



[2015]

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURAL REPORT

COMPANY: Nestlé

COUNTRY: Ivory Coast

PROVINCE: Region of Mé

COMMUNITIES: M'popkéa, Kacou-Ayé-Abbé, Aguiékoi

MONITOR: Societal Compliance Initiative

AUDIT DATE: November 11-19, 2015

PRODUCTS: Cocoa

NUMBER OF GROWERS/WORKERS INTERVIEWED: 60/42

NUMBER OF FARMS VISITED: 60

TOTAL AREA COVERED IN AUDIT: 197 ha

PROCESSES: 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.		
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.	Noncompliance	6
	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	Noncompliance	7
F.14	Bonded Labor		
	Others		

3. Child Labor			
CL.1	General Compliance Child Labor	Noncompliance	<u>8</u>
CL.2	Child Labor		
CL.3	Proof of Age Documentation	Noncompliance	<u>10</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		
	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		
H&S.5	Communication to Workers		
H&S.6	Access to Safety Equipment and First Aid	Noncompliance	12
H&S.7	Personal Protective Equipment	Noncompliance	13
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	14
WBOT.8	Employer Provided Services		
WBOT.9	Additional Benefits		
	Others		

Code Awareness:

GEN 3 Develop a secure communications channel, in a manner appropriate to the culture and situation, to enable Company employees, Supervisors and employees of Seed organizers to report to the Company on noncompliance with the workplace standards, with security that they shall not be punished or prejudiced for doing so.

Noncompliance

Explanation: Nestlé published a toll-free number on its illustrated Code of Conduct COC to enable producers and workers to report any non-compliance they witness in their communities, or any grievance. Nestlé added a non-retaliation clause to its COC to protect anyone who raises grievance or report non-compliance. However, the toll-free line is difficult to use for illiterate people, leading to multiple relays, and is in English. Additionally, the visited communities are not covered by fixed network phone service, which is the only channel from which calls can be made. Moreover, leaflets and posters on which the toll-free number is displayed are poorly distributed and posted in the visited communities. Only a small number of producers and workers are aware of this mechanism.

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

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

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

- Engage the cooperative to continue to raise farmers' and farm workers' awareness on all existing grievance procedures at the cooperative level through the system of lead farmers and farmer field schools. December 2016
- Engage the cooperative to provide suggestion boxes in all cooperative sessions and raise farmers' and farm workers' awareness around these boxes, including how to proceed in case of illiteracy. December 2016
- Pilot a new approach in one cooperative (not the one under this assessment's scope) that would empower the Community Liaison People to collect grievances from community members and pass them on to the cooperative, our suppliers or to us directly, as appropriate. March 2017

Deadline Date: March 2017

Forced Labor: Personal Worker Identification and Other Documents

F.13 Workers shall retain possession or control of their identity cards, identity papers, travel documents, or any other personal legal documents such as land deeds or house mortgage. Growers shall not retain any such documents or restrict workers' access to them for any reason whatsoever, including in order to ensure that workers shall remain in employment in the farm. Growers may obtain copies of original documents for record-keeping purposes.

Noncompliance

Explanation: During their visit in the community of Kacou-Ayé-Abbé, monitors observed that a producer who is a member of the cooperative retains personal identification documents of his sharecropper. According to the producer, the producer is keeping personal identification documents as a preventive measure to avoid that the sharecropper leaves without achieving his tasks in the farm after receiving an advance payment.

Source: Interview with the producer

Plan Of Action: Following the FLA finding, the cooperative staff in charge of the Internal Monitoring System verified the information.

- At the time of the verification process, the worker had his personal identification document with him.
- Follow-up has been made to understand and remediate the situation

Nestlé will continue to actively engage the cooperative management and further raise farmers' awareness on this issue.

Deadline Date: July 2016

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: Law No. 2015-532 of 20 July 2015 of the Labor Code of the Republic of Côte d'Ivoire provides in its Article 23.2. that "children cannot be employed in any enterprise before the age of 16 years and being trainees under the age of 14, unless exemption enacted through regulations". However, during their visit in the community of Mpopkéa, monitors met with two contracted workers who stated to be at the ages of 14 and 15. Their physical appearance suggests that their stated age is most likely, but in the absence of identification document, monitors are unable to determine their exact age. These children were working for a producer member of the cooperative belonging to Nestlé supply chain. Moreover, according to the producer, the producer neither received a prior consent from their parents nor with the local administration, as recommended by current regulations. Furthermore, another 13-years old girl, daughter of a sharecropper, was observed working in the family context at Aguiékoi. She was involved in transportation of heavy loads of fresh cocoa beans during pod opening. She is not attending school such as the two first children mentioned above. However, according to the Law No. 2015-635 amending the Act 95-696 of 7 September 1995 on education, parents have the obligation to send their children to school until the age of 16.

Source: Interviews with producers, contractual workers; Record review; Observation

Plan Of Action: The Child Labor monitoring and Remediation System CLMRS has been up and running in this cooperative since July 2015 with a Child Labor Agent and 17 Community Liaison People actively monitoring the child labor situation on the ground. This includes conducting awareness sessions on child labor for the entire community, and designing and implementing remediation activities according to the issues and needs identified in each community.

Since the introduction of the CLMRS into the cooperative, 184 farmers and 35 cooperative board members (around 27% of the total number of farmers) have been sensitized on the issue of child labor.

Additional sessions will be conducted in the future including the on following topics:

- Minimum age of admission to employment.
- The effects of hazardous work on the children's bodies.
- The importance of birth certificate and education for children

For Mpopkéa workers, according to the villagers who know them and live with them in the same area, they are not children. But no documentation is available to prove their real age. To avoid such confusion in the future,

Nestlé will engage the cooperative to monitor all employment contracts between farmers and farm workers and get a hard copy of worker's personal identification documents or proof of age attached to contract.

Regarding the case of the 13-year old girl mentioned above, Nestlé's research shows that she is the daughter of a worker. There is no school in the village but actions are being taken through the Child Labor Monitoring and Remediation System set up by our implementing partner ICI to facilitate this girl's access to education in the neighboring village.

**Deadline
Date:**

September 2016

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: Since the launch of its Child Labor Monitoring and Remediation System program (CLMRS) in 2012, Nestlé is working on educating producers and workers in its supply chain on the importance of reporting every child-birth. Despite these efforts, monitors observed in two of the three visited communities children or teenagers involved in production activities who do not have identification documents. In the community of M'popkéa, both contract workers of a producer - aged 14 and 15 according to them - have no identification document. At Aguiékoi, the daughter of a sharecropper – being 13 years old - involved in production work with his father has no birth certificate. Interviews conducted with producers of the visited communities show that they do not always take into account the age of workers before hiring them and before attributing their tasks (e.g. hazardous work before the age of 18).

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

Plan Of Action:

See CL.1

The establishment of birth certificates is one of the remediation actions that is typically carried out when appropriate. As part of the Child Labor Monitoring and Remediation System. With the help of our implementing partner ICI, we are now assessing the possibility to establish a birth certificate for the 13-year old girl in close collaboration with the local authorities.

Nestlé will engage the cooperative to monitor all employment contracts between farmers and farm workers and get a hard copy of worker's personal identification documents or proof of age attached to each contract.

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: Nestlé published an illustrated Code of Conduct (COC) containing pictures and provisions on Health & Safety. This COC exists in poster and leaflet format being designed to strengthen access to information for producers and workers. However, monitors observed no poster posted anywhere in the three visited communities. The interviewed producers reported that they never received the Nestlé COC. Moreover, the cooperative's IMS staff has lists of banned and approved chemicals to be used in cocoa production. Although these lists are displayed at the headquarters of the cooperative, they are not available to producers and workers in the communities.

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

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

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

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

Nestlé will continue to

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

Deadline Date: March 2017

Health and Safety: Access to Safety Equipment and First Aid

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

Noncompliance

Explanation: The cooperative has identified and train first aid officers dedicated to the administration of first aid for producers and workers in case of emergencies. However, the first aid kits are not yet equipped, neither with medicine nor material to enable them to accomplish their mission in the communities, while none of the visited communities has a health center. In case of emergency, producers and workers must reach the nearest health centers, which are located between 11 and 23 Km away.

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

Plan Of Action: Nestlé will engage the cooperative to equip all first aid kits with appropriate medicine and materials. With the action plan template developed with cooperatives and the tracking sheet of first aids kits sent to Nestlé tier Suppliers, Nestlé will continue to monitor the farmer and workers access to First aid equipment.

Deadline Date: July 2016

Health and Safety: Personal Protective Equipment

H&S.7 All necessary personal protective equipment (PPE), such as gloves, eye protection, respiratory protection, etc., should be made available to relevant workers to prevent unsafe exposure (such as inhalation or contact with solvent vapors, dust, etc.) to health and safety hazards.

Noncompliance

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

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

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

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

Deadline Date March 2017

Wages, Benefits and Overtime Compensation: 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 their visit in the communities, monitors observed that the purchase of producers' beans is well documented by the cooperative. However, payment of workers' wages in the farms are not documented by the producers, while the cooperative has got representatives (Delegates, Producers Relays, etc.) that cover each of the communities who could assist producers and workers in documenting or establishing of a control mechanism (e.g. with witnesses) for payments to workers.</p> <p><u>Source:</u> Interviews with producers, workers and IMS staff; Record review</p>
Plan Of Action:	<p>45% of farmers are illiterate and running very small farms with infrequent use of paid labor; thus, the lack of records is a widespread issue.</p> <p>However, Nestlé will continue to follow up with the cooperative commitment to raising farmers' awareness on the importance of written payment records. Nestlé will also engage the cooperatives to assist farmers and workers as witness in workers wage payment.</p> <p>Together with the cooperatives, Nestlé will develop a template for record payment and pilot-test it with a sample of farmers in two cooperatives.</p>
Deadline Date:	July 2017