

The Enforcement of Social Legislation in French Agriculture

by

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At its third session (September 1949), the Permanent Agricultural Committee of the International Labour Organisation¹ studied various important aspects of the extension of social legislation to agriculture—hours of work, security of employment, protection of the health of young workers and social security. The trend towards such extension is spreading and raises a problem of some difficulty: that of supervising the observance of labour laws and regulations in what are usually widely scattered undertakings. Moreover, owing to the conditions of country life and the psychology of the rural population, an agricultural labour inspectorate is hardly conceivable without officers whose personality inspires sympathy and confidence and who are specially trained for their work and fully familiar with the special conditions of rural life.

France is one of the few countries which, in the light of these different factors, has established a special service to ensure that social laws and regulations for agriculture are observed. It is believed that even a brief analysis of the French experiment is of sufficient general interest to justify publication in the Review.

¹ Cf. *International Labour Review*, Vol. LX, No. 5, November 1949, pp. 487-495: "The Third Session of the Permanent Agricultural Committee".

ORIGIN OF THE AGRICULTURAL INSPECTION SERVICE

THE CONDITIONS which led in France to the establishment of a service for supervising the enforcement of social legislation in agriculture¹ are much the same as those which made a labour inspectorate necessary at the end of last century, when legislation was introduced for the protection of workers in industry and commerce. From the outset the inspectorate has been responsible for supervising the observance of laws and regulations which would obviously be valueless unless they were accepted by the mass of workers and supplemented by a system of supervision. It has also had to help the central authorities in the preparation of new measures by keeping the Ministry of Labour informed of the situation in the different parts of the country.

The extension of social legislation to agriculture has taken time and is being achieved by stages. It was difficult, if not impossible, to apply legislation designed for industry to agriculture without adjustment to the special conditions of the latter. Factors hampering the application of general regulations on conditions of work were the scattered nature of the farms—the number spread over the whole area of France is over 2.3 million—the methods of cultivation and types of crops, the individualism of the agriculturists and the difficulty of distinguishing clearly between the wage earner and the smallholder. Labour regulations and social legislation for agriculture could hardly be said to exist until after the second world war.

The gradual introduction of the legislation has also meant changes in the character of the inspection service since it was first formed. Historically, it may be said to have originated in the corps of agricultural family allowance inspectors established in 1938. This was the first body of officials to have a

¹ Described here, for the sake of convenience, as the "agricultural inspection service"; the French term is *contrôle*, or supervision, and the officers of the service, here called inspectors, are known as supervisors (*contrôleurs*).

specialised knowledge of social questions in agriculture, since they were recruited from among agricultural technicians and agronomists on the results of a competitive examination similar to that for professional agricultural instructors. The underlying idea of the relevant legislation was that these new officials (twenty in number at the time) should be able to act not only as inspectors responsible for supervising the observance of the law, but to popularise new ideas and advise the farmers on social matters. Therefore, in order to fulfil their mission effectively, it was necessary for them to be familiar with rural conditions, with the kind of life led by farmers and farm workers, the various agricultural techniques, and so forth, besides which they had to possess real teaching ability.

At first, the inspectors dealt only with questions of family allowances, but their field of activity extended as labour legislation for agriculture developed. When, in 1941, it was decided that the Ministry of Agriculture alone should be responsible for agricultural social policy, the family allowance inspectors found that their work was almost automatically extended to questions of working conditions and social insurance. To face these new responsibilities the number of inspectors had to be increased.

ORGANISATION OF THE SERVICE

From 1941 to 1949 several measures were adopted extending the competence of the agricultural inspection service and enlarging its sphere. For the present purpose, it is sufficient to point out that a number of structural changes were made before the organisation took its present form, and to mention the most outstanding.

Originally, it had been decided that the first twenty inspectors should reside in large towns where they would be within easy reach of the areas under their control. A Decree of 22 April 1943 (giving effect to section 5 of an Act of 15 March 1943) defined, in section 2, the inspectors' responsibilities in the following terms :

They shall be responsible for administrative supervision of the observance of social legislation in agriculture, and for ensuring, in conjunction with the departmental agricultural service boards, compliance with the provisions of laws and regulations concerning manpower, labour and, in general, questions of agricultural work.

