



[2015]

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURAL REPORT

COMPANY: Nestlé
COUNTRY: Ivory Coast
PROVINCE: Moronou
COMMUNITIES: N'Zanfouenou, Kotobi, Akpokro
MONITOR: Societal Compliance Initiative
AUDIT DATE: Nov 24 – Dec 1st, 2015
PRODUCTS: Cocoa
NUMBER OF GROWERS/WORKERS INTERVIEWED: 60/24
NUMBER OF FARMS VISITED: 60
TOTAL AREA COVERED IN AUDIT: 232 ha
PROCESSES: Harvesting

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

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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: Nestlé and its partners implement a program to educate and train producers on its Code of Conduct (COC). However, assessors observed that the training attendance rate is low. 47% of the interviewed farmers do not participate in the farmers' farm school sessions. Additionally, the illustrated communication materials that are supposed to increase visibility and strengthen information sharing in the communities are not widely distributed. About 80% of the interviewed sample has not received Nestlé illustrated COC. The posters were observed in the central stores of two of the three visited communities.

Despite the initiative of some producers to relay information to their workers, monitors observed that COC information is in general not accessible to workers.

Source: Interviews with producers, workers and IMS staff; Observations and Record Review

**Plan Of
Action:**

Nestlé will engage the cooperative and Nestlé's tier 1 supplier to distribute the Nestlé's Supplier Code of Conduct to farmers and workers. This will occur during farmer field schools through either section heads or through community liaison individuals depending on local preference. The cooperative will initiate and provide Nestlé with a distribution list to ensure the effective distribution of the leaflet to the target audience.

The poster will be displayed at each section level warehouse. To include workers, Nestlé will distribute the leaflet more widely. Workers will be encouraged to participate in farmer training schools during the information sessions that are held in villages by the cooperative.

Nestlé will engage its tier 1 suppliers to make efforts in a training on good agricultural practices by making training sessions more attractive and practical with activities, such as demo plots, pruning demos and videos.

**Deadline
Date:**

December 2016

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: Nestlé published a toll-free number on its illustrated Code of Conduct COC to enable producers and workers to report any grievances or non-compliance they witness in their communities. Nestlé added a non-retaliation clause to its COC to protect anyone who raises grievance or report non-compliance. However, the toll-free line is difficult to use for illiterate people, leading to multiple relays, and is in English. Moreover, leaflets and posters on which the toll-free number is displayed are poorly distributed and posted in the visited communities. Only a small number of producers and workers are aware of this mechanism.

Source: Interviews with producers, workers and IMS staff; Observations and Record Review

Plan Of Action: Nestlé has been looking for a nation-wide solution to help all farmers and workers' raise their concerns through an effective grievance mechanism. This is made difficult by the fact that the mobile network is fragmented, with 3 different mobile companies sharing the network, including in remote rural areas.

While Nestlé continues to look for a solution at the national level, Nestlé will:

- Engage the cooperative to continue to raise farmers' and farm workers' awareness on all existing grievance procedures at the cooperative level through the system of lead farmers and farmer field schools.
- Engage the cooperative to provide suggestion boxes in all cooperative sessions and raise farmers' and farm workers' awareness around these boxes, including how to proceed in case of illiteracy.
- Pilot a new approach with this cooperative starting in March 2017, that would empower the Community Liaison People to collect grievances from community members and pass them on to the cooperative, our suppliers or to us directly, as appropriate.

Deadline Date: March 2017

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: During the assessment, producers reported that as a result of the non-payment of their certification premium - some for two years and others for three years, producers directly complained to the delegates of their sections, and then to the managers of the cooperative. However, producers never received any response or explanation. This shows a lack of dialogue and follow-up of complaints between the cooperative and the producers. No appeal process or alternative channel is known by the producers to enable them to bring their grievance to a higher level.

Source: Interviews with producers and cooperative's staff; Record Review

**Plan Of
Action:**

See GEN 3

- 1- Nestlé will engage the cooperative to update and display the grievance procedure, and sensitize farmers and workers during field school sessions.
- 2- Nestlé will conduct targeted consultations in 2 communities of 2 cooperatives (this one and another one) in order to better understand farmers' and farm workers' expectations and challenges when it comes to grievance mechanism. The results of these consultations will be discussed with the cooperative management to improve the way farmers and farm workers can lodge complaints and the way these are handled by the cooperative management.

**Deadline
Date:**

June 2017

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: Nestlé published an illustrated Code of Conduct (COC) containing pictures and provisions on Health & Safety. This COC exists in poster and leaflet format designed to strengthen access to information for producers and workers. However, assessors observed that Nestlé's illustrated COC is poorly distributed in the visited communities. Only 20% of interviewed producers received it. The poster is only displayed in two stores of the three communities visited. Moreover, the cooperative's IMS staff has lists of banned and approved chemicals to be used in cocoa production. Although these lists are displayed at the headquarters of the cooperative, they are not available to producers and workers in the communities.

Source: Observations; Interviews with IMS staff, producers and workers

Plan Of Action: Health & Safety is fully integrated into the illustrated Nestlé Suppliers' Code of Conduct. Nestlé works on making sure that it is distributed to all farmers and farm workers. The cooperative has only one section and warehouse. Nestlé will ensure that the poster is posted in this warehouse.

As the number of farmers and workers grow each year, Nestlé will make sure that farmers and workers in Nestlé's supply chain receive a copy of the Nestlé Suppliers' Code of Conduct and receive appropriate training in farmer field school sessions.

With Nestlé's partner Syngenta, farmers and their workers are sensitized during farmer field school sessions on the list of banned and approved chemicals in cocoa production.

Nestlé will continue to

- a) Engage cooperatives in raising workers and farmers' awareness of these lists,
- b) Update the list of banned and approved chemicals in cocoa production, and
- c) Share it with the coop for producers and workers.

Deadline Date: March 2017

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 health center in the community of Akpokro. To access health care, producers and workers have to go to Kouassikro, a community located 20 Km away. No first aid kit has been provided by the cooperative to allow producers and workers to access first aid before reaching Kouassikro health center.

Source: Observations; Interviews with producers, workers and IMS staff

Plan Of Action: Nestlé will engage with the cooperative to extend the Health & Safety policy including procedures and responsibilities to all the communities, and to provide and equip all first aid kits in communities without a health center nearby.

Deadline Date: August 2016

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: Regarding personal protective equipment (PPE): for applicators who are assigned by the cooperative to chemical application of the producers' farms, the identified risks are appropriate and they wear the right PPE. For male producers, the main PPE they use are boots and trousers to protect them from snakebites, thorns and wounds. With that regard, monitors consider that all the risks they face are not taken into account in their protection efforts. Although monitors recognize the complexity of the situation in the Ivorian context due to the weight of tradition and the households' standard of living, they nevertheless noticed that producers and workers do not protect their eyes at the time of picking cocoa pods although they can get debris in the eyes. Female producers or members of producers' family - by tradition - usually wear sandals when going to farms. Finally, in the cocoa beans collection stores, staff rarely protects their nose and mouth when handling beans, despite the significant amount of dust that emanates from these beans. These risks are not adequately taken into account in the companies' effort to raise awareness of producers and workers on Health & Safety risks.

Source: Observations; Interviews with IMS staff, producers, workers and women

Plan Of Action: Nestlé will engage with the cooperative to continue to raise farmer's awareness on the use of necessary personal protective equipment (PPE), such as eyes and nose protection and boots for women.

In addition, Nestlé will pilot the distribution of eye protection equipment to farmers of 2 communities in 2 cooperatives ((this one and another one). This will be done together with farmers' sensitization on the use and advantages of this kind of protection during farmer field school sessions. The level of use of eye protection by farmers will be evaluated after one year.

Deadline Date: March 2017

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: After conducting interviews with the producers and managers of the cooperative and following the record review, monitors confirm that many producers of the cooperative did not receive their certification premium, some for 2 years and others for 3 years. This issue affects 45% of the interviewed producers.

Source: Interviews with producers, IMS staff and with the management of the cooperative;
Record review

Plan Of Action: The cooperative had an issue with farmers who were registered on the list but have not delivered beans for the last 1 or 2 years. Some of them were interviewed by the external monitors of FLA.

The cooperative used to reward farmers with what is called “commission” when they were not yet certified. Some of them were confused with “premium” or “commission” names.

Part of the 45% interviewed producers are in this situation. Nevertheless, the cooperative agreed on the following as action plan with Nestlé’s support:

- 1) Renew the registration list based on recent deliveries to the cooperative. The cooperative will add new members;
- 2) Put in place a traceability system;
- 3) When paying premiums, insure there are individual receipts at farmer level and farmers signatures as proof of payment.

See also GEN.3 and H&A.12

Deadline Date: Jun 2017

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: During their visit in the communities, monitors observed that the purchase of producers' beans is well documented by the cooperative. However, payment of workers' wages in the farms are not documented by the producers although the cooperative has representatives (Delegates and Producers Relays) that cover each of the communities who could assist producers and workers in documenting or establishing of a control mechanism (e.g. with witnesses) for payments to workers.

Source: Interviews with producers, workers and IMS staff; Record review

**Plan Of
Action:**

45% of all farmers are illiterate and running very small farms with infrequent use of paid labor; therefore, the lack of records is a widespread issue.

However, Nestlé will continue to follow up with the cooperative commitment to raising farmers' awareness on the importance of written payment records. Nestlé will also engage the cooperatives to assist farmers and workers as witness in workers wage payment.

Together with cooperatives, Nestlé will develop a template for record payment and pilot-test it with a sample of farmers in two cooperatives.

**Deadline
Date:**

July 2017