose economy and educational facilities are insufficiently developed" may establish a minimum age of 14 "after consultation with the organisations of employers and workers concerned." The Convention also authorizes light work for children at least 16 years of age.

#### *ILO Convention No. 182 on the Worst Forms of Child Labour (1999)*

ILO Convention 182 on the Worst Forms of Child Labor (WFCL) defines and prohibits the WFCL among all children under the age of 18. This includes: "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children." The Convention requires governments to take efforts to combat the WFCL, and to create and periodically update lists of hazardous work, in consultation with employers and workers' organizations.

## Framework on Freedom of Association and Collective Bargaining

### Binding Standards

#### *ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize (1948)*

Establishes the right of workers and employers to join organizations of their own choosing without prior authorization, and the right of organizations to draw up their own rules and constitutions, elect their own representatives, and organize their own affairs without outside intervention. It calls for the protection of workers' organizations from governmental interference and from being dissolved or suspended by administrative authority and calls for the right to affiliate with international organizations of workers.

#### *ILO Convention No. 98 on the Right to Organize and Collective Bargaining (1949)*

Grants workers the right to adequate protection against anti-union acts, such as dismissals and business interference, and encourages countries to take measures to promote collective bargaining.

## Framework on Discrimination and Equality

### Binding Standards

#### *ILO Convention No. 100 on Equal Remuneration (1951)*

Establishes the principle of equal remuneration for men and women for work of equal value.

#### *ILO Convention No. 111 on Discrimination (Employment and Occupation) (1958)*

Forbids any distinction, exclusion, or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

## Framework on Occupational Safety and Health

### Binding Standards

#### *ILO Convention No. 155 on Occupational Safety and Health Convention (1981)*

Requires that governments proactively determine hazardous occupations and activities, establish procedures for reporting occupational accidents and diseases, and annually publish statistics. It establishes workers' right to remove themselves from situations in which they reasonably judge themselves to be in "imminent and serious danger" without reprisal.

### *ILO Chemical Convention No. 170 (1990)*

Requires that employers properly label chemicals and make chemical data sheets available to workers; assess and monitor worker exposure to hazardous chemicals, ensure that worker exposure to chemicals does not present health risks, provide workers with training on chemical-related risks, and make arrangements for emergencies, including the provision of first aid.

## **Framework on Labor Recruitment**

### **Binding Standards**

#### *ILO Private Employment Agencies Convention No. 181 (1997)*

This Convention defines a private employment agency as “any natural or legal person, independent of the public authorities, which provides one or more of the following labor market services:

- a. services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom;
- b. services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a "user enterprise") which assigns their tasks and supervises the execution of these tasks;
- c. other services relating to job seeking, determined by the competent authority after consulting the most representative employers and workers organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment.”

While recognizing the value of employment agencies to the global economy, the 1997 Convention on private employment agencies emphasizes the need to protect workers from possible abuses at their hands. The Convention prohibits the charging of recruitment fees to workers. It also prohibits employment agencies from engaging any form of discrimination against workers.

### **Non-Binding Standards**

#### *ILO General principles and operational guidelines for fair recruitment (2017)*

The general principles provide non-binding standards with which various actors should strive to comply, while the operational guidelines provide practical guidance on specific steps that different types of actors can take to promote equitable recruitment. The principles establish that recruitment — including cross-border recruitment — should be done in a way that respects workers’ human and labor rights and should not be used to undermine labor standards or decent work. The principles further establish that workers should: not have to pay any recruitment fees or related costs; be provided with clear, transparent descriptions of their terms and conditions of employment, preferably in the form of written contracts in a language that they understand; enter into these agreements free from coercion and deception; have free access to information about their rights; not be subject to limitations of their freedom of movement should or

retention or destruction of their identify documents or contracts; be free to terminate their employment, return to their communities, and change employers; and have access to grievance mechanisms and remedy. The guidelines establish that employers should: ensure that workers have transparent written contracts and that they understand the terms; provide effective grievance and dispute resolution mechanisms; protect all workers, including migrant workers from recruitment-related violations of labor law or international standards; ensure that workers' right to freedom of association and collective bargaining are not violated during the recruitment process; refrain from using labor brokers to replace striking workers; and respect migrant workers' freedom to change employers and return to their countries of origin.

### ***ILO Definition of recruitment fees and related costs (2019)***

The non-binding document establishes that “workers shall not be charged directly or indirectly, in whole or in part, any fees or related costs for their recruitment.” Recruitment fees are defined as “payments for recruitment services offered by labour recruiters, whether public or private, in matching offers of and applications for employment; payments made in the case of recruitment of workers with a view to employing them to perform work for a third party; payments made in the case of direct recruitment by the employer; or payments required to recover recruitment fees from workers.” The definition establishes that these fees can cover costs related to recruitment, travel, or job placement, and can be one-time or recurring charges. The definition also provides a list of recruitment-related costs, including but not limited to: medical expenses, insurance, skills tests, training and orientation, equipment costs, travel and lodging expenses, and administrative costs. The definition also establishes that undisclosed or illegal costs such as “bribes, tributes, extortion or kickback payments, bonds, illicit cost-recovery fees and collaterals” are never legitimate.

## **Framework on Labor Migration**

### **Binding Standards**

#### ***Migration for Employment Convention No. 97 (Revised) (1949) and Migration for Employment Recommendation No. 86 (Revised) (1949)***

The Convention and accompanying Recommendation on migrant workers of 1949 regulate the conditions under which labor migration should be carried out. They include several guidelines on the protection of migrant workers and establish the duty of governments to support and provide free employment services to migrant workers. They also encourage agreements between countries sending and receiving migrant workers to ensure their protection. Importantly, the Convention establishes that undocumented immigrant workers have the same labor rights as documented migrant workers and citizens. Of direct relevance to recruitment, the Convention and Recommendation also include guidelines on the placement, hiring, and conditions of work of migrant workers.

### ***Migrant Workers (Supplementary Provisions) Convention No. 143 (1975) and Migrant Workers Recommendation No. 151 (1975)***

The newer 1975 Convention and Recommendation on migrant workers provide important protections for undocumented migrants. They establish several rights for migrant workers, including the right to freedom of association and social protection. They explicitly state that undocumented migrants have equal rights. It is important to note that the Convention and Recommendation encourage the regulation and sanctioning of recruiters and employers that engage in illegal and abusive human smuggling, recruitment, hiring, and labor practices.

### ***International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)***

The convention establishes that international migrant workers and their families should be able to freely leave any country without restriction and protects migrant workers from cruel or inhumane treatment or punishments. It also explicitly prohibits holding migrant workers in slavery, servitude, forced or compulsory labor, or hard prison labor. Migrant workers are provided with the same labor protections as local workers, including those related to equal remuneration, conditions of work, child labor, and freedom of association.

### ***Global Compact for Safe, Orderly and Regular Migration (2018)***

This intergovernmentally negotiated agreement recognizes that no country can address migration-related challenges on their own and "intends to reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance." The compact contains 23 objectives. Objective 5 is focused on facilitating regular migration by promoting rights-based labor mobility agreements between sending and receiving countries. In *Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work*, State parties commit to reviewing existing recruitment mechanisms to ensure that they are fair and ethical and to protect migrant workers against exploitative recruitment and labor conditions in countries of origin and destination. Steps that State parties can take include: improving regulations on recruitment agencies, including by prohibiting recruitment fees and related costs; partnering with employers' and workers' organizations to ensure that migrant workers are provided with written contracts and that they understand the terms and their rights; partner with the private sector to clearly delineate the roles of recruiters and promote decent work; strengthen enforcement and better monitor recruiters and employers; develop fair recruitment processes that allow migrant workers to change employers; provide migrant workers with the same labor rights as local workers; ensure that migrant workers employed in the informal sector have access to effective grievance mechanisms; and ensure that laws afford equal protections to women migrant workers.

## Non-Binding Standards

### *ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labor migration (2006)*

This framework includes non-binding, rights-based principles and guidance on labor migration. It seeks to promote and protect migrant workers' rights, improve regulation of labor migration, and highlight the link between labor migration and development. It includes guidance on promoting employment policies based on social dialogue that promote decent work and protect migrant workers. The framework specifically calls for ethical recruitment practices including the establishment and adherence of recruitment licensing programs, the regulation of recruitment fees, and the provision of remedies for all workers whose rights are violated during the recruitment process.

## Framework on the Agricultural Sector

### Binding Standards

#### *ILO Convention No. 184 on Safety and Health in Agriculture (2001)*

Obligates employers to provide for the safety and health of temporary, seasonal, and permanent workers (including ensuring that activities and equipment comply with health and safety standards and providing appropriate training and instruction). The convention also requires a national policy on safety and health in agriculture, including inspections of agricultural workplaces. The convention gives workers the right to be instructed in health and safety matters and to remove themselves from workplace activities in which they believe there is an imminent and serious risk to health and safety without retaliation. If an employer is required to provide housing to workers, the convention notes that laws governing that housing should meet the minimum accommodation standards. The ILO's Safety and Health in Agriculture Code of Practice offers advice on how to implement this convention.

#### *ILO Convention No. 129 on Labour Inspection in Agriculture (1969)*

Requires a system of labor inspection in agricultural undertakings where employees or apprentices work, nations who ratify the convention may also decide to inspect agricultural undertakings where tenants, sharecroppers, members of cooperatives, and/or family members of the operator of the agricultural undertaking work.

#### *ILO Plantations Convention No. 110 and Protocol (P110) (1958)*

Covers provisions for the recruitment, employment, benefits and compensation, and housing conditions of employees on a plantation, defined as "any agricultural undertaking regularly employing hired workers which is situated in the tropical or subtropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibers (sisal, jute and hemp), citrus, palm oil, cinchona or pineapple." Requires a licensed recruiter or employer to cover the costs of transporting the worker to the workplace and of repatriation. Limits the timeframe of employment on a plantation (one to three years depending on the nature of the journey to reach the workplace and whether or not the worker is accompanied by family members). Specifies



that wages should be governed by national laws, adhere to minimum wage law, and only include deductions proscribed by national law. Requires at least 25 hours of consecutive rest in every seven-day period. Guarantees employers and employees the right to associate and provides for anti-union discrimination.

***ILO Right of Association (Agriculture) Convention No. 11 (1921)***

Establishes that “the same rights of association and combination” apply to workers in agriculture just as they apply to industrial workers. Nations that ratify the convention must ensure that those rights are secured for agricultural workers and work to remove any provisions that restrict their access to those rights.

***ILO Minimum Wage Fixing Machinery (Agriculture) Convention No. 99 (1951)***

Establishes that ratifying nations will create a system for determining appropriate minimum wages for agricultural workers. The specific minimum amount and method for determining it is up to each ratifying nation and should be determined through a consultative process involving representatives of employers and workers (if such entities exist). If national laws allow, partial payment of minimum wages may be made “in the form of allowances in kind,” as long as this form is “customary or desirable.” Nations that ratify the convention are also required to ensure that the minimum wage rate is being appropriately implemented by providing supervision, education on the wage rate, inspections, and sanctions when necessary.

## **Non-Binding Standards**

***ILO Tenants and Share-croppers Recommendation No. 132 (1968)***

Applies to agricultural workers who are not remunerated by a fixed wage, i.e., tenants or those who are remunerated with shares of produce. Seeks to assure that tenants, sharecroppers, and other similar categories of workers have access to land, stability, and security. Outlines best practices concerning mutually agreed upon contracts, amount of rent (adjustable to actual harvest yields), minimum share of produce to which sharecroppers are entitled, provision of adequate housing when customary or necessary, and the authorization for tenants and sharecroppers to use land to produce food for themselves and their families.

### Ratification of Conventions by Top 10 Coffee-Producing Countries in Latin America

	BRA	COL	HND	MEX	PER	GTM	NIC	CRI	SLV	ECU
<b>ILO Convention No. 29 on Forced Labor (1930)</b>	R	R	R	R	R	R	R	R	R	R
<b>ILO Convention No. 105 on Abolition of Forced Labour (1957)</b>	R	R	R	R	R	R	R	R	R	R
<b>The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000)</b>	R	R	R	R	R	R	R	R	R	R
<b>United Nations Convention on the Rights of the Child (1989)</b>	R	R	R	R	R	R	R	R	R	R
<b>ILO Convention No. 138 on Child Labour (1973)</b>	R	R	R	R	R	R	R	R	R	R
<b>ILO Convention No. 182 on the Worst Forms of Child Labour (1999)</b>	R	R	R	R	R	R	R	R	R	R
<b>ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize (1948)</b>	/	R	R	R	R	R	R	R	R	R
<b>ILO Convention No. 98 on the Right to Organize and Collective Bargaining (1949)</b>	R	R	R	R	R	R	R	R	R	R
<b>ILO Convention No. 100 on Equal Remuneration (1951)</b>	R	R	R	R	R	R	R	R	R	R
<b>ILO Convention No. 111 on Discrimination</b>	R	R	R	R	R	R	R	R	R	R