At the same time new posts were created, bringing the strength of the service up to eighty-one: one inspector-general, twenty divisional inspectors, twenty chief inspectors and forty inspectors. The principle of large inspection areas was retained. A divisional inspector as regional head, assisted by a chief inspector and one or more inspectors, was posted in the capital of each administrative region, of which there were nineteen at that time. In Paris, a central administration service ensured contact with the Directorate for Social and Labour Questions in the Ministry of Agriculture, to which the inspectors were subordinate, and directed and co-ordinated their technical activities.

This system, which continued in operation for some time, suffered from certain drawbacks. Inspectors stationed at the centre of large inspection areas had no direct contact with the farmers, and they were not able to reach quickly enough all the points in their area where they were needed. Moreover, it was not considered good administrative organisation for services responsible to a single ministry, or engaged in work similar in many ways to that of other services responsible to different ministries, not to have their headquarters in the same town. In each departmental capital there are services responsible to the Ministry of Agriculture (agricultural services, rural engineering services) or to the Ministry of Labour (labour and manpower inspectorate, social security inspectorate) with which the agricultural inspection service has to be in constant touch. It was these two needs—for contact with the farmers and for concerted action with other administrative services—that led to the reorganisation of the agricultural inspection services.

Its present organisation may be outlined as follows:

(1) In each department there is an agricultural inspector, having at his disposal a separate office and a secretarial staff varying in size according to the department; he is under the administrative and technical authority of a divisional inspector.

(2) At the interdepartmental level, a divisional inspector is appointed to each region (the area covered by one of the regional boards for the administration of the general social security system) who, in addition to his normal inspection functions, is responsible for supervising and co-ordinating the

work of the inspectors in his area. There are at present sixteen divisional inspectors.

(3) At the national level, an office, responsible to the Directorate for Social and Labour Questions in the Ministry of Agriculture, deals with administrative and financial matters. This office is directed by an inspector-general at the head and an assistant divisional inspector, who are responsible for the general co-ordination of inspection activities. They are directly assisted in their work by three divisional inspectors, each of whom is specially responsible for ensuring the co-ordination of one branch of the work of the divisional inspectors at the interdepartmental level: one deals with social insurance questions, another with family allowances and working conditions, and the third with other questions of mutual aid and co-operation in agriculture.

The inspection staff of the service thus consists of one inspector-general, four national divisional inspectors, sixteen regional divisional inspectors and ninety-four chief inspectors or inspectors. In addition, there is a secretariat at each of the various levels (secretaries, clerks, shorthand-typists).

For the sake of completeness, reference should finally be made to the inspectors whom the agricultural family allowance and social insurance funds are authorised to recruit after consultation with the divisional agricultural inspector. Although subordinate to the directors of the funds, these officers in fact form an ancillary agricultural inspection service. They are remunerated by the funds, and their recruitment thus makes it possible to strengthen the inspection staff without increasing the appropriation for the service under the State budget. This rather unusual system of close collaboration between public officials and private agencies has the advantage of enabling the State to exercise inspection at all levels while leaving the funds free to organise their own inspection services.

FUNCTIONS OF INSPECTORS

The inspectors perform a variety of tasks. They act as technical advisers or administrative supervisors, as the case

may be, and in certain circumstances they have the power of police officers (in particular, for the enforcement of legislation on workers' housing and on family allowances); the regulation of work and wages, the enforcement of social insurance legislation and certain questions concerning mutual aid in agriculture are also within their province. In other words, their competence is very wide, since they combine the functions which, in commerce and industry, are entrusted to two separate corps: the labour inspectors and the social security inspectors.

Conditions of Work and Wages

At a very early date, if not from the first, the agricultural inspectors were called upon to deal with conditions of work and wages, although at that time they were not specifically empowered to do so. It was not until 1943, when the service was reorganised for the first time, that these functions were finally assigned to them. Their work was made difficult by the fact that the various regulations relating to conditions of employment in agriculture were scattered in numerous legislative texts issued on the initiative of various ministerial authorities and derived from the General Labour Code or from special laws for agricultural occupations or from established local custom. It was comparatively easy for the inspector to fulfil his mission of conciliator, but in cases of dispute or of contravention calling for the imposition of penalties, his task became more complicated owing to the fact that the texts on which he depended did not give him the necessary powers. Very often he could do no more than exhort the farmers to comply with the law, without being able to take enforcement action.

The inspectors' functions became more clearly defined as a result of the coming into force of the Ordinance of 7 July 1945 which set up departmental joint boards for agricultural labour. These boards were entrusted with the task of drawing up regulations on conditions of work in each department (wages, hours of work, holidays, etc.), which, after approval by the Ministers of Agriculture and Labour, were made binding by prefectorial decree. The agricultural inspectors were made finally responsible for ensuring the observance of

such regulations, which form what may be called an agricultural labour code and facilitate the inspectors' task by providing them with specific texts on which to base their action.

Agricultural employment has now been brought under the general law on collective agreements, through the new Act of 11 February 1950 which took the place of the Collective Agreements Act of 23 December 1946. Although this system is a new one so far as agricultural occupations are concerned, it is in many ways a continuation of that set up by the 1945 Ordinance mentioned above, which introduced a procedure very similar to that of the collective agreements legislation, the departmental joint boards being composed of an equal number of members appointed on the recommendation of the most representative organisations of employers and workers respectively. Under the Act of 11 February 1950 it is the duty of the agricultural inspectors to supervise the observance of the clauses of collective agreements relating to agricultural employment. In the event of dispute the divisional inspector presides over the regional conciliation board.

The role of the inspectors is thus of great importance in all that relates to working conditions. By their personal action they must not only see to it that farmers comply with the provisions adopted concerning wages, hours of work, holidays with pay, periods of notice, contracts of employment, etc., but also endeavour to create an atmosphere of harmony between employers and workers by conciliating their interests. The powers and duties of the inspection service in this field correspond to those of the labour inspectors for industry and commerce.

Social Security and Family Allowances

However, the field of activity of the service is not limited to these matters; other functions of no less importance are entrusted to it. For example, all questions of social security in agriculture are included in its province.

In France persons engaged in agricultural occupations are covered by a special scheme of social security and family allowances, and the funds administering the scheme are special to agriculture. Thus, in each department agriculturists have set up mutual benefits funds—one for family allowances and

one for social insurance—to collect contributions and pay allowances and benefits. The funds are administered by elected boards.

The inspectors' functions in these matters are numerous. They are required to supervise the application of the legislation, and in cases of dispute between funds and insured persons they represent and speak for the administrations. When a dispute is referred to the regional appeals board, the divisional inspector acts as Government commissioner on the board.

The divisional inspector is responsible for watching over the working of the departmental social insurance and family allowance funds and, in particular, for their technical, administrative and financial supervision. The importance of this task is indicated by the sums placed at the disposal of the agricultural family allowance funds by the State, which in 1949, for example, amounted to over 36,000 million francs (the yield of various taxes on cereals, meat, sugar beet, wine, etc.). The divisional inspector must also see to it that the officers of the funds are competent and must verify the accuracy of any complaints addressed by members to the prefecture or to himself. The reports he makes on his visits of inspection are sent to the Directorate for Social and Labour Questions in the Ministry of Agriculture, which, if necessary, refers the matter directly to the fund concerned and asks it to take whatever steps may be needed to remedy the defects noted in the report.

At the periodical meetings of the departmental agricultural family allowance committees the divisional inspectors or, in their absence, the departmental inspectors attend *ex officio*. These committees are responsible for fixing the rates of contribution to be paid by farmers towards the cost of family allowances, examining applications for exemption from payment made by farmers who have suffered losses, as well as other special cases brought to their attention, and making such recommendations as they consider useful for the improvement of the system of payment of contributions and benefits.

As already mentioned, the inspectors must also give their opinion on the appointment of the inspection officers whom the family allowance and social insurance funds are authorised to recruit. These officers, who are mainly concerned with the local supervision of insured persons, may draw up an

official report (*procès-verbal*) in the event of a breach of the regulations, but the report cannot give rise to judicial proceedings unless it is countersigned by the divisional agricultural inspector, who thus retains control of the general inspection procedure.

Supervising the application of social insurance and family allowance legislation is a difficult and very absorbing task for the agricultural inspector. He must see that employers fulfil their obligations, that is to say, declare their staff regularly and register themselves regularly with the social insurance and family allowance funds. He must also enquire into the numerous claims of dissatisfied contributors and beneficiaries. Owing to the scattered nature of the farms and the size of the area under his charge these manifold tasks take up a large part of the inspector's time.

