COMPANY: Nestlé  
COUNTRY: Ivory Coast  
PROVINCE: Fromager  
COMMUNITY: Lebre  
MONITOR: FLA and Jean-Baptiste Appia  
AUDIT DATE: November 12 – 16, 2013  
PRODUCTS: Cocoa  
NUMBER OF WORKERS: 8  
NUMBER OF GROWERS/WORKERS INTERVIEWED: 20/8  
NUMBER OF FARMS VISITED: 20  
TOTAL AREA COVERED IN AUDIT: 62 HA  
PROCESSES: Harvesting, Cocoa Drying

To view more about FLA’s work with Nestlé, 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 other supply chain partners.

**Noncompliance**

**Explanation:** Nestlé’s Code of Conduct (COC) does not mention the non-discrimination code element, although this element is covered under the UTZ and FLA COCs that are applied on the farms. Currently, Nestlé’s illustrated COC is the most widely distributed COC and the most used by growers, as compared to the other COCs. Therefore, there is a risk of farms not implementing UTZ and FLA COCs.

**Sources:** worker interviews, document review, visual observation

**Plan Of Action:**

1. Nestlé’s 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 the environment. We are adding non-discrimination and non-retaliation to the next leaflet revision, which will be accompanied by an explanatory note to suppliers emphasizing their role in its implementation. They 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, which will cover supplier COC, grievance channel, non-retaliation policy, along with a simplified formula for policy and procedure creation, particularly on 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 for each section, in which lead farmers introduce the farmer field school. ADGs will provide brief information on supplier COC, grievance procedures, etc. **Deadline:** November 2014

4. 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

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

**Deadline Date:**

**Action Taken:**

**Plan Complete:**

**Plan Complete Date:**

March 2015
Code Awareness:
GEN 2 Ensure that all Company growers as well as supply chain partners 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: Growers are informed about Nestlé’s COC through farmer field schools (supported by the Nestlé Cocoa Plan, among other stakeholders) and through Nestlé’s illustrated COC, which is distributed to them. However, there is no proof that workers are aware of all code elements. Many workers or family members who work on the farms do not attend any awareness sessions.

Sources: grower and worker interviews; observation

Plan Of Action:
See the Plan of Action for GEN 1, #3, #4, and #5.

The cooperative has agreed to make a list of workers. However, it must be noted that some workers only come a day at a time; therefore, the list cannot have 100% coverage.

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 supply chain partners (cooperatives) 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:** Nestlé has provided a toll-free number as a noncompliance reporting mechanism, that is included on Nestlé's illustrated COC. However, the COC is only either distributed to growers or displayed at the cooperatives. At present, this reporting mechanism is only accessible by growers; workers do not have access to the number. Furthermore, according to grower interviews, growers find the number difficult to use. A non-retaliation policy has neither been developed nor communicated to growers and workers in case they wish to report non-compliances.

**Sources:** IMS center staff, grower, and worker interviews; observation

**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 at each section level warehouse. 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 register of complaints managed by 1 dedicated person;
   b) This register is available to all cooperative members and to anyone involved in the community;
   c) All complaints are to be related to application of the code (discrimination, non-payment of the premium, etc.);
   d) The system has to be known by all members.

**Application of this in UCDG:**

a) The individual responsible within UCDG has been trained by the “labor inspection;”

b) This individual is supported by section delegates who are collecting the complaints locally;

b) The individual responsible is evaluating the complaints and putting in place related corrective measures.

4. We will recommend a non-retaliation policy to the cooperative and ADGs will be trained on this topic in August. Non-compliances can be reported through the cooperative’s complaint procedure and our hotline. **Deadline: November 2014**

5. The individual responsible in the cooperative for the certification will make a round of the farmer field schools to remind farmers of this mechanism. **Deadline: January 2015**
Deadline Date: January 2015

Action Taken:

Plan Complete:

Plan Complete Date:
Forced Labor: Free Disposal of Wages/Cash and In-Kind Compensation

F.7 Growers shall not limit in any manner the freedom of workers to dispose of their wages. Workers shall be compensated for their work directly through the provision of cash or its equivalent. The partial payment of wages in the form of allowances in-kind is permissible, provided: they are allowed under local law, and as long as legal limits are complied with; they are appropriate for the personal use and benefit of the worker and her or his family; and the value attributed to such allowances is fair and reasonable and receipt of in-kind compensation is voluntary.

Noncompliance

Explanation: A young worker was found on 1 farm. He did not have any age verification documents; subsequently, assessors determined his age to be 15 years. He explained that his father, who lives in Burkina Faso, sent him to the grower and that he has been working with the same grower for the past 3 years. His salary is directly sent to his father in Burkina Faso and he is not aware of the compensation he receives. He receives nothing personally from the grower and has been involved in all activities on the farm.

Sources: grower and worker interviews; visual observation

Plan Of Action:

See the Plan of Action for CL.1.

Deadline Date: October 2014

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.

Noncompliance

Explanation: Monitors found a young worker involved in cocoa bean transportation, which is considered hazardous work (lifting of heavy loads) at a Nestlé supplier’s farm. The worker reported to monitors that he is engaged in the grower’s daily work, including hazardous activities. During interviews with farmers, it was reported that child/young workers from farmers' families (both immediate and extended) are involved in farm work like cocoa picking and land cleaning. Some of these children and young workers do not attend school.

Sources: interviews, observations

Plan Of Action:

1. We have begun the roll out of our child labour monitoring and remediation system in this cooperative. See a short description at: http://www.cocoainitiative.org/fr/projects/143-ici-nestle-project-in-cote-d-ivoire

2. We will ask the person responsible in the cooperative to: a) follow up on this situation, b) ensure that the farmer is suitably trained on what is permissible for young workers, and c) find a solution for the worker’s payment. The employer will be informed that: a) the young worker has to be paid for his job and cannot be employed in hazardous tasks and b) no other children, from either in the family or outside the family, could also be employed. Specific follow up will be ensured on this case, to make sure that the situation does not happen again. If awareness-raising activities do not suffice, appropriate remediation solutions are to be found for this young worker.

3. Similar follow up is to be ensured for all identified children involved in farming activities, when their activities are considered as hazardous by the national law.

Deadline Date: October 2014
Child Labor: Proof of Age Documentation
CL.3 Company will assist the grower in maintaining proof of age documentation for all young workers in the farm and is recommended to maintain proof of age documentation for all workers in the farm, including long term and casual workers.

Uncorroborated Evidence of Noncompliance

Explanation: The grower was not able to provide the proof of age of the young worker working on his farm (he said his birth certificate was at home). Monitors could not determine the exact age of the worker, but based on interviews, they estimate he was around 15 years old. According to the young worker, he has been employed on this farm for the past 3 years.

Sources: worker interviews, observation

Plan Of Action:
See the Plan of Action for CL.1.

1. The database being constructed by International Cocoa Initiative (ICI) in our Child Labor Monitoring and Remediation System (CLMRS) will record the ages of children and young workers.

2. In cases where there is no documentary evidence, a best estimation is to be derived from interviewing local people.

Deadline Date: October 2014
Action Taken: Plan Complete: Plan Complete Date:
Child Labor: Employment of Young Workers
CL.6 Growers shall comply with all relevant laws and regulations that apply to young workers, i.e., those between the minimum working age and the age of 18, including those relating to hiring,

Noncompliance

Explanation: The young worker has been working on the farm for the past 3 years. His employment is not in compliance with local law, Nestlé COC, and FLA COC, especially in regard to the types of work performed, hours of work, and employment terms.

Sources: grower and worker interviews; observation

Plan Of Action: See the Plan of Action for C.1.

Deadline Date: October 2014

Action Taken:

Plan Complete:

Plan Complete Date:
Child Labor: Hazardous Work for Young Workers

CL.7 No person under the age of 18 shall undertake hazardous work, i.e., work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of persons under the age of 18. Young workers between the ages of 15 to 18 years will not be involved in strenuous and hazardous work. Such work includes the application of agro chemicals, pesticides, and fertilizers, use of farm equipment’s tools and machinery, lifting or moving of heavy materials or goods, or carrying out hazardous tasks such as underground or underwater or at dangerous heights, or any other activity which may cause harm or would affect the well being of the young worker.

Noncompliance

Explanation: Monitors observed a young worker involved in cocoa bean transportation. The worker reported to monitors that he is engaged in the grower’s daily work, such as cocoa pod picking and land cleaning, which are considered hazardous tasks.

Sources: worker interviews, observations

Plan Of Action: See the Plan of Action for CL.1.

Deadline Date: October 2014

Action Taken:

Plan Complete:

Plan Complete Date:
Child Labor: Education of Young Workers
CL.8 The grower shall ensure that when young workers are employed, their education is not jeopardized.

Noncompliance

Explanation: The young worker found in the field was never sent to school; he has been working on the farm for the past 3 years.

Sources: grower and worker interviews

Plan Of Action: See the Plan of Action for CL.1.

Nestlé has built 6 primary schools in the Gagnoa area, and puts great emphasis on the importance of education when talking to farmers and cooperatives. Note that the minimum age of employment is 14 in the Ivory Coast and 15 in FLA’s COC.

Deadline Date: October 2014

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.

**Uncorroborated Evidence of Noncompliance**

**Explanation:** As per IMS staff interviews, the company is in the process of developing a child labor monitoring and remediation plan. Under this plan, the identified children will be removed and rehabilitated. The assessors did not have a chance to verify this system. The young worker observed in the fields was yet to be identified by company staff.

**Sources:** interviews

**Plan Of Action:** See the Plan of Action for CL.1.

**Deadline Date:** October 2014

**Action Taken:**

**Plan Complete Date:**
Harassment or Abuse: Grievance Procedure

H&A.12 Company shall have in place grievance procedures that allow first an attempt to settle grievances directly between the worker and the grower but, where this is inappropriate or has failed, it is possible for the worker to have the grievance considered at one or more steps, depending on the nature of the grievance and the structure and size of the enterprise. Company shall ensure that workers know the grievance procedures and applicable rules.

Noncompliance

Explanation: Nestlé has developed a grievance process at the cooperative level. However, workers are not aware of the grievance procedure, as they do not participate in training sessions where the grievance procedure is communicated and explained.

Sources: interviews, document review

Plan Of Action:
See the Plans of Action for GEN 1 and GEN 2.
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. As a result, there is no potable water at the village and farm levels. Water is drawn from wells and creeks and consumed without treatment. There are no first aid kits available in the village and the nearest health center is 5 kms away with no means of transportation.

Sources: grower and worker interviews; observations

Plan Of Action:

1. UCDG has a first aid procedure in accordance with UTZ certification:
   a) UCDG is distributing 20 first aid kits to villages and the Red Cross is training local first aiders in a selection of villages. They will make sure the kits are complete and will communicate the procedure to farmers in the field schools, together with basic first aid.
   b) UCDG’s evacuation plan mentions that first aiders are to inform the cooperative in cases of severe injury.

2. Through the first aiders, the cooperative will remind members and workers of this procedure during farmer field school sessions.

Drinking water: This is a widespread problem in rural areas of the Ivory Coast. A Nestlé survey showed that around 37% of individuals do not have access to clean drinking water. We have a project with the International Federation of the Red Cross to refurbish water wells, build sanitation infrastructure, and educate children and adults about the importance of hygiene, which has been active in the Gagnoa area.

Footbridges: This is also typical of rural areas. While child labour remains our focus, we will not prioritize this issue.

Deadline Date: March 2015
Action Taken: Plan Complete: Plan Complete Date:
Health and Safety: Document Maintenance/Worker Accessibility and Awareness

H&S.2 All documents required to be available to workers and growers by applicable laws (such as health and safety policies, MSDS, etc.) shall be made available in the prescribed manner and in the local language or language(s) spoken by the workers if different from the local language. If the workers are illiterate, the company shall make an effort to provide pictorials that the workers can easily understand.

Uncorroborated Evidence of Noncompliance

Explanation: Workers do not participate in training sessions; therefore, they are not aware of any H&S documents and procedures.

Sources: interviews

Plan Of Action:
1. See the Plans of Action GEN 1 and GEN 2 regarding explaining the supplier COC to workers.
2. We will train ADGs on the H&S management system, as there is already a risk analysis available at the cooperative level. During the training, we will investigate how the individuals responsible for first aid run the H&S management system.

Deadline Date: March 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.

Noncompliance

Explanation: There is no H&S management system available for growers and workers.

Sources: grower and worker interviews; record review

Plan Of Action: We will train ADGs on the H&S management system, as there is already a risk analysis available at the cooperative level. During the training, we will investigate how the individuals responsible for first aid run the H&S management system.

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.

Uncorroborated Evidence of Noncompliance

Explanation: There is no proof that workers are aware of the H&S requirements, as they do not attend the farmer field school training sessions.

Sources: grower and worker interviews; record review

Plan Of Action:

See the Plans of Action for H&S.1 and GEN 2.

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:  No first aid kit is available in the village. Additionally, the nearest health care clinic is 5 kms away and there are neither paved roads nor modes of transportation.

Sources: grower and worker interviews; observations

Plan Of Action:  
See the Plan of Action for H&S.1.

Deadline Date:  March 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: Monitors observed that both growers and workers, mainly women, do not have suitable protective equipment, like boots, while working on the farms.

Sources: grower and worker interviews; observations

Plan Of Action:

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

2. As part of our response to FLA’s gender report (http://www.fairlabor.org/report/nestle-womens-roles-assessment-cocoa), we will investigate the root causes with selected women’s groups and devise related solutions by 2015.

Deadline Date:

Farmer training by March 2015, root cause investigation by December 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 equipment.

Noncompliance

Explanation: Growers are aware of the banned chemicals and take precautions to segregate the chemicals from their workplace and living quarters. However, it was noticed that empty chemical containers are not properly disposed of, as they are either buried in the ground or thrown out into the wild.

Sources: grower and worker interviews; observations

Plan Of Action: The proper disposal of chemical containers is a critical part of UTZ COC. In fact, in the absence of national methods of collection and disposal of these containers, burial in the ground after washing and piercing the container is considered an acceptable practice. Throwing the containers out into the wild is not acceptable and this message will be reinforced in farmer trainings, in conjunction with our supplier of phytosanitary goods.

Deadline Date: January 2015

Action Taken: Plan Complete Date:
**Hours of Work: General Compliance**

HOW.1 Growers shall comply with all local laws, regulations, and procedures concerning hours of work, public holidays, and leave.

**Noncompliance**

**Explanation:** No documents on hours of work are maintained at the farm level; therefore, it is difficult to determine the total number of hours of work during peak season.

*Sources:* grower and worker interviews; document review

**Plan Of Action:**

Our research shows that 45% of farmers are illiterate and running very small farms with the infrequent use of paid labor; therefore, the lack of records will be a widespread issue.

1. 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.

2. We will discuss solutions for recording hours with the cooperative during 2015.

**Deadline Date:** Late 2015

**Action Taken:**

**Plan Complete:**

**Plan Complete Date:**
Wages, Benefits and Overtime Compensation: General Compliance

WBOT.1 Growers shall comply with all local laws, regulations and procedures concerning the payment of wages and benefits, including overtime compensation. In any case where laws and the FLA Workplace Code of Conduct are contradictory, the standard that provides the greatest protection for workers shall apply. Where provisions are lacking, growers shall take measures to reasonably accommodate matters concerning the payments of wages and benefits, including overtime compensation.

Noncompliance

Explanation: A young worker explained that his father (who lives in Burkina Faso) sent him to work on the farm. Therefore, he has worked on the farm for 3 years, with his salary going directly to his father in Burkina Faso. Subsequently, this young worker receives nothing personally.

Sources: grower and worker interviews

Plan Of Action: See the Plan of Action for CL.1.

Deadline Date: October 2014

Action Taken:

Plan Complete:

Plan Complete Date:
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.

Noncompliance

Explanation: No records are maintained at the farm level regarding wage payments, as neither the cooperative nor the company has trained growers on them. Subsequently, there is no way to determine how many additional causal or daily workers work on the farms and what kind of compensation is made to them.

Sources: grower and worker interviews; record review

Plan Of Action:
Our research shows that about 45% of Ivorian cocoa farmers are illiterate and running very small farms with the infrequent use of paid labor; therefore, the lack of records will be a widespread issue. We run farmer field schools, which cover better farming practices and introduce some accounting basics related to farm costs. Currently, our priority is on child and forced labor, along with issues affecting certification compliance, H&S, and our supplier COC. Therefore, while wages, their records, and sharecropping arrangements all merit closer attention, looking into them this year will distract both our resources and focus. Additionally, typical wage rates are above the minimum wage.

Deadline Date: Late 2015

Action Taken: 

Plan Complete: 

Plan Complete Date: