



2013

FAIR LABOR ASSOCIATION
INDEPENDENT EXTERNAL MONITORING
AGRICULTURAL REPORT

COMPANY: Nestlé
COUNTRY: Ivory Coast
PROVINCE: Belier
COMMUNITY: Gbelissou
MONITOR: FLA
AUDIT DATE: 22 – 26 November 2013
PRODUCTS: Cocoa
NUMBER OF GROWERS/WORKERS: 20/2
NUMBER OF GROWERS/WORKERS INTERVIEWED: 20/2
NUMBER OF FARMS VISITED: 20
TOTAL AREA COVERED IN AUDIT: 53.25 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: The Nestlé 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 code and is more often used by growers as compared to the other codes. Therefore, there is a risk in farms not implementing UTZ and FLA COCs.

Sources: worker interview, 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 environment. We are adding non-discrimination to the next leaflet revision. The revised version of the COC will be distributed to farmers, women, and workers during introductory sessions (see Action 3) in villages.

2. Nestlé and Olam will prepare a training module, which will cover supplier COC principles, grievance channel, non-retaliation policy, internal monitoring, and a simplified formula for policy and procedure creation, particularly on H&S and disciplinary actions. The training will be given to group administrators (ADGs) and farmer trainers by Nestlé and/or Olam representatives. Training manuals will be prepared with visual materials considering illiterate workers and farmers and will be provided to participants. Deadline: August 2014

3. After the training of trainers' session that will be provided by Nestlé and Olam, ADGs will discuss the training schedule and program with the Administrative Council. Farmer trainers and ADGs will organize information/introductory sessions in each section where they will introduce the farmer field schools and provide brief information on supplier COC, emphasizing child labor, H&S, and grievance channel, including the non-retaliation policy. 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 farmers who are not in the certification program will be particularly encouraged to join farmer field schools. An announcement will be done through selected farmers from farmer trainings ("chef de class") in order to reach all residents in the village, including workers. Deadline: November 2014

5. The cooperative has 6 sections and covers 36 villages. Each section has farmer trainers and farmer training schools are organized. The schools are open for all farmers, whether they are part of UTZ Certification or not. This fact will be underlined during the information sessions. Deadline: November 2014

6. The cooperative will provide a timeline for training sessions and Olam/Nestlé representatives will join some of the trainings in order to support trainers during information sessions. Deadline: November 2014

7. During farmer school and trainings, supplier COC principles will be explained in more detail with illustrated materials, procedures, and processes that will facilitate information recording. Workers will also be invited to the farmer training school. Deadline: November 2014

Deadline

Date: November 2014

Action

Taken:

Plan

Complete:

Plan

Complete

Date:

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: IMS (internal monitoring system) staff has made efforts to inform and raise awareness amongst growers regarding company's COC through farmer field schools and the ICI (International Cocoa Initiative)-implemented Child Labor Monitoring and Remediation Program. However, family members and sharecroppers who are workers in visited areas do not have sufficient knowledge on company's COC and no training has been conducted for them. Regular updating of labor issue-related training and refresher courses was not organized for growers and workers due to lack of trainers.

Source: grower and family member interviews

Plan Of Action: The cooperative will discuss the possibility of increasing the number of farmer trainers during the council meeting.

See also the Plan of Action for GEN 1, #3, #4, #6, and #7.

Deadline Date October 2014

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; it is included on Nestlé’s illustrated COC. However, the COC is only distributed to growers or displayed at the cooperatives. Therefore, at present, this reporting mechanism is only accessible by growers; workers do not have access to this number. Furthermore, according to grower interviews, they find the number difficult to use. A non-retaliation policy has neither been developed nor communicated to either growers or 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; this is being corrected with the new version.
 2. The new poster will be displayed at each section level warehouse. To include workers, we will distribute the leaflet more widely (see GEN 1); workers are welcome to use the hotline, including for cases of retaliation.
 3. Given the fact that FLA requires affiliate companies to create a grievance channel where the grievant could stay anonymous, a toll-free number is one feasible option for open working areas such as farms. However, the cooperative has also developed an open door policy, where farmers/workers could communicate directly with ADGs. Suggestion boxes are also placed in the cooperative building. All types of grievance channels will be explained during information sessions with members.
 4. Olam/Nestlé will prepare farmer production notebooks in which farmers can register information on production and labor. The notebook will have visuals on supplier COC and the grievance channel’s toll-free number. One notebook will be provided for each cooperative, in order for them to share this information with farmers.

See also the Plan of Action for GEN 1, #3, #4, and #7.

Deadline Date November 2014

Action Taken:

Plan Complete:

Plan Complete Date:

Forced Labor: General Compliance

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

Uncorroborated Evidence of Noncompliance

Explanation: During the visit, no clear evidence of forced labor was found. However, growers engage family members, sharecroppers, and their family in work; subsequently, none of them have either a (written or verbal) contract with growers. In some instances, wages are not determined at the beginning of the season. In these cases, workers do not know how much they will receive until the end of the harvest; therefore, they feel mentally coerced to keep working on the farms in order to receive the final payment. It was also reported during interviews that although their (growers' family members) needs are conveyed (although in some cases they are not), as they have no determined wages and benefits, they are not able to organize their lives due to the uncertainty of their income.

Sources: interviews

Plan Of Action: The cooperative is providing a simple working contract document to farmers. The contract document requires farmers to complete information on the duration of work and wages. The document will be revised and a simplified version of disciplinary actions and working hour limits will be added as a note. This contract document will be introduced during farmer training school by farmer trainers.

See also the Plans of Action for GEN 1, #3, #4, and #7, and GEN 3, #2.

Deadline Date November 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 did not observe any **hired** child labor or young workers on the visited farms. However, during farm tours, monitors met children on the farm with their parents. Grower interviews found that child/young workers from growers' families (both immediate and extended) and sharecroppers' families are involved in farm work, such as cocoa picking and land cleaning. Additionally, some of these children and young workers do not attend school. One of the grower's sons, who is less than 14 years old and should be in primary school, was found carrying water for cooking on the farm. His father mentioned that he goes with him to the field because he refuses to go to the school.

Despite the large number of children, there is a lack of educational facilities. However, people in the area do send their children to school. The schools' directors confirm that their enrollments are around 95%. Yet, there are no opportunities for children who fail at school; therefore, when they fail, they become involved with work in the field, regardless of their age.

Sources: interviews, farm walkthrough

Plan Of Action:

1. Nestlé is working in cooperation with the ICI on the elimination of child labor. In case child labor is found during monitoring or follow-up visits by farmer trainers or ADGs, ICI will be informed immediately. The farmer's questionnaire is done with farmers by community liaison individuals, who report to ICI, in order to detect the reasons behind these cases of child labor. Remediation activities are proposed by ICI to Nestlé on a case-by-case basis. See a short description at: <http://www.cocoainitiative.org/fr/projects/143-ici-nestle-project-in-cote-d-ivoire>
2. Farmer trainers and ICI inform farmers on child labor definitions in order to raise awareness.

See also the Plan of Action for GEN 1, #7.

Deadline Date October 2014

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: Disciplinary rules developed by the company were not found at the farm level.

Source: interviews, document review

Plan Of Action: During the training sessions organized by Nestlé and Olam, ADGs and farmer trainers will be informed on the disciplinary system requirements. As a training activity, farmer trainers and ADGs will develop suitable procedures for the farm level. These procedures will also be actively discussed with farmers. The procedures that will be created and then confirmed by the cooperative will be introduced during information sessions and farmer trainings.

See also the Plans of Action for GEN 1, #2 and #7, and F.1, #1.

Deadline Date December 2014

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.](#)

[Source:](#) interviews, document review

Plan Of Action: [See Plans of Action for GEN 1, #2, #3, and #4; F.1 #1; and H&A.2, #1.](#)

Deadline Date [November 2014](#)

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: General Compliance Health and Safety

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: Although growers have received training on H&S requirements, they do not implement or practice the necessary activities to comply with them; at times, this is due to a lack of infrastructure. Additionally, there is very limited access to health centers and women do not use adequate gear.

Sources: interviews, observations

Plan Of Action:

1. Farmers will be informed of H&S requirements through refresher trainings in farmer school. (See also the Plan of Action for GEN 1, #7.) The importance of personal protective equipment (PPE) usage will be underlined during trainings to all family members.
2. Women will be encouraged to participate in farmer training schools during the information sessions that are held in villages.
3. There are 2 health centers in the area and all farmer trainers were trained on first aid. During farmer trainings, farmers will be re-informed of the health centers' locations and will educate staff on first aid.

Deadline Date November 2014

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.

Noncompliance

Explanation: None of the documents establishing H&S policies or procedures are accessible to workers (sharecroppers and family members). One of the reasons for this is that workers do not attend any training sessions where documents and procedures are explained and transmitted.

Sources: interviews, record review

Plan Of Action: See the Plan of Action for GEN 1, #2, #3, #4, and #7.

Deadline Date November 2014

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: No management system has been defined for ensuring H&S.

Sources: interviews, record review

Plan Of Action: The cooperative has already conducted a risk analysis at the farm level. According to risk analysis results, the cooperative will prepare H&S procedures. Olam/Nestlé will assist the cooperative on system creation and provide guidance on requirements and basic content of the H&S management system during the training of both ADGs and farmer trainers. After creating procedures, ADGs and farmer trainers will share them with farmers and workers during farmer trainings.

Deadline Date September 2014

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: Growers in the visited area work with their family members and sharecroppers. There is no proof of workers' awareness of H&S requirements, as they do not attend the farmer field school training sessions.

Sources: interviews

Plan Of Action: See the Plan of Action for GEN 1, #2, #3, #4, and #7.

Deadline Date November 2014

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). Although there is a first aid kit available in the village, which is maintained by the cooperative, and the Producer Relay is trained on first aid, this information is only accessible to growers, not workers.

Sources: interviews, observations

Plan Of Action:

1. The cooperative has already provided first aid trainings to farmer trainers. The refresher course will be organized in 2014. The information will be shared during farmer trainings.
2. The majority of the farmers use PPE. However, women prefer not to change out of their traditional clothes. Additionally, while they have access to PPE, they do not have sufficient information on the farm level risks. In order to change the prevailing mindset and help women get their own PPE, the cooperative will propose giving model boots and shirts to selected farmer's wives, so they can set an example. Women will also be encouraged to join farmer trainings during information/introductory sessions.

See also the Plan of Action for GEN 1, #2, #3, #4, and #7.

Deadline Date November 2014

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: [Women were found working in farms without suitable equipment \(footwear\).](#)

[Sources: interviews, observations](#)

Plan Of Action: [See the Plan for Actions for H&S.6 and GEN 1, #2, #3, #4, and #7.](#)

Deadline Date [November 2014](#)

Action Taken:

Plan Complete:

Plan Complete Date:

Hours of Work: General Compliance Hours of Work

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 working hours during the peak season.

Sources: worker and grower interviews; document review

Plan Of Action: Nestlé has conducted research on the average daily work time at the farm level in Ivory Coast for their program regarding rural development frameworks. Due to weather conditions, workers could not work office work hours (8:00 am – 6:00 pm). Depending on circumstances, they prefer to work early in the morning and late in the afternoon. Therefore, farmers and workers will be informed on the weekly working time limits and minimum wages during farmers' trainings.

See also the Plans of Action for GEN 3, #2, and F.1.

Deadline Date November 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 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). Growers are not trained on document maintenance.

Sources: interviews, record review

Plan Of Action: See Plans of Action for GEN 1, #3, #4 and 6; GEN 3, #2; and F.1.

Deadline Date November 2014

Action Taken:

Plan Complete:

Plan Complete Date: