



Assessment of the Hazelnut Supply Chain and Hazelnut Harvest in Turkey

MARCH 2012

Introduction

In the summer of 2011, the Fair Labor Association began working with Nestlé to evaluate labor and human rights issues in the hazelnut supply chain in Turkey. Although Nestlé was not a FLA Participating Company at the time, FLA agreed to the special project because the organization's methodology and agriculture work had uniquely positioned the FLA to be able to offer tools and strategies that could make a real difference in the lives of workers on hazelnut farms in Turkey.

Responding to Nestlé's request for an external investigation of the hazelnut supply chain in Turkey, FLA assembled an independent team to assess conditions on the farms from August 15-26, 2011. The team was comprised of six experts: two from Intertek, an international third party social compliance auditing and certification company, and four from the Foundation for the Support of Women's Work (FSWW), a local non-governmental organization. Martine Combemale, Director of Human Resources Without Borders, also joined the team for part of the assessment. In addition, FLA staff in Turkey and Geneva conducted research, visits and consultations prior to and after the assessment and ensured quality reporting.

The assessment team visited a total of 26 farms producing hazelnuts and 3 common tent settlements established by the Turkish government and 15 grower accommodations for workers provided by farm owners. The assessors interviewed nearly 400 farm workers, and spoke with dozens of other stakeholders involved in the hazelnut harvest—from local government and union organizations to growers, labor contractors and crackers.

Some of the findings include:

- The presence of illegal foreign workers;
- Lack of employment records;
- Compensation discrimination;
- Harassment;
- Under-age workers; and
- Lack of supply chain traceability.

There were some positive findings noted during the assessment, including a settlement in Uzunisa which provided reading and writing lessons for children. The settlement also had a small library, and provided children with pencils and notebooks. These findings are encouraging, and may suggest best practices for the industry.



Women harvesting hazelnuts in Turkey

Many of the findings from this assessment are indeed concerning. The assessment team conducted interviews and in-depth analysis to determine the root causes of these issues. Some were found to be a result of the lack of policies and procedures at the governmental level. Other issues resulted from cultural and/or local norms in the region; poor management practices within the supply chain; and lack of engagement on behalf of international buyers. Regardless of the cause, recommendations are made for short and long-term improvements.

Transparency through public reporting is the first step toward improvements, and we are encouraged by Nestlé's commitment and cooperation throughout this process. Attached to this report is a corrective action plan developed by Nestlé in collaboration with the FLA. FLA will continue to monitor progress throughout the remediation process and will provide updates as they become available.

Contents

Introduction	1
Executive Summary	2
Objective	3
Methodology	3
A. Assessment Team	3
B. Information Gathering	3
C. Areas Covered	4
C.1 Farms	4
C.2 Worker Accommodations	4
C.3 Local Organizations	5
D. Target Groups	5
D.1 Workers	5
D.1.1 Domestic Migrant Workers	5
D.1.2 Local Workers	6
D.1.3 Foreign Migrant Workers	6
D.1.4 Family Workers	6
D.2 Growers	6
D.3 Labor Contractors	7
D.4 Supervisors	7
D.5 Manau	7
D.6 Crackers/Processors	8
Findings	8
A. Employment Relationship	9
B. Non Discrimination	10
C. Harassment or Abuse	11
D. Forced Labor	11
E. Child Labor	12
F. Health, Safety and Environment	14
G. Hours of Work	17
H. Compensation	18
Assessment Team Recommendations	20
A. To the Government	20
B. To the International Buyers	21

Executive Summary

In August 2011, FLA commissioned a team of six experts to conduct an assessment of labor conditions in Turkey regarding the production, harvesting and transportation of hazelnuts. In collaboration with FLA staff, the assessors conducted research and gathered information through interviews and meetings with civil society organizations, workers, and other local stakeholders.

The assessment team visited a total of 26 farms from August 15 to 26, 2011. They conducted on-site and off-site interviews with 377 workers involved in the hazelnut harvest, which include local workers, foreign migrant workers, family workers, growers, labor contractors, supervisors, manau, and processors.

Assessors evaluated labor conditions based on internationally recognized standards, including the Fair Labor Association (FLA) Workplace Code of Conduct and conventions of the International Labour Organization (ILO), and Turkish law. A number of procedural and substantive supply chain risks and noncompliances were found related to the following FLA Code elements:

- Employment relationship
- Nondiscrimination
- Harassment or abuse
- Forced labor
- Child labor
- Health, safety and environment
- Hours of work
- Compensation



Workers arrive at Unye camp settlement to begin working the harvest

Noncompliances and risks were found to be a result of several factors, including a lack of policies and procedures at the government level; cultural and/or local norms in the region; poor management practices within the supply chain; and a lack of engagement from international buyers. The assessment team has made a number of short- and long-term recommendations to the government and to international buyers to promote fair labor standards throughout the hazelnut supply chain in Turkey, including:

For the Government:

1. Creation and enforcement of labor law or regulation for agriculture activities employing fewer than 50 workers;
2. Improvement of coordination among local authorities;
3. Regulation of recruitment processes related to seasonal migrant labor;
4. Addressing the issue of migrant worker transportation; and
5. Raising awareness among all stakeholders about child labor risks and the creation of educational, cultural and sporting facilities in government-provided accommodations.

For International Buyers:

1. Adoption and adherence to a Code of Conduct in the agriculture sector;
2. Inclusion of a Code of Conduct in supplier contracts;
3. Monitoring throughout the supply chain to ensure adherence;
4. Creation of annual targets with specific key performance indicators;
5. Possible consolidation of the supply chain;
6. A bottom-up approach to sustained improvements, including raising awareness and increasing capacity at the village and farm level;
7. Development of public-private partnerships to eradicate child labor;
8. Creation of management systems to identify and respond to noncompliances and risks; and
9. Training for stakeholders throughout the supply chain.

Objective

The goals of this report are to identify and prioritize key labor concerns regarding the production, harvesting and transportation of hazelnuts in Turkey; and to make recommendations for Nestlé and other international buyers. This report stems from collaboration between Nestlé and the Fair Labor Association (FLA) and consists of an assessment of working conditions of seasonal workers engaged in the hazelnut harvest on the Black Sea coast of Turkey. The field assessment was carried out from August 15 to 26, 2011. The working conditions were assessed against the Fair Labor Association Code of Conduct, Nestlé's Supplier Code, conventions of the International Labor Organization (ILO), and Turkish law.

Methodology

A. Assessment Team

The assessment team was made up of six experts: two from Intertek, an international third party social compliance auditing and certification company, and four from the Foundation for the Support of Women's Work (FSWW), a local non-governmental organization. FSWW is based in Turkey and works to improve the lives of low-income women and children. Martine Combemale, Director of HR Without Borders (RHSF), an NGO based in Paris, spent one week in the field with the assessment team. Her experience and expertise in agricultural monitoring contributed to assuring the overall quality of the assessment and its results. FLA staff based in Turkey and Geneva conducted research and organized consultations prior to and after the assessment, and contributed to the preparation of the report.

B. Information Gathering

The FLA staff began the assessment by conducting preliminary research on the hazelnut supply chain in Turkey and labor right issues in the sector. Based in part on the research conducted by FLA staff, the assessment team conducted field visits to identify high-risk areas in the supply chain and labor rights issues, especially related to seasonal migrant labor.

Due to unusual weather conditions and heavy rains, the 2011 hazelnut harvest was delayed, which required that the assessment team postpone the fieldwork by two weeks. Information about local conditions, harvest, location of the farms and labor patterns was obtained through informational meetings with the Ordu Chamber of Agriculture, labor contractors, manau and muhktar (village headmen).

Field information was gathered through a combination of individual and group interviews, on-site observations in the fields, and off-site observations in the accommodation areas and tent settlements. Interviews were held with workers, growers, labor contractors and representatives of relevant organizations. The worker interviews were held during working hours, breaks, and after work. The individual interviews were mostly conducted on the farms, while group interviews took place in the tent settlements and accommodation areas provided by the growers. The growers were mostly interviewed during the farm visits, while labor contractors were interviewed individually and collectively at the bus terminal where they gather, meet and negotiate with growers. The other interviews were held in the offices of the respective parties.

C. Areas Covered

C.1. Farms

The team visited a total of 26 farms from August 15 to 26, 2011. The farms differ according to geographic location and demographic characteristics of the workers. In order for the farm sample to be representative, all farm types were selected and visited. Of the 26 farm visits, nine were unannounced; visits to the remaining 17 farms were

FARM SIZE	NUMBER
Less than 10 decares	5
10-20 decares	8
21-50 decares	5
51-65 10 decares	3
Unknown	5
TOTAL	26

arranged through the Chamber of Agriculture, labor contractors, the manau and the processor (factory). Due to the weather conditions, the harvest was underway in the coastal regions only. The harvest in the middle-altitude regions had partially begun

while the higher-altitude regions were delayed. As a result, 24 of the 26 farms were located in the coastal regions and two in the middle-altitude region. Few farms visited were working directly with the processor.

The farms visited range in size from 5 to 65 decares (Table 1). Information about the size of five farms could not be obtained because

of the absence of farm owners. The type of labor used during harvesting varied from farm to farm. The profile of the workers in the visited farms is given in Table 2.

Table 2. Labor Profile on the Visited Farms

NUMBER OF FARMS	PERCENT
Domestic migrant workers	61.5
Domestic migrants + family workers	7.7
Domestic migrants + local workers	3.8
Foreign migrant Georgian workers	7.7
Local workers	11.5
Family workers	7.7
TOTAL	100

C.2. Worker Accommodations

Two types of accommodation facilities are available for workers on hazelnut farms in Turkey: those provided by growers (grower accommodations) and those provided by the government (common tent settlements). A total of 15 grower-provided accommodations were visited during the assessment. Of these, local workers were



Grower accommodation



Common tent settlement

using one, and domestic migrant workers lived in the other 14 accommodations. Local workers usually stay in their own homes and travel to the farm daily using transportation provided by the grower.

Three common tent settlements were also visited. There were settlements provided for seasonal migrant workers by the local government in Ordu located in Efirli, Unye, Uzunisa and Fatsa counties. The assessors visited the Efirli and Uzunisa settlements and the temporary accommodation provided to the residents of Uzunisa settlement (a local high school building in the

center of Ordu) on August 19, 2011. The workers were kept in a temporary settlement as the designated area was flooded due to heavy rains. The Unye settlement was visited after record rainfall flooded many low-lying

years or younger; 13% were between 17 and 20 years; 14% between 21 and 30 years; 5% between 31 and 40 years; 3% between 41 and 50 years; and 2% between 51 and 60 years of age. Age information could not be obtained for 59 workers.



coastal areas.

The map above shows the area of production in Ordu.

C.3. Local Organizations

Interviews with representatives of relevant public institutions, companies and other organizations were held at the following locations: the Chamber of Agriculture, the Directorate of Agriculture, the Village Governor-Mukhtar's office, the Employment Agency, a mosque, a processor facility, a manau, the office of the Tekgida-Is trade union (Trade Union of Tobacco, Liquor, Food and Auxiliary Workers), and the village clinic.

D. Target Groups

D.1. Workers

A total of 377 worker interviews were conducted during the field visits. These included interviews with 347 workers engaged in the harvest and 30 cooks and supervisors. On-site interviews were held with 212 workers while another 165 workers were interviewed in the common tent settlements and a parking lot. Women represented 45% of the workers interviewed.

The interviewed workers ranged in age from 10 to 66 years. Of the 377 interviewed workers, 44% were 16

During the farm visits, 28% of the workers interviewed were young workers. It was noted that 83% of them still attended school. During the visits to the common tent settlements, 57% of the interviewees were young workers.

During the interviews, workers were asked to provide information on their place of origin. The results are presented in Table 3.

D.1.1. Domestic Migrant Workers

The domestic migrant workers come from cities in the Southeast of Turkey, including Şanlıurfa, Diyarbakır, Adana, Batman, Şırnak, Gaziantep, Siirt, Mardin, Adana and Mersin. They are engaged to participate in the hazelnut harvest work in teams of 10-20, led by supervisors. The team also includes a

cook. Workers in a team generally come from the same district and tend to be related to each other. Most of the domestic migrant workers are Kurdish or Dom. Dom workers travel from region to region with their tents to work on the farms. It was noted that some of the domestic migrant workers describe themselves using more than one sub-identity.

The domestic migrant workers were interviewed on the farms, in the grower-provided accommodation and the common tent settlements.

D.1.2. Local Workers

There are two types of local workers involved in the harvest. One group comes from Ordu city. They are usually working or retired people who come to work on the farms for additional income. The other group comes from the

Table 3. Breakdown of the workers interviewed by origin

ORIGIN OF THE WORKERS INTERVIEWED	NUMBER	PERCENT
Domestic migrant	313	83
Local workers	48	12.7
Migrant-Georgian	14	3.7
Family	2	0.5
TOTAL	377	100



Domestic migrant workers relocated to city school after Uzunisa camp flooded

villages and counties surrounding Ordu. They have their own farms at higher-altitudes, and work on the lower-altitude farms in order to gain extra income. This income is also used to pay the workers they will subsequently employ during the harvest in their own farms.

The general perception of the local workers is quite positive. They are perceived as experts in the hazelnut harvest. Their wages are usually higher than those of the migrant workers. However, the availability of migrant workers acts as a restraint on local workers' wages. The local workers travel to the farm from their homes on a daily basis and generally do not need accommodation.

The assessment team interviewed a total of 46 local workers drawn both from the city and the villages. Four of them were under the age of 16 and 23 were women.

D.1.3. Foreign Migrant Workers

The foreign migrant workers originate mainly from Georgia. There are already many Georgians working in Turkey and they act as labor contractors to bring other Georgians to work during the hazelnut harvest. Based on information gathered from the workers, kinship is not the basis of the Georgian worker teams. The Georgian teams consisted of healthy, powerful women and men. They have jobs in Georgia but work during the hazelnut harvest to make extra money. They arrive in Ordu only with a backpack; accommodation, bedding and food are provided by relatives or growers.

Pursuant to a political agreement signed between the governments of Turkey and Georgia, the residents of both countries can travel as tourists only with their ID cards (no passport or visa required). However, they

are not allowed to work during their stay in the other country. Thus, any Georgian labor engaged in the hazelnut harvest is illegal. If caught by the authorities, both the grower and the workers are subject to a fine. Because of the illegal status of Georgian workers, it was difficult to identify farms or workers engaging Georgian workers to gather information. However, the assessment team did identify two farms employing Georgian workers and 14 of them were interviewed. No underage workers were observed among foreign migrant workers.

D.1.4. Family Workers

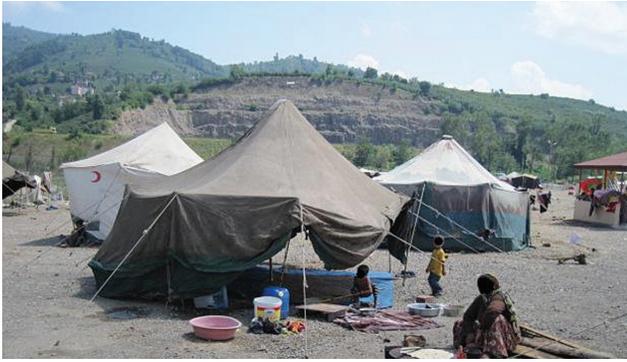
Two of the 26 farms visited were family-owned and -operated. The workers are primarily persons who live in the city center and come to the village just for the harvest. Some live in other cities and, in this case, have taken holiday vacation to work during the harvest. They sometimes come as a family and bring their relatives with them. It was noted that the male members of the family are assigned to the sack carrier jobs and are paid at twice the daily wage rate.

D.2. Growers

The farms in the region are divided by inheritance. Both sons and daughters may inherit the farms, but usually the sons work in the farms. As a result, over time the farm size decreases along with productivity and income generation. Due to diminishing income from the farms, most growers in the region are also engaged in other professions; live in the center of Ordu or other cities; and rely on the hazelnut harvest to generate additional income. Their children tend to study and live in the big cities and are not likely to continue farming in the future. Some growers foresee that farms will get smaller and ultimately developed for other uses. The harvest is often conducted collectively, following the tradition of the grower's family working with local workers. The shortage of local workers has led growers to look for alternative labor, which includes domestic migrant workers as well as foreign migrant workers from Georgia. During the assessment period, 41 growers were interviewed, 33 during the farm visits and 8 in other visits.

D.3. Labor Contractors

Labor contractors provide domestic migrant workers for the hazelnut harvest in Ordu. Their work consists not only of supplying the workers, but also of



Common tent settlement in Efirli

providing their transportation to the farms; taking workers to health clinics if needed; solving any conflicts between workers and growers; and arranging the workers' payments by transferring the money from the growers to the supervisors. Most of the labor contractors are located in cities in the Southeast of Turkey, from where they recruit the domestic migrant workers. Many of them have been doing this job for years. The labor contractors are in fact the employers—they hire the workers, pay them and sometimes even supervise them. In this case, they earn a double salary.

There are two types of labor contractors: (1) those operating with a licence from the Employment Agency; and (2) those operating without a license. According to local law, holding a licence is mandatory and the police can penalize unlicensed labor contractors. Some labor contractors work in close cooperation with the Chamber of Agriculture. This informal arrangement gives them privileged access to the list of growers requiring workers, a list not available to other labor contractors.

According to interviews with labor contractors, they travel to Ordu approximately 4-6 weeks before the harvest to make contact with the growers. The bus terminal is the meeting place where they discuss the demand for workers before going back to their city to recruit teams, working through the supervisors. It was noted that the labor contractors often have kinship relations with the workers they recruit. Just before the harvest, they bring the workers to Ordu and locate them on or near the farms.

The labor contractors receive a 10% commission, which is deducted from the workers' wages. However, it was observed that the commission might be lower

than 10% depending on market conditions. If the contractors also play the role of the supervisor, they earn double the wage of the workers but do not get the commission. These payment systems are all informal and there are no controls.

The assessment team interviewed 20 labor contractors (including some who worked as supervisors), as well as the Employment Agency in charge of issuing certificates and the Chamber of Commerce responsible for collecting data on the need for labor.

D. 4. Supervisors

A supervisor is the head of a team of domestic migrant workers. Supervisors are contacted by labor contractors and asked to organize teams of workers. The supervisors serve as the direct contact for the labor contractors throughout the harvest period. The workers and the supervisor are normally relatives or from the same village.

The supervisors are responsible for managing the workers during working time and dividing the responsibilities between the different members of the team. The supervisors are also responsible for distributing the wages, paying them to the oldest male member of a family in the team or in the hometown.

Local workers also have supervisors in each team who act as both labor contractor and supervisor. The local supervisor is the direct contact of the grower and he is the one who receives and distributes the wage payments.

D. 5. Manau

A manau is the mediator between growers and crackers/processors. The manau plays an important role in the hazelnut supply chain by facilitating relations between processors and the growers. The manau buys hazelnuts from the growers and then sells them to the crackers/processors. Some manau even make advance payments to growers so that they can pay for labor and other inputs. The manau is responsible for quality control and weighing the product; the price is not fixed and is based on quality. It should be noted that some growers sell directly to processors and do not go through manau.

D.6. Crackers/Processors

Crackers and processors work on a seasonal basis after the harvest has been completed. As the sites were still closed at the time of the assessment, the assessment team could not visit the crackers. According to interviews with processors, there may be risks on the part of processors relating to health and safety and other elements of the FLA Code of Conduct, due in part to the absence of appropriate policies and procedures and a lack of controls. The assessment team met with one processor and one farmer who worked directly with the processor. This processor had tried to raise awareness about the code of conduct and quality amongst the growers and crackers without much success.

Findings

In order for the employer to ensure that rights at work are respected, and that national and international labor and social security laws and regulations are complied with, clear policies and procedures must be in place and staff should have been trained on how to apply them. The application of these policies and procedures should be documented and periodically reviewed to ensure that they achieve their objectives. Finally, all employees should be aware of their rights and duties. Without such policies, procedures, training, documentation and communication, the risk of violating rights and of not complying with laws and regulations increases.

As is the case with respect to the agricultural sector in many other countries, the systems used to manage the employment relationship during the hazelnut harvest in Turkey are rather weak. Documentation is scarce and low levels of literacy tend to undermine written procedures and records. In such context, it is important to maintain a common sense approach to what is possible and practical and to focus on the essential aspects of a right, law or regulation by asking “what was the rule meant to achieve”? If the system used by the employer achieves its objective, then we are not dealing with a violation or non-compliance, per se. Rather, we face the lack of policies, procedures, training and documentation required to make that system function in a regular and reliable fashion.

In some cases, distinctions are made between procedural and substantive violations of a benchmark.



Common tent settlement in Unye

In the case of child labor, for example, the absence of any children on the site would indicate that no substantive violation of the Code of Conduct is taking place. If, however, the employer has no system for checking and verifying the age of employees, we have a procedural non-compliance with the benchmark calling for there to be an age verification system and a risk of a substantive violation in the future. This risk would increase if staff do not become trained and their awareness that child labor is prohibited does not grow. By highlighting these risks we are able to guide the employer to take proactive measures to avoid future substantive violations.

In the following section we summarize the findings of the assessment team and specify the benchmarks that were used in reaching those findings. In some cases the assessment team found an actual violation of a benchmark, while in others they identified the risk of non-compliance due to the absence of policies, procedures, training, documentation, communication and awareness.¹

Code Element: EMPLOYMENT RELATIONSHIP

Employers shall adopt and adhere to rules and conditions of employment that respect workers and, at a minimum, safeguard their rights under national and international labor and social security laws and regulations.

Compliance Benchmark E.R.1, General/Human Resource Management Systems: Employers shall have in place written policies and practices and maintain proper and accurate records governing all aspects of employment from recruitment, hiring and probation, including written terms and conditions of employment, job descriptions, administration of compensation, and working hours for all positions, through to retrenchment and termination processes.

Supply Chain Risk/Noncompliance: The assessment team found that two of the key actors in the employment relationship—the contractors and owners—do not maintain any **employment records**. Both of these groups use formal administrative procedures such as written contracts, do not keep proper records of hours worked and wages due, do not issue pay slips and fail to verify the age of workers in order to prevent child labor. They do have some informal methods of managing their workforces, but these are not sufficient to avoid violations of the Code of Conduct and Turkish Labor Law. This represents a significant risk to the workers they employ and to their business partners in the hazelnut supply chain.

Compliance Benchmark E.R.10, Terms and Conditions/Employment Terms: Employment terms shall be those to which the worker has voluntarily agreed, in as far as those terms do not fall below: the provisions of national laws (ER.10.1.1); freely negotiated and valid collective bargaining agreements (ER.10.1.2); or the FLA Workplace Code (ER.10.1.3).

Supply Chain Risk/Noncompliance: The assessment team found the presence of **illegal foreign workers** in some of the hazelnut farms. The absence of the basic systems and documentation necessary to manage the employment relationship is even more evident in the case of “illegal” workers. These are Georgian nationals who travel to Turkey to participate in the hazelnut harvest. In accordance with the Turkish Law on Work Permits of Foreigners, art 4, and unless stipulated to the contrary by bilateral and multilateral agreements to which Turkey is a party, foreigners are required to acquire a work permit before starting work in Turkey independently or as an employee.

It was noted by the assessment team that the employment of unregistered foreign migrant workers (Georgians) is common in some parts of Ordu, where some residents are of Georgian origin. Since both farm owners and the workers themselves are subject to a fine if they are found violating the law, it is very difficult to identify and communicate with these farm owners and workers. However, during the assessment team’s interviews with farm owners and labor contractors, the presence of foreign workers was widely acknowledged. Moreover, the assessment team identified unregistered Georgian workers on two of the 26 farms visited although they were not able to interview the workers.

The employment status of these workers violates Turkish law, ILO Migrant Workers Convention 1975 (No. 143) and the FLA Workplace Code of Conduct. As mentioned above, these workers are adults (no children accompany them) and generally have jobs in Georgia. They are fully aware that they are violating the law by taking a second job during their vacation in order to boost

their income. The risk of human trafficking is very low with respect to these workers but their undocumented status does make them very vulnerable to exploitation.

Code Element: NONDISCRIMINATION

No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin.

The ILO's Discrimination (Employment and Occupation) Convention, No. 111 (1958), states in Article 1 that the term *discrimination* includes (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Supply Chain Risk/Noncompliance: The assessment team found that nearly all members of a worker team are relatives or family members. This poses a problem of **equality of opportunity**. The system of recruiting only relatives or family members to work in the teams of domestic migrant workers coming from the Southeast can be beneficial for the group, helping them to overcome some of the difficulties they may face away from home (such as insecure or unsafe accommodation, and harassment or abuse). However, this practice could deny other workers the opportunity to join a team if the sole criterion for being included is family relationship or village ties. There are no objective criteria, such as skill or experience, for qualification to be hired for one of the teams.

It was observed that there is a shortage of workers, meaning that anyone who is willing and able to participate in the hazelnut harvest could likely find a grower to hire her or him, especially by growers who hire local workers. Thus, this is more an issue of labor market segmentation than discrimination. Some growers hire local workers, some hire domestic migrants and some hire foreign migrants. Some work the farms with their own family members. The resort to one category of workers or the other has more to do with finance than discrimination, but it is possible that a grower may approach the labor market with a discriminatory attitude and decide to hire only one category of worker. The fact that growers have no policy, procedure or training on discrimination increases the risk of discrimination against certain categories of workers.

Compliance Benchmark N.D.3, Compensation Discrimination, states that there shall be no differences in compensation for workers for work of equal value on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin.

Supply Chain Risk/Noncompliance: According to the interviews conducted by the assessment team, there was **discrimination in wage payments**. Women and children get the same pay as men, although it is not paid to them directly. Instead the pay is given to a senior male member of the family. Furthermore, the wage rates determined by the labor contractors and growers were not based on objective criteria or performance measurement, and vary according to the origins of the worker. Foreign migrant workers are paid less than domestic migrant workers and domestic migrant workers in turn are paid less than the local workers, despite the fact that they all perform the same work. The wages of the foreign migrant workers can be as low as 25 TRL, while the domestic migrant worker wages are between 31-35 TRL and the local worker wages are above 40

TRL. There is a belief that local workers are more efficient than domestic migrants, but there is no objective performance measurement or evaluation to support this judgment as a factor in the determination of wage levels. As there are a limited number of functions (picker, sack carrier) it is almost certain that workers from all three categories perform the same function while earning different rates of pay, which would constitute wage discrimination. The absence of any clear wage policy, proper payment procedures, documentation and evaluation means that the risk of wage discrimination is high.

Code Element: HARASSMENT OR ABUSE

Every employee shall be treated with respect and dignity. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.

Supply Chain Risk/Noncompliance: In four of the 26 farms visited, workers complained about the prohibition on speaking Kurdish at work. It was observed that this situation is stressful for the workers, particularly since the teams may include members who cannot speak Turkish. The main reason given by the growers for this restriction is that they do not understand what is being said if the workers speak their mother tongue and they are concerned that the workers may be talking about them.

Supply Chain Risk/Noncompliance: The assessment team noted that the labor contractors, supervisors and growers do not understand the concept of harassment and have never received any training on it. There is no independent or formal complaint procedure available to workers who want to lodge a complaint or grievance, and no union or work committee representatives to assist them. The labor contractors and supervisors could provide a channel for workers grievances, but this would need to be formalized and made independent.

Code Element: FORCED LABOR

There shall be no use of forced labor, including prison labor, indentured labor, bonded labor or other forms of forced labor.

