

# Canadian Position with Respect to Convention 184 and Recommendation 192

Adopted at the 89<sup>th</sup> Session of the  
International Labour Conference,  
June 2001

Geneva, Switzerland



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## INTRODUCTION

The purpose of this report is, in accordance with Article 19 of the International Labour Organisation's (ILO) Constitution, to bring recently adopted Conventions and Recommendations to the attention of the competent authorities.

The present document deals with Convention 184 concerning the Safety and Health in Agriculture and its accompanying Recommendation 192, which were adopted by the International Labour Conference (ILC) at its 89<sup>th</sup> Session in June 2001.

This report includes a general description of these instruments and an assessment of the extent to which current Canadian law and practice comply with their provisions.

Established in 1919, the ILO became a specialized United Nations (UN) agency in 1946. It is the only tripartite UN organization with representatives not only of governments, but also of workers' and employers' organizations having an equal say in the development and administration of the ILO's policies, programs and international labour standards. Canada was among the founding members of the ILO, which currently has 175 member States.

The tripartite International Labour Conference (ILC) of the ILO adopts international standards in the form of Conventions and Recommendations. Conventions become binding instruments, once they have been ratified by member States. Recommendations are non-binding

instruments, which can be adopted on their own or as accompanying a given Convention. In the first instance, a Recommendation is designed to provide guidelines for the development of national policy, legislation and practice. In the second instance, it aims at providing guidance as to possible ways of implementing the provision of the Convention to which it refers.

Under the ILO Constitution, all member States are required to bring newly adopted ILO Conventions and Recommendations to the attention of the competent authority or authorities, to inform the ILO that this has been done, and subsequently to report to the ILO, upon request, on the position of its law and practice with respect to the matters dealt with in these Conventions and Recommendations.

In a federal State such as Canada, when the subject of a Convention or Recommendation is partly within provincial and territorial jurisdiction, the federal government must refer the instrument to the attention of the other competent authorities, *i.e.*, the provinces and territories.

A member State has no obligation to ratify any Convention, but if it does ratify, it undertakes to fully implement the Convention and to report regularly to the ILO on its implementation measures. These reports are reviewed by a Committee of Experts, which reports annually to the ILC on the degree of compliance of the various member States with the Conventions they ratified.

Failure to implement a ratified Convention can give rise to

observations by the Committee of Experts and to requests from the ILC's Committee on Application of Standards to appear before it and explain the reasons for non-compliance. A member State can also be subject to representations to the ILO by another member State, or by an association of workers or employers, alleging failure to implement a ratified Convention.

The long-standing Canadian practice, as regards ILO Conventions dealing with matters under both federal and provincial/territorial jurisdictions, has been to ratify a Convention only if all jurisdictions concur with ratification and undertake to implement the Convention's requirements in their respective jurisdiction.

**Convention 184 and Recommendation 192 concerning Safety and Health in Agriculture adopted at the 89<sup>th</sup> Session of the International Labour Conference, Geneva, June 21, 2001**

**Background**

Convention 184 concerning Safety and Health in Agriculture is a new Convention.

Approximately 1.3 billion workers worldwide, representing half of the world's labour force, are involved in the agricultural sector. The agricultural work force represents less than 10% of the total labour force in developed countries and as much as 59% in developing countries.

Agriculture is one of the sectors with the highest risk of accidents, in both developing and industrialized

countries. It is one of the three most dangerous industries, along with mining and construction. Estimates produced by the International Labour Office, in 1997, indicate that of the 330,000 fatal workplace accidents worldwide, 170,000 involved agricultural workers.

In many countries, the rate of fatal agricultural accidents is double the average rate for all other sectors combined. Increased use of machines such as tractors and harvesters are at the root of the high rates of injuries and fatal accidents. Exposure to pesticides and other agrochemical products constitutes a major occupational hazard that can lead to poisoning, death and, in some cases, work-related cancer and defects of the reproductive system.

Since 1919, the ILO has adopted 12 Conventions, with associated regulations, relating to agriculture. However, the lack of agricultural safety and health standards led the Governing Body of the ILO to include this issue on the agenda of both the 88<sup>th</sup> (2000) and the 89<sup>th</sup> (2001) sessions of the ILC.

**Legislative jurisdiction**

According to the federal Department of Justice, the subject matter of these instruments falls within the jurisdictions of the federal, provincial and territorial governments.

**The Convention**

The Convention covers workers involved in agricultural and forestry activities carried out in agricultural undertakings, excluding subsistence

farming, industrial processes that use agricultural products as raw material and the related services, and the industrial exploitation of forests. After consulting the representative organizations of employers and workers concerned, each ratifying member State may exclude either certain agricultural undertakings or limited categories of workers from the application of this Convention or certain of its provisions, when special problems of a substantial nature arise. However, in the case of such exclusions, ratifying member States are required to make plans to progressively cover all undertakings and all categories of workers.

In the light of national conditions and practice, and after consulting with representative organizations of workers and employers, ratifying member States should formulate, carry out and periodically review a coherent national policy on safety and health in agriculture aimed at preventing work related accidents and injuries, and eliminating, minimizing or controlling hazards in the agricultural working environment, including an adequate system of inspection for agricultural workplaces.

As specified in the Convention, employers should have the duty to ensure the safety and health of workers in every aspect related to the work. National laws and regulations or the competent authority should provide, taking into account the size of the undertaking and the nature of its activities, that employers carry out appropriate risk

assessments and ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to workers in agriculture, including information on the hazards and risks associated with their work while taking into account their level of education and differences in language.

All workers should have the right to be informed and consulted on safety and health matters, participate in the application and review of safety and health measures, select safety and health representatives and remove themselves from danger resulting from their work activity when there is a reasonable justification to believe there is an imminent danger. Workers in agriculture and their representatives should comply with the prescribed safety and health measures and to cooperate with employers.

The Convention requires that national laws and regulations cover machinery safety and ergonomics, handling and transport of materials, management of chemicals, animal handling and protection against biological risks.

The Convention provides that the minimum age for assignment to work in agriculture should not be less than 18 years old. However, depending on the types of employment or work as determined by national laws and regulations or by the competent authority after consultations with workers' and employers' representative organizations, the performance of work as from 16 years old is authorized on condition

that appropriate prior training is given and safety and health of the young workers are fully protected.

Ratifying member States should take measures to ensure that temporary and seasonal workers receive the same safety and health protection as comparable permanent workers, and that the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health.

National laws and regulations should prescribe that adequate welfare facilities be provided at no cost to the worker and the minimum accommodation standards for workers who are required to live temporarily or permanently in the undertaking. As well, hours of work, night work and rest periods for workers should be in accordance with national laws and regulations or collective agreements.

Finally, ratifying member States should provide an insurance or social security scheme that covers agricultural workers against fatal and non-fatal occupational injuries and diseases as well as against invalidity and other work-related health risks that is at least equivalent to that enjoyed by workers in other sectors.

### **Means of implementation**

The provisions of the Convention shall be applied by laws or regulations or by any other means consistent with national practice, such as court decisions, arbitration awards or collective agreements.

### **The Recommendation**

The Convention on safety and health in agriculture is supplemented by a

non-binding Recommendation that sets out provisions designed to serve as guidelines for national policy.

The Recommendation contains more detailed provisions for the protection of workers in areas already mentioned in the Convention.

To give effect to Article 5 of the Convention, the Recommendation calls on member States to take measures concerning labour inspection in light of the principles embodied in the Labour Inspection (Agriculture) Convention and Recommendation, 1969. It also calls on multinational enterprises to provide adequate safety and health protection for their workers in agriculture in all their establishments in accordance with the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy.

To give effect to Article 4 of the Convention, the Recommendation provides that the competent authority responsible for implementing the national policy should, after consulting the representative organizations of workers and employers, identify major problems, establish priorities for action, develop effective evaluation methods, prescribe measures for the prevention and control of occupational hazards, prepare guidelines for employers and workers, adopt provisions for the progressive extension of occupational health services for workers in agriculture, establish procedures for the recording and notification of accidents and diseases in agriculture, promote



safety and health by means of educational programs and materials.

To give effect to Article 7 of the Convention, the competent authority should establish a national system for safety and health surveillance, which would include the necessary risk assessment and preventive and control measures with respect to working conditions, and health surveillance measures for young workers, pregnant and nursing women and aged workers.

A set of measures on safety and health at the level of the undertaking should include occupational safety and health services, risk assessment and management, measure to deal with accidents and emergencies, procedures for the recording and notification of accidents and diseases, measures to protect persons present in an undertaking, including the population in the vicinity, and measures to ensure that the technology is adapted to the climate, work organization and working practices.

To give effect to Article 9 of the Convention, the Recommendation provides that measures should be taken to ensure the appropriate selection or adaptation of technology, machinery and equipment taking into account local conditions in user countries, ergonomic implications and the effect of climate.

Concerning the sound management of chemicals, measures should be taken in the light of the principles of the Chemical Convention and Recommendation, 1990, and other relevant international technical standards.

To give effect to Article 14 of the Convention, the measures for the handling of biological agents and animals should comprise the following measures: risk assessment, control and testing of animals, protective measures for the handling of animals and biological agents, immunization of workers, provision of disinfectants and washing facilities, first aid, antidotes or other emergency procedures, safety measures for the handling of manure and waste, handling and disposition of carcasses of infected animals, safety information including warning signs and training for workers handling animals.

To give effect to Article 15 of the Convention, the safety and health requirements of agricultural installations should specify technical standards for building, structures, guardrails, fences and confined spaces.

To give effect to Article 19 of the Convention, employers should provide, as appropriate and in accordance with national law and practice, to workers in agriculture an adequate supply of safe drinking water, facilities for the storage and washing of protective clothing, facilities for eating meals and nursing children in the workplace where practicable, separate sanitary and washing facilities for men and women, and work-related transportation.

To give effect to Article 18 of the Convention, measures should be taken to assess any workplace risks related to the safety and health of pregnant or nursing women and women's reproductive health.

Finally, the Recommendation provides that, taking into consideration the views of representative organizations, member States should make plans to extend progressively to self-employed farmers the protection afforded by the Convention, as appropriate. Where economic, social and administrative conditions do not permit the inclusion of self-employed farmers and their families in a national or voluntary insurance scheme, measures should be taken for their progressive coverage to the level provided for in Article 21 of the Convention through the development of special insurance schemes or funds, or adapting existing social security schemes.

**Canadian situation with respect to Convention 184 and Recommendation 192 on Safety and Health in Agriculture**

There is a high degree of conformity in Canada with most of the Convention's requirements, but there remain some differences between the Canadian situation and certain of its provisions.

Most significantly, in three Canadian jurisdictions, occupational safety and health legislation and regulations do not apply to agricultural workers. These jurisdictions promote safety and health in the agricultural sector through education and training, and a variety of promotional programs

and activities aimed at creating a culture of safety within the agricultural community.

Some Canadian jurisdictions do not have specific provisions in their legislation on the management of chemicals, reassignment of pregnant or nursing workers, manual handling of animals and materials, and the safety and ergonomics of machinery. Also, not all agricultural workers are covered by insurance schemes providing compensation for occupational accidents or diseases. In addition, legislation restricting the employment of children in some jurisdictions may not fully meet the requirement in the Convention concerning the minimum age for assignment of work in agriculture.

As for the accompanying Recommendation, the more detailed provisions contained in this non-binding instrument are also, for the most part, compatible with the situation in Canada. However, there are some differences between the Canadian situation and the provisions of the Recommendation. For example, in some jurisdictions, legislation or regulations do not require accommodation and protective equipment to be provided at no cost to workers, and do not address the safety and ergonomics of machinery

## **APPENDIX 1**

**Texts of the instruments adopted  
at the 89<sup>th</sup> session of the  
International Labour Conference,  
June 2001, Geneva**

# **INTERNATIONAL LABOUR CONFERENCE**

## **CONVENTION 184**

**CONVENTION CONCERNING THE SAFETY AND HEALTH IN AGRICULTURE  
ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE (ILC) AT  
ITS EIGHTY-NINTH SESSION,  
GENEVA, JUNE 2001**

**AUTHENTIC TEXT**

**CONVENTION CONCERNING SAFETY AND HEALTH IN AGRICULTURE**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 89th Session on 5 June 2001, and

Noting the principles embodied in the relevant international labour Conventions and Recommendations, in particular the Plantations Convention and Recommendation, 1958, the Employment Injury Benefits Convention and Recommendation, 1964, the Labour Inspection (Agriculture) Convention and Recommendation, 1969, the Occupational Safety and Health Convention and Recommendation, 1981, the Occupational Health Services Convention and Recommendation, 1985, and the Chemicals Convention and Recommendation, 1990, and

Stressing the need for a coherent approach to agriculture and taking into consideration the wider framework of the principles embodied in other ILO instruments applicable to the sector, in particular the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Minimum Age Convention, 1973, and the Worst Forms of Child Labour Convention, 1999, and

Noting the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy as well as the relevant codes of practice, in particular the code of practice on recording and notification of occupational accidents and diseases, 1996, and the code of practice on safety and health in forestry work, 1998, and

Having decided upon the adoption of certain proposals with regard to safety and health in agriculture, 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-first day of June of the year two thousand and one the following Convention, which may be cited as the Safety and Health in Agriculture Convention, 2001.

## **I. SCOPE**

### ***Article 1***

For the purpose of this Convention the term “agriculture” 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.

### ***Article 2***

For the purpose of this Convention the term “agriculture” 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.

### ***Article 3***

1. The competent authority of a Member which ratifies the Convention, after consulting the representative organizations of employers and workers concerned:

- (a) may exclude certain agricultural undertakings or limited categories of workers from the application of this Convention or certain provisions thereof, when special problems of a substantial nature arise; and
- (b) shall, in the case of such exclusions, make plans to cover progressively all undertakings and all categories of workers.

