



Certified Unilever Tea

Small Cup, Big Difference?



Sanne van der Wal

October 2011

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SOMO is an independent, non-profit research and network organisation working on social, ecological and economic issues related to sustainable development. Since 1973, the organisation has been investigating multinational corporations and the consequences of their activities for people and the environment around the world. SOMO supports social organisations by providing training, coordinating networks and generating and disseminating knowledge on multinational corporations in a context of international production, trade, finance and regulation.

Colophon

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Stichting Onderzoek Multinationale Ondernemingen
Centre for Research on Multinational Corporations

Sarphatistraat 30
1018 GL Amsterdam
The Netherlands
Tel: + 31 (20) 6391291
E-mail: info@somo.nl
Website: www.somo.nl



India Committee of the Netherlands

Mariaplaats 4e
3511 LH Utrecht
The Netherlands
Tel: +31 (0)30 – 2321340
E-mail: info@indianet.nl
Website: www.indianet.nl

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Executive summary

Civil society organisations are giving voice to growing concerns regarding the precarious working conditions of millions of tea workers worldwide. In response to these concerns, there is a clear trend of multinational tea packers, such as Unilever who dominates this sector, stepping up their efforts to address sustainability issues in this sector. Instead of primarily relying on their company's own corporate social responsibility policies to guarantee decent work conditions in the supply chain, these companies are increasingly making use of independent and more rigorous multi-stakeholder sustainability standard systems, such as Rainforest Alliance (RA), Utz Certified and Fairtrade, which are generally seen as best industry practice. As a consequence, especially since 2007, when Unilever set a target to source only RA certified tea for its Lipton (and PG Tips) brands by 2015. The share of world tea exports certified by global standard systems grew by 2000% in the period from 2004 to 2009 alone. In 2009 roughly 8% of tea exported worldwide was certified. The most important sustainability standard system in the tea sector in terms of volume is RA.¹ Now several years later this study is assessing whether there is evidence of improvement of the working conditions on tea estates that have achieved RA certification.

For this study one hundred tea workers were interviewed on a total of eight tea plantation companies, all supplying tea to Unilever. Seven of these plantations are located in India and the remaining plantation concerns Unilever's own tea plantation in Kenya. It was found that working conditions on tea estates that supply Unilever are problematic despite having been certified by the sustainability standard system RA. This in turn raises concerns about the effectiveness and credibility of this standard.

On all the RA certified estates in India there were issues with wages either including too few benefits or partly being paid in kind and not in cash. Also women workers are being discriminated against (promotion, benefits), many casual workers remain permanently casual and workers are applying pesticides without protective gear. Moreover, most of these issues constitute violations of Indian labour legislation and ILO standards as well as Unilever's own standards for suppliers. All of them are violations of RA standards and should lead to withdrawal of RA certification.

Working conditions on Unilever's own tea plantations in Kericho, Kenya were different but just as problematic. Workers reported sexual harassment and ethnic and gender discrimination, all constituting violations of ILO, RA standards and Unilever's own code of business principles (CBP). In addition, the poor housing conditions for casuals and the casual status of many de facto permanent workers are RA standard violations. Violations of RA standards on discrimination should lead to Unilever Tea Kenya (UTK) losing its RA certification as well.

In both India and Kenya the workplace-related human rights of freedom of association and the right to bargain collectively are being hampered. In India both rights are at stake. In Assam for instance because there is only one union that negotiates with the tea industry whereas other active unions are not recognised and dispute the Collective Bargaining Agreement. In the Nilgiris the situation is more complex but at the same time similar with one union clearly dominating and other unions being hindered in recruiting and in bargaining. In Kenya collective bargaining is carried out by only one union, however, its members' activities are reportedly hindered by the management.

¹ IISD & IIED, The State of Sustainability Initiatives Review 2010: Sustainability and Transparency, November 2010, <http://www.iisd.org/pdf/2010/ssi_sustainability_review_2010.pdf> (24 October 2011)

Possible explanations for the apparent disconnect between the theory of RA standard system and the reality on the ground are that the social auditing is not sensitive enough or RA standards not being interpreted strictly enough, or a combination of the two. Social audits were in fact found to be thoroughly manipulated (by which producers ensured that the auditors received a flawed and badly informed view of the actual living and working conditions of workers), to be too shallow (not picking up many issues raised in this study) and being biased (centred only on the industry or dominant trade union perspective and apparently not looking further). In addition it was noted that at least in Kenya there is a fundamental lack of trust and confidence amongst workers to speak openly and freely to auditors (and other authorities for that matter).

Interpretation of the RA standards arguably would allow for insisting on correction of discrimination in benefits of the many casuals workers and even to correct the de facto permanent status of many of the casuals working in the industry but it is not explained this way. Similarly problems related to minimum wages, discrimination of women and unsafe handling of pesticides in the tea sector in India could be interpreted as violations of RA standards, but RA fails to do so.

Working conditions are generally precarious in the tea industry, as SOMO and others have repeatedly indicated, and this is why adequate measures are called for. One of the responses from the industry has been the adoption of sustainability standards such as RA. In theory this is a commendable development, however, the findings of this study indicate that many problems persist despite RA having been implemented.

Despite the to date limited research available on the impact of standard systems it comes as no surprise that this study finds that critical and thorny issues such as freedom of association and the right to collective bargaining, discrimination, corruption and sexual harassment are not being addressed properly, if at all, by RA. However, less complicated issues such as health & safety, minimum wages, housing and sanitary conditions are not addressed adequately by this standard either.

Of course no standard system could possibly guarantee a complete absence of workplace related problems. Indeed incidental violations of the norms, such as accidents, can always occur. However, it seems that most of the problematic working conditions in this study are not incidental but systemic in nature. Moreover, and consequently, it is likely that the issues raised by the workers in this report are affecting a great number of people; not just a few.

The *raison d'être* of standards such as the RA standard system is largely to provide consumers with confidence that products have been produced ethically and with respect for the environment. Based on this study's findings we cannot but conclude that RA does not seem capable of delivering any real guarantees on decent working conditions and that therefore they are not equipped to make such claims; at least not about the tea plantations sampled for this research.

It is not the intention of this study to hinder the increased adoption of sustainability standards by finding and exposing shortcomings. Indeed, and as previously noted, at first sight this trend appears to be a promising and laudable development. Yet arguably it is in the interest of all proponents of sustainable development and production to know whether standards such as RA achieve what they aspire and claim to do in practice. Similarly it is not in anyone's interest to support approaches that seem to be (at least partly) ineffective. Last but not least, it is hoped that exposing shortcomings will create a conducive climate for dealing with them.

The most important recommendations of this study are:

- More independent research on the impact of standard systems should be conducted to get a better grip on what is effective and what is not, and why this is so. This should entail research in different countries, focusing on different companies and/or standard systems other than RA. Similarly such research would be most effective when comparing certified with non-certified companies, ideally over a period of time;
- RA and the companies that are working with RA should conduct more due diligence by properly investigating the problem areas flagged in this research and addressing their causes. This would entail allowing for, and seeking out, more critical voices/perspectives in investigations and being more skeptical in auditing and stricter in interpretation of standards in general;
- RA and the companies that are working with RA should be more open to stakeholders about the difficulties encountered in the realm of labour conditions and also be open to working with others on solutions that might include dedicated training and capacity building programmes as well as sectoral or national approaches.

1 Introduction

'Your small cup of tea can make a big difference.' That is the product tagline for the world's most popular tea brand 'Lipton yellow label', owned by Unilever. With this tagline the company is suggesting that by buying its tea you are helping support sustainable tea production, which as the company puts it is 'a balance of the three aspects of sustainability that conserve the environment, protect the rights and welfare of workers, their families and communities and help farms to operate efficiently and cost-effectively.'² In 2007³, Unilever made a pledge that by 2010 all the tea in Lipton Tea Bags sold in Western Europe will have been grown on Rainforest Alliance Certified estates and that by 2015 this will be the case globally. This study will take a closer look at whether Rainforest Alliance certification is really making Unilever tea more sustainable.

Rainforest Alliance (RA) certification of tea producers is achieved through compliance with Sustainable Agriculture Network (SAN) standards. Purchasing from RA certified tea producers allows leading tea packers such as Unilever and Tata Tetley⁴ to display the RA frog mark on their product and claim and advertise high ethical and environmental production standards. This study focuses on the working conditions on tea estates in India and Kenya that are certified in accordance with the ethical and environmental standards of the SAN. The Indian estates produce tea for Unilever, the world's leading tea packer whereas the Kenyan estates under research are owned by Unilever. The research furthermore investigates the effects of casualisation⁵, the nature of labour relations and the impact of RA certification on these estates.

The overall goal of this study is to promote agricultural and food production under good social, economic and environmental conditions.

The specific aims of this study are threefold:

- To raise awareness among the general public of persistent sustainability issues in tea production in general and relating to Unilever, the world's leading tea packer, in specific;
- To initiate and support debate and raise awareness among food industry stakeholders (i.e. food industry and government policy makers, voluntary standard bodies, primary food producers and workers and the general public) regarding the apparent shortcomings of Rainforest Alliance (RA) standard systems⁶ in ensuring decent working conditions in tea production;
- To improve the effectiveness of sustainability initiatives and systems by analysing the shortcomings of existing voluntary approaches and/or sustainability standard systems (certification) in the food sector.

² Lipton website, Tea Experts, Commitment to Sustainability, "Rainforest Alliance", <http://www.lipton.com/tea_experts/sustainability/> (25 May 2011)

³ Rainforest Alliance website, Press releases, "Unilever, the World's Largest Tea Company, Commits to Rainforest Alliance Certification", <<http://www.rainforest-alliance.org/newsroom/news/unilever>> (25 May 2011)

⁴ Tata Tetley website, About us, Sustainability, "Rainforest Alliance", <<http://www.tetley.com/uk/AboutUs/pages/sustainability.aspx>> (18 October 2011)

⁵ Casualisation refers to the process in which work becomes less secure: the changing of employment practices so that workers are employed on a freelance or occasional basis instead of being offered full-time contracts.

⁶ Standards are guidelines and/or requirements. Standard systems include not only standards but can include monitoring, verification and certification.

1.1 Rationale

Among voluntary approaches to sustainable production the commitment to global standard systems such as Rainforest Alliance, Utz Certified, Fairtrade (FLO), SA8000 and Organic (IFOAM) is generally considered best industry practice. Unlike many other corporate social responsibility (CSR) approaches to sustainable sourcing and production such as company codes of conduct/supplier codes and industry, sectoral and/or international initiatives, these standard systems offer a complete package that includes high and well defined norms set by multiple stakeholders, third party verification of standard compliance and (often) product labelling.

A decade ago the marketing of food products that were produced according to such standard systems was mainly confined to smaller companies that focused on catering for a small group of consumers that were interested in sustainably/ethically produced foods. However, for various reasons the largest food companies are nowadays also increasingly using such standards to market the sustainability of their products. Especially over the last five years there has been a strong trend of industry leaders such as Unilever, Nestle, Mars, Kraft, Dole, and Chiquita also offering ethically labelled food products to consumers. This development is laudable because it can increase the market share of such products while allowing the benefits of this approach to spread to a broader producer/supplier base and thus potentially positively affecting a greater number of farmers and workers as well as the environment.

Parallel to these approaches becoming more mainstream, however, the demand for proof of actual positive impacts or effectiveness of these standard systems is also growing. Currently there is still little rigorous empirical evidence of actual positive impacts of such standards on agriculture production.⁷ Hence among standards organisations (bodies), a number of initiatives have been set up or will be in the near future to improve monitoring and assessment of the impacts of sustainability standards.⁸

There is also a paucity of independent primary research and/or field investigations on the socio-economic conditions in certified agriculture production. Whereas such studies do not constitute formal impact assessments per se there is a clear need for them as well because they can offer insights and the perspectives of workers and smallholders that may otherwise be undetected or ignored by stakeholders that have an interest in promoting the effectiveness of the standard systems. This study aims to provide insights from the level of of the tea workers that constitute the most marginalised links in the value chain.

The possibility of finding evidence of the standard system not delivering positive impacts (yet) in certain areas was something that could be expected to some extent. This study however had no intention of deliberately hindering increased adoption of sustainability standards by finding and exposing such shortcomings. Indeed and as just noted, at first sight this trend seems to be a promising and laudable development. Yet arguably it is in the interest of all proponents of sustainable development and production to know whether standards such as RA achieve in practice what they aspire and claim to do. Similarly it is not in their interest, either, to support approaches that seem to be (at least partly) ineffective. Moreover, it is hoped that exposing shortcomings can create a conducive climate for dealing with them.

