



[2014]

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURAL REPORT

Company: Nestle

Country: Ivory Coast

Province: Bas Sassandra

City/District: San Pedro

Community: Sialoukro, Libreville, Petit Bouaké

Cooperative: COOPADOU

Monitors: Jean Baptiste APPIA, N'GOUIN-CLAIH Kouamé, Céline
KOFFI, Patrick BALIFI

Audit Date: 1-9 December 2014

Products: Cocoa

Number of Growers/Workers: 60/21

Number of Growers/Workers Interviewed: 60/21

Number of Farms Visited: 60

Total area covered in Audit: 235 ha

Process: Récolte



FLA Member/Affiliate Update

Nestle ended its membership as an FLA Participating Company in April 2025. The company's reports can still be found at Fairlabor.org

To view more about the FLA's work with Nestle, please visit the FLA website [here](https://Fairlabor.org).

Non-compliances Overview and Table of Content

1. Code Awareness			Page
GEN 1	Establish and articulate clear, written workplace standards. Formally convey those standards to Company Growers as well as to supply chain Organizers.		
GEN 2	Ensure that all Company growers as well as supply chain 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	6
GEN 3	Develop a secure communications channel, in a manner appropriate to the culture and situation, to enable Company employees, Supervisors and employees of supply chain 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.		
	Other (Company Internal Grievance Policy and Procedures)		
2. Forced Labor			
F.1	General Compliance Forced Labor		
F.2	Freedom in Employment		
F.3	Employment Terms/Voluntary Agreement		
F.4	Employment Terms/Prohibitions		
F.5	Debt/Bonded Labor		
F.6	Wage Advances		
F.7	Free Disposal of Wages/Cash and In-Kind Compensation		
F.8	Recruitment through Referrals		
F.9	Freedom of Movement		
F.10	Grower-Controlled Living Quarters		
F.11	Worker Ability to Terminate-Freedom of Movement		
F.12	Individual Contracts (Verbal / Written)		
F.13	Personal Worker Identification and Other Documents		
F.14	Bonded Labor		
	Others		

3. Child Labor			
CL.1	General Compliance Child Labor	Noncompliance	<u>7</u>
CL.2	Child Labor		
CL.3	Proof of Age Documentation	Noncompliance	<u>8</u>
CL.4	Other Means of Age Verification		
CL.5	Government Permits and Parental Consent Documentation		
CL.6	Employment of Young Workers		
CL.7	Hazardous Work for Young Workers		
CL.8	Education of Young Workers		
CL.9	Children on Premises		
CL.10	Removal and Rehabilitation of Child Laborers	Noncompliance	<u>9</u>
	Others		
4. Harassment or Abuse			
H&A.1	General Compliance Harassment and Abuse		
H&A.2	Discipline/Fair and Non-discriminatory Application		
H&A.3	Discipline/Worker Awareness		
H&A.4	Discipline/Training		
H&A.5	Discipline/Monetary Fines and Penalties		
H&A.6	Discipline/Access to Facilities		
H&A.7	Discipline/Physical Abuse		
H&A.8	Discipline/ Verbal Abuse		
H&A.9	Violence/Harassment/Abuse		
H&A.10	Sexual Harassment		
H&A.11	Punishment of Abusive Workers/Others		
H&A.12	Grievance Procedure	Noncompliance	<u>10</u>
	Others		

5. Non-Discrimination			
D.1	General Compliance Non-Discrimination		
D.2	Employment Decisions		
D.3	Sex-Based Wage Discrimination		
D.4	Marital Status or Pregnancy		
D.5	Protection and Accommodation of Pregnant Workers and New Mothers		
D.6	Health Status		
D.7	Discriminatory Violence/Harassment/Abuse		
	Others		
6. Health and Safety			
H&S.1	General Compliance Health and Safety		
H&S.2	Document Maintenance/Worker Accessibility and Awareness	Noncompliance	11
H&S.3	Written Health and Safety Policy		
H&S.4	Health and Safety Management System	Noncompliance	12
H&S.5	Communication to Workers	Noncompliance	13
H&S.6	Access to Safety Equipment and First Aid		
H&S.7	Personal Protective Equipment		
H&S.8	Chemical Management and Training	Noncompliance	14
H&S.9	Chemical Management for Pregnant Women, Young Workers and Family Members residing in the farm		
H&S.10	Protection Reproductive Health		
H&S.11	Machinery Maintenance and Worker Training		
H&S.12	Medical Facilities		
H&S.13	Drinking Water	Noncompliance	15
H&S.14	Rest Areas		
H&S.15	Living Quarters		
	Others		

7. Freedom of Association and Collective Bargaining			
FOA.1	General Compliance Freedom of Association		
FOA.2	Right to Freely Associate		
FOA.3	Grower Interference and Control		
FOA.4	Anti-Union Violence/Harassment/Abuse		
FOA.5	Right to Collective Bargaining/Unorganized Workers		
	Others		
8. Hours of Work			
HOW.1	General Compliance Hours of Work		
HOW.2	Rest Day		
HOW.3	Meal and Rest Breaks		
HOW.4	Overtime		
HOW.5	Over Time/Positive Incentives		
HOW.6	Public Holidays		
	Others		
9. Wages, Benefits and Overtime Compensation			
WBOT.1	General Compliance Wages, Benefits and Overtime Compensation		
WBOT.2	Minimum Wage		
WBOT.3	Timely Payment of Wages		
WBOT.4	In-kind Compensation		
WBOT.5	Advance Payments		
WBOT.6	Worker Wage Awareness		
WBOT.7	Record Maintenance	Noncompliance	16
WBOT.8	Employer Provided Services		
WBOT.9	Additional Benefits		
	Others		

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:	<p>Monitors attest to the effort put in place by Nestlé and its partners to inform, educate and train the largest number of producers to its code of conduct. Nestlé has developed and made available to its suppliers a code of conduct shown to inform standards for the workplace. This code is shown in a handout distributed to producers at field school sessions in some communities. However, monitors found that a large number of producers do not participate in field school sessions. They could count on 23 out of 60 producers interviewed during the visit. Some explain their non-participation by the lack of time, while others suggest a lack of interest. Moreover, apart from Petit Bouaké or producers who participate in school field received pamphlets, no flyers were distributed to producer's communities Libreville and Sialoukro for in sufficient quantity. Furthermore, no poster was visible from anywhere in the communities visited outside the office of the cooperative in San Pedro. The workers for their part do not participate in school field because they are not involved and do not receive the brochure. Therefore, the monitors noted that many of the producers and workers of the cooperative are not informed on the Nestlé Code of Conduct.</p> <p><u>Source:</u> Document review, interviews with SMI, with producers, with workers</p>
Plan Of Action:	
Deadline Date:	
Action Taken:	
Plan Complete:	
Plan Complete Date:	

Child Labor: General Compliance Child Labor	
CL.1 Growers shall comply with all local laws, regulations, and procedures concerning the prohibition of child labor.	
	Noncompliance
Explanation:	<p>The monitors noted the effort of Nestlé and its partners to train, educate and inspect the producers participating in their supply chains on child labor. They could record formal proof recruitment children under 14 years as a contract worker in the communities visited. However, in Libreville community, they observed two children aged 8 and 12 years who participated in the cocoa crop in planting their father. A Small Bouaké, another 14 year old was involved in forest clearing work. These children have no identification document. The monitors were based on testimony from parents and children themselves to determine their age. They do not attend school.</p> <p><u>Source:</u> Interviews with producers, observations, interviews with workers</p>
Plan Of Action:	
Deadline Date:	
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:

At Libreville Small Bouaké, the monitors have observed children who were involved in the pastoral activities of some producers. These children had no identification documents. Producers, their parents do not care to establish their identity document and implement any other process of determining the age of the children they involve in their production activities.

No provision has been planned by the company to assist producers in the process of checking the age of young workers and retention of identification documents.

Source: Interviews with producers, with the SMI, literature review

Plan Of Action:

Deadline Date:

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:	<p>Monitors observed in communities Libreville and Small Bouaké, children of some producers who participate in the activities of production of their parents, Nestlé providers. Others present in the plantations were not involved in production work. These children do not attend school. The cooperative has not joined the program Monitoring and Remediation of child labor Nestlé. Par conséquent, no mechanism is in place to remove these children from plantations and rehabilitate them.</p> <p><u>Source:</u> Interviews with producers, with children, observations, interviews with the SMI, documentaries magazine.</p>
Plan Of Action:	
Deadline Date:	
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:

On its code of conduct illustrated, Nestlé issued a Green number to enable its suppliers to address to their possible complaints. In addition, the cooperative has published a complaints procedure in place of its members. However, monitors note that the Nestlé green numero use process seems too complex for the illiterate. It requires multiple call transfers before having the right person. The monitors also found that the flyers are distributed to most producers. They also hold the majority of producers had a misunderstanding of the complaints procedure of the cooperative and its operation. Furthermore, the monitors have noted the absence of non-retaliation policy in the cooperative. Finally, any complaints procedure is known to workers for complaints management between workers and producers, and if no solution is found for their complaints to the cooperative or the company.

Source: Document review, interviews with producers, interviews with workers, interviews with SMI

Plan Of Action:

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: Document Maintenance/Worker Accessibility and Awareness

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

Noncompliance

Explanation:

Monitors note the existence of a health and safety policy at the cooperative. The policy contained in the company's code of conduct and Utz code of conduct is communicated to producers participating in the school field. However, many producers and workers do not participate in these courses and do not receive the documents developed in this area. In communities Libreville and Sialoukro no producers interviewed had received leaflets. No election posters were visible in all three communities visited. Therefore, the monitors concluded that the majority of producers and workers do not have access to the company's policy on health and safety.

Source: Document review, interviews with workers and producers, talks with SMI

Plan Of Action:

Deadline Date:

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:

The monitors show that the cooperative has health and safety policies. However, they note the lack of mechanisms or designated persons, let alone procedures to support or postpone the event of injury, accident, illness or death.

Source: Document review, interviews with workers and producers, talks with SMI

Plan Of Action:

Deadline Date:

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:

Health and safety policy is generally not communicated to workers. Those are not involved in the training sessions, which are the frameworks of explanation and distribution policies. Workers do not have access to symbols or illustrations to educate on health and safety measures to be followed and not receiving leaflets provided for this purpose.

Source: Document review, interviews with workers and producers, talks with SMI

Plan Of Action:

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: Chemical Management and Training

H&S.8 All chemicals and hazardous substances, farm produce, and raw materials should be properly labeled and stored. The grower shall not use any banned (either by national or international laws) pesticides fertilizers, or any other agro chemicals in the farm. The grower shall ensure safe disposal of waste chemicals or empty containers of chemicals or packing materials. The grower/organizer/company will provide the necessary training to the worker with regard to handling of agro chemicals (pesticides, fertilizers, and other hazardous substances), their application and the use of personal protective equipment.

	Noncompliance
Explanation:	<p>The monitors noted that producers are trained and sensitized on the management of empty plant protection products in the field school sessions. However, they found empty containers of plant protection products scattered in the planting of many producers in the sections of Sialoukro, Libreville and Small Bouaké.</p> <p><u>Source:</u> Observation, interviews with producers and the SMI</p>
Plan Of Action:	
Deadline Date:	
Action Taken:	
Plan Complete:	
Plan Complete Date:	

Health and Safety: Drinking Water	
H&S.13 Company should make efforts to create awareness among growers and workers about clean drinking water. Growers shall not place any undue restrictions on drinking water in terms of time and frequency.	
	Noncompliance
Explanation:	<p>The instructors find that several producers and workers obtain their drinking water from wells and swamps. These water points are not covered and the water is receuillie it undergoes no treatment prior to consumption.</p> <p><u>Source:</u> Observations, interviews with producers</p>
Plan Of Action:	
Deadline Date:	
Action Taken:	
Plan Complete:	
Plan Complete Date:	

Wages, Benefits and Overtime Compensation: Record Maintenance

WBOT.7 Company shall make efforts to educate and assist the growers in maintaining records of wages provided to the worker in cash or in-kind or both, and such records shall be acknowledge by the worker.

	Noncompliance
Explanation:	<p>During the audit, the monitors have observed that in the communities visited, the producers see no other maintenance mechanism evidence of compensation made to their workers; either in writing or from witnesses. No assistance is provided by the company and its partners to put in place a mechanism for the situation of producers and that verify the evidence of payments between farmers and their workers.</p> <p><u>Source:</u> Document review, interviews with SMI, producers and workers</p>
Plan Of Action:	
Deadline Date:	
Action Taken:	
Plan Complete:	
Plan Complete Date:	