



FAIR RECRUITMENT TARGETING SEASONAL WORK IN AGRICULTURE IN UZBEKISTAN

Project End Report

Final Draft: October 7, 2020

I. Introduction

The International Labour Organization (ILO), as part of its project titled “Support for Implementation of the Decent Work Country Programme (DWCP) in Uzbekistan”¹, provides technical advice and support to the Government of Uzbekistan and workers’ and employers’ organizations to promote decent work in Uzbekistan, with a focus on the prevention and reduction of child and forced labour².

To support these efforts, the ILO commissioned the Fair Labor Association (FLA)³ to develop resource materials and conduct trainings of selected national and regional stakeholders on fair recruitment of seasonal agriculture workers in Uzbekistan. The central objective of this project is to contribute towards advancing Uzbekistan’s 2017–2021 development strategy, one in which decent work is an important pillar of job creation. Since 2014, the ILO’s implementation of the

¹ https://www.ilo.org/moscow/projects/WCMS_682201/lang--en/index.htm

² For example, the ILO supported the government efforts to revise its Labor Code to be in line with international standards. During 2019, Uzbekistan ratified several ILO Conventions, namely: the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). All are expected to enter force in 2020. The ILO further provides technical advice on how to develop, implement and enforce national legislation that is consistent with the provisions of these international conventions. ILO Convention on Forced Labor, 1930 (No.29) is enter force in September 2020

https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:3174672

³ www.fairlabor.org

DCWP has been supported by the US Department of Labor’s Bureau of International Labor Affairs (ILAB)⁴.

II. Ongoing Developments and Activities Undertaken

The total project duration was from January 24, 2020 – September 20, 2020. Four main activities were undertaken during the project: 1) development of the inception report; 2) development of fair recruitment training modules; 3) delivery of the fair recruitment training for representatives in five locations across Uzbekistan; and 4) facilitation of a high-level roundtable shortly after completion of the trainings. Over the course of nine months, FLA staff maintained regular communication and monthly check-in calls with the DWCP project team. FLA staff worked closely with the Project Manager, ILO-DCWP⁵, to complete the activities after agreeing on the work plan and deliverables set out in detail in the inception report.

The FLA developed and submitted the final inception report to the ILO on March 20, 2020. In preparation, FLA staff undertook a comprehensive desk-based review of several reports and documents shared by the ILO, and published by different organizations, and kept abreast of the recent reforms of the cotton sector including the ending of state-regulated production and the quota system; adaptation of the criminal law and adjustment of administrative fines in the context of forced labor^{6,7}; and doubling the number of labor inspectors.

The worker recruitment process, and the role played by various actors, was also revised in 2020. Recruitment during the Fall 2020 harvest is expected to be handled both by the Government’s public employment services agencies and directly by farmers grouped in the so-called “Cotton Clusters”⁸ in each region. The Government’s Cabinet of Ministers approved a temporary regulation on hiring cotton pickers that reflects these revised procedures and standards for hiring.

⁴ <https://www.dol.gov/agencies/ilab/support-implementation-decent-work-country-programme-uzbekistan>

⁵ Due to the COVID-19 global pandemic, the Project Manager temporarily worked out of Moscow.

⁶ Until May 2020, administrative penalties were applied to 259 officials of which 132 were penalized during the cotton campaign. Eighteen city and regional Mayors and their deputies were punished. 2 Mayors and 7 Leaders of the regional level were dismissed or demoted. 225 regulations, 25 submissions, and 16 warnings were issued to the mayors of the various regions.

⁷ Includes punishment for punitive work for up to two years in jail, and in case of forcing minors to work up to three years in jail. Additionally, administrative fines for forced labor were increased by 30-50 fold.

⁸ There are an estimated 75 cotton (farmer) clusters in the 118 districts in the country. Each cluster could have 80-120 farmers.

The GOU made five commitments to build on the ongoing reforms⁹. These include:

1. **Large scale awareness raising:** Train local authorities, employers, including textile clusters, farmers, lawyers, judges, prosecutors and labor inspectors on the unacceptability of forced labor in agriculture and the broader economy. The FLA training was implemented to partially fulfil this objective and to equip the new actors responsible for recruitment in fair recruitment practices (see inception report for more details).
2. **Strengthening cooperation with the office of the Prosecutor General and other bodies** to take effective measures to implement changes in the Criminal Code.
3. **Direct interaction with responsible producers with a view to respecting citizens' labor rights:** Raising local awareness and implementation of the fair employment principles and practices.
4. **Strengthening the capacity of district public employment centers:** Including assisting employees and employers concerning advance payments, organizing workers' transportation, and ensuring decent working conditions.
5. **Strengthening cooperation with civil society organizations (CSOs) including at the district level:** Including organizing regular meetings of stakeholders.

In March–June 2020, FLA staff conducted extensive review of the revised draft Labor Code with an ILO contracted expert in order to align the training modules with revisions set forth in the draft Labor Code and the revised recruitment procedures. Ten training modules were developed during this phase, with each module taking 45-90 minutes. The trainings and the facilitator's modules were developed for a classroom style, which envisioned highly interactive and in-person training.

Three key challenges impacted the training development. First, the Labor Code was undergoing frequent revisions and some modules had to be revised twice to align with the ongoing revisions. Second, as elaborated above, several reforms were underway during training development and the roles of various entities in the recruitment process were evolving (Figure 1). FLA staff revised the training modules to capture the amendments and highlight the latest decree and other announcements by the Uzbek government (Box 1).

⁹ Presented by the GOU and ILO joint seminar in May 2020.

