



[2013]

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURAL REPORT

COMPANY: Nestlé
COUNTRY: Ivory Coast
PROVINCE: Soubre (Nawa)
COMMUNITY: Germainkro
MONITOR: FLA
AUDIT DATE: October 8 – 10, 2013
PRODUCTS: Cocoa
NUMBER OF WORKERS: 19
NUMBER OF GROWERS/WORKERS INTERVIEWED: 20/19
NUMBER OF FARMS VISITED: 20
TOTAL AREA COVERED IN AUDIT: 81.5 HA
PROCESSES: Harvesting, Drying, Pod Opening

To view more about the FLA's work with Nestle, please visit the FLA website [here](#).

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Code Awareness:

GEN 1 Establish and articulate clear, written workplace standards. Formally convey those standards to Company Growers as well as to Seed Organizers.

Noncompliance

Explanation: Nestlé’s Code of Conduct (COC) does not mention the non-discrimination code element, although this element is covered under UTZ COC, along with FLA Workplace Code and Benchmarks, which are applied at the farms. Currently, Nestlé’s illustrated code is the most widely distributed one, and the code most used by growers. Therefore, there is a risk of the farms not implementing UTZ COC and FLA Workplace Code and Benchmarks.

Sources: worker interview, document review, visual observation

Plan Of Action:

1. Our illustrated COC, which we have distributed to all farmers in our Nestlé Cocoa Plan supply chain, contains sections on corruption; forced labor; child labor; punishment and sexual abuse; payment; health and safety (H&S); and environment. We are adding non-discrimination and non-retaliation in the next leaflet revision, which will be accompanied by an explanatory note to suppliers emphasizing their role in its implementation. These pamphlets will be completed and distributed to all of our Tier 1 suppliers. Deadline: November 2014
2. Nestlé and Tier 1 suppliers will prepare a training module that will cover supplier COC, grievance channel, non-retaliation policy, along with a simplified format regarding policy and procedure creation, particularly regarding H&S and disciplinary actions. The training will be given to group administrators (ADGs). Deadline: August 2014
3. After the training of trainers’ session that will be provided by Nestlé and Tier 1 suppliers, ADGs will discuss the training schedule and program with the cooperative board. ADGs will organize information/introductory sessions in each section in which lead farmers introduce the farmer field school. The ADGs will provide brief information on supplier COC, grievance procedures, etc. Deadline: November 2014
4. As the introductory sessions will be organized in villages, all family members and village residents will be invited. During these sessions, women and workers who are not in the certification program will be particularly encouraged to join farmer field schools. Deadline: January 2015
5. All Nestlé Cocoa Plan cooperatives will distribute the code to their farmers and workers during farmer field schools, through either section heads or community liaisons, depending on local preference. Deadline: March 2015

Deadline March 2015

Date:

Action

Taken:

Plan

Complete:

Plan

Complete

Date:

Code Awareness:

GEN 2 Ensure that all Company growers as well as Seed Organizers inform their workers about the workplace standards orally and through the posting of standards in a prominent place (in the local languages spoken by workers) and undertake other efforts to educate workers about the standards on a regular basis.

Noncompliance

Explanation: IMS (Internal Monitoring System) staff has made efforts to inform and raise awareness amongst growers regarding the company's COC. Nestle's illustrated COC was distributed to all growers in the certification program and the UTZ COC is displayed at the cooperative. However, workers and sharecroppers do not have sufficient knowledge of the company's COC. No training was conducted for workers, sharecroppers or growers' family members who are involved in the production process on the farms. Regular updating of training and refresher courses on labor issues was also not organized for the cooperative staff implementing the internal monitoring program.

Sources: grower and worker interviews

Plan Of Action: The cooperative will update the list of workers (both family and permanent workers will be included). However, it must be noted that some workers only work a day at a time; therefore, the list cannot have 100% coverage.

1. After the training of trainers' session that will be provided by Nestlé and Tier 1 suppliers, ADGs will discuss the training schedule and program with the cooperative board. ADGs will organize information/introductory sessions in each section where lead farmers introduce the farmer field school. ADGs will provide brief information on supplier COC, grievance procedures, etc. Deadline: November 2014

2. Since the introductory sessions will be organized in villages, all family members and village residents will be invited. During these sessions, women and workers who are not in the certification program will be particularly encouraged to join farmer field schools. Deadline: January 2015

3. All Nestlé Cocoa Plan cooperatives will distribute the COC to their farmers and workers during farmer field schools, either through section heads or community liaisons, depending on local preference. Deadline: March 2015

Deadline Date: March 2015

Action Taken:

Plan Complete:

Plan Complete Date:

Code Awareness:

GEN 3 Develop a secure communications channel, in a manner appropriate to the culture and situation, to enable Company employees, Supervisors and employees of Seed organizers to report to the Company on noncompliance with the workplace standards, with security that they shall not be punished or prejudiced for doing so.

Noncompliance

Explanation: Even though there is a noncompliance reporting mechanism available to growers as mentioned in Nestlé's illustrated COC (there is a toll-free number), it is still not accessible to workers, as the COC is only distributed to growers. A non-retaliation policy has neither been developed nor communicated to growers and workers in case they wish to report non-compliances.

Sources: grower and worker interviews

Plan Of Action:

1. On the supplier COC leaflet and poster there was a mistake in the original hotline number, which is being corrected in the new version.
2. The new poster will be displayed in each section level warehouse and we will distribute the leaflet more widely to include workers (see GEN 1), who are welcome to use the hotline, including for cases of retaliation.
3. Additionally, there is a reporting mechanism within the cooperative under UTZ COC:
 - a) UTZ requires the cooperative to make a registration of complaints, which is managed by 1 dedicated person;
 - b) This registration is available to all cooperative members and to anyone involved in the community;
 - c) The complaints are all related to the application of the code (discrimination, non-payment of the premium, etc.);
 - d) The system has to be known by all members.
4. We will recommend a non-retaliation policy to the cooperative and ADGs will be trained in August on this topic. Non-compliances can be reported through the cooperative complaints' procedure and our hotline. Deadline: November 2014
5. The person responsible in the cooperative for the certification (ADG) will go to the farmer field schools to remind farmers of this mechanism.

Deadline Date: January 2015

Action Taken:

Plan Complete:

Plan Complete Date:

Child Labor: General Compliance

CL.1 Growers shall comply with all local laws, regulations, and procedures concerning the prohibition of child labor.

Uncorroborated Evidence of Noncompliance

Explanation: Monitors did not observe any **hired** child labor or young workers on the visited farms. However, farmer interviews found that child/young workers from farmers' families (immediate and extended family) are involved in farm work, like cocoa picking and land cleaning. During the farm walkthrough, monitors met with children involved in cocoa bean transportation. Some of these children/young workers do not attend school. The nearest school is 5 kms away and lacks infrastructure to support all the school-going children in the vicinity. Additionally, there are no alternatives available for children who fail at school.

Sources: interviews, observations

Plan Of Action: We have begun our child labor monitoring and remediation system in this cooperative and will follow up on all children involved on these farms. See a short description at: <http://www.cocoainitiative.org/fr/projects/143-ici-nestle-project-in-cote-d-ivoire>

Deadline Date: June 2015

Action Taken:

Plan Complete:

Plan Complete Date:

Child Labor: Removal and Rehabilitation of Child Laborers

CL.10 If a child laborer is found working on the farms, the grower and the company shall ensure that the child is immediately removed from the farm and is rehabilitated and brought into the mainstream school system. The grower and company will make efforts to make this rehabilitation sustainable.

Noncompliance

Explanation: Currently, neither the company nor the cooperative have a system in place that works to cease child labor on the farms.

Sources: interviews

Plan Of Action: We have begun our child labor monitoring and remediation system in this cooperative and will follow up on all children involved on these farms. See a short description at: <http://www.cocoainitiative.org/fr/projects/143-ici-nestle-project-in-cote-d-ivoire>

Deadline Date: June 2015

Action Taken:

Plan Complete:

Plan Complete Date:

Harassment or Abuse: Discipline/Fair and Non-discriminatory Application

H&A.2 Growers shall apply disciplinary rules, procedures and practices developed by the company in a fair and non-discriminatory manner to all workers.

Noncompliance

Explanation: The disciplinary rules developed by the company were not found at the farm level.

Sources: grower and worker interviews

Plan Of Action: 1. During the training sessions organized by Nestlé and the Tier 1 supplier, ADGs will be informed on the disciplinary system requirements. As a training activity, lead farmers and ADGs will develop procedures at the farm level. The procedures will also actively be discussed with farmers.

2. The procedures created and confirmed by the cooperative will be introduced during information sessions and farmer trainings.

See also the Plan of Action for GEN 1.

Deadline Date: January 2015

Action Taken:

Plan Complete:

Plan Complete Date:

Harassment or Abuse: Discipline/Worker Awareness

H&A.3 Grower will follow disciplinary practices that are fair and are clearly understood by the workers. The grower will take necessary steps to ensure that the farm's disciplinary procedure is clearly understood by the workers.

Noncompliance

Explanation: Neither workers nor sharecroppers are trained on disciplinary procedures and practices.

Sources: grower and worker interviews

Plan Of Action: 1. During the training sessions organized by Nestlé and the Tier 1 supplier, ADGs will be informed on the disciplinary system requirements. As a training activity, lead farmers and ADGs will develop procedures at the farm level. The procedures will also actively be discussed with farmers.

2. The procedures created and confirmed by the cooperative will be introduced during information sessions and farmer trainings.

See also the Plan of Action for GEN 1.

Deadline Date: January 2015

Action Taken:

Plan Complete:

Plan Complete Date:

Harassment or Abuse: Violence/Harassment/Abuse

H&A.9 Growers shall ensure that the workplace is free from any type of violence, harassment, or abuse, be it physical, psychological, sexual, verbal, or otherwise. Growers shall refrain from any action – and shall take all appropriate action to ensure that all workers refrain from any action – that would result in an intimidating, hostile, or offensive work environment.

In Compliance, Noncompliance, Uncorroborated Evidence of Noncompliance, Notable Feature (choose 1, erase other 3)

Explanation:

One case of harassment and abuse was observed during the visit. The wife of 1 farmer reported that she works with her husband on the farm and, in turn, does not get financial support to cover her needs. She asked for transportation to visit her parents, but did not receive it from her husband. She was afraid of reporting this to monitors, as she feared retaliation in the form of divorce. The husband was met with to verify this information. While discussing if he was able to meet all of the family’s needs, he replied that he could not as he has been sick for a long time, which has prevented him from earning money. The wife clarified this point, saying that the grower used the farm’s income to marry a second wife. The interview took place in the presence of the Producer Relay at Noékro/Germainkro.

Sources: interviews

Plan Of Action:

1. During the training session with ADGs, we will address the issue; discuss how to communicate on abuse and harassment; and get alignment.
2. The information will be given to farmers during training on COC, grievance procedures, non-retaliation, working conditions, etc.
3. A contract template will be available at the section level and lead farmers will encourage farmers to have written contracts with their workers

Deadline Date:

January 2014

Action Taken:

Plan Complete:

Plan Complete Date:

Non-Discrimination: Employment Decisions

D.2 All employment decisions shall be made solely on the basis of a person's qualifications, in terms of education, training, experience, demonstrated skills and/or abilities, as they relate to the inherent requirements of a particular job.

Noncompliance

Explanation:

At the cooperative level, assessors noted that no women are represented on the cooperative's board, even though all family members (especially women) are involved in farm work. No women are involved in decision making at the cooperative level. All the IMS staff are also men, which may prevent them from tackling female-specific issues.

Source: observation

**Plan Of
Action:**

This is a widespread issue in cooperatives and an aspect of the gender disparity in these rural areas. We are collecting data on the position of women in our supply chain and publishing it on the Nestlé website (<http://www.nestle.com/asset-library/documents/creating-shared-value/responsible-sourcing/action-plan-women-in-cocoa-supply-chain.pdf>) to gain a better understanding of the situation and how to best address it. We will work out how to incorporate gender issues into the Nestlé Cocoa Plan once we review FLA's recommendations in the gender report that we have commissioned, which is located here: <http://www.fairlabor.org/report/nestle-womens-roles-assessment-cocoa>

**Deadline
Date:**

End of October 2014

**Action
Taken:**

**Plan
Complete:**

**Plan
Complete
Date:**

Non-Discrimination: Sex-Based Wage Discrimination

D.3 There shall be no differences in remuneration for men and women workers for work of equal value. Remuneration (wages, compensation) includes the basic minimum or prevailing industry wage and any additional payments to be made directly or indirectly, whether in cash or in kind, by the grower to the worker and arising out of the workers’ employment. Such additional payments include wage differentials or increments based on seniority or marital status, cost of living allowances, housing or residential allowances, family allowances, benefits in-kind such as the allotment and cleaning of work clothes or provision of fire wood, spices, raw material for food, equipment, and other benefits.

Noncompliance

Explanation: Female members of the growers’ families, workers, and sharecroppers are not involved in training sessions. It was noted that the women do not have access to the same farm equipment (PPE) as men while working on the farms.

Sources: interviews, record review, observation

Plan Of Action: Please see the Plan of Action for D.2.

Additionally, women will be encouraged to join farmer trainings during community sensitizations run by ADGs on working conditions, HIV/AIDS, malaria, etc. Children and women are invited to these sessions. Additionally, there will be a particular focus on protective equipment.

Deadline Date: December 2014

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: General Compliance

H&S.1 Growers shall comply with all local laws, regulations, and procedures concerning health and safety. In any case where local laws and the Workplace Code of Conduct are contradictory, the higher standards will apply. The grower will possess all legally required permits.

Noncompliance

Explanation: Due to the lack of government infrastructure, local rural communities' access to basic services, such as clean drinking water, health care, etc., is very low. There is no clean drinking water in the village. Additionally, the nearest health center is 12 km over an unpaved road and the village has no means of transport. The training received by growers focuses primarily on H&S requirements for activities performed on cocoa plantations.

Sources: interviews, observations

Plan Of Action:

1. The cooperative has a procedure in place for first aid and evacuation, with first aid kits available in both the Buyo and LBS sections (LBS is the name of the village). Buyo is where the cooperative's HQ is located and where there is a main hospital. There is also a health center in LBS, which is 20 km from Buyo; Rafaelkro is 3 km from Buyo.
2. The cooperative will distribute more first aid kits and train lead farmers as those responsible for first aid.
3. The cooperative (ADGs and lead farmers) will remind members of this procedure during sensitization sessions and farmer field school sessions

Deadline Date: January 2015

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: Health and Safety Management System

H&S.4 The health and safety policy shall contain the framework for a comprehensive health and safety management system within which growers’ responsibilities and workers’ rights and duties, various responsibilities of designated personnel, procedures that enable workers to raise health and safety concerns, and procedures for reporting death, injury, illness, and other health and safety issues (for instance, near-miss accidents) are clear and regularly tested and reviewed.

In Compliance, Noncompliance, Uncorroborated Evidence of Noncompliance, Notable Feature (choose 1, erase other 3)

Explanation: No management system exists for ensuring H&S at the farm level.

Sources: interviews, record review

Plan Of Action:

1. We will start by making sure the first aid procedure is working (see H&S.1).
2. We will train ADGs on the H&S management system, as there is already a risk analysis available at the cooperative level. We will investigate during the training how the individuals responsible for first aid can run a H&S management system (setting up clear responsibilities, procedures, reporting for all H&S matters (chemical handling, PPE, first aid, accident handling, etc.).
3. The person responsible for the H&S management system will inform farmers and workers during farmer field school sessions.

Deadline Date: March 2015

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: Communication to Workers

H&S.5 The health and safety policy shall be communicated to all workers in the local language or language(s) spoken by workers if different from the local language.

Noncompliance

Explanation: The H&S policy, which was included in Nestlé's COC, has been shared with growers. There is no proof at the farm level, which shows that workers and sharecroppers are also informed on these issues.

Sources: interviews

Plan Of Action: See the Plans of Action for GEN 2 and H&S.4.

Deadline Date: March 2015

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: Access to Safety Equipment and First Aid

H&S.6 Company should ensure that growers and workers have access to safety equipment and first aid.

Noncompliance

Explanation: There is no safety equipment for all growers and workers (mainly women) and no first aid kit available in either the village or the farms.

Sources: interviews, observations

Plan Of Action: See H&S.1 for information on first aid kits.

1. The importance of PPE will be reinforced during farmer training.

2. As part of our gender response to FLA's report on gender, we will investigate the issue with selected women's groups and devise solutions by 2015 (see D.2).

Deadline Date: Farmers' training by March 2015, root cause investigation by December 2015.

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: Personal Protective Equipment

H&S.7 All necessary personal protective equipment (PPE), such as gloves, eye protection, respiratory protection, etc., should be made available to relevant workers to prevent unsafe exposure (such as inhalation or contact with solvent vapors, dust, etc.) to health and safety hazards.

Noncompliance

Explanation: According to grower and worker interviews, in the Germainkro region there is a problem of red ants getting on the cocoa trees. Therefore, while picking cocoa from the trees, red ants fall directly into workers' eyes; therefore, workers consider this a persistent risk. Workers were working in the farms picking cocoa pods without eye protection and women were found working on farms without suitable footwear.

Sources: interviews, observations

Plan Of Action: We will buy some glasses for the cooperative for worker use. We will emphasize the importance of wearing protective footwear to workers and women during farmer trainings. At the next training sessions, Cabb will emphasize and encourage producers to buy more PPE for workers as necessary and according to their tasks.

Deadline Date: January 2015

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: Chemical Management and Training

H&S.8 All chemicals and hazardous substances, farm produce, and raw materials should be properly labeled and stored. The grower shall not use any banned (either by national or international laws) pesticides fertilizers, or any other agro chemicals in the farm. The grower shall ensure safe disposal of waste chemicals or empty containers of chemicals or packing materials. The grower/organizer/company will provide the necessary training to the worker with regard to handling of agro chemicals (pesticides, fertilizers, and other hazardous substances), their application and the use of personal protective equipments.

In Compliance, Noncompliance, Uncorroborated Evidence of Noncompliance, Notable Feature (choose 1, erase other 3)

Explanation: Growers were provided training on chemical management. They are aware of banned substances, but no proper chemical storage in the visited area was observed. Growers were storing chemicals in their living quarters. On the farms, not all growers follow safe disposal practices for empty chemical containers.

Sources: interviews, observations

Plan Of Action: The proper storage of chemicals is a critical part of the UTZ COC; this will be followed up with the cooperative, which will emphasize this point during farmer trainings. Cabb has 3 designated locations for chemical storage, Buyo, LBS, and Nouffoukro. Applicators transport chemicals from these places to the villages. Chemicals should not be stored at the village level. This will continue to be emphasized in farmer field schools to ensure that farmers are fully aware and comply.

Deadline Date: October 2014

Action Taken:

Plan Complete:

Plan Complete Date:

9. Wages, Benefits and Overtime Compensation: Record Maintenance

WBOT.7 Company shall make efforts to educate and assist the growers in maintaining records of wages provided to the worker in cash or in-kind or both, and such records shall be acknowledge by the worker.

In Compliance, Noncompliance, Uncorroborated Evidence of Noncompliance, Notable Feature (choose 1, erase other 3)

Explanation: No wage records are maintained at the farm level. Most workers are either family members or sharecroppers who received a part of the final harvest. In the absence of any compensation records, it was difficult to establish any payments made to workers (even casual or short-term workers). Instances were found where some of the illiterate growers were maintaining wage records on their farms with the help of some literate community members.

Sources: interviews, record review

Plan Of Action: Our research shows 45% of farmers are illiterate and running very small farms with the infrequent use of paid labor; therefore, the lack of records is a widespread issue. Our research also shows that in a survey of over 600 workers, the average working day was 8 hours, including breaks, for 5 days a week. In accordance with the requirements of UTZ Certification, the cooperative has agreed to emphasize the importance of working no more than the maximum number of working hours. We will discuss solutions for recording hours with the cooperative during 2015.

Deadline Date: December 2015

Action Taken:

Plan Complete:

Plan Complete Date: