



[2016]

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURAL REPORT

Company: Nestlé

Country: Côte d'Ivoire

Commodity: Cocoa

Production Process: Harvesting

Assessment Locations: San Pedro Region, Kouadiokro and Sahoua Communities

Monitor: Societal Compliance Initiatives (SCI)

Assessment Dates: 20-27 October 2016

Number of assessed farms: 40

Total area covered: 212.8 ha

Number of farmers interviewed: 40

Total number of workers: 74

Number of workers interviewed: 28

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

To access the FLA Agriculture Monitoring Benchmarks, please visit [this page](#).

Employment Relationship

Compliance Status

Section	Benchmark	Compliance status	Farms
Human Resource Management System	ER.1.1	In compliance	
	ER.2.1 (PR)	In progress	All Farms
	ER.2.1.1(PR)	In progress	All Farms
Recruitment and Hiring	ER.3.1	Risk of Noncompliance	All Farms
	ER.3.1.1	Risk of Noncompliance	All Farms
	ER.3.1.2	In compliance	
	ER.4	N/A	
	ER.5.1	N/A	
	ER.5.2	N/A	
	ER.5.3	In compliance	
	ER.6 (PR)	Not Initiated	All Farms
	ER.7.1	In compliance	
	ER.7.2	In compliance	
	ER.7.3	In compliance	
	ER.7.4	In compliance	
	ER.7.5	In compliance	
	ER.7.6	In compliance	
	ER.7.7	In compliance	
ER.7.8	In compliance		
Terms and Conditions	ER.9.1	In compliance	
	ER.9.2	In compliance	
	ER.9.2.1	In compliance	
	ER.9.2.2	In compliance	
	ER.9.2.3	In compliance	
	ER.9.3	In compliance	
	ER.9.3.1	In compliance	
	ER.9.3.2	In compliance	
	ER.9.3.3	In compliance	
	ER.10	In compliance	
	ER.11	In compliance	
	ER.12.1	In compliance	
	ER.12.1.1	In compliance	
	ER.12.2	N/A	
	ER.13.1	In compliance	
	ER.13.2 (PR)	N/A	
	ER.13.3 (PR)	N/A	
Administration	ER.15.1	In compliance	
	ER.15.2	In compliance	
	ER.15.2.1	In compliance	
	ER.16.1	In compliance	
	ER.16.2	In compliance	
	ER.17.2 (PR)	N/A	
	ER.17.3 (PR)	In compliance	
ER.17.4 (PR)	In compliance		
Worker Involvement	ER.18.1	In compliance	
	ER.18.2 (PR)	In compliance	
Right to Organize and Bargain	ER.19	In compliance	
Work Rules and Discipline	ER.20.1	Noncompliance	All Farms

	ER.20.2	Noncompliance	All Farms
	ER.20.3 (PR)	Not Initiated	All Farms
	ER.20.4	Noncompliance	All Farms
	ER.20.6	Noncompliance	All Farms
	ER.20.7	Noncompliance	All Farms
	ER.20.8	Noncompliance	All Farms
	ER.20.9 (PR)	Not Initiated	All Farms
	ER.20.11	Noncompliance	All Farms
Access to Training for Family Members	ER.21	In compliance	
HSE Management System	ER.24.1.	In compliance	
	ER.24.2 (PR)	In compliance	
	ER.24.3	In compliance	
	ER.24.4 (PR)	In compliance	
	ER.24.4.1 (PR)	In compliance	
	ER.24.4.2 (PR)	In compliance	
	ER.24.4.3 (PR)	In compliance	
	ER.24.4.4 (PR)	In compliance	
	ER.24.4.5 (PR)	Not Initiated	All Farms
	ER.24.4.6 (PR)	In compliance	
	ER.24.5 (PR)	In compliance	
Grievance Procedures	ER.25.1 (PR)	In compliance	
	ER.25.2 (PR)	In compliance	
	ER.25.3	Noncompliance	All Farms
	ER.25.4	In compliance	

Employment Relationship Assessment Summary

Proof of Age Documentation	
<p>Benchmarks:</p> <p>ER.3.1: Employers shall verify proof of age documentation for all young workers in the farm at the time of their employment and work towards collecting and maintaining all documentation necessary to confirm and verify date of birth of all workers, including long term and casual workers.</p> <p>ER.3.1.1: Employers shall take reasonable measures to ensure such documentation is complete and accurate.</p>	<p>Risk of Noncompliance in all farms</p>
<p>Findings/Noncompliance Explanation:</p> <p>During the assessment, monitors did not meet any hired young workers. However, according to farmer interviews, recruitment of workers is generally based on their own declarations or their physical appearance. This situation is the consequence of the local culture and the lack of existing identification documents for most of the workers. Thereby, no verification of age documentation for young workers and no collection and maintenance of documentation necessary to confirm and verify date of birth of workers occur in farms. No mechanism is experienced by the cooperative to overcome this issue.</p> <p><u>Source:</u> Interview with farmers</p>	
<p>Company Action Plan:</p>	<p>Identification in rural areas is a problem in Cote d'Ivoire. This situation is more of a concern among workers.</p> <p>Cooperatives have a register of certified farmers. We will continue to raise awareness among cooperatives on the importance of</p> <ul style="list-style-type: none"> - Annually updating the register of farmers, by indicating the ages of the workers, if any, and by keeping a copy of their identity document on file, - Having the farmers involve the delegates and the Producers Relays (PR) in the recruitment of their permanent or temporary workers, - For laborers with no identity documents, two people from the community (i.e.,

	Branch Delegate and Village Chief) should certify the worker's age orally or in writing, - Raising farmers awareness on workers' age verification.
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Deadline Date:	December 2018
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Work Rules and Discipline

<p>Benchmarks:</p> <p><i>ER.20.1: Employers shall have disciplinary rules and practices that embody a system of progressive discipline (e.g. a system of maintaining discipline through the application of escalating disciplinary action moving from verbal warnings to written warnings to suspension and finally to termination).</i></p> <p><i>ER.20.2: Any person supervising workers shall be aware of the disciplinary rules and practices.</i></p> <p><i>ER.20.4: The disciplinary system shall be applied in a fair and nondiscriminatory manner and include a management review of the actions by someone senior to the manager who imposed the disciplinary action.</i></p> <p><i>ER.20.6: Disciplinary rules and practices shall be clearly communicated to all workers.</i></p> <p><i>ER.20.7: Workers must be informed when a disciplinary procedure has been initiated against them.</i></p> <p><i>ER.20.8: Workers have the right to participate and be heard in any disciplinary procedure against them.</i></p> <p><i>ER.20.11: The disciplinary system shall include a third-party witness during imposition, and an appeal process. In case of smallholder settings, existing appeal mechanism at community level is acceptable.</i></p>	<p>Noncompliance in all farms</p>
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Findings/Noncompliance Explanation:	<p>Apart from the disciplinary procedure developed in the framework of the certification initiatives in force in the cooperative to govern the relations between the cooperative and its farmer members, no rules of disciplinary practice govern the relations between farmers and their workers in the visited farms.</p> <p><u>Source:</u> Review of procedures, Interview with farmers, workers, and IMS staff</p>
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Company Action Plan:	<p>Nestlé has developed, with the ADG of cooperatives, a template of contract of employment between farmers and laborers, which includes disciplinary measures that each cooperative may adapt.</p> <p>We will engage all the cooperatives to encourage the use of this contract template by their farmers and assist them, if needed, through field representatives and staff, during the hiring of permanent workers.</p> <p>Considering local practices in dispute settlement, we will encourage cooperatives to involve local witnesses as guarantors in the implementation of disciplinary procedures between the farmers and their workers.</p> <p>When settling a dispute, the presence of delegates and lead farmers is required, and a report must be written, signed, and filed at the headquarters of the cooperative.</p> <p>Given that most farmers and workers are illiterate, we will encourage the cooperatives to strengthen the documentation and archiving of information relating to the relations between farmers and workers (contracts of employment, complaints, volume of beans, payments...), with the involvement of the Branch Delegates, PRs, and Community Relays (RCs).</p> <p>These updated policies and procedures will be widely disseminated and will be part of the training schedule in farmers' field schools.</p>
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Deadline Date:	December 2018
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Grievance Procedures

<p>Benchmarks:</p> <p><i>ER.25.3: FLA-affiliated companies shall make sure that a confidential non-compliance reporting mechanism is available for farmers and workers in the supply chain (such as members of cooperatives or suppliers of seed organizers). Through this channel, any code violation can be communicated to the company if the local and farm level grievance redress mechanisms fail to sufficiently address the issue.</i></p>	<p>Noncompliance in all farms</p>
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<p>Findings/Noncompliance Explanation:</p>	<p>According to monitors, there is no functional confidential non-compliance reporting mechanism available for farmers and workers in the supply chain that could help supply chain actors to communicate any code violation to Nestlé.</p> <p>Currently, Nestlé has set up a toll-free number, so supply chain actors can voice their grievances using this number. However, in practice, the system in place is complicated, and no one is using it. To reach the final recipient (based in Switzerland at Nestlé headquarters), the call must go through at least three levels of interlocutors. The language of communication is English, whereas the farmers and workers cannot understand or speak it. Finally, the number is only accessible via a landline, whereas the landline network does not cover all rural areas.</p> <p>According to Nestlé’s local staff, the company is seeking alternative ways to improve the existing channel.</p> <p><u>Source:</u> Interviews, observation</p>
<p>Company Action Plan:</p>	<p>Nestlé encourages the cooperatives to maintain suggestion boxes in all branches and warehouses of cooperatives and to raise the awareness of farmers and workers. To test an alternative grievance mechanism, Nestlé is involving the RCs in the anonymous collection of complaints through a pilot action in two communities.</p> <p>With the agreement of its suppliers, Nestlé will encourage the modification of farmer inspection forms by adding a question allowing the farmers to express their grievances.</p>
<p>Deadline Date:</p>	<p>December 2018</p>

Health, Safety and Environment

Compliance Status

Section	Benchmark	Compliance status	Farms
General Compliance	HSE.1.	Noncompliance	Farm 3,11,12,14,15,18,22,24,26,27,28,30,31,34,35,36
Documents, Permits and Certificates	HSE.2 (PR)	In compliance	
	HSE.3.1	N/A	
	HSE.4 (PR)	In compliance	
Evacuation Requirements and Procedure	HSE.5.1 (PR)	N/A	
	HSE.5.2	In compliance	
Safety Equipment and First Aid	HSE.6.1 (PR)	In compliance	
	HSE.6.2 (PR)	In Progress	All Farms
	HSE.16.3 (PR)	In compliance	
Personal Protective Equipment	HSE.7 (PR)	In Progress	All Farms
	HSE.8	In compliance	
Chemical Management	HSE.9.1	In compliance	
	HSE.9.2	In compliance	
	HSE.9.2.1	In compliance	

	HSE.10	Noncompliance	Farms 3,11,18,31,36
	HSE.11.1	In compliance	
	HSE.11.2	In compliance	
Protection Reproductive Health	HSE.12.1	In compliance	
	HSE.12.2 (PR)	In compliance	
Infrastructure	HSE.13 (PR)	N/A	
	HSE.17.1	Noncompliance	All Farms
	HSE.17.2 (PR)	Not Initiated	All Farms
	HSE.19 (PR)	In compliance	
	HSE.21 (PR)	In compliance	
	HSE.22 (PR)	N/A	
Machinery Safety	HSE.14.1	Noncompliance	Farm 3, 11
	HSE.14.2	In compliance	
	HSE.14.3	In compliance	
	HSE.14.4	In compliance	
Ergonomics and Medical Facilities	HSE.15.2 (PR)	Not Initiated	All Farms
	HSE.16.2	In compliance	

HSE Assessment Summary

General Compliance / Machinery Safety	
<p>Benchmarks:</p> <p>HSE.1: Employers shall comply with all national laws, regulations and procedures concerning health, safety, and the environment.</p> <p>HSE.14.1: All production machinery, equipment and tools shall be properly guarded and regularly maintained.</p>	Noncompliance in 16 farms
<p>Findings/Noncompliance Explanation:</p> <p>Farmers are informed of regulations regarding Health, Safety, and Environment through the training carried out in farm schools.</p> <p>Despite that, some violations still occur in the visited farms. For example, empty chemical containers were not properly stored in two assessed farms. In three farms, chemicals sprayers were abandoned in the field or stored under shelter within the reach of the children. Seven farmers claimed they did not post any warning sign after chemical application. Five other farmers claim to carry out chemical application without proper training and equipment; two were observed by monitors during their assessment.</p> <p><u>Source:</u> Interviews and observation</p>	
<p>Company Action Plan:</p> <p>As part of the CLMRS, the farmers/workers and their families have been trained by the RCs on a module of risks associated with the use of phytosanitary and pharmaceutical products. These awareness-raising actions will continue within communities and families.</p> <p>The flyers and posters on the Nestlé Code of Conduct contain images on the use of phytosanitary products and proper equipment.</p> <p>The cooperative has a team of 4 applicators with personal protective equipment, who are trained on rational use of agrochemicals and farm treatment.</p> <p>Awareness-raising sessions will be conducted by the lead farmers and the RCs to educate farmers and their laborers on:</p>	

	<ul style="list-style-type: none"> - The use of the applicators of the cooperative for the agrochemical treatment of farms, - The importance of wearing boots and safety glasses during farm work, - The importance of protecting children, - The importance of the proper storage of chemicals sprayers and the proper management of empty chemicals container, - In addition, Nestlé will develop a series of videos as part of its Digital Green project. One of the videos will relate to the use of agro chemicals. These videos will be projected in the villages and will serve as a basis for raising the awareness of the farmers.
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Deadline Date:	July 2018
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Chemical Training

<p>Benchmarks: <i>HSE.10: Workers shall receive training, appropriate to their job responsibilities, concerning the hazards, risks and the safe use of chemicals and other hazardous substances.</i></p>	Noncompliance in 5 farms
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<p>Findings/Noncompliance Explanation:</p>	<p>The cooperative has recruited, trained, and equipped applicators for chemical application of the farms of its members.</p> <p>However, monitors noted some farmers carry out chemical application, without prior training or adequate equipment. During the interviews, they received testimony from five of them, who argued they cannot access the services of the cooperative's applicators fast enough to perform the task on time.</p> <p><u>Source:</u> Interviews</p>
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<p>Company Action Plan:</p>	<p>The cooperative has a team of 4 applicators with personal protective equipment, who are trained on rational use of agrochemicals and farm treatment. We will engage the cooperative to increase the number of applicators to reach the farmers.</p> <p>Awareness-raising sessions will be conducted by the lead farmers and the RCs to educate farmers and their laborers on:</p> <ul style="list-style-type: none"> - The use of the applicators of the cooperative for the agrochemical treatment of farms, - In addition, Nestlé will develop a series of videos as part of its Digital Green project. One of the videos will relate to the use of agro chemicals. These videos will be projected in the villages and will serve as a basis for raising the awareness of the farmers.
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Deadline Date:	July 2018
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Access to Water and Sanitation

<p>Benchmarks: <i>HSE.17.1: Safe and clean potable water for drinking shall be freely available at all times, within reasonable distance of the workplace. For farm settings in water-stressed regions where access to potable water is not always guaranteed, employers shall work with local authorities and other partners to provide clean water in sufficient volume and quality to guarantee the wellbeing of hired and family workers.</i></p>	Noncompliance in all farms
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<p>Findings/Noncompliance Explanation:</p>	<p>Farmers and workers in the visited communities source water from wells and rivers, because they do not have a source of potable drinking water.</p> <p>No testing is done on water sources to ensure they are safe for consumption, and no</p>
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	<p>provision is made to sensitize and train farmers and workers on water treatment methods to disinfect the water before its consumption.</p> <p><u>Source:</u> Interview, observation</p>
Company Action Plan:	<p>We will encourage the cooperatives to continue to raise awareness among the farmers, the laborers, and their families on water purification techniques, including boiling water before drinking it.</p> <p>In addition, Nestlé will develop a series of videos as part of its Digital Green project, of which one will relate to water treatment. These videos will be projected during the sessions and will serve as a basis for raising the awareness of farmers.</p>
Deadline Date:	July 2018

Overview - Farms vs. Noncompliances

Total number of Farms: 40

	Employment Relationship	Non-discrimination	Harassment or Abuse	Forced Labor	Child Labor	Freedom of Association and Collective Bargaining	Health, Safety and Environment	Hours of Work	Compensation	Total
% of farms with non-compliances or risk of non-compliances	100%	0%	0%	0%	0%	0%	100%	0%	0%	
Farm No. 1	10	0	0	0	0	0	1	0	0	11
Farm No. 2	10	0	0	0	0	0	1	0	0	11
Farm No. 3	10	0	0	0	0	0	4	0	0	14
Farm No. 4	10	0	0	0	0	0	1	0	0	11
Farm No. 5	10	0	0	0	0	0	1	0	0	11
Farm No. 6	10	0	0	0	0	0	1	0	0	11
Farm No. 7	10	0	0	0	0	0	1	0	0	11
Farm No. 8	10	0	0	0	0	0	1	0	0	11
Farm No. 9	10	0	0	0	0	0	1	0	0	11
Farm No. 10	10	0	0	0	0	0	1	0	0	11
Farm No. 11	10	0	0	0	0	0	4	0	0	14
Farm No. 12	10	0	0	0	0	0	2	0	0	12
Farm No. 13	10	0	0	0	0	0	1	0	0	11
Farm No. 14	10	0	0	0	0	0	2	0	0	12
Farm No. 15	10	0	0	0	0	0	2	0	0	12
Farm No. 16	10	0	0	0	0	0	1	0	0	11
Farm No. 17	10	0	0	0	0	0	1	0	0	11
Farm No. 18	10	0	0	0	0	0	3	0	0	13
Farm No. 19	10	0	0	0	0	0	1	0	0	11
Farm No. 20	10	0	0	0	0	0	1	0	0	11
Farm No. 21	10	0	0	0	0	0	2	0	0	12
Farm No. 22	10	0	0	0	0	0	2	0	0	12
Farm No. 23	10	0	0	0	0	0	1	0	0	11
Farm No. 24	10	0	0	0	0	0	2	0	0	12
Farm No. 25	10	0	0	0	0	0	1	0	0	11
Farm No. 26	10	0	0	0	0	0	2	0	0	12

Farm No. 27	10	0	0	0	0	0	2	0	0	12
Farm No. 28	10	0	0	0	0	0	2	0	0	12
Farm No. 29	10	0	0	0	0	0	1	0	0	11
Farm No. 30	10	0	0	0	0	0	2	0	0	12
Farm No. 31	10	0	0	0	0	0	3	0	0	13
Farm No. 32	10	0	0	0	0	0	1	0	0	11
Farm No. 33	10	0	0	0	0	0	1	0	0	11
Farm No. 34	10	0	0	0	0	0	2	0	0	12
Farm No. 35	10	0	0	0	0	0	2	0	0	12
Farm No. 36	10	0	0	0	0	0	3	0	0	13
Farm No. 37	10	0	0	0	0	0	1	0	0	11
Farm No. 38	10	0	0	0	0	0	1	0	0	11
Farm No. 39	10	0	0	0	0	0	1	0	0	11
Farm No. 40	10	0	0	0	0	0	1	0	0	11
TOTAL	400	0	0	0	0	0	64	0	0	464