2. Each Member shall list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any exclusions made in pursuance of paragraph 1(a) of this Article giving the reasons for such exclusion. In subsequent reports, it shall describe the measures taken with a view to extending progressively the provisions of the Convention to the workers concerned.

## **II. GENERAL PROVISIONS**

### ***Article 4***

1. In the light of national conditions and practice and after consulting the representative organizations of employers and workers concerned, Members shall formulate, carry out and periodically review a coherent national policy on safety and health in agriculture. This policy shall have the aim of preventing accidents and injury to health arising out of, linked with, or occurring in the course of work, by eliminating, minimizing or controlling hazards in the agricultural working environment.

2. To this end, national laws and regulations shall:

(a) designate the competent authority responsible for the implementation of the policy and for the enforcement of national laws and regulations on occupational safety and health in agriculture;

(b) specify the rights and duties of employers and workers with respect to occupational safety and health in agriculture; and

(c) establish mechanisms of inter-sectoral coordination among relevant authorities and bodies for the agricultural sector and define their functions and responsibilities, taking into account their complementarity and national conditions and practices.

3. The designated competent authority shall provide for corrective measures and appropriate penalties in accordance with national laws and regulations, including, where appropriate, the suspension or restriction of those agricultural activities which pose an imminent risk to the safety and health of workers, until the conditions giving rise to the suspension or restriction have been corrected.

#### ***Article 5***

1. Members shall ensure that an adequate and appropriate system of inspection for agricultural workplaces is in place and is provided with adequate means.

2. In accordance with national legislation, the competent authority may entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services, public institutions, or private institutions under government control, or may associate these services or institutions with the exercise of such functions.

### **III. PREVENTIVE AND PROTECTIVE MEASURES GENERAL**

#### ***Article 6***

1. In so far as is compatible with national laws and regulations, the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.

2. National laws and regulations or the competent authority shall provide that whenever in an agricultural workplace two or more employers undertake activities, or whenever one or more employers and one or more self-employed persons undertake activities, they shall cooperate in applying the safety and health requirements. Where appropriate, the competent authority shall prescribe general procedures for this collaboration.

#### ***Article 7***

In order to comply with the national policy referred to in Article 4 of the Convention, national laws and regulations or the competent authority shall provide, taking into account the size of the undertaking and the nature of its activity, that the employer shall:

(a) carry out appropriate risk assessments in relation to the safety and health of workers and, on the basis of these results, adopt preventive and protective measures to ensure that under all conditions of their intended use, all agricultural

activities, workplaces, machinery, equipment, chemicals, tools and processes under the control of the employer are safe and comply with prescribed safety and health standards;

(b) ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to workers in agriculture, including information on the hazards and risks associated with their work and the action to be taken for their protection, taking into account their level of education and differences in language; and

(c) take immediate steps to stop any operation where there is an imminent and serious danger to safety and health and to evacuate workers as appropriate.

#### ***Article 8***

1. Workers in agriculture shall have the right:

(a) to be informed and consulted on safety and health matters including risks from new technologies;

(b) to participate in the application and review of safety and health measures and, in accordance with national law and practice, to select safety and health representatives and representatives in safety and health committees; and

(c) to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions.

2. Workers in agriculture and their representatives shall have the duty to comply with the prescribed safety and health measures and to cooperate with employers in order for the latter to comply with their own duties and responsibilities.

3. The procedures for the exercise of the rights and duties referred to in paragraphs 1 and 2 shall be established by national laws and regulations, the competent authority, collective agreements or other appropriate means.

4. Where the provisions of this Convention are implemented as provided for by paragraph 3, there shall be prior consultation with the representative organizations of employers and workers concerned.

#### **MACHINERY SAFETY AND ERGONOMICS**

#### ***Article 9***

1. National laws and regulations or the competent authority shall prescribe that machinery, equipment, including personal protective equipment, appliances and hand tools used in agriculture comply with national or other recognized safety and health standards and be appropriately installed, maintained and safeguarded.



2. The competent authority shall take measures to ensure that manufacturers, importers and suppliers comply with the standards referred to in paragraph 1 and provide adequate and appropriate information, including hazard warning signs, in the official language or languages of the user country, to the users and, on request, to the competent authority.

3. Employers shall ensure that workers receive and understand the safety and health information supplied by manufacturers, importers and suppliers.

#### ***Article 10***

National laws and regulations shall prescribe that agricultural machinery and equipment shall:

(a) only be used for work for which they are designed, unless a use outside of the initial design purpose has been assessed as safe in accordance with national law and practice and, in particular, shall not be used for human transportation, unless designed or adapted so as to carry persons; and

(b) be operated by trained and competent persons, in accordance with national law and practice.

### **HANDLING AND TRANSPORT OF MATERIALS**

#### ***Article 11***

1. The competent authority, after consulting the representative organizations of employers and workers concerned, shall establish safety and health requirements for the handling and transport of materials, particularly on manual handling. Such requirements shall be based on risk assessment, technical standards and medical opinion, taking account of all the relevant conditions under which the work is performed in accordance with national law and practice.

2. Workers shall not be required or permitted to engage in the manual handling or transport of a load which by reason of its weight or nature is likely to jeopardize their safety or health.

### **SOUND MANAGEMENT OF CHEMICALS**

#### ***Article 12***

The competent authority shall take measures, in accordance with national law and practice, to ensure that:

(a) there is an appropriate national system or any other system approved by the competent authority establishing specific criteria for the importation, classification, packaging and labelling of chemicals used in agriculture and for their banning or restriction;

(b) those who produce, import, provide, sell, transfer, store or dispose of chemicals used in agriculture comply with national or other recognized safety and health standards, and provide adequate and appropriate information to the users in the appropriate official language or languages of the country and, on request, to the competent authority; and

(c) there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment.

#### ***Article 13***

1. National laws and regulations or the competent authority shall ensure that there are preventive and protective measures for the use of chemicals and handling of chemical waste at the level of the undertaking.

2. These measures shall cover, inter alia:

- (a) the preparation, handling, application, storage and transportation of chemicals;
- (b) agricultural activities leading to the dispersion of chemicals;

(c) the maintenance, repair and cleaning of equipment and containers for chemicals; and

(d) the disposal of empty containers and the treatment and disposal of chemical waste and obsolete chemicals.

#### **ANIMAL HANDLING AND PROTECTION AGAINST BIOLOGICAL RISKS**

#### ***Article 14***

National laws and regulations shall ensure that risks such as those of infection, allergy or poisoning are prevented or kept to a minimum when biological agents are handled, and activities involving animals, livestock and stabling areas, comply with national or other recognized health and safety standards.

#### **AGRICULTURAL INSTALLATIONS**

#### ***Article 15***

The construction, maintenance and repairing of agricultural installations shall be in conformity with national laws, regulations and safety and health requirements.

#### **IV. OTHER PROVISIONS YOUNG WORKERS AND HAZARDOUS WORK**

#### ***Article 16***

1. 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.

2. The types of employment or work to which paragraph 1 applies shall be determined by national laws and regulations or by the competent authority, after consultation with the representative organizations of employers and workers concerned.

3. Notwithstanding paragraph 1, national laws or regulations or the competent authority may, after consultation with the representative organizations of employers and workers concerned, authorize the performance of work referred to in that paragraph as from 16 years of age on condition that appropriate prior training is given and the safety and health of the young workers are fully protected.

## **TEMPORARY AND SEASONAL WORKERS**

### ***Article 17***

Measures shall be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable permanent workers in agriculture.

## **WOMEN WORKERS**

### ***Article 18***

Measures shall be taken to ensure that the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health.

## **WELFARE AND ACCOMMODATION FACILITIES**

### ***Article 19***

National laws and regulations or the competent authority shall prescribe, after consultation with the representative organizations of employers and workers concerned:

- (a) the provision of adequate welfare facilities at no cost to the worker; and
- (b) the minimum accommodation standards for workers who are required by the nature of the work to live temporarily or permanently in the undertaking.

## **WORKING TIME ARRANGEMENTS**

### ***Article 20***

Hours of work, night work and rest periods for workers in agriculture shall be in accordance with national laws and regulations or collective agreements.

## **COVERAGE AGAINST OCCUPATIONAL INJURIES AND DISEASES**

### ***Article 21***

1. In accordance with national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors.
2. Such schemes may either be part of a national scheme or take any other appropriate form consistent with national law and practice.

## **FINAL PROVISIONS**

### ***Article 22***

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

### ***Article 23***

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force 12 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 12 months after the date on which its ratification has been registered.

### ***Article 24***

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 25***

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

### ***Article 26***

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 the Director-General in accordance with the provisions of the preceding Articles.

### ***Article 27***

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 28***

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 24 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 29*

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

# **INTERNATIONAL LABOUR CONFERENCE**

## **RECOMMENDATION 192**

**CONVENTION CONCERNING THE SAFETY AND HEALTH IN AGRICULTURE  
ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE (ILC) AT  
ITS EIGHTY-NINTH SESSION,  
GENEVA, JUNE 2001**

**AUTHENTIC TEXT**

# INTERNATIONAL LABOUR CONFERENCE

## Recommendation 192

### RECOMMENDATION CONCERNING SAFETY AND HEALTH IN AGRICULTURE

The General Conference of the International Labour Organization,  
Having been convened at Geneva by the Governing Body of the International  
Labour Office, and having met in its 89th Session on 5 June 2001, and

Having decided upon the adoption of certain proposals with regard to safety and  
health in agriculture, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation  
supplementing the Safety and Health in Agriculture Convention, 2001  
(hereinafter referred to as “the Convention”);  
adopts this twenty-first day of June of the year two thousand and one the following  
Recommendation, which may be cited as the Safety and Health in Agriculture  
Recommendation, 2001.

#### I. GENERAL PROVISIONS

1. In order to give effect to Article 5 of the Convention, the measures concerning  
labour inspection in agriculture should be taken in the light of the principles embodied  
in the Labour Inspection (Agriculture) Convention and Recommendation, 1969.
2. Multinational enterprises should provide adequate safety and health protection  
for their workers in agriculture in all their establishments, without discrimination and  
regardless of the place or country in which they are situated, in accordance with national  
law and practice and the Tripartite Declaration of Principles concerning Multinational  
Enterprises and Social Policy.

#### II. OCCUPATIONAL SAFETY AND HEALTH SURVEILLANCE

3. (1) The competent authority designated to implement the national policy  
referred to in Article 4 of the Convention should, after consulting the representative  
organizations of employers and workers concerned:
  - (a) identify major problems, establish priorities for action, develop effective methods  
for dealing with them and periodically evaluate the results;
  - (b) prescribe measures for the prevention and control of occupational hazards in  
agriculture:
    - (i) taking into consideration technological progress and knowledge in the field  
of safety and health, as well as relevant standards, guidelines and codes of  
practice adopted by recognized national or international organizations;
    - (ii) taking into account the need to protect the general environment from the  
impact of agricultural activities;
    - (iii) specifying the steps to be taken to prevent or control the risk of work-related  
endemic diseases for workers in agriculture; and

(iv) specifying that no single worker should carry out hazardous work in an isolated or confined area, without an adequate possibility of communication and means of assistance; and

(c) prepare guidelines for employers and workers.

(2) To give effect to Article 4 of the Convention, the competent authority should:

(a) adopt provisions for the progressive extension of appropriate occupational health services for workers in agriculture;

(b) establish procedures for the recording and notification of occupational accidents and diseases in agriculture, in particular for the compilation of statistics, the implementation of the national policy and the development of preventive programmes at the level of the undertaking; and

(c) promote safety and health in agriculture by means of educational programmes and materials to meet the needs of agricultural employers and workers.

4. (1) To give effect to Article 7 of the Convention, the competent authority should establish a national system for occupational safety and health surveillance which should include both workers' health surveillance and the surveillance of the working environment.

(2) This system should include the necessary risk assessment and, where appropriate, preventive and control measures with respect to, inter alia:

(a) hazardous chemicals and waste;

(b) toxic, infectious or allergenic biological agents and waste;

(c) irritant or toxic vapours;

(d) (d) hazardous dusts;

(e) carcinogenic substances or agents;

(f) noise and vibration;

(g) extreme temperatures;

(h) solar ultraviolet radiations;

(i) transmissible animal diseases;

(j) contact with wild or poisonous animals;

(k) the use of machinery and equipment, including personal protective equipment;

(l) the manual handling or transport of loads;

(m) intense or sustained physical and mental efforts, work-related stress and inadequate working postures; and

(n) risks from new technologies.



(3) Health surveillance measures for young workers, pregnant and nursing women and aged workers should be taken, where appropriate.

### III. PREVENTIVE AND PROTECTIVE MEASURES

#### *Risk assessment and management*

5. To give effect to Article 7 of the Convention, a set of measures on safety and health at the level of the undertaking should include:

(a) occupational safety and health services;

(b) risk assessment and management measures in the following order of priority:

(i) elimination of the risk;

(ii) control of the risk at the source;

(iii) minimization of the risk by such means as the design of safe work systems, the introduction of technical and organizational measures and safe practices, and training; and

(iv) in so far as the risk remains, provision and use of personal protective equipment and clothing, at no cost to the worker;

(c) measures to deal with accidents and emergencies, including first aid and access to appropriate transportation to medical facilities;

(d) procedures for the recording and notification of accidents and diseases;

(e) appropriate measures to protect persons present at an agricultural site, the population in the vicinity of it and the general environment, from risks which may arise from the agricultural activity concerned, such as those due to agrochemical waste, livestock waste, soil and water contamination, soil depletion and topographic changes; and

(f) measures to ensure that the technology used is adapted to climate, work organization and working practices.

#### *Machinery safety and ergonomics*

6. To give effect to Article 9 of the Convention, measures should be taken to ensure the appropriate selection or adaptation of technology, machinery and equipment, including personal protective equipment, taking into account local conditions in user countries and, in particular, ergonomic implications and the effect of climate.

#### *Sound management of chemicals*

7. (1) The measures prescribed concerning the sound management of chemicals in agriculture should be taken in the light of the principles of the Chemicals Convention and Recommendation, 1990, and other relevant international technical standards.

(2) In particular, preventive and protective measures to be taken at the level of the undertaking should include:

- (a) adequate personal protective equipment and clothing, and washing facilities for those using chemicals and for the maintenance and cleaning of personal protective and application equipment, at no cost to the worker;
- (b) spraying and post-spraying precautions in areas treated with chemicals, including measures to prevent pollution of food, drinking, washing and irrigation water sources;
- (c) handling and disposal of hazardous chemicals which are no longer required, and containers which have been emptied but which may contain residues of hazardous chemicals, in a manner which eliminates or minimizes the risk to safety and health and to the environment, in accordance with national law and practice;
- (d) keeping a register of the application of pesticides used in agriculture; and
- (e) training of agricultural workers on a continuing basis to include, as appropriate, training in the practices and procedures or about hazards and on the precautions to be followed in connection with the use of chemicals at work.

***Animal handling and protection against biological risks***

8. For the purpose of implementing Article 14 of the Convention, the measures for the handling of biological agents giving rise to risks of infection, allergy or poisoning, and for the handling of animals should comprise the following:

- (a) risk assessment measures in accordance with Paragraph 5, in order to eliminate, prevent or reduce biological risks;
- (b) control and testing of animals, in accordance with veterinary standards and national law and practice, for diseases transmissible to humans;
- (c) protective measures for the handling of animals and, where appropriate, provision of protective equipment and clothing;
- (d) protective measures for the handling of biological agents and, if necessary, provision of appropriate protective equipment and clothing;
- (e) immunization of workers handling animals, as appropriate;
- (f) provision of disinfectants and washing facilities, and the maintenance and cleaning of personal protective equipment and clothing;
- (g) provision of first aid, antidotes or other emergency procedures in case of contact with poisonous animals, insects or plants;
- (h) safety measures for the handling, collection, storage and disposal of manure and waste;
- (i) safety measures for the handling and disposal of carcasses of infected animals, including the cleaning and disinfection of contaminated premises; and
- (j) safety information including warning signs and training for those workers handling animals.

### ***Agricultural installations***

9. To give effect to Article 15 of the Convention, the safety and health requirements concerning agricultural installations should specify technical standards for buildings, structures, guardrails, fences and confined spaces.

#### ***Welfare and accommodation facilities***

10. To give effect to Article 19 of the Convention, employers should provide, as appropriate and in accordance with national law and practice, to workers in agriculture:

- (a) an adequate supply of safe drinking water;
- (b) facilities for the storage and washing of protective clothing;
- (c) facilities for eating meals, and for nursing children in the workplace where practicable;
- (d) separate sanitary and washing facilities, or separate use thereof, for men and women workers; and
- (e) work-related transportation.

## **IV. OTHER PROVISIONS**

### ***Women workers***

11. In order to give effect to Article 18 of the Convention, measures should be taken to ensure assessment of any workplace risks related to the safety and health of pregnant or nursing women, and women's reproductive health.

### ***Self-employed farmers***

12. (1) Taking into consideration the views of representative organizations of selfemployed farmers, Members should make plans to extend progressively to selfemployed farmers the protection afforded by the Convention, as appropriate.

(2) To this end, national laws and regulations should specify the rights and duties of self-employed farmers with respect to safety and health in agriculture.

(3) In the light of national conditions and practice, the views of representative organizations of self-employed farmers should be taken into consideration, as appropriate, in the formulation, implementation and periodic review of the national policy referred to in Article 4 of the Convention.

13. (1) In accordance with national law and practice, measures should be taken by the competent authority to ensure that self-employed farmers enjoy safety and health protection afforded by the Convention.

(2) These measures should include:

(a) provisions for the progressive extension of appropriate occupational health services for self-employed farmers;

(b) progressive development of procedures for including self-employed farmers in the recording and notification of occupational accidents and diseases; and

(c) development of guidelines, educational programmes and materials and appropriate advice and training for self-employed farmers covering, inter alia:

(i) their safety and health and the safety and health of those working with them concerning work-related hazards, including the risk of musculoskeletal disorders, the selection and use of chemicals and of biological agents, the design of safe work systems and the selection, use and maintenance of personal protective equipment, machinery, tools and appliances; and

(ii) the prevention of children from engaging in hazardous activities.

