



[2013]

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURAL REPORT

COMPANY: Nestlé
COUNTRY: Ivory Coast
PROVINCE: Indenie
COMMUNITY: Aniassue
MONITOR: FLA

AUDIT DATE: December 3 – 8, 2013

PRODUCTS: Cocoa

NUMBER OF GROWERS/WORKERS: 20/14

NUMBER OF GROWERS/WORKERS INTERVIEWED: 20/14

NUMBER OF FARMS VISITED: 20

TOTAL AREA COVERED IN AUDIT: 97 HA

PROCESSES: Harvesting, Cocoa Drying, Land Cleaning, Pod Picking
(Delodging)

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 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 interviews, 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 Date: March 2015

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 Nestlé’s COC. Nestlé’s illustrated COC has been distributed to all growers in the certification program. However, workers and sharecroppers do not have sufficient knowledge of Nestlé’s COC. No training was conducted for workers, sharecroppers or growers’ family members who are involved in the production process.

Sources: grower and worker interviews

Plan Of Action: The cooperative will update the worker list (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, ADG will discuss the training schedule and program with the cooperative board. ADG will organize information/introductory sessions in each section where lead farmers introduce the farmer field school. The ADGs will provide brief information on supplier code, 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 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 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: Although Nestlé published a toll-free number in its COC to allow growers and workers to raise complaints/grievances or report non-compliances, neither growers nor workers are aware of it. Additionally, a non-retaliation policy has neither been developed nor communicated to growers and workers in case they wish to report non-compliances.

Sources: 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.

Noncompliance

Explanation: During the farm walkthroughs and interviews, a child under 14 years of age was found picking cocoa pods with his father (a sharecropper). It was identified through interviews that most sharecroppers (workers) regularly involve their children in farm activities in order to meet agreement requirements. Additionally, these workers live in camps with their children who do not attend school, either due to lack of school infrastructure or because they do not believe in education.

Sources: interviews, farm walkthroughs

Plan Of Action: After FLA had notified us of this situation, we discussed it with both the cooperative and the child's parents and found a solution that suits all parties. The child is now living with a cooperative employee during the week and going to school, where he is progressing fast, learning French, and making friends.

We will include this cooperative in the rollout of our child labor monitoring and remediation system (CLMRS) by June 2015. This includes: a) employing a child labor agent at the cooperative, b) selecting community liaison individuals in each community that the cooperative buys from, c) community awareness sessions, d) data gathering on the household level, and e) remediation activities when we find children at risk. 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: Child Labor

CL.2 Growers shall not employ children younger than 15 (or 14 where the law of the country of production allows) or younger than the age for completing compulsory education in the country of production where such age is higher than 15.

Noncompliance

Explanation: Although growers do not recruit children directly for their farms, their workers (mostly sharecroppers) involve their children in farm activities, which are sometimes hazardous for children. A child was found picking cocoa with his father and working with a sickle; the child had visible injury marks due to machete use.

Sources: interviews, observations

Plan Of Action: Through the system of lead farmers and farmer field schools, the cooperative will raise farmers and workers' awareness of this issue.

For the remediation for this young worker, see the Plan of Action for CL.1.

Deadline Date: December 2014

Action Taken:

Plan Complete:

Plan Complete Date:

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.

Noncompliance

Explanation: Sharecroppers' children are involved in farm activities. One child was found working on a farm and no age verification documents could be provided to establish their age. Based on interviews, monitors determined that the child was less than 14 years of age.

Sources: interviews, record review

Plan Of Action: The database that is being constructed by the International Cocoa Initiative (ICI) for our CLMRS will record the ages of both children and young workers. If there is no documentary evidence, a best estimation can be derived from interviewing local people.

Please see the Plan of Action for CL.2.

