



International  
Labour  
Office

A photograph of a man in a white shirt and a red cap walking across a simple wooden bridge over a river. In the background, other people are visible on a dirt path that runs along the riverbank. The scene is rural and agricultural.

# Promoting Fair and Effective Labour Migration Policies in Agriculture and Rural Areas

**DECENT WORK IN THE RURAL ECONOMY  
POLICY GUIDANCE NOTES**



Migrant workers make an important contribution to the growth and development of rural areas, and more particularly the agriculture sector. However, they face pervasive decent work deficits, which include informality; a lack of opportunities for skills development and recognition, income security, social protection coverage and portability of benefits; and exposure to work-related accidents. Furthermore, they are vulnerable to forced and child labour, human trafficking and unethical recruitment, and – especially in the case of migrant women workers – experience discriminatory treatment. The ILO endeavours to forge policies to maximize the benefits of labour migration for rural economies around the world, while ensuring the good governance of labour migration and the respect of human and labour rights.

## 1. Rationale and justification

Globally, there is a growing awareness of the large numbers of migrants and refugees moving across borders and seeking employment to make a living for themselves and their families. Increasing attention is being paid to the role that rural areas play in serving as home and host to migrants, refugees and displaced populations. Although the rural economy accounts for a significant share of employment in many developing and developed countries, it is characterized by severe decent work deficits and poverty, hosting nearly 80 per cent of the world's poor.<sup>1</sup> International remittances to developing countries are three times the amount of official development assistance, and about 40 per cent of these remittances go to rural areas.<sup>2</sup> The implications of these large, migratory flows present a vast array of challenges for labour migration governance in the rural economy.

This policy guidance note focuses on international migrant workers and refugees in rural areas, covering both developed and developing countries. The protection of migrant workers has been a key priority for the ILO since 1919 *as enshrined in its Constitution: 'protection of the interests of workers when employed in countries other than their own'*. In the rural areas of many developing countries, a considerable number of migrants constitute 'internal migrant workers', who move to different parts of their own countries<sup>3</sup>.

Migrant workers contribute to growth and development in countries of destination, while countries of origin benefit from their remittances and the skills acquired during their migration experience if they decide to return. Yet, the migration process implies complex challenges in terms of governance, migrant workers' protection and international cooperation. The nexus between development and migration is complex, in view of the multiple and interrelated drivers and impacts of migratory processes. This is particularly true when looking at the phenomenon from a rural perspective, as rural areas provide for push as much as pull factors for migration.<sup>4</sup>

Based on figures for 2017 provided by the United Nations/Department of Economic and Social Affairs (UN/DESA), which are adjusted for the number of refugees, there are 258 million international migrants, while 234 million migrants are of working age (15 and older). About half of international migrants are women and about a third are youth<sup>5</sup>. In 2017, the ILO estimated that 164 million people were migrant workers worldwide. Earlier estimates from the ILO showed that around 11.1 per cent migrant workers were engaged in agriculture, amounting to 16.7 million.<sup>6</sup>

Migrant workers in rural areas and particularly in agriculture may be exposed to irregular employment, which may lead to exploitation, discrimination and abuse, thus compounding decent work deficits. In rural areas of origin, migration can alleviate pressures on local labour markets, but can increase the burden on those left behind and exacerbate risks of child labour. In areas of destination, migration fulfils major labour needs in the rural economy, including agriculture, construction, tourism, mining, and other rural sectors. Much attention has been paid to the role that migrant workers play in agricultural sectors in high-income countries. In the light of recent migratory patterns, however, it is increasingly important to look at the recruitment and working conditions of migrant workers in the rural economy in the context of developing areas.

A number of agricultural systems rely upon a migrant workforce to address labour shortages due to changing demographics, including an ageing population, and labour market segmentation; indeed, in many places, the local population is not interested in performing agriculture work. In many developed countries, migrant workers can fill labour shortages in high-value agricultural activities that are difficult to mechanize. The availability of migrant workers can influence crop selection and investment decisions. Similarly, they help to ensure that many remote rural localities remain alive and productive, especially by countering depopulation trends, and this has major social and environmental implications<sup>7</sup>. However, the demand for labour generated by seasonal work in agriculture attracts a substantial migrant workforce, often hired through flexible forms of employment and

<sup>1</sup> World Bank: *Poverty and shared prosperity 2018: Piecing together the poverty puzzle* (Washington, DC, 2018), available at: <https://openknowledge.worldbank.org/bitstream/handle/10986/30418/9781464813306.pdf>. See also: R. A. Castaneda, D. D. T. Doan, D. L. Newhouse, M. C. Nguyen, H. Uematsu and J. P. Azevedo: "A new profile of the global poor", in *World Development*, 101, pp. 250-267 (2018), available at: <https://www.sciencedirect.com/science/article/pii/S0305750X17302735>

<sup>2</sup> International Fund for Agricultural Development (IFAD) and the World Bank: *The use of remittances and financial inclusion*, A report by IFAD and the World Bank to the G20 Global Partnership for Financial Inclusion (Rome, 2015), available at: <https://www.ifad.org/documents/38714170/40187309/gpfi.pdf/58ce7a06-7ec0-42e8-82dc-c069227edb79>

<sup>3</sup> The relevance of this topic deserves specific analysis, and it will not therefore be explicitly addressed in this Policy Guidance Note. Nonetheless, the ILO instruments apply to all workers and some of the examples presented here may also be relevant to internal labour migration.

<sup>4</sup> M. Nori and A. Triandafyllidou: *Mediterranean interfaces: Agriculture, rural development and migration. Forward-looking policies and programmes for an integrated approach*, EUI Policy Brief Issue 2019/03, February 2019 (Florence, European University Institute, 2019), available at: [https://cadmus.eui.eu/bitstream/handle/1814/61306/PB\\_2019\\_03\\_GGP.pdf?sequence=1](https://cadmus.eui.eu/bitstream/handle/1814/61306/PB_2019_03_GGP.pdf?sequence=1)

<sup>5</sup> ILO: *ILO global estimates on international migrant workers. Results and methodology*, Second edition (reference year 2017)(Geneva, 2018), available at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_652001.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_652001.pdf)

<sup>6</sup> ILO: *ILO global estimates on migrant workers. Results and methodology. Special focus on migrant domestic workers* (Geneva, 2015), available at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms\\_436343.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_436343.pdf)

<sup>7</sup> Nori and Triandafyllidou, op. cit. See also: B. Jentsch: "Migrant integration in rural and urban areas of new settlement countries: Thematic introduction", in *International Journal on Multicultural Societies*, Vol. 9, Num. 1, pp. 3-14 (2007), available at: <https://unesdoc.unesco.org/ark:/48223/pf0000153830>.

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subcontracting, which poses a considerable challenge to the effective regulation of labour migration in rural areas. Furthermore, migration takes various forms and has different implications depending on the rural contexts involved, which may be highly heterogeneous and undergo transformative change over time (demographic, economic, social and environmental).

In order to unlock the potential for creating decent jobs for migrants in the rural economy, a change in paradigm is needed which harnesses their contribution to sustainable development and economic growth in rural areas and ensures that due attention is paid to the protection of migrant workers at different stages of migration (origin, transit, destination and return). The pillars for this new paradigm consist of guaranteeing that migrant workers in the rural economy are

protected through an integrated rights-based approach to the rural economy, while at the same time fostering a whole of government approach and policy coherence between employment, migration policies and rural development policies. Such a paradigm acknowledges that protecting migrants is the best way of protecting national workers, thereby preventing 'social dumping', and that migration continues to be an important component of processes of economic transformation and sustainable rural development.

The future of many of the world's workers is contingent upon the creation of sustainable, equitable and inclusive rural communities.<sup>8</sup> Progress in rural development and decent job creation, including for migrant workers, is crucial for ending hunger and poverty by 2030 and is key to ensure that no one is left behind.

## Box 1: Migration, decent work, and rural economy in global frameworks

The 2030 Agenda for Sustainable Development recognizes migration as one of the means to reduce inequality within countries by adopting planned and well-managed migration policies (target 10.7), protecting the labour rights of migrant workers, especially women (target 8.8), and reducing remittance transfer costs (target 10.c).

In December 2018, the Global Compact for Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM) were adopted. These non-binding agreements lay out a set of principles, objectives and partnerships for the governance of refugees and migration. They both recognize that refugees and migrants are entitled to the same universal human rights and fundamental freedoms; however, these are distinct groups governed by separate legal frameworks.

More specifically, Objective 2 of the GCM calls upon governments to minimize the adverse drivers and structural factors that compel people to leave their country of origin, and to invest in programmes that accelerate the fulfilment of the SDGs, including rural development, employment creation and decent work among other priorities. Objective 20 commits governments to promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants, including persons in rural areas.

Source: United Nations: *Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration*, A/CONF.231/3, available at: <https://undocs.org/en/A/CONF.231/3>

<sup>8</sup> ILO: *Work for a brighter future*, Global Commission on the Future of Work (Geneva, 2019), p. 13, available at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms\\_662410.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---cabinet/documents/publication/wcms_662410.pdf)

## 2. Scope and definitions

For the purpose of this policy guidance note, the term **international labour migration** refers to the process and outcome of international labour migration including: i) international migrant workers, that is, workers who cross borders; ii) for-work international migrants, i.e., international migrants who are looking for work; and iii) return international migrant workers.<sup>9</sup>

The ILO has also recognized the labour market implications of the large-scale movements and protracted **refugee** situations that persist around the world. As a result of a tripartite technical meeting held in 2016, the *Guiding principles on the access of refugees and other forcibly displaced persons to the labour market*<sup>10</sup> were adopted. Refugees together with international labour migrants, many of which live in rural areas, constitute the focus of this Policy Guidance Note.<sup>11</sup> The mixed nature of contemporary migration requires complementary approaches along the humanitarian-development continuum. Such approaches are also needed in rural areas in view of a greater need for policy coherence among sectoral policies along this continuum, thereby ensuring not only the protection of migrants and refugees in situations of crisis or conflict but also support to the host communities, by promoting inclusion and social cohesion.<sup>12</sup>

Whilst there is no internationally agreed statistical definition of **rural areas**, population size and population density are often applied as criteria in national definitions of rural-urban areas reflecting a myriad of geographic, demographic and socio-economic realities in countries across the globe. In some contexts, the predominance of agricultural activity is also used to define rural areas, acknowledging that agriculture is often the backbone of the rural economy. Nonetheless, it

is important to look at the specificities of the given locations, as considering the diversification of the rural economy, rural sectors such as forestry, construction and tourism play a key role in rural areas and rural labour markets dynamics.<sup>13</sup>

**Seasonality** of agriculture is a major determinant of many of the employment arrangements for migrant workers in the sector. In some countries these workers respond to seasonal labour needs in labour-intensive agriculture, and are considered 'guests'. The temporary nature of this work, combined with the notion of being a 'guest', carries vast implications in terms of protections as different legislation curtail access to rights through these schemes.<sup>14</sup> At times, migrant rural workers are in irregular situations, sometimes undocumented, employed without written contracts or employed under visitor, student and other visas. Migrant workers temporarily engaged during harvests periods may be poorly housed, underpaid and often lack access to public services such as health care and education.

**Climate change**, migration and displacement are intricately linked. There is increasing evidence of climate change becoming an additional driver of migration, both internal and across borders.<sup>15</sup> Many rural livelihoods are particularly vulnerable to climate change, in view of their higher exposure to natural hazards, dependence on natural resources, and limited capacity to cope with and manage risks. In turn, migration is an income diversification strategy for rural households<sup>16</sup>. Climate change can exacerbate the degradation of agricultural assets, decrease production and productivity, and thus jeopardize rural livelihoods, especially by compromising the capacity to prevent, cope with and recover from hazards. It is important to look at how climate variables interact with other key drivers of migration, as there will be different migration patterns in the future on account of climate change<sup>17</sup>. In that regard, it is essential to consider the role of labour mobility – internal and international – in rural areas within climate adaptation strategies.

<sup>9</sup> ILO: *Guidelines concerning statistics of international labour migration*, 20<sup>th</sup> International Conference of Labour Statisticians (Geneva, 2018), available at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms\\_648922.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648922.pdf). The most commonly used definition of a migrant worker is contained in the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, General Assembly resolution 45/158, 1990. This states that the term "migrant worker" refers to a 'person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national'.

<sup>10</sup> ILO: *Guiding principles on the access of refugees and other forcibly displaced persons to the labour market* (Geneva, 2016), available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/genericdocument/wcms\\_536440.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/genericdocument/wcms_536440.pdf)

<sup>11</sup> For simplicity, this Policy Guidance Note refers to 'migrant workers' with a special focus on international labour migrants and refugees. A refugee is someone who has been forced to flee his or her country because of persecution, war or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do so. War and ethnic, tribal and religious violence are leading causes of refugees fleeing their countries (see UNHCR: *Who is a refugee?*, available at: <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>). The Policy Guidance Note recognises the definitional scope and their specific needs.

<sup>12</sup> UNHCR: *Strengthening humanitarian-development cooperation in forced displacement situations*, EC/68/SC/CRP.17 (Geneva, 2017); World Bank: *Forcibly displaced: toward a development approach supporting refugees, the internally displaced, and their hosts* (Washington D C, 2016).

<sup>13</sup> ILO: *Rural-urban labour statistics*, Room document 3, 20<sup>th</sup> International Conference of Labour Statisticians (Geneva, 2018).

<sup>14</sup> ILO: *Addressing governance challenges in a changing labour migration landscape*, Report IV, International Labour Conference, 106<sup>th</sup> Session (Geneva, 2017).

<sup>15</sup> Foresight: *Migration and global environmental change*, Final Project Report, The Government Office for Science (London, 2011); ILO and The Green Initiative: *Labour mobility and regional climate adaptation*, Technical Note, November 2016, available at: [https://www.ilo.org/global/topics/labour-migration/publications/WCMS\\_534341/lang-en/index.htm](https://www.ilo.org/global/topics/labour-migration/publications/WCMS_534341/lang-en/index.htm)

<sup>16</sup> F. Ellis: 'The determinants of rural livelihood diversification in developing countries', in *Journal of Agricultural Economics*, Vol. 51 (2000) pp. 289–302; F. Ellis: 'Household strategies and rural livelihood diversification', in *The Journal of Development Studies*, Vol. 35, Issue. 1 (1998), pp. 1-38.

<sup>17</sup> See Foresight, 2011, op. cit.

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Special consideration should be given to **migrant women and youth**. Their specific needs must be understood and addressed to ensure that they are empowered. In 2017 women accounted for 41.6 per cent of all migrant workers.<sup>18</sup> At the same time, there is concern about the implications that male out-migration might have on the empowerment of women left behind in rural areas. Agricultural tasks are segregated by gender, and many tasks performed by women are often underreported<sup>19</sup>. Certain gender patterns are affected by the act of migration, which can either empower women or exacerbate gender inequalities. The implications of migration for women's empowerment depend on various societal and individual factors. These include the migrants' socioeconomic status, the sector in which they work after migrating, and the type of work they do<sup>20</sup>. Policies must not only support the benefits of migration in terms of women's empowerment and the economy as a whole, but also ensure the protection of female migrants. This is especially important for agriculture, as women migrants working in this sector may be faced with multiple levels of discrimination, including on the grounds of their gender and place of origin<sup>21</sup>. While young people constitute 8.3 per cent of all migrant workers<sup>22</sup>, they are more likely to undertake migration to seek employment or study. Considering the high youth un(der)employment and demographic patterns in rural areas, special attention should be paid to protecting young migrant workers in agriculture and rural economic activities and providing them with decent work opportunities.

## Key policy challenges

This section addresses the key policy challenges to the fair and effective governance of migrant workers in the rural economy and agriculture. Whilst many of those ultimately depend upon the migrant's individual circumstances and the specificities of the rural context, the main challenges are as follows:

- **Data and evidence gaps on migrant workers in the rural economy and agriculture sector.** In order to develop effective policies to protect migrant workers, there is a need for strong evidence on the number,

characteristics and employment patterns of workers in the rural economy. Some Labour Force Surveys report on the number of national workers and those living in formal housing but leave aside undocumented and informal workers.<sup>23</sup> In addition, the number of work permits issued does not reflect the real number of workers in agriculture. There have been documented instances of cases where permits have been exchanged; for instance, agriculture permits have been used in other sectors<sup>24</sup>, or student and other visitor permits have been employed in agriculture.<sup>25</sup> Questionnaires and sampling frames often fail to capture migrants located in rural areas and/or employed on a seasonal basis.

- **Lack of policy coherence between employment, labour migration, sectoral and rural development policies, and education/training policies.**<sup>26</sup> Migration is determined by policies that shape the nature and quality of work that people are able to access in countries of both origin and destination. Likewise, these policies affect the migrants themselves, native-born workers and those who stayed behind. The lack of coordination between migration policies, employment, rural and sectoral development should therefore be addressed; this requires cooperation between ministries – including those that have responsibility for migration policy – and their counterparts across borders. There also needs to be greater policy coherence between national/federal and local authorities<sup>27</sup> and it is important that rural development policies integrate decent work issues including migration.
- **Exclusion of agricultural migrant workers from national labour legislation.** There are examples where national labour laws exclude certain sectors from coverage, such as domestic workers and workers in agriculture – including workers on family farms and other small agricultural undertakings – as well as casual or temporary workers. Different categories of migrant workers are created (workers in construction, agriculture, horticulture and viticulture, seasonal workers and domestic

<sup>18</sup> ILO global estimates, 2018, op. cit.

<sup>19</sup> World Bank, FAO and IFAD: *Gender in Agriculture Sourcebook* (Washington DC, the World Bank, 2008).

<sup>20</sup> T. O'Neil, A. Fleury and M. Foresti. *Women on the move. Migration, gender equality and the 2030 Agenda for Sustainable Development*. ODI Briefing, July 2016, available at: <https://www.odi.org/sites/odi.org.uk/files/resource-documents/10731.pdf>

<sup>21</sup> ILO: *Women and men migrant workers: Moving towards equal rights and opportunities* (Geneva), available at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_101118.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_101118.pdf)

<sup>22</sup> ILO global estimates, 2018, op. cit., p. 13. These are aggregate figures and do not correspond to the agriculture sector only.

<sup>23</sup> Despite this challenge, the ILO provides clear guidance on the methodology to deal with suitable definitions to classify jobs in agriculture, see: ILO: *Measuring informality: A statistical manual on the informal sector and informal employment* (Geneva, 2013), available at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_222979.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_222979.pdf).

<sup>24</sup> ILO: *A challenging market becomes more challenging: Jordanian workers, migrant workers and refugees in the Jordanian labour market* (Beirut, Regional Office for Arab States, 2017).

<sup>25</sup> P. Martin: *Migrant workers in commercial agriculture*. (Geneva, ILO, 2016), p. 1, available at: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/publication/wcms\\_538710.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_538710.pdf)

<sup>26</sup> ILO: *International labour migration: A rights-based approach* (Geneva, 2010).

<sup>27</sup> ILO: *General practical guidance on promoting coherence among employment, education/training and labour migration policies* (Geneva, 2017).

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workers).<sup>28</sup> This exclusion poses risks for migrant workers in terms of protection, while paving the way for discrimination and differential treatment.

- **Lack of opportunities for skills development and recognition.** Access to skills development in rural areas is generally a challenge because of the lack of infrastructure, inadequate schedules, low quality of training, and skills mismatches. Furthermore, migrant workers in rural areas are often more likely to undertake seasonal and irregular employment, with fewer opportunities to access training, including life-long learning possibilities. Yet, these workers develop specific technical skills and expertise that are learned 'on the job' and may be specific to a given farm or crop – and these skills are often unrecognized. It is important to facilitate the recognition of this prior learning and the Public Employment Services (PES) might play a facilitating role in this process.<sup>29</sup>
- **Inadequate skills and job-matching mechanisms make it harder for low-skilled migrant workers to integrate into the rural economy, compared to skilled workers.** Integration is a key factor in improving economic productivity and social cohesion. However, the overemphasis on the temporary nature of labour migration in the agricultural sector creates unjustified distinctions between the varying skill levels of migrant workers. Existing approaches in the law and practice of a number of countries tend to overlook the real labour market integration needs of low-skilled migrant workers. High-skilled migrants often benefit from greater protections and may be entitled to more rights than their low-skilled counterparts. The failure to address adequately labour market demands for all levels of skills is costly for employers because it might involve retraining and result in a waste of public funds. Hence, adequate skills forecasting and labour demand analyses could be of great importance when designing evidence-based labour migration policies<sup>30</sup>.
- **PES in the recruitment and skills matching of migrant workers display different capacity levels in various countries.** PES in developing countries are often constrained by low budgets, poor staff resources and a low reach-out and market share. Due to geographic remoteness, access to PES in rural areas is poor and suffers from insufficient coverage. PES can play a key role in rural areas by promoting skills development, career guidance

and business support. They promote the labour market integration of migrants, and the reintegration of migrant workers in rural areas upon return to their countries of origin. They can contribute to the mainstreaming of labour migration issues into employment and the implementation of technical and vocational educational training (TVET) policies, thus further contributing to policy coherence.<sup>31</sup>

- **Income insecurity, lack of social protection coverage and portability of benefits.** Income insecurity among migrant workers, especially seasonal labour, constitutes a key factor leading to decent work deficits.<sup>32</sup> Moreover, if access to social protection in agriculture and rural areas is to be strengthened, particular attention needs to be paid to the coverage of migrant workers. For instance, social security scheme coverage may depend upon the location or sector (e.g. agricultural workers covered on a different basis than those in industry), thus affecting the portability of benefits for migrants who face a number of administrative barriers in the event of occupational change or a return to their countries of origin.<sup>33</sup>
- **Occupational Safety and Health (OSH).** Migrant workers in the rural economy are often employed in sectors with a high incidence of work-related accidents and hazards, such as agriculture, forestry and construction. They do not always receive OSH training as part of their work preparation, often because of the working arrangements. Language differences may also constitute a barrier. Collecting evidence and data on OSH issues for migrant workers is increasingly becoming a problem in some countries as they are excluded from coverage.<sup>34</sup>
- **Migrant workers in the rural economy are prone to forced labour, human trafficking and unethical recruitment.** Migrant workers are often at a higher risk of becoming victims of forced labour practices such as debt bondage and serfdom.<sup>35</sup> In agriculture, they are particularly susceptible to debt resulting from recruitment fees.<sup>36</sup> Moreover, temporary migration programmes restricting labour mobility may lead to passport retention, which is an indication of forced labour.

<sup>28</sup> For a detailed analysis of these categories and spheres of exclusion, see: ILO: *Promoting fair migration: General survey concerning the migrant workers instruments*, Report III (Part 1B), International Labour Conference, 105<sup>th</sup> Session (Geneva, 2016), pp. 35-36.

<sup>29</sup> ILO: *How to facilitate the recognition of skills of migrant workers. Guide for employment services providers* (Geneva, 2017), available at: [https://www.ilo.org/wcmsp5/groups/public/-ed\\_emp/---ifp\\_skills/documents/publication/wcms\\_572672.pdf](https://www.ilo.org/wcmsp5/groups/public/-ed_emp/---ifp_skills/documents/publication/wcms_572672.pdf)

<sup>30</sup> ILO: *Skills for migration and employment*, Policy brief (Geneva, 2018).

<sup>31</sup> ETF, CEDEFOP and ILO: *The role of employment service providers. Guide to anticipating and matching skills and jobs*, Vol. 4 (Luxembourg, 2015); ILO: *Promotion of rural employment for poverty reduction*, International Labour Conference, 97<sup>th</sup> Session, 2008 (Geneva); ILO: *Public employment services: Joined-up services for people facing labour market disadvantage*, ILO briefs on Employment Services and ALMPs, Issue No. 1 (Geneva, 2018).

<sup>32</sup> ILO: *Promotion of rural employment for poverty reduction* (2008), op. cit.

<sup>33</sup> ISSA: *Handbook on the extension of social security coverage to migrant workers* (Geneva, 2014).

<sup>34</sup> ILO: *Challenges for the collection of reliable OSH data* (Geneva, 2017), available at: [https://www.ilo.org/wcmsp5/groups/public/-ed\\_protect/---protrav/---safework/documents/publication/wcms\\_546702.pdf](https://www.ilo.org/wcmsp5/groups/public/-ed_protect/---protrav/---safework/documents/publication/wcms_546702.pdf)

<sup>35</sup> ILO: *Ending forced labour by 2030: A review of policies and programmes* (Geneva, 2018).

<sup>36</sup> ILO: *Addressing governance challenges...*, 2017, op. cit.

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- **Child labour.** Of the 152 million children in child labour, 70.9 per cent are in agriculture.<sup>37</sup> Child labour in agriculture relates primarily to subsistence and commercial farming, as well as livestock herding, where the work is often hazardous in nature. While it is difficult to know how many migrants constitute children, there have been instances of migrant child labour. When families migrate for agricultural work, it is often only the male head of household who appears on the employer's payroll, despite the involvement of the spouse and children in the actual work.<sup>38</sup>
- **Migrant workers in agriculture and the rural economy often experience discriminatory treatment** on the job and face strong disadvantages in terms of pay, social protection, housing and medical care. Women migrant workers are at risk of gender-based violence, psychological and sexual harassment, multiple forms of discrimination in the labour market and exclusion from social protection, including access to sexual and reproductive health facilities.<sup>39</sup> Young migrant workers are more vulnerable and at a greater disadvantage than older migrants. Those originating from rural areas may lack the necessary important skills and resources to be competitive in formal labour markets at destination. Young migrants in agriculture and the rural economy at destination may also be exposed to greater decent work deficits, on account of a lack of recognition of their skills, economic assets, savings and networks.<sup>40</sup>
- **Labour inspection.** In many countries, labour inspection in rural areas is limited due to geographical remoteness, a lack of resources as well as pervasive informality, and gaps in the legal coverage of workers. Migrant workers might not be subject to inspections, and in some countries, their irregular nature makes them prone to deportation and discrimination, despite the fact that the primary duty of labour inspectors is to protect workers and not to enforce immigration law.<sup>41</sup>
- **Participation in social dialogue, restrictions to freedom of association and collective bargaining.** Remote workplaces and the lack of access to information in rural areas prevent migrant workers from accessing information about their rights and participating in processes of social dialogue and collective bargaining. In some countries, migrant workers are not granted the rights to form or join trade unions and to be protected against any act of anti-union discrimination.
- **Access to dispute settlement and grievance mechanisms.** Some migrant workers may find it especially challenging to claim their rights. In particular, women migrant workers, migrant workers from indigenous populations, migrants with a disability and young migrant workers may not perceive judicial and quasi-judicial bodies as amenable to them.<sup>42</sup>
- **Lack of guidance and training.** Many migrant workers in the rural economy lack re-integration assistance upon return to their countries. In addition, some migrants do not receive pre-departure training or post-arrival orientation in the country of destination.

<sup>37</sup> ILO: *Global estimates of child labour. Results and trends, 2012-2016* (Geneva, 2017).

<sup>38</sup> ILO: *Report of rural employment for poverty reduction*, op. cit., p. 18

<sup>39</sup> ILO: *Ending violence and harassment against women and men in the world of work*, Report V(1), International Labour Conference, 107<sup>th</sup> Session (Geneva, 2018).

<sup>40</sup> FAO: *Addressing rural youth migration at its root causes: A conceptual framework* (Rome, 2016).

<sup>41</sup> ILO: *General Survey, 2016*, op. cit., p. 152.

<sup>42</sup> Ibid., p. 163.

## 3. The ILO's approach

The ILO brings its comparative advantage to the task of promoting fair and effective policies for the protection of migrant workers in the rural economy. This unique comparative advantage is grounded in its tripartite structure, which guarantees dialogue and cooperation between governments, employers and workers' organizations, as well as in its normative body of international labour standards, which promotes the realization of decent work for all.

In the field of labour migration, the ILO is guided by its **Fair Migration Agenda**, which makes migration a choice and not a necessity, by creating decent work opportunities in countries of origin. The ILO's body of standards, including the **ILO Fundamental Principles and Rights at Work Conventions**, the **ILO Migration for Employment Convention (Revised), 1949 (No. 97)** and its **accompanying Recommendation No. 86**, as well as the **Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)** and its **accompanying Recommendation No. 151**, lie at the core of the ILO's mandate for social justice for migrant workers – including those in the rural economy. In addition, the **ILO Multilateral Framework on Labour Migration** (2006) addresses the major issues faced by migration policy-makers at national, regional and international levels. It is a comprehensive collection of principles, guidelines and best practices derived from international instruments and a global review of labour migration policies to promote a rights-based approach to labour migration.<sup>43</sup>

In 2016, the ILO launched its **Guiding Principles on the access of refugees and other forcibly displaced persons to the labour market** to guarantee the socio-economic integration of refugees in active collaboration with the United Nations High Commissioner for Refugees (UNHCR). The ILO is a member of the Executive Committee of the UN Network on Migration, created in the light of the Global Compact for Safe, Orderly and Regular Migration (GCM), to ensure that decent work features in the implementation of the GCM at the country level.

Specific to agriculture and rural areas, the **ILO Plantations Convention, 1958 (No. 110)** lays down a series of principles concerning the engagement and recruitment of migrant workers in plantations.

The **United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas**, adopted in 2018, aims to better protect the rights of all rural populations including peasants, fisherfolk, nomads, agricultural workers and indigenous peoples, and to improve living conditions, as well as to strengthen food sovereignty, the fight against climate change and the conservation of biodiversity. This UN Declaration applies to all migrant workers regardless of their migration status. It includes specific references to seasonal or migrant workers in several of its articles, stating, inter alia, that they shall: be protected from forced labour, human trafficking and economic exploitation; have the right to work in safe and healthy working conditions; and have access to water and sanitation, as well as to social security.<sup>44</sup> The **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) (1990)** constitutes a key instrument, and the ILO is a member of the Committee on Migrant Workers which monitors the implementation of the CMW.

<sup>43</sup> ILO: *Multilateral Framework on Labour Migration. Non-binding principles and guidelines for a rights-based approach to labour migration* (Geneva, 2006).

<sup>44</sup> See UN: *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*. 73rd Session UN GA, Agenda Item 74b, 30 October 2018.

## Promoting Fair and Effective Labour Migration Policies in Agriculture and Rural Areas

### Box 2: Addressing the needs of refugees and forcibly displaced persons in rural areas

The United Nations High Commissioner for Refugees (UNHCR) and the ILO signed a Memorandum of Understanding (MoU) in July 2016 to increase their cooperation in ensuring greater protection and solutions for refugees and other persons of concern. To implement the MoU a joint UNHCR-ILO Plan of Action was subsequently put in place in February 2017 with the overarching goals to support and develop global normative and policy frameworks for enhanced access to labour markets and decent work for refugees and other persons of concern to UNHCR (goal 1); to protect fundamental principles and rights at work, improve working conditions and guarantee access to social protection (goal 2); and to increase employment, income and livelihoods opportunities for refugees and other persons of concern (goal 3). The overarching goal of this MoU is to incorporate into relevant global frameworks the *ILO Guiding principles on the access of refugees and other forcibly displaced persons to the labour market* and the *ILO Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)*.

Whilst the MoU and the Plan of Action apply to all sectors, many of their specified priorities are relevant to workers in agriculture and rural areas. For instance, they can contribute to the promotion of comprehensive durable solutions and protect the rights of refugees and other persons of concern to decent work in agriculture – in accordance with relevant international labour standards, and international human rights, refugee and humanitarian law. Likewise, it is crucial to work towards ensuring that refugees and other persons of concern are able to access and secure decent work in the rural economy through measures like inclusiveness and equal treatment in labour markets and labour mobility. Agricultural sectors and rural labour markets can be affected by sudden, widespread and mixed refugee-migration flows, and there may be a need for support to address labour market needs and facilitate the access of refugees and persons of concern to local labour markets and to social protection systems, as well as to make efforts to counter economic exploitation and eradicate child labour. They also provide opportunities for developing long-term approaches towards the access of refugees and other persons of concern to decent work and livelihoods, including through policy coherence.

Source: *Memorandum of Understanding between the International Labour Organization and the Office of the United Nations High Commissioner for Refugees*, available at: [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---jur/documents/genericdocument/wcms\\_433878.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---jur/documents/genericdocument/wcms_433878.pdf)

## 4. The ILO's experience to date

In addition to its comprehensive normative framework, the ILO is well placed to make a contribution in the following areas:

**Promotion of policy coherence.** Policy coherence between migration, employment, agriculture and rural development policies is essential as policies with implications for migration depend on different actors, institutions and sectors<sup>45</sup>. In cases where a specific migration policy is non-existent, putting forward provisions on labour migration in sectoral and rural development policies can be a way forward.<sup>46</sup>

**Ratification of key Conventions pertaining to migrant workers.** In various countries, a comprehensive campaign has been carried out to promote the effective implementation and awareness of Conventions Nos. 97 and 143, as well as the implementation of Recommendations Nos. 86 and 151, in the context of the Fair Migration Agenda. The Committee of Experts has emphasized, in this regard, that measures to address the needs of women, as well as particular groups of migrant workers, such as ethnic and religious minorities, rural and indigenous populations, youth, persons with disabilities, and people living with HIV and AIDS, should be put in place.<sup>47</sup> In this context, the Committee draws attention to the importance of specific measures targeting migrant workers in vulnerable and hazardous occupations, such as agriculture.

**Data deficits.** The ILO contributes to reducing data deficits by instituting a more consistent and regular updating of global and regional estimates on migrant workers, and deepening the information collected, particularly in sectors where migrant workers are employed. Special attention could be given to the collection of data relating to working conditions, wages and social protection coverage, in rural sectors such as agriculture and mining.<sup>48</sup>

**Model employment contracts.** The ILO provides technical assistance on the use of model employment contracts in occupations deemed to be vulnerable for migrant workers, such as agriculture. Governments should establish these contracts governments in consultation with the most representative workers' and employers' organizations.

**Bilateral labour migration agreements (BLMAs)** The ILO offers advice on the design of BLMAs, which provide for organized and regular migration between countries of origin and destination. They can be adapted to specific groups of migrants, and both states involved share the responsibility of ensuring adequate living and working conditions to migrant workers as well as monitoring and actively managing the pre and post-migration processes.<sup>49</sup> Given the seasonal nature of agriculture, these agreements can encourage migration with protections, such as social security, trade union rights, suitable working conditions and adequate safety and health measures. They can ensure the implementation of standardized contracts for migrant workers that cover basic rights, while promoting skills certification and portability to their home countries.

**The ILO General Principles and Operational Guidelines for Fair Recruitment** approach fair recruitment globally and refer to the context of labour migration and the broader range of employment and work, both domestically and internationally. They cover the recruitment of all workers, including migrant workers, and comprise all sectors of the economy. The General Principles orient implementation at all levels, and the Operational Guidelines address the responsibilities of specific actors in the recruitment process and provide guidance on intervention models. In March 2019, the Governing Body adopted the *Definition of Recruitment Fees and Related Costs*, approved by a Tripartite Meeting of Experts in 2018, thus providing further guidance together with the General Principles.<sup>50</sup>

<sup>45</sup> FAO: *The state of food and agriculture 2018. Migration, agriculture and rural development* (Rome, 2018), available at: <http://www.fao.org/3/I9549EN/i9549en.pdf>

<sup>46</sup> ILO: *General practical guidance on ...*, 2017, op. cit.

<sup>47</sup> ILO: *General Survey*, 2016, op. cit.

<sup>48</sup> ILO: *Guidelines concerning statistics...*, 2018, op. cit.

<sup>49</sup> R. Cholewinski: 'Evaluating bilateral labour migration agreements in the light of human and labour rights', in M. Panizzon, M. Zurcher, G. Fornalé, and G. Zuercher (eds.): *The Palgrave Handbook of International Labour Migration: Law and Policy Perspectives* (London, Palgrave Macmillan, 2015); and ILO and IOM: *Tool for the assessment of bilateral labour arrangements on labour migration* (Geneva, 2019).

<sup>50</sup> ILO: *The ILO Governing Body approves the publication and dissemination of the Definition of Recruitment Fees and Related Costs, to be read in conjunction with the General Principles and Operational Guidelines for Fair Recruitment* (Geneva, 2019), available at: [https://www.ilo.org/global/topics/labour-migration/news-statements/WCMS\\_682734/lang-en/index.htm](https://www.ilo.org/global/topics/labour-migration/news-statements/WCMS_682734/lang-en/index.htm)

## Box 3: Fair recruitment in the Guatemala-Mexico corridor

As part of the Global Action to Improve the Recruitment Framework of Labour Migration (REFRAME), action is being undertaken in the Mexico-Guatemala corridor to prevent and reduce abusive and fraudulent recruitment practices at the border. Activities with actors at the national and municipal level are being carried out in Chiapas, Baja California, Jalisco and Coahuila in the Gulf of Mexico to strengthen the role of PES. These involve promoting industry-led fair recruitment processes by labour recruiters and employment agencies and supporting services provisions to migrant workers, including trade unions.

The ILO has signed a MoU with the International Fruit and Vegetable Alliance (AHIFORES) to carry out joint work on mainstreaming the General Principles and Operational Guidelines for Fair Recruitment in the certification scheme DEAR, and to develop a tool box for addressing recruitment practices in horticulture and vegetable supply chains in partnership with Verité.

In Guatemala, the General Principles and Operational Guidelines for Fair Recruitment have been included in the Human Rights Code of Conduct of the Agriculture Chamber of Guatemala.

These activities are part of the ILO's Fair Recruitment Initiative, which is a global multistakeholder initiative launched in 2014 to prevent human trafficking and forced labour; protect the rights of workers, including migrant workers, from abusive recruitment and placement processes; reduce the cost of labour migration; and enhance development outcomes for migrant workers and their families in origin and destination countries.

Source: REFRAME, available at: <https://www.ilo.org/global/topics/labour-migration/projects/reframe/lang--en/index.htm>

**Socio-economic integration of refugees.** In the context of the ILO Response to the Syrian Refugee Crisis, for example, labour market governance was improved in Jordan to comply with decent work principles, and 22 agriculture cooperatives delivered permits to workers. In Lebanon, the ILO partnership with the FAO and the Ministry of Agriculture delivered training on labour market supply and demand intelligence to make agricultural curricula more responsive to labour market needs<sup>51</sup>.

**Improving livelihoods in rural areas for migrants and refugees.** In rural North Lebanon, the ILO is working to alleviate the negative impact of the Syrian refugee crisis in the North Governorate that has the highest incidence of poor (52.5 per cent) – and where agriculture employs about 70 per cent of the local working population.<sup>52</sup> Activities include access to employment opportunities and livelihoods through supporting vocational training to adapt skills to selected agriculture value chains; developing capacity building and business expansion strategies for entrepreneurs; and designing local economic development interventions in host communities.

<sup>51</sup> ILO: *The ILO response to the Syrian refugee crisis* (Geneva, 2018), available at: [https://www.ilo.org/wcmsp5/groups/public/--dgreports/--exrel/documents/publication/wcms\\_357159.pdf](https://www.ilo.org/wcmsp5/groups/public/--dgreports/--exrel/documents/publication/wcms_357159.pdf)

<sup>52</sup> ILO: *Enabling job resilience and protecting decent work conditions in rural communities affected by the Syrian refugee crisis in Northern Lebanon*, Project information available at: [https://www.ilo.org/beirut/projects/WCMS\\_234666/lang--en/index.htm](https://www.ilo.org/beirut/projects/WCMS_234666/lang--en/index.htm)

## 5. Practical guidance and resources

### Instruments

#### ILO Fundamental Conventions

*Forced Labour Convention, 1930 (No. 29) and Protocol of 2014 (P029)*

*Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)*

*Right to Organise and Collective Bargaining Convention, 1949 (No. 98)*

*Equal Remuneration Convention, 1951 (No. 100)*

*Abolition of Forced Labour Convention, 1957 (No. 105)*

*Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*

*Minimum Age Convention, 1973 (No. 138)*

*Worst Forms of Child Labour Convention, 1999 (No. 182)*

#### Other up-to-date ILO instruments of particular importance for migrant workers in the rural economy

*ILO Declaration on Social Justice for a Fair Globalization, 2008*

*ILO Centenary Declaration for the Future of Work, 2019*

*Migration for Employment Convention (Revised), 1949 (No. 97), and its accompanying Recommendation (Revised), 1949 (No. 86)*

*Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and its accompanying Recommendation, 1975 (No. 151)*

*Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205)*

*Plantations Convention, 1958 (No. 110), and its accompanying Recommendation, 1958 (No. 110)*

*Labour Inspection (Agriculture) Convention, 1969 (No. 129), and its accompanying Recommendation, 1969 (No. 133)*

*Private Employment Agencies Convention, 1997 (No. 181), and its accompanying Recommendation, 1997 (No. 188)*

*Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204)*

*Rural Workers' Organisations Convention, 1975 (No. 141)*

*Right of Association (Agriculture) Convention, 1921 (No. 11)*

*Occupational Safety and Health Convention, 1981 (No. 155), and its accompanying Recommendation, 1981 (No. 164)*

*Occupational Health Services Convention, 1985 (No. 161), and its accompanying Recommendation, 1985 (No. 171)*

*Safety and Health in Agriculture Convention, 2001 (No. 184), and its accompanying Recommendation, 2001 (No. 192)*

### Tools

ILO and IOM. 2019. *Tool for the Assessment of Bilateral Labour Arrangements on Labour Migration* (Geneva)

ILO. 2006. *ILO Multilateral Framework on Labour Migration, Non-binding principles and guidelines for a rights-based approach to labour migration* (Geneva)

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—. 2018. *Guidelines concerning statistics of international labour migration* (Geneva)

—. 2019. *Definition of Recruitment Fees and Costs, to be read in conjunction with the General Principles and Operational Guidelines for Fair Recruitment* (Geneva)

## Publications

Martin, P. 2016. *Migrant workers in commercial agriculture* (Geneva, ILO)

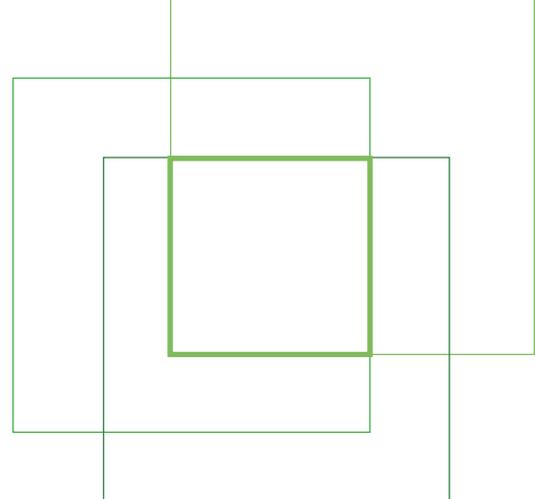
ILO. 2018. *ILO global estimates on international migrant workers. Results and methodology*, Second edition (reference year 2017) (Geneva)

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# Overview of Policy Guidance Notes on the Promotion of Decent Work in the Rural Economy



## Supporting inclusive agricultural growth for improved livelihoods and food security

- Decent Work for Food Security and Resilient Rural Livelihoods
- Decent and Productive Work in Agriculture

## Promoting economic diversification and triggering productive transformation for rural employment

- Economic Diversification of the Rural Economy
- Promoting Decent Work for Rural Workers at the Base of the Supply Chain
- The Role of Multinational Enterprises in the Promotion of Decent Work in Rural Areas
- Transitioning to Formality in the Rural Informal Economy
- Sustainable Tourism – A Catalyst for Inclusive Socio-economic Development and Poverty Reduction in Rural Areas

## Promoting access to services, protection and employment-intensive investment

- Providing Access to Quality Services in the Rural Economy to Promote Growth and Social Development
- Extending Social Protection to the Rural Economy
- Developing the Rural Economy through Financial Inclusion: The Role of Access to Finance
- Employment-Intensive Investment in Rural Infrastructure for Economic Development, Social and Environmental Protection and Inclusive Growth

## Ensuring sustainability and harnessing the benefits of natural resources

- A Just Transition towards a Resilient and Sustainable Rural Economy
- Decent Work in Forestry
- Harnessing the Potential of Extractive Industries
- Water for Improved Rural Livelihoods

## Increasing the voice of rural people through organization and the promotion of rights, standards and social dialogue

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- Promoting Social Dialogue in the Rural Economy
- Building Local Development in Rural Areas through Cooperatives and other Social and Solidarity Economy Enterprises and Organizations
- Decent Work for Indigenous and Tribal Peoples in the Rural Economy
- Empowering Women in the Rural Economy
- Decent Work for Rural Youth
- Promoting Fair and Effective Labour Migration Policies in Agriculture and Rural Areas

## Improving the knowledge base on decent work in the rural economy

- Enhancing the Knowledge Base to Support the Promotion of Decent Work in Rural Areas

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