



[2014-
2015]

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURAL REPORT

COMPANY: Nestlé

COUNTRY: Ivory Coast

PROVINCE: Lôh-djiboua

CITY/DISTRICT: Guitry

COMMUNITY: Zaourakro, Guitry, Babokon

MONITOR: APPIA Assiélou Jean Baptiste, KREY Koffi,
KOFFI Adjoua Céline

AUDIT DATE: 18 -26 October 2014

PRODUCTS: Cocoa

NUMBER OF GROWERS/WORKERS: 60/11

NUMBER OF GROWERS/WORKERS INTERVIEWED: 60/11

NUMBER OF FARMS VISITED: 60

TOTAL AREA COVERED IN AUDIT: 397 Hectares

PROCESS: Harvesting



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	<u>6</u>
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>9</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		
	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	Noncompliance	14
H&S.7	Personal Protective Equipment		
H&S.8	Chemical Management and Training		
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		
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	15
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: Monitors observed obvious efforts by Nestlé and its partners to inform, educate and train the largest number of farmers on its code of conduct. Nestlé has developed and made available to its suppliers an illustrated code of conduct to inform them of the standards to be followed.

However, during the visit, the code was displayed at the cooperative headquarter in Guity but was not visible in the communities of Babokon and Zaourakro.

Information barely reaches the workers who do not receive the illustrated code and do not attend the farm field school sessions, like farmers. Some producers partially relay the information received during the training sessions to their workers and their family members involved in the production. However, this information is mostly limited to good agricultural practices.

Source: interviews with farmers, workers and IMS staff

Plan Of Action:

We will continue to reach out to workers on cocoa farms through:

1. The cooperative will continue to promote workers' participation in farmer field school sessions through the system of Lead Farmers* and farmer field schools.
2. The illustrated Nestlé Code of Conduct (CoC) will be distributed to all producers and workers, and will be explained to them as part of the farmer field school sessions. The cooperative comprises 12 sections in total. By March 2015, the Nestlé CoC had been distributed to all farmers in seven of these sections and will continue for the remaining five.
3. The illustrated Nestlé CoC will be posted in all sections of the cooperative.
4. As part of the Child Labor Monitoring and Remediation System (CLMRS), the Child Labor Agent and Community Liaison person will continue to raise awareness of the farmers and farm workers on child labor.

In the last quarter of 2014, Nestlé trained 57 Cooperative Group Administrators (ADG) on the new Nestlé CoC and how to comply with certification requirements. These training sessions focus on:

- FLA's independent External Monitoring (IEM) report and Code of Conduct.
- The review of important documents used in certification which help to comply with FLA CoC

At the end of the training, each ADG drafts an action plan to further implement the Nestlé CoC throughout the cooperative.

*A Lead Farmer is a farmer trained and assessed on best practices and certification standards who can demonstrate capacity and ability to train other farmers. In general, the lead farmer is himself a producer and is active in his own community.

Deadline Date:

December 2015

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: The effort of Nestlé and its partners is visible in the visited cooperative in terms of training, awareness raising, monitoring and remediation of child labor. Of the 60 farms visited in Guitry district, cases of family child labor were identified on two farms.

In Zaourakro, monitors observed a 10-year-old (estimate based on interviews) boy involved in the transportation of fresh cocoa beans on his neighbor's farm. This child was not the farmer's family, nor his employee. He is the son of a neighboring farmer who also supplies the cooperative, and who had to travel to the city to get medical treatment. Finances prevented this child from attending school this year.

In Guitry, monitors observed a 12-year-old girl opening cocoa pods with a machete. According to the farmer and the girl's mother, she contributes to pods picking and transportation of fresh beans. Her father provided her age, in the absence of a birth certificate. This girl has never been to school.

Source: interviews with farmers and family workers; Observation

Plan Of Action: The CLMRS has been up and running in this cooperative since September 2013. A Child Labor Agent and 17 Community Liaison person actively monitor the child labor situation on the ground, design and implement remediation activities tailored to the cases and needs identified in each community, and conduct awareness sessions on child labor for the entire community.

