



[2015]

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURAL REPORT

COMPANY: Nestlé/Olam
COUNTRY: Turkey
PROVINCE: Sakarya
MONITOR: Asya Control /FLA
AUDIT DATE: 24-26 August 2015
PRODUCTS: Hazelnut
NUMBER OF WORKERS: 186
NUMBER OF WORKERS INTERVIEWED: 80
NUMBER OF FARMS VISITED: 21
TOTAL AREA COVERED IN AUDIT: 207.32 ha
PROCESSES: Harvesting

General comment: For hazelnut sourcing in Turkey, Nestlé works with two strategic suppliers, Olam Progida being one of them. Both Nestlé and Olam are affiliated with the FLA and have respective monitoring and remediation programs. In Turkey, both companies closely collaborate to implement monitoring and remediation activities with Olam having a more direct implementation role at field level.

This assessment was conducted in a portion of Olam's supply chain that is supplying to Nestlé. Both companies consider remediation action as a collective plan in which Nestlé and Olam act together according to their capacities and presence on the ground. Therefore, all the actions described below will be implemented by either Nestlé or Olam with the objective to remedy the non-compliances identified and, ultimately, to improve the situation on the ground over the long-term.

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Child Labor: Child Labor

CL.2 Growers shall not employ children younger than 15 (or 14 where the law of the country of production allows) or younger than the age for completing compulsory education in the country of production where such age is higher than 15.

Noncompliance

Explanation: The effort of Olam and Nestlé is visible in the visited villages and farms in terms of training, awareness raising and prevention of child labor. However, seven child workers between 12 and 14 years old were detected during the visit of the 21 orchards. One child was a family member of a farmer and the other six were children of migrant workers coming from the South East of Turkey. These children were collecting hazelnuts from the ground and filling the buckets or bags together with their families. The migrant workers' children were working under the same conditions as adult workers and paid the daily wage.

Source: Interviews with workers, growers and observation from orchard visits

Plan Of Action:

- Olam will continue to provide social practices trainings for farmers before the harvest. Social practices trainings cover issues on child labor, young workers, Hours of Work, Compensation, Health & Safety, Discrimination, Harassment & Abuse. These issues are explained using local and international legal standards. The content is very similar to worker training sessions. During 2014 and 2015, Olam has reached approximately 2,600 farmers through trainings and nearly 10,000 farms are traced in the supply chain. The plan is to progressively train a higher number of farmers each year.
- Olam has organized 15 worker training sessions (social practices trainings) in the Eastern and Western Black Sea Region. 9 out of 15 worker training sessions were organized in Sakarya and Düzce during the 2015 harvest (August-September). 716 workers joined the trainings in total with the majority of the participants being seasonal migrant workers. The coverage of the trainings will be expanded to the local workforce and the number of trainings will be increased in 2016 season. The target of the program is to reach as many workers as possible in each harvest season.
- Olam has an internal monitoring system in place to detect child labor in the farms while the internal monitoring activities and remediation will continue in the 2016 harvest. A total of 104 farms were visited in 2015. In farms where child labor was detected, a rehabilitation procedure was put in place.
- Olam's sustainability team will get in contact with local civil society organizations CSOs (which will be selected according to the capability and availability) to organize trainings for raising awareness on child labor and child labor effects on children's health. The training content will be developed by selected CSOs and will have two different modules namely for women workers/women farmers and local authority representatives, such as the head of villages, representatives from the local government district (kaymakamlık) and municipality representatives. The goal of the trainings is to raise awareness on this issue and promote local actors to take action on this collective problem. Women are particularly selected as a target group due to their active role in region and willingness to take action for well-being of children. The number of trainings will be decided with the CSOs. At least two villages in Sakarya (covered by this IEM) will be covered by the training program.
- The awareness is rather low on child labor in the Western Region. The team will organize several meetings with local authorities to take attention on this issue prior to harvest (June-July 2016).

- ILO has been successfully implementing summer school areas in Ordu workers camp areas. The main aim of the summer schools is to provide safe places to children while their parents are working in the field. However, the number of worker camps is very limited in Western Black Sea region and farmers provide accommodation places to workers in the villages. In 2015 harvest, a village school was activated as a pilot summer school in Düzce-Akçakoca in order to provide safe places for children. Olam supported the renovation of the building, transport and meal for children. The system will be duplicated in other villages with the cooperation of local authorities and international organizations. In this regard, Olam's sustainability team will get in contact with relevant stakeholders to expand the project in the region.

**Deadline
Date:**

October 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: Olam has distributed handbooks to the farmers providing guidance and practical tools on how to verify and keep workers' age records. However, awareness of this process is still low. Except for one farmer (of the 21 interviewed), none of the labor contractors or farmers applies any strict age verification of workers. They do not take precautions to ensure that all workers are above the legal minimum age, which still leads to child labor incidents on the orchards.

Source: Interviews with workers, growers, intermediary (*manavs*), company staff; observation from orchard visits; record review

Plan Of Action:

- During the internal monitoring visits, it was observed that mainly labor contractors are keeping the records for workers or workers are keeping records for themselves. The records are limited to the name of the workers and working days. Farmers prefer to keep general records on total number of workers and total number of days worked at the farm. Therefore, a handbook will also be provided to labor contractors for keeping records of their workers and their age information. Social practices trainings will also continue in the region before harvest.
- A local civil society organization (CSO) will be contracted to organize trainings for labor contractors on working conditions, legal requirements and age verification prior to the harvest. Olam's Sustainability team will act together with selected CSO to reach out labor contractors in the monitored region. In order to create new customers for labor contractors and direct farmers to the trained labor contractors, labor contractors who have participated to the trainings will be presented to our farmers through our farmers group social media account (currently 635 members) and will be given their contact details. The social media group account is currently used for announcements for activities and trainings.
- Local labor law does not cover the agriculture work for workplaces employing less than 50 workers. Hence, a local commission is composed each year and decides the working hours, monetary penalties for usage of child labor and other workplace rules. However, these rules were not very well communicated to villages and majority of the farmers and workers do not know commissions' decision. These decisions are highly important for harvest workers because they set the legal standards. For this reason in 2015, some of the commission members were invited to the stakeholder meeting to discuss remediation actions and be informed about planned actions. During the meeting, they have provided their consent to cooperate on communicating their decisions. Olam's sustainability team will contact the commission member institutions to facilitate the communication of decisions through banners and posters prior to harvest.

Deadline Date:

October 2016

Child Labor: Employment of Young Workers

CL.6 Growers shall comply with all relevant laws and regulations that apply to young workers, i.e., those between the minimum working age and the age of 18, including those relating to hiring, working conditions, types of work, hours of work, proof of age documentation, and overtime.

Noncompliance

Explanation: 46 young workers (between 16 and 18 years old) were observed working on hazelnut harvesting on the 21 visited farms. They represent about 25% of the total workforce met during the IEM. 5 of them were family members of farmers, 15 were local workers, 24 were seasonal migrant workers coming from South East of Turkey and 2 were Syrian refugees. All the young workers were observed working the same hours as adult workers, i.e. between 8.5 (for local workers) and 10.5 hours (for migrant workers) per day, leading to a total of 51/ 63 hours or 59.5/73.5 hours a week if they work 6 or 7 days respectively. This violates the requirements of the local law for young workers, which states they should not work more than 8 hours per day and 40 hours per week.

Source: Interviews with workers, growers and observation from orchard visits

Plan Of Action:

