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## SAN and Rainforest Alliance response to study on working conditions in Rainforest Alliance Certified tea plantations supplying to Unilever in Tamil Nadu, India

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## Introduction

The SAN accredited certification body (CB) IMO India carried out research audits of Kairbetta and Havukal tea estates in response to the issues raised in the Follow up study on working conditions in Rainforest Alliance certified tea plantations supplying to Unilever in Tamil Nadu, India, (India Committee of the Netherlands. May 2016), hereafter referred to as “the Study”.

The research audits were carried out by IMO lead auditors over three days (May 7-9, 2016). The audit team interviewed 20 workers from Havukal estate and 18 workers from Kairbetta estate in the following categories: Local and out-of-state (migrant), resident and non- resident, spraying, factory, plucking and casual workers. A translator was used during the interviews.

The Study was reviewed by Sustainable Agriculture Network Secretariat staff to determine the scope of the research audits. The audits focused on the applicable *Sustainable Agriculture Standard* (version 4) criteria, related to the Study’s findings and summarized below:

*1.3. Critical Criterion.* The farm’s upper management must demonstrate a commitment to certification and to complying with the requirements stipulated in the standard and by law. The management must also be familiar with and endorse the system and its programs and support its execution by providing the necessary resources.

*5.2 Critical Criterion.* The farm must not discriminate in its labour and hiring policies and procedures along the lines of race, color, gender, age, religion, social class, political tendencies, nationality, union membership, sexual orientation, civil status or any other motive as indicated by applicable laws, ILO Conventions 100 and 111, and this standard. The farm must offer equal pay, training and promotion opportunities and benefits to all workers for the same type of work. The farm must not influence the political, religious, social or cultural convictions of workers.

*5.3.* The farm must directly hire its workforce, except when a contractor is able to provide specialized or temporary services under the same environmental, social and labour conditions required by this standard. The farm must not establish relations or contracts with third parties, form or directly participate in employee-owned companies, or use other mechanisms to avoid the direct hiring of workers and the obligations normally associated with labour contracts.

*5.5 Critical Criterion.* Workers must receive pay in legal remuneration greater than or equal to the regional average or the legally established minimum wage, whichever is greater, according to their specific job. In cases where the salary is negotiated through collective bargaining or other pact, the worker must have access to a copy of this document during the hiring process. For production, quota or piecework, the established pay rate must allow workers to earn a minimum wage based on an eight-hour workday under average working conditions, or in cases where these conditions cannot be met.

*5.6.* Working hours, rest periods during the workday, the number of annual paid vacation days, holidays, and rest days must comply with current labour laws and with the following minimum conditions:

- a. The maximum number of hours worked per week must not exceed 48.
- b. Workers must have a minimum of 24 consecutive hours rest (one day off) for every six consecutive days worked.

c. All workers must have the right to annual paid vacation equivalent to a minimum of one day for each month worked (12 days or 2 work weeks per year) or the equivalent for part-time workers.

5.7. All overtime must be voluntary. The farm must have policies and procedures relating to the requirements and assignment of overtime that conform to current labour laws. These policies and procedures must be made known to workers when they are hired. Overtime must not exceed 12 hours per week. Overtime hours must be paid at a higher rate than normal working hours. When current labour laws permit, this standard allows for an exception period during which the maximum 60 hours (48 normal hours plus 12 overtime hours) per week can be exceeded during seasonal activities or due to unforeseen circumstances.

*5.10 Critical Criterion.* Any type of forced labour is prohibited, including working under the regimen of imprisonment, in agreement with International Labour Organization (ILO) Conventions 29 and 105 and national labour laws. The farm does not withhold any part or all of workers' salaries, benefits or any rights acquired or stipulated by law, or any of the workers' documents, in order to force them to work or stay on the farm, or as a disciplinary action. The farm does not use extortion, debt, threats or sexual abuse or harassment, or any other physical or psychological measure to force workers to work or stay on the farm, or as a disciplinary measure.

*5.12 Critical Criterion.* Workers must have the right to freely organize and voluntarily negotiate their working conditions in a collective manner as established in ILO Conventions 87 and 98. The farm must have and divulge a policy guaranteeing this right and must not impede workers from forming or joining unions, collective bargaining or organizing for ideological, religious, political, economic, social, cultural or any other reasons. The farm must periodically provide opportunities for workers to make decisions regarding their rights and alternatives to form any type of organization for negotiating their working conditions.

*6.3 Critical Criterion.* All workers that apply, handle, transport or come into contact with agrochemicals or other chemical substances must be trained in at least the following subjects:

- a. General occupational health.
- b. Formulations, names, and the biocide action or toxicity in the case of pesticides, of the substances used.
- c. Interpretation of the pesticide labels and of the Material Safety Data Sheet (MSDS) for the substances used.
- d. Correct use of personal protective clothing and equipment.
- e. Preventative measures and measures for reducing damage to health and the environment caused by chemical substances: equipment, techniques, signage, medical examinations, etc.
- f. Emergency procedures, first aid and medical attention for cases involving poisoning or undue contact with chemical substances.
- g. Techniques for handling chemical substances and for the correct application of agrochemicals.

*6.13 Critical Criterion.* All workers that come into contact with agrochemicals, including those who clean or wash clothes or equipment that has been exposed to agrochemicals, must use personal protection equipment. The farm must provide this equipment in good condition, and must provide incentives to workers to use the equipment. The equipment must reduce contact with the agrochemicals and the possibility of acute or chronic poisoning, and must comply with the strictest of the following requirements:

- a) the requirements indicated on the products' Material Safety Data Sheet,
- b) any applicable laws; or
- c) the equipment indicated in Annex 2 of this standard.

## Research audit methodology

It is a fundamental principle of all SAN's audits that evidence is collected from three sources (cross-verification):

*Interviews with farm workers, supervisory staff, and management.* CB auditors may also choose to interview experts, local authorities, worker and union representatives, worker families, and community members as warranted by the situation. The number and types of interviews (individual and group) depend on the composition of the workforce—gender, temporary versus permanent workers, full-time versus part-time workers, and worker origin—and the types of work carried out. Translators are used where auditors do not speak all of the workers languages; these are contracted directly by the CB. Workers are not interviewed in the presence of farm management and supervisory staff, and precautions are taken so that evidence collected from interviews cannot be linked to particular workers.

*Field observations of farm operations, including production practices, worker conditions, occupational health and safety practices, infrastructure, and processing operations.* Audits during the three-year certification cycle are planned so that auditors can observe all farm operations and practices, including those that only occur during peak periods of activity, such as harvests, and during low seasons.

*Review of documents related to farm management and operations.* These include many types of documents, among them pesticide application records, safety plans, training plans and records, payrolls, and management policies and procedures. Farms must provide all requested documentation. Withholding any documents will result in the suspension of the audit and possible certification cancelation.

SAN CB auditors cross-check or “triangulate” these types of evidence to determine the actual situation on a farm. For example, workers may be observed to determine if they have and properly use personal protective equipment (PPE). Auditors then check PPE storage areas and inventories, as well as purchasing records, to ascertain if sufficient and appropriate PPE is available over time. Store room personnel are interviewed to determine PPE allocation processes, and maintenance procedures. Finally, auditors interview management and supervisory personnel and review farm policies and procedures, and the farm's occupational health and safety plan, to verify that the farm provides PPE and requires workers to use it when necessary.

This whole process of cross-verification can work in any direction (for example, starting with field observations as described above and work towards a document review, beginning with worker interviews, or commencing with a document review and verifying what is found in documents with what actually happens in the field). Auditors are trained to mix up these techniques to gather and verify evidence in order to evaluate actual conditions on a farm. SAN believes, and has confirmed over many years of certification and auditing experience, that analyzing only one type of evidence—observations, interviews, or documents—will provide only a partial picture of farm circumstances.

The Study, however, in section 1.4.2, stated that this cross-verification was not done and was based only on interviews:

The research was limited to focus group discussions, individual interviews and further discussions with other stakeholders like community leaders and trade union leaders. Due to fear of interruption from the estate management, the duration of data collection was limited to only a few days. The sample size from both the tea estates was, therefore, small. As the study was conducted without the knowledge of the estate management, the research team could not corroborate some information given by the workers with the management or other stakeholders. *Hence, certain conclusions can only be made on the basis of focus group*

*discussions, individual interviews and further discussions with other stakeholders like community leaders and trade union leaders. (Emphasis added)*

In short, SAN believes that it is critical to derive findings about farm practices and conditions based on the analysis and cross-verification of evidence from different sources, and interviews alone are insufficient.

## Specific Study allegations and findings of research audits

The following sections contain the conclusions or findings made by the Study and the respective findings of the research audits.

### Casualization

The Study states the following:

One third of the total workforce in both the estates consists of casual workers. The casualization of labour on the two estates has two causes: native Tamil workers often prefer to work temporarily, as they occasionally have other job opportunities with higher wages in construction work and on small tea farms, and, due to increasing labour scarcity, migrant workers from Assam (where wages are even lower) come to work in Tamil Nadu as casual workers so that they are free to leave during holidays and the low season.

From the IMO research audit report for Kairbetta:

According to the Tamil Nadu Industrial Establishment (Conferment of Permanent status to Workmen) Act 1981, workers are entitled to permanent status when they complete 480 days of work in 24 calendar months in the same establishment. Due to the shortage of workers, Kairbetta Estate confers permanent status to workers when they complete 240 days of work in a year. However, this is done once a year in the month of July. As per the estate records, 28 casual workers were made permanent in July 2015.

The actual percent of casual workers in the Kairbetta workforce has decreased from 55% during 2013-14 to 41% in 2016 principally due to the estate's policy of accelerating the granting of permanent worker status, despite the increased cost to the estate.

The Havukal research audit found that there are only 52 casual workers out of total workforce of 495, or 10.5%, and these are soon to become permanent, also. Casual workers only account for 25% of the combined workforce of the two estates and this proportion is declining over time. This conflicts with the Study conclusion that:

*...nearly one third of the total workforce in Havukal and Kairbetta estates are temporary/casual workers. Although exact figures are not available, the casualization of the workforce has increased quite significantly in recent years. (Emphasis added)*

According to the *Sustainable Agriculture Standard* criterion 5.3, the farm must directly hire its workforce, except when a contractor is able to provide specialized or temporary services under the same environmental, social and labor conditions required by the Standard. The Standard does not prohibit the hiring of casual workers. The research audits found that both estates directly hired both casual and permanent employees. Workers are not contracted through intermediaries.

## Unequal benefits

The Study concludes that the situation regarding worker benefits is as follows:

In short, permanent workers receive many benefits, like provident fund, leave benefits, festival bonus, employees' state insurance benefits, crèche facilities, housing within the estates, free electricity, materials for painting of houses every year, food grains in subsidy, medical facilities, educational facilities, employee state insurance benefits, annual bonuses, a contribution to the school fees of their children and they can get an advance of maximum 281 euro from the tea estate and a bank loan facility for higher amounts.

The temporary workers are entitled to housing facilities, education facilities and medical facilities. However, they do not receive a contribution to the school fees of their children, provident funds, leave benefits, crèche facilities or other social security benefits. The festival bonus is only provided to temporary workers who used to work as permanent workers and have rejoined the estate, but other temporary workers do not receive this bonus.

The Study states on pages 20 and 21:

The permanent workers at both Havukal and Kairbetta tea estates are entitled to several benefits. As permanent workers they receive provident fund, leave benefits, festival bonus, employees' state insurance benefits and crèche facilities. The benefits at Havukal estate are better than at Kairbetta estate, as they include provisions like medical facilities at their own hospital, referral to and payment of medical care at the private hospital at Kotagiri, educational scholarships and educational loans for their childrens' higher education. All these benefits are not provided to the temporary workers.

There is a primary school at the estate premises which provides education to the children of all workers, both permanent and temporary. Usually, workers living on the estate premises use the facilities. For estates it is mandatory as per the plantation act to provide at least primary education to children of all workers in the estates. All children can study until class V in the estate schools. The language of instruction is Tamil, which can be difficult for migrant children, as their mother tongue is Hindi and a local language like Odishi or Bengali. Furthermore, the estates provide half of the school fees up to class VIII, but only for the children of permanent workers.

Thus, temporary workers are not entitled to a contribution to the school fees of their children, provident funds, leave benefits, crèche facilities or other social security benefits.

The research audits did not find evidence that either estate discriminated with respect to benefits provided to workers. Casual, part-time and migrant workers received all of the legally required benefits, and more. The Kairbetta research audit report indicates:

The research audit did not detect any discrimination in any of the activities at Kairbetta. The estate provides equal pay and benefits as required by law and as per SAN standards to all workers for the same type of work. The casual workers receive the same pay as the permanent workers as well equal rate of bonus, medical benefits and access to the crèche and housing facilities. There is no differentiation between casual workers who are locals and casual workers who are migrants from far away states of India such as West Bengal,

There is a similar finding in the Havukal research audit report:

The estate provides equal pay and benefits to as required by law and as per SAN standards to all workers for the same type of works. The casual workers receive the same pay as the permanent workers as well equal rate of bonus, medical benefits and access to housing facilities. There is no differentiation between permanent workers from Tamil Nadu and permanent workers from far away states (migrants) of India such as West



Bengal. All the migrant workers are also employed in the permanent category from the first day of their employment in the estate.

Both research audits indicate that the Employee Provident Fund (EPF) and the gratuity cannot apply to previously retired workers, and the estates are not legally required to pay gratuity to casual workers. These workers, if they return to the estate or come from elsewhere, are granted all other benefits the same as other workers.

The Study makes the following statement regarding worker bonuses:

The annual bonus for permanent workers can be as high as 159 euro, while the maximum annual bonus for temporary workers is 119 euro. Temporary workers get wage advances up to maximum 281 euro from the estate management but to avail this facility they need to provide guarantee from two permanent workers, which is some time difficult particularly for migrant workers. Banks do not provide any loans to temporary workers.

The research audits found both estates in full compliance with the law regarding the payment of bonuses as per the Payment of Bonus Act of 1965. All annual bonuses are calculated as a percentage (20%) of a worker's total annual earnings. There are no absolute bonus figures for temporary and permanent workers, and some casual workers may even earn a higher bonus than permanent workers because of the percentage-based method of calculation.

Regarding the "Festival Bonus" mentioned in the report, Kairbetta management has provided the following response:

The report confuses two very different payments and seems to have coined the term 'Festival Bonus' on its own accord. Kairbetta provides the Annual Bonus as stated above, and in addition to that a Recoverable Festival Advance (as requested by the workers) - both of which are given/accessible to all workers.

As a practice that has been taking place over decades, we continue to provide workers with a recoverable Festival Advance during the time of the Annual 'Mariaman' Festival that takes place in the months of April-May. The workers in consultation with the management decide this amount. Due to the fact that the festivals take place at the temples on the property, the non-residents pay a different amount from the resident workers. Also if a certain individual does not want the advance at that time of the year, they request the management to not give them the advance, and the management obliges to give it to them when they require it. It is a simple yet flexible process to enable efficient use of money and an easy but slow recovery.

The "Festival Bonus" is not a legally required benefit but something offered by different estates, and decided upon by workers according to information provided by Kairbetta estate management. As stated above, the research audits found both estates in full compliance with the law regarding the payment of bonuses.

The availability of advances on wages are not within the scope of *Sustainable Agriculture Standard* requirements. The rules about providing advances are purely at the discretion of the estates. Likewise, bank loans are outside the scope of Rainforest Alliance/SAN certification.

## Overtime and wages

The Study concludes the following regarding wages and overtime on the two estates:

The wages paid to the tea workers at Havukal and Kairbetta estates are at par with the legal minimum wage (for tea plucking) or higher (for other production activities like applying fertilizers and pesticides). However, overtime wages are often calculated per piece rate instead of estates paying the legally required hourly wage (with a required minimum of 0,77 euro per hour). The overtime compensation is therefore a potential violation of Tamil state law. Furthermore, during peak season, half of the workers reported to work more

than 12 hours a day for 7 days a week. These hours of overtime are also in violation with legal requirements, as they exceed the permitted 3 hours of overtime a week and the required one day a week off. Additionally, in exceptional cases, wages are deducted with 0.14 to 0.28 euro when workers do not meet the daily target of 30 kg for multiple days in a row.

The Havukal research audit reported that all wages meet or exceed the negotiated minimums, and that working hours do not exceed the legal maximum at any time during the year. Furthermore, no employee is working overtime. The research audit found:

Havukal estate pays all its workers their due wages as per the terms of the bilateral settlements made periodically by the trade unions and the Nilgiri Planters' Association. The most recent settlement is dated 6/6/2013. The daily rate for work in the tea estates in the Nilgiris is INR 241.66 w.e.f April 2016.