⁷ A. Blackman and J. Rivera, March 2010, The Evidence Base for Environmental and Socioeconomic Impacts of 'Sustainable' Certification, <<http://www.rff.org/documents/RFF-DP-10-17.pdf>> (18 October 2011)

⁸ See for instance the Impacts Code initiative by the ISEAL Alliance (the global association for social and environmental standards). Iseal website, Codes of Good Practice, "Impacts code", <<http://www.isealliance.org/content/impacts-code>> (18 October 2011)

When we refer to the impact of RA certification in this study, we mean our findings regarding the comparison of the labour condition requirements of this standard system with the actual conditions for workers on the plantations sampled. This study does not pretend to be a comprehensive impact assessment of this standard system. That would entail a more systematic look at how RA implements its system, including the tools and instruments it uses to achieve a certain outcome, and what changes/outputs it attributes to its interventions. Another salient difference would have been that a comprehensive impact assessment would have required comparing conditions on RA certified plantations with those on similar other non-certified plantations (control group) over a certain period of time.

The Rainforest Alliance standard system also allows for certification of smallholder groups. The impact of certification on this, the other marginalised stakeholder group in the tea supply chain, is not assessed in this study.

This study, undertaken in collaboration with the India Committee of the Netherlands (ICN), investigates the working conditions of large-scale tea production on RA certified tea plantations. SOMO has ample experience with tea sector research and has been monitoring social, economic and environmental conditions in this sector since 2006. This has resulted in a number of publications based on field research in tea producing countries including India and Kenya. ICN has been also monitoring the tea sector in India since 2006.

Since 2007 the sector has seen the introduction of the more mainstream sustainable standard systems RA and Utz Certified. These systems, especially RA, have been very successful in expanding their volume in this sector's production and now have a larger market share than the Fairtrade and Organic standards that have been active in the tea sector for longer. RA certified estates must comply with a number of social and environmental standards that are independently verified by accredited auditors. The RA system aims to improve social and environmental conditions of production as well as the overall quality of the production and through this generate a better price than non-RA certified produce on the market. Today 87,000 hectares of tea are RA certified.⁹ It is estimated that in 2011 almost 15% of tea exported worldwide will be certified. More than half of this share (9%) is certified by RA alone.¹⁰ The rapid expansion of RA was enabled largely by being selected, after considering other options such as Utz Certified & Fairtrade, by Unilever as its preferred ethical tea label. The first tea plantations to receive RA certification were in effect Unilever's own tea plantations in Kericho, Kenya, in 2007. SOMO's research partner for the tea research in Kenya, the Kenyan Human Rights Commission (KHRC), has investigated conditions at this plantation company on four different occasions over the last six years.

⁹ Rainforest Alliance website, News, "Rainforest Alliance Certified Seal to Appear on Tetley Tea", <http://www.rainforest-alliance.org/news.cfm?id=tetley_tea> (10 May 2010)

¹⁰ IISD & IIED, The State of Sustainability Initiatives Review 2010: Sustainability and Transparency, November 2010, <http://www.iisd.org/pdf/2010/ssi_sustainability_review_2010.pdf> (24 October 2011)

1.2 Methodology

This study, which started in 2009, is based on desk and field research and was informed by a process of dialogue with Unilever and the Rainforest Alliance. The field research was conducted in Kenya and in India by domestic researchers and guided from the Netherlands. The results have been analysed and integrated in this report by SOMO and ICN. Exchange of information and dialogue between SOMO and ICN and representatives of Unilever and the Rainforest Alliance in response to the research outcomes took place on various occasions. The results of these exchanges have been incorporated in this research as well.

1.2.1 Field research

In Kenya the field research was conducted in January 2010 by the Kenyan Human Rights Commission (KHRC) and was guided from the Netherlands by SOMO. The research focused on the Unilever Tea Kenya plantations in Kericho. An open-ended questionnaire was used to conduct 32 in-depth interviews with both casual and permanent workers from Unilever. A Focus Group Discussion (FGD) and case studies were also conducted. For the in-depth interview, 23 women and 9 men were interviewed. Of the respondents 22 were casual and 10 were permanent workers and 20 worked as tea pickers and 12 worked in the tea factory.

In India a research team, led by Mr Souparna Lahiri¹¹ and guided and supervised from the Netherlands by the India Committee of the Netherlands, in collaboration with SOMO, focused on seven tea estates in India, one in Assam and the other six in the Nilgiris. The visits to the estates occurred between the last week of November 2009 and third week of January 2010. All the estates are certified by the Rainforest Alliance.⁸ In Assam, the field study was conducted on the Behora Tea Estate of the Golaghat district, owned by the McLeod Russel India Limited. In the Nilgiris, the team visited six estates – Glenmorgan, Dunsandle, Glendale, The Coonoor Tea Estates, Havukal and Warwick and Kairbetta.

In total, on the Behora tea estate, 21 workers and senior trade union representatives from two trade unions, the Assam Cha Mazdoor Sangha (ACMS) and the Akhom Sangrami Cha Shramik Sangha (ASCSS), and one social organisation of the tea plantation community, the All Assam Tea Tribes Students Association (AATTSA), were interviewed.

On the six tea estates of the Nilgiris, the research team met around 50 tea workers. The team met four trade union leaders belonging to the Nilgiri District Estate Workers Union (NDEWU), the Nilgiri Estate Workers Union (NEWU) and the Plantation Labour Association (PLA); garden level staff of the Tamil Nadu Plantation Progressive Labour Front (PLF) and a former manager of one of the RA certified tea estates. The team also met a group of small growers who supply leaf to some of these tea estates.

Both in India and in Kenya the field research was conducted in such a way that the interviewees could speak freely and without fear of repercussions. As such all interviews were conducted without the interference or consent of estate management and the identities of the respondents are not disclosed without permission. As a result, in this report aspects of the identities of the plantation workers have been changed, as have their names, to protect them.

¹¹ Mr Souparna Lahiri has been acquainted and associated with the issue of tea workers in India for the last 20 years. As such he has a very good understanding of the complexity of trade union relations and the situation of casualisation. The team that worked with him in the Nilgiris has an experience of at least 10 years of studying the Nilgiris tea estates.

1.2.2 Right to reply and dialogue

The findings were presented to Unilever and RA to allow correction of factual mistakes and inclusion of their relevant views and comments. Both Unilever and RA took this opportunity seriously. The RA response(s) for example were based on a re-audit of all the plantations sampled for the field research in November 2010. On two different occasions there was a meeting with Unilever representatives in which the different findings were discussed and in one of these meetings RA staff took part as well. Both Unilever's and RA's efforts to this end are acknowledged. SOMO and ICN received the essence of their response in these meetings by email. Both Unilever and RA have published this input later on the internet.¹²¹³¹⁴ One relevant reaction by Unilever however cannot be found there yet and is presented in full in the annex to this report. Where it was deemed relevant by the authors their reactions to specific research findings are reflected in the text or footnotes of the case studies. Other comments by RA and Unilever are presented in the discussion chapter 4 of this report.

¹² Rainforest Alliance, Rainforest Alliance response to Tea Research reports in India and Kenya, March 2011, <<http://www.rainforest-alliance.org/sites/default/files/site-documents/agriculture/documents/ra-report-on-complaints-unilever-tea-kenya-2010.pdf>> (18 October 2011)

¹³ Rainforest Alliance website, 'Agriculture, Statement to the Ecologist from the Rainforest Alliance', 8 April 2011, <<http://www.rainforest-alliance.org/agriculture/ecologist-statement>> (17 May 2011)

¹⁴ Ecologist website, News, News Focus, 'Unilever statement to the ecologist', 14 April 2011, <<http://tinyurl.com/67eztqe>> (17 May 2011)

2 Working conditions on Unilever's tea plantation in Kenya

This chapter focuses on working conditions on Unilever's tea plantation in Kenya, with a specific focus on the effects of casual labour, the nature of labour relations and the impact of Rainforest Alliance certification. Findings show that casualisation has adversely affected working conditions. Casuals are entitled to less benefits and the job insecurity that comes with it creates a climate that is conducive to favouritism, with elements such as bribery, sexual harassment, ethnic and gender discrimination. Labour relations are also far from ideal with casuals not feeling represented by the union that seems to lack the capacity needed to fulfil its tasks. There is also fear among workers, and casuals especially, of raising their voice in case of conflict because of the real risk of getting fired. Workers indicate that nothing has changed for them since RA certified the plantation on which they work. They claim that one reason for this is that auditors do not see their reality because audits are manipulated by the management.

2.1 Tea in Kenya

Tea was first introduced in Kenya in 1903 by a European settler, GWL Caine, who brought it from India. The British Colonial Administration started exporting it to London by 1933. The cultivation of tea in the colonial period was basically the preserve of the British settlers. After independence was achieved in 1963, the cultivation of tea was desegregated to both small-scale and large-scale African farmers who had bought land from British settlers. The planting and production of tea has rapidly increased since independence. Tea production rose from 18,000 tonnes in 1963 to 310,607 tonnes in 2006. The tea sector contributes – directly and indirectly – to an estimated 3 million jobs, a figure which is equivalent to about 10% of the total population.¹⁵

Increased tea production has meant that Kenya shares third place in the global tea producer list with Sri Lanka, after China and India. Kenya is responsible for 20% of all tea exported in the world, making it the second biggest exporter after Sri Lanka, and for 9% of the global tea production in 2006. Pakistan is the biggest importer of Kenyan tea and Egypt the second biggest while the UK ranks third.¹⁶

2.2 Unilever in Kenya

Founded in 1924, Unilever Tea Kenya (UTK), a subsidiary of Unilever PLC/NV, grows, processes and packages tea on 13,000 ha – which includes eight tea-manufacturing factories. With 32,370 tonnes¹⁷ of tea produced annually it is the largest tea plantation company in this country and the largest private sector employer in Kenya.¹⁸

¹⁵ Tea Board of Kenya website, Kenya Tea Industry, About Kenya Tea, "History", <<http://www.teaboard.or.ke/industry/tea/>> (18 October 2011)

¹⁶ S. van der Wal, SOMO, Sustainability Issues In The Tea Sector, June 2008 <http://somo.nl/html/paginas/pdf/Sustainability_Issues_in_the_Tea_Sector_EN.pdf> (18 October 2011)

¹⁷ This is the 2002 figure.

¹⁸ GBC website, Tools, Business Excellence Awards, "Supply Chain Engagement Award Winner (2009): Unilever Tea Kenya Limited", <http://www.gbcimpact.org/itcs_node/0/0/award/1938> (18 October 2011)

2.3 Impact of casual labour

Unilever Tea Kenya has 16,000 permanent workers and, depending on the season, 0 - 4,000 temporary workers.¹⁹ It could not be ascertained whether there was actually an ongoing process of casualisation by way of permanent workers being replaced by casual workers.²⁰ In earlier research on the situation for workers at this Kenyan plantation in 2007 it was found that the company no longer contracted new permanent workers.²¹ In this research, workers indicated that the situation has not changed since then.

The number of years that the interviewed casual workers had worked as temporary workers ranged from 2 to 9 years and was 3.4 years on average. All noted that they have contracts for a 2-month period and that they are reinstated to their positions after a break of one month upon which they are issued with new payroll numbers. Previously casuals at Unilever would get contracts of 6 and 3 months, however the trend has moved to issuing contracts of 2 months – a trend that started about 2 years ago. The change in the contractual period can be attributed to the new Employment Act, 2007 which makes new provisions for the conversion of casual employment to term contract (permanent employment). According to Unilever management, however, there are still casuals with longer (up to 6 months) term contracts.²²

Apart from the lack of job security, conditions for casual workers at the Kericho estate differ from those with a permanent status in that they have fewer benefits. For one, casual workers are not given maternity or paternity leave. This practice violates both the RA standard, Kenyan labour law and the Collective Bargaining Agreement (CBA) negotiated between the management and the Kenya Plantation and Agricultural Workers' Union (KPAWU), the only union that is active on the plantation.

Both casual and permanent workers have access to the company's hospital and health centres within the tea estates. However, whereas the company provides free health care to the children of permanent workers this benefit does not accrue to the children of casual workers. Casual workers said that they have no choice but to take their children to either private clinics or to the state-run hospital.

Unlike permanent workers, casual employees who are not married or living with a partner are required to share estate houses if they are at all available. One of the respondents noted that in some cases five casual workers share a two-room house. No effort is made to provide single housing units for casual workers who are living with their children. Another respondent noted that due to the sharing of houses, workers are subjected to living with people they do not know and who in some cases are generally unkempt. Due to this most of the houses of casual workers are infested with bed bugs. Permanent workers do not have to share houses.

¹⁹ Unilever, The Hague, 2 September 2010, meeting with author

²⁰ In this report the term casual labour is used to describe all work that is not permanent in the sense that workers have the certainty of a permanent contract. As such it can include all kinds of temporary and/or seasonal work even if the nature is quasi permanent but without the official permanent status that comes with a formal labour relation. Different countries may not have the same definition of the term. For instance by Kenyan legal definitions only labour that is engaged and paid the same day is called casual.

²¹ S. van der Wal

²² Rainforest Alliance, Rainforest Alliance response to Tea Research reports in India and Kenya, March 2011, <<http://www.rainforest-alliance.org/sites/default/files/site-documents/agriculture/documents/ra-report-on-complaints-unilever-tea-kenya-2010.pdf>> (18 October 2011)

The respondents, especially those working in the tea estates that neighbour small towns, noted that not all casuals live on the estates. They noted that due to the issue of sharing houses and shortages in housing, casual workers are compelled to live in the towns. Moreover, in violation of national legislation the management does not provide any housing allowance to those workers renting houses in the towns.

The majority of the respondents claim that the management of the tea estate requires that casual workers who have completed their contractual period should vacate the houses that are assigned to them. However, a minority stated that they were not required to vacate their houses.

2.4 Labour relations

The majority of the people interviewed (including the casual workers) stated that they were members of the only active trade union in the plantation. A minority stated that they had been approached by trade union officials to join the union. Regardless of their union membership all casual employees need to pay a fee to the union. This situation was first introduced by the Labour Relations Act, 2007.

Most respondents stated that despite dues to the union being deducted from their wages, disputes between casual employees and the management are not resolved by the union. One respondent said that, 'even though we are paying dues to the union, we are not represented by the union and we feel that we are paying for services which we are not getting.' Indeed most casual workers interviewed claimed that they did not know why they were paying the dues. One of the respondents candidly noted that he has never been informed why the deductions were being made. According to another worker, they were informed by the estate management that deductions to the union would be made and this was to ensure that casual workers 'enjoyed the benefits given to permanent workers'.

When asked who raises the concerns of the casual workers the majority of the respondents indicated that casual workers raise their own concerns to the management or to the supervisors. Only one respondent noted that workers could raise their concerns with the Village Elders. This clearly indicates that casuals feel that the union does not represent them and that they have no formal avenue to register their complaints. Moreover, a number of casual workers claimed that they would get sacked in case of a dispute and as a result casuals mostly do not complain. Only one casual worker interviewed indicated that the union also represented casuals.

In the FGDs it was said that workers who are members of the union face harassment from the management when they attempt to push any agenda that the management does not agree with. This harassment is usually in the form of false accusations of impropriety, false quality judgements by the quality inspectors or the reassignment to heavy tea picking duty if one was assigned lighter duties. Moreover, a number of workers claimed that they knew of permanent workers eventually getting sacked because of voicing complaints.

In recent years there have been a number of disputes with the management over a number of issues including injuries, the introduction of tea plucking machines and wage increments. In a few cases these disputes have led to strikes. A number of respondents say that the union successfully intervened for higher wages during one of these strikes whereas others were not aware of union involvement. One worker also claimed to have heard of successful union interference in a case where workers had been wrongfully fired.

However, FGDs also highlighted the ineffectiveness of the union. Workers noted that this was most evident in the negotiations of the CBA because they felt that it did not capture their concerns. The CBA does not include provisions to protect against sexual harassment, for example. More worryingly even was that it was found that it *did* include the following provision: 'overtime shall be at the discretion of the Management and every employee shall be expected to work overtime when called upon to do so by the Management.' While there were no indications of the actual implementation of this policy, it is clearly not in the interest of the workers but of the management only and is tantamount to bonded labour which violates International Labour Organisation (ILO) standards and RA standards.

2.5 Impacts of Rainforest Alliance certification

In 2007 Unilever Tea Kenya Limited (UTKL) was the first tea plantation to be certified by the Rainforest Alliance (RA) on the basis of their Sustainable Agriculture Standard. One of its critical criteria is that the certified farm, 'must not discriminate, in its labour and hiring policies and proceduresalong lines of race, colour, gender, age, religion, social class, political tendencies, nationality, syndicate membership, sexual orientation, civil status or any other motive as indicated by applicable laws, ILO Conventions 100 and 111, and this standard.' However, analysis of responses received from both casual and permanent workers in this study indicates that gender and ethnic discrimination of workers at UTKL is still rife (see next section).

Regarding the deplorable housing situation noted above it should also be noted that one of the RA criteria is that, 'Housing provided by certified farms is in good condition, and has potable water, sanitary facilities and domestic waste collection.'

When asked about the impact of the Rainforest Alliance certification on the working conditions, the participants of the FGDs insisted that the certification process has not improved the working or living conditions in any way whatsoever. The reason for this, they allege, lies in the quality of the social audits carried out by the Rainforest Alliance auditors.

The participants contended that the auditors never detect the true nature of the working and living conditions of the workers as the management takes measures to cover up any adverse appearances with regards to those conditions. They argued that because the auditors give the management advance notice of their arrival²³, the management is given ample opportunity to conceal the negative aspects of their operations.

The participants revealed that the managers instructed them to lie to the auditors and paint a favourable picture about their working and living conditions. The participants alleged that, to conceal the truth from the auditors, the management:

- Painted the exteriors of houses close to the road.
- Instructed the occupants of unclean or damaged houses to lock them up and steer clear of the housing camps.
- Ordered the clean-up of the factory spaces the auditors would pass and instructed most of the workers to stay away from the factory on the day the auditors would arrive.
- Instructed the majority of the workers to hide themselves in tea plantations that were distant from the plantations that the auditors would visit or in nearby forests.
- Ordered a clean-up of roads and the housing camp compounds.

²³ While RA standard systems also make use, of less frequent, unannounced audits it is not clear whether they also took place at these plantations.

- Had trees planted around and inside the housing camps, which trees the auditors were informed were planted by the workers themselves as a measure to conserve their environment (the trees were never maintained and have since expired).
- Gave new protective clothing to the workers that were allowed to stay in the farms or factories during the auditors' visit.
- Visited workers houses to inspect those that were well kept so as to determine which houses the auditors would be allowed to see.
- Ensured that the auditors never spoke alone with the workers (even when the auditors visited the workers houses, a manager often spoke on their behalf).

The participants claimed that these and other measures ensured that the auditors received a flawed and badly informed view of the actual living and working conditions of workers. The participants also complained that the Rainforest Alliance's contact details (an email address and phone number) posted by the management on notice boards are not functional.

2.6 Other issues

2.6.1 Gender and ethnic discrimination

All the female respondents who were interviewed noted that before they were employed they were subjected to pregnancy tests. The respondents stated that pregnant women were never employed instead their medical cards would be stamped as 'unfit'. In cases where female casuals got pregnant they were not assigned lighter duties.

In the 2007 research²⁴ on this plantation one of the perceptions of the workers was that ethnicity played a major role in the hiring and promotion procedures. Workers interviewed in a Focus Group Discussion (FDG) noted that the issue had been exacerbated by the post-election violence witnessed in 2008. During this tragic time hundreds of people lost their lives around the country²⁵, including 14 people at the Unilever Estates.²⁶ The respondents noted that most of the management and supervisory positions were occupied by persons from one ethnic group – that is by persons from the Kalenjin community. They noted that the net effect of this was that most of the workers who were obtaining employment at Unilever were from the same ethnic group. After the 2007-8 post-election violence, hostilities between the Kisii and Kalenjin resulted in a large number of workers from the former tribe permanently moving away from the tea estates.²⁷ Those that have remained continue to be harassed at the workplace so as to coerce their departure. According to the workers interviewed, management has done very little to address this issue.

²⁴ S. v.d. Wal

²⁵ Wikipedia website, "2007–2008 Kenyan crisis", <http://en.wikipedia.org/wiki/2007%E2%80%932008_Kenyan_crisis> (18 October 2011)

²⁶ The Telegraph website, News, World, "Kenya's tea city Kericho hit by tribal violence", <<http://www.telegraph.co.uk/news/worldnews/1574840/Kenyas-tea-city-Kericho-hit-by-tribal-violence.html>> (18 October 2011)

²⁷ Unilever has commented that more than 90% of the so-called Internally Displaced Persons (IDP) returned to work when calm was ensured. Source: Unilever, e-mail 12 April 2011

2.6.2 Sexual harassment and corruption

In the research done in 2007 women workers flagged sexual harassment as being prevalent in the estates, one of the workers interviewed stated that 'sexual harassment is a serious problem because all the supervisors are men, some of them want you to go beyond your work obligations and satisfy their sexual needs and if you don't do that, they fake other charges against you or give you too much work or allocate you lonely or dangerous plucking zones.'

Sex for a job

Chanya (26 years) is a single mother of two children and a casual worker. She started working at Unilever in June 2007. She was informed by her friend that Unilever was employing casual workers to pick tea. They both went to the estate office where they were interviewed by the supervisor. The supervisor informed her that she had to provide him with her National Identity Card, National Social Security Fund (NSSF) card and National Hospital Insurance Fund (NHIF) card. When she provided the necessary cards, the supervisor asked her and her friend for KES 500 (US\$ 5.79) as a bribe to secure employment. She informed the supervisor that she did not have the money. The supervisor told her that to 'make her life easier' they should go to a house in the village camp to discuss the issue of her employment further. The supervisor asked his friend to give him his house keys and told her to follow him. Chanya was hesitant at first. However, her friend told her that she would not get the job unless she went with the supervisor.

In the house the supervisor told her that she should have sex so that she can get the job and he would ensure that she would continue to get work. When she refused the advances of the supervisor, he returned her documents and told her to look for employment somewhere else. Chanya left the house and went back to her home. The next day however Chanya returned to the tea estate and gave the supervisor KES 200 (US\$ 2.31) but he refused to take the money and told her that they should go back to the house. When they were in the house, the supervisor told her that if she had sex with him he would guarantee that she got a job as a general worker which was less strenuous than a tea picker. She agreed to have sex with him. Chanya said she had no choice but to agree to the supervisors advances because she had a child and dependents.

When she started working, the supervisor would always find fault with her work, he would tell her that unless he had sex with her, he would deduct her wages. The supervisor would always find a reason to have sex with Chanya, if it rained and they were unable to work, he would approach her and tell her to go back to his friend's house. To retain her job at Unilever, Chanya had to have sex with her supervisor.

Chanya now works in a different section of the tea estate and the supervisor is no longer able to harass her, however, she has to part with KES 200 (US\$ 2.31) as a bribe every month to retain her job. A large sum for workers who may earn about 5,000 KES (US\$ 48) only each month.²⁸

²⁸ War on Want, A bitter cup, July 2011, <<http://www.waronwant.org/attachments/A%20Bitter%20Cup.pdf>> (13 October 2011)

The UTK management in response to this complaint made by the women workers, noted that cases of sexual harassment are treated with the seriousness that they deserve. They stated that an aggrieved worker can report the allegation of sexual harassment to the Line Manager or can report directly to the Human Resource Business Partner.²⁹ Unilever also provides the option of reporting the case directly to their London office – a hotline has been provided where workers can report cases of sexual harassment either through email or can call directly. However despite all these avenues that are open to workers the issue of sexual harassment remains (see boxed text above). The same is true of the issue of corruption. Casual workers reported the need to pay bribes to get or retain their job (see boxed text below).

Paying a bribe to retain my job – the case of Makalini

Makalini is a mother of three children and is a 24 year old. She and her husband are both casual general workers. Her main job is to weed, tending to the nursery bed, watering tree-lings. She is paid KES 254 (US\$ 2.94) per day after statutory deductions she makes KES 4800 (US\$ 55.56) per month. At the time of the interview she had worked for three years for Unilever as a casual worker.

Makalini notes that for anyone to secure employment at her particular estate that is part of the Unilever Kericho plantation one has to know a permanent worker who will introduce one to a supervisor. Makalini remembers that she too managed to secure her job through a neighbour from her rural village who is a permanent worker. However, despite being introduced casual workers also have to pay a monthly bribe to the supervisor to secure their employment. Makalini pays a monthly bribe of KES 200 (US\$ 2.31) to her supervisor. Failure to pay the bribe results in casual workers getting 'punished'. In her case her supervisor waits for her at the Finance Office when she is receiving her monthly salary so that he is able to collect his cut.

Refusal to pay the bribe is met with reprisals. She is assigned to hard tasks such as weeding the tea plantation. She once refused to bribe the supervisor who assigned her to weeding duty. Makalini notes that the supervisor would closely monitor her work to ensure that she was continuously weeding without her taking breaks. This process involves weeding in between the tea bushes, which can be extremely strenuous. Makalini states that she has to stand up to stretch her back and was seen by the supervisor who indicated in her job card that she had performed half a day's work. She notes that other 'punishments' she has had to endure include getting assigned to pick tea where she earns less than as general worker. According to Makalini, permanent workers are not subjected to these punishments and they don't have to pay bribes to the management.

2.6.3 Housing conditions

All the workers interviewed for this research study noted that the housing conditions for both permanent and casual workers were deplorable. The complaints include leaky roofs, cement floors with cracks and broken window panes that compelled workers forced to use cardboard boxes to cover the gaping holes to mitigate the cold evenings. Other complaints received were that houses were only painted on the exterior, while inside walls were never painted. One of the respondents stated that in the village estate that she lives in there was no clean water and there were no sanitary facilities, forcing workers to use facilities from neighbouring villages. One of the respondents also noted that despite making several complaints, since April 2009, to the management on the state of her house, no repairs had been done.

²⁹ L. Kabiru, KHRC, A Comparative Study of the Tea Sector in Kenya A Case Study of Large Scale Tea Estates KHRC, <http://somo.nl/publications-nl/Publication_3096-nl/at_download/fullfile> (10 May 2010)

Observations by the research team confirmed that some of the homes of the workers were indeed in bad shape. Of most concern to the researchers were the deplorable conditions of the houses located in one particular estate which had been vandalised during the post-election violence and which had not been repaired almost two years later.

Testimony of an ex-general worker

Felistas is 30 years old. She has been employed on-and-off as a casual worker at Unilever's Tea Plantation since April 2006. She was assigned the task of a general worker, which meant that she was responsible for tasks such as weeding, cleaning, gardening and washing gloves.

Things changed dramatically when her sister got seriously ill. During this time Felistas got into difficulties with her superiors. According to Felistas, her supervisors made it difficult for her to take leave to care for her sister, which she eventually did anyway. She was told to sort out the problem with the Assistant Manager. However, this failed because he proposed to meet with her at some hotel to discuss her issues which she refused for fear that the assistant would ask for sexual favours. After Felistas had left the estate to care for her sister (who eventually died) the assistant called her several times to ask her whether she thought he was attractive and what her boyfriend then had that he did not have. He would also use other sexual suggestive comments.

Felistas decided to stop working for Unilever. She now is a businesswoman and runs her own hair salon. Now outside the estate her living conditions are better. Before she would live with other casuals which denied her privacy and resulted in unhygienic conditions because not all the housemates shared responsibility for cleaning the house.

With regard to medical attention, she claims that casuals get unpaid sick leave. If a casual worker would get really sick they would be thrown out of their house and their contract would be terminated. To illustrate, Felistas gave the example of a casual worker called Jennifer who got really sick after which her employment was terminated. She claims that one of the Village elders who issues houses went to her house and told her that she had to vacate the house in three days.

2.7 Conclusion

The study clearly indicates that the temporary status of many workers is affecting working conditions on Unilever's Kenyan tea estates. The job insecurity that comes with it creates a climate that is conducive to favouritism with elements such as bribery, sexual harassment, ethnic and gender discrimination. Casuals are also entitled to fewer benefits such as pensions, medical care for children, maternal leave, sick leave and have to share crowded, unhygienic and dilapidated housing.

Labour relations are also far from ideal, while many casuals are unionised and they are obliged legally to pay union fees, they are not represented adequately by the union. There have been some occasions that the only active union on the plantation interfered successfully in one of the many labour conflicts, such as strikes. On the other hand, however, there are also clear indications that it is weak and not very professional, to which the Collective Bargaining Agreement agreed between the union and the management that includes illegal elements such as involuntary overtime is a silent testimony. Not in the last place there is fear among workers, and casuals especially, to raise their voice in case of conflict because of the real risk of getting fired.

It was found that Unilever fraudulently tries to influence RA auditing to the benefit of its estate by performing the kind of 'cover up' that is general practice in other industries such as the garment and electronics sectors, where social auditors are often presented false records and any potentially adverse impacts are hidden. Workers interviewed see this as the reason why RA certification has not improved their situation.

Sexual harassment, ethnic and gender discrimination, bad housing conditions for casuals and the policy of involuntary overtime all constitute violations of RA standards. Moreover, possibly with the exception of the housing situation and the benefit discrimination of casuals, all constitute violations to Unilever's code of business principles (CBP).

3 Working conditions on Indian tea plantations supplying Unilever

This chapter focuses on working conditions on Indian tea plantations that supply RA certified tea to Unilever. The focus is especially on labour relations and the impacts of casual labour.

Findings show that the use of temporary labour is increasing in Assam and that in both Assam and the Nilgiris (Tamil Nadu) the temporary status of labour negatively impacts the working condition of tea workers. Additionally, freedom of association and collective bargaining are fraught with problems. Beyond exploring these specific angles, the investigation provides a more general perspective on the working conditions at these tea estates. It is found that there are problems with housing, health and safety, gender discrimination and wages.

3.1 Tea in India

The tea industry in India is more than 150 years old. It occupies an important place in the national economy. India is second only to China³⁰ as the world's leading producer, producing 944 million kilograms of tea in 2007. In 2008 82% of a total production of 981 million kilograms of tea went to domestic consumption. As a result India is also the world's largest consumer of tea. In 2009 India exported around 192 million kilograms of tea.³¹ The biggest buyers of Indian tea in the first half of that year were, in descending order of importance, the counties of the Commonwealth of Independent States (CIS formerly the USSR), the United Arab Emirates (UAE), Iraq and the United Kingdom.³² In terms of export, India's major competitors are Sri Lanka, Kenya, China and Indonesia.

Tea plantations in India are mainly located in rural hills and backward areas of North-eastern and Southern States. Major tea growing areas of the country are concentrated in Assam, West Bengal, Tamil Nadu and Kerala. The Indian tea industry is the second largest employment provider in the organised manufacturing sector, giving direct employment to more than a million families on the estates. Almost the same number of people again work as casual workers or on the smallholdings, and the sector indirectly generates employment for another ten million people.³³ 80% of India's tea is produced on larger estates.³⁴

³⁰ World Tea News website, Features, "ITC Bulletin: Tea Brands, Quality Growing Worldwide" <<http://www.worldteanews.com/index.php/Features/ITC-Bulletin-Tea-Brands-Quality-Growing-Worldwide.html>>

³¹ "India misses 200 mn kg tea-export target in 2009", The Economic Times, 25 Feb 2010, <<http://economictimes.indiatimes.com/markets/commodities/India-misses-200-mn-kg-tea-export-target-in-2009/articleshow/5613409.cms>> (22 March 2010)

³² India Tea Website, <www.indiantea.org>, (September 2009)

³³ Sanne van der Wal, SOMO, Sustainability Issues in the Tea Sector: A Comparative Analysis of Six Leading Producing Countries, June 2008 <http://somo.nl/html/paginas/pdf/Sustainability_Issues_in_the_Tea_Sector_NL.pdf> (22 March 2010)

³⁴ Department of Commerce, Ministry of Commerce & Industry Government of India New Delhi, Report of the committee on legislation plantation sector, 17 September 2007, <<http://www.docstoc.com/docs/43566045/REPORT-OF-COMMITTEE-ON-LEGISLATION-PLANTATION-SECTOR-17TH-SEPTEMBER>> (22 March 2010)

The Indian tea industry has witnessed many structural changes over the years. These include the emergence of small tea growers and Bought Leaf Factories³⁵ and the crises in the tea industry at the end of the 1990s and the subsequent closure/abandonment of tea estates. In early 2005, the industry witnessed major companies such as Tata and Hindustan Unilever Limited (HUL) in India withdrawing from production and concentrating on the more profitable business of tea packaging. In North India the HUL tea gardens were acquired by McLeod Russel with its headquarters in Calcutta, which then proceeded to become the largest global plantation company.

Ever since the onset of the tea crisis many tea estates in India have been closed or abandoned because they were found to be unprofitable or not profitable enough. The ensuing restructuring of the tea sector caused great misery in the plantation community. Heartbreaking reports of hundreds of people dying of hunger on tea estates that had been abandoned or closed continued to surface up to 2007.³⁶ The crisis was caused by a sharp drop in producer prices, a lack of investment in and general mismanagement of plantation estates, and rising labour costs.³⁷ Even as late as 2009 the IUF launched a campaign to support tea workers that were starving in West-Bengal. They were locked out and not paid their wages as a punishment by the management for a worker protest sparked by the abusive treatment of a 22-year-old tea garden worker who was denied maternity leave and forced to continue work as a tea picker despite being 8 months pregnant.³⁸

3.2 The tea industry in Assam and the Nilgiris

This case study focused on tea production in two regions: Assam and the Nilgiris in Tamil Nadu. The Northern state of Assam is the most important production region accounting for more than half of India's total tea production. Across more than 850 tea estates in Assam, most of which are situated in the upper parts of the state, Adivasis (tribal communities in India), brought in as indentured slave-labour from Central India by the British, form the vast majority of the workers. Today, the tea plantation workers form the single largest organised sector workforce in Assam and the entire Northeast region, numbering anywhere between 800,000 to a million depending on the season. Approximately 17% of all workers in Assam are engaged in tea industry and about half of the total tea plantation workforce in Assam consists of women.³⁹

The district of Nilgiri, or the Nilgiris (Blue Hills) as it is mostly referred to, falls within the Southern State of Tamil Nadu. It is located in the western part of the State bordering Karnataka and Kerala. Most of the tea estates, numbering around 180, are located in Gudalur and in the high altitudes of Ooty, Coonoor and Kotagiri. With an average tea plantation workforce of 200,000, the Nilgiris produce 15 million kg of tea on average over 66,156 ha of land.⁴⁰ Most of the tea workers are historically migrants coming in from various districts of Tamil Nadu and the neighbouring states of Kerala and Karnataka.

³⁵ Factories that buy up the green (tea) leaf from smallholders, process and sell it.

³⁶ 'India's malnourished tea workers', BBC News, 2 October 2007, <http://news.bbc.co.uk/2/hi/south_asia/7022794.stm> (10 June 2008)

³⁷ Action Aid, Tea break, A crisis brewing in India, May 2005, <http://www.actionaid.org.uk/wps/content_document.asp?doc_id=884> (10 June 2008)

³⁸ IUF website, 'Ethical? Tetley's Tata Tea Starving Indian Tea Workers into Submission', 12 November 2009, <http://www.iuf.org/cgi-bin/dbman/db.cgi?db=default&uid=default&ID=6316&view_records=1&en=1> (10 May 2010)

³⁹ Vendanti website, News, "Assam Tea Labour Problem", <http://www.vedanti.com/News/assam_tea_labour_problem.htm> (10 April 2011) and Tea Board of India website, Statistics, "Tea Statistics", <<http://www.teaboard.gov.in/>> (May 2010)

⁴⁰ Tea Board of India website, Statistics, "Tea Statistics" <<http://www.teaboard.gov.in/>> (May 2010)

3.3 Unilever in India

Unilever has been active in India since 1933.⁴¹ In 1956 its subsidiary Hindustan Vanaspati Manufacturing Company merged with Lever Brothers India Limited and United Traders Limited to form Hindustan Unilever Limited (HUL). Unilever now holds a 52% share in the company and the rest of the shareholding is distributed among financial institutions and approximately 360,675 individual shareholders.⁴²

HUL's tea activities in India currently focus on tea packing and branding and not on production anymore, as mentioned above. HUL is the Indian market leader, with its Brands Brooke bond and Lipton, in terms of value. In terms of sales volume HUL is second to Tata Tea. HUL is active as a tea buyer as well on the Indian market. Unilever confirmed sourcing from all the tea estates that were sampled for this research.⁴³

3.4 Impact of casual labour

The casualisation process accelerated during the last ten years in Assam (North-East India) but there are no precise figures. According to many insiders and analysts, almost 50% of the workforce in tea plantations today is casual. Casual labour is cheaper for employers because they avoid paying service benefits due to the workers such as pension, gratuity⁴⁴ and provident fund⁴⁵. Hence it has been one of the main pillars of the restructuring of this industry since the tea crisis during 2000-2002.

Behora, the only Assam tea estate sampled for this study, employs on average 757 temporary workers throughout the year whereas there are 1,551 permanent workers.⁴⁶ 'Fresh recruitment has stopped; every permanent worker who retires, dies or is dismissed is replaced by a temporary worker,' the workers said without exception. Yet figures provided by the Behora management through RA indicate that since 2007 153 workers were still made permanent. However, because 285 of them left there was a net outflux of 132 permanent workers.⁴⁷ Similar figures on the development of the average number of casual workers over the years were not provided but the above statement of the respondents suggests that their number is growing. Following the Plantation Labour Rules, Behora with 699 ha of crop area should have at least 1,745 permanent workers (5 workers to be employed for every 2 ha of tea planted).

Statutory and fringe benefits for a temporary worker in Behora are severely limited compared to that of permanent workers: no housing, no medical care, no maternity benefits for women workers, no bonus, no gratuity, no subsidised food grains or social security. National regulation provides that a person can be employed as a casual labourer for a maximum period of six months, after which his or her employment has to be confirmed. But, in the tea gardens, the management circumvents and violates this law by breaking the temporary workers' period of service before completion of six months. According to Jiten Tanti, the general secretary of the All Assam Tea Tribes Students' Association (AATSA), the temporary workers are appointed for a stretch of four months in Behora, and then reappointed after a break. To illustrate, one of the workers interviewed, Mariamma (50), a mother of

⁴¹ Wikipedia website, 'Hindustan Unilever', <http://en.wikipedia.org/wiki/Hindustan_Unilever> (10 May 2011)

⁴² Hindustan Unilever Limited website, 'Our history', <<http://www.hul.co.in/aboutus/ourhistory/>> (10 May 2010)

⁴³ Unilever, e-mail 3 September 2010

⁴⁴ Gratuity is part of social security paid to workers after retirement or after leaving job voluntarily.

⁴⁵ A collective retirement fund that is not equal but similar to a pension fund

⁴⁶ Rainforest Alliance, Rainforest Alliance response to Tea Research reports in India and Kenya, March 2011, <<http://www.rainforest-alliance.org/sites/default/files/site-documents/agriculture/documents/ra-report-on-complaints-unilever-tea-kenya-2010.pdf>> (18 October 2011)

⁴⁷ Ibid.

five sons and four daughters, has been working in Behora for the last 27 years. While her husband is a permanent worker, she is still working in the garden as a temporary worker.

In India women workers are the backbone of the tea industry today. 'Most of the temporary women workers (in Behora) come from the nearby settlement, many male permanent workers are transferring their job to their wives or daughters and going out of the gardens for other agricultural labour or in road and construction work. The wages are higher than in the tea gardens,' says Jiten Tanti (AATTSA).

Shanti (48) a permanent women tea worker of Behora

"Since we are born and brought up in the tea gardens, we are conditioned from our very childhood to deal with the demands of the tea gardens. Women like me, mothers, daughters and wives, wake up very early in the morning, prepare food, tend to our children and husbands and report to duty by 8.00 a.m. After coming back from work around 5.00 p.m. we don't get any rest – have to prepare food for dinner and fetch firewood or fuel. Sometimes we go to the market to buy essential items.

Today our work has become back breaking with number of workers dwindling and demand for production increasing. The work affects my health so I am not able to work for more than 20 days a month. So, have to pluck more tealeaves to compensate for my lost earnings. It is becoming difficult for me to run our household with our meagre earnings and expenses running up to more than Rs.500 (US\$11) in a week."

As in Assam official statistics do not allow a precise picture of the number of casual workers in the tea plantations in the Nilgiris (South India) and their development, however, according to the trade union representatives of the estates under review, their number has increased. Overall trade unions interviewed for this study estimate that the total number of people working in the Nilgiris tea industry decreased by about a fifth to roughly 200,000 from 2002 to 2010.

Remarkably, the figures provided by RA from the management of 5 of the 6 estates covered in this research indicate that there is an overall net growth of permanent workers on these Nilgiri estates.⁴⁸ The same figures also indicate that two of these estates (Dunsdale and Glenmorgan) have a considerable ratio (24% and 15% respectively) of temporary workers whereas the other 3 Nilgiri estates employed no temporary workers. However, the field research conducted for this study did indicate casuals being employed on these estates as well. So it is clear that, at least with regard to the presence of casual workers, 3 estates are not reporting properly on their workforce to RA and in general.

Currently there are two types of casual workers on the estates studied in the Nilgiris: those that are paid weekly and are non-resident and those that are paid monthly and live on the estate. The first category of temporary workers consists mostly of locals – tribals such as Irulas, Panias and Sri Lankan repatriates. Other than their daily minimum wages, paid weekly, they do not get any other benefits. Not even provident fund. The second category of temporary workers besides locals also includes workers from other parts of India as far away as Jharkhand, Orissa, Bihar and West Bengal. These workers are provided with all the benefits permanent workers are entitled to, e.g. housing, medical care, leave and provident fund, but are not provided with pension and gratuity. 'This category of temporary check roll workers have been brought in by the tea industry managements in the wake of

⁴⁸ Rainforest Alliance, Rainforest Alliance response to Tea Research reports in India and Kenya, March 2011, <<http://www.rainforest-alliance.org/sites/default/files/site-documents/agriculture/documents/ra-report-on-complaints-unilever-tea-kenya-2010.pdf>> (18 October 2011)

severe labour crisis and increasing absenteeism that the Nilgiris tea industry is facing for the last few years,' said Armugum of the Tamil Nadu Plantation Progressive Front (PLF). In both categories people can be found working as temporary workers for more than six months on end, in one case even four years (see boxed text), in violation of the contract labour law.⁴⁹

Vijaya (35), a temporary worker in the Havukal & Warwick tea estate

"I am working as a temporary plucker in the estate for the last 4 years. I come from a family of Sri Lankan repatriates. My husband is a daily wage labourer. We have two sons and two daughters. They study in the Kairbetta government school. We live in the neighbouring village of Kairbetta.

I receive a daily wage of Rs. 120 (US\$ 2.65) and no other benefits – no provident fund, no house, no medical care, no school for children and no provision for gratuity and pension.

Sixty women work with me in this division. They are also temporary workers. We work from morning 8 a.m. to evening 5 p.m. with a break of one hour for lunch. We work for all the 12 months in a year.

Though now we can harvest more using the katri (semi-mechanised scissors used to harvest tea leaves), it also creates health problems. Many of us suffer from chest and back pain. We cannot work throughout the month. At the most, I work for a maximum of 20 days a month. On an average 15 to 18 days. We have to spend for our own medicine and medical care.

Since my children are still young, I cannot go anywhere else for more remunerative work. I have to tend to them and to my family."

Because their number is increasing and they form the majority in both Assam and Tamil Nadu (Nilgiris) the restructuring of the Indian tea industry affects female tea women workers the most. It has resulted among others in an increasing workload for both permanent and temporary women workers who are engaged in plucking; and the temporary women workers are deprived of their statutory benefits, maternity and sickness benefits being the most important among them (also see boxed text). To compensate for male labour that is exiting the plantation sector some of the male workers that used to do only plucking are now doing other tasks as well. According to a permanent male worker: 'Now, we have to do all kinds of work; from spraying of pesticide, to pruning and even cleaning. Our workload has increased'. Spraying and pruning are considered male tasks and as such the possibility for plantation management to deploy male workers for various other tasks than picking allows plantations to remain operational with an increasing number of women workers.

3.5 Labour Relations: Collective bargaining and freedom of association

Irrespective of the estate visited for this research it was found that both freedom of association and collective bargaining are hampered. However, the obstacles to these rights in Assam and the Nilgiris differ to some extent.

The Assam tea industry only recognises one trade union, the Assam Cha Mazdoor Sangha (ACMS) – affiliated to the Indian National Trade Union Congress (INTUC), which is the trade union wing of the Indian National Congress Party (heading the central government in India). As a consequence the ACMS has the exclusive right to negotiate with the industry. This also means that the other trade

⁴⁹ In their comment on this research Rainforest Alliance acknowledges casualisation is prevalent, however, it commented that tea workers in the Nilgiris often move voluntarily from one estate to the other. This position is likely to be based on the views of the tea estate management and not on the kind of thorough research that this issue would merit. Source: Rainforest Alliance, Rainforest Alliance response to Tea Research reports in India and Kenya, March 2011, <<http://www.rainforest-alliance.org/sites/default/files/site-documents/agriculture/documents/ra-report-on-complaints-unilever-tea-kenya-2010.pdf>> (18 October 2011)

unions that are active in this industry such as the Akhil Bharatiya Cha Mazdoor Sangha (ABCMS), affiliated to Centre of Indian Trade Unions (CITU), and Assam Sangrami Cha Shramik Sangha (ASCSS), affiliated to All India Coordination Centre of Trade Unions (AICCTU), are marginalised. They are ineffective in terms of collective bargaining and as a result less attractive to tea workers. However, there is no formal reason why these unions have not been recognised in all these years.

The freedom of association of the tea workers is further impinged on by the check-off system whereby an ACMS union subscription of Rs.3 (US\$ 0.07) per month per worker is deducted from their monthly salary. If a worker does not want to join the ACMS he/she has to first avoid this check off system and give a plausible reason why he/she does not want the amount to be deducted. This severely restricts the choice of the workers to join or look toward any other union in the same industry. ACMS claims to have a membership base of over 700,000 in Assam; that is 70 to 87 percent of the total Assam workforce.

Moreover, the functioning of the ACMS is considered problematic by the workers interviewed. They claim that they do not have any say in the decision making process of ACMS. Neither are they involved in the collective bargaining, which takes place on the level of the industry, not the plantation. According to General Secretary Maniram Tanti: 'In terms of certain problems related to our own garden we negotiate with our own management; but these are mostly related to statutory benefits like house repair, drinking water, festival benefits, recreation etc.'

As the dominance of ACMS emerges following the patronage of the tea industry of Assam, it is also being felt by the tea workers that this has, over the years, weakened the collective bargaining position of ACMS. 'The agreements reflect more the interest of the tea industry than the workers', emphasised Subhas Sen, the secretary of ASCSS, another trade union. There is, therefore, a general disenchantment among the workers but they are not able to break out of this deadlock.

While there are five different unions in the Nilgiris, negotiations are dominated by the INTUC affiliated Nilgiri District Estate Workers Union (NDEWU). Next in line come the Labour Progressive Front (LPF) and the Anna Labour Federation (ATP), both affiliated to the ruling political parties in the State. Both the Nilgiris District Workers Union (NEWU)⁵⁰ and the Plantation Labour Association (PLA) leaders reported how in tea estates like Glenmorgan and Dunsandle, they are not allowed to do any union work and their members are driven out of the estates. The same story is narrated by the garden level union leaders of PLF and ATP in The Coonor and Glendale Tea estates.

These selective and restrictive practices of collective bargaining force the common tea workers to join the NDEWU for better gains and to avoid harassment, further marginalising the other unions. In Coonor and Glendale there have been instances of strained labour relations and tensions brewing as a result. With regard to garden level daily problems and negotiations, the management mostly discusses these with the members of NDEWU and a decision is taken accordingly. 'The right to freedom of association in the Nilgiris tea industry virtually does not exist. The facilitators of that right, the unions, are in disarray. The workers have to follow the writ of the managements for their own survival,' said a PLF representative.

According to Shri S Balan, General Secretary of NDEWU, their membership has dipped by 50% since 2000. Mostly as the result of the exodus of male permanent workers from the tea industry in the Nilgiris, which also affects the other unions.

⁵⁰ Another trade union affiliated to CITU

Maniram Tanti (54), General Secretary, ACMS, Mikirchang Division, Behora Tea Estate

"I am a fourth generation tea worker in Assam. My great grandfather migrated from Kalahandi, Orissa during the last decade of the 19th century. My father was born in Assam, in a tea garden and started working in Meleng tea estate. Later shifted to Behora where I was born. I started working in Behora as an adolescent worker in 1970. My salary was Rs.3.50 (US\$ 0.08) After a period of 7 years of other work and tea work on other estates I returned and was made a permanent worker in 1980. I married my wife Rajabati 25 years back and settled in the Behora tea estate.

When my parents died, I requested the garden management to allow me to build my own house on a piece of land here. Though it is rare, they have allowed me. I have built my own house with brick, mortar and cement. Also got some help from the management in procuring raw materials. But that was 10 years back. Since then, the management have sometimes supported me in repairing my house and sometimes not. I have been asking them to whitewash my house for the last two years. They are yet to respond. My house needs urgent repair. I am not able to do it.

My wife is still a temporary worker. Since I became the general secretary of the union I get salary for around 18-20 days a month. The management does not recognise my union related work in the garden during working hours and registers me as absent from work. I have complained both to the management and our ACMS leaders but no positive action has been taken so far. Our weekly expenses are around Rs.500 (US\$ 11) and it is difficult for us to survive. I collect firewood from the nearby forests and sell it in the local market. I try to do some business to add on to our family income.

I am not aware of the Rainforest Alliance Certificate and what that means for us. My Union leaders have not told us anything. Since I was elected as the general secretary one year back I have met only the Bokakhat branch ACMS people. Information regarding negotiations, wages or other benefits is communicated to us over telephone. We have no say in the decision making process of the ACMS. We are not happy with the present minimum wage or benefits. The tea companies are reducing benefits every day, not taking care of our houses, the labour lines (a barrack type of houses common on tea plantations). See the state of sanitation in the labour lines. The drains are choked, the tube wells have gone dry, there is only one water tap for almost 7/8 houses, still no toilet.

But, they are increasing their planting area every year. They have recently demolished a labour line of 40 houses and planted new tea plants. I am a union leader in my division but what can I do? I have no power. Even the head clerk here is much more powerful. He knows the union leaders and gets to know news on negotiations, wages, benefits well before us."

3.6 Other issues

3.6.1 Health and safety

In general tea plucking is difficult, hazardous work. Workers are on their feet for hours on end, carrying tea-collecting baskets on their backs; back problems are therefore common. The uneven terrain and sometimes steep slopes on which tea is picked increase the risks of accidents and as a result fractures due to falling (from a height) are quite common. In addition workers are exposed to harsh weather conditions (hot, cold, wet), pesticides, mosquitoes and other insects, and poisonous snakes. As outlined above, the workload in the estates visited has increased over the years and this has negatively affected the health of the workers. Workers interviewed reported giddiness, back pain, chest pain and breast inflammation, which prevents them from working full time, which also results in lower wages.

In Behora and the estates visited in Nilgiris (except in Glenmorgan estate) workers apply pesticides without the use of mask, gloves or other safety gear.⁵¹ Only the workers in Glenmorgan indicated that they use Personal Protective Equipment (PPE) while spraying but the research team was unable to check their claim. The spraying without use of protective gear presents an easily avoidable health risk to the workers. Moreover, the workers in Glenmorgan told the researchers that they wash their PPE at home or in the nearby streams and not in the changing rooms that are constructed to prevent that the cleaning water of the gear pollutes the environment.

3.6.2 Housing

The housing conditions on Behora estates are far from optimal. In the labour quarters there are no toilets/latrines and resident workers use erected temporary shacks for every 2/3 houses as bathrooms. Temporary drains have been dug to let the water and other effluents pass. However the drains are reportedly always clogged. Workers report that repair works have not been done to their houses (called lines on tea plantations) for almost a year, and they do not have electricity or streetlights. There is no permanent and clean sanitation system in the labour lines. A couple of houses in the labour lines show signs of elephant attack. Opening up of fresh tea planting areas contributes to elephants corridors shrinking, which can result in dangerous situations for tea workers on the Behora estate. While workers also complain of repair works not being done on their houses in the Coonoor and Kairbetta estates the housing situation in the Nilgiris estates that were visited is generally better. However, on average the toilets for the residential workers are also in bad shape, with no water facilities, they are unclean and some labour lines have no doors to the rows of toilets. 52

⁵¹ Pictures have been taken by the research team to substantiate this claim. RA commented that 'PPEs are issued to all the workers who carry out spraying in the estate (Rainforest Alliance, e-mail 5 April 2011). However, workers have mentioned that in spite of the trainings given by estates, some of the workers do not always use the masks and gloves as they feel that PPEs hinder them while working.'

⁵² RA only contests that houses in Behora are not repaired in time, there is no reaction to other issues raised. In November 2009 the research team took a picture of a damaged house due to an elephant attack the year before. (Rainforest Alliance, Rainforest Alliance response to Tea Research reports in India and Kenya, March 2011, <<http://www.rainforest-alliance.org/sites/default/files/site-documents/agriculture/documents/ra-report-on-complaints-unilever-tea-kenya-2010.pdf>> (18 October 2011))

3.6.3 Wages

The investigation revealed that the tea workers do not receive wages in the form they are entitled to legally. There are different reasons for why this is the case. In Assam the tea workers do not get the legal minimum wage because workers receive a certain amount of it in kind and not in cash. Or put differently, statutory and fringe benefits such as subsidised food grains, made tea, firewood, fuel, housing, etc. are given a cash value by the Assam Tea Planters which are added to a base wage amount in cash. This situation is illegal according to the Indian Minimum Wages Act, however, it is also the outcome of collective bargaining between the plantation industry and the dominant trade union the ACSM. This in turn might also be one of the reasons why the Assam government is not enforcing the law and has allowed persistence of this violation for a long time. The legitimacy of both the collective bargaining process and the resulting settlement is disputed by the other trade unions. Taking the matter to court might be one way to address the status quo but so far the smaller trade unions have not taken legal steps.

In the Nilgiris the workers receive the official minimum wage but the statutory benefits they are entitled to, such as the provident fund, pension or gratuity are illegally calculated on the basis of a part of this wage and not the full wage. Which means the workers are deprived of a serious amount in wage-related benefits. As in Assam this settlement, of which all the unions except for the NEWU are signatories, is disputed by the NEWU and also denounced by the government of Tamil Nadu. To date a court case on this matter is still pending.

3.6.4 Discrimination and child labour

In Assam and also at Behora women tea workers are discriminated against in the distribution of subsidised food grains. While a permanent male worker is entitled to subsidised food grain for himself, dependent children below 18 years, his wife and parents, if they are dependent, a woman worker is entitled to subsidised food grain only for herself and her dependent children.

Also in general in the tea industry in India, and as such also on the estates visited, there is little perspective for promotion. Women who have worked all their life in a tea garden, often more than 30 years, still retire as unskilled daily rated workers. While the tea sector employs far more women than men, it is still very rare to see female supervisors.

The research team found no evidence of child labour in the Nilgiris. On the Behora estate children or minors were observed or reported working but no conclusive evidence was found that this was illegal, because their age and the nature (kind and duration) of their work could be not be adequately assessed.

3.7 Conclusion

This chapter indicates that the use of casual labour is affecting working conditions badly on Indian tea estates supplying Unilever and that there are serious difficulties in the realm of labour relations. Moreover, at least a number of the issues raised in this research, e.g. women workers being discriminated against, the permanent casual status of many workers, unprotected application of pesticides and workers not receiving the wages and wage deducted benefits they are legally entitled to, are all violations of RA standards and often violate Indian labour legislation, international labour standards and Unilever standards for suppliers as well.

4 Discussion

In this chapter the most relevant responses to this study's findings in Kenya and India by RA and Unilever are discussed. It also briefly reflects on this study's findings in the light of broader discussions on the impact of standard systems for ethical or sustainable production.

4.1 Responses by Rainforest Alliance and Unilever

The most relevant comments by Unilever and RA to the findings presented in the chapters above can broadly be categorised as 'true, but could find no evidence'; 'true, but there is no problem'; 'no comment' and 'not true'. Below their reactions are briefly expanded on along these lines.

4.1.1 True, but could find no evidence

The reactions of RA and Unilever on this study's findings pertaining to discrimination and sexual harassment mostly fall in the response category 'true, but could find no evidence'. It should be stressed that SOMO has conducted research on Unilever's Kericho tea plantations in Kenya in 2007⁵³, 2009⁵⁴ and most recently in 2010. Over these years many issues such as discrimination, sexual harassment, precarious situation of casuals, corruption and the bad housing situation were flagged time and time again by the Unilever workers who took part in SOMO's research.

In reaction to this study's findings on discrimination, sexual harassment and corruption Unilever has claimed repeatedly that they are endemic, indicating that they not only supposedly affect their business but Kenyan society as a whole. While this is certainly true stakeholders should also be able to expect that a company does its utmost to address these issues, especially if, as in the case of Unilever, the company claims to be an ethical company. However, in its response to the findings of these studies the company was suggesting little could be done about it.

Since 2008 Unilever has claimed repeatedly, and later RA as well, that they cannot adequately deal with issues that supposedly occur such as discrimination, sexual harassment and bribery properly without having formal complaints by workers on these issues and/or the worker's details. However, the respondents in the field research were making their statements on the basis of strict confidentiality and so far none of them has been willing to testify formally. Indeed this dilemma implicitly exposes a key problem with the current policies at Unilever and RA: *the workers simply do not have enough confidence that their concerns if raised will be handled adequately and will not lead to retaliation and stigmatisation*. Also seeking redresses legally and/or police intervention is deemed ineffective and associated with high cost. This total lack of confidence came up clearly in the proper investigations by The Ecologist at the Unilever Kericho plantations in 2011 as well.⁵⁵ To illustrate the women interviewed told the Ecologist that they were afraid to lose their jobs, that the management could not be trusted to investigate properly and that the police would not take such claims seriously and would only take action in return for a bribe that the women simply could not afford.

It should also be noted that the argument regarding SOMO and ICN being unwilling to provide irrefutable proof, is a key element in Unilever and RA response, not only in their communication with SOMO and ICN, but also in reaction to the publication of the findings in the media as well. However,

⁵³ SOMO, 'Unilever overview of controversial practices 2007', May 2008, <http://somo.nl/publications-en/Publication_2523/at_download/fullfile> (17 May 2011)

⁵⁴ SOMO, 'Unilever overview of controversial business practices 2008', May 2009, <http://somo.nl/publications-en/Publication_3055/at_download/fullfile> (17 May 2011)

⁵⁵ The Ecologist, 'What's really in your cuppa?', 13 April 2011, <<http://tinyurl.com/63tm7bo>> (17 May 2011)

the lack of irrefutable proof of practices that have been reported on consistently over the years and recognised as endemic cannot offset the recognition that the systems put in place to avoid such practices by RA and Unilever have obviously failed to adequately mitigate them.

Meanwhile, however, SOMO's persistence over the years has apparently led Unilever to step up its efforts in this realm. In April 2011 just before a magazine named *The Ecologist* published its article that was to a large extent based on the 2010 research in Kenya, Unilever released a statement to SOMO⁵⁶. In the statement the company states among other things: 'UTK has also done a lot more since last year in an effort to engage our staff and to pick on any areas of weakness especially on sexual harassment, bribery, employment and housing.' For instance 'supervisory staff, just like management, are rotated or moved to new stations frequently to disallow permissiveness, laxity or any unprecedented power assertion/behaviour'. New workers are recruited with the aid of a ballot system 'which weakens some positive elements in the previous method where people would be vetted on plucking dexterity, ingenuity or simply personal capability with demonstrated productivity.' Unilever established a 'Dignity Enhancement Committee (DEC) whose role is to drive further the understanding of Code of Business Principles (CoBP) by all and to furthermore dig into sexual harassment or any other forms of harassment, discrimination, bribery or any uncouth or unbecoming behaviour by members of management or any other person or party within the strata'. Unilever 're-activated their CoBP compliance and the need for staff and any stakeholder to use the Ethics Hot Line (EHL)'. Finally they have initiated human rights trainings of their management staff and union members in collaboration with the Kenya National Commission on Human Rights (KNCHR).⁵⁷

These efforts indicate that Unilever is taking these so-called endemic issues more serious than ever before. Also the kind of efforts they are making with the committee and the rotation seem serious and might be appropriate. While it is too early to verify whether these measures are effective they are apparently not the result of signals being picked up by the local Unilever management but by SOMO's research. What is even more revealing is that this research demonstrates that these issues were either not adequately identified by Rainforest Alliance's social audits or that RA has granted certification too easily, without requiring measures to mitigate the adverse practices, prior to certification.

4.1.2 True, but there is no problem

The occurrence of casual labour and the adverse impacts thereof that was signalled in this research both in India and Kenya is a key issue that receives the Unilever RA response *true, but there is no problem*. Unilever and RA agree that large numbers of temporary workers are employed on the estates in Kenya and in India. Reactions by RA and Unilever to the implications of this kind of employment for the workers are short. RA claims for example that maternity leave is not legally mandatory for casuals in Kenya. Unilever stresses that the tea industry needs to rely on casuals due to its seasonal nature and it does nothing illegal.⁵⁸

Notwithstanding the nature of their reaction, there is a real problem. Presuming most casuals would prefer permanent work they are arguably disadvantaged by definition because they have no (medium) term job security. In this research it was also found that they are more vulnerable to possible exploitative practices. Moreover, casuals do not enjoy the same benefits as permanent workers. As

⁵⁶ Unilever, e-mail 12 April 2011

⁵⁷ "Unilever Tea promotes worker's rights", *The Standard*, 15 June 2011, <<http://www.standardmedia.co.ke/InsidePage.php?id=2000037213&cid=14&story=Unilever%20Tea%20promotes%20worker%27s%20rights>> (18 October 2011)

⁵⁸ *Ecologist*

already mentioned, in Kenya casuals are not entitled to pensions, medical care for children, maternal leave, sick leave and have to share crowded, unhygienic and dilapidated housing; sometimes no housing at all. In Assam casuals have no right to housing, medical care, maternity benefits, bonus, gratuity, subsidised food grains or social security. In the Nilgiris the temporary workers who receive weekly wages receive no benefits at all. Those that are paid monthly have all the benefits that accrue to permanent workers with the exception of pensions and gratuity.

There are indeed seasonal fluctuations in tea production with periods in which more workers are needed than in other periods. This pattern is inherent to many other agricultural sectors as well. However, tea picking, the most labour intensive aspect of tea production, and most other work as well such as pruning and tea processing is done all year round. As a result, at least in Kenya and India, tea work is largely year round and not solely seasonal in nature. Or in other words casuals are discriminated against by not receiving the same benefits as permanents for doing the same kind of work.

With some exceptions national and international regulation allows most of these discriminatory practices. They are, however, arguably in violation of SAN (RA) standard 5.2 in which the most relevant passages are underlined: *“Discrimination (Critical Criterion) The farm must not discriminate in its labor and hiring policies and procedures along the lines of race, color, gender, age, religion, social class, political tendencies, nationality, syndicate membership, sexual orientation, civil status or any other motive as indicated by applicable laws, ILO Conventions 100 and 111, and this standard. The farm must offer equal pay, training and promotion opportunities and benefits to all workers for the same type of work.”*

Legislation in Kenya permits prolonged and or even quasi-permanent employment through serial temporary contracts with brief intermezzos. The same applies to India, but here there are legal provisions that after having worked a certain period of time casuals are entitled to a permanent status (including all the benefits).⁵⁹ Because there is a structural need of labour in addition to the permanent workforce all year round, the practice of the estates in Kenya and India deprives many workers of better working conditions. Arguably such practices constitute a breach of the SAN standards. Standard 5.3 stipulates that: ‘the farm must not use mechanisms to avoid the obligations normally associated with labor contracts.’ More efforts could be made to bring the benefits of non-permanents on a par with the level of permanents. Nevertheless, given the current legal context in Kenya and the lax enforcement of RA standards and Indian regulation there appears to be little incentive for the tea companies to do that.

The other serious issue highlighted by our report, namely that Indian tea workers are not protecting themselves from health risks when applying agrochemicals, is not denied by RA either. However, RA suggests that workers not using Personal Protective Equipment (PPE) is a minor issue: *“Some of the workers do not always use the masks and gloves as they feel that PPEs hinder them while working.”* SOMO/ICN on the other hand finds that *nobody* is using PPE on any of the estates with the exception of Glemorgan estate. This practice cannot be disregarded as a minor issue, particularly in light of the fact that not using PPE during application of agrochemicals is a violation of SAN standard 6.13 (critical criterion). In practice however this situation did not lead to a withdrawal of certification.

⁵⁹ The Contract Labour (Regulation & Abolition) Act of 1970, Article 1 states ‘work performed in an establishment shall not be deemed to be of an intermittent nature-- (i) if it was performed for more than one hundred and twenty days in the preceding twelve months, or (ii) if it is of a seasonal character and is performed for more than sixty days in a year.’ Source: Government of Punjab website, Department of Labour, <http://pblabour.gov.in/pdf/acts_rules/contract_labour_regulation_and_abolition_act_1970.pdf> (18 October 2011)

The issue of discrimination of women on the Indian tea estates sampled was to some extent acknowledged by Unilever and RA. For instance, in Assam, women workers are discriminated in the supply of subsidised food grains. Whereas this is in compliance with state regulation clearly it is in violation of the RA standard on discrimination (SAN code 5.2 critical criterion). This report also flagged the fact that women do not have the same prospects for promotion in India which also constitutes a breach of the same provision of the RA standard. Both RA and Unilever merely note that there has been progress on this particular issue over the years.

4.1.3 No comment

A number of findings have not received a response at all, from either RA or Unilever. In Kenya there is no RA reaction to issues such as the bad condition of estate houses, the fact that they can be overcrowded, the dysfunctional RA contact details and casuals not being compensated for not being able to live on the estate. There is no reaction from RA concerning the problematic sanitary conditions reported in Behora.

4.1.4 Not true

Our research indicated that the workplace human rights of freedom of association and the right to bargain collectively are being hampered. In India both rights are clearly at stake. In Assam for instance because there is only one union that negotiates with the tea industry whereas other active unions are not recognised and dispute the Collective Bargaining Agreement. In the Nilgiris the situation is more complex but at the same time similar with one union clearly dominating and other unions being hindered in recruiting and in bargaining. In Kenya there is only one union and its activities are reportedly hindered by the management.

Referring to the trade union situation in the Nilgiris, RA insinuates fraud by arguing that the unions, workers and plantation management they consulted were not aware of this study being conducted at the time.⁶⁰ With the high number of workers working on these estates it is obviously unlikely that the same people were interviewed twice. Moreover, because of fear of retaliation they would not necessarily have admitted it either if they were indeed interviewed in the context of this study. This research does not claim to include consultation of the plantation management so it is no surprise that the management was not aware of the research taking place. Similarly, two trade unions (Neelamalai Anna Plantation workers Union & The Plantation Workers and Supervisors Union) that were consulted in the RA re-audit were indeed not consulted as part of this study. Nor was this in fact ever claimed.

⁶⁰ Rainforest Alliance, Rainforest Alliance response to Tea Research reports in India and Kenya, March 2011, <<http://www.rainforest-alliance.org/sites/default/files/site-documents/agriculture/documents/ra-report-on-complaints-unilever-tea-kenya-2010.pdf>> (18 October 2011)

As for the unions that were actually consulted both by RA and for this study it may be the case that different representatives were interviewed. Yet these research findings confirm concerns that have been publicly raised on previous occasions, so there is little reason to question the validity of the findings. A case in point, the Nilgiri wage controversy referred to in this study was raised previously in a publication by the Dutch National Union Federation (FNV) in 2008.⁶¹ At the time this caused quite a stir in India which also led unions that were consulted at the time to publicly state they were not consulted. Moreover, one of the defiant union representatives interviewed at the time was castigated by his own union as a result.⁶²

It should be noted as well that wage controversies in India are very legalistic by nature. However, regarding both Assam and the Nilgiris, RA merely reiterates the position of the dominant unions and the industry, which is, simply put, that there is no conflict over wages. Ironically, RA does acknowledge the Nilgiri wage issue by referring to it as being sub-judice.

Many of the findings related to housing conditions fit the same category of problems that are denied to various degrees by both RA and Unilever. For instance, regarding Kenya Unilever claims that housing is above national industry standards while at the same time it accepts that some houses are in bad condition but that these are being demolished. RA claims there are no issues with inadequate sanitation and water facilities. However, even the most recent research indicates serious and substantial housing problems in Kenya, and the research journalist of the magazine *The Ecologist* made similar observations.

Unilever and RA also denied the occurrence of discrimination in the form of forced pregnancy tests and discrimination and harassment of minorities at Unilever Kenya. Finally it should be noted that RA apparently fails to register a considerable group of casuals in the Nilgiri estates.⁶³

4.2 Discussion on impact of standard systems

Scant research has been done on impacts of sustainability standards in food and agriculture. A recent meta-analysis of publicly available scientifically credible research on impacts of global standard systems (sustainable certification) in the food and agricultural sector finds only fourteen relevant studies. It concludes that empirical evidence that sustainable certification provides significant benefits is limited.⁶⁴

⁶¹ FNV Mondiaal, May 2009, Unilever Erratum Annual Reports and Accounts, Adding Insecurity to Life, <<http://tinyurl.com/5vjfxq>> (18 October 2011)

⁶² Souparna Lahiri, e-mail 20 May 2011

⁶³ Rainforest Alliance, Rainforest Alliance response to Tea Research reports in India and Kenya, March 2011, <<http://www.rainforest-alliance.org/sites/default/files/site-documents/agriculture/documents/ra-report-on-complaints-unilever-tea-kenya-2010.pdf>> (18 October 2011)

⁶⁴ A. Blackman and J. Rivera, March 2010, The Evidence Base for Environmental and Socioeconomic Impacts of 'Sustainable' Certification, <<http://www.rff.org/documents/RFF-DP-10-17.pdf>> (December 2010)

Older impact research⁶⁵ – that does not apply to food production specifically or explicitly and does not necessarily meet the rigorous standards of the this meta-analysis - indicates that the system of norms set in global standard systems and verified through social auditing can positively impact workplace health and safety, wages, overwork, child labour and bonded labour. On the other hand standard systems generally fail to address more complex rights such as freedom of association, collective bargaining and non-discrimination.

The research for this study did not primarily focus on actual impacts but sought to assess conditions under a prevailing standard system, in this case Rainforest Alliance. It should also be noted that it is in no way implicated that all standard systems are equal in terms of strictness of their norms and the way there are implemented. However, there are many similarities. The main ones that appear relevant to the discussion here are the setting of strict and elaborate coded norms by a group of different stakeholders to which adherence is verified through commercial social auditing.

The findings of the case studies for this report clearly indicate that a range of issues flagged in the same research is not dealt with appropriately by the RA standard system. As such these results are supportive of the conclusion of the less recent impact research just discussed that standard systems are not dealing adequately with critical issues such as freedom of association, collective bargaining and discrimination. Other issues that seem to fit this same category are corruption and sexual harassment. However, it was found that other, albeit less complex, issues such as health & safety, minimum wages, housing and sanitary conditions are not addressed adequately either on the RA certified estates that were subject of this research.

Based on the evidence and discussion presented in this report it is difficult to say what exactly is hindering effective implementation of standards such as those of RA. However, it most likely is a mix of social auditing not being sensitive enough to register a number of issues flagged in the research and norms not being strict enough, or maybe not being interpreted strictly enough. A fundamental problem seems to be the lack of trust and confidence amongst workers to speak openly and freely to social auditors, as a result of which many sensitive issues remain undetected. Another factor causing incomplete or incorrect audit results may be that inspection visits do not take place unannounced, providing the opportunity to hide non-compliances. Finally, the financial relationship between the social auditor (RA auditors) and the audited company that usually pays for the audit may provide an incentive to portray a more rosy picture of the situation than the reality.

It seems that most of the issues raised by the workers in the sampled estates (with the exception of issues categorised under the 'true, but there is no issue') have not been picked up adequately in the audits. The problem seems to be mostly related to fact that the audits are apparently not sensitive or not effective enough to pick up on these issues. Critics of commercial social auditing point to inherent problems such as audits being too brief and shallow (a compliance-oriented tick-box exercise); not informed enough (not involving/hearing critical voices from NGOs/Trade Unions/academics); missing delicate issues (lack of trust); and the vulnerability of social audits to manipulation. This study indicates that at least the latter three problems may have played a role here.

⁶⁵ See for instance: Clean Clothes Campaign, Looking for a quick fix, 2005, <<http://www.cleanclothes.org/component/content/article/1166>> (June 2010) & Ethical Trading Initiative, Impact Assessment 2006, <<http://www.ethicaltrade.org/sites/default/files/resources/Impact%20assessment%20summary.pdf>> (June 2010)

Of course no standard system could possibly guarantee of a complete absence of workplace related problems. Indeed incidental violations of the norms, such as accidents, can always occur. The research approach taken in this study unfortunately did not allow for proper quantification and estimation. However, it seems that most of the problematic working conditions in this study are not incidental but systemic in nature. Moreover, and consequently, it is likely that the issues raised by the workers are in this report hinder a great number of people; not just a few.

Next to issues not being noted (sufficiently) in the audits, there is also a category of issues, referred to above as the 'true, but there is no issue' category that, as the label indicates, are on RA's radar but were not judged as being problematic enough for the estates to lose their certification. So here interpretation of the findings and not the quality of audits is disputable. It should be noted that for this report there was no information about what was signalled in any audit prior to the RA audit that was conducted to verify the issues that were raised in this report. So it cannot be verified if the RA reaction to these issues was based on prior knowledge either. However, now that RA is conscious of issues such as mechanisms to avoid hiring permanents though serial hiring of casuals, unequal benefits for casuals in both countries, and the discrimination of women and unsafe handling of pesticides in India, it has still not changed its assessment of the certification of these estates.

It is important to note here that what was found in this study in terms of working place related problems is likely to involve many other tea estates as well. Indeed one could say that working conditions are generally precarious in the tea industry, as SOMO and others have repeatedly indicated, and this is why adequate measures are called for.⁶⁶ One of the responses from the industry has been the adoption of sustainability standards such as RA. In theory this is a commendable development, however, the findings indicate that many problems persist despite RA having been implemented. Indeed at Unilever Kenya the first research at their plantations in 2007 took place just months before the company was granted RA certification. Based on these findings it can only be concluded that little if anything has changed in terms of the issues that were flagged by the workers.

No similar research has been done on the estates in India prior to RA certification, hence no comparisons can be drawn. Yet there is little to suggest that RA certification has managed to raise the bar for these companies in terms of sustainable production. To illustrate, the estates visited in India have always been considered from a social and environmental perspective to be fairly good tea gardens. Behora, for instance, is known as one of the better tea gardens in Assam in terms of labour standards and fringe benefits accruing to workers. As such the fact that not more problematic working conditions were found might be unrelated to any improvements made at these estates as a result of RA certification.

⁶⁶ S. van der Wal

5 Conclusion

This study found that working conditions on tea estates that supply Unilever are problematic despite having been certified by the sustainability standard system RA.

On all the RA certified estates in India there were issues with wages either including too few benefits or partly being paid in kind and not in cash. Also women workers are being discriminated against (promotion, benefits), many casual workers remain permanently casual and workers are applying pesticides without protective gear. Moreover, most of these issues constitute violations of Indian labour legislation and ILO standards as well as Unilever's own standards for suppliers. All of them are violations of RA standards and should, according to the principles of this standard, lead to withdrawal of RA certification.

Working conditions on Unilever's own tea plantations in Kericho were different but just as problematic. Workers reported sexual harassment and ethnic and gender discrimination, all constituting violations of ILO, RA standards and Unilever's own code of business principles (CBP). In addition, the poor housing conditions for casuals and the casual status of many de facto permanent workers are RA standard violations. Violations of RA standards on discrimination should, according to the principles of this standard, lead to UTK losing its RA certification as well.

Considering the results of other research on the impacts of sustainability standards, it does not come as a surprise that critical and thorny issues such freedom of association and the right to collective bargaining, discrimination, corruption and sexual harassment are not being addressed properly, if at all, by RA. The *raison d'être* of standards such as RA certification is largely to provide consumers with confidence that labour rights (next to environmental concerns) are respected. Nevertheless it remains disturbing to have to conclude that they do not seem capable of delivering any real guarantees on the matter and that therefore they should not be making such claims. All the more so because less complicated issues such as health & safety, minimum wages, housing and sanitary conditions are not addressed adequately by the RA standard system either.

A number of possible explanations have been tabled in this study to explain this disconnection between the theory of RA standard and the reality on the ground. It was noted that social auditing might not be sensitive enough and/or that RA standards are not interpreted strict(ly) enough. Audits were in fact found to be manipulated, being too shallow (not informed enough) and being biased (maybe because of commercial dependency). In addition it was noted that at least in Kenya there is a fundamental lack of trust and confidence amongst workers to speak openly and freely to auditors (and other authorities for that matter).

Based on this study's findings a number of recommendations can be made. Firstly there is a need for more independent research on the impact of standard systems to get a better grip on what is effective and what is not and why this is so. The *validity* of the tentative conclusions could be enhanced by more research being carried out in the same vein in different countries, focusing on different companies and different standard systems. Similarly the *reliability* of such research would benefit from comparing certified with non-certified companies, preferably over a period of time. There should also be an investigation into how instruments/tools of standard systems are to bring about impacts (theory of change). Finally there should also be more focus on how standards are actually interpreted by auditors (e.g. through consultation of so-called guidance or interpretation documents).

Secondly the conclusions of this report already seem to warrant making a number of recommendations to RA and the companies that are working with RA. They should conduct more due diligence by properly investigating the problem areas flagged in this research and their causes. Allow for and seek out more critical voices/perspectives in investigations and be more skeptical in auditing and stricter in interpretation of standards in general. Finally it is also recommended to be more transparent to stakeholders about the difficulties encountered in the realm of labour conditions and to be open to working with others on solutions. This might entail acknowledging that current practice is not sufficiently able to deal with problem areas flagged in this study and/or others and there might be a need for other complementary approaches such as dedicated training and capacity building programmes as well as sectoral or national approaches.

Annex

Unilever response to SOMO draft report

Below is the statement by Unilever sent to SOMO by email on 12 April 2011 in the wake of the to be published article by the UK magazine the Ecologist on conditions at the UTK plantations. Next to their own field research the article in the Ecologist borrows from the draft field research done for this study by SOMO in Kenya.

Response to SOMO draft report⁶⁷

UTK has also done a lot more since last year in an effort to engage our staff and to pick on any areas of weakness especially on sexual harassment, bribery, employment and housing.

Sexual Harassment

The root cause of this problem, as picked up by KHRC, is the serious unemployment issue which is affecting the whole country - Kenya. In situations like this and in that past, some women would befriend a supervisor and even give-in to having sex with him or even live with him as a second wife. In the latter situation it is only after a sour relationship or breaking of a relationship, when the woman resorts to breaking news of their private lives/association.

In no way had this reached UTK senior management except when explained to by KHRC during a meeting with them at Nairobi. During this meeting we kindly requested that they give us names of our staff or follow up further with the victims so she can get these names which would enable UTK to take decisive disciplinary/dismissal action. To date, this has NOT happened despite our written request to KHRC Chief Executive whom we have also invited to visit our estates so she may see for herself say, the housing being talked about in comparison with houses at workers districts/homes, other plantation businesses (say sisal or coffee) or in the various rural and even the urban areas in this country.

1. Employment of seasonals

UTK changed to employing seasonals, on term contracts, in accordance with the Kenyan Labour Laws that that borrows greatly from the Employment Act 2007. At no time has UTK employed casuals (paid daily at end of defined task).

Since employment is, in many ways, the root cause of the many problems described above, this action, in its entirety, has now been transferred to Unit Management. UTK LT has issued a guideline for employment and a statement that no one else, within a unit, has the responsibility of taking in new seasonal employee or the aspirant's Identity Card or any documents except Unit management alone. The method has also been stipulated by HRBP that management advertise widely then allow a ballot system where the person picks rolled paper with a 'YES' or 'NO' writing during the recruitment day. This process weakens some positive elements in the previous method where people would be vetted on plucking dexterity, ingenuity or simply personal capability with demonstrated productivity. This certainly is the new way forward.

2. Supervisory Staff Transfers

UTK has, as a matter of policy, now put in place a structure that ensures that Supervisory staff, just like management, are rotated or moved to new stations frequently to disallow permissiveness, laxity or any unprecedented power assertion/behaviour.

⁶⁷ Unilever, e-mail 12 April 2011

3. **Dignity Enhancement Committee (DEC)**

Last year UTK established a Dignity Enhancement Committee (DEC) whose role is to drive further the understanding of CoBP by all and to furthermore dig into sexual harassment or any other forms of harassment, discrimination, bribery or any uncouth or unbecoming behaviour by members of management or any other person or party within the strata.

DEC briefs the Leadership Team (LT) at least once, every quarter, but the members, who are largely women (from management, Staff & Workers' teams and many from the shop floor plus Unions representatives or members) have also been encouraged to report, at any time, directly to management, LT or direct to the Ethics Hot Line any CoBP breaches, any harassment or a CoBP non-compliance.

4. **Education on the Ethics Hot Line – A Re-activation**

UTK has re-activated Code of Business Principles (CoBP) compliance and the need for staff and any stakeholder to use the Ethics Hot Line (EHL). Each noticeboard, at the Unit offices, social Halls, canteen and village shops have the A4 EHL green coloured paper stack on it.

Currently, all WL1 and above category of employees, have just had re-training at the Lipton Knowledge Centre and have signed a confirmation document that they now have access to a CoBP document or pamphlet. Several examples of harassment, discriminatory and other CoBP breaches and good conduct policies and behaviour were worked on during syndicates and specific concerns on UTK side were recorded for action. This CoBP education is ongoing and UTK's goal is now to ensure a full rollout of this, all the way, to the shop floor.

5. **Education on Human Rights**

We attended a KNHRC workshop held in Naivasha early this year. The workshop was attended by Human Rights Ambassadors and Activists from Holland, South Africa, Kenya, Uganda, Tanzania, USA, UK and other parts of the World.

With this connection, though the subject was more on water use, I requested the Kenyan Ambassador, Wambui, who also agreed to visit Kericho and to organise to train UTK Management, Supervisory and Union members on Human Rights. KNHRC will also undertake Training of Trainers (ToT) that will, ultimately, foresee the rollout and the cascading of the Human Rights Training to the shop floor.

6. **Medical Examination (ME)**

UTK LT has also put in place structures that ensure that Medical Examination is in NO WAY used as a discriminative aspect. The ME has to be carried out, by a UTK qualified personnel – a lady for ladies and that no Pregnancy test is undertaken. Instead the ME is used as a health baseline and for fitness to job e.g. working at heights etc. Also ME can only be undertaken once the person has picked the 'YES' ballot and is due to start work anytime the tests have been undertaken.

The Dignity Enhancement Committee (DEC - see definition above) has a role to play here in alerting management or an LT or the LT in case of a communication breakdown or non-compliance in this area.

7. **Staff & Workers' Committee**

UTK has, in each operation or service Unit, a Staff & Workers Committee made up of Union members and elected Staff & Workers' elected representatives. This Committee meets with Unit management, at least once every quarter, and the minutes of these meetings are circulated to Heads of Departments/Operation Managers. The purpose of the meeting is to discuss welfare issues that touch on housing (demand and repairs/maintenance), village security, water, health, Code of Business Principles (CoBP) and other employment, industrial relations/Union and PR issues.

UTK LT has now taken affirmative action to ensure that women representatives are increased considerably in the S&WC so as to bring to fore women concerns and to encourage women and fellow workers, whom they represent, to feel free to share any form of harassment; sexual, discrimination or otherwise, with these representatives or directly with management.

8. Allocation of Housing

The Staff & Workers Committee is now charged with house allocation at each Unit. It is important to state categorically that UTK has 12,500 houses meant for permanent employees only. The old type Finnamores or the very old round roofed houses are being demolished.

In the Rainforest Alliance report that you have just seen, it is true that UTK houses are much better than houses within the plantation businesses e.g. sisal and coffee and without any prejudice, and with the spends in 2008/9/10, UTK is indeed one of the leaders in the provision of good housing and sanitary facilities. UTK has also taken on the Rainforest Alliance's waste separation initiatives and the new waste disposal measures that has left the villages clean and tidy, at all times.

9. An Unfortunate Timing on KHRC visit - It was just after the PEV in Kenya

It is unfortunate that that KHRC clandestinely, visited the tea estates just after the Post Election Violence (PEV) that rocked the entire country and which happened immediately after the disputed elections in 2008. A lot of house damage occurred at that time and some of the houses still had broken windows and not in good state at the time of her visit.

At this moment in time also, due to the Internally Displaced Persons (IDP) problem, the employment seemed to have been concentrated on the locals in this area – the Kalenjins. This was a matter of life and death and many other tribes had not returned fully. No wonder, the apparent misconception or misinterpretation of facts by the KHRC writer then. Most (>90%) UTK IDPs returned to work when calm was ensured.

The discrimination aspect is therefore, totally untrue and entirely misplaced. We however have since the PEV, worked with the local leaders, Members of Parliament and KOF to improve our image, reputation and the way we do things within the Unit and within the areas of the Community surrounding us. We encouraged peace and reconciliation, launched a Business Transformation concept with a jointly drawn Kiswahili motto 'Tustawi Pamoja' meaning 'Lets Grow/Develop Together' which, I believe, has greatly changed the approach, the language, the perception and the way we do things here. This has greatly improved the engagement which, I further believe, has contributed immensely to the great UTK performance from the time of PEV in 2008.

After the said unfortunate timing by the KHRC, we have since tried to have KHRC visit UTK. Todate, this has not happened. We, however, are optimistic and we will keep pursuing this. We hope this will happen this year and we also hope that their comments, after such a visit, will be change completely and that others will get to know where the truth is.

Certified Unilever Tea

Small Cup, Big Difference?

Wages with too few benefits or partly being paid in kind and not in cash, gender discrimination, ethnic discrimination, casual workers remaining permanently casual, workers applying pesticides without protective gear, sexual harassment, bad housing and hampered freedom of association and collective bargaining... These are some of the problems that affect tea workers on estates that have received certification from the sustainability standard system Rainforest Alliance (RA).

In response to growing concerns voiced by civil society organisations regarding the precarious working conditions of the millions of tea workers worldwide, multinational tea packers, such as Unilever, who dominates this sector, are increasingly relying on sustainability standard systems, such as Rainforest Alliance, Utz Certified and Fairtrade, which are generally seen as best industry practice. This study wanted to find out whether working conditions on large tea estates that have achieved RA certification and supply Unilever are truly decent. To this end one hundred tea workers were interviewed on a total of eight tea plantation companies, all supplying tea to Unilever. Seven of these plantations are located in India and the remaining plantation concerns Unilever's own tea plantation in Kenya.

The problematic working conditions that were found on these estates despite their RA certification indicate that RA does not seem capable of delivering any real guarantees on decent working conditions; at least not with regards to the tea plantations sampled for this research. Possible explanations for the apparent disconnect between the theory of RA standard system and the reality on the ground are that the social auditing is not sensitive enough or RA standards not being interpreted strictly enough, or a combination of the two.

The study calls for more independent research on the impact of standard systems to get a better grip on how they are effective or not, and why this is so. It also recommends that RA and the companies that are working with RA should conduct more due diligence by properly investigating the problem areas flagged in this research and by addressing their causes. This might entail being open to working with others on solutions that could include dedicated training and capacity building programmes as well as sectoral or national approaches.

