



2013

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURAL REPORT

COMPANY: Nestlé
COUNTRY: Turkey
PROVINCE: Akcakoca
MONITOR: FLA Turkey
AUDIT DATE: August 26 – 29, 2013
PRODUCTS: Hazelnuts
NUMBER OF WORKERS: 107 + 144 (2 locations) = 251
NUMBER OF WORKERS INTERVIEWED: 30 + 65 = 95
NUMBER OF FARMS VISITED: 11 + 14 = 25
TOTAL AREA COVERED IN AUDIT: 64 + 46 = 110 Acres
PROCESSES: Harvesting

To read the Executive Summary for this report, please visit the FLA website [here](#).
For an explanation on how to read this report, please visit the FLA website [here](#).



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Code Awareness: GEN.1

GEN.1 Establish and articulate clear, written workplace standards. Formally convey those standards to company growers as well as to other supply chain partners and suppliers.

Noncompliance

Explanation: The company has a code of conduct (COC) and workplace standards; however, it was not communicated to supply chain organizers and growers. Nestlé provided an “ethical code for suppliers” as an annex to the sales agreement, but none of the suppliers were able to present that document to the monitors.

Sources: grower interviews, record review

Plan Of Action:

- | | |
|--|----------------------------------|
| <p>1. Nestlé is to recruit a Hazelnut Responsible Sourcing Traceability Coordinator. The main objectives of the position are to: a) drive the local responsible sourcing traceability operations of hazelnuts in Turkey and b) represent Nestlé Responsible Sourcing activities externally.</p> | <p>January 2014</p> |
| <p>2. <u>Prerequisite:</u> Clusterization of Nestlé’s supplying farms will be performed on pilot regions to increase transparency and focus on trainings and other activities.</p> | <p>February 2014</p> |
| <p>3. Roundtable meetings with Tier 1 suppliers to discuss implementation steps regarding removing child labor from Nestlé’s supply chain. Take measures so that there are no further incidences of child labor.</p> <p><u>Number of meetings:</u> 2</p> | <p>February 2014</p> |
| <p>4. Extend the impact of training activities in settlement camps, investigate the possibility of obtaining support from a local civil society organization. Also, obtain support from people of expertise in NGOs regarding correctly communicating relevant labor practice topics in an appropriate manner.</p> | <p>February 2014</p> |
| <p>5. Assess the possibility of alignment with ILO activities.</p> <p><u>Number of meetings:</u> 2 meetings with ILO Representatives</p> | <p>February –
March 2014</p> |

6. Develop a reporting line regarding the communication of child labor and other labor rights violations: a) Nestlé will make a local toll-free phone number available for workers to use to report noncompliances and b) a procedure will be created on how to handle public complaints and include this communication channel on the COC flyer.

February –
March 2014

7. Nestlé will publish a written version of the COC in the form of a flyer in Turkish. The flyers will be distributed to: a) suppliers via Nestlé responsible personnel and b) growers and manaus (manaus are the mediators between growers and crackers/processors) via Tier 1 suppliers. These activities will start after March and be completed before harvest in August. One of the COC's key components is child labor.

March –
April 2014

8. Together with COC, a simplified pocket version of Nestlé's Supplier Code will be made available to Tier 1 suppliers for distribution to upstream suppliers (growers and manaus).

March –
April 2014

9. Nestlé Tier 1 suppliers will publish a printed template for farmers to record workers' first name, surname, and age. Suppliers will also distribute them to farmers. Nestlé's responsible sourcing personnel, Tier 1 suppliers, and manaus are to collect filled-in templates for analysis by Nestlé's Responsible Sourcing personnel. (System #1)

March –
April 2014

10. Trainings, awareness raising meetings, and stakeholder (manaus and farmers) meetings in villages will be conducted. Comic version and other printed material will be attached to any verbal or face-to-face interactions with suppliers or farmers. Main topics to be covered will be child labor, labor standards, young workers (16 – 18), age verification process; child labor removal process; and health and safety.

March –
May 2014

Total number: Maximum 3 per cluster (to reach a minimum number of 150 farmers per cluster)

11. A scorecard ("self assessment") for farmers to calculate their situation vs. illustrated version of COC will be created based on what exists within Nestlé in other commodities, such as milk, soya, and sugar. This scorecard will help farmers understand their current situation through a self evaluation. Tier 1 suppliers and Nestlé personnel will be trained on scorecard principles for self evaluation of the supply chain.

May 2014

12. Meeting with local authorities, including governors and other segments of local society, to increase awareness about working conditions, labor standards, and the application of local regulations. June – July 2014

13. Before the harvest: Pre-harvest assessments will be performed by value chain stakeholders (Tier 1 suppliers and Nestlé personnel) regarding infrastructure (e.g., toilets, first aid kits, and potable water availability (through a checklist that will be prepared by Nestlé TR). 5% of each cluster (25 farms per cluster) will be assessed before harvest and findings will be shared with Nestlé TR on a daily basis, to be reviewed with Nestlé Headquarters in Switzerland and FLA on a weekly basis. June – July 2014

14. Trainings in worker settlement camps to increase awareness; child labor, core labor standards, discrimination, and H&S topics will be covered. Trainings (100 people) with the lead of local NGO stated above and Nestlé staff as facilitators will be conducted. August 2014

Number of trainings: 2 in total (Preferably 1 per camp)

15. Distribution of a scorecard to farmers to calculate their situation vs. illustrated version of COC in order to understand their current situation in child labor. Collection of scorecard will be made at the end of harvest with the “age verification” information collected through the value chain (Nestlé, Tier 1, manaus...) (System #2) August 2014

16. During the harvest: Assessments will be performed by value chain stakeholders (Tier 1 suppliers, Nestlé personnel) regarding topics covered in trainings (e.g., child labor, H&S, labor practices, through a checklist that will be prepared by Nestlé TR). 5% of each cluster (25 farms per cluster) will be assessed and findings will be shared with Nestlé TR on a daily basis to be reviewed with Nestlé CH and FLA on a weekly basis. August 2014

17. If child labor is detected on a particular farm: a) Nestlé will further train farmer on Nestlé’s requirements, b) track progress of remediation and make changes to preferred farm list accordingly, and c) local NGO will be informed in 24 hours to take action in settlement camp where the child worker is staying with their family. Hence, relevant communication and training can be done by local NGO to prevent particular child workers from working in other gardens for the rest of the harvest period. (System #3) August 2014

18. Suppliers will continue their activities in the settlement of “healthy camps,” which aim to provide free health services (e.g., dental care, hygiene) to children found in farms, camps, and villages around the sourcing areas. August 2014

19. Nestlé will evaluate the possibility of distributing first aid kits to farmers during awareness raising trainings. March 2014

Code Awareness: GEN.2

GEN.2 Ensure that all company growers as well as supply chain partners and suppliers 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: The company has a COC, but it was only posted in the factory. Workers and organizers are not informed about workplace standards.

Sources: grower and worker interviews; record review

Plan Of Action: For remediation plans, please refer to Plan of Action #10 and #14 under the first finding above (Code Awareness, GEN.1).

Deadline March – May 2014

Date: August 2014

Action Taken:

Plan Complete:

Plan Complete Date:

Code Awareness: GEN.3

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 partners and suppliers 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: [The company did not develop a secure communication channel for workers in order to communicate noncompliances.](#)

[Sources:](#) grower and worker interviews; record review

Plan Of Action: [For remediation plans, please refer to Plan of Action #6 under the first finding above \(Code Awareness, GEN.1\).](#)

Deadline Date: [February – March 2014](#)

Action Taken:

Plan Complete:

Plan Complete Date:

Forced Labor: Free Disposal of Wages/Cash and In-Kind Compensation

F.7 Growers shall not limit in any manner the freedom of workers to dispose of their wages. Workers shall be compensated for their work directly through the provision of cash or its equivalent. The partial payment of wages in the form of allowances in-kind is permissible, provided: they are allowed under local law, and as long as legal limits are complied with; they are appropriate for the personal use and benefit of the worker and her or his family; and the value attributed to such allowances is fair and reasonable and receipt of in-kind compensation is voluntary.

Uncorroborated Evidence of Noncompliance

Explanation: Migrant workers are recruited and accompanied by labor contractors when they travel to the region. On one farm, Syrian refugees were working without work permits. Labor contractors are communicating with growers on the number of workers needed for each garden. Workers work in different gardens throughout the harvest season. Labor contractors receive payment from growers and workers receive their wages from the labor contractors at the end of harvest, when they return to their hometown. Considering workers' limited financial resources, withholding their salaries until the end of harvest carries the risk of forced labor.

Sources: grower, labor contractor, and worker interviews

Plan Of Action: Migrant labor is of direct concern to Nestlé. Our activities are primarily focusing on the remediation of child labor issues; we intend to focus on the migrant labor issue in coming years. In the meantime, during monitoring and remediation of child labor issues, if cases of forced labor are found, we will gather the data, call for expertise from ILO, and remediate with our current tools and processes to at least raise the awareness of involved stakeholders.

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:

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: In one of the fields, the labor contractor was keeping young workers' identity cards. The labor contractor was a relative of the young workers, who had come for harvest without their parents. As explained by these workers, the labor contractor kept the identity cards due to security reasons with the workers' consent.

Source: worker interviews

Plan Of Action: For remediation plans, please refer to Plan of Action #10 and #14 under the first finding above (Code Awareness, GEN.1).

Child labor remains our first focus in regards to our hazelnut sourcing operations. If retention of documents is observed, we will report it to the necessary audience and share best practices learned in other commodities.

Deadline March – May 2014

Date: August 2014

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: It was observed that some farms were recruiting child labor; the children were between the ages of 10 – 14. The majority of growers have limited knowledge on child labor and hired workers through labor contractors. They do not have a worker list and only know the approximate number of workers in their gardens.

Source: worker interviews

Plan Of Action: For remediation plans, please refer to Plan of Action #9, #10, and #17 under the first finding above (Code Awareness, GEN.1).

Deadline March – April 2014

Date: March – May 2014

August 2014

**Action
Taken:**

**Plan
Complete:**

**Plan
Complete
Date:**

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: During the farm visits, 19 children were observed working on the farms. Children were collecting hazelnuts from ground and putting them in boxes. All children were working in the same conditions as adults, in terms of breaks and hours of work.

Sources: worker interviews, farm walkthrough

Plan Of Action: For remediation plans, please refer to Plan of Action #9, #10, and #17 under the first finding (Code Awareness, GEN.1).

Deadline March – April 2014

Date: March – May 2014

August 2014

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: None of the farms were keeping age documentation for workers. Farms hired workers through labor contractors and did not have any information, except for the number of workers in the field. Particularly in the case of migrant workers, labor contractors are usually relatives of the workers. Some of them have a notebook where they keep the name of the head of the family and working days, but these notebooks were not organized and not all of them had records in terms of working days and workers' list.

Sources: grower and worker interviews; record review

Plan Of Action: For remediation plans, please refer to Plan of Action #9, #10, and #17 under the first finding above (Code Awareness GEN.1).

Deadline March – April 2014

Date: March – May 2014

August 2014

Action

Taken:

Plan

Complete:

Plan

Complete

Date:

Child Labor: Other Means of Age Verification

CL.4 In those cases where proof of age documentation is not readily available or unreliable, grower will take precautions to ensure that all workers are at least the minimum working age, including medical or religious records, school records or other means considered reliable in the local context.

Noncompliance

Explanation: [There was no type of age verification system on the farms.](#)

[Sources:](#) grower interviews, record review

Plan Of Action: [For remediation plans, please refer to Plan of Action #9, #10, and #17 under the first finding above \(Code Awareness, GEN.1\).](#)

Deadline [March – April 2014](#)

Date: [March – May 2014](#)

[August 2014](#)

**Action
Taken:**

**Plan
Complete:**

**Plan
Complete
Date:**

Child Labor: Government Permits and Parental Consent Documentation

CL.5 Growers shall abide by all the relevant rules and procedures where the law requires government permits or permission from parents as a condition of employment.

Noncompliance

Explanation: There were 5 young workers between the ages of 15 and 18 years working on the farms; none of them had parental consent documentation. Some of them came with their parents and some did not. As the labor contractors were relatives of the workers, they do not consider parental consent necessary.

Sources: grower and worker interviews; record review

Plan Of Action: For remediation plans, please refer to Plan of Action #9, #10, and #17 under the first finding above (Code Awareness, GEN.1).

Deadline Date: March – April 2014
March – May 2014
August 2014

Action Taken:

Plan Complete:

Plan Complete Date:

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: The farms employed young workers between the ages of 15 – 18. However, conditions in terms of hours of work are not in compliance with local law, which stipulates that young workers shall not work more than 8 hours a day and 40 hours a week. None of the young workers were using their weekly leaves and they did not use their daily breaks as required by local law. Some of the tasks, such as carrying hazelnut bags, are strenuous for young workers, but they are regularly assigned these tasks.

Sources: grower, worker, and labor contractor interviews

Plan Of Action: For remediation plans, please refer to Plan of Action #3, #4, #9, #10, #12, #13, #15, and #16 under the first finding above (Code Awareness, GEN.1).

Deadline Date: February 2014
March – April 2014
March – May 2014
June – July 2014
August 2014
June – July 2014
August 2014
August 2014

Action Taken:

Plan Complete:

Plan Complete Date:

Child Labor: Hazardous Work for Young Workers

CL.7 No person under the age of 18 shall undertake hazardous work, i.e., work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of persons under the age of 18. Young workers between the ages of 15 to 18 years will not be involved in strenuous and hazardous work. Such work includes the application of agro chemicals, pesticides, and fertilizers, use of farm equipment tools and machinery, lifting or moving of heavy materials or goods, or carrying out hazardous tasks such as underground or underwater or at dangerous heights, or any other activity which may cause harm or would affect the well being of the young worker.

Noncompliance

Explanation: All young workers do the same work as adults. They work the same hours as adults and perform all of the same hazardous tasks (e.g., carrying bags of hazelnuts).

Source: interview

Plan Of Action: For remediation plans, please refer to the Plan of Action #3, #4, #9, #10, #12, #13, #15, and #16 under the first finding above (Code Awareness, GEN.1).

Deadline Date: February 2014
March – April 2014
March – May 2014
June – July 2014
August 2014
June – July 2014
August 2014
August 2014

Action Taken:

Plan Complete:

Plan Complete Date:

Child Labor: Children on Premises

CL.9 The grower will ensure that children (all children, including those residing in the farm) will not have access to areas such as machine / electric operation, application of pesticide and fertilizers, storage areas, and others where there are activities that can cause harm to the child.

Noncompliance

Explanation: 19 children were observed working with their families.

Sources: farm walkthrough, interviews

Plan Of Action: For remediation plans, please refer to Plan of Action #3, #6, #14, #15, and #17 under the first finding (Code Awareness, GEN.1).

Deadline Date: February 2014

February – March 2014

August 2014

August 2014

August 2014

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: [There is no rehabilitation system in place for child workers who are found on the farms.](#)

[Source: grower interviews](#)

Plan Of Action: [For remediation plans, please refer to Plan of Action #17 under the first finding above \(Code Awareness, GEN.1\).](#)

Deadline Date: [August 2014](#)

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: There is no grievance procedure that will allow workers to contact growers or the company in case of noncompliances or complaints. Workers can communicate their complaints/grievances to labor contractors directly.

Sources: grower and worker interviews

Plan Of Action: For remediation plans, please refer to Plan of Action #6 under the first finding above (Code Awareness, GEN.1).

Deadline Date: February – March 2014

Action Taken:

Plan Complete:

Plan Complete Date:

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: Growers do not have sufficient knowledge on health and safety practices and requirements for workers. Growers are not familiar with health and safety regulations; only a few of them received training on this aspect.

Sources: grower and worker interviews

Plan Of Action: For remediation plans, please refer to Plan of Action #8, #10, and #14 under the first finding above (Code Awareness, GEN.1).

Deadline March – April 2014

Date: March – May 2014

August 2014

Action Taken:

Plan Complete:

Plan Complete Date:



Health and Safety: Written Health and Safety Policy

H&S.3 Company, in consultation with growers, organizers, and if possible workers, is required to develop a health and safety policy. The policy must, at the very least, be aimed at complying with legal minimum safety and health standards, regulations, and procedures and with the Workplace Code of Conduct.

Noncompliance

Explanation: [None of the farms have written policy or procedures on health and safety. The majority of the farms are small in size and family owned. Growers are not used to keeping documents as part of a farm management system.](#)

[Sources: grower and worker interviews; farm walkthrough](#)

Plan Of Action: [Remediation of child labor remains our top priority versus resources allocated. In this case, we will draft and test the distribution of small posters explaining good H&S practices and policy at the farm level, primarily to raise awareness only.](#)

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: None of the farms have a H&S management system. The majority of the farms are small in size and family owned. The use of chemicals is very limited. Growers are not aware of the other types of H&S risks at the farm level.

Sources: grower and worker interviews; farm walkthrough

Plan Of Action: Remediation of child labor remains our top priority versus resources allocated. In this case, we will draft and test the distribution of small posters explaining good H&S practices and policy at the farm level, primarily to raise awareness only.

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: Workers are not informed on the H&S requirements at the farm level. None of the workers have received training on this aspect.

Sources: grower and worker interviews; farm walkthrough

Plan Of Action: For remediation plans, please refer to Plan of Action #8, #10, and #14 under the first finding above (Code Awareness, GEN.1).

Deadline March – April 2014

Date: March – May 2014

August 2014

Action Taken:

Plan Complete:

Plan Complete Date:



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: There are no first aid boxes and personal protective equipment (PPE) on the farms.

Sources: grower and worker interviews; farm walkthrough

Plan Of Action: For remediation plans, please refer to Plan of Action #10 and #19 under the first finding above (Code Awareness, GEN.1).

Deadline March – May 2014

Date: March 2014

Action Taken:

Plan Complete:

Plan Complete Date:

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: Only some workers, who had brought their own equipment, had PPE; growers did not provide workers with PPE.

Sources: grower and worker interviews; farm walkthrough

Plan Of Action: For remediation plans, please refer to Plan of Action #19 under the first finding above (Code Awareness, GEN.1).

Remediation of child labor remains our top priority versus resources currently allocated. In this case, we will investigate the feasibility of distributing core PPE, such as gloves, only to show best practices and lead by example.

Deadline Date: March 2014

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: Some of the farmers disposed the boxes of pesticides and fertilizers around the farm. Not all growers were informed about the safe disposal of chemicals.

Sources: grower interviews, farm walkthrough

Plan Of Action: For remediation plans, please refer to Plan of Action #7, #10, #11, #13 and #15 under the first finding above (Code Awareness, GEN.1).

Deadline Date: March – April 2014

March – May 2-14

May 2014

June – July 2014

August 2014

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: On 2 farms, growers could not provide enough drinking water for 2 days. Growers could visit the farms only once, they do not bring enough water with them.

Source: worker interviews

Plan Of Action: Remediation of child labor remains our top priority versus resources allocated. Access to drinking water is a human right that we will promote during grower and farmer training.

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:



Health and Safety: Living Quarters

H&S.15 In case the workers reside on the farms, the growers will ensure that living quarters are adequate, safe and do not pose any risk to the workers or their families.

Uncorroborated Evidence of Noncompliance

Explanation: [Some of the living quarters were not appropriate for workers; they do not have electricity or potable water.](#)

[Source: worker interviews](#)

Plan Of Action: [Remediation of child labor remains our top priority versus resources allocated. Adequate housing conditions is a core requirement of our Nestlé Supplier Code and we will promote it during grower and farmer training.](#)

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:

Hours of Work: General Compliance Hours of Work

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

Noncompliance

Explanation: Growers do not comply with working hours regulations. The local commission determined the workers' work hours to be from 7.00am – 19.00pm, with a 4-hour-break; however, in practice, workers were given less than a 2-hour-break and worked more than 10 hours a day. Growers did not know the legal working hours limit according to Turkish Labor Law.

Sources: grower and worker interviews

Plan Of Action: During the monitoring and remediation system rollout on child labor, we will raise stakeholders' awareness of this potential issue. If cases are being found, we will share them openly with stakeholders and seek for a dialogue to follow the law's guidance.

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:

Hours of Work: Rest Day

HOW.2 Workers shall be entitled to at least one day off in every seven-day period. In case workers have to work for several days without a day off due to the requirement of the production cycle, they can do so as far as they voluntarily agree to it.

Noncompliance

Explanation: Workers are not using any rest days. Workers receive daily wages and work in different gardens throughout the whole season. The season is short and workers prefer to work as much as they can in order to earn more; therefore, they prefer not to use rest days.

Sources: grower and worker interviews

Plan Of Action: During the monitoring and remediation system rollout on child labor, we will raise stakeholders' awareness of this potential issue. If cases are being found, we will share them openly with stakeholders and seek for a dialogue to follow the law's guidance.

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:



Hours of Work: Overtime

HOW.4 No worker shall be expected to work for more than 8 hours per day, excluding the breaks. In extraordinary circumstances, the daily working hours can be extended to 10 hours.

Noncompliance

Explanation: Workers work more than 10 hours a day and do not receive payment for overtime. Local law requires that workers must be paid extra for overtime after completing 45 hours a week. Growers make a verbal contract with labor contractors on daily wages and do not set hourly limits for the working day.

Sources: grower, worker, and labor contractor interviews

Plan Of Action: During the monitoring and remediation system rollout on child labor, we will raise stakeholders' awareness of this potential issue. If cases are being found, we will share them openly with stakeholders and seek for a dialogue to follow the law's guidance.

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:

Hours of Work: Public Holidays

HOW.6 Growers shall provide workers with all public holidays as required under local laws, regulations, and procedures.

Noncompliance

Explanation: Growers are unaware that they are required to provide workers with a rest day on public holidays. The harvest period for 1 farm lasts between 10 and 15 days. If a public holiday occurs during the harvest, workers do not receive time off. Upon completion of the harvest at one farm, workers must find another farm to work on. As the season can be as short as 1 month, workers often are unable to rest.

Source: worker interviews

Plan Of Action: During the monitoring and remediation system rollout on child labor, we will raise stakeholders' awareness of this potential issue. If cases are being found, we will share them openly with stakeholders and seek for a dialogue to follow the law's guidance.

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:



Wages, Benefits and Overtime Compensation: General Compliance Wages, Benefits and Overtime Compensation

WBOT.1 Growers shall comply with all local laws, regulations and procedures concerning the payment of wages and benefits, including overtime compensation. In any case where laws and the FLA Workplace Code of Conduct are contradictory, the standard that provides the greatest protection for workers shall apply. Where provisions are lacking, growers shall take measures to reasonably accommodate matters concerning the payments of wages and benefits, including overtime compensation.

Noncompliance

Explanation: Growers are not in compliance with local law and regulations concerning minimum wage and overtime payment. The local commission sets the minimum daily wage for harvest workers each year, but labor contractors deduct approximately 10% of workers' daily wages as their commission. As a result, workers' compensation falls short of the legal minimum wage. Growers also need to make a payment to labor contractors that is separate from the workers' wages (according to Circular on Labor Contractors), but they pay the total amount to the labor contractor and do not know how much contractors deduct as their commission.

Sources: grower, worker, and labor contractor interviews

Legal Reference: Circular on Labor Contractors

Plan Of Action: During the monitoring and remediation system rollout on child labor, we will raise stakeholders' awareness of this potential issue. If cases are being found, we will share them openly with stakeholders and seek for a dialogue to follow the law's guidance.

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:



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: Workers do not receive a minimum daily wage as set by the local commission. Labor contractors deduct approximately 10% of their daily minimum wage. Workers are misinformed on the daily wage and do not know that the labor contractor's deduction is against the Circular on Labor Contractors.

Sources: grower, worker, and labor contractor interviews

Legal Reference: Circular on Labor Contractors

Plan Of Action: During the monitoring and remediation system rollout on child labor, we will raise stakeholders' awareness of this potential issue. If cases are being found, we will share them openly with stakeholders and seek for a dialogue to follow the law's guidance.

Deadline

Date:

Action

Taken:

Plan

Complete:

Plan

Complete

Date:

Wages, Benefits and Overtime Compensation: Timely Payment of Wages

WBOT.3 All wages, including overtime compensation shall be paid within legally defined time limits. When law does not define time limits, compensation shall be paid at least once a month or as agreed between the worker and the grower.

Noncompliance

Explanation: Workers are accompanied by labor contractors when they travel to the region for the harvest and work in different gardens all through the harvest season. Labor contractors collect the money from growers at the end of the season. The majority of workers receive their payment from the labor contractor when they return to their hometown, with the contractor's commission deducted.

Sources: grower, worker, and labor contractor interviews

Legal Reference: Circular on Labor Contractors

Plan Of Action: During the monitoring and remediation system rollout on child labor, we will raise stakeholders' awareness of this potential issue. If cases are being found, we will share them openly with stakeholders and seek for a dialogue to follow the law's guidance.

Deadline Date:

Action Taken:

Plan Complete:

Plan Complete Date:



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: Workers, particularly young workers, are not aware of the daily wage rates and payment scheme.

Source: worker interviews

Plan Of Action: During the monitoring and remediation system rollout on child labor, we will raise stakeholders' awareness of this potential issue. If cases are being found, we will share them openly with stakeholders and seek for a dialogue to follow the law's guidance. This will also forms part of our training and awareness sessions given to growers and farmers.

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: There are no records on payments. Some labor contractors claimed that they are keeping records in their personal notebooks, but none of them were able to show their records to auditors.

Sources: worker and labor contractor interviews; record review

Plan Of Action: For remediation plans, please refer to Plan of Action #10, #12, and #16 under the first finding above (Code Awareness, GEN.1).

Deadline Date: March – August 2014

Action Taken:

Plan Complete:

Plan Complete Date:
