

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM
FOR THE
**LABOUR INSPECTION (AGRICULTURE)
CONVENTION, 1969 (No. 129)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

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The Government may deem it useful to consult the appended text of the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

The Government is under no obligation to supply in its report on the application of the Convention information on the measures which may have been taken to give effect to the Recommendation as such; however, if the Government deems it useful to supply such information in its report, by way of information on practical application, this would make it possible to assess more precisely the extent to which the Convention is applied and the problems which may have arisen in its application.

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First reports

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

(a) any new legislative or other measures affecting the application of the Convention;

(b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organisations of employers and workers and on any observations received from these organisations;

(c) **replies to comments by supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which may have been addressed to your Government by the Committee of Experts or by the Conference Committee on the Application of Conventions and Recommendations.

Article 22 of the Constitution of the ILO

Report for the period to
made by the Government of

on the

LABOUR INSPECTION (AGRICULTURE) CONVENTION, 1969 (No. 129)

ratification registered on

- I. Please give a list of the legislation, administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done please forward copies of the said legislation, regulations, etc., to the International Labour Office with this report.**

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification.

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the legislation, administrative regulations, etc., or other measures taken by the competent authorities, which ensure the application of the various provisions of the Convention.**

If in your country ratification of the Convention gives the force of national law to its terms please indicate by virtue of what constitutional provisions ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain steps for its implementation, such as measures to define its scope and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts or the Conference Committee on the Application of Conventions and Recommendations has requested additional information or has made an observation on the measures adopted to apply the Convention please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

1. In this Convention the term "agricultural undertaking" means undertakings and parts of undertakings engaged in cultivation, animal husbandry including livestock production and care, forestry, horticulture, the primary processing of agricultural products by the operator of the holding or any other form of agricultural activity.

2. Where necessary, the competent authority shall, after consultation with the most representative organisations of employers and workers concerned, where such exist, define the line which separates agriculture from industry and commerce in such a manner as not to exclude any agricultural undertaking from the national system of labour inspection.

3. In any case in which it is doubtful whether an undertaking or part of an undertaking is one to which this Convention applies, the question shall be settled by the competent authority.

1. Please indicate the provisions of national laws or regulations which define the term "agricultural undertaking" for the purpose of the Convention.

2. Please indicate any decisions taken pursuant to paragraph 2 and the procedure followed for consultation with the most representative organisations of employers and workers.

Article 2

In this Convention the term "legal provisions" includes, in addition to laws and regulations, arbitration awards and collective agreements upon which the force of law is conferred and which are enforceable by labour inspectors.

Article 3

Each Member of the International Labour Organisation for which this Convention is in force shall maintain a system of labour inspection in agriculture.

Article 4

The system of labour inspection in agriculture shall apply to agricultural undertakings in which work employees or apprentices, however they may be remunerated and whatever the type, form or duration of their contract.

Please indicate the provisions of national laws or regulations which determine the agricultural undertakings subject to the system of labour inspection in agriculture and the various categories of workers for whose protection the labour inspectorate is responsible.

Article 5

1. Any Member ratifying this Convention may, in a declaration accompanying its ratification, undertake also to cover by labour inspection in agriculture one or more of the following categories of persons working in agricultural undertakings:

- (a) tenants who do not engage outside help, sharecroppers and similar categories of agricultural workers;
- (b) persons participating in a collective economic enterprise, such as members of a co-operative;
- (c) members of the family of the operator of the undertaking, as defined by national laws or regulations.

2. Any Member which has ratified this Convention may subsequently communicate to the Director-General of the International Labour Office a declaration undertaking to cover one or more of the categories of persons referred to in the preceding paragraph which are not already covered in virtue of a previous declaration.

3. Each Member which has ratified this Convention shall indicate in its reports under article 22 of the Constitution of the International Labour Organisation to what extent effect has been given or is proposed to be given to the provisions of the Convention in respect of such of the categories of persons referred to in paragraph 1 of this Article as are not covered in virtue of a declaration.

1 and 2. If a declaration has been communicated under paragraphs 1 or 2 of this Article, please indicate whether any special problems have been encountered by the labour inspection service in the exercise of its functions in respect of the categories of persons enumerated in paragraph 1 and any practical measures taken to resolve these problems.

3. Please supply the information requested in paragraph 3.

Article 6

1. The functions of the system of labour inspection in agriculture shall be—

- (a) to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work, such as provisions relating to hours, wages, weekly rest and holidays, safety, health and welfare, the employment of women, children and young persons, and other connected matters, in so far as such provisions are enforceable by labour inspectors;
- (b) to supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions;
- (c) to bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions and to submit to it proposals on the improvement of laws and regulations.

2. National laws or regulations may give labour inspectors in agriculture advisory or enforcement functions regarding legal provisions relating to conditions of life of workers and their families.

3. Any further duties which may be entrusted to labour inspectors in agriculture shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

1. Please indicate: (a) the legal provisions (within the meaning of Article 2) for whose enforcement the system of labour inspection in agriculture is responsible; and (b) the legislative or practical measures by virtue of which the said system is assigned the functions referred to in paragraph 1 (b) and (c) of this Article.

2. Please indicate any functions of the kind referred to in paragraph 2 of this Article which have been assigned to labour inspectors in agriculture and the manner in which they are exercised in practice.

3. If any functions other than those provided for in paragraphs 1 and 2 are assigned to inspectors, please specify their nature and indicate the measures taken to ensure that they are exercised in accordance with the conditions laid down in paragraph 3.

Article 7

1. So far as is compatible with the administrative practice of the Member, labour inspection in agriculture shall be placed under the supervision and control of a central body.

2. In the case of a federal State, the term "central body" may mean either one at federal level or one at the level of a federated unit.

3. Labour inspection in agriculture might be carried out for example—

- (a) by a single labour inspection department responsible for all sectors of economic activity;
- (b) by a single labour inspection department, which would arrange for internal functional specialisation through the appropriate training of inspectors called upon to exercise their functions in agriculture;
- (c) by a single labour inspection department, which would arrange for internal institutional specialisation by creating a technically qualified service, the officers of which would perform their functions in agriculture; or
- (d) by a specialised agricultural inspection service, the activity of which would be supervised by a central body vested with the same prerogatives in respect of labour inspection in other fields, such as industry, transport and commerce.

1. *Please indicate the authority under whose supervision and control the system of labour inspection in agriculture is placed.*

2. *In the case of federal States please indicate in what manner competence for labour inspection in agriculture is apportioned between the federal authorities and the federated units.*

3. *Please describe briefly the structure, or communicate the organisation chart, of the labour inspection services in agriculture and indicate, where appropriate, in what manner the functional specialisation of officers called upon to exercise inspection activities in agriculture is ensured.*

Article 8

1. The labour inspection staff in agriculture shall be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.

2. So far as is compatible with national laws or regulations or with national practice, Members may include in their system of labour inspection in agriculture officials or representatives of occupational organisations, whose activities would supplement those of the public inspection staff; the persons concerned shall be assured of stability of tenure and be independent of improper external influences.

1. *Please supply particulars concerning the status and conditions of service of the labour inspection staff in agriculture.*

2. *Please indicate whether and in what manner officials or representatives of occupational organisations have been included in the system of labour inspection. If they have been so included, please give details of their status, their conditions of service and the powers granted to them in the exercise of their functions.*

Article 9

1. Subject to any conditions for recruitment to the public service which may be prescribed by national laws or regulations, labour inspectors in agriculture shall be recruited with sole regard to their qualifications for the performance of their duties.

2. The means of ascertaining such qualifications shall be determined by the competent authority.

3. Labour inspectors in agriculture shall be adequately trained for the performance of their duties and measures shall be taken to give them appropriate further training in the course of their employment.

1 and 2. *Please indicate the conditions governing recruitment of labour inspectors in agriculture.*

3. *Please indicate the measures taken to give labour inspectors in agriculture, upon their entry into service and in the course of employment, adequate training for the performance of their duties.*

Article 10

Both men and women shall be eligible for appointment to the labour inspection staff in agriculture; where necessary, special duties may be assigned to men and women inspectors.

Please indicate whether women are equally eligible for appointment to the labour inspection staff in agriculture as men and, if so, whether such staff in fact includes women and whether any special duties are assigned to them.

Article 11

Each Member shall take the necessary measures to ensure that duly qualified technical experts and specialists, who might help to solve problems demanding technical knowledge, are associated in the work of labour inspection in agriculture in such manner as may be deemed most appropriate under national conditions.

Please indicate the manner in which technical experts and specialists are associated in the work of labour inspection in agriculture.

Article 12

1. The competent authority shall make appropriate arrangements to promote effective co-operation between the inspection services in agriculture and government services and public or approved institutions which may be engaged in similar activities.

2. Where necessary, the competent authority may either entrust certain inspection functions at the regional or local level on an auxiliary basis to appropriate government services or public institutions or associate these services or institutions with the exercise of the functions in question, on condition that this does not prejudice the application of the principles of this Convention.

1. *Please indicate the measures taken to give effect to paragraph 1 of this Article.*

2. *If recourse is had to the possibility provided for by paragraph 2, please indicate the government services or institutions to which certain inspection duties have been entrusted, the nature of these duties, the manner in which they are carried out, and whether these inspection activities are subject to supervision by the central authority.*

Article 13

The competent authority shall make appropriate arrangements to promote collaboration between officials of the labour inspectorate in agriculture and employers and workers, or their organisations where such exist.

Please indicate the measures taken to give effect to the provisions of this Article.

Article 14

Arrangements shall be made to ensure that the number of labour inspectors in agriculture is sufficient to secure the effective discharge of the duties of the inspectorate and is determined with due regard for—

- (a) the importance of the duties which inspectors have to perform, in particular—
 - (i) the number, nature, size and situation of the agricultural undertakings liable to inspection;
 - (ii) the number and classes of persons working in such undertakings; and
 - (iii) the number and complexity of the legal provisions to be enforced;
- (b) the material means placed at the disposal of the inspectors; and
- (c) the practical conditions under which visits of inspection must be carried out in order to be effective.

Please provide information: (a) on the number of labour inspectors in agriculture and their distribution by categories, indicating in particular the number of inspectors assigned functions of a technical or specialised character; and (b) on the geographical distribution of labour inspection offices in agriculture.

If such information is included in the report communicated to the International Labour Office in accordance with Articles 26 and 27, reference may be made to this report.

Article 15

1. The competent authority shall make the necessary arrangements to furnish labour inspectors in agriculture with—

- (a) local offices so located as to take account of the geographical situation of the agricultural undertakings and of the means of communication, suitably equipped in accordance with the requirements of the service, and, in so far as possible, accessible to the persons concerned;
- (b) the transport facilities necessary for the performance of their duties in cases where suitable public facilities do not exist.

2. The competent authority shall make the necessary arrangements to reimburse to labour inspectors in agriculture any travelling and incidental expenses which may be necessary for the performance of their duties.

1. *Please supply information on the material facilities (offices, transport facilities) furnished to labour inspectors in agriculture.*

2. *Please indicate the legislative or other measures adopted with a view to reimbursing inspectors for the expenses referred to in paragraph 2 of this Article.*

Article 16

1. Labour inspectors in agriculture provided with proper credentials shall be empowered—

- (a) to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection;

- (b) to enter by day any premises which they may have reasonable cause to believe to be liable to inspection;
- (c) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the legal provisions are being strictly observed, and in particular—
 - (i) to interview, alone or in the presence of witnesses, the employer, the staff of the undertaking or any other person in the undertaking on any matters concerning the application of the legal provisions;
 - (ii) to require, in such manner as national laws or regulations may prescribe, the production of any books, registers or other documents the keeping of which is prescribed by national laws or regulations relating to conditions of life and work, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them;
 - (iii) to take or remove for purposes of analysis samples of products, materials and substances used or handled, subject to the employer or his representative being notified of any products, materials or substances taken or removed for such purposes.

2. Labour inspectors shall not enter the private home of the operator of the undertaking in pursuance of subparagraph (a) or (b) of paragraph 1 of this Article except with the consent of the operator or with a special authorisation issued by the competent authority.

3. On the occasion of an inspection visit, inspectors shall notify the employer or his representative, and the workers or their representatives, of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

1. *Please indicate the provisions of national laws or regulations which give effect to the respective clauses of paragraph 1 of this Article.*

2 and 3. *Please indicate the legal provisions giving effect to paragraphs 2 and 3 of this Article and the manner in which these provisions are applied in practice.*

Article 17

The labour inspection services in agriculture shall be associated, in such cases and in such manner as may be determined by the competent authority, in the preventive control of new plant, new materials or substances and new methods of handling or processing products which appear likely to constitute a threat to health or safety.

Please indicate in which cases and under what conditions the labour inspection services in agriculture are associated in the preventive control referred to in this Article.

Article 18

1. Labour inspectors in agriculture shall be empowered to take steps with a view to remedying defects observed in plant, layout or working methods in agricultural undertakings, including the use of dangerous materials or substances, which they may have reasonable cause to believe constitute a threat to health or safety.

2. In order to enable inspectors to take such steps they shall be empowered, subject to any right of appeal to a legal or administrative authority which may be provided by law, to make or have made orders requiring—

- (a) such alterations to the installation, plant, premises, tools, equipment or machines, to be carried out within a specified time limit, as may be necessary to secure compliance with the legal provisions relating to health or safety; or
- (b) measures with immediate executory force, which can go as far as halting the work, in the event of imminent danger to health or safety.

3. Where the procedure described in paragraph 2 is not compatible with the administrative or judicial practice of the Member, inspectors shall have the right to apply to the competent authority for the issue of orders or for the initiation of measures with immediate executory force.

4. The defects noted by the inspector when visiting an undertaking and the orders he is making or having made in pursuance of paragraph 2 or for which he intends to apply in pursuance of paragraph 3 shall be immediately made known to the employer and the representatives of the workers.

