

LEGISLACIÓN LABORAL Y SU APLICACIÓN EN LA AGROINDUSTRIA: ANÁLISIS DE DERECHOS LABORALES Y CONDICIONES DE TRABAJO EN EL SECTOR AGROINDUSTRIAL

LABOR LEGISLATION AND ITS APPLICATION IN AGRIBUSINESS: ANALYSIS OF LABOR RIGHTS AND WORKING CONDITIONS IN THE AGRIBUSINESS SECTOR

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RESUMEN: La agroindustria sin duda, es un pilar fundamental en muchas economías, ya que combina la producción agrícola con el procesamiento y la comercialización de productos. No obstante, su propia complejidad, la legislación laboral también trae consigo importantes aspectos en la práctica, que influyen directamente en los derechos y las condiciones laborales de sus trabajadoras y trabajadores. Por lo tanto, el presente trabajo da cuenta de esta problemática al objeto de conocer qué tan efectivas son las regulaciones existentes y cuáles son las dificultades que surgen al estar en práctica las legislaciones del trabajo por parte del sector agroindustrial. Para ello, se adoptó a la metodología cualitativa, sustentada por una revisión bibliográfica sistemática de bases de datos académicas, como son Scopus y Latindex entre 2020 y 2025, complementándola, además, con el análisis de informes de organismos internacionales y la legislación vigente. Los hallazgos centrales revelan una clara diferencia entre lo que dicen las leyes del trabajo y lo que realmente sucede en el día a día, dejando ver inconvenientes como el deterioro de los entornos laborales, la carencia de horas de trabajo y sueldos decentes, la preocupante falta de protección en materia de seguridad y salud en el ámbito laboral, sumado a una limitada presencia de los sindicatos. Aparte de esto, se nota que la naturaleza informal y de temporada propia de esta industria fomenta la fragilidad de los empleados. En conclusión, la efectividad de la legislación laboral en la agroindustria es, hoy en día bastante limitada, lo que requiere un urgente fortalecimiento de los mecanismos de fiscalización, la promoción de la formalización del empleo y una mayor concienciación sobre los derechos de los trabajadores para garantizar condiciones de trabajo dignas y justas en un sector tan vital para el desarrollo económico.

Palabras clave: Legislación en agroindustria, derechos laborales, informalidad laboral, condiciones de trabajo

ABSTRACT: Agribusiness is undoubtedly a fundamental pillar in many economies, as it combines agricultural production with the processing and marketing of products. Notwithstanding its own complexity, labor legislation also brings with it important aspects in practice, which directly influence the rights and working conditions of its workers. Therefore, this paper addresses this problem in order to determine how effective the existing regulations are and what difficulties arise when labor legislation

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is put into practice by the agroindustrial sector. For this purpose, a qualitative methodology was adopted, supported by a systematic bibliographic review of academic databases, such as Scopus and Latindex between 2020 and 2025, complemented by the analysis of reports from international organizations and current legislation. The central findings reveal a clear difference between what labor laws say and what actually happens on a daily basis, revealing problems such as the deterioration of working environments, the lack of decent working hours and wages, the worrisome lack of protection in terms of safety and health in the workplace, coupled with a limited presence of trade unions. In addition, the informal and seasonal nature of this industry encourages the fragility of employees. In conclusion, the effectiveness of labor legislation in agribusiness is currently quite limited, which requires an urgent strengthening of oversight mechanisms, the promotion of employment formalization and greater awareness of workers' rights to ensure decent and fair working conditions in a sector that is so vital for economic development.

Keywords: Agroindustry legislation, labor rights, labor informality, working conditions

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INTRODUCTION

Latin America and labor legislation in agribusiness

Agribusiness in Latin America is one of the main sectors of the economy, with something more than 15% of GDP and of employment in some countries of the region; however, the levels of inequality and precariousness of the labor force are notorious. Labor norms are, in large part, unfulfilled because there exists a lack of access to social benefits and scarce safety at work, two problems that affect the majority of the countries of the region. As indicated by the ILO, unregulated employment and the lack of instruction on the rights of the worker, among other motives, are elements that foster labor instability (1).

Despite the attempts to optimize the conditions of agribusiness employees through changes in labor laws and state strategies, the inequality in the practice of the law is a major challenge. In territories such as Brazil and Colombia, agribusiness has been the focus of investigations that leave visible the continuous fragility of the workers, who do not enjoy access to decent and protected work environments (2).

The labor context in Latin America is very similar, with two fundamental characteristics: the inadequate fulfillment of international working conditions and the lack of regulation of informal labor modalities; these are the ones that enter to a large extent into contact with field workers. Studies show that to a large extent, the putting into practice of labor legislation varies from one country to another and from the country with its own regions, existing considerable gaps in the efficacy of the controls as well as in the effective protection of the rights of the people who work (3). In this sense, agribusiness in Latin America is one of the most harmed by the institutional weakness of labor regulation, a question that puts in danger the sustainability of the sector, but

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also, and not less important, provokes a decrease in the quality of life of the people who work.

Agribusiness represents one of the most important economic supports for Latin America and, very especially, for Mexico, Brazil, Colombia, and Ecuador, countries in which it constitutes an important source both of rural employments and of agricultural exports. However, it is characterized by a high degree of labor informality, as well as by little satisfactory working conditions and a scarce fulfillment of the current labor regulation (4).

Labor legislation in Ecuador

The management of labor legislation in this country, Ecuador, and above all in the agribusiness, results highly complex: this is so despite the fact that the normative framework, much richer than that of other countries, favors the rights of the workers who address it, since the lack of control and the fact that many nuclei of rural population do not possess law, but rather follow informal practices (5) makes that the labor norms are hardly realized.

The Labor Law of Ecuador establishes how one has to make fulfill a series of aspects within labor legislation: The remuneration, the safety at work, the social benefits... There is no doubt that the LCT aims to achieve that, in the case of the public powers, they are capable of maintaining the equity and the fulfillment of the norms before cited, but not in all the cases the results are manifested in the same measure, in such a way that the law is not fulfilled completely, and this is especially true in the zones more distant from the points of great urbanization (6). Just as the study of the ILO (2020), by the force of what is established, Ecuador has permitted that other labor laws have seen the light, but not always has one been capable of making them operative, case of the agribusiness where the exploitation of work is well rooted.

Apart from the lack of labor education among the workers, there exist other claims to which they face difficulties so that the workers can make use of them. In this sense, a report of the Inter-American Development Bank (IDB) signals that the labor conditions in the rural medium of Ecuador continue being very precarious (7), in especial for the workers of the zones of agricultural production, although Ecuador has subscribed international conventions that provide for the improvement of the labor conditions. In fact, the reality in many of the zones of agricultural production shows that there is a disconnection between the laws that are regulated and their application (8). The Ecuadorian agribusiness, therefore, lives in the contradiction between the existence of a progressive labor legislation and the fact that this is not applied, in part due to the lack of education of the workers.

Agribusiness in Riobamba

Riobamba, as of the province of Chimborazo in Ecuador, represents a microcosm of the problematiques of the agribusiness of the country with respect to the labor legislation. The city is characterized by its agricultural activity, above all in dairy products, of fruits and of vegetables. But, just as other zones of Ecuador, Riobamba faces a half application of the labor laws that affect the working conditions of the agribusiness (5). According to the investigation (9), many of the small and medium agribusinesses of the

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city operate in an informality that incorporates the impossibility of applying the labor laws and that feeds the exploitation of the workers. Despite public policies to improve the working conditions, the absence of controls has favored that the enterprises nothing respect these standards.

A study of (8) shows that more than the half of the agribusiness workers in Riobamba do not receive labor benefits, to which they have right. In equal manner, the report of the Defensoría del Pueblo (10) informs of an enormous lack of knowledge of the labor rights of the workers from the agribusiness sector, which does not permit them to demand decent working conditions. This situation puts in evidence the need of urgent formation in labor rights and of increasing the public supervision in the region to achieve the effective application of the labor laws.

The purpose of the present work resides in the study of the labor legislation of the countries that address the agribusiness sector, contemplating the examination of the fulfillment of the labor rights, as well as of the working conditions from the year 2020 to the year 2025. The hypothesis is conceived that, even being the evolution of the normative framework, the existence of the law and its fulfillment distance themselves, above all in rural zones and in activities of intensive agricultural work.

MATERIALS AND METHODS

Type of research method:

To develop this study, a qualitative approach was selected, with the objective of understanding in detail the matters related to the labor laws and their application in the agribusiness sphere. Considering the nature of the theme, which seeks to analyze the complexities of the relations between employees and employers, the perspectives of the actors and the central motives of the problems in the application of the law, a qualitative methodology seemed the most appropriate. This vision permitted a contextualized interpretation of the regulations and their consequences, transcending the mere analysis of data to inquire into the social, economic and political dynamics that configure the agribusiness labor environment.

Population or sample:

The inquiry was carried out starting from a review in form of systematized information, for which one resorted to databases such as SCOPUS, LATINDEX, RedALyC and SciELO. In this form 85 documents were taken into account, of which ended up being selected 38 for the systematic review. The bases were complemented with the reports of international organisms such as the International Labour Organization (ILO), the Food and Agriculture Organization of the United Nations (FAO) and some human rights reports, in addition to the labor legislation of countries with important agribusiness activity. The search criteria for the articles encompassed the searches of "labor legislation agribusiness", "labor rights in the sphere of the agricultural sector", "agribusiness working conditions", "rural informality" and "safety and health in the agro work". Full-text publications and those that addressed the thematic from different geographic contexts were prioritized to offer clearer visions.

Environment:

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The research is developed in a documentary environment, understanding by it a virtual environment with the documentary resources of public availability to which one can access starting from the databases of the universities and the Web sites of the international organizations before indicated, without field work and without submitting the research to a concrete geographic orientation, but rather following a global perspective that permits distinguishing the application of the labor legislations in the different agro-industrial contexts, included the particularities or similarities of the investigated contexts in Latin America.

Measurements:

In this work of bibliographic review instruments of data collection such as the survey or the interviews in the sense of primary research were not worked. The “measurement” was carried out starting from the content analysis of the selected documents. The principal thematics, arguments, findings and conclusions of the literature were identified and categorized. The “variables” in our qualitative analysis have been: type of labor legislation (e.g. minimum wages, working days, safety and health at work and the trade union freedom), labor rights affected (e.g. right to a fair wage, decent working conditions and non-discrimination), working conditions (e.g. working day, work environment, formation), factors that influence in the application of the law (e.g. informality, fiscalization, trade union organization, globalization) and consequences for the life of the workers (e.g. precariousness, health and poverty). Technical units of quantitative measurement were not utilized.

Statistical analyses:

The qualitative data were analyzed through the PRISMA method for the thematic coding and the content analysis. In the process of selection priority was given to the recent literature (2020-2025), although some previous works were included due to their theoretical and methodological contribution. This review gave place to the obtaining of 85 studies of which only 35 fulfilled with the established criteria, which are collected together with the criteria of inclusion and exclusion in Figure 1.

This process of depuration is the one that we can observe in this figure, where each one of the steps that were carried out leads until arriving at the selection of the articles finally included in our review. This process began by the elimination of duplicates, titles that are not relevant for our research, as well as documents that did not belong to the period of time that we had fixed. We discarded some articles for being completely outside of the sphere of our variables of interest or for their inadequate methodology for a later inclusion in our review. For example, in the case of some works we found that they did not clarify to us if the studied sample was of persons deprived of liberty, or well, in other works the methodological descriptions were very brief and completely insufficient for a possible comparison, etc. The review did not establish initially any limitation about the geography of the studies to recover, with the end of being able to offer a vision as ample as possible about the problem that occupies us in different regions of the world.

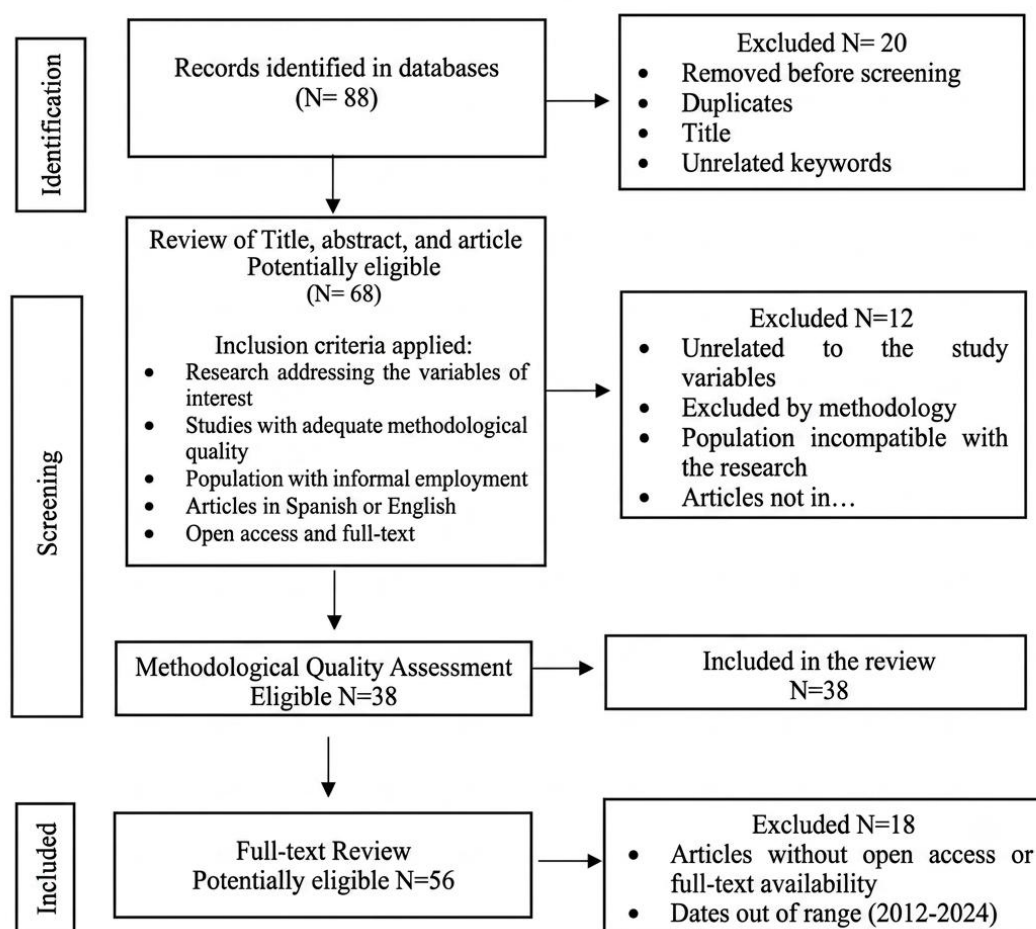


Figure 1. PRISMA methodology utilized for the identification, selection and classification of carried out studies.

RESULTS

The exhaustive review of the academic literature and the analysis of reports of international organisms shows a group of the principal results that leave translucent the complexity of the interrelation existing between the regulation in matter of work and its application in the agribusiness sector. Said results are articulated in function of the principal gaps in the labor rights, the working conditions and factors with incidence in the application of the regulation.

Gaps in the application of fundamental labor rights

The compiled evidence signals that, despite the existence of legal frameworks, several fundamental labor rights are seen compromised in the agribusiness sector:

- **Fair Wage and Working Day:** The informality and the seasonality in the collection of the grape usually lead to a precariousization in the wages, below even the legal minimum; a non-fulfillment of the maximum days that, despite the fact that the formal agribusiness work is lost, usually is habitual practice in non-formal agribusiness works. Likewise, many agribusiness workers, especially the temporary or migrants, usually operate under schemes of payment by performance that can incentivize the efficiency in the work, but also lead them to have to work excessive days or to have very

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precarious incomes to guarantee the satisfaction of the minimum; something that already has been described in previous investigations (8).

Table 1. Comparative of legal minimum wage and real wage perceived in the agribusiness sector (USD, 2024).

Country	Legal monthly minimum wage (USD)	Average real agribusiness wage (USD)	Approximate non-compliance percentage	Source
Ecuador	470	380	17%	(11), (12)
Peru	301	250	22%	(13), (14)
Colombia	348	260	19%	(15)
Uruguay	538	450	21%	(16), (15)

- Occupational Safety and Health (OSH): The working conditions proper of the agribusiness generally offer to the female and male workers a context that presents high risks, due to the exposure to agrochemicals, to heavy machinery, to adverse climatic situations and to intense physical efforts (17). The lack of formation, lack of PPE or lack of OSH management systems is demonstrated as a habitual fact (18, 19).

Figure 1. Estimated percentage of agribusiness workers with access to adequate personal protective equipment (PPE) in Latin America (2023-2024).

The maturity of the access to a sufficient and adequate PPE for the workers of the agribusiness sector in Latin America is observed in Figure 1, where an inequality in the access to the PPE is documented:

- 55% of the workers do not dispose of adequate PPE or possess it in an inadequate form: This figure, which represents the greater part of the agribusiness labor force, reveals a deep problem. It shows that a significant part of the workers is exposed in a direct manner to labor risks, such as the contact with agrochemicals, the manipulation and utilization of dangerous machinery, the exposure to weather inclemencies, the work with extreme climatic conditions and the intense physical efforts, lacking the minimum protection that would be necessary. This lack of access to a PPE or the use of an inadequate PPE increases exponentially the possibility of succumbing to a work accident, to a professional illness and, in the long run, influences negatively in the health and the well-being of the workers. This fact also puts into evidence the existing lacks in the application of the same norms of safety and health at work.
- It is worth mentioning that 45% of workers dispose of an adequate PPE: although this proportion can suppose an advance in some areas or in some enterprises, it continues being a minority. This means that, despite the normative efforts and the good practices that can take place, less than the half of the female and male agribusiness workers are duly protected upon executing their tasks. Which can be due to a scarce fiscalization, lack of knowledge on the part of the employers of what the regulations stipulate, and/or to economic limitations to equip them with quality equipment.

Jointly, this represents a graphic visualization of a determining challenge for the agribusiness sector of Latin America. The existence of workers without adequate PPE, in addition to plasmar the transgressions of fundamental labor rights that guarantee safety and health at work, makes reference to the deep socioeconomic implications that it encloses. The health of the workers that is seen compromised provokes

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slowness in the productivity and generates elevadísimos costs in the health systems, but, in addition, generates social situations of poverty in the rural communities. In consequence, the alluded graphic representation reaffirms the need to establish policies of safety and health at work and to increase the fiscalization, the formation and the access to an adequate PPE for all the workers of the agribusiness sector.

- **Trade Union Freedom and Collective Bargaining:** The capacity of the workers to organize themselves and to negotiate collectively is very reduced in many agribusiness zones. The geographic dispersion of the workers, the high rotation, the temporary contracting in the majority of the cases and, in certain occasions, the reticence of the employers, hinder the establishment and the recognition of the trade unions (20). This diminishes the capacity of the workers to defend their rights.

- **Social Protection:** Many workers of the agribusiness do not have access to benefits of social security such as health insurance, pensions or unemployment insurance, due to the informality of the employment. This leaves them exposed to a high vulnerability in the face of illnesses, accidents or the old age (21). The UNDP (22) has highlighted the important role that social protection has in the rural development.

Concerning working conditions

The working conditions in the agribusiness often distance themselves from being decent, impacting the quality of life of the workers:

- **Housing and Sanitation:** Above all for migrant or temporary workers, the housing that the employers offer is usually inadequate, often of inadequate type, although it can be provided, with overcrowding (such as sharing room or sleeping on the floor) and lacks in the sphere of the basic services, potable water, the lack of a connection to a network of potable water, of sanitation and access to health attention (23).

- **Child and Forced Labor:** Despite finding itself numbered among the prohibitions that stipulate the current international legislation and the own legislative, there still exist cases of child labor (24,25) and, although in lesser measure, also of forced labor of scarce visibility in the agribusiness supply chains that are seen rooted in the poverty and in the absence of educational opportunities.

- **Discrimination and Violence:** The female workers (26), the migrant workers (27) and the ethnic groups in lesser number are especially vulnerable to the discrimination to access an employment, to perceive a wage, to the manner of being treated and, likewise, face a greater risk of being exposed to the violence and to the sexual harassment in the place of work (28).

Factors that influence in the deficient application of the law

The results also identify structural and operative factors that contribute to the gaps in the application of the labor legislation:

- **Informality and contractual precariousness:** The unbalancing presence of the distinct modalities of short-term contracting, the work with daily or temporary character, the scarce formalization and the lack of contracts hinders the law and the action of the control on the part of the labor agents (29,30); for such it is of transcendental importance in the public policies the formalization of the work.

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- Weakness of the fiscalization and the labor inspection: The control organisms, the labor ones of the inspection on the part of the administration, often lack a sufficient number of human resources, sufficient material resources to cover, in extension, the immense quantity of operations to the agribusiness activities. The geographic dispersion of the farms and above all attending the temporality of the work makes that the vigilance is very difficult (31).
- Asymmetry of power and lack of consciousness: The enormous asymmetry of power that exists between the employers and the workers, coupled to the own ignorance of the workers about the content of their labor rights, limits the capacity of the first to denounce abuses or to demand the fulfillment of the law (32).
- Complex supply chains: The globalization of the economy has entailed a great complexity of the agribusiness supply chains, which pass to be transnational. The corporate responsibility is seen as an institutionalized practice that disappears by the different links of the production chain, hindering the localization and sanction of labor vulnerations in the most primordial stages of the chain (33).

These results underline that the effective application of the labor legislation in the agribusiness is not a mere matter of existence of the law, but of the institutional capacity, the political will and the participation of all the actors to close the gap between the norm and the reality.

DISCUSSION

The results that are presented through this work show that there continues existing a notable disparity between the theoretical strength of the labor norm and its practical application in the agribusiness sphere, which, in its turn, shows coincidences with the results obtained in other studies in varied geographic locations. The precariousization of the work, the non-fulfillment of wage and of day, the deficiencies in matter of safety and health at work or the limitations in the trade union freedom are patterns that are repeated openly in the reviewed literature, favoring thus the hypothesized about the structural impediments in the correct application of the norm.

The results of the investigation carried out about the non-fulfillments in the payments of wages and of hours of work in the case of the agribusiness are consistent with those identified by the International Labour Organization (31), which signals how the seasonality and the form in which the remunerations are paid in function of the obtained yields could lead to incomes below the legal minimum wage among this population and to excessive labor days, above all in the cases of emerging economies. (34) have signaled how the reality of informality could contribute to these non-fulfillments in Latin America.

Inversely, in zones where the labor legislations are more strict and where the mechanisms of fiscalization are more important, such as in the case of Western Europe, we find a lesser prevalence of these non-fulfillments, although, evidently, the informal sector also counts with a lesser capacity to control it (35). That suggests that, although it is certain that the legislations constitute a first approximation to the matter to treat, their fulfillment depends inexorably on the institutional capacity to guarantee their fulfillment, such as occurs in the agroexporter (5).

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In what touches the occupational safety and health, our results show an evident scarcity of PPE, training and management systems that are found very supported in previous literature. In said sense, the FAO (17) puts into evidence the high indexes of accidentality/morbidity existing in the agricultural sector occasioned by the exposure to agrochemicals, dangerous machinery and adverse climatic conditions, investigation that also (36) have detailed the details of the risks and the need of preventive measures.

Although the majority of the countries count with specific regulation, the implementation is scarce many times by the lack of knowledge both of the employers and of the workers, as well as by the scarcity of resources for the implementation of preventive measures. All that contrasts with some more formalized industrialized sectors where the regulatory pressure and/or internal policies have driven considerable improvements in occupational safety and health.

The scarce trade union freedom and the collective bargaining is one of the most relevant results of our study that is contrasted with the investigation that human rights organizations have developed. (37) has documented that the dispersion of the workers, the temporality of the contractings and the practices of harassment hinder the organization in the agrofood industry. The situation is very distinct from that of other sectors, such as the manufacturing or the services, where the degree of trade unionization is much greater and significant improvements have been reached in the wage aspects and their conditions. The scarce representation of the trade unions in the agrofood industry has led the workers to have few resources to pose their demands and defend their rights.

The factors responsible for the bad application of the regulation, in which is included the informality, the weak fiscalization and the asymmetry of power, are reiteratedly described as the fundamental barriers. (27), (29) describe how the high informality of the contracts and the lack of resources to carry out the labor inspections offer opportunities for the non-fulfillment. Especially in developing economies, with predominant informal economies, the World Bank (38) offers an analysis of how the rural labor markets interrelate. (30) contributes its analysis of the application of the labor norms in the world supply chains, included the agriculture.

Also the complexity of the world supply chains, as (7), (37) ascertained, offers a difficulty given the dilution of the responsibilities, which makes difficult for consumers and regulators to trace and address the labor violations in the first steps of the production. The circular economy also offers new perspectives about the decent work in this sector.

In summary, the results that we have obtained not only ratify the generalizable tendencies of labor precariousization in the agribusiness that were identified in the previous literature, but at the same time reinforce the understanding of the systemic factors that cause and perpetuate the state of labor difficulties. The comparison in the face of other sectors and regions has permitted us to appreciate that the sole existence of the legislation does not result sufficient.

Eventually it is necessary to combine it with a strong capacity of fiscalization, a greater awareness and empowerment of the workers, and a much deeper commitment of all the actors of the value chain to close the gap between the law and the reality. The discussion of these results with the existing bibliography puts into evidence that it is necessary to pursue a multidimensional approach to address the labor problems in a sector of great relevance and complexity. The Inter-American Development Bank highlighted the future of the work in Latin America and the Caribbean, emphasizing the agribusiness.

CONCLUSIONS

Although we count with well-defined labor laws, this investigation reveals a notorious difference between what the norms say and how they are implemented in the agricultural practice. This leads to that basic rights such as decent wages, reasonable schedules and safe work environments are overlooked, which affects in a prejudicial manner the well-being of the employees.

One of the hardest blows to the worker is given in the access to a wage that permits him to live with dignity, summed to the lack of social protection and of guarantees for his safety while he works, all this driven by the rampant informality, the employments that last little and the garbage contracts. These background obstacles are the principal stumbling block so that the laws are fulfilled as they should and so that the working conditions continue being so bad.

To ensure that the labor conditions are just and egalitarian, it results key to robust the processes of inspection and the penalizations on the part of the regulating entities of the work, driving at the same time the formalization of the employment. Uniquely a global approach, that grants more power to the employees and involves all the participants of the sector, will be able to reduce the difference between what the law says and what really occurs in the agribusiness.

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