Other Functions

The agricultural inspectors also supervise the enforcement of legislation on the housing of rural workers; they have authority to ascertain that conditions of hygiene and lodging are adequate. Further, they are responsible for supervising the social conditions under which apprentices work. They must see, for example, that contracts of apprenticeship are observed and that the apprentices' living conditions are not such as to impair their physical or intellectual development. With regard to employment injuries, all accidents must be notified to them, but their main function is to recommend such preventive measures as they consider necessary. Finally, they play an important part in the co-ordination of questions of social assistance, education and hygiene.

Without going into all the legislative texts which define the inspectors' duties, mention may be made of a Decree of 7 June 1947 which is of special importance. It provides as follows:

Together with police officers, only the agricultural labour inspectors shall have right of access to agricultural or assimilated undertakings for the purpose of ensuring that measures embodying

agricultural social policy are applied there to nationals and foreigners and of settling difficulties arising out of labour regulations in agriculture.

The object of this provision was to stress the very general character of the inspectors' powers and duties and to save the farmers from having to deal with a large number of officials, each with a separate function (family allowances, social insurance, working conditions).

The annual report on the activities of the agricultural inspection services in 1948 shows that the inspectors settled 8,900 disputes concerning social insurance and thus enabled beneficiaries to draw nearly 17 million francs. With respect to family allowances, they dealt with 12,019 cases concerning the payment of allowances, and as a result the funds in question paid out over 38 million francs. As regards the regulation of conditions of work, their activities led to the settlement of 25,278 cases by amicable agreement; through their intervention, arrears of wages to a total of 99,978,349 francs were paid. On the other hand, they enabled the family allowance funds to recover 36,957,292 francs in unpaid contributions, and the social insurance funds to collect 47,371,728 francs.

These few figures are an indication of the importance of the agricultural inspection service. The activities of the inspectors have led to the speedy and friendly settlement of a large number of cases. The expeditious character of the procedure by which these results have been achieved should be specially stressed: simple and rapid settlement of disputes is one of the main factors making for social justice and, consequently, for moral stability in a country.

CONCLUSIONS

No legislative measure whatsoever is of value unless its application is fully assured. It was to meet this need that the agricultural inspection service was established. The question arises as to how far the experiment has succeeded.

It would go beyond the scope of the present article to analyse all the criticisms to which the service has been subjected since its creation. In any experiment it is the results achieved that count, and in this case they seem definitely favourable. In their roles of adviser, instructor and arbitrator the agricultural inspectors have certainly contributed to social progress in rural districts and facilitated the application of conditions of work which are entirely new to agriculture. The interesting aspect of the system, and doubtless also its success, probably lies in the fact that the inspectors are fully acquainted with the environment in which they have to work, since their training and the method of their recruitment are a guarantee of their personal fitness for the task. They are thus in a position to understand the social and technical problems of agriculture and are also more likely to use methods of persuasion in cases of dispute or contravention than automatically to set repressive machinery in motion.

One of the essential tasks of the inspectors is to guide the farmer through the labyrinth of a new social legislation which he has not always had the time or the opportunity to study. For the accomplishment of this task it is therefore indispensable that the inspector should be able to be in frequent touch with the farmer. It has been asked whether, taking into account the fact that the duties of the inspection service are steadily growing while the number of its officials remains the same, they might not in time become incapable of maintaining direct personal contact with the farmers. Such a risk would be serious, since in that case the inspector could no longer properly fulfil his functions as adviser; his mobility would be diminished and his activities lessened. It may be sufficient to recall that France comprises 37,980 communes (1946 figure), that the farms in each commune are almost always scattered, and that each inspector covers from 300 to 800 communes or more, according to department.

The situation may be summarised in the words of a resolution adopted by the Economic Council at the conclusion of its discussion on the agricultural inspection service on 7, 8 and 9 February 1950 :

It seems important to decide, once and for all, what view should be taken of the principle of inspection. Either inspection is deemed

to be useful, in which case it should be provided with means of action ; or it is deemed useless, in which case it must be abolished.

The Economic Council considers that supervision of social legislation is an element of social peace in our rural areas, and as such should be maintained and amplified. To prevent individual or collective disputes and to promote a desirable social evolution, it is indispensable that workers and employers should be able to obtain advice about their rights and obligations.¹

¹ *Journal officiel*, 10 February 1950.