Specifically for these cases:

Through the CLMRS and the support of the cooperative, the 10-year-old boy is now in Guitry to continue his scholarship (November 2014).

Through the CLMRS and the support of the cooperative, the 12 years old girl is currently involved in a literacy program and was granted a birth certificate that will facilitate her reintegration into the official education system (December 2014).

More generally:

From September 2013 to March 2015, the CLMRS helped to identify 311 children (22% of farmer's children) involved in hazardous activities in this cooperative. This includes the cases identified by the FLA during the IEM process. For all identified child labor, specific remediation activities have already been set up, including:

- 2 community service groups have been created to support farmers and community members in cocoa-growing activities, and to avoid the use of children in field activities.
- 3 schools of 3 classrooms each, with latrines, were built by Nestlé in 2014 in three sections of this cooperative (Gnambouassou, Petit Korhogo, Kouta and Tiégba 2). These schools support efforts against child labor by providing access to education to 855 children.
- 26 birth certificates and 15 school kits were provided to children to support their reintegration into the education system.
- 4 farmer's wives groups are involved in income generating activities.

So far 746 farmers of the cooperatives have been made aware of the issues around child labor, and 179 community awareness sessions have been conducted by Community Liaison People. Additional sessions will be conducted in the future. These sessions include the following topics:

- Minimum age of admission to employment.
- The effects of hazardous work on the children's bodies.
- The dangers of manipulating chemical products.
- The importance of birth certificate

**Deadline
Date:**

December 2015

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: Monitors noted that farmers do not recruit child/young workers in the visited farms. However, they use their own children to work on the farms, without maintaining their birth certificates. Farmers do not implement any other process to verify the age of their children. There is no effective mechanism to maintain proof of age documentation at the cooperative.

Source: interviews with IMS staff and farmers; Document review

Plan Of Action: Please see CL.1
Since 2013, the CLMRS helped to establish 26 birth certificates for the children of the cooperative farmers and workers.
Through the CLMRS and the system of Lead Farmers and farmer field schools, the coop will continue to increase awareness of farmers and workers on child labor the importance of birth registration.

Deadline Date: December 2015

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: There are suggestion boxes at the headquarters of the cooperative in Guitry. There is also a grievance procedure in place to handle grievances between the farmers and the cooperative. According to information gathered, this procedure is explained to the farmers during farmer field school sessions. However, farmer interviews revealed that farmers have a lack of knowledge and understanding of this procedure and how it works. They often do not contact the right person to raise their grievances. As a result, no formal complaints were recorded by the IMS, while discontent was identified among a few interviewed farmers. Furthermore, there is no non-retaliation policy at the cooperative.

Workers are not aware of any grievance procedure to settle grievances between workers and farmers and, where this is inappropriate or has failed, to raise their grievances to the cooperative or the company.

Source: Document review; Interviews with IMS staff, farmers, workers, and Anader agent

Plan Of Action: In 2012, Nestlé set up a grievance mechanism (toll free number and website operated by an independent third party) that applies to the entire Nestlé Cocoa Plan in Côte d'Ivoire and is open to all stakeholders (farmers, farm workers, community members, NGOs, etc.). It is fully integrated into the new illustrated Nestlé CoC that is distributed since February 2015 to all farmers and farm workers. The illustrated Nestlé CoC includes a specific non-retaliation clause. We will make sure that farm workers working in these communities have received a copy of the Nestlé CoC and are aware of this mechanism.

In addition, a specific grievance mechanism is available to farmers at the cooperative level: This was established as part of the certification process of the cooperative. We will engage with the cooperative to see if and how the cooperative grievance mechanism can be extended to workers

The cooperative will:

- 1) Continue to raise farmers' and farm workers' awareness on all existing grievance procedures through the system of Lead Farmers and farmer field schools.
- 2) Further disseminate the grievance procedures policy in all the sections and update the list of focal point in each section.
- 3) Document and register all the grievances at the section level cooperative levels with the existing grievance template.

