

## S.18 Recognition and Promotion of Health and Safety as a Fundamental Labour and Human Right in Food Systems

### 1. What, in brief, is the solution?

Health and safety is a fundamental labour and human right, enshrined in UN Human Rights Conventions such as the International Covenant on Economic, Social and Cultural Rights of 1966, ILO Convention No. 155 Concerning Occupational Safety and Health and the Working Environment, and the UN Convention on the Rights of Persons with Disabilities. As much of labour along the food system are deemed dirty, dangerous and difficult (“3D”) the right to health and safety must be recognized and enforced in food systems. It is not only the duty of states because of their labour and human rights obligations but also the responsibility of businesses as recognized in the UN Guiding Principles on Business and Human Rights.

The ILO Centenary declaration (2019) proposed that Occupational Health and Safety (OHS) be classed as a fundamental Convention – so to join the 8 ILO fundamental Conventions on Freedom of association and the right to organise, collective bargaining, equality, no discrimination, no forced labour, and no child labour. Recognition of a Convention as “fundamental” brings important obligations on ILO member states who by virtue of being ILO members are expected to implement the main requirements of the fundamental Convention(s) in their laws. Health and safety can’t be protected without the right to organize and a union contract. So decent health and safety conditions, freedom of association, collective bargaining - and the rights that go with them - must be part of the same package.

Promoting Health and safety as a fundamental labour and human right includes:

- Ensuring other UN organisations and international agencies incorporate health and safety as a fundamental labour and human right in their founding governance charters, constitutions, rules etc. and develop and promote policies, programmes and activities to improve health and safety conditions in food systems workplaces.
- Ensuring and strengthening national government Health and Safety Policies, which are either nonexistent or remain weak in agriculture and other food sectors.
- Removing agricultural exemption from labour and health and safety laws. Agricultural workers have a long history of exemption from labour and health and safety laws protecting workers in industry and commerce. Their labour rights are often not recognized, or only poorly so, by governments and employers. This history of exemption must end. Workers in food systems must have the same rights, and enjoy similar levels of health and safety protection, to workers in industry and commerce, including the right to refuse unsafe work without reprisal.
- Ensuring decent health and safety standards are incorporated as a key element in improved labour market governance - local and national, urban, and rural.
- Strengthening workers’ compensation regimes for agricultural workers, including making them more responsive to a mobile and migrant workforce. When agricultural workers can meaningfully access workers’ compensation, injured workers are better protected from disability-related unemployment and loss of livelihood. A system which includes increased premium rates for employers that cause injuries and illnesses among workers creates a financial incentive for creating safer workplaces, as seen in countries like Canada.

- Strengthening government Labour Inspection in food systems. It is acknowledged by ILO governing bodies that government labour inspection in agriculture - which should be a central pillar of any National Health and Safety Policy on Agriculture - is either non-existent or so weak as to be totally ineffective. So, farm and plantation workers do not enjoy the protection provided by routine visits of government labour inspectors to farms and plantations.
- Ensuring businesses - Small and Medium-sized enterprises (SMEs) in particular - are helped, and given technical support where necessary, to implement preventative health and safety risk control measures and programmes in food systems workplaces in order to prevent/reduce fatalities, injuries and occupational disease, and negative impacts on the environment and neighboring communities.
- Ensuring that Government labour inspectors in agriculture must have appropriate qualifications, knowledge, training, experience, and skills so that they can be “competent” to deal authoritatively with health and safety issues and gain the respect and confidence of employers and workers
- Having legally empowered and elected/designated worker health and safety representative systems (what are termed as “roving » worker health and safety systems). Workers on farms and plantations and in food factories etc. often lack any form of representation. Such representatives are the backbone of worker organization on health and safety in the workplace, and work with employers daily to improve conditions. These worker representatives are *not* the same as worker representatives on workplace health and safety committees who deal with health and safety issues in a different manner.
- Ensuring food system workers are fully covered by social protection measures. Only 20% of agricultural workers are covered by and any form of social protection which includes health insurance (See the game changing Solution on Social Protection which lists the 9 elements of SP).

It would help:

- Ensure equitable livelihoods and dignity for those essential workers who produce and process our food, deliver it, and prepare and serve it in restaurants, cafés, bars, and canteens.
- Boost national and international efforts, activities and programmes to improve health and safety conditions for all workers, especially those in agricultural/food industries, including “blue food sector” industries.
- Focus attention on especially vulnerable groups in the food systems workforce such as migrant workers.
- Businesses to demonstrate their commitment to respecting and promoting human rights in food systems (Do we quote the UN Guiding Principles on Business and Human Rights).
- Improving health and safety conditions to become an integral part of promoting and strengthening the territorial governance of food systems.
- Attract young persons into agriculture seeing it a sector with multiple opportunities rather than how it often characterised at present as a profession which is: Dangerous, Dirty, and Dead End. Attracting youth is vital to counter the problem that farmers and farmworkers are often an ageing and less productive workforce.
- Attract women workers into the sector including helping them attain more supervisory and management positions.
- Ensure food security and good nutrition for all based on forward thinking and forward moving food systems.

Protecting the health and safety of essential workers in food systems by recognition of their rights and improving working/health and safety conditions in agricultural industries, would also bring benefits and “solutions” for the public, food consumers and the environment. Examples include:

Improving pesticide risk management:

- As well as protecting workers, it can help reduce spray drift contamination and the risk of poisoning of people living in communities near to the farms or plantations.
- Can improve food safety protection measures for consumers by reducing pesticide residues in crop, livestock and aquacultural food products. (Another example would be reducing antimicrobial drug use, and therefore drug residues, in livestock and fish/crustacean production.
- Can improve protection of the environment by preventing and reducing aquatic, soil and aerial pollution, and biodiversity from pesticides, including groundwater.

## **2. What was/were the source(s) from which this solution emerged?**

The solution emerged from the new emphasis on labour rights as human rights, including the focus on business and human rights. Plus, the realization that agriculture, if it is to be truly agroecological and sustainable, must drastically reduce the staggering annual numbers of deaths, injuries and occupational disease among farmers, agricultural workers and fishers as detailed in Section 3 below. The impact of Covid 19 on workers on farms, plantations and food factories etc. has added more misery to the already grim statistics. As farmers and waged agricultural workers figure prominently amongst the 65% of the world’s core poor who work in agriculture, the SDGs have highlighted their vulnerability and focused attention and support on making their lives and livelihoods more equitable.

Plus, the growing realization among agricultural stakeholders and food consumers that the realisation of global food security and nutrition for all, and achievement of the SDG goals of ending poverty and hunger and SDG 8: Decent Work and Economic Growth: Creating jobs for all to improve living standards, providing sustainable economic growth, must be based the recognition of health and safety as a fundamental labour and human right.

Plus, the growing demand from consumers for food that is produced in a wholesome manner and where the labour and human rights of those who produce our food are respected, and farmers receive a fair price for their products and agricultural workers receive fair wages for their labour and skills.

## **3. What problem is it trying to address within food systems?**

The main problem is that many work activities in agriculture and fishing are, and remain, high risk. As a result, in terms of fatalities, injuries and occupational disease, agriculture along with capture fishing, is acknowledged as one of the three most dangerous occupations in which to work. An estimated 170,000 thousand farmers and agricultural workers in crop, livestock and aquacultural production are killed at work EACH YEAR. If all the FSS talk about reforming and strengthening food systems is to have any real meaning, then this human slaughter must be stopped.

The specific problems on health and safety which need to be addressed by FSS include, inter alia:

- Nationally, Government Health and Safety Policies are either nonexistent or remain weak in agriculture and the food sectors. Such policies must be drawn up or strengthened where they exist.
- Agricultural workers have a long history of exemption from labour and health and safety laws protecting workers in industry and commerce. Their labour rights are often not recognised, or only poorly so, by governments and employers. This history of exemption must end. Workers in food systems must have the same rights, and enjoy similar levels of health and safety protection, to workers in industry and commerce.
- It is acknowledged by ILO governing bodies that government labour inspection in agriculture - which should be a central pillar of any National Health and Safety Policy on Agriculture - is either nonexistent or so weak as to be totally ineffective. So farm and plantation workers do not enjoy the protection provided by routine visits of government labour inspectors to farms and plantations. Labour inspection in food systems must be set up or strengthened.
- Furthermore, government labour inspectors may be “general” inspectors and not “competent persons” on health and safety issues - meaning they lack qualifications, knowledge, training, experience and skills. So, government labour inspectors in agriculture must have appropriate qualifications, knowledge, training, experience, and skills if they are to be “competent” with deal authoritatively with health and safety issues and gain the respect and confidence of employers and workers
- Workers on farms and plantations and in food factories etc. often lack any form of legally empowered and elected/designated worker health and safety representative systems (including a lack of what are termed, “roving worker health and safety systems). Such representatives are the backbone of worker organisation on health and safety in the workplace, and work with employers daily to improve conditions. These worker representatives are *not* the same as worker representatives on workplace health and safety committees who deal with health and safety issues in a different manner.
- Health and safety are also linked to social protection measures which are generally weak in agriculture. Only 20% of agricultural workers are covered by and any form of social protection which includes health insurance (ADD the 9 elements of SP). Food system workers must be fully covered by social protection measures.

#### **4. Why is addressing that problem important for achieving the goal of your working group?**

An important element of ensuring equitable and sustainable livelihoods means ensuring decent health and safety conditions at work based on labour rights, social protection, and linked to decent wages. Agriculture often has a poor reputation in terms of health and safety - it is often characterised as Dirty, Dead End and Dangerous.

Changing this image and the reality of high risk, poorly managed, life and health threatening work activities is a major challenge for constituents and activists in food systems reform. Success in drastically reducing the number of fatalities, injuries and levels of occupational disease in agricultural/food industries, including the blue food industries, in the follow up to the Summit will be a key indicator of the success and achievements of the Summit itself.

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

The need to make food systems more dynamic and forward thinking and looking must include national and international action to prevent and reduce the drastic toll of human life and health in agriculture/food production.

Radically improving health and safety conditions and standards in agricultural/food industries, based on the recognition of health and safety as a basic right, is one of the key changes needed to make agricultural/food production truly agroecological and sustainable.

**6. Why does this solution align to the definition and criteria for a ‘game changing solution’ developed by the Summit?**

It aligns in the following ways

- Driving realization of labour and human rights in food systems
- Being scalable given institutional and legal architectures and mechanisms and
- Impactful given huge numbers in the workforce in food systems (1.5 billion plus)

**7. What do you think are the key actions required to address this solution? Please mention the implementation approach for 3 levels, if appropriate:**

- Recognition of health and safety as a fundamental labour and human right, including in food systems involving.
- Recognition by ILO and other UN agencies and international bodies
- Recognition by governments
- Recognition by the business corporations any by the business community in general
- Recognition by farmers organisations and networks
- Recognition by CSOs

**8. What is the current and/or likely political support for this idea?**

There is growing support for this idea of the “right to health and safety” being declared a fundamental labour and human right. In 2022, the ILO tripartite governing bodies will debate whether to include the “right to health and safety” as a fundamental labour right.

It is important that other international organisations/bodies do likewise and declare that right to health and safety” is a fundamental labour and human right as part of modernised and forward thinking and forward moving food systems. This would not only ensure equitable livelihoods for the workforce but ensure food security and good nutrition for all. Included within this right to health and safety must be a right to workers’ compensation. When health and safety measures fall short, those who become sick or injured as part of the food system must themselves still have food security and income replacement, which is provided for by a meaningful and enforceable workers compensation system.

It is important that corporations and the business community in general, linked to their promotion of human rights, actively support, and help spearhead, the transformation of agricultural/food industries, including blue food industries, into safer and healthier places to work, and with less adverse environmental and inhumane impacts.

Also, that farmers organizations and networks recognise and support a radical improvement of health and safety conditions on farms and plantations and in blue food production sites

Trade unions in agriculture/food industries, including blue food production sites, would actively support moves to make workplaces safer and healthier, and to lower their environmental impacts

**9. Are there certain contexts for which this solution is particularly well suited, or, not well-suited?**

The solution is well suited for all agricultural contexts - crop, livestock and aquacultural production - and for all occupational groups in the food systems workforce. (EXPAND)