1 and 2. *Please indicate the provisions of national laws or regulations which confer on labour inspectors in agriculture the powers provided for in paragraph 2 (a) and (b) of this Article, as well as the procedures through which they may exercise these powers.*

3. *In cases in which paragraph 3 is applicable, please indicate which is the competent authority within the meaning of this paragraph and the procedure followed in such cases.*

4. *Please indicate in what manner effect is given to paragraph 4 of this Article.*

Article 19

1. The labour inspectorate in agriculture shall be notified of occupational accidents and cases of occupational disease occurring in the agricultural sector in such cases and in such manner as may be prescribed by national laws or regulations.

2. As far as possible, inspectors shall be associated with any inquiry on the spot into the causes of the most serious occupational accidents or occupational diseases, particularly of those which affect a number of workers or have fatal consequences.

Please indicate the provisions of national laws or regulations and the practical measures which give effect to this Article.

Article 20

Subject to such exceptions as may be made by national laws or regulations, labour inspectors in agriculture—

- (a) shall be prohibited from having any direct or indirect interest in the undertakings under their supervision;
- (b) shall be bound on pain of appropriate penalties or disciplinary measures not to reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to their knowledge in the course of their duties; and
- (c) shall treat as absolutely confidential the source of any complaint bringing to their notice a defect, a danger in working processes or a breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

Please indicate the legal provisions giving effect to this Article.

Article 21

Agricultural undertakings shall be inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

Please give information on the practical measures taken to ensure the effectiveness of the inspection of agricultural undertakings in accordance with this Article, indicating if possible the frequency rate of inspection visits.

Article 22

1. Persons who violate or neglect to observe legal provisions enforceable by labour inspectors in agriculture shall be liable to prompt legal or administrative proceedings without previous warning: Provided that exceptions may be made by national laws or regulations in respect of cases in which previous notice to carry out remedial or preventive measures is to be given.

2. It shall be left to the discretion of labour inspectors to give warning and advice instead of instituting or recommending proceedings.

1. *Please indicate the legal provisions which give effect to paragraph 1 of this Article.*

2. *Please indicate whether inspectors enjoy the discretion provided for in paragraph 2.*

Article 23

If labour inspectors in agriculture are not themselves authorised to institute proceedings, they shall be empowered to refer reports of infringements of the legal provisions directly to an authority competent to institute such proceedings.

Please describe the procedure followed for the institution of proceedings in case of infringements of the legal provisions.

Article 24

Adequate penalties for violations of the legal provisions enforceable by labour inspectors in agriculture and for obstructing labour inspectors in the performance of their duties shall be provided for by national laws or regulations and effectively enforced.

Please indicate the provisions of national laws or regulations which lay down penalties for violations of the legal provisions enforceable by labour inspectors in agriculture and for obstructing labour inspectors in the performance of their duties.

Article 25

1. Labour inspectors or local inspection offices, as the case may be, shall be required to submit to the central inspection authority periodical reports on the results of their activities in agriculture.

2. These reports shall be drawn up in such manner and deal with such subjects as may from time to time be prescribed by the central inspection authority; they shall be submitted at least as frequently as may be prescribed by that authority and in any case not less frequently than once a year.

Please indicate the measures taken to give effect to the provisions of this Article.

If possible, please attach sample copies of reports of inspectors or local inspection offices.

Article 26

1. The central inspection authority shall publish an annual report on the work of the inspection services in agriculture, either as a separate report or as part of its general annual report.

2. Such annual reports shall be published within a reasonable time after the end of the year to which they relate and in any case within twelve months.

3. Copies of the annual reports shall be transmitted to the Director-General of the International Labour Office within three months after their publication.

Article 27

The annual report published by the central inspection authority shall deal in particular with the following subjects, in so far as they are under the control of the said authority:

- (a) laws and regulations relevant to the work of labour inspection in agriculture;
- (b) staff of the labour inspection service in agriculture;
- (c) statistics of agricultural undertakings liable to inspection and the number of persons working therein;
- (d) statistics of inspection visits;
- (e) statistics of violations and penalties imposed;
- (f) statistics of occupational accidents, including their causes;
- (g) statistics of occupational diseases, including their causes.

If the reports referred to in Articles 26 and 27 have not yet been communicated to the ILO, please indicate whether they are regularly drawn up and published within the country.

- III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.
- IV. Please give a general appreciation of the manner in which the Convention is applied, and information on any practical difficulties encountered in the application of the Convention.
- V. Please indicate the representative organisations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organisations of employers and/or workers, or if they have been communicated to bodies other than such organisations, please supply information on any particular circumstances existing in your country which explain the procedure followed.

Please indicate whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: " Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

ANNEX

The text of the

**LABOUR INSPECTION (AGRICULTURE) RECOMMENDATION, 1969
(NO. 133)**

is not reproduced here.

Please consult ILOLEX or other publications containing the text of ILO
Recommendations.