Deadline Date: December 2016

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: A health and safety policy is available at the cooperative level. It is included in Nestlé illustrated code of conduct that is distributed to the farmers distributed to farmers during farmer field school sessions. However, this document is not available to workers as they are not attending the training sessions, and the code is not posted in prominent places in the communities.

Source: interviews with IMS staff, farmers and family workers

Plan Of Action: Please see GEN.2
Through the system of lead farmers and farmer field schools, the cooperative will raise farmer's awareness of the importance of the workers' participation to the farmer field school sessions.

The Nestlé's new illustrated code of conduct leaflet is being distributed to farmers and workers and will be explained to them in the farmer field school sessions. This code of conduct includes health and safety provisions.

The code of conduct will be posted in all the sections of the cooperative.

Deadline Date: December 2015

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 cooperative has a health and safety policy; however, there is no procedure and designated staff to manage health and safety issues in the sections, and report cases of injury and illness to the cooperative or company.

Source: interviews with IMS staff, farmers and family workers

Plan Of Action: The ADG of the cooperative will update and communicate the list of health and safety focal points to farmers and farm workers in each section.

We will see with the cooperative if it is possible to post in each section a short procedure to report emergency issues including the name and the phone number of contact person, and what to do in case of injury, illness and health issues

Deadline Date: March 2016

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: The company's health and safety policy is communicated to farmers through farmer field school sessions and through brochures that are distributed to them. Workers do not participate in those training sessions and do not receive the brochures. No posters are posted in the visited communities, except at the co-op headquarter in Guitry. As a result, workers are not aware of the company's health and safety policy that is in place in the cooperative. There is no system to ensure the main policies are communicated to the workers.

Source: interviews with IMS staff, farmers and family workers

Plan Of Action: Please see GEN.2; H&S. 4

Deadline Date: December 2015

Health and Safety: Access to Safety Equipment and First Aid

H&S.6 Company should ensure that growers and workers have access to safety equipment and first aid.

Non-compliance

Explanation: During the visit, the monitors found no first aid kit at either the cooperative's headquarters, or in the visited communities. This is particularly problematic in Zaourakro and Babokon where there is no functional health center. In case of emergencies such as a snake bite, injury, accident, or other health problem, people must travel 27 km (from Zaourakro) or 8 km (from Babokon) to reach the nearest health center in Guitry.

Source: Observation; Interviews with village authorities, IMS staff and farmers

Plan Of Action:

Please see H&S.4

In addition, the cooperative will:

- Provide all the sections with first aid kits
- Identify and train health and safety focal points in each section.

A health and safety focal point is designated at a section or community level and elected by local community members. He/she is in charge of recording and reporting injuries, illness and health issues. When his/her assistance is needed, this person is contacted by phone, or any other way, as soon as possible. His/her task is to provide first aid and, when required, help the injured/ill person join the closest hospital.

Deadline Date:

March 2016

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.

Non-compliance

Explanation: In Babokon and Guitry, the farmers hire annual workers and sharecroppers. However, there is no visible effort to educate the them about keeping records of cash received and payments made to their workers, or to experiment with some alternative mechanisms, such as a witness system being in use in other communities to avoid illiteracy related issues.

Source: Document review; Interviews with farmers, workers and IMS staff

Plan Of Action: Regarding payment records, our research shows that 45% of farmers are illiterate and running very small farms with the infrequent use of paid labor; therefore, the lack of records is a widespread issue. However, last year the cooperative committed to raising farmers' awareness on the importance of written payment records. We will follow up with the cooperative on the progress made in this area.

We will encourage the cooperative to continue awareness raising on the importance to have at least a witness when payment are made to their workers.

Deadline Date: March 2016