Figure 1: Reforms in the management of seasonal agriculture workers in 2020

Key Reforms 2020

- Abolition of state order system
- Privatization of the cotton sector
- Adoption of law criminalizing forced labor
- Doubling labor inspectors
- Increase administrative penalties and punishments
- Regulation on recruitment of cotton pickers and charging farmers clusters for recruitment
- Tasking district public employment centers for transportation, decent living conditions
- No involvement of military, medical workers, educational workers in cotton picking
- Increase in the wages for cotton pickers (1000 UZS and 1400 UZS in 2020)
- Export ban on raw cotton

Finally, the spread of the COVID-19 global pandemic in Spring 2020 required the FLA and ILO to modify the training delivery mode. Uzbekistan was among the many countries enforcing movement restriction orders and border closures. Under these circumstances, by late June it became apparent that FLA experts almost certainly would not be able to travel to Uzbekistan for in-person activities (including both the trainings and the concluding roundtable). FLA staff therefore dedicated substantial time to revise the training modules for online delivery. The FLA completed the development of both classroom training modules and online modules by August 2020, after feedback and factual review by the ILO staff and ILO contracted local expert.

From August 25 – September 2, 2020, two FLA trainers conducted four online training sessions over six days to 135 participants in four locations (and approximately 20 more calling in from various locations, including Tashkent. There were two different types of training sessions; Figure 2 below provides an overview of the training structure. Trainings were held for participants from

Box 1: Evolving context in Uzbekistan

The context in Uzbekistan is dynamic. In the first week of September, Deputy Minister Umurzakov announced that all cotton pickers to be employed in the upcoming harvest will have labor contracts and all national labor legislation and ILO recommendations will be strictly observed. He added that no workers should be attracted under the reason of “khashar”. The state-defined legal wages for 2020 for harvesters will be 1000 UZS per kilogram of picked cotton (US\$ 0.097) during the first pass, and 1400 UZS (US\$ 0.136) for the second pass increasing from 800 and 1000 UZS last year respectively*. Historically, the income of individuals involved in harvesting raw cotton is not subject to taxation**. The Deputy Minister mentioned that no military, medical workers or educational establishments workers will be called to pick cotton***. Finally, from 2020 onwards, the GOU plans to stop trading (selling) raw cotton and will manage all processing in the country.

*<https://kun.uz/en/news/2020/09/05/labor-ministry-announces-amount-of-payments-for-cotton-harvesting>

**<https://www.gazeta.uz/ru/2020/09/06/cotton-campaign-2020/>

***<https://kun.uz/ru/news/2020/09/05/v-etom-godu-voyennoslujashchiye-ne-budut-privlecheny-k-sboru-xlopka-zamministra>
<https://kun.uz/en/news/2020/09/05/no-soldiers-will-be-involved-in-this-years-cotton-harvest-deputy-minister>

Jizzakh (August 24-25), Bukhara (August 26), Fergana (August 27-28), and Khorezm (September 2). The online training was inaugurated by the Deputy Minister, Ministry of Employment and Labor Relations. The FLA’s President and CEO provided opening remarks.

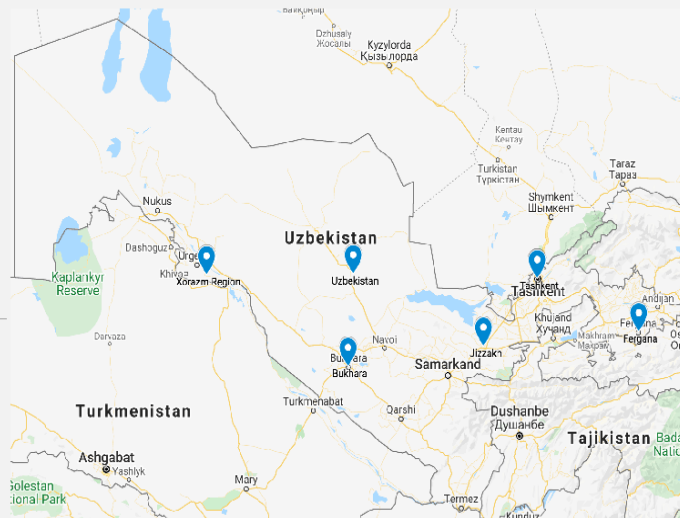
Figure 2: Training Overview

Training Overview

| Modules | Description |
|-----------|---|
| Module 1 | Forced labor and fair recruitment within decent work principles |
| Module 2 | Regulatory framework of forced labor and decent work framework |
| Module 3 | General principles and operational guidelines of fair recruitment |
| Module 4 | Establishing fair recruitment processes |
| Module 5 | Conditions of recruitment: Requirements and Monitoring |
| Module 6 | Conditions of fair employment |
| Module 7 | Closing the employment relationship and repatriation of migrant workers |
| Module 8 | Best practices: Case studies on fair recruitment |
| Module 9 | Conducting farm –level inspections: Components and guidance |
| Module 10 | Do's and don'ts and key messaging |

| (Total) | Jizzakh | Bukhara | Fergana | Khorezm |
|------------------------|---------------|------------|---------------|-------------|
| Dates | 24-25 Aug. | 26 Aug. | 27-28 Aug. | 02 Sept. |
| Days (6) | 2-Days | 1-Day | 2-Days | 1-Day |
| Participants (135*) | 33 | 32 | 38 | 32 |
| Modules | 1-9 | 1-5 | 1-9 | 1-5 |

*Additional participants joined online



The ILO’s project office in Tashkent was the main liaison with the Government of Uzbekistan officials to organize these trainings in the respective regions. While some people attended online, most stakeholders gathered in each location in a room with access to audio-visual facilities so that they were able to hear and see the FLA trainers online.

Photo 1: One of the four online sessions with participants



The final activity of this project was the facilitation of a roundtable with senior Uzbek officials. The two-hour roundtable was held online on September 11, 2020. The Deputy Minister of Employment and Labor Relations opened the session, after which ILO and FLA officials provided a debrief from the trainings and reviewed lessons learned through the interactions with the training participants. The FLA facilitated an open discussion on ways forward and provided a set of recommendations. The event, attending by 17 officials in Tashkent, including a number of focused questions concerning challenges and recommendations.

III. Challenges and Corresponding Recommendations

The desk-based review, consultation with stakeholders, and feedback from the training participants highlight the following challenges from stakeholders' perspectives and corresponding FLA recommendations.

i. Main challenges at the Cotton Clusters: Lack of legal literacy, forecasting of required labor force, lack of standard protocols on recruitment, lack of grievance mechanisms and worker communication channels.

The recent reforms outline reduced involvement of the public employment agencies in the direct recruitment of workers. Instead, the newly-organized cotton clusters will be the principal group to hire workers, including harvesters and equipment/machine operators, in their respective regions and for the group of farmers who belong to the particular cluster.

During the trainings participants highlighted that the farmers in general did not have recruitment responsibilities in the past, and as a result still may lack the legal literacy concerning the Labor Code and other requirements of fair recruitment; they also do not conduct any production planning to determine the anticipated volume of cotton and workforce forecasting to know the number of workers required to undertake particular work. This may lead to several gaps in the way the recruitment process and monitoring of working conditions will be organized. For example, without adequate planning and forecasting it is difficult to know the worker requirement and this could lead to under recruitment, requiring existing workers to work excessive hours and be coerced to stay longer – both key indicators of forced labor.

In addition, while some of the clusters are already vertically integrated, it appears that most cluster operators source raw cotton production from individual farmers. To date, social compliance systems between cotton clusters and individual farmers (suppliers) have not been established.

Another area discussed was the continued role of the hokimiyat and other state agencies in some aspects of the recruitment process and provision of public services to the workers. This may create confusion about the stakeholders responsible for recruitment, making it important and to clarify roles and responsibilities and to develop a collaborative model where the cotton clusters and farmer councils can work efficiently with the district public employment centers now tasked to assist employers concerning advance payments, organizing transportation, and ensuring decent working conditions. Some stakeholders also mentioned that workers lack employer-employee

communication channels and grievance redress mechanisms at the local level, creating a situation where at present employers often terminate employment when complaints are raised.

Recommendations:

1. Professionalizing Cotton Clusters

The cotton clusters are intended to have a central place in the recruitment process and act as professional business units to manage the production work and worker relations -- in cases where they are vertically integrated. In addition, they should help farmers from whom they outsource. In order to professionalize these cotton clusters, the FLA recommends the following steps. The legacy of the overall reform efforts is going to depend heavily on how these clusters operate and whether are able to demonstrate good governance and good labor practices.

Step 1: Commitment from all cluster members and cluster level governing structure

Establish a clear standard and ensure written commitment from all farmers in the clusters to fair recruitment and abolition of forced labor, and to safeguard decent work at the farm level. Each cotton cluster should have a strong governing structure that will help mobilize all the farmers in the cluster.

Step 2: Legal literacy and awareness of cotton clusters and its members

Develop a comprehensive understanding of the Labor Code (legal literacy) to be implemented at the field level. Create awareness among the farmers regularly on the importance of fair recruitment and decent working conditions.

Step 3: Resource allocation, hiring of trained staff, planning and forecasting for workforce

Require cotton clusters to commit resources to operationalize the fair recruitment plan and invest in trained staff to support management of fair recruitment. Equip the staff to conduct product planning and worker forecasting with the help of agricultural engineers and make a plan before each harvest on the number of people required to harvest the projected volume.

Step 4: Educate labor intermediaries and provide standard tools and templates

Train labor intermediaries to manage recruitment fairly and have knowledge and understanding of indicators of forced labor. Assist them to acquire certification, and registration with public authorities or private employment agencies. Create a standard contracts template, other educational materials, and consent forms to be disseminated to farmers, and facilitate the overall process of worker recruitment.

Step 5: Proactive job advertising and seeking worker consent

Create standard and fair job advertisement along with the details on all benefits provided to workers and work closely with labor intermediaries to reach out to workers several months before the harvest in order to seek worker consent and commitment.

Step 6: Collaboration with authorities on provision of public services

Work closely and collaborate with the district public employment services personnel to ensure that they are informed about the safe transportation and decent living needs of workers in the upcoming harvest at least two months in advance, so that these public services can be mobilized effectively and efficiently.

Step 7: Risk Prioritization & Monitoring

Develop monitoring protocols and tools to conduct unannounced visits to the farms and interview workers on the recruitment process and working and living conditions. Clusters are encouraged to establish an independent department with internal monitors, who should be responsible for conducting assessments during the harvesting period. Cooperate with the labor inspectors in facilitating monitoring at the farm level.

Step 8: Data analysis and collaborative remediation planning

Analyze data to identify trends and non-compliance at the farm level and develop corrective action plans with the farmers in a collaborative manner. Seek to engage with a broader stakeholder group, including civil society organization, to address root causes of non-compliance.

Step 9: Provide worker training and incentives

Increase the capacity of the farmers to provide training to workers, including on decent work principles and workers' rights and responsibilities, as well as quality standards.

Step 10: Cluster level accessible communication channel and confidential grievance mechanism for workers

Introduce an employee-employer engagement platform focused on creating channels for open dialogue in order to foster interactions beyond the context of complaints and grievances. Grievances should be received and evaluated by an independent monitoring department with the cotton cluster. As a safety net, introduce a non-state based confidential and accessible grievance channel considering the eight effectiveness criteria as set forth in Principle 31 of the UN Guiding Principles¹⁰ (Figures 3&4) for workers to have an additional way of seeking information and reporting complaints.