The recruitment systems used by the growers rely mostly on informal networks and therefore the risk of forced or trafficked labor is deemed to be low. The labor contractors are known to the families they recruit, and they in turn agree to be recruited. The workers are drawn from the same families and villages year after year and are known to each other. None of the workers interviewed complained about forced labor or trafficking. The labor contractors do take a 10% commission on the wages earned by the domestic migrant workers and they advance money to the workers for the payment of transportation. It takes the workers about one week of wages to reimburse the contractors for the advances, which does not create a situation of debt bondage.

The most troubling aspect of the arrangement is that the workers are only paid at the end of the harvest. This could mean that they are effectively compelled to stay for the entire harvest in order to collect their pay, unless they can arrange with the labor contractor to be paid out for the time worked. The assessment team investigated this aspect of the payment system and found that there are cases in which a worker has had to return home to attend to personal matters before the end of the harvest. In these instances, the labor contractor paid the worker from his own pocket and

was reimbursed by the money from the grower at the end of the harvest. It is therefore possible for workers to leave at any time during the harvest. There are other risks of forced labor, however, since there is a general lack of documentation regarding employment. Some workers are illiterate and some are illegal foreign migrant workers, who are concerned about being identified.

Code Element: CHILD LABOR

No person shall be employed under the age of 15 or under the age for completion of compulsory education, whichever is higher.

According to the ILO Minimum Age Convention, No.138 (1973), the minimum age for employment “...shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years” (Article 2.3). The Convention further states that “The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years” (Article 3.1). And finally, notwithstanding the provisions of Article 3.1, “national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity” (Article 3.3).

The Governorship of Ordu set the minimum age for employment at 16, according to the minutes of a meeting convened for the “Determination of the Minimum Wages to be Paid to the Workers Working in 2011 Hazelnut Harvest” (04.07.2011-2011/1). This decision was communicated to relevant public organizations/institutions such as the Turkish Employment Agency and the Chamber of Agriculture. The mukhtars were also informed through meetings held in their villages.

Supply Chain Risk/Noncompliance: The assessment team found that although most of the farm owners and labor contractors were informed about this decision, there were a number of **under-age workers** on the farms. There is no system to prevent child labor on the farms. The ID cards of the migrants coming from Southeast villages are checked at the entrances of the temporary (tent) settlements and vehicles are stopped by the gendarmes (local security forces), but these checks are for security reasons, not for the purpose of verifying the age of workers. In addition, the gendarmes only check the ID documents of those 16 years and older.

Supply Chain Risk/Noncompliance: There is **no system of onsite checks** of workers’ documentation and no cross-referencing of the workforce against the documentation supplied to the Chamber of Agriculture, the Employment Agency and the Directorate of Agriculture. In addition, the growers and the labor contractors are not aware of the definition of child labor and they have no policy or procedures to prevent it. Given that the harvest takes place during the summer, and that entire families camp at to the farms, it is to be expected that children would accompany their parents to the fields. There is also a risk of child work on the farms using local labor, especially given the shortage of labor. The assessment team was not able to determine whether children work on the farms outside of the harvest season.

Workers under 16 years of age were identified on 17 of the 26 farms visited. Such workers were mainly found on the farms using domestic migrant workers from villages in the Southeast

of Turkey. Their ages ranged from 10 to 16 years. Workers under 16 were also observed on farms where local workers and family members work. The farms with Georgian workers did not include any workers under 16.

Interviews were held with workers under 16 years of age during the visits to the common tent settlements. The assessment team recorded 152 children who had participated in the harvest for 1-2 days with their families since they arrived.

The main reasons for the presence of child labor in the worker teams was:

1. The worker families from the Southeast do not have the necessary facilities to leave their children behind when they come to work during the harvest.
2. The perception of children and child labor differ among the families from the limits designated by the authorities. Based on interviews conducted by the assessment team (including with labor contractors and growers), if a boy is tall enough to reach a tree branch (generally around 12 years of age) and a girl is old enough to get married (which means 14 years of age in the Southeast), they are considered to be adults, not children. As a result, a child working, even one as young as 12, culturally may not be considered “child labor.”
3. The more members in a work team, the more money the family can make. Considering deductions (such as the commission of the labor contractor and the expense of transportation, food, etc.), the net income of the seasonal workers in the hazelnut harvest is not enough for them to live on and therefore every wage earned is important to them.
4. The labor contractors or growers are not willing or able to intervene to prevent the inclusion of children in the work teams. The teams are drawn from family and/or village networks. Based on interviews with the growers and the labor contractors, a team that is asked not to bring children may refuse to accept work. Given the shortage of workers, growers and labor contractors recruit teams even if they include children.

Although the hazelnut harvest does not prevent children from attending school because it falls in the holiday period, some of the teams also engage in other seasonal agricultural work. Therefore there are children who may not be attending school regularly because of the involvement of their families in agricultural teams.

The fact that clear policies and procedures on child labor have not been adopted, documentation is not checked, and that awareness of the issue is low, means that growers are not adequately equipped to prevent the employment of children. In addition, several cultural and economic factors described above significantly increase the risk of child labor.

Compliance Benchmark C.L.5, Hazardous Work for Young Workers: 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.

Supply Chain Risk/Noncompliance: The assessment team found that the working conditions of child and juvenile workers were the same as for the other members of the group. They manually carry sacks, food, drinking water, etc. Their working hours and their pay were also the same as for the other members of the group. The assessment team asked the young workers to draw the location on their bodies where they experienced pain and they indicated areas of the back, the torso, the neck and sometimes the knees. On steeply inclined land, workers also slipped and fell.

There is no policy and procedure in place to ensure that the working hours, rest, and health and safety of the child and juvenile workers are appropriate, which increases the risk of harm to their health, safety or morals.

Code Element: HEALTH, SAFETY AND ENVIRONMENT

Employers shall provide a safe and healthy workplace setting to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employers' facilities. Employers shall adopt responsible measures to mitigate negative impacts that the workplace has on the environment.

Supply Chain Risk/Noncompliance: During the assessment, it was found that there is no policy, procedure, documentation or training on health and safety for adults, young workers and children. The health center visited by the assessment team did not have the resources to handle accidents and does not keep records.

Supply Chain Risk/Noncompliance: Play areas for children were absent in all three of the common tent settlements visited. The playground in the common tent settlement at Efirli had a concrete base, and therefore there was some risk of injury to the children. In the other settlements visited, however, the play area was made of sand and presented no such risk.

Compliance Benchmark HSE.7, Personal Protective Equipment: Workers shall be provided at no cost with all the appropriate and necessary personal protective equipment (e.g., gloves, eye protection, hearing protection, respiratory protection) to effectively prevent unsafe exposure (e.g., inhalation or contact with solvent vapors, noise, dust) to health and safety hazards, including medical waste.

Compliance Benchmark HSE.8, Use of Personal Protective Equipment: Workers shall be provided with training on the use and maintenance of personal protective equipment (PPE).

Supply Chain Risk/Noncompliance: The assessment team found that on 18 of the 26 farms visited (69%), workers were not provided with PPE (e.g., protection against the sun, gloves and special shoes to prevent slipping when working on slippery slopes). It was also found that on three of the 26 farms visited (11%), only some of the workers (i.e., less than half of the workers on these farms) used hats, gloves and/or special shoes while working. Most of the workers interviewed explained that they would use gloves while working if such protection were provided. They also stated that use of gloves and other PPE would not slow them down, which was the concern expressed by the growers who said workers would not have enough sensation in their hands to pick the nuts properly if they wore gloves.

Supply Chain Risk/Noncompliance: Although pesticides and other chemicals are not used during the harvest, the assessment team did make inquiries as to the handling of chemicals. They were informed that there is a lack of training in the proper handling of chemicals and some accidents do occur. They heard reports of a child who drank from a bucket of chemicals, and of workers who suffered chemical burns.

Compliance Benchmark HSE.25.1.1, Dormitory Facilities: All dormitories shall be kept secure, clean, and have safety provisions (e.g., fire extinguishers, first aid kits, unobstructed emergency exits, emergency lighting).

In accordance with the Circular on the Improvement of the Working and Social Life of Seasonal Travelling Agricultural Workers (6/2010), no. 27531 issued in the Official Gazette on 24 March 2010, mobile comfort facilities are to be provided in the common tent settlements. These should include toilets, showers, laundry and dishwashing areas, places to bake bread, and common areas that could be used as classrooms. In accordance with the same Circular, drinking water and water for domestic use will be provided by the municipal authorities to the common tent settlements and the costs of such recovered from the users. In 2011, workers were only allowed to place their tents in these common tent settlements. This is a very important step towards solving the temporary accommodation problem of workers in tents. The settlements have better security, infrastructure and facilities and, with a few improvements, conditions in these settlements might be even better next year.

Supply Chain Risk/Noncompliance: The assessment team found that the space per person in the accommodation areas was generally insufficient. In the common tent settlements, all members of a family and/or relatives stay in their own tents. There is no minimum standard applied in these settlements and the families themselves decide how many members sleep in the same tent. Only some basic standards are met in the accommodation provided by the growers (such as a roof, running water or a nearby water source). Most of the time, the accommodation consists of two rooms or they are divided into two rooms with a curtain. Men stay in one room and women in the other. At one of the sites visited by the assessment team, there were two rooms of 12 square meters each. Ten male workers stayed in one room and six female workers stayed in the other. There is no standard for the accommodation and it depends on the grower's resources. It was noted that five of the 15 sites visited had allocated relatively more square metres for workers' accommodation.

At four of the 15 accommodation sites provided by growers visited, the assessment team found that residents were exposed to the weather due to holes in the roof or broken windows. In the common tent settlements, the tents are open on three sides and exposed to the elements, particularly rain.

At 11 of the 26 farms visited by the assessment team, no information could be gathered about the accommodation facilities. Several possibilities may explain this: (1) the workers were local and lived at home; (2) the workers were members of the grower's family; or (3) the accommodation of the migrants was too far away from the farm to be visited by the team.

The assessment team did not find a laundry unit with laundry machines at any of the common tent settlements. Residents manually wash their clothes with water they heat themselves. The assessment team did not find any dishwashing units in the common tent settlement in Efirli, where workers wash the dishes under taps. In the settlement unit in Unye, there were two dishwashing units, but these were insufficient and dishes were still washed under taps.

It was noted that drinking and domestic water was provided in the accommodation areas, either carried from nearby sources or by pipeline. Four of the 15 sites visited were found not to have running water available. Three of the common tent settlements visited had running water available. However, at one of them, the water was provided not by a pipeline system but by a tank. During the visit of the assessment team, there was no water available in the taps. The person in charge of the settlement explained the lack of water in the taps saying that the water was probably consumed very quickly and it took some time to fill the tank again once it emptied. Only two of the 15 accommodation facilities visited had hot water available. Residents at the other sites had to heat water themselves. During the visits and according to the interviews with labor contractors, workers and growers, it was noted that readily available hot water is very rare in the accommodation facilities.

Only two of 15 accommodation areas visited had refrigeration facilities. According to the observations of the assessment team and interviews with labor contractors, workers and growers, it was noted that refrigerators are very rare in the accommodation areas. Refrigerators are also not available in the common tent settlements. This means that workers cannot keep food fresh and need to cook daily. Most of the accommodation areas had toilets available. At three of the 15 accommodation sites visited, the assessment team found lack of running water or soap. Only one of the 26 farms visited by the assessment team had a toilet on or nearby the farm. On the other farms workers use different parts of the farm for their toilet needs.

At the common tent settlements, toilets with running water were available and separated according to gender. During one visit, the assessment team found three female children between the ages of 9 and 12 cleaning the women's toilets. During the interviews, it was noted that the responsibility for cleaning the toilets is given to one family every day and it is usually young members of the family who are tasked with it. It was also noted that the septic tanks at that settlement had not been emptied and were leaking into the ground. These septic tanks were also not covered, representing a health and hygiene risk for the residents.

Five of the 16 accommodation areas visited had no proper bathing facilities. The main problem was the lack of hot water; there was only one bath facility making it impossible for every member of the work team to bathe with hot water daily. For common tent settlements, hot water is not available in the showers. Residents need to boil it themselves.

The assessment team found that there were few social facilities available in the tent settlements. In Efirli there was a big tent for social activities but it had not been opened yet by the time the team visited. The residents had been told that TV would be available in this tent.

In Unye, the assessment team noted that there was a place to watch TV and chairs were also available. It also operated at certain hours during the day so that children could watch TV as a part of their educational program.

The assessment team found no sport facilities in any of the common tent settlements.

The assessment team found that some limited educational activities for children were taking place in the common tent settlements. In Unye, the only educational/entertainment activity available was to watch DVDs. In the settlement in Efirli, no educational activity was noted. The settlement in Uzunisa provided reading/writing lessons, and pencils and notebooks were distributed to the children. There was also a small library in this settlement.

Compliance Benchmark HSE.18.3, Medical Facilities: An appropriate stock of medical supplies shall be maintained at all times.

Supply Chain Risk/Noncompliance: The assessment team found no first aid kits or trained staff in the accommodation areas provided by growers. Workers experiencing health problems were taken to the nearest health unit in the village. The situation was similar in the common tent settlements. There were, however, mobile health units that visited the area 2-3 times per week.

In accordance with The Circular on the Improvement of the Working and Social Life of Seasonal Travelling Agricultural Workers (6/2010), the common tent settlements should be located in areas where workers will not be exposed to natural or other dangers.

Supply Chain Risk/Noncompliance: The assessment team noted that two of the three common tent settlements visited are located near rivers. As a result of heavy rains on August 19, flooding occurred in Ordu. It was the worst flood in the last 30-40 years and the settlements were also flooded. The settlement at Uzunisa received an early warning of the impending flood and residents

were able to save themselves but lost most of their tents and personal property. The settlement at Efirli was also badly affected and the area was unfit for habitation after the heavy rains. The residents in these two settlements were moved to nearby schools for temporary accommodation. The settlement at Unye, which is located near the old airport, suffered less damage from the heavy rains since there is no river nearby.

Compliance Benchmark HSE.25.1, Dormitory Facilities: Dormitory facilities should meet all applicable laws and regulations related to health, safety, and environment, including fire safety, sanitation, risk protection and electrical, mechanical, and structural safety.

Compliance Sub-Benchmark HSE.25.1.1, Dormitory Facilities: All dormitories shall be kept secure, clean, and have safety provisions (e.g., fire extinguishers, first aid kits, unobstructed emergency exits, emergency lighting).

Supply Chain Risk/Noncompliance: The assessment team found that there was no electricity supply for the individual tents in the settlements, only for the common areas. Common area lighting was found to be insufficient in the tent settlement in Efirli. There was no emergency lighting available for the settlements. Residents of the settlement in Uzunisa told the assessment team that the electricity was cut off during the flood and they could not see in the darkness. This made the evacuation from the flood more difficult.

Supply Chain Risk/Noncompliance: No fire extinguishers were found in the common tent settlements or the accommodation areas provided by the growers.

Code Element: HOURS OF WORK

Employers shall not require workers to work more than the regular and overtime hours allowed by the law of the country where the workers are employed. The regular workweek shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest in every seven-day period. All overtime work shall be consensual. Employers shall not request overtime on a regular basis and shall compensate all overtime work at a premium rate. Other than in exceptional circumstances, the sum of regular and overtime hours in a week shall not exceed 60 hours.

Supply Chain Risk/Noncompliance: The assessment team found that for 24 of the 26 farms visited (92%), **the regular weekly working hours exceeded 48 hours.** There is no rest day in the hazelnut harvest, so workers work seven days a week during the harvest.

- Typical working hours for local workers are 08:00-17:00, seven days per week, with 1.5 hours break daily (one lunch break and two short rest breaks).
- For domestic and foreign migrant workers, however, the hours are 07:00-18:00, seven days per week, with 1.5 hours break daily.
- The total regular working hours were 59.5 per week for local workers and 66.5 hours for the domestic and foreign migrant workers.
- Foreign and domestic migrants generally left for the farms at 06.00-06.30 in the morning because their accommodation was far from the farms where they work.

There is no work after the end of the normal working hours since the nature of the job prevents work after dark.

Supply Chain Risk/Noncompliance: It was found that for 24 of the 26 farms (92%) there was **no weekly rest day**. Harvesting continues non-stop until it is completed. When work in one farm is completed, the workers move to the next because the harvest needs to be completed before the nuts spoil. This practice was confirmed during onsite visits on a Sunday (August 21, 2011). For two of the 26 farms (7%), the workers were unavailable due to bad weather on the day the assessment team visited, so this information could not be verified at these farms.

Regulation of hours of work is challenging in the agriculture sector. The workers (especially migrants) arrive at the work site with the intention to work and earn as much as possible. Therefore, they tend to agree to terms and conditions that may not be in their best interest from a health and safety perspective. Even if a particular grower restricts the number of total hours workers can labor or the number of total days worked in one week, the workers tend to find employment for every hour they can physically work. This makes both monitoring and remediation of hours of work very challenging.

Code Element: COMPENSATION

Every worker has a right to compensation for a regular workweek that is sufficient to meet the workers' basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any fringe benefits required by law or contract. Where compensation does not meet workers' basic needs and provide some discretionary income, each employer shall work with the FLA to take appropriate actions that seek to progressively realize a level of compensation that does.

Compliance Benchmark C.17, Workers Awareness and Understanding of Compensation:

Employers shall make every reasonable effort to ensure workers understand their compensation" (C.17.1) and "Employers shall communicate orally and in writing to all workers all relevant information in the local language or language spoken by the workers, if different from the local language" (C.17.5).

Supply Chain Risk/Noncompliance: The assessment team found that workers **lack knowledge about their wages** at 11 of the 26 farms visited. They were not fully aware of their daily wages. The wages are agreed between the labor contractors and growers, and verbally communicated to the workers and supervisor. Sometimes the wage rate is not known until the wages are actually paid at the end of the harvest or when workers return to their home villages. Children, juveniles, and females are not aware of the wage rates since their wages are not paid to them directly but given to older male members of the family.

In accordance with the "Regulation for the labor inter-agents (Dayıbaşı) in agriculture," published in Official Gazette No: 27593 (27.05.2010), art.11, the labor contractor will not take any payment from the workers. Contractors should receive their compensation only from the employers.

Turkey has ratified ILO Convention No. 95 on the Protection of Wages, 1949. Article 9 states: Any deduction from wages with a view to ensuring a direct or indirect payment for the purpose of

obtaining or retaining employment, made by a worker to an employer or his representative or to any labor contractor (such as a labor contractor or recruiter), shall be prohibited.

Supply Chain Risk/Noncompliance: The assessment team found that all the farms employing domestic migrant workers from the Southeast region had negotiated the daily wage of the workers with the labor contractor who supplied the labor and he then **deducted a commission** of 10% (or less, depending on the market). There is no commission assessed on the work teams consisting of local workers or Georgian workers.

This is a complicated legal situation. The labor contractor negotiates a daily rate with the grower before bringing the workers to the farm. This rate is above the minimum wage set by the authorities. The labor contractor then deducts a commission. Legally, the contractor should not be deducting the commission from the workers, but getting it directly from the grower. In practice, it probably would amount to the same outcome: workers would receive the same cash wage since the grower would deduct the commission to be paid over to the labor contractor.

In accordance with the “Meeting Decisions for the Determination of the Minimum Wages to be Paid to the Workers Working in 2011 Hazelnut Harvest,” the minimum wage should be 28 TRL if the daily meal is provided by the grower and 31 TRL if the daily meal is the responsibility of the workers, regardless of the age or gender of the worker.

Supply Chain Risk/Noncompliance: The assessment team found that the workers do not actually know how much they will receive until after the harvest is over. As the assessment team visited the farms during the harvest, they could not verify whether the workers’ wages will meet the legal minimum wage. Furthermore, the wage paid to the Georgian workers was between 25 and 30 TRL and the meal was the responsibility of the workers. As such, this wage was below the legal minimum of 31 TRL.

Although the assessment team was not able to reach a finding regarding compliance with the legal minimum wage, this should be considered a high-risk issue because workers:

- are not informed of their wage rate at the time of recruitment;
- are not provided with pay slips;
- are not paid until after the harvest; and
- do not know how much the labor contractor will deduct from their wages for commission and transportation.

Compliance Benchmark C.14.2, Compensation Receipt: No one can receive wages on behalf of a worker, unless the worker concerned has, in full freedom, authorized in writing for another person to do so.

Similarly, Article 5 of the ILO Protection of Wages Convention, No. 95 (1949), states: Wages shall be paid directly to the worker concerned except as may be otherwise provided by national laws or regulations, collective agreement or arbitration award or where the worker concerned has agreed to the contrary.

Supply Chain Risk/Noncompliance: The assessment team found that the wages of children, young workers and female workers were not paid directly to them. Instead, they were paid to the older brother or father (if he is in the work team), or to the labor contractor, who then pays it to the head of the family when they return to the home village. The head of the family may use part of the

money for the needs of the family and may give some portion the female, young or child laborer for their personal needs.

Compliance Benchmark C.7.2.1, Calculation Basis for Overtime Payment: In those countries where there is no legally established overtime premium, workers shall be compensated for overtime hours at the prevailing industry premium rate or at the internationally recognized overtime rate, whichever is higher.

Supply Chain Risk/Noncompliance: The assessment team found that on 24 of the 26 farms visited (92%) no overtime premium was paid if work exceeded 48 hours per week and/or if work was done on the weekly rest days. Instead, workers were paid the normal daily wage for each day worked.

Compliance Benchmark C.14.1, Compensation Receipt: all compensation records, including wages and fringe benefits whether in cash or in-kind, must be properly documented and their receipt and accuracy must be confirmed by the relevant worker in writing (e.g., signature, thumbprint).

Supply Chain Risk/Noncompliance: The assessment team found that none of the farms visited kept proper compensation records. The only records available were very basic, handwritten notes showing the days worked by the group of workers. Both the growers and the labor contractors kept these notes for their own benefit, in order to track their payments and receipts.

According to Turkish National Law # 6111, the seasonal temporary workers in agriculture may register with the Social Insurance System on a voluntary basis.

Observation: The assessment team found that none of the workers had been informed of this option. Workers also stated that they would not enroll in the program because they felt that they could not afford the contributions.

Assessment Team Recommendations

A. To the Government

1. Agricultural activities employing fewer than 50 workers are not subject to the current Turkish Labor Law. Considering that there are no more than 25-30 workers engaged in the harvest on a given hazelnut farm, they do not fall within the scope of the labor law. This leaves a regulatory gap that is being filled by circulars and decisions taken by the local authorities. A more comprehensive legal framework is needed and the Government of Turkey (GoT) should consider adopting a **law for seasonal agricultural work** that stipulates standards on child labor, forced labor, health and safety, wages, working hours, social security, accommodation and social facilities, or the labor laws should be amended to include workplaces with

fewer than 50 workers.

2. **Coordination between local authorities** needs to be improved in order to ensure that the rights of seasonal migrant workers are protected and that their terms and conditions of work are decent. It may be necessary to establish a committee for this purpose that brings together or links all the authorities in the “labor supply chain,” from the mukhtars at the village level through to the Governor, as well as representatives from the Directorates of Education, Health, Agriculture and the Employment Agency.
3. Ideally the recruitment of seasonal migrant labor would be regulated to ensure that the rights and interests of the all the actors are protected. Such a system is already (at least partly) in existence in that the labor contractors should be licensed and the Chamber of Agriculture can act as an exchange for growers seeking to recruit labor. In reality, however, most of the recruitment is carried out

through informal channels and is characterized by high-risk features that do not prevent serious violations of the labor law. Banning labor contractors is not the solution, however, since the official government bodies would almost certainly not be able to provide a recruitment system that is sufficiently attuned to market conditions to ensure an alignment of supply and demand. The GoT should recognize the **key role played by labor contractors** and enlist their cooperation in order to combat child labor and the other potential violations of labor standards. Without this cooperation, any legal or administrative measures taken to combat labor rights violations would simply drive those practices underground.

4. The issue of **transportation of migrant workers** to and from the harvest should be addressed. Considerable progress has been made in this area. Workers are increasingly transported by buses and minivans, rather than trucks, but more can be done to ensure the safety and dignity of the migrant workers. In addition, the fuel costs should be borne by the employer, not the worker. This follows the principle of all migrant labor, namely that the worker should not have to pay the costs of recruitment.
5. Addressing **child labor requires a multi-pronged strategy** that includes raising awareness for the all actors in the supply chain. However, awareness alone will not prevent child labor because the parents have no alternative regarding where to leave their children when they go to work and they need the extra money the children can earn. The Governors will have to ensure the provision and staffing of educational, cultural and sporting facilities in the accommodation areas so that the children of farm workers can safely remain behind when their parents go to work. The provision of such facilities expanded in 2011 and the GoT should be recognized for these actions and encouraged to build on the progress to date. At the same time, the growers must be urged to refuse to allow any children to work on their farms.

B. To the International Buyers

1. International buyers should develop or adhere to a **Code of Conduct (buying practices)** in the agriculture sector. This code should include labor and environmental standards. Standards specific to Turkey related to the seasonal hazelnut workers (especially migrant) should be added as an annexure to the overall code. The development of this instrument should be done in consultation with key local players (including workers and worker organizations).
2. Buyers should ensure that the adopted standards are included in their **contracts with suppliers** and that those suppliers, in turn, include the standards in contracts with their suppliers. It is essential that the standards cascade all the way down to the farm level.
3. These standards should then be monitored (not necessarily audited) throughout the supply chain. For this to happen, the buyer needs visibility or **traceability** of the entire supply chain, and every link in the chain must be included. In other words, the actors at all levels of the supply chain must demonstrate that they are ready, willing and able to meet the required standards. This can clearly not happen overnight, and would realistically be a multi-year process.
4. Annual targets should be defined with **key performance indicators** specified, and monitored to ensure progress towards the goal of code compliance.
5. This may also require some **consolidation of the supply chain** so that the buyers work with fewer partners who are known to them, and their suppliers do the same. “Knowing your business partners” should be a maxim observed at every level of the supply chain.
6. We would recommend a **bottom-up approach** that starts with awareness-raising and capacity building at the village and farm level, rather than a top-down, audit-based approach, which attempts to drive the standards down the supply chain. A successful strategy will be one that recognizes and resolves the practical difficulties that families face when they work in the hazelnut harvest, not one that compounds those problems by mandating

certain practices.

7. The presence of child labor in the hazelnut harvest arises from a combination of factors, including the socio-economic situation of the workers and their families, the cultural perceptions of the workers, attitudes and actions by labor contractors and growers, and the logistics of the migration. Any realistic strategy to eliminate child labor from the hazelnut harvest would have to start with the attitudes and perceptions of the people involved, something that will take a considerable amount of time to achieve. It is therefore recommended that although the buyers take a zero tolerance approach to child labor, they set realistic goals for themselves and their suppliers to achieve this goal through development of **public-private**

partnership initiatives.

8. Most of the issues identified during this assessment are due to lack of **management systems** in the supply chain. The non-compliances are the symptoms of a lack of management systems. Therefore, the companies should focus on the development and installation of systems in the supply chain that can identify and respond to various situations in a timely way.
9. **Training** of both internal and external stakeholders is crucial to the success of any exercise. Growers and contractors cannot be expected to start adhering to labor standards only if they are simply reprimanded following an audit. Awareness and capacity building of both internal staff and external stakeholder is necessary.

FOOTNOTE

¹The FLA Workplace Code of Conduct and benchmarks can be found at: http://www.fairlabor.org/fla/Public/pub/Images_XFile/R474/Final_Code_Benchmarks.pdf