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Ethical trade in African horticulture: gender, rights and participation

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Summary

Codes of conduct covering employment conditions of southern producers have gained popularity over the past decade. In African horticulture employers now face a plethora of codes coming from supermarkets, importers, exporters and trade associations. Women constitute the majority of workers in African export horticulture. However, men are often in permanent employment, whereas women tend to work in temporary and insecure jobs. This report provides an in-depth assessment of gender and ethical trade in South African fruit, Kenyan flowers and Zambian flowers and vegetables. It examines the gendered needs and rights of workers, as articulated by workers themselves, and how these could best be addressed by codes of conduct. The research paid particular attention to vulnerable groups such as women and seasonal, casual and migrant workers, who typically face a different set of constraints and opportunities in employment. This paper discusses the nature of employment and working conditions found in the sub-sectors, and the varying perspectives of workers and employers toward these conditions. It summarises key gender issues in employment and outlines how they relate to codes. It explores the benefits of “participatory social auditing” for assessing workplace issues, especially gender issues. It describes the value of a local multi-stakeholder approach to code implementation and the extent to which stakeholders in South Africa, Kenya and Zambia have embraced the process thus far. Finally it identifies policy recommendations for best practice in code implementation.

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Acronyms

AEAAZ	Agricultural Ethics Assurance Association of Zimbabwe
BRC	British Retail Consortium
DFID	Department for International Development (UK)
EUREP	European Retailers Representatives Group
ETI	Ethical Trading Initiative (UK)
FGD	Focus Group Discussion
FLP	Flower Label Programme (Germany)
FPEAK	Fresh Produce Export Association of Kenya
HACCP	Hazard Analysis Critical Control Point
HEBI	Horticultural Ethical Business Initiative (Kenya)
KFC	Kenya Flower Council
ILO	International Labour Organisation
NGO	Non-governmental Organisation
NZTT	Natural Resource Development College/Zambia Export Growers Association Training Trust (Zambia)
MPS	Milieu Project Sierteelt (Netherlands)
OH&S	Occupational Health and Safety
PPE	Personal Protective Equipment
SSI	Semi-Structured Interview
WIETA	Wine Industry Ethical Trade Association (South Africa)
ZEGA	Zambia Export Growers Association

1 Introduction and aims ¹

Throughout Europe and North America pressure from NGOs, trade unions, shareholders, consumers and media has led to a dramatic growth in codes of conduct covering the employment conditions in global supply chains. These codes have been widely applied in Africa's export horticulture sector, where fresh fruits, vegetables and cut flowers are grown for European (and other) markets. The horticulture sector faces a number of challenges to improving the conditions and rights of its workers. It is characterised by high levels of non-permanent work (temporary, seasonal, casual, migrant and contract) and female employment, with women often concentrated in the most labour-intensive and insecure forms of work. Long working hours and hazardous conditions are also common. For codes to deliver substantive changes in working conditions, they need to ensure that the rights of *all* workers are protected, including those of marginalised workers.

This report presents a summary of the findings of Phase II of a research project on gender and codes of conduct in the African export horticulture sector.² Phase I provided an initial mapping of codes of conduct and their gender content, and the extent to which stakeholders participated in the code development process in South Africa, Kenya and Zambia (Barrientos, Dolan and Tallontire 2001). It found that a plethora of codes had been introduced in the sector, coming from European supermarkets, importers, exporters, trade associations and various international institutions, but that the extent to which code content addressed gender concerns was variable. The study also found that while codes can be effective instruments to raise the standards of permanent workers, they often overlook the conditions faced by men and women in insecure forms of employment, which often form a significant proportion of the horticulture workforce.

Phase II built on these findings by focusing on the process of code implementation, through in-depth research in the Kenyan flower, South African fruit, and Zambian vegetable and flower sectors. Phase II examined the gendered needs and rights of workers, as articulated by workers themselves, and how these could best be addressed by codes of conduct. The research paid particular attention to vulnerable groups such as women and seasonal, casual and migrant workers, who typically face a different set of constraints and opportunities in employment. The aims of the project were to:

- analyse how ethical trade can enhance the economic and social rights of women and men workers in African export horticulture;
- identify best practice in implementing gender-sensitive ethical trade based on worker and stakeholder participation.

¹ This report is based on a research project funded by the UK Department for International Development (SSR). DFID supports policies, programs and projects to promote international development. DFID provided funds for this study as part of that objective, but the views and opinions expressed are those of the authors alone.

² Individual Country Reports with more complete details will be published in 2004 and made available on the IDS website: www.ids.ac.uk, and NRI website: www.nri.org/NRET/gender.htm. For more information, contact Sally Smith on s.smith@ids.ac.uk, or Stephanie Barrientos on s.barrientos@ids.ac.uk.

This report is organised as follows. Section 2 provides an overview of export horticulture in Kenya, South Africa and Zambia, and the types of codes that are applied in the sector. Section 3 outlines the methodology used for the research. Section 4 presents the views of producers in each country in relation to codes. Section 5 discusses the nature of employment and working conditions found in the sub-sectors, and the varying perspectives of workers and employers toward these conditions. Section 6 summarises the gender issues in employment and outlines how they relate to codes. Section 7 explores the benefits of “participatory social auditing” for assessing workplace issues, especially gender issues. Section 8 describes the value of a local multi-stakeholder approach to code implementation and the extent to which stakeholders in Kenya, South Africa and Zambia have embraced the process thus far. Section 9 identifies policy recommendations for best practice in code implementation. Section 10 summarises the findings and concludes.

2 African horticulture, employment and codes: Kenya, South Africa and Zambia

2.1 Exports

The growth rates of horticulture commodities have been impressive in each of the countries included in the study. In Kenya horticulture is the fastest-growing sector of the economy, generating over US\$270 million and accounting for 22 per cent of all agricultural exports in 2000. This performance is largely attributable to cut flowers, which surpassed coffee as the nation’s second largest source of foreign exchange in agriculture, bringing in US \$118 million in the year 2000 (Gachanga 2002). In South Africa total fruit exports accounted for 30 per cent of all agricultural export trade in 1999, when the total value of deciduous exports alone stood at US \$700 million (Deciduous Fruit Producers Trust, direct communication, 2000). In Zambia horticultural products have contributed to growth in agricultural exports over the past decade. In the latter part of the 1990s year on year growth of horticultural agricultural exports exceeded 40 per cent on average and amounted to \$63 million in 1999 (\$20 million for vegetables and \$43 million for flowers) (Giovanucci *et al.* 2001).

2.2 Production

There are important differences in the production processes in Kenya, South Africa and Zambia, and in the way in which their industries operate. South Africa has approximately 2,000 fruit farms, most of which are commercial farms producing for export via an export agent (de Klerk n.d.). Kenya has a large number of flower farms, approximately 500, but over 60 per cent of total exports are supplied by two dozen large scale flower operations which export directly (Thoen *et al.* forthcoming). Zambia has far fewer producers, with only 22 flower and 3 vegetable farms of commercial scale; these export directly and are supplemented by around 300 small-scale vegetable outgrowers (NZITT, direct communication, 2003). Notwithstanding this diversity, all three countries rely heavily on European markets for their exports. In 1998–99, for

example, most horticultural exports went to the European Union – 66 per cent of all South African fruit, 94 per cent of Kenyan flowers, and 100 per cent of Zambian vegetables and flowers.³ Producers in each country are therefore deeply affected by any changes in the European market, including the recent trend towards ethical trade.

2.3 Employment

South African deciduous fruit employs an estimated 283,000 workers; in the Kenyan cut flower industry employment is estimated to be 40–70,000; and in Zambia flowers and vegetables, estimated employment is 10,000 (see Table 2.1). The pattern of employment varies by sector and country, with women comprising between 35 and 75 per cent of employment in each sector/country. Women are concentrated in the segments of the production process that hold the most significance for the quality of the final product, such as picking, packing and value-added processing activities. Women are more likely to be located in temporary, seasonal or casual employment than permanent, with the exception of flowers where there is a higher concentration of permanent work (Dolan and Sorby 2003).

Table 2.1 Estimates of employment in export horticulture in South Africa, Kenya and Zambia

	Total employment	% temporary, seasonal, casual	% female
Kenyan flowers	40,000–70,000	65 %	75 %
South African deciduous fruit	283,000	65–75 %	53 %
Zambian horticulture Veg	7,500	77 %	56 %
Flowers	2,500	32 %	35 %

Note: The employment figures for South Africa may now be lower following a period of retrenchment. *Sources:* de Klerk (n.d.), Kritzinger and Vorster (1995 and 1996); NZTT (direct communication, 2003); Blowfield *et al.* (1998) and KFC (direct communication, 2002).

There are some differences in the gendered employment context of the three countries, but despite this the underlying gender environment is similar. In Kenya casual and temporary workers are legally required to be promoted to permanent status after eight months, but they are often found returning year after year on a renewed temporary contract. In Zambia any worker continuously employed for more than six months is entitled to a permanent contract; however many workers are employed for this maximum and then “rested” before being re-hired later in the year. In South Africa many women living on-farm work in the season as an implicit condition of their male partners’ permanent employment. In all three countries gender discrimination in employment is embedded in social norms that consider women more compliant

³ Reported in Barrientos, Dolan and Tallontire (2001).

and better suited for certain types of horticultural work (such as picking and packing), coupled with perceptions that women's income is supplementary, rather than central, to household well being.⁴

2.4 Codes

There is some variation across countries and products in the codes of practice covering employment in African horticulture. Moreover, some codes such as EUREPGAP have minimal social provision, while others such as the ETI Base Code are focused solely on employment. The main codes operating in our African case studies were:

- *Company codes:* UK supermarkets codes, most of which are based on the ETI Base Code (see below); UK importer codes, based on the codes of the supermarkets they supply; South African exporter codes, based on the codes of their UK buyers.
- *Northern sectoral codes:* EUREPGAP Protocol for Fresh Fruit and Vegetables, developed by a network of European retailers to ensure best practice in the production of fresh produce; MPS, managed by a Dutch organisation and focused on the environmental impacts of flower production, with an additional Social Chapter; Max Havelaar Switzerland Criteria for Fairtrade Cut Flowers.
- *Southern sectoral codes:* Kenya Flower Council (KFC), Fresh Produce Exporters Association of Kenya (FPEAK), and Zambia Export Growers Association (ZEGA) all have their own codes of practice, each with a social chapter or "worker welfare" section.
- *Multi-stakeholder codes:* ETI Base Code, developed by company, trade union and NGO members of the UK's Ethical Trading Initiative; International Code of Conduct for Cut Flowers, developed by NGOs and trade unions in Europe, and used by the German-based 'Flower Label Programme' (FLP).

UK supermarkets determine the main codes that growers in South Africa are implementing (mostly ETI-based codes and EUREPGAP), with to date no Southern sectoral code in the deciduous fruit sector. In Zambia vegetable growers face UK supermarket and importer codes, as well as the ZEGA code, while for flower growers MPS and ZEGA are the most relevant. In the Kenyan flower sector KFC and MPS are the dominant codes, with FLP on the increase; most of the major UK supermarkets have until recently relied on KFC as a benchmark for their own codes.

⁴ For more detailed discussion of the employment context in the three countries see Barrientos, Dolan and Tallontire (2001), *ibid*, www.nri.org/NRET/genderet.pdf.

3 Methodology

In each of the three country sectors we examined current practice in relation to codes of conduct. We particularly explored the potential for advancing participatory social auditing and local initiatives incorporating a range of stakeholders. A sample of 17 companies was purposively selected for in-depth research. While the selection ensured coverage of different codes and categories of workers, it was not statistically representative. The willingness of employers to collaborate was critical to the success of the project, and as such there was a bias towards relatively progressive companies.

The methodology was designed to explore how gender-sensitive issues in employment can best be assessed, and included the use of semi-structured interviews (SSIs) and participatory focus group discussions (FGDs) with workers, as well as SSIs with company management and key informant interviews with industry, civil society, code organisations, auditing companies and government. In total, 261 workers were randomly selected for participation, approximately two-thirds of whom were women. Criteria for selection included gender, employment status (permanent, seasonal, casual, contract, migrant), work site (packhouse, field, spray team, etc), and living arrangements (on-farm/off-farm). The majority of interviews and FGDs were conducted at the workplace (in a private location) during working hours.

Table 3.1 Profile of worker sample in each country

	Permanent		Non-permanent		Total
	Male	Female	Male	Female	
Kenyan flowers	25	36	11	28	100
South African fruit	7	18	9	34	68
Zambian veg. and flowers	10	31	17	35	93

Note: For triangulation we also separately interviewed 10 supervisors in South Africa, 6 junior managers or supervisors in Zambia, and 6 supervisors in Kenya.

Fieldwork was carried out from June to December 2002. In 2003 we held workshops in each country to present preliminary findings to stakeholder representatives and receive feedback for integration in the final Country and Summary Reports.

4 Producers and codes

All but one of the companies in the study were implementing at least one code covering employment practice, as well as other codes unrelated to workers' rights (e.g. HACCP and BRC). The UK supermarket and importer social codes were only just starting to trickle down from exporters to producers in South Africa, whereas in Kenya and Zambia there was a far greater level of awareness of these codes among producers selling to the UK as they export directly rather than via an agent. While the local codes were largely being audited by the industry itself (first party auditing), most other social codes were subject to second party auditing or monitoring by buyers or code organisations. In isolated cases supermarkets have

paid for third party audits of their code. Although EUREPGAP requires third party auditing, the social content of the code is minimal and according to producers only superficially audited.

In general producers found codes to be useful management tools, though this largely related to the technical side of codes. Some complained about the cost of implementing and auditing so many codes, and others felt certain requirements were inappropriate for the local context; again, this was mainly in relation to technical codes, but also to some extent social codes. Perhaps not surprisingly, local industry codes were the most popular with producers, with both their content and implementation viewed as more sensitive to the local context. There were some feelings of resentment about buyers demanding compliance with codes without providing assurance that they will give preferential treatment to suppliers who go to considerable lengths to do so. That they instead continue to source from companies and countries which violate codes led some producers to complain of double standards. In a context of increasing demands for ethical production, some producers felt that ethics also needed to be introduced into trading relations.

Having said that, it was evident that social codes had contributed to a “culture of change” in which producers acknowledged a need to “police” their industries to ensure that any unethical working practices were stamped out. In part this is a reflection of the fact that the producers in our study were relatively progressive, but clearly their views and actions could play an important role in raising standards across their industries. This culture of change cannot be attributed entirely to codes – in Kenya and South Africa local civil society pressure to recognise workers’ rights has helped raise awareness of the need for change. Most producers also realised that achieving quality standards (for access to lucrative markets) required more “professional” farm management, including better human resource management, and some saw a direct link between worker welfare and productivity. The combination of these factors has led to a number of improvements in working conditions, including the following (in some or all companies):

- Health and safety measures, including: better storage and disposal of chemicals and use of Personal Protective Equipment (PPE) when handling chemicals; improved toilet and washing facilities, with separate toilets for men and women; provision of potable water; access to medically trained staff; health education.
- Formalisation of employment relations, with written contracts detailing terms and conditions, the introduction of pro-rata benefits to seasonal and temporary workers, and a move away from long-term casual labour.
- Upgraded accommodation, and provision of childcare and schooling facilities.
- Enhanced opportunities for women to obtain junior management positions.

Box 4.1 Examples of good practice relating to women workers

While there were a number of examples of good practice in relation to women workers, two in particular stood out:

- A company in Kenya has set up a Gender Committee specifically to address issues of concern to women. Representatives from all areas of the workforce are elected onto the committee, where they meet with senior management to raise issues and seek solutions. Among other things, they have instituted training on women's rights and private counselling sessions for sufferers of domestic violence.
- In Zambia one company recently introduced an 'Anti-Harassment Policy', with a comprehensive programme to educate workers about policy and procedures regarding verbal, physical and sexual harassment in the workplace. All employees, including supervisors and managers, are trained in small groups, separating men and women, and a procedure has been put in place for reporting incidences. They have also produced a small leaflet introducing the policy and procedures in simple language, for distribution to all staff.

5 Workers' views on their employment⁵

As indicated, most producers recognised the importance of good employment practices and seemed genuinely committed to making improvements. However, what emerged from the research was that they sometimes had a limited understanding of the problems that their workers faced. To some extent codes (including audits against codes) had helped raise awareness of certain potential issues, such as discrimination and sexual harassment, but in general producers were making changes based on their own perceptions and not those of workers. Very few workers in our study had any knowledge of codes, despite the fact that some companies had been implementing them for several years. Most of those that did thought they related only to technical specifications, with only a few aware that there were codes covering workers' rights (see Table 5.1). It was evident that in all three countries workers had generally not been involved in the implementation of codes.⁶

Table 5.1 Percentage of workers aware of codes and what codes are

	% aware of "codes"*	% aware codes relate to workers' rights
Kenyan flowers	22 %	7 %
South African fruit	13 %	3 %
Zambian veg. & flowers	31 %	4 %

*Including EUREPGAP, HACCP and other technical codes

Source: Worker interviews (Kenya, South Africa and Zambia, 2002)

⁵ This section provides an overview of workers' views on their employment across the three study countries. For more detailed information for each country, see the individual Country Reports (Dolan *et al.* 2003 for Kenya, Tallontire *et al.* 2004 for Zambia, Barrientos *et al.* 2004 for South Africa). Contact Sally Smith on s.smith@ids.ac.uk, or Stephanie Barrientos on s.barrientos@ids.ac.uk, for more details.

⁶ Lack of worker awareness of codes does not necessarily mean that codes have no impact, but it constrains deeper, more long-term improvements in workers' rights.

In the following sections, we summarise the views of workers regarding their employment. We have used common code “themes” as a framework for this analysis, derived from the codes that were being used by the companies in our sample. Most of these themes relate to the ILO Conventions that are the foundation of labour rights and which are referenced in the more comprehensive rights-based codes, such as the ETI Base Code.⁷

5.1 Security of employment

Many codes refer to the provision of “regular employment” based on an established legal relationship between employer and employee, often stipulating the use of contracts. Many permanent and seasonal workers in all three countries did have written contracts, although in some cases the contents were limited to basic details such as wages, duration of contract and number of leave days, and therefore provided little legal advantage to workers. Casual and contract workers were far less likely to be given written details of their employment. Importantly, many of those with contracts claimed not to have received a copy (see Table 5.2) and often the contract was not written in their mother tongue. While contracts were usually read to workers prior to signing, they did not remember what was said, and even those with copies of their contracts had minimal understanding of the content. Given relatively low levels of literacy among agricultural workers, and the complicated language used in many contracts, this is unsurprising. The implications of this are raised in several of the following sections, and indicate a pressing need for workers to be given appropriate training on their rights and obligations at work.

Table 5.2 Percentage of workers with written contracts and copies of contracts

	Written contract signed		Worker had copy	
	Permanent	Non-perm.	Permanent	Non-perm.
Kenyan flowers	59 %	31 %	24 %	19 %
South African fruit	92 %	84 %	24 %	2 %
Zambian veg. & flowers	46 %	42 %	24 %	15 %

Source: Worker interviews (Kenya, South Africa and Zambia, 2002).

In spite of fairly widespread use of contracts, job insecurity was a major concern for workers in all three countries, especially non-permanent workers. For example, in three out of eight focus group discussions with non-permanent workers in South Africa, participants ranked “job insecurity” as the most important problem they faced, ahead of “low wages” and other issues. Though many employers indicated that they preferred to hire the same seasonal workers each year for continuity, workers felt they had no guarantee of employment from year to year. Furthermore, the research also found that in all three countries many non-permanent workers were on “rolling contracts” and in reality worked year round, but again with no

⁷ The content of codes being used in African horticulture was analysed in the first phase of the study. For a full discussion, see www.nri.org/NRET/genderet.pdf.

guarantee of long-term employment. This practice gives employers flexibility in their workforce, and allows them to avoid additional costs associated with permanent employment, but is cautioned against in many codes. While insecurity affects both men and women workers, the fact that women are more likely to be found in non-permanent employment means that it has gender implications.

Box 5.1 Links between job insecurity and harsh treatment for seasonal and casual workers

For workers the lack of assured income caused feelings of anxiety and uncertainty, but also made them extremely vulnerable to abuse in the workplace. Many seasonal and casual workers in Kenya and Zambia linked insecurity to the fact that supervisors had the power to fire them, or get them fired, even for small errors or for complaining. Workers in a FGD in Zambia said they were constantly reminded of this – one said, ‘People are warned of losing their job every day’. Formal disciplinary procedures did not appear to apply to these workers, and they felt they had little opportunity to appeal against summary dismissals instigated by supervisors. It was therefore safer to keep their heads down and not complain about any mistreatment. With the constant presence of people waiting outside the farm gates in the hope of employment, they felt that they could be easily replaced and would have little opportunity of finding another job. As one Zambian women put it, ‘We just cry in our hearts because we cannot complain’.

On the positive side, there was some evidence of an increase in permanent employment in recent years, particularly in the flower sector where women workers in particular have benefited. This may indicate a change in employment strategies among some producers regarding permanent labour. According to information provided by flower growers in Kenya and Zambia, employment has become more permanent for (at least) three reasons: less seasonality in production cycles; increasing need for a more stable, skilled workforce in order to maintain high quality; and pressure to implement codes. Nevertheless, our study indicated that there are more men than women in permanent employment, and women are more likely to be found in non-permanent employment, especially in the fruit and vegetable sectors. In addition, in some companies even permanent workers perceived their jobs as insecure due to their mistrust of management and absence of adequate protection from unfair dismissal. Workers’ general lack of understanding of the terms and conditions of their employment is also closely linked to these feelings of insecurity and powerlessness.

5.2 Freely chosen employment

Forced, bonded and slave labour did not emerge as issues in our study.

5.3 Working hours

Officially, regular working hours did not exceed 48 hours per week in any company. However, availability to work extra hours was considered to be a condition of employment in all three countries and many workers, especially women in packhouses, complained that this overtime was obligatory and often excessive (eg. up to eight hours a day). Parental responsibilities make overtime particularly onerous for

women, who often have problems arranging childcare (see Box 5.2). Importantly, workers claimed overtime was not always compensated at overtime rates, and in some cases not paid for at all. This was another area in which company policy was not clear to workers.

From the employers' perspective, giving prior notice of overtime is not always possible, as the use of "just in time" supply chain management means that orders for export that night may not come in from buyers until midday. Compulsory overtime at short notice is therefore an important gender consideration that cannot be solved at the producer end of the supply chain alone.

Box 5.2 Negative consequences of overtime for women workers

Many women said they had difficulties arranging childcare when they had to work late, and sometimes had to leave their children unsupervised due to insufficient notice that overtime would be required. Packhouse workers in South Africa complained, 'We are often told on the same day that we have to work overtime that evening. It is then our responsibility to make arrangements with the [transport] services we use, we have to pay for the phone call to change arrangements . . . this is not fair – management should pay for these calls . . . Women who have children have to make special arrangements for their children . . . We are not given adequate warning to come to work prepared'. A Kenyan packhouse worker said, 'Last year I had a small child and could even go back at 12.00 midnight and the child's health was really affected. There is a time I stayed for two days without seeing my child because I was leaving very early in the morning and arriving home very late at night'. Where transport was not provided, some women feared for their safety when returning home after a late shift.

5.4 Living wage

5.4.1 Basic wages

Almost all workers in the study complained that their wages were insufficient to meet their basic needs, and many were clearly living in quite precarious economic circumstances. This is reflected by the fact that although many experienced difficulties working overtime, they often also said that they wanted to do it as it gave them an opportunity to increase their income. However, in all countries wage levels did exceed statutory minimums,⁸ and several employers pointed out that they were paying far more than in other agricultural sectors. Some claimed that if they were forced to pay more they would go out of business, which raises questions about how far codes can go in enforcing a *living* wage.

A large number of workers expressed confusion over the way their wages were calculated. Even those who received detailed payslips did not always understand them, or did not think the calculations were correct. Many were unclear why certain deductions were being made, and in particular believed they

⁸ According to the minimum wages set by the new Sectoral Determination for the Agricultural Sector in South Africa, some contract and migrant workers in South Africa were earning less than minimum wage. However, the Sectoral Determination entered into legislation after the fieldwork was completed, and it cannot be concluded that this is still the case.

were not receiving full payment for overtime worked, leaving them feeling cheated and distrustful. Once again, these concerns show that workers are not given adequate information and training on company policies and the terms and conditions of their employment.

Box 5.3 Relation between wages and basic needs, and potential impacts on families

As a typical example of workers' replies when asked if their wage covered their basic needs, a woman in Kenya replied, 'It is not enough at all. For housing I pay KSh 400, school fees are about KSh 500 per month, food about KSh 1500, water about KSh 200, clothing about KSh 600, and sickness which varies . . . since the salary is about KSh 3000 per month, then I strain [to make ends meet]'.⁹

In Kenya many women had migrated from rural areas to seek work, but had left their children to be cared for by their grandparents as they could not afford to keep them with them. They missed their children greatly and many expressed concern about their upbringing, one woman saying, 'I only pray to God to keep them safe'.

5.4.2 Employment benefits

Wage and non-wage benefits, such as sick pay, maternity leave, housing allowance, healthcare and childcare can supplement basic wages and provide an important safety net to workers. Generally speaking, permanent workers in all companies received a broad range of benefits, both legislated and discretionary. As a fairly recent development in all three countries, seasonal workers received many (but not all) of the same benefits on a pro-rata basis, whereas casual and contract workers received few, if any. Non-permanent workers saw these benefits as a major advantage of being made permanent, particularly with regard to access to sick pay, medical care, maternity leave and funeral grants. On-farm houses (excluding dormitory accommodation) were viewed as another important benefit, and generally preferred to payment of housing allowance since the latter did not equate with local rents.

Maternity leave was a particularly important benefit for women workers, but it was rarely extended to seasonal, casual, migrant and contract workers. As a result, many non-permanent workers expressed a fear of becoming pregnant as they risked losing their jobs. Only in four companies was paid maternity leave given to non-permanent workers (three in Kenya and one in South Africa), though in some cases it was the employer's policy to rehire women after they returned from unpaid leave.