- Olam will continue to provide social practices trainings for farmers and workers before and during the harvest. Social practices trainings covers the issues on child labor, young workers, hours of work, wages, health and safety, discrimination and abuse. These issues are explained using local and international legal standards. 716 workers joined the trainings in 2015. 6 trainings were organized in Ordu, 9 trainings were organized in Sakarya-Düzce during the harvest season. Olam aims to reach about 1500 workers in the 2016 harvest.
- During our internal monitoring visits, it was observed that mainly labor contractors are keeping the records for workers or workers are keeping for themselves. Farmers prefer to keep general records on total number of workers and total number of days worked at the farm. Therefore, a handbook will also be provided to labor contractors for keeping records of their workers and their age information. A civil society organization will be contracted to organize trainings for labor contractors on working conditions, legal requirements and age verification prior to harvest. Olam's Sustainability team will act together with selected civil society organization (CSO) to reach out labor contractors in the monitored region. In order to create new customers for labor contractors and direct farmers to the trained labor contractors, labor contractors who have participated to the trainings will be presented to our farmers through our farmers group social media account (currently 635 members) and will be given their contact details. The social media group account is currently used for announcements for activities and trainings.
- Olam's Sustainability team will reach out the local commission members and inform them on the legal gap for young workers, wages and hours and work prior to harvest (May-June 2016). The team will advise the commission members to include legal requirements for these points.

Deadline Date:

October 2016

Harassment or Abuse: Discipline/Worker Awareness

H&A.3 Grower will follow disciplinary practices that are fair and are clearly understood by the workers. The grower will take necessary steps to ensure that the farm's disciplinary procedure is clearly understood by the workers.

Noncompliance

Explanation: There are no disciplinary procedures available at the farm level. The farmers and workers are not trained on fair disciplinary procedures and practices.

Moreover, awareness level of the existing grievance line is low among the interviewed workers.

Source: Grower and worker interviews

**Plan Of
Action:**

- There will be more posters and announce on grievance channel and the toll-free number will also be underlined during social practices trainings for workers. 716 workers participated in the mobile trainings in 2015. The plan is to progressively cover more villages and workers each year.
- Basic disciplinary rules at the farm level are provided in the social practices trainings and videos (e.g. non-discrimination, equal treatment, pre-cautionary measures for abuse and violence). However, each farm has its own settings and rules; therefore it would not be possible to provide a frame for each farm on this regard. Instead, the necessity of disciplinary systems and procedures will be underlined during social practices trainings.

**Deadline
Date:** October 2016

Non-Discrimination: General Compliance

D.1 Growers shall comply with all local laws, regulations, and procedures concerning non-discrimination.

Noncompliance

Explanation: Migrant workers are subject to discrimination regarding Hours of Work and wage payment in comparison to local workers. They are working two hours longer than local workers (one additional hour in the morning and one additional hour in the evening). They are paid the daily minimum wage (42.45 TL – USD 14.10) while local workers are paid above it (60 TL – USD 21.34) to do the same work for shorter hours. Farmers do provide migrant workers with accommodation, which implies electricity and water costs, but no clear and transparent cost calculation has been done to justify the significant wage difference.

Local and migrant workers usually do not work on the same farms; farmers either hire local or migrant workers to perform harvesting. Seasonal migrant workers represent 30% of the workforce met during this IEM.

Source: Interviews with workers, growers, intermediaries; observation and record review

Plan Of Action:

- Olam Sustainability Team will continue social practices trainings with farmers, which also includes a nondiscrimination clause. The nondiscrimination clause will be printed and distributed during the trainings to the farmers and migrant workers.
- The labor contractors will also be contacted to attend these trainings. A separate meeting/training will be organized to define their full responsibilities and obligations as described in the Code.
- Meetings will be scheduled with the local commissions to invite them to the trainings where they can further inform the farmers of their obligations.
- The root causes behind the wage gap will be investigated through internal monitoring and remediation actions will be developed accordingly.

Deadline Date:

October 2016

Health and Safety: General Compliance Health and Safety

H&S.1 Growers shall comply with all local laws, regulations, and procedures concerning health and safety. In any case where local laws and the Workplace Code of Conduct are contradictory, the higher standards will apply. The grower will possess all legally required permits.

Noncompliance

Explanation: Workers are carried to and from orchards on busses on the main roads. However, when going off road, mainly tractors are used. The tractors are not equipped vehicles that meet safety standards, especially when loaded with other materials and cargo, and especially when passing steep hills.

Source: Interviews with workers, growers, intermediaries (*manavs*) and company staff; external information sources; observation from orchard visits

Plan Of Action: Transport safety will be added into training module for labor contractors, farmers and into the video for social labor standards. Farmers and workers training will continue in 2016 harvest on health and safety and other workplace rules.

The companies (Nestlé/Olam) will contact the local commissions and ask to add clauses on transport safety to their decision circulars. This information will be communicated in the villages through banners.

Deadline Date: October 2016

Hours of Work: General Compliance

HOW.1 Growers shall comply with all local laws, regulations, and procedures concerning hours of work, public holidays, and leave.

Noncompliance

Explanation: There are excessive daily and weekly working hours for seasonal migrant workers. They work 10.5 hours per day and 63 hours per week (if they work 6 days) or 73.5 hours per week (if they work 7 days), which exceeds FLA standards (setting 48 hours for a regular work week and 60 hours with overtime). These hours are considered as regular working time with no overtime compensation.

Farmers follow the guidelines provided by the local commission, which defines working hours as 10.5 hours per day (from 7am to 7pm with 1.5 hours break). These guidelines contradict the national labor law setting limits to 45 hours a week for regular hours and 60 hours a week, including overtime. Therefore, the guidelines of the local commission both contradict the national law and FLA standards.

Source: Interviews with workers, growers, intermediaries; observation and record review

Plan Of Action:

- During the internal monitoring visits, it was observed that mainly labor contractors are keeping the records for workers or workers are keeping for themselves whether for payments or working hours. Farmers preferred to keep general records on total number of workers and total number of days worked at the farm. Local commissions were informed on national labor law standards however, since agriculture work (workplaces with less than 50 workers) is not covered by national labor law, local commissions are still taking decisions according to their consideration. Olam Sustainability team will reach out the local commission members and inform them on the legal gap on young workers, wages and hours and work. The team will advise the commission members to include legal requirements for these points. Olam team will also get in contact with Ministry of Labor on non-compliance issues related to local commission decisions.
- Olam prepared some posters on working conditions for seasonal workers, which also have a limit of 8h working hours during the harvest time. Labor contractors and farmers took these posters away by saying that they are misleading workers. However, Olam's sustainability team will continue to inform workers on their rights through social practices trainings and posters in upcoming harvest.
- Olam will continue to provide social practices trainings for farmers and workers before and during the harvest. Social practices trainings covers the issues on child labor, young workers, Hours of Work, Compensation, Health & Safety, Discrimination, and Harassment & Abuse. These issues are explained with local and international legal standards.

Deadline Date:

October 2016

Wages, Benefits and Overtime Compensation: Minimum Wage

WBOT.2 Growers shall pay workers, the legal minimum wage or the prevailing regional wage, whichever is higher.

Noncompliance

Explanation: Local workers are receiving TL 60/day (USD 21.34), which is above the minimum daily wage stated by the local commission as TL 42.45/day (USD 15.10). However, seasonal migrant workers from South East of Turkey do not always receive the legal minimum wage. Farmers are paying a daily wage to migrant workers between TL 42.45 (USD 15.10) and TL 48 (USD 17.07) and the labor contractors are deducting a 10% commission to pay for their services. In case the farmer pays the labor contractor TL 42.45/day (USD 15.10) for the worker, the labor contractor will give to the worker TL 38/day (USD 13.51), which falls below the minimum legal wage.

Source: Interviews with workers, growers, intermediaries (*manavs*) and company staff; record review

Plan Of Action:

- Olam's Sustainability Team has prepared some posters which clearly show that the payment for labor contractor should be done separately. Farmer training and worker training also cover the issue on labor contractors' commission. 15 trainings were organized for workers in different villages in 2015. The number of the trainings will be increased next year. 716 workers participated in the mobile trainings in 2015. About 1500 workers are targeted for 2016.
- In 2016 harvest, the amount of the minimum wage will be communicated through posters in villages.
- A civil society organization (CSO) will be contracted to organize trainings for labor contractors on working conditions, legal requirements and age verification prior to harvest. Olam's Sustainability team will act together with the selected CSO to reach out to labor contractors in the monitored region. Trained labor contractors will be presented to Olam's farmers through Olam's farmers group social media account (currently with 635 members). The system will be checked through internal monitoring visits and grievance channel to ensure that the commission is not deducted from workers' wage. Labor contractors will be paid separately.
- Harvest contract samples between farmers and labor contractors were distributed in the 2015 season. The contract sample has blanks where farmers/labor contractors can fill-in their name, name of workers, their ages, number of days worked and daily wage and total amount to be paid. Olam followed up on the Good Agricultural Certification Scheme with a pilot group of farmers who are obliged to keep the data on their workforce. On the other hand it is hard to require all farmers since there is no local legal requirement with this regard. However, the contract samples will also be distributed in 2016 season to all farmers. The contract samples will allow workers to have legally binding documents for their payments and also allow them to see their daily wage at the beginning of the work.

Deadline Date:

October 2016

Wages, Benefits and Overtime Compensation: Worker Wage Awareness

WBOT.6 Grower/Organizer/Company will make an effort to educate workers so that the terms of employment, wages, benefits and deductions shall be clearly understood and acceptable by the worker.

Noncompliance

Explanation: The daily pay rate is only fixed after the workers start working on the hazelnut orchards. Workers know what is the minimum daily wage fixed by the local commission but they do not know how much they will actually get. Farmers wait for the big sellers to set the market price and then align to this price. At the time of the assessment, the 2015 daily wage was expected at 60 TL per day for local workers, while migrant workers get the minimum. The workers start working without knowing how much they would be paid at the end of the harvest. Workers do not receive their payments before the harvest of the farmer's orchard is completed.

Source: Interviews with workers, growers, intermediaries (*manavs*) and company staff

Plan Of Action:

- Olam will continue to provide social practices trainings for farmers and workers before and during the harvest. Social practices trainings cover the issues on child labor, young workers, Hours of Work, wages, Health & Safety, Discrimination, and Harassment & Abuse. These issues are explained with local and international legal standards.
- For the 2016 harvest, Nestlé/Olam will communicate the amount of the minimum wage through posters in villages.
- Harvest sample contracts between farmers and labor contractors were distributed in the 2015 season. The sample contract has blanks where farmers/labor contractor can fill-in their name, name of workers, their ages, number of days worked and daily wage and total amount to be paid. This sample contract will also be distributed in 2016 season. The contract frame will allow workers to have legally binding documents for their payments and also allow them to see their daily wage at the beginning of the work.
- In 2015 harvest, daily wage cards were distributed to workers that allow them to calculate the days and hours they work during harvest time. The reaction was positive and some of the workers were observed using them; During the 2016 harvest, more wage cards will be distributed and the daily minimum wage will be written on the card.
- Olam's Sustainability team will reach out the local commission members and inform them on the lack of information on wages. The team will advise the commission members to include legal requirements for these points.

Deadline Date:

October 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.

Noncompliance

Explanation: Olam has distributed handbooks to farmers for track Hours of Work and wage records of workers. However, the farmers' awareness of this process is still low and to date they are not keeping any records.

Source: Interviews with workers, growers, company staff and record review

Plan Of Action: During Olam's internal monitoring visits, it was observed that mainly labor contractors are keeping Compensation and Hours of Work records for workers or workers are keeping records for themselves. Farmers prefer to keep general records on total number of workers and total number of days worked at the farm. A handbook will also be distributed to labor contractors for keeping record of the workers' hours and wages.

Olam will continue to provide social practices trainings for farmers and workers before and during the harvest. In 2015, 716 workers joined to the trainings. 6 trainings were organized in Ordu while 9 trainings were organized in Sakarya-Düzce during the 2015 harvest season. Olam aims to reach 1500 workers in the 2016 harvest.

In 2015 harvest, daily wage cards were distributed to workers, which allow them to calculate the days and hours they work during the harvest time. The reaction was positive and some of the workers were observed using them; during the 2016 harvest, more wage cards will be distributed.

Deadline Date: October 2016