<b>(Employment and Occupation) (1958)</b>										
<b>ILO Convention No. 155 on Occupational Safety and Health Convention (1981)</b>	R	/	/	R	/	/	/	/	R	/
<b>ILO Chemical Convention No. 170 (1990)</b>	R	R	/	R	/	/	/	/	/	/
<b>ILO Private Employment Agencies Convention No. 181 (1997)</b>	/	/	/	/	/	/	/	/	/	/
<b>Migration for Employment Convention No. 97 (Revised) (1949)</b>	R	/	/	/	R	/	/	/	/	R
<b>Migration for Employment Recommendation No. 86 (Revised) (1949)</b>	S	S	/	S	S	S	/	S	S	S
<b>Migrant Workers (Supplementary Provisions) Convention No. 143 (1975)</b>	/	/	/	/	/	/	/	/	/	/
<b>Migrant Workers Recommendation No. 151 (1975)</b>	S	S	S	S	S	S	S	S	S	S
<b>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)</b>	/	R	R	R	R	R	R	/	R	R
<b>ILO Convention No. 184 on Safety and Health in Agriculture (2001)</b>	/	/	/	/	/	/	/	/	/	/
<b>ILO Convention No. 129 on Labour Inspection in Agriculture (1969)</b>	/	R	/	/	/	R	/	R	R	/
<b>ILO Plantations Convention No. 110 and Protocol (P110) (1958)</b>	/	/	/	R	/	R	R	/	/	R

ILO Right of Association (Agriculture) Convention No. 11 (1921)	R	R	/	R	R	R	R	R	/	R
ILO Minimum Wage Fixing Machinery (Agriculture) Convention No. 99 (1951)	R	R	/	R	R	R	/	R	R	/
ILO Tenants and Share-croppers Recommendation No. 132 (1968)	S	S	S	S	S	S	S	S	S	S

R = Ratified  
 S = Submitted to Relevant Authority  
 / = No Action

Note: Non-binding, guidance documents listed above are not subject to ratification.

## Endnotes

- <sup>1</sup> C029 – Forced Labour Convention, 1930 (No. 29). International Labour Organization (ILO). [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C029](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029)
- <sup>2</sup> “Hard to See, Harder to Count Survey Guidelines to Estimate Forced Labour of Adults and Children.” International Labour Organization (ILO), 2011. [www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms182096.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms182096.pdf).
- <sup>3</sup> International Labour Office, Department of Statistics. ‘Guidelines Concerning the Measurement of Forced Labour.’ Geneva, October 2018. [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms\\_648619.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf)
- <sup>4</sup> International Labour Office, Department of Statistics. ‘Guidelines Concerning the Measurement of Forced Labour.’ Geneva, October 2018. [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms\\_648619.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf)
- <sup>5</sup> Guidelines concerning the measurement of forced labour. International Labour Organization (ILO), 2018. [www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms\\_648619.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf).
- <sup>6</sup> Convention on the Rights of the Child. United Nations, 20 Nov 1989. [www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx).
- <sup>7</sup> Convention on the Rights of the Child. United Nations, 20 Nov 1989. [www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx).
- <sup>8</sup> C138 – Minimum Age Convention, 1973 (No. 138). International Labour Organization (ILO), 1973. [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C138](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138).
- <sup>9</sup> C138 – Minimum Age Convention, 1973 (No. 138). International Labour Organization (ILO), 1973. [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C138](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138).
- <sup>10</sup> C138 – Minimum Age Convention, 1973 (No. 138). International Labour Organization (ILO), 1973. [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C138](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138).
- <sup>11</sup> Resolution IV. Resolution to amend the 18th ICLS Resolution concerning statistics of child labour. International Labour Organization (ILO), 2018. [www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms\\_648624.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648624.pdf).
- <sup>12</sup> C138 – Minimum Age Convention, 1973 (No. 138). International Labour Organization (ILO), 1973. [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C138](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138)  
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- <sup>13</sup> C183 – Maternity Protection Convention, 2000 (No. 183). International Labour Organization (ILO), 2000. [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C183](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183).
- <sup>14</sup> C183 – Maternity Protection Convention, 2000 (No. 183). International Labour Organization (ILO), 2000. [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C183](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183).
- <sup>15</sup> C138 – Minimum Age Convention, 1973 (No. 138). International Labour Organization (ILO), 1973. [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C138](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138)  
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- <sup>16</sup> C184 – Safety and Health in Agriculture Convention, 2001 (No. 184). International Labour Organization (ILO), 2001. [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C184](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C184).
- <sup>17</sup> ONU: Asamblea General, Protocolo para prevenir, reprimir y sancionar la trata de personas, especialmente mujeres y niños, que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional, 15 Nov 2000. [www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-s.pdf](http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-s.pdf).
- <sup>18</sup> C138 – Minimum Age Convention, 1973 (No. 138). International Labour Organization (ILO), 1973. [www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C138](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138).