Childcare facilities were another important non-wage benefit for women, and for their children. A significant number of mothers in Zambia and Kenya stated that older children looked after younger siblings while they worked, in the main because they could not afford childcare services or did not trust "house girls". This caused them concern, especially during peak production when they often had to work late, and was an obstacle to some children's schooling. On-site childcare facilities were thus a positive feature in 7 of the 17 companies (most in South Africa). Other employers were considering introducing childcare services, as they were aware of the difficulties mothers faced, and also saw advantages in terms

⁹ Between 1 May 2002 and 31 April 2003, the statutory minimum wage for unskilled employees in Kenyan agriculture was KSh 1, 642 per month, or KSh 68.90 a day, which is less than one US dollar a day.

of lower rates of absenteeism among women. However, there were some complaints from workers about the quality and hours of service provided, and in some cases facilities were only for on-farm children and therefore excluded a significant percentage of the workforce's children.

Box 5.4 Women, children and employment

An excerpt from a fieldworker's notes of a focus group with women rose workers in Zambia highlights some of the impacts of women's employment conditions on their children: 'Respondents said that some children stay home with their older siblings. One of the respondents who is breastfeeding said that she only breastfeeds her child after she knocks off. Some children do not go to school in order to look after their younger siblings. One lady complained that it is not good to leave kids alone, as no one would take care of them when they fall sick'.

There were considerable discrepancies between the benefits workers, particularly non-permanent workers, said they received and what management said they were entitled to, again demonstrating low levels of awareness regarding the terms of their employment. Another important point that this part of the research highlighted was that many employment benefits that were of great importance to workers are typically not covered by codes, especially sick pay, medical care and childcare. The latter is of particular importance to women, who struggle to find and pay for suitable care for their children while they are at work. Such benefits may be included in national legislation, and codes which stipulate compliance with local laws may therefore also cover them. But the lack of direct coverage of these issues remains a weakness of many codes, particularly from a gender perspective. This presents a strong argument for the local development and interpretation of codes, and involvement of workers at all stages, as shall be discussed later in this report.

5.5 Discrimination

5.5.1 Hiring and allocation of jobs

According to management, recruitment for most low-skilled posts is done informally through word-of-mouth or staff contacts. Only four companies reported placing adverts in public places outside company premises, and few conducted formal interviews. However, in one company in Zambia all jobs are advertised locally and two members of senior management (one male and one female) interview all applicants, posting lists of those who have been successful the following day. This helps avoid potential problems with favouritism, nepotism, tribalism, corruption and sexual harassment, all of which were reported by workers in the study in relation to recruitment and promotion (see below).

Many black workers in South Africa felt that they continued to be discriminated against in hiring and promotion on the basis of race, as part of the legacy of apartheid. This was corroborated by company records showing "coloured" workers to hold most of the more skilled jobs, although in part this may be due to historical differences in education and training, and to language barriers. There was also widespread

discrimination against pregnant women when making decisions relating to recruitment and redundancy. For the most part, even employers admitted that women who are visibly pregnant are not hired. In one company in Kenya pregnancy testing prior to employment was reported. Many workers said that non-permanent women who become pregnant are asked to leave once their pregnancy advances, or are simply not given another contract when the current one ends, and as a result experience anxiety about becoming pregnant or telling employers they are pregnant. This form of gender discrimination contravenes most codes, yet appears to be common practice.

Box 5.5 Discrimination against pregnant women

A female migrant worker in South Africa commented, 'As soon as you know you are pregnant you know you'll be sent back home. So most of them just keep quiet about it and there has been a great number of miscarriage incidents because people are afraid to talk as they know they will lose their jobs. Permanent people are better off because they get to work until such time as they have to give birth and they come back to work, whereas temporary workers are sent straight back home and get replaced by someone else'. Similarly, a group of casual women packhouse workers in Kenya said, 'For casuals, cases of abortion are many so that one is not sacked', with a group of male workers confirming this, saying, 'Pregnant women are normally the first to be dismissed in case of "mchicho" [i.e if there is not much work in the company]. Some pregnant women even do abortion to keep the job'.

There were clear gender patterns in the allocation of tasks, with many of the seasonal jobs, such as harvesting and packing, dominated by women. In addition, men were more likely than women to be in positions viewed as higher skilled, such as sprayers, irrigators and tractor drivers, which were usually permanent and better paid.

Box 5.6 Perceptions regarding women workers

That women were valued workers was emphasised by almost all employers, who saw them as better at handling fresh produce than men, and often as more reliable and hard-working in general. This has led some to change previous policies of unequal pay, as expressed by a farm owner in South Africa, 'A few years ago I paid men more than women, but when I looked at the productivity figures I saw women outperforming men so I equalised the wages . . . And they pay more attention to detail'. However, there was a general perception amongst the (mainly male) employers that, even with training, women would not be able to manage their male colleagues. To quote one personnel manager in South Africa, 'The fact that men and women do certain jobs is more of a cultural thing. It would be difficult for a woman to manage 80 men'. Many workers, both male and female, also expressed this opinion. For example, according to one greenhouse worker, 'In African culture, women tend to respect men leaders more than women leaders and this is a weakness women have, it is a weakness that women are born with'.

5.5.2 Promotion and training

According to most employers, promotion is based on merit, and sometimes also time served. In the one-to-one interviews most workers concurred, but in the focus groups a different picture emerged. Several groups of workers in all three countries claimed promotion was based on favouritism, tribalism, corruption (money, gifts and favours – including sexual favours) and/or racial discrimination.

Box 5.7 Favouritism in decisions about promotion

Favouritism by supervisors was widely reported across all three countries. A group of Zambian workers said, 'Promotions are based on people [the supervisors] know, it is not fair. The supervisor gets amounts of money from different people'. Workers in a focus group in Kenya said, 'Promotion depends on the supervisor being a friend, a cousin/relative or a tribesman. This is the most common problem', and in South Africa a group said, 'In order to get attention from supervisors we have to do favours for them . . . Supervisors favour their friends and relatives and ignore those who are not in their good books'.

Women in particular perceived little opportunity for training or career progression within their companies, with formal training usually restricted to those handling chemicals, irrigators, scouts, drivers (e.g. of forklifts and tractors), and H&S officers, most of these being men. However, skills development was beginning to receive greater attention in all three countries: in Zambia a training institute has been set up for the industry, offering various professional training programmes as well as short courses; in South Africa several farms were developing multi-skilled teams in an effort to improve efficiency; and in Kenya employers talked about training (and performance related pay) as being key to remaining competitive.

5.5.3 Equal pay for work of equal value

While all companies formally practised equal pay for equal work, the gender patterns in job allocation were usually accompanied by different pay scales for predominantly “male” or “female” jobs, with men thereby earning more on average than women. In South Africa contract and migrant workers were paid less than permanent workers, while in Zambia and Kenya permanent and non-permanent workers were generally paid about the same.

5.6 Child labour

In Zambia there were some anecdotal cases of under 16 year olds using other people's identity cards to get work, while in South Africa one group of workers claimed that 14 and 15 year olds worked during the harvest season. In general though, child labour was not a significant problem and the producers involved in the study were well aware that their buyers disapproved of it.

5.7 Health and safety

Codes appear to have brought considerable improvements in occupational health and safety (OH&S), particularly with respect to safe use of chemicals and provision of protective clothing, toilets, washing facilities and drinking water. However, serious problems persist, with workers in all countries complaining about health problems (coughs, sore chests, skin irritation and dizziness) that they believed resulted from coming into contact with pesticides. According to workers, this was due to working with freshly sprayed plants or entering greenhouses before re-entry times have expired; there were also isolated reports of spraying occurring with unprotected workers still present in greenhouses. Non-permanent workers were less likely to be provided with protective clothing than permanent workers. Hand injuries from thorns were widely reported in the rose packhouses, with some piece rate workers resisting wearing gloves which would slow down their work and thereby reduce their pay. Back problems were also common among women workers. Light duties were apparently only given to pregnant women in a few companies, and workers were concerned about risks to unborn babies as a result. It should be noted however that two employers expressed difficulties in finding enough light duties to accommodate pregnant women, requesting guidance on this issue. Lastly, some workers complained of poor toilet and drinking water facilities, particularly in orchards and vegetable fields, and almost all said they had no hygienic place to store their food.

Box 5.8 Women and exposure to harmful chemicals

While management in all companies said that women did not work with chemicals (usually in accordance with a code of practice), some workers claimed that women were exposed to them on a regular basis. According to one group of flower workers in Zambia, 'Women are also present when spraying is being done. Some of them have children who are sucking and when they go home they just start breast-feeding their children. We don't have a place for washing our clothing or bodies after work'.

Formalised and regular OH&S training was fairly widespread in South Africa, but not in Kenya and Zambia. In these countries most workers did not remember having received any such training, but sometimes when prompted said that their supervisors gave them some information when they started work. The exception was sprayers and chemical store workers, who had received extensive training. In contrast, many workers from all countries remembered being given talks about primary healthcare, including on general hygiene and sanitation, prevention of disease, family planning, and HIV/AIDS. Most of these sessions were led by outside organisations that had either sought access to workers in the workplace, or had been invited by companies to come and speak.

5.8 Harsh and inhumane treatment

Relationships with supervisors were commonly described as poor in all countries, with complaints of verbal and occasional physical abuse, dismissal without just cause, wages being docked as a disciplinary measure, corruption and favouritism. Non-permanent workers were particularly vulnerable to this abuse, as supervisors were often responsible for hiring them, or influenced whether they were hired, and they feared not being rehired if they complained or resisted. With high unemployment in all three countries, and few alternative sources of income, workers' priority was keeping whatever job they had. Some workers also complained about harsh treatment by middle or even senior management, though for the most part top management was viewed as reasonable but ill-informed about what occurred in the companies.¹⁰

Box 5.9 Examples of harsh treatment in the workplace

One group of South African packhouse workers complained about supervisors restricting visits to the toilet: 'We are only allowed to go during [designated] toilet breaks or lunch and tea breaks. Many of the workers complain of bladder infection. Once one of the workers, who was pregnant at the time, wet herself because the supervisor did not give permission for her to go to the toilet. She had to go home and change and what's even worse, is that she wasn't paid for the hour that she took to go home'.

Many companies operated a system of targets in an attempt to improve productivity and efficiency. This can allow workers to work fewer hours and/or earn more, but we found that it was sometimes being abused, as indicated by one respondent in Zambia: . . . Like one day our supervisor told us that only those who manage to pick 10 kg will leave the field. As me I did not manage to collect enough beans we were in the field up to 19.00 hrs. After knocking off from the field the weight was less than 10 kg . . . we were told that [there would be] no pay for us on that day'.

In 11 of the 17 companies in the study, workers in some sections reported sexual harassment, for the most part referring to male supervisors that demanded sexual favours in exchange for promotion, pay rises, or simply continued employment. Women's concentration in non-permanent work makes them especially vulnerable to such abuse, as renewal of their contracts often depends on supervisor recommendations. While most employers were aware that sexual harassment could be a problem, the majority didn't think it occurred in their own companies.

¹⁰ A core factor in supervisor and managerial abuse is a lack of adequate training in management techniques. One of the reasons for the establishment of the NRDC/ZEGA Training Trust (NZTT) in Zambia was to address the shortage of sufficiently trained and skilled middle management (NZTT, direct communication).

Box 5.10 Sexual harassment

According to workers, sexual harassment existed in a number of companies in all three countries. Though some workers felt that women gave sexual favours in exchange for benefits such as promotion or lighter work, others clearly indicated that women often had little choice in the matter. As a respondent in Kenya reflected, 'When a male supervisor seduces a female worker and this doesn't bear fruit, he can use "thorax" [i.e. job power] to win that female worker'.

5.9 Freedom of association and the right to collective bargaining**5.9.1 Trade unions**

Half of the companies in the study were unionised, though less than 50 per cent of permanent workers were members in all but three cases. Non-permanent workers were only unionised in two companies, one in Zambia and one in South Africa. Some members of management in Kenya and Zambia claimed that unions were inactive in recruiting members, even when invited to do so. However, trade union officials in both countries said that low wage levels in agriculture made recruitment difficult, partly because workers were reluctant to pay membership fees and partly because fees had to be kept at such a low level that resources for recruitment drives (and training) were limited. This creates something of a vicious circle, with workers perhaps most in need of union representation (i.e. low waged and non-permanent workers) least likely to be recruited.

Union recruitment in horticulture is a fairly recent phenomena in Kenya and Zambia, with a longer history in South Africa. In Kenya many union members said that it was too early to tell what the benefits would be, but 20 per cent indicated that the union had already been successful in addressing some of their concerns, including levels of transport allowance, observance of re-entry periods after spraying, and supervisor abuse of power. Further, they indicated that the union had begun representing workers in cases of unfair dismissal. Workers from one company in Zambia said union officials were "trying their best", and in another in South Africa workers also expressed satisfaction with their union. However, in other unionised companies across the three countries workers had little faith in the unions' ability to effect change. Some believed that management was opposed to unions, and therefore membership may lead to loss of employment, or management intimidated shop stewards to such an extent that they were rendered ineffective. Others felt that the benefits gained did not justify the fees paid, particularly as wage levels and other provisions negotiated in Collective Bargaining Agreements were seen as inadequate.

Interviews with management did reveal some negative attitudes in relation to unions. For example, in South Africa two managing directors claimed that since their companies ceased to be unionised their relationship with employees had improved, and in Zambia two others expressed concern that unions would just take money from workers without bringing them any benefits. In spite of such problems, many workers in non-unionised companies expressed a desire to join a trade union, seeing it as a possible way forward for improving their working conditions. However, many others, particularly casual, seasonal and migrant workers, had little knowledge of unions and were unsure of the potential benefits of membership.

Box 5.11 Conflicting opinions about trade unions

One group of workers in South Africa said, 'The trade union helps us with many problems and shop stewards show respect when we discuss problems with them', whereas a South African worker from another company complained, 'Looking back on it I regret having been a member. The union representatives made notes of all our complaints, but after they discussed the issues with management they came back to us with a totally different story. They didn't do anything for us'.

5.9.2 Women and trade unions

Women were under-represented in unions, with there being more male than female shop stewards on all but two farms (one in South Africa and one in Kenya), despite the fact that women often constituted the majority of the workforce. On a positive note, the agricultural union in Zambia has recently introduced Women's Committees at all levels, including on farms. However, some committee members expressed frustration with their male colleagues for still not giving them due regard.

5.9.3 Workers' committees

There was a Workers' Committee in most companies in Kenya and South Africa, but only in one in Zambia. Management in all cases stated that committee members were elected by the workforce. Despite this, many workers were either unaware of its existence or they felt it was ineffective, especially in South Africa and Zambia. This was particularly true for non-permanent workers, probably because they were generally not represented on the committees. However, in Kenya 34 per cent of workers said that the committees had been influential in improving the working environment in a number of ways, including: a shift from seasonal to more permanent labour; salary and housing allowance increments; and provision of PPE. They also believe that the mediating role played by committees had significantly reduced supervisor harassment and increased dialogue between the management and the workers. Other workers in Kenya contradicted this, saying that committee members were too fearful of management to represent workers' competently, or that if any became too active management promoted them in order to suppress their influence.

5.9.4 Women and workers' committees

As with the trade unions, women were under-represented in Workers' Committees, with only two companies stipulating equal representation of men and women (one in Kenya and one in South Africa) and all others having significantly more male than female committee members. In an example of good practice, a company in Kenya had set up a Gender Committee in recognition of the fact that women lacked a forum to discuss issues of particular importance to them.

Box 5.12 Reasons for under-representation of women in Workers' Committees

Both men and women workers in Kenya expressed the opinion that there were more men than women elected to committees because men made better leaders. For example, one woman said, '... women are scared of asking questions and are therefore not good representatives', and another said, 'Men champion better the workers' rights as they do not fear questioning'. This lack of confidence in women's abilities, rooted in socio-cultural norms, demonstrates the importance of giving women support to voice their opinions. This can be done through having predetermined seats for men and women in committees, proportionate to their number in the workforce, and/or through having separate Women's Committees. Such measures should be complemented with capacity building programmes, to enable women to participate fully and influence outcomes.

5.10 Internal communication, grievance mechanisms and disciplinary procedures**5.10.1 Communication channels for reporting grievances**

Lack of effective representation was a significant problem for workers, especially for non-permanent and women workers. This was reflected by the fact that senior management was clearly unaware of many of the problems that employees faced. The hierarchical organisational structure of most of the companies was quite rigid, making extensive use of line management and vertical communication channels. As such, general workers had few, if any, opportunities to interact with senior management, and relied on their supervisors to pass information both up and down the line. The supervisors were often creating a block in this communication channel, with workers left uninformed about company policies and management unaware of their grievances. This was complicated by the fact that many non-permanent workers were fearful of complaining, believing that if they did so they would be viewed as troublemakers and not rehired. Language was also an obstacle to communication, with some workers in all countries complaining about written and/or verbal information being given to them in a language they did not understand well. In general, workers felt they did not have a secure and effective channel or forum through which they could communicate their grievances and achieve redress.

There is also a significant gender aspect to this, as the complaints or queries of women are usually required to pass through a series of predominantly male managers before reaching senior managers or company directors. This has the dual impact of decreasing the likelihood that women workers will report sensitive issues, and increasing the chance that their comments will be lost or distorted.

5.10.2 Disciplinary procedures

As with many other aspects of their employment, most workers were unclear about company rules and regulations regarding disciplinary procedures. As far as most were concerned, especially non-permanent workers, they could be fired without notice or just cause, and had little opportunity to appeal against the decision. Their lack of engagement with unions or other forms of legal representation, and general ignorance of their rights, left them feeling powerless to prevent this from occurring.

6 Gender issues in employment and codes

From the discussion above, it is clear that there are a number of code-related gender issues, most of which pertain to women, including the following:

- *Insecurity*: Security of employment was a major concern for many workers, but especially non-permanent workers. Given that women were generally more likely to be in non-permanent work insecurity was therefore also a gender issue.
- *Overtime*: For women regular, often compulsory, overtime can make it difficult to balance productive and reproductive roles. Arranging childcare when overtime is required at short notice is particularly problematic. Personal safety can also be an issue if transport is not provided after late shifts.
- *Low wages and childcare*: While low wages impact on both men and women, women with sole responsibility for children are particularly affected as they cannot afford to pay for childcare while they are at work. Children may therefore be left unsupervised and out of school, or separated from their mothers.
- *Pregnancy and maternity leave*: Pregnant women are discriminated against when decisions are made about recruitment and redundancy. Lack of access to maternity leave creates anxiety about income security and can lead women to seek abortions and/or hide their pregnancies, both of which have health implications as well as undermining their reproductive rights.
- *Opportunities for promotion*: The gendered allocation of jobs, rooted in socio-cultural perceptions and norms, leaves women with little opportunity for career progression or improvements in income.
- *Exposure to chemicals*: Although exposure to toxic substances is clearly dangerous for both men and women, there are particular risks associated with the effects on unborn babies and breast-feeding children.
- *Sexual harassment and verbal abuse*: Sexual harassment was reported by some workers in all countries and sectors, mainly affecting women workers. Many men complained of being verbally abused, though this was also reported by women.

The fact that women are often in non-permanent work increases the likelihood that they will face a number of these problems in the workplace. Non-permanent women are less likely to have access to company childcare services and protective clothing, and are more likely to suffer from harsh and inhumane treatment, including sexual harassment. They are rarely represented in workers' organisations, have few channels for communicating their grievances, and are reluctant to lodge complaints for fear of not being rehired. To compound matters, they are sometimes offered little protection by national law. Codes of conduct may therefore offer a valuable means of ensuring that the rights of *all* workers are protected, women and men, permanent and non-permanent, but only if they are implemented in a gender-sensitive way.

Many of the gender issues outlined above are embedded in societal norms and are not easily picked up by code auditing or monitoring which takes a “snapshot” approach, especially if the employer is a principal source of information. There were considerable discrepancies in our research between what producers said about employment conditions and what their employees reported. Even if auditing/monitoring were not seen by producers as a threat, there is a high probability that the information they provide will not paint an accurate picture of the reality for workers themselves, particularly in relation to gender issues. In addition, where social audits involving worker interviews were taking place, they were sometimes failing to pick up the more sensitive gender issues. Some non-permanent workers in our study even reported that when visitors came they were told to hide. With this in mind, one of the aims of the research was to explore the advantages and disadvantages of alternative methods of social auditing, especially in terms of how to enhance gender sensitivity. This work was based on the participatory social auditing methodology developed during the ETI Pilot Project in Zimbabwe and later used by the Agricultural Ethics Assurance Association of Zimbabwe (AEAAZ), and described in the following section.

7 Participatory social auditing ¹¹

Given the context of differing labour legislation, workforce composition and length of time involved in exporting, it is imperative that social auditing be seen in a developmental context. As social codes deal with the living and working conditions of a wide variety of people, at different levels of responsibility within a company and in disparate countries, it is inadequate to take a single snapshot of the company’s compliance with a set of standards, as is often the practice in technical auditing. A developmental approach to the assessment of compliance takes cognisance of the local stakeholder¹² base. Described as “multi-perspective”, it allows for and captures the attitudes and behaviour of a cross-section of employees, at different levels of authority and in different categories of employment.

Social auditing in a developmental context, undertaken with the intention of enabling improvement, focuses on *change* – change in the attitudes and behaviour of both employers and employees. This requires the maximum involvement of every category of worker and management at all stages, in an ongoing process of awareness creation, understanding and adaptation of ideas, and finally action. Ongoing measurement against a set of criteria, at strategic intervals, serves both to enable and to measure that change. Social auditing in this sense differs markedly from standard approaches to auditing, in terms of its focus, content, parameters and techniques, and necessitates the adoption of “participatory” methods.

¹¹ The theory and practice of participatory social auditing is discussed in more depth in D. Auret (2001). An additional chapter to the handbook, on gender-sensitivity, will be published in early 2004 and made available on the IDS website: www.ids.ac.uk. See Auret and Barrientos, ‘Participatory social auditing – a practical guide to developing a gender sensitive approach’, *IDS Working Paper*, forthcoming. For more information, contact Sally Smith on s.smith@ids.ac.uk, or Stephanie Barrientos on s.barrientos@ids.ac.uk.

¹² “Stakeholder” defined as each individual or group who is affected by, or can affect, the decisions, policies and actions of a particular undertaking or body. In relation to labour codes, workers are considered the primary stakeholder.

Participatory methods have been developed by development practitioners in order to engage local people, groups and communities in policy and planning decisions that affect their lives.¹³ In this context “participation” refers not simply to taking part, but more importantly to sharing in decision-making about issues affecting the individual or group. It encompasses consultation, discussion, the right to be heard, and the right to be part of the decision-making process. In social auditing it implies consultation with all categories of workers and management – individually or in groups – about issues which affect them individually or collectively, and feedback to enable joint planning and decision-making.

There are a number of reasons why a participatory approach is the most suitable for social auditing, particularly in the developing world, the most important of which is the fact that it ensures accurate and authentic information, because:

- it uses “first-hand” information from all categories of workers and management;
- it makes it possible to gather data from a wide range of people, while at the same time creating awareness that ultimately leads to change;
- it facilitates the involvement of the poorest and the powerless, particularly seasonal, casual, contract and migrant workers, and those who are semi-literate or illiterate;
- its flexibility allows its use in different social and cultural situations, providing insights into local differences.

Participatory social auditing is particularly useful in a context in which many workers are unaware of their rights, both as citizens and as employees. Cultural norms and beliefs often dictate the subordinate position of women and/or certain ethnic groups, creating categories of (largely non-permanent) workers that are marginalised and powerless. The participatory approach, using techniques and tools such as group discussions and visual representations, facilitates the involvement of these marginalised groups, as well as the shy and the fearful. Single-sex focus groups can also be used to enable discussions around sensitive areas such as pregnancy, childcare and sexual harassment.

Participatory social auditing must be undertaken as a process, not a one-off activity, beginning with awareness creation about the standards and principles of the code among employers and employees, in order to generate a commitment to compliance. This is followed by a series of pre-audits and audits, using the techniques and tools described in Box 7.1. Remedial action taken by management following audits serves to create worker confidence in management, and ultimately leads to improved management/worker relations.

¹³ There is an extensive literature on participation and participatory tools for development, with seminal work by Professor Robert Chambers (1997).

Box 7.1 The techniques and tools of Participatory Social Auditing ¹⁴

An essential aspect of the participatory methodology is its exploratory, open-ended research techniques. Thus, although a formal questionnaire based on the social code is used, it is used primarily as a guideline or springboard for further discussion. Techniques and tools utilised include:

- A. *Semi-structured one-to-one interviews (SSIs)*: based on the social code, but with flexibility to explore further any relevant information raised by the informant.
- B. *Focus group discussions (FGDs)*: informal, conversational group interviews based around the provisions contained in the social code.
- C. *Group exercises*: participants are asked to depict visually key issues raised in their group discussions. This allows them to remind each other of items not covered, and to encourage otherwise quiet participants to become more involved. Exercises include mapping working or living areas, role-play and pictorial ranking of key issues.
- D. *Participant observation*: a "transect walk" through the working and/or living areas in the farm/packhouse that provides insights into the differences that exist among groups in the company, and serves to cross-check verbal data collected. The inclusion of two or three workers in this walk enables it to serve as a "listening survey" during which a deeper understanding of social relations, attitudes and behaviour is acquired through looking and listening.

8 Local multi-stakeholder approaches

To be effective in addressing gender issues, many of which are embedded in local employment practice and culture, participatory social auditing needs to be integrated into an ongoing process of code implementation, rather than be part of a one-off, snapshot approach. An implication of our findings is that a process approach is likely to be more effective with the establishment of a local multi-stakeholder initiative that includes companies, trade unions and NGOs. In response to criticism that audits were not capturing the real experiences of workers, we found that some code bodies and auditing companies had begun approaching civil society organisations for consultation and/or to provide observers for audits. This is preferential to no stakeholder engagement at all, but it is sometimes done on an ad hoc basis, and there can be some confusion regarding the role and objectivity of observers.

In contrast, local multi-stakeholder initiatives provide the basis for more sustained participation by different organisations, especially trade unions and NGOs, in the process of code implementation. The setting up of an autonomous body that includes different stakeholders provides a degree of independence and prevents any one stakeholder dominating the process. It can also reflect the diverse interests of workers in the process, including men and women, permanent and non-permanent, unionised and non-

¹⁴ During the research the techniques and tools described in Box 7.1 were tested out in a systematic way, in particular to see which worked best for drawing out gender issues. This paper contains a brief overview of participatory social auditing. A much more detailed examination is provided in a companion working paper to this: Auret and Barrientos (forthcoming).

unionised, and importantly allows groups reflecting gender interests to participate. Such a body can provide guidance, oversee code implementation and facilitate auditing on a basis that is mutually agreed between all stakeholders.

A small number of local multi-stakeholder initiatives have already been established in African horticulture. The first of these was the Agricultural Ethics Association of Zimbabwe (AEAAZ), which was set up following an ETI pilot project in Zimbabwe. Governed by representatives of companies, trade unions and NGOs, it had 300 members by the end of 2001 and was using a participatory approach for making improvements in social, chemical and environmental practice across the agriculture sector. Unfortunately political problems in Zimbabwe have since restricted its work. In 2002 a similar body was launched in the South African wine industry – the Wine Industry Ethical Trade Association (WIETA) – with the involvement of companies, trade unions, NGOs and also government. A third multi-stakeholder initiative developed during our fieldwork in Kenya, as described in Box 8.1.

Box 8.1 Horticultural Ethical Business Initiative (HEBI), Kenya

During 2002, local civil society organisations spearheaded a campaign against poor working conditions on Kenyan flower farms, spawning a series of articles in the Kenyan press. These activities generated concern about the reputation of the industry in overseas markets, and were responsible for bringing together a range of stakeholders to engage in dialogue on the labour practices of flower farms. A Steering Committee – the Horticultural Ethical Business Initiative (HEBI) – was formed to guide social accountability in the horticulture sector, composed of members from government, NGOs and trade associations/employers. Unions were invited to participate, but to date they have declined to take part. A number of organisations have also been involved as observers, including the ETI, DFID, the United States Agency for International Development (USAID), the Royal Netherlands Embassy and the NGO, Africa Now.

HEBI plans to systematise a multi-stakeholder approach to code implementation, and has identified a number of organisational goals to facilitate this. However, it has had a number of teething problems stemming from the difficulties entailed in managing the expectations of stakeholders with varying interests. Nevertheless, there is consensus among the committee that a multi-stakeholder approach to code implementation (including worker participation) may be the only way to resolve some of the persistent employment problems facing workers in the industry, and maintain Kenya’s access to European markets.

Source: Kenya Country Report, Dolan et al. (2003).

There are thus different levels of worker and stakeholder participation in the implementation of codes. They range from using participatory tools in a simple social audit, through engaging workers and organisations that reflect their interests in the process of auditing, to a more embedded approach based on a local multi-stakeholder initiative, ideally involving local trade unions, producer associations and NGOs, as well as government. It is likely, given different country contexts, that participation will take different forms, and there is no linear movement between the different levels. However, full worker engagement in code implementation would necessitate the wider spectrum of participation.

Our experience in this project is that, whilst there are many obstacles and progress is patchy, there are signs in all three countries of some positive movement in recognising the need for greater worker participation in the implementation of codes. Realising this in practice could provide a positive move towards better recognition of workers' rights. The potential in each country for moving beyond basic levels of worker participation to a full multi-stakeholder process is explored below.

8.1 Comments from workshops in Kenya, South Africa and Zambia

The development of local multi-stakeholder initiatives is still at a fairly early stage in African horticulture, and experience so far indicates that there are many challenges involved. There are issues around the relative power of different stakeholder groups, and there is often inherent tension between them (as there should be if they are reflecting their constituency interests). Which stakeholders are involved and how the process is managed will vary in different locations, with no set formula for success. As part of the research process, we held multi-stakeholder workshops in each country to get feedback on our preliminary findings. We also used this as an opportunity to explore opinions about the feasibility and usefulness of a multi-stakeholder initiative in each context. Here follows a brief summary of the comments made by stakeholders.

8.1.1 Kenya workshop, February 2003

As indicated above, the horticulture industry in Kenya has already engaged in discussions with civil society and government regarding establishment of a local multi-stakeholder approach to codes. The workshop thus also served to disseminate information about this initiative, which at that time was still in its infancy, as well as to see what lessons could be learned from the experience of AEAAZ, as described in a presentation by Di Auret. Participants appeared to find the latter particularly useful, responding positively to many of the features of AEAAZ and proposing that similar procedures be used in Kenya. There was general agreement around the desirability of a local "harmonised" code with international recognition (which has since been developed by HEBI Steering Committee members). However, there were several comments related to the cost of implementing a local multi-stakeholder approach (and participatory social auditing), and the need to ensure sustainable sources of financing. There were also many remarks about the need to raise awareness among both workers and producers about codes before proceeding with the initiative.

The reluctance of the agricultural union (Kenya Plantation and Agricultural Workers Union, KPAWU) to participate in the multi-stakeholder initiative was seen as a major threat to the process. Although we invited representatives of KPAWU to the workshop, and asked to interview them as key informants, they declined and so we were unable to gauge their views on these issues. In addition, there were few senior company representatives present,¹⁵ and it was therefore difficult to draw conclusions

¹⁵ The ETI (in consultation with the research team) had organised two days of training by Diana Auret following the workshop, and apparently some company representatives elected to just attend that training, perhaps not realising it was a separate event.

about producer commitment to the multi-stakeholder process. Having said that, the initiative had the support of many key organisations, including the Agricultural Employers Association, and was being driven by some highly-motivated and influential individuals, so prospects for success seemed good. Since the workshop HEBI has also received a commitment of support from the Kenyan government.

8.1.2 South Africa workshop, March 2003

Participants at the South Africa workshop were very much in favour of a *local* approach to codes, in order to address issues of particular importance in the local context. Given the history of apartheid and the political climate in neighbouring Zimbabwe, participants recognised the critical need to improve conditions of employment for farm workers. Some commented that national legislation already went beyond the requirements of most codes, and the question was how codes could help enforce local laws. One producer felt that a local approach would also be more acceptable to producers, saying, ‘If things are pushed down producers’ throats they will do the bare minimum and then go back to the status quo’. There was a general feeling that buyers, including exporters and retailers, needed to acknowledge their role in determining production practices and share responsibility for ethical trade. However, all of the producers present saw a direct link between worker welfare and productivity/quality, and felt that this would be a useful “catch” to draw in other producers to a local code initiative.

A regional approach with a national umbrella body was favoured, either for just the deciduous fruit sector or as part of a multi-sectoral arrangement. Participants believed that the industry was sufficiently well-organised to make this possible. However, there was some resistance on the part of the industry when it came to a *multi-stakeholder* approach, with a degree of scepticism about the ability of unions and NGOs to work cooperatively with producers rather than in an adversarial way. Indeed, some of the comments made by both industry and civil society at the outset of the workshop did indicate a level of mutual distrust. However, it was interesting to note that during the course of the day participants seemed to “tone down” their language, and by the end there were high levels of interaction between stakeholders that indicated a possible softening of attitudes. Unfortunately, no trade union representatives attended (though they were invited, and interviewed during the research process), so it was difficult to draw conclusions about the potential for a tripartite approach to take hold in the fruit sector. Having said that, many of the unions and NGOs that operate in the wine sector also cover deciduous fruit workers, and their participation in the WIETA is an indication of their willingness and ability to get involved in such initiatives alongside companies and NGOs.

8.1.3 Zambia workshop, April 2003

Although Zambia does not presently have a multi-stakeholder initiative, the ZEGA code of practice does make reference to all provisions of the union-negotiated Collective Bargaining Agreement and could therefore be viewed as a strong foundation for building one. However, as in South Africa, comments made by stakeholders during the first part of the workshop suggested some fairly entrenched positions. Industry representatives accepted that workers had some serious problems that needed addressing, but

insisted that they were limited by financial constraints and appeared not to see the benefits of a multi-stakeholder approach for seeking solutions. They were also concerned about the costs of taking on such an endeavour for an industry the size of that in Zambia. Representatives from NGOs declared an interest in engaging with the sector, but demonstrated a lack of understanding regarding some of the issues, which served to alienate some industry members. In contrast to the workshops in other countries, there were several trade union officials present and they were keen to use codes to support their work, but their power and resources to initiate and drive a multi-stakeholder process appeared limited.

Nonetheless, feedback from the small group discussions in the second part of the workshop indicated that participants had gained from hearing each other's views, and most were persuaded that a local multi-stakeholder approach could be useful. Areas in which they thought it could contribute included: mediation and communication between stakeholder groups; training; and verification of compliance with the (ZEGA) code. Notwithstanding this, there was no apparent 'champion of the cause' who would take the process forward. There are relatively few companies involved in export horticulture, and perhaps more importantly few who export to the UK, and the industry generally seemed to lack an incentive to broaden the present system of voluntary code implementation. Other stakeholders were not sufficiently engaged with the issues and/or had resource constraints. In Zimbabwe, South Africa and Kenya a diverse set of factors had prompted multi-stakeholder engagement, including civil society pressure, media coverage, political change, and international intervention (ETI pilots). Without such a catalyst(s), it is unclear whether a multi-stakeholder approach will be initiated in Zambia.

As experience with codes expands, there is increasing acknowledgement of the benefits that a local multi-stakeholder approach could have. On the other hand, there is also recognition of the complexity of such an approach, and the potential difficulties involved. First and foremost, company directors and managers must be committed to change and must be convinced of the benefits of working with other stakeholders. As our research found, relationships between stakeholders vary greatly from country to country (and from sector to sector), and it is senseless to talk generically about "companies", "trade unions" or "NGOs". Highly specific contextual factors provide incentives or disincentives for engagement, and the influence of key individuals cannot be underplayed. Nonetheless, in terms of addressing the gender issues raised in our study, local multi-stakeholder approaches appear to have much to offer.

9 Ways forward for gender-sensitive ethical trade

9.1 Recommendations for stakeholders in African horticulture

Besides promoting and participating in the establishment of participatory social auditing and local multi-stakeholder initiatives, our research highlighted a number of actions that could be taken to help improve working conditions in African horticulture in a gender-sensitive way. These are listed by stakeholder group below.¹⁶

Employers

- Provide all workers with appropriate education on company policies and procedures, and terms and conditions of employment. All workers should have a copy of their contract and should be given payslips; these should be written in their mother tongue, in clear and simple language.
- Improve communication with workers, through unions, management-worker meetings and noticeboards. Develop channels of communication that women feel comfortable using. Establish an appropriate confidential grievance mechanism(s) in consultation with different types of workers.
- Recognise the right of workers to join trade unions and bargain collectively, and make full use of unions for improving communication in the workplace.
- Ensure representation of non-permanent workers and women workers in all committees. Consider establishing a Women's Committee to facilitate communication with women workers.
- Transfer long-term non-permanent workers to permanent contracts. Give seasonal workers some guarantee of being rehired the following year. Extend benefits to all categories of workers, especially sick pay, healthcare and maternity leave.
- Improve systems for monitoring supervisor and middle management behaviour, and provide them with training on appropriate methods for managing workers. Sensitise supervisors and management to gender issues, through gender training.
- Provide a more "engendered" working environment with childcare facilities, transport to and from work, light duties for pregnant women, and breast-feeding breaks. Establish policies and actions that promote equal opportunities; e.g. provide women with the extra training they require in order to achieve promotion.
- Ensure that wages are equal to or above industry standards and minimum wage levels. Work towards wage increments that would provide workers with greater economic security.
- Provide workers with information about the content and purpose of codes and explain how they are implemented and audited. Post all codes in a place that workers can read them, preferably in their own language.

¹⁶ Further recommendations will be given in the individual Country Reports, to be made available on the IDS website: www.ids.ac.uk. For more information, contact Sally Smith on s.smith@ids.ac.uk or Stephanie Barrientos on s.barrientos@ids.ac.uk.

Trade unions

- Include non-permanent workers as members and extend Collective Bargaining Agreements to cover non-permanent workers.
- Promote gender equality through collective bargaining. Encourage and support women to take leadership roles at national, regional and company levels. Consider establishing Women's Committees.
- Educate workers about codes, national and international legislation, and workers' rights.

Local and international NGOs

- Use networks to share information and raise awareness about working conditions in developing countries. Plan campaigns in consultation with local and international trade unions.
- Keep up pressure on supermarkets to account for employment practices in their supply chains. Encourage consumers to use their buying power to reward supermarkets that demonstrate a commitment to ethical trade.
- Offer expertise to industry and trade unions, especially in areas of training and gender issues.
- Educate workers about codes, national and international legislation, and worker's rights.

Importers and supermarkets

- Specifically include coverage of non-permanent workers in codes.
- Provide more lead time on orders. Form stable relationships with suppliers.
- Reward suppliers that are positively implementing codes, e.g. with "preferred supplier" status. Give suppliers sufficient time and support to achieve compliance with codes. Reasonable deadlines for corrective action should be developed. Improve communication of information about codes along supply chains. Make sure all tiers of suppliers receive clear and accurate information.
- Work towards harmonisation of codes.¹⁷ This will help reduce compliance costs for suppliers, and will also make it easier to educate workers about codes.
- Contribute to costs of compliance; e.g. contribute to multi-stakeholder monitoring or include costs of compliance in negotiated prices.
- Ensure that smaller producer/exporters and smallholders are not discriminated against in the process of code implementation.

¹⁷ Codes could be harmonised based on an agreed framework, using international standards provided through Core ILO Conventions and the UN Declaration of Human Rights. This would still allow for diversity in the detail of their application at a local level, through development of country-specific codes based on local requirements that are benchmarked against the international framework.

Governments (in Africa)

- Ratify and enforce ILO conventions. Include non-permanent workers in all labour legislation.
- Improve enforcement of labour and occupational health and safety legislation.
- Provide state assistance for childcare and maternity leave.
- Keep informed about the code requirements of importing countries. Disseminate information about codes. Provide training to small producers/exporters on how to meet the criteria contained in codes.

Code-bearing and auditing institutions

- Include all categories of workers in audit interviews, especially non-permanent workers.
- Invest in training local women (and men) as social auditors. Consider using Focus Group Discussions and other Participatory Social Auditing techniques and tools. Seek appropriate training before doing so.
- Be vigilant in checking for sensitive and/or embedded gender issues, such as those raised in this study. Engage with local stakeholders that reflect gender interests on an ongoing basis.

9.2 Further recommendations from multi-stakeholder workshop in UK

In June 2003 a workshop was held with stakeholders from the UK and Europe, to report back on the research findings and discuss the way forward for enhancing gender sensitivity in ethical trade. Participants felt that there first needs to be more clarity and education regarding gender issues, as there is a considerable degree of ignorance at all levels, especially among producers and buyers. They advocated that both the business case and the rights case for gender-sensitive ethical trade should be communicated more effectively.¹⁸ Cooperation between stakeholder groups was seen as essential for achieving the objectives of codes, including addressing gender issues. Three main ways to facilitate this were identified: the creation of incentives (e.g. market advantage for stakeholder engagement); the development of guidelines for a positive multi-stakeholder process; and the reconciliation of power differences (e.g. through providing support for “weaker” stakeholders, such as women or under-resourced trade unions). It was agreed that Northern stakeholders could play a critical role in contributing to local multi-stakeholder initiatives by communicating examples of good practice and facilitating dialogue between local stakeholder groups. Lastly, it was acknowledged that, in order to secure sustainable improvements in workers’ rights, codes should be employed in concert with other mechanisms, such as “framework agreements” between Global Union Federations and multi-national enterprises, and work with government labour ministries.

¹⁸ The business and rights case for codes are normally put by actors coming from different perspectives, and there are clearly differences between them. It is beyond the scope of this paper to explore this in depth, but it is intended to explore this further in future publications arising from this project.

10 Summary and conclusion

The aim of the research was to identify how codes can address the gendered needs and rights of workers in African horticulture. It found that despite the positive steps that producers have taken to comply with codes, a number of employment problems persist, many of which have gender dimensions. Women workers in particular are adversely affected by issues such as sexual harassment, discrimination, excessive compulsory overtime and lack of childcare facilities. Their concentration in non-permanent forms of employment, and lack of representation in workplace committees and trade unions, make women more vulnerable to workplace abuse, and constitute significant barriers to them claiming their rights as citizens and workers. At the same time, the fact that women face these barriers is a reflection of their position in the wider society. Deeply embedded social and cultural norms are transferred to the workplace and influence the way women are perceived and treated by their employers and supervisors.

If codes are to enhance the rights of all workers, including women, they must be implemented in a gender-sensitive way. The current focus on “snapshot” auditing has generally failed to move implementation beyond a surface assessment of working conditions to the identification and resolution of issues that are of greatest concern to workers. Participatory social auditing has the potential to create a more dynamic and problem-solving approach, through involving workers at every stage of the implementation of codes, including (and especially) during feedback and decision making regarding remediation.

At the same time, if codes are to bring sustainable and widespread improvements in labour conditions, participatory social auditing can only be one component in a wider process of social change. Ensuring workers’ rights requires leveraging a range of mechanisms, including national legislation, international labour standards, and the efforts of various stakeholders. There is growing recognition, including among buyers in the UK, that a multi-stakeholder approach to code implementation, incorporating *local* private sector, civil society and government bodies, may have greater potential to effect improvements, particularly in its capacity to ensure representation of the interests of marginal workers and women. WIETA in South Africa and AEAZ in Zimbabwe provide useful models of locally-owned multi-stakeholder initiatives oriented toward a continual process of workplace improvement.

Meanwhile, Northern stakeholders have a critical role to play in ensuring gender-sensitive implementation of codes. Support for participatory social auditing and local multi-stakeholder initiatives, as well as the provision of guidelines and education on gender issues and perspectives, could potentially transform what has to date been a largely gender-neutral approach into one that incorporates the gendered needs and rights of all workers.

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