14. Where economic, social and administrative conditions do not permit the inclusion of self-employed farmers and their families in a national or voluntary insurance scheme, measures should be taken by Members for their progressive coverage to the level provided for in Article 21 of the Convention. This could be achieved by means of:

(a) developing special insurance schemes or funds; or

(b) adapting existing social security schemes.

15. In giving effect to the above measures concerning self-employed farmers, account should be taken of the special situation of :

(a) small tenants and sharecroppers;

(b) small owner-operators;

(c) persons participating in agricultural collective enterprises, such as members of farmers' cooperatives;

(d) members of the family as defined in accordance with national law and practice;

(e) subsistence farmers; and

(f) other self-employed workers in agriculture, according to national law and practice.

## **APPENDIX 2**

**Opinion of the federal Department  
of Justice regarding the appropriate  
legislative jurisdiction in Canada  
for the instruments adopted in  
June 2001**



Department of Justice  
Canada

Ministère de la Justice  
Canada

Ottawa, Canada  
K1A 0H8

Telephone: (613) 957-4939  
Fax (613) 957-1403

January 29, 2002

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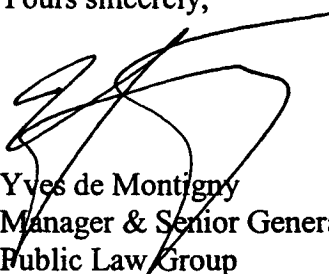
Mr. John McKennirey  
Director General  
Strategic Policy and  
International Labour Affairs (DGO)  
Human Resources Development Canada  
165 Hotel-de-Ville Street  
Hull QC K1A 0J9

Dear Mr. McKennirey:

I refer to your inquiry of November 21, 2001 regarding appropriate legislative jurisdiction in respect of Convention No. 184 and Recommendation No. 192 concerning Safety and Health in Agriculture, adopted by the International Labour Conference at its 89<sup>th</sup> Session (June 2001).

I have to advise that the subject matter of the above-mentioned instruments is partially within federal jurisdiction and partially within provincial jurisdiction.

Yours sincerely,



Yves de Montigny  
Manager & Senior General Counsel  
Public Law Group

Canada

## **APPENDIX 3**

**Record of the vote of the  
Canadian delegates at the  
Conference upon the adoption  
of the instruments in  
June 2001**

**Vote of Canadian delegates regarding the instruments adopted by the ILO Conference in June 2001**

**Convention 184 – Safety and Health in Agriculture**

<b>Total vote:</b> (All delegates at the Conference)	For:	402
	Against:	2
	Abstentions:	41
<b>Canada:</b>	Worker:	For
	Employer:	Abstention
	Government:	For

**Recommendation 192 – Worst Forms of Child Labour**

<b>Total vote:</b> (All delegates at the Conference)	For:	418
	Against:	n/a
	Abstentions:	33
<b>Canada:</b>	Worker:	For
	Employer:	Abstention
	Government:	For



## **APPENDIX 4**

**Text of Article 19 of the  
ILO Constitution  
regarding the obligation  
of ILO Members in respect  
of instruments adopted in June 2001**

## **Article 19**

### ***Conventions and Recommendations. Decisions of the Conference***

1. When the Conference has decided on the adoption of proposals with regard to an item on the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of an international Convention, or (b) of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention.

### ***Vote required***

2. In either case a majority of two-thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, by the Conference.

### ***Modifications for special local conditions***

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

\*

### ***Authentic texts***

4. Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.

### ***Obligations of Members in respect of Conventions***

5. In the case of a Convention

(a) the Convention will be communicated to all Members for ratification;

(b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before

the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;

- (c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;
- (d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;
- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

### ***Obligations of Members in respect of Recommendations***

#### **6. In the case of a Recommendation**

- (a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;
- (b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;
- (c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

### ***Obligations of federal States***

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system in whole or in part, for action by the constituent states, provinces, or cantons rather than for federal action, the federal government shall-
- i) make, in accordance with its Constitution and the Constitutions of the states, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than 18 months from the closing of the session of the Conference to the appropriate federal, state, provincial or cantonal authorities for the enactment of legislation or other action;
  - ii) arrange, subject to the concurrence of the state, provincial or cantonal governments concerned, for periodical consultations between the federal and the state, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations;
  - iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal state, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them;
  - iv) in respect of each such Convention which it has not ratified report to the Director-General of the International Labour Office at appropriate intervals

as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;

- v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

***Effect of Conventions and Recommendations on more favourable existing provisions***

- 8. In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.