Deadline Date: June 2015

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, 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 found a child worker \(under 14 years of age\) picking cocoa pods and working with a sickle on 1 farm. Additionally, he was injured due to regular machete use.](#)

[Sources: interviews, observation](#)

Plan Of Action: [Please see the Plan of Action for CL.2.](#)

Deadline Date: [June 2015](#)

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 child worker found by monitors was not attending school. Furthermore, interviews with other workers (mostly sharecroppers) indicated that their children seldom attend school either due to lack of infrastructure, the non-availability of birth certificates or non-belief in the education system.

Sources: interviews

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

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: [Please see the Plan of Action for CL.2.](#)

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: [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 of the disciplinary system requirements. As a training activity, lead farmers and ADGs will develop related farm-level procedures, which will be actively discussed with farmers and confirmed by the cooperative.

2. These procedures will be introduced during information sessions and farmer trainings, in which workers are invited to participate.

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

Deadline Date: [January 2015](#)

Action Taken:

Plan Complete:

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: [Workers are not aware of the grievance procedure, as they do not participate in training sessions in which the grievance procedure is communicated and explained.](#)

[Sources: interviews, document review](#)

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

Deadline Date: [January 2015](#)

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: Although the village has a public hospital, there are no first aid kits available either on the farms or in camps for growers and workers who are located far from the village. Additionally, there are no other health facilities and no means of transportation.

Sources: interviews, observation

Plan Of Action: The cooperative will put first aid kits in each village section in place and will train a person in each section. It will also publicize the evacuation procedure and give basic first aid training to all farmers.

Deadline Date: January 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 where documents and procedures are explained and transmitted. There is no proof workers have access to those documents.

Sources: interviews, record review

Plan Of Action: The cooperative will update the worker list (both family and permanent workers will be included). However, it must be noted 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 and lead farmers will introduce it in the farmer field school. The ADGs will provide brief information on supplier code, grievance procedures, etc. Deadline: November 2014

2. Since 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, through either section heads or community liaison individuals, depending on local preference. Deadline: March 2015

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: No H&S management system is available for growers and workers.

Sources: grower and worker interviews; record review

Plan Of Action:

1. We will start by making sure that 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 and procedures; reporting for all H&S matters: chemical handling, personal protective equipment (PPE), first aid, handling accidents, etc.).
3. The person responsible for the H&S management system will inform farmers and workers during farmer field school sessions.

Deadline Date: January 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: 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 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 first aid kit available for workers and growers in camps and on the farms. The public hospital is located far from the village (which has no transportation means) if someone is injured.

Sources: grower and worker interviews; observation

Plan Of Action: See Plans of Action for H&S.1 and H&S.4.

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.

Noncompliance

Explanation: Monitors observed that the engine oil and fuel used in the cooperatives' automobile were disposed of close to the cooperative office.

Sources: interviews, observations

Plan Of Action: The cooperative will:

- a) Identify a storage area for fuel and engines;
- b) Buy and install a fire extinguisher;
- c) Move all of the fuel and lubricant, along with spare engines and engine parts, to a new locale;
- d) Install a door with a locker;
- e) Order and place on the door the following signs: "Attention Danger," "No Smoking, and "Flammable Liquid."

Deadline Date: September 2014

Action Taken:

Plan Complete:

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.

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

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 the peak season.

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 infrequent use of paid labor; therefore, the lack of records will be a likely be a widespread issue. We run farmer field schools, which cover better farming practices and introduce some basics of accounting related to farm costs. Our priority is on child and forced labor issues, which affect compliance on certification, H&S, and our supplier code. Wages and their records, along with sharecropping arrangements, all merit closer attention, but to do so this year will distract our resources and focus. Typical wage rates are above the minimum wage of 33'000 CFA per month. We will discuss record keeping with the cooperative in 2015.

1. In accordance with the requirements of UTZ Certification, the cooperative has agreed to emphasize the importance of working no more than the maximum working hours.

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

Deadline Date: Late 2015

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.

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 any document maintenance.

Sources: interviews, record review

Plan Of Action: Please see the Plan of Action for HOW.1.

Deadline Date: Late 2015

Action Taken:

Plan Complete:

Plan Complete Date: