



International Labour Standards for Plantation Work

The following guidance is provided based on international labour standards. It is advisable to also consult relevant national standards. National employers and workers organizations may also be a good source of information on national law, collective bargaining agreements and customs pertaining to housing for workers.

ILO has adopted a convention and recommendation specifically for plantation workers.¹ Key provisions are summarized below.

Recruitment

- ➔ Recruitment of migrant workers should be carried out only by entities which have been licensed by the competent authority.² Workers should not be subjected to illegal pressure or recruited by misrepresentation.³

The recruiter or employer should provide transport to the place of employment⁴ and pay for transportation costs, including provision of food and temporary shelter.⁵

Medical examination

- ➔ Every recruited worker should be medically examined. Workers recruited for employment at a distance should be medically examined before undertaking the journey.⁶

Maximum contractual period of service

- ➔ The maximum period of service stipulated or implied in any contract for employment not involving a long and expensive journey should not exceed 12 months if the workers are not accompanied by their families, or two years if the workers are accompanied by their

families.⁷ There should be no sanction for breach of contract of employment by a plantation worker.⁸

Advances of wages

- ➔ Any advances of wages to recruited workers should be strictly limited to safeguard against debt bondage.⁹

Wages and payment

- ➔ The fixing of wages by collective agreements freely negotiated between the trade union or the workers' freely chosen representatives and the employer or employers' organisations is encouraged. Where this is not possible, workers should be paid at least the minimum wage specified in applicable national law or regulations.¹⁰

- ➔ Wages payable in money should be paid only in legal tender and paid directly to the worker. Payment should not be made in the form of promissory notes, vouchers or coupons.¹¹ Workers must be free to dispose of their earnings as they choose, although voluntary thrift may be encouraged.

- ➔ If permitted by national laws or regulations, collective agreements or arbitration awards, wages may be partially paid in the form of allowances in kind where payment in the form of such allowances is customary or desirable, provided that they are appropriate and beneficial. The value of any payment in kind should be assessed at reasonable market prices.¹²

- ➔ Payments should be transparent, showing clearly the gross wages, any deductions taken and for what purpose, and net wages due. Deductions from wages should occur only if prescribed by national laws or regulations or fixed by collective agreement or arbitration award. Deductions for loss or dam-

age to goods should be made only in cases where it has been proven that the worker is responsible.¹³ Workers should be informed in writing of any deductions made.¹⁴ No deductions should be made for the purpose of obtaining or retaining employment, paid either to the employer or an intermediary.

- ➔ Wages should be paid regularly. In case of piece rate payment systems payments should be not less than twice a month. Adequate records should be kept.¹⁵

- ➔ Upon the termination of a contract of employment, the worker should be paid a final settlement of all wages due within a reasonable period of time having regard to the terms of the contract.¹⁶

Equal pay for work of equal value

- ➔ Rates of remuneration should ensure equal remuneration for men and women workers for work of equal value.¹⁷

Provision of commodities or services by the undertaking

- ➔ Any commodities sold or services provided by the undertaking should be provided at a reasonable price. Stores established and services operated by the employer should not be operated for the purpose of securing a profit but for the benefit of the workers concerned. There should be no coercion involved in the purchase of goods or services.¹⁸

Housing, welfare facilities and transportation

- ➔ Workers should be provided accommodation if there is no market for housing in the vicinity. The housing should be of

¹ Plantations Convention, 1958 (No. 110) and Plantations Recommendation, 1958 (No. 110).

² C. 110, Article 7.

³ C. 110, Article 9.

⁴ C. 110, Article 12.

⁵ C. 110, Article 13.

⁶ C. 110, Article 11.

⁷ C. 110, Article 20.

⁸ C. 110, Article 21.

⁹ C. 110, Article 16.

¹⁰ C. 110, Article 24.

¹¹ C. 110, Article 26 and 28.

¹² C. 110, Article 27.

¹³ R. 110, paragraph 25.

¹⁴ C. 110, Article 31 and 32.

¹⁵ C. 110, Article 33 and 35; R. 110, paragraphs 9-18.

¹⁶ C. 110, Article 34.

¹⁷ R. 110, Paragraph 27; see also Equal Remuneration Convention, 1951 (No. 100).

¹⁸ C. 110, Article 30.

sufficient size and constructed of durable materials; and provide adequate cooking, washing and sanitation facilities. It should also have adequate ventilation and fresh water supply. Whenever a resident worker is discharged he shall be allowed a reasonable time in which to vacate the house.¹⁹

- ➔ Welfare and recreational facilities should be provided if none are easily accessible in the area. Workers who must travel to remote sites where public transportation is not available should be provided transportation.

Occupational health and safety

- ➔ Employers should take appropriate measures to prevent accidents and occupational diseases. In particular, measures should be taken to avoid excessive or improper exposure to pesticides. Workers should receive adequate training and be provided safety equipment.²⁰ Workers below 18 years of age should have equipment appropriate for their size and should be protected against exposure to chemicals or other hazardous tasks or assignments.²¹

Medical care

- ➔ Workers (and their families, if relevant) should be provided adequate medical services provided by qualified personnel.²²

Elimination of child labour

- ➔ The recruiting of adult workers should not be deemed to involve recruitment of other family members, in particular children.²³ The minimum age for employment set by national law should be respected, and in no case should be less than 14 years of age. When the children of plantation workers reside with them on the plantation, they should be provided access to education.

Weekly rest and holidays with pay

- ➔ Workers should be entitled in every period of seven days to a period of rest comprising at least 24 consecutive hours. This period of rest should, wherever possible, be granted simultaneously to all the workers on the plantation. It also should, wherever possible, coincide with the days of rest established by local tradition or custom.²⁴

¹⁹ C. 110, Articles 85-88.

²⁰ R. 110, paragraph 45. For detailed information on OSH provisions in agriculture, see Safety and Health in Agriculture Convention, 2001 (No. 184) and Recommendation (No. 192).

²¹ C. No.184, Article 16.

²² C. 110, Articles 89-90.

²³ C. 110, Article 6.

²⁴ C. 110, Article 43.

- ➔ Workers should be granted an annual holiday with pay after a period of continuous service with the same employer.²⁵

Maternity protection

- ➔ A pregnant worker should be entitled to medical care and paid maternity leave in accordance with national law. No pregnant woman should be required to undertake any type of work harmful to her in the period prior to her maternity leave, including exposure to pesticides which are deemed hazardous to fetal development. A worker nursing her child should be provided nursing breaks during working hours. A worker should not be dismissed solely because she is pregnant or nursing.²⁶

Compensation for accidents or occupational diseases

- ➔ Workers who become incapacitated due to work accidents or occupational disease should receive compensation in accordance with national law. They should also receive medical care, medicines, and any prosthetics or additional assistance needed.²⁷

Social security

- ➔ Workers should be covered by any social security provisions which exist, in accordance with national law.²⁸

Freedom of association

- ➔ Workers have the right to associate for all lawful purposes. Employers should not interfere, in particular through attempts to establish a trade union under the control of management; or discourage workers from exercising their right to form a union.²⁹ Workers should be protected against anti-union discrimination.³⁰

Non-discrimination

- ➔ The rights of all plantation workers should be respected without distinction as to race, colour, sex, religion, political opinion, nationality, social origin, tribe or trade union membership.³¹

Dispute resolution

- ➔ Employers should establish a mechanism for prompt and fair resolution of disputes between management and workers.³²

²⁵ C. 110, Articles 36-41.

²⁶ C. 110, Articles 47-50.

²⁷ C. 110, Articles 51-53 ; R. 110, paragraphs 46-52.

²⁸ R. 110, paragraph 53.

²⁹ C. 110, Article 54.

³⁰ C. 110, Article 58.

³¹ R. 110, Paragraph 2; see also Discrimination Convention (Employment and Occupation), 1958 (No. 111).

³² C. 110, Article 55.

Repatriation

- ➔ Each worker should be repatriated at the expense of the recruiter or employer:
 - at the end of service
 - for sickness or incapacity
 - in cases where the worker was recruited by mistake or misrepresentation
 - for any other reason which is not the fault of the worker.³³

References

- ➔ Plantations Convention, 1958 (No. 110).
- ➔ Plantations Recommendation, 1958 (No. 110).
- ➔ Safety and Health in Agriculture Convention, 2001 (No. 184) and Recommendation (No. 192).
- ➔ Safety and Health in Agriculture Recommendation, 2001 (No. 192).
- ➔ Discrimination Convention (Employment and Occupation), 1958 (No. 111).
- ➔ Equal Remuneration Convention, 1951 (No. 100).

Texts of conventions are available at: <http://www.ilo.org/ilolex/english/convdisp1.htm>
Texts of recommendations are available at: <http://www.ilo.org/ilolex/english/recdisp1.htm>

Readings

- ➔ "Sustainability Issues in the Tea Sector. A Comparative Analysis of Six Leading Producing Countries", Centre for Research on Multinational Corporations (SOMO), 2008. http://somo.nl/publications-en/Publication_2548/at_download/fullfile
- ➔ "Working conditions in the tea industry in Sri Lanka," Henrik Vistisen and Shyama Salgado, ILO.

³³ C. 110, Article 14.

ILO Helpdesk
Multinational Enterprises Programme
International Labour Office
4, route des Morillons
1211 Geneva 22, Switzerland
Tel: +41.22.799.6264
Fax: +41.22.799.6354
assistance@ilo.org