Figure 3: United Nations Guiding Principles on Business and Human Rights

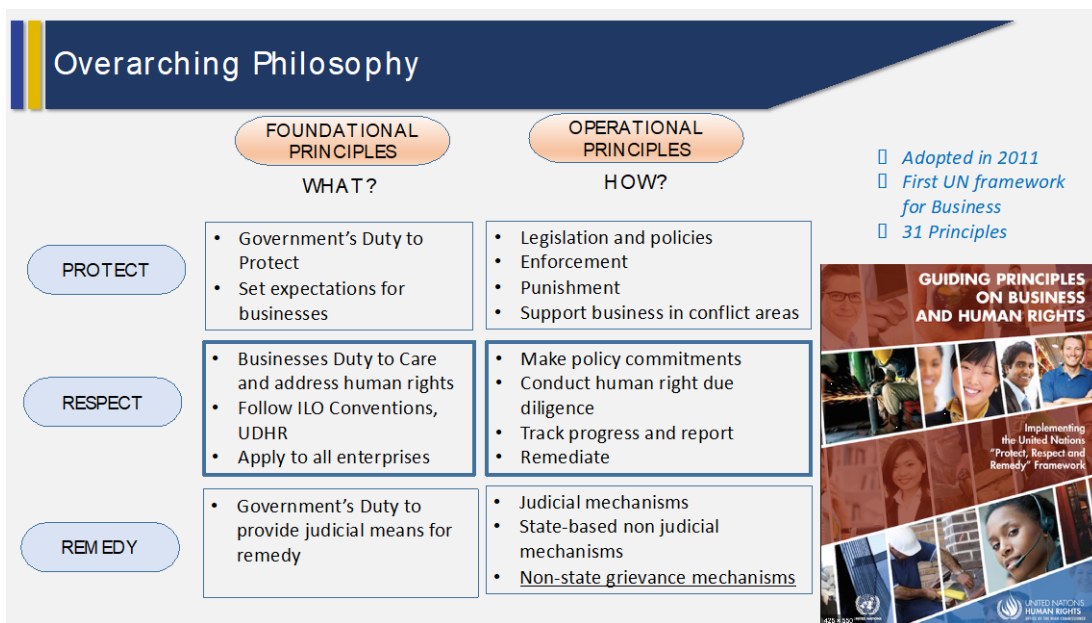


Figure 4: Eight effectiveness criteria to build effective grievance mechanisms

¹⁰ https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf

UN Guiding Principles' Eight Effectiveness Criteria for Grievance Mechanisms (Principle 31)

1. **Legitimate** that workers trust and without penalty for using it, and offers at least one confidential channel,
2. **Accessible** to workers by being free of cost and in appropriate language,
3. **Predictable** providing a clear and known procedure for the workers,
4. **Transparent** keeping parties informed about the progress,
5. **Equitable** so that workers have reasonable access to information, and advise,
6. **Rights compatible** that ensure outcomes accord with internationally recognized human rights
7. **Source of continuous learning**
8. **Based on engagement and dialogue**

ii. Unknown impact of COVID-19 during the upcoming harvest

COVID-19 has had several negative impacts globally on agricultural workers¹¹, migrant workers¹², children¹³, and overall working conditions¹⁴. During the trainings, representatives of the cotton clusters shared their concerns about potential labor shortages due to COVID-19. Even though some stakeholders mentioned that given the slowdown in other service sectors there may be more workforce available, other farmers are fearful that the pandemic may deter workers from seeking employment -- especially women and migrant workers.

Almost 60 percent of the labor force is composed of female workers¹⁵, who are also the primary caregivers for their families, and women workers may not be readily available as they have to tend to their children and are worried about their health and safety as they are starting to resume school after several months of closure due to COVID-19. These women workers need reassurance that their children will be safe in schools and childcare centers, and most workers may want additional assurances concerning health and safety practices at the farms.

¹¹ <https://www.business-humanrights.org/en/latest-news/workers-in-agricultural-supply-chains-among-groups-most-at-risk-of-covid-19-infection/>

¹² https://www.ilo.org/global/about-the-ilo/multimedia/video/institutional-videos/WCMS_748989/lang--en/index.htm

¹³ <https://www.ilo.org/ipeccampaignandadvocacy/wdacl/2020/lang--en/index.htm>

¹⁴ <https://www.hseni.gov.uk/articles/covid-19-workplace-safety-guidance>

¹⁵ In Uzbekistan 59.3 percent of pickers are women and 40.7 percent are men. 75.5 percent pickers are from the rural areas; and 24.5 percent are from the urban areas. 44.7 percent come to pick cotton with other adult family member.

The farmers highlighted that if they are unable to find workers, they are likely to approach local authorities as in the past to seek assistance. The FLA thus has concerns about the impact of COVID-19 on the available workforce and also notes increases in travel cost for domestic seasonal migratory labor and risks of increased employment of underage persons as schools and universities may remain closed¹⁶.

Recommendations:

2. Providing reassurance to workers about the safe reopening of schools and childcare centers and improved health and safety practices, including COVID management, at farms

Most schools and childcare centers reopened in the first-second week of September. That provides relief to women workers in particular to work and earn income during the upcoming harvest. These facilities and public authorities need to reassure the workers that the health and safety measures in the schools and childcare facilities are sufficient and through concrete mitigation measures will not expose their children to COVID-19 related risks. In addition, production planning and workforce forecasting will help evaluate the labor force needs -- even if some are working on a reduced time schedule.

COVID-related precautions will be at the top of workers' concerns for the remainder of 2020 and likely beyond. There are a number of international guidelines on safe and healthy return to work, including from the ILO¹⁷, the Fair Labor Association¹⁸, the Centre for Disease Control (CDC)¹⁹, and other organizations²⁰. The GOU should ensure farm-level guidelines for all cotton clusters to implement and for workers to follow. Similarly, the cotton clusters should be made aware of the any quarantine requirements and their role as employers moving forward.

3. Conduct monitoring of COVID-19 related impact on the recruitment process and working conditions

¹⁶ <https://www.fairlabor.org/blog/entry/covid-19-and-child-labor-practical-guidance-companies-and-suppliers>

¹⁷ https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---safework/documents/briefingnote/wcms_745549.pdf

¹⁸ https://www.fairlabor.org/sites/default/files/fla-guidance-covid-safeguards_0.pdf

¹⁹ <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>

²⁰ <https://www.worksafebc.com/en/about-us/covid-19-updates/covid-19-industry-information/agriculture>
<https://www.epi.org/publication/coronavirus-and-farmworkers-h-2a/>

There is heightened international scrutiny concerning the efforts that the GOU will take to reduce forced labor in the 2020 cotton harvest. The GOU, including its labor inspection services, should pay special attention to monitoring the impact of COVID during the entire 2020 harvest cycle, including with respect to any changes in worker demographics, recruitment practices, measures for safe transportation of workers, conditions in worker dormitories considering all the health and safety concerns, and hours of work at the farm level. A public report on aggregate data from the 2020 harvest will help external stakeholders gauge the impact of COVID-19 on working and living conditions.

iii. Informal worker recruitment process, employment relations and management of workers contracts

Although practices differ from region to region, in most of the cotton growing locations of Uzbekistan local mahalla delegates act as informal labor recruiters -- even as their roles are not officially regulated. These mahalla representatives can be considered as labor intermediaries in the Uzbekistan context, yet currently there are no guidelines or legal framework, including any registration process, that governs their activities. The recruitment process used by these labor intermediaries is not fully transparent and their skills and experience with respect to fair recruitment practices remain unclear.

The training discussions further highlighted that the farmers have concerns about executing contracts during the upcoming harvest. About two million worker contracts will need to be issued and the farmers worry about the scale of this endeavor, as they report lacking examples and templates of model labor agreements, or individual contracts for various types of worker being hired (including harvesters, chemical applicators, equipment/machine operators, and waterers)

Finally, there was acknowledgement that even where there are contracts, agreements between the farmers and seasonal workers are not always being observed and there have been instances of underpayments and other poor working and living conditions.

Recommendations

4. Introduce a legal framework to cover labor intermediaries involved in the recruitment of seasonal agriculture workers

The Government of Uzbekistan could consider introducing a legal framework governing the recruiters of seasonal agricultural workers as a key step to reduce the ongoing informalities in the recruitment process²¹. All intermediaries engaged in labor recruitment should be allowed to operate only if they have an operating license issued by the government, which could only be obtained after they undertake a short training and test of their knowledge and attitudes concerning fair recruitment practices. This will help equip the labor intermediaries with necessary information and procedures on fair recruitment.

5. Facilitating access of the farmers and cotton clusters to standard contract templates

A consistent expressed need from the various regions during the trainings was to have standard contract templates that the farmers and cotton clusters can issue to workers. The Ministry of Employment and Labor Relations can help disseminate these forms for the 2020 harvest along with responding to questions that the farmers have on the process. Given the recent announcement that all workers have to have written contracts during the 2020 harvest, the GOU also should develop a database to document how this was executed, any challenges those arose, and lessons learned during the harvest. Laying out the various steps in a flow chart and the entities responsible will help determine an optimal way to approach this through improved methods in 2021 and beyond.

6. Consider using technology to digitize the process in 2021 and beyond

Another key recommendation for the GOU to consider is to introduce technology to digitize the management of worker recruitment and to expedite some of the administrative requirements in the worker recruitment process. For example, job advertisements per region and cotton cluster, information about compensation and benefits, and information about living quarters can be communicated more effectively to workers through a centralized digital platform. Standard contractual templates can be made available to farmer and workers for review.

²¹ A legal framework exists for private employment agencies who are mostly involved in placement of workers in formal and/or foreign jobs.

The platform could also have a worker registration system for those who are seeking part-time employment in the cotton harvest and their registration could occur only after they provide verified age-related documentation. The workers' consent could also be acquired digitally – and any administrative approvals and signing of contracts could be executed online with workers as well as the farmers having a copy of the executed contract. A collaboration between the Ministry of Development of Information Technologies and Communications²² and the Ministry of Employment and Labor Relations²³ most likely would be central to realize this recommendation.

iv. Gaps in the Labor Inspection System

The trainees raised several challenges concerning the current labor inspection system and the inability of labor inspectors to perform their job effectively. These include:

- a lengthy administrative process to secure agreement from the employers and the government to conduct farm visits;
- farm visits being announced and mostly carried early in the season prior to peak activities in terms of number of workers employed;
- lack of transportation to the field to conduct inspections and/or follow up on any grievances raised by the workers;
- low salaries, as well as no per diem allowance for the labor inspectors to meet other expenses (e.g. meals) while in the field;
- lack of protection of labor inspectors while dealing with well-connected farmers or cotton clusters;
- lack of adequate time to draw up protocols in cases of legal violations, and to deliver these to courts within a limited time period (one day); and
- insufficient skills and training to identify forced labor practices during recruitment, employment, and repatriation.

Recommendations:

²² <https://mitc.uz/en>

²³ <https://mehnat.uz/en>

7. Strengthen the labor inspectorate system and provide enhanced authority and skills to the labor inspectors

A clear takeaway from the trainings was that important reforms are required in the labor inspection system to address the concerns noted above. These include:

- making it possible for the labor inspectors to conduct unannounced visits to the farms during the peak season when there are the maximum number of employed workers;
- increased resource allocation to facilitate their travel to the field, as well as getting a per diem allowance for expenses;
- expanded administrative powers to help protect workers' rights where there is evidence of non-compliance;
- Improving both the selection process for inspectors and ongoing skills trainings focused on the need to be able to identify forced labor practices during both the recruitment process and subsequent employment.

v. Migrant Worker Management

Several challenges were also raised during the trainings related to migrant workers' transportation and living conditions – situations where existing health and safety risks have been exacerbated by COVID-19 (relating to exposure during travel and then lack of social distancing and poor sanitation and hygiene in the living quarters). Training participants also raised concerns about how to manage testing of symptomatic workers and then quarantine workers who test positive. It was noted that failure to address these serious issues may deter many migrant workers from participation in the harvest.

It was further raised during the trainings to explore low costs health insurance as part of a stronger social safety net for workers in the event they have to be quarantined and cannot earn income.

Recommendations:

8. Improved communication to the cotton clusters, district public employment centers, and other officials focused on addressing risks during transportation as well as living conditions

Drawing on international guidelines, the GOU should develop communication tools to set out measures to be followed during transportation of workers, on farms during production/harvesting work, and in the living quarters of the migrant workers. As noted above, several organizations (including the ILO) have issued both quick tips as well as more comprehensive guidelines to be adopted. Local authorities can draw on these to develop and use a checklist to evaluate working and dormitory conditions before the arrival of harvest workers.

9. Strengthen collaboration between the cotton clusters and district public employment centers concerning the management of migrant workers

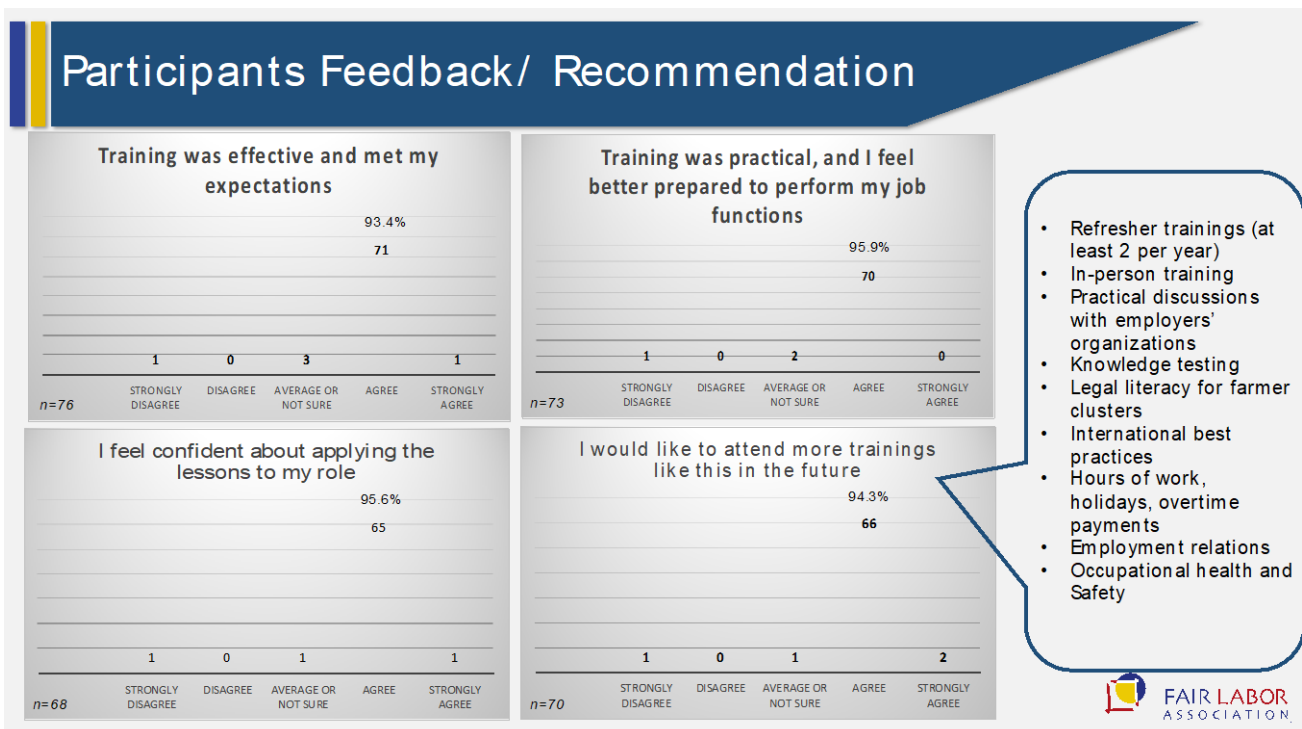
Although mahalla delegates are acting as labor intermediaries, their roles and responsibilities related to labor recruitment still are not defined by law. Unless their roles are formulated through a clear legal framework, these bodies should not be involved in the recruitment process. Individual farmers or cotton clusters need to work more closely with public employment agencies on all aspects of planning for the utilization of workers during the harvest – from recruitment to work management to housing needs and costs.

vi. **Overall Feedback – Including on the Need for Regular Trainings**

An overwhelming majority of participants (over 95 percent) requested additional training, including capacity building sessions and refresher courses. Their feedback included the need to organize both online and in-person trainings that are participatory in nature -- where participants could discuss challenges and come up with collective solutions.

Recommendations also included short video clips that can be shared with farmers, workers, and labor intermediaries that are easy to follow and provide key messages – and to cover key concepts as part of the school and university curricula.

Figure 5: Participant’s feedback



Stakeholders mentioned the following key topics for further trainings:

- All decent work principles, including
 - hours of work,
 - compensation and overtime payments,
 - legal requirements
 - employment relations

- safe living conditions
- International best practices and learning from other countries
- Forced labor and fair recruitment issues
- Occupational safety and health, including measure to be taken during COVID-19.

To this end, the FLA recommends that the GOU develops a training plan and calendar that is integrated with the National Agricultural Strategy and its implementation plan. More detailed feedback is included in the Annex below.

vii. Key issues raised during the Roundtable discussion

The two-hour September 11 Roundtable discussions provided an opportunity for a range of GOU officials, including from the Employment and Labor Relations Ministry, to join the FLA and ILO in providing feedback on the project as well as share recommendations for next steps.

The roundtable was attended by 17 government officials representing the Ministry of Employment and Labor Relations, Ministry of Justice, Ministry of Support to Mahalla and Family, Cluster, Farmers' Council and the Federation of Trade Unions on Uzbekistan (FTUU).

The ILO's Project Manager (DWCP), Anastasia Dubova, welcomed the participants and provided a quick snapshot of the trainings and the objective of the Roundtable. Deputy Minister of Employment and Labor Relations, Bakhodir Umurzakov then provided opening remarks that emphasized the importance of decent work, based on international guidelines, for the GOU as the country moves toward more open markets and privatization in key sectors. He also highlighted the progress made in ratifying relevant ILO conventions and noted how the trainings tied together the with the strong partnership built with the ILO.

FLA Senior Advisor Eric Biel highlighted the importance of this work program and reflected on the progress and reforms that has been realized since 2015 when he last visited Tashkent. He went

ahead to provide a quick history of the Fair Labor Association²⁴ and why this project with the ILO ties closely into work globally in agriculture and on fair recruitment practices.

Richa Mittal, FLA Senior Director, Supply Chain Innovation and Partnerships, then provided an overview of the trainings, outlining both the specific challenges and recommendations (as detailed above). This was followed by a discussion period, in which several important subjects were raised, including:

How to bring greater formality to the agriculture sector, where informality remains common in Uzbekistan as in many other parts of the world; this led to a discussion of the need to focus on training both the cotton clusters and labor intermediaries (drawing on international best practices);

Reforms in the labor inspectorate system, based on a recognition of existing gaps; this led to a discussion of ILO proposals to strengthen the labor inspectorate globally²⁵ and specifically ILO recommendations for a reasonable number of labor inspectors per worker population (the ratio should not exceed one inspector per 10,000 workers in industrial market economies; one inspector per 20,000 workers in transition economies; and one inspector per 40,000 workers in less developed countries²⁶);

What can be done at the cotton cluster level if forced labor issues are found and what type of compensation²⁷ might be appropriate for victims of trafficking or forced labor; this discussion centered on education and awareness building, regular to identify forced labor indicators, and development by clusters of an effective grievance mechanism and case management system. There was further discussion of means for compensation for payment of recruitment fees and other likely issues that might be raised through grievance

²⁴ <https://www.fairlabor.org/our-work>

²⁵ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_077633/lang--en/index.htm

²⁶ <https://www.ilo.org/public/english/standards/reim/ilc/ilc95/pdf/rep-iii-1b.pdf>

²⁷ Compensation here refers to the imbursement made to a person to compensate her or him for injury, loss or harm sustained through forced labour. It includes both material damages (such as medical costs, unpaid wages, legal fees and loss of earnings and earning potential), and moral damages (such as pain and emotional distress).

file:///Users/richamittal/Downloads/strenghtening_action_to_end_forced_labour_-_ilo_2014_eng.pdf

procedures – and the potential for the GOU to establish a forced labor claims/ reparations process consistent with international practices in this area.

The Roundtable concluded with closing remarks from the Ministry, FLA, and ILO highlighting the outcomes of the trainings and opportunities for continued engagement on the issues discussed.

ANNEX – QUALITATIVE FEEDBACK

FAIR RECRUITMENT TRAINING TARGETING SEASONAL WORK IN AGRICULTURE IN UZBEKISTAN

This Annex sets out aggregated feedback derived from the Training Evaluation forms filled out by the participants during the trainings conducted by the Fair Labor Association between August 24 and Sept 2, 2020.

I. Challenges trainees foresee in executing their tasks

Bukhara

- Recruitment officers lack legal literacy and addressing this will help prevent forced labor.
- Farmers need to sign model labor agreement during cotton harvest season.
- Need examples of agreements/contracts with farms, machine/equipment operators, waterers, and other workers as well as examples of individual work contracts.
- Expand the framework of laws regulating oral agreements between employers and employees.
- Expand powers of authorities responsible for protecting labor rights.
- Encourage members of cotton-picking teams to pay more attention to quality and clean picking through payments.
- Farmers are not protected in the agreements they sign with local Mayors' offices (hokimiyat), suppliers or processing enterprises.

Jizzakh

- Lack of transportation means to go out to locations and consider workers' appeals in relation to working conditions.
- Problems related to drawing up protocols in locations in cases of legal violations and delivery of these protocols to courts within one day.
- Labor inspectors need transportation to go to the field and respond to complaints about labor conditions – and need to have these expenses covered

- Insufficient time to prepare documents dealing with taking measures in response to shortcomings revealed (currently time allocated for drafting these documents and pass on for enforcement is only one day)
- Cases of OHS violations by employer are only considered when a citizen or an employee raises concern in their complaint, but often an employer then just fires the complainant
- Provide benefits to farmers (tax reliefs) if they ensured just recruitment of employees.
- Raise salaries for inspectors, cover their travel and meal expenses – and also arrange for labor inspectors to be able to buy cars on credit
- Prevent inspections from taking measures against private employers without any reason.

Khorezm

- There are cases when provisions of labor agreements between farms and seasonal workers are not observed.
- Problems related to lack of proper working conditions and underpayments to seasonal workers.

Ferghana

- Housing provisions for workers, as well as provision of sanitary facilities.

II. Areas where trainees requested further support

Bukhara

- Rural education.
- Legal documents.
- Ensuring equal rights and transparency during the hiring process.
- Strengthen community control and pay attention to the results of this community control
- Support the activity of trade unions.
- Raise legal literacy and competency of employees and employers
- There is a need for new laws regulating relationships between farm owners and workers.
- Increase vacation time.
- Amend laws to include the authority of labor inspectors.
- Take measures to raise legal consciousness of employers.
- Execution of documents, including contracts.

- Address mistakes in construction business, specifically relating to occupational safety and health.
- Laws should be clear and easy to understand
- Explain and provide analytical examples, other information about fair recruitment processes globally and in some specific countries.
- It is necessary to fix fair prices for products produced by farmers.

Jizzakh

- It is necessary that employers always have an open dialogue and exchange of opinions with employees and not just when there is a complaint from employees.
- Employers need to allow for inspections without any limitations.
- Need to provide social protection to job seekers when they are treated “unfairly” by an employer
- Problems that arise between entrepreneurs and private employers are inspected and considered only when employees file a complaint. Employees’ interests are not considered and taking into consideration any other time.
- This seminar needs to be offered more frequently in the future.
- Formalize labor relations.
- Introduce penalties for organizations engaged in forced labor.
- In order to ensure fair and just recruitment, labor contracts need to be signed between employers and employees.
- Employers need to understand that in the event of violations of laws on their part, severe measures will be taken against them.
- Amend labor laws by introducing regulations about conducting fair tender selections.

Khorezm

- Maximum protection of rights of employees during seasonal work.
- It is necessary to ensure observance of ILO and national labor code provisions.
- There is a need to ensure that agreements between farms and workers are executed in accordance with laws and regulations.
- Cover as many topics and examples pertaining fair recruitment process during future events.

- International conventions and global experiences should be discussed during future webinar.
- Need to ensure decent payment for seasonal workers.

III. Future training topics requested by the trainees

Ferghana:

- Working hours, holidays, and days off – and additional payment for these days.

Bukhara

- Additional benefits for women
- Q&As, exchange of views about changes to labor laws
- Discuss new draft of Labor Code
- Provide examples of successful farms, relations between farm owners and farm workers from foreign countries
- Comments on social protection of workers, ILO conventions and recommendations

Jizzakh

- This type of event allows for exchange of ideas on new laws
- International norms and standards for selection during recruitment processes
- Learn more about foreign experiences
- Problems that employees have arising from oral agreements with employers – and reflect these in domestic and international laws and regulations.
- It would be nice to learn more about international experience concerning labor inspections and agreements signed.
- Ensure labor relations between employer and employee are always fair in accordance with labor laws.

Khorezm

- Topic related to work hours, days off, etc. in future events
- Reduce state involvement in agricultural management
- Identify new ways to fight forced labor during cotton harvest in Uzbekistan
- Study international best practices regarding labor laws and introduce them into Uzbek labor laws and regulations

- Provide information on labor norms and regulations from developed countries.
- Review reforms underway in foreign countries in the area of labor legislation in order to learn about experience of introducing these reforms in practice.
- Review Working conditions and occupational safety and health

IV. Additional Feedback

Bukhara

- Reduce work time for women
- Conduct at least two similar training session per year
- Duration of training should not last more than three hours per day. It is better to have short and concise events.
- Thank you for very informative workshop. These types of events are very important for managers.
- Invite representatives from large employers' organizations and have practical discussions with them
- To fight and prevent forced labor, create short video clips explaining legal concepts for educational institutions
- Training provided useful information that could be used in the course of work
- Training event was very useful – but in the future, we need more specific examples.
- We need more discussions on types of agreements and provisions of these agreements.
- I am satisfied by the training event. It helped deepen my knowledge.

Jizzakh

- It is necessary to fight forced labor
- There is a need to review and update ILO documents and recommendations to adapt to present environment.
- Seminar was very interesting and rich with necessary information.
- Trainers need to conduct field training events on a regular basis.
- Provide more practical examples, exchange experience in future seminars
- Need to conduct similar training events on a regular basis

- Because of the fact that it is impossible to inspect each and all organizations, it is necessary to arrange for them to provide monthly reports on occupational safety and health to labor inspections.
- In order to ensure timely checks and inspections following occupational accidents, investigation authorities must be communicated on the day of an accident. Employers that withhold information about the accident or report it late must be severely punished.

Khorezm

- Incorporate labor inspectorates into the ministry and separate them from the local administrations (hokimiyat)
- Raise salaries for state labor inspectors
- Explore and share experiences with partner organizations on reforms in this area
- Seek to conduct the next seminar with the focus of forced labor in a live mode (not online).
- Arrange many these types of events in the future to help participants from many different organizations exchange opinions, talk about practical problems faced in daily work, ways of resolving them, and consider case studies in order to test their knowledge.
- Training event was a success. It would be nice to have more such training events in the future.
- We learned a lot of information that could be useful during our work and expanded our knowledge about relationships between employers and employees.