



4.01 Strengthen Labour Regulations by Placing People’s Dignity and Rights at the Centre

1. What, in brief, is the solution?

The solution is a rights-based framework for regulations that is intersectional and includes labour rights, social protections, incorporates UN human rights conventions, builds people power, and challenges any forms of neo-colonisation of Indigenous peoples. An increased focus on agency and on sustainability as core dimensions of food security and nutrition, as called for by the HLPE (2020) can help frame the importance of labour regulations in food systems.

First and foremost, international labour and human rights instruments must be ratified and incorporated into domestic regulations. This includes adoption of the 12 ILO Fundamental Rights Conventions and of other Conventions which are specifically relevant for food systems. These are ILO Convention No. 184 on Safety and Health in Agriculture (2001) (as agriculture, including fishing, is one of the three most dangerous occupations in which to work in terms of fatalities, serious injuries and occupational disease); ILO Convention No. 188 on Work in Fishing (2007); ILO Convention No. 190 on Violence and Harassment (2019); ILO Convention Nos. 97 and 143 on Migrant Workers; ILO Convention No. 105 on Abolition of Forced Labour (1957); ILO Convention No. 182 on Worst Forms of Child Labour Convention (1999); ILO Convention No. 138 on Minimum Age for Employment (1973); ILO Convention No. 100 on Equal Remuneration (1951); ILO Convention No. 122 on Employment Policy (1964); ILO Convention No. 111 on Discrimination (Employment and Occupation, 1958); ILO Convention No. 81 on Labour Inspection (Industry and Commerce, 1947); ILO Convention No. 129 on Labour inspection (Agriculture, 1947); ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize (1948); ILO Convention No. 98 on the Right to Organize and Collective Bargaining (1949); and ILO Convention No. 144 on Tripartite Consultation.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families must also be ratified and the Convention for Elimination of all Forms of Racial Discrimination (CERD) must be meaningfully incorporated into all labour provisions. Discrimination in food production issues must be understood from an intersectional perspective considering indigeneity, race, gender, sexual identity, class, religion and other markers listed in the Convention for Elimination of all Forms of Racial Discrimination. Special attention must be made to precarious immigration status of foreign migrant farm workers and their residence status must be regularized.

All labourers in the food system must have guaranteed rights to: adequate food of good nutritional quality, be paid a living wage, direct employment (especially for migrant workers), social protection, freedom of association and collective bargaining, decent health and safety conditions in workplaces, for workers to remove themselves from danger, regular hours of work and avoidance of excessive overtime, paid sick leave (especially during isolation and quarantine during health crises), and importantly, protection by government labour inspection services.

Legislation is required for organizing and supporting existing worker associations that focus on wet-market vendors, street food operators, and micro and small enterprises across rural-urban value chains (i.e. in rural communities as well as urban informal settlements, peri-urban areas, etc.). Actors in the informal food economy are vital for creating rural-urban linkages - linking small-scale farms to urban markets - for supporting food security in low-income communities, and for creating livelihood options for low-income women and the working poor. Yet in many places, informal food workers (especially in urban areas) are the target of ongoing state-sanctioned evictions, bribes, confiscations, and harassment.

Secondly, the principles of these Conventions and a rights-based framework must permeate through all agricultural regulations and policies, including certification standards such as the Codex Alimentarius. Currently, the food standards, guidelines, and codes of practices contained in the Codex Alimentarius,



developed in part by the FAO, make no mention of labour standards. The purpose of the Codex Alimentarius is not only to promote the health of global consumers but also to ensure fair practices within the food trade. Fair practices within food systems cannot be meaningfully advanced without taking into account the poor labour conditions of food workers.

Thirdly, measures must be put in place to ensure compliance with and enforcement of labour rights standards and regulations at the national and international level. Given the complexity of the agricultural labour, compliance and enforcement must address the intersections of labour, human rights, and food security. Special attention must be given to migrant workers (from outside of the country) so that they have equivalent levels of working and living conditions to domestic workers. As per the suggestions of the UN Special Rapporteur on the Right to Food, the ILO should become a full member of the Committee on World Food Security (CFS), and the outcomes of the FSS should be taken forward and implemented through the CFS. The CFS could make use of ILO's system of "periodic reports" on conventions, which is already in place, to periodically review progress by governments and the social partners on implementing labour conventions, as well human rights conventions, to ensure equitable livelihoods for agricultural/food workers. Representatives of the ILO-CFS committee can contribute to improved human rights monitoring by reporting on the country they are placed in and liaising with domestic law-making bodies to promote improved labour practices and human rights standards.

In addition, there should be mechanisms for monitoring by community groups and networks. Meaningful association and collective bargaining rights should ensure the formation of workers collectives, including those of foreign and migrant workers, and unions who can ensure accountability and enforcement of their rights. Being able to associate meaningfully includes protection from employer reprisals and suppression of collective resistance. The ILO and other groups have also suggested tools such as a Strategic Compliance Portal and Public Audits that use "bottom-up" solutions to ensure accountability and compliance.

2. What problem is it trying to address within food systems?

The United Nations food security framework, and the trade and labour policy which stems from it, has long been lacking robust regulations to protect the rights, livelihoods, and dignity of workers in the agri-food sector. Mr. Michael Fakhri, UN Special Rapporteur on the Right to Food, in his first [report](#) to the United Nations General Assembly acknowledged that the trade regime fails to adequately acknowledge and uphold the human rights of marginalized food workers (including agricultural workers). The conception of food workers includes wage workers as their labour is essential to food production. The reality is that the vast majority of food production is made possible through wage labourers who are given nominal wages and little to no legal protections, meanwhile wealth and power is centralized in a small number of private entities. The current regulations and policies, if any, have created an access to justice crisis for labourers in food systems. The gap created by the lack of regulations, policies and enforcement mechanisms has not only reduced the visibility of labourers in the trade regime but has also further marginalized food workers who are vulnerable to human rights abuses. Addressing the deprivation and denial of human rights is a central component to promoting equality and advancing the livelihood of workers in food systems.

The global threat caused by COVID-19 has highlighted the fragility of our food system and has exacerbated existing inequalities in livelihoods within food systems, particularly for migrant farm workers. The Working Group on Global Food Governance of the Civil Society and Indigenous Peoples' Mechanism (CSM) for relations with the UN Committee on World Food Security (CFS) reports that "the absence of decent work for the vast majority of those around the world working in agriculture" has been at the heart of the poverty and inequality crisis. Workers, including migrant workers living and working on plantations, on farms of all sizes, in orchards, greenhouses, packing stations, and supermarkets are



excluded from basic protective measures, including labour rights, human rights, health safety measures, and social security. As early as 2007, a joint report by the FAO, ILO and IUF pointed out that “a key challenge from these Summits is to ensure full recognition of waged agricultural workers as a distinct occupational group; as workers who have much to contribute to sustainable agriculture, sustainable development and food security in terms of knowledge, skills and experience; and as a social group who must be empowered to tackle the poverty in which many of them live. The right of agricultural workers and small farmers to adequate food and sustainable livelihoods can only be achieved as part of a package of ensuring wider social and political rights.” Waged agricultural workers include permanent workers, casual, temporary or seasonal workers, migrant workers, Indigenous rural workers, and wage-dependent small farmers, across the food chain, from the fields and fisheries to the supermarkets and street vendors.

In addition, the specific concerns of migrant and racialized farm workers, as well as women farmers, requires special attention as they face unique discrimination and disadvantages related to legal status, gender, and disability. The most exploited food workers are often those who are systemically marginalized in societies, socially, politically, and culturally, such as migrant workers, racialized workers and workers belonging to discriminated and indigenous groups, for example, Dalit farm workers in India or workers from Mayan communities in Central America and Mexico. Wage workers, seasonal workers, and women workers are systematically denied legal protections that workers in other industries have and in food system sectors where large and corporate farms and markets dominate.

The profound inequality of power between large corporate interests and labour must be directly addressed. The sustainability of food systems cannot be advanced without the improvement of labour standards and human rights for food workers. Mr. Fakhri has illustrated this notion best in maintaining that “the fulfilment of the right to food for one cannot come at the expense of another”.

3. How can this solution address that problem (theory of change)?

Robust policy and regulation reform is required in order to advance access to justice for food workers. The primary systemic access to justice barriers that food workers are faced with include a) lack of adoption of international human rights and labour standards in the legislation b) lack of enforcement of the standards in the domestic system and c) lack of collective bargaining rights and discouragement of worker organization, which in turn leads to d) a lack of knowledge of their rights and entitlements e) precarious employment or legal status which has a chilling effect on bringing forward complaints where rights have been deprived or denied, f) the egregious power imbalance between labourers and employers which further marginalizes food workers, g) overly complex and bureaucratized dispute resolution mechanisms and h) the lack of accountability among state actors and the prevalence of impunity of employers and corporate interests. The first step to address the access to justice crisis for food workers is to increase access for labourers to rights and entitlements under the law. Secondly, the power imbalance, and the precarious working conditions that directly flow, must be counteracted with policy and regulation reform which requires that employers are accountable to uphold the human rights and dignity of food workers. Lastly, collective organization, public and international audits, and dispute resolution mechanisms can be reimagined to center the voice of food workers by creating avenues for food workers to demand protection without fear of reprisal. Implementation on a domestic scale must be closely observed to align strengthened labour standards on a global scale. Labour policy reform can create more effective social dialogue between labourers and employers by empowering labourers at the grassroots level to organize and advocate on their interests.