In addition to this, all the workers employed in plucking, spraying and factory activities receive additional incentives or allowances to encourage better performance (within the regular hours and days). There is no piece work nor deductions, as claimed in the ICN report. It appears that the additional incentives paid for better performance during the regular work hours have been misinterpreted to be payments for piece work or deductions.

In Havukal estate, all the field and factory workers work 8 hours a day and 6 days a week. Sunday is the weekly holiday for field workers and Monday is the weekly holiday for factory workers. There is no overtime. This is unambiguously confirmed through the cross check of various documents related to the attendance, field and factory activities besides the interviews with the workers. It is confirmed that not even a single worker worked over time on any day.

There were similar findings in the Kairbetta research audit report:

Kairbetta estate pays all its workers their due wages as per the terms of the bilateral settlements made periodically by the trade unions and the Nilgiri Planters' Association. The most recent settlement is dated 6/6/2013. The daily rate for work in the tea estates in the Nilgiris is INR 241.66 w.e.f April 2016.

In addition to this, all the workers employed in plucking, spraying and factory activities receive additional incentives or allowances to encourage better performance (within the regular hours and days). There is no piece work nor deductions, as claimed in the ICN report. It appears that the additional incentives paid for better performance during the regular work hours have been misinterpreted by ICN to be payments for piece work or deductions.

In Kairbetta estate, all the field and factory workers work 8 hours a day and 6 days a week. Sunday is the weekly holiday for field workers and Monday is the weekly holiday for factory workers. There is no overtime. This is unambiguously confirmed through the cross check of various documents related to the attendance, field and factory activities besides the interviews with the workers. It is confirmed that not even a single worker worked over time on any day in the last few years.

The auditors on the Kairbetta research audit did find a minor non-conformity regarding the failure to calculate a paid leave day every time a casual worker laboured for more than 20 consecutive days, not counting rest days. As a result of the research audit, Kairbetta discovered 75 cases of workers not paid accordingly, and made restitution on 14 May 2016. This demonstrates the importance of evaluating estate documentation and cross-checking evidence, as practiced by SAN auditors.

It appears the Study reported a deduction in pay for unmet plucking quotas. This was not a deduction; rather, workers did not receive incentives because they did not exceed the established quota. These incentives are legal and within the discretion of the estate.



## Advances and bonded labour

The Study arrives at the following conclusion regarding advances and the possibility of forced labour:

Both the estates have the practice of providing advance payments to the workers once in a year. Advances are generally taken by workers to meet educational expenses, marriage, building or renovating houses and meeting emergencies. Although the estate management provides advances, they have a certain limit for providing the advance. Only loans up to 281 euro are provided by the management to both temporary and permanent workers without interest and repayments are normally deducted from their monthly or weekly salaries. Workers can also choose to repay the amount in lump sum. If a temporary worker wants a loan, two permanent workers have to provide witness. The advance taken by these temporary workers has to be repaid in full amount if they want to leave the estate and join in other estates or for other work. Thus, they cannot leave the estate until their advances are fully repaid. This might be a form of bonded labour, which is in violation with the ILO Forced Labour Convention and the Indian Constitution.<sup>1</sup>

The Study appears to confuse the concept of advances and loans, and the practice of providing an annual advance. As explained in the previous section on benefits, the yearly advance is for the Mariaman festival. The amount is decided by workers and the estate management. It is not obligatory and no interest is charged on amounts advanced.

“Loan” implies interest charged for money lent or advanced to workers. Both estates confirm that no interest is charged for any advance on salaries. Again, specific conditions and policies regarding advances are not within the scope of *Sustainable Agriculture Standard* or certification. The only requirement (Criterion 5.4 article j) is that all legal and agreed-upon deductions must be indicated in payroll information, and the estates must explain deductions to the workers. The research audits confirmed that this was the case on both estates.

The Study makes a more serious charge that temporary workers cannot leave the estates until advances are repaid, and that they must have two permanent workers as backers for any advances. This would be in violation of *Sustainable Agriculture Standard* critical criterion 5.10 regarding forced labour. The research audit report for Kairbetta estate found:

Kairbetta estate does not withhold any part of the wages or benefits of the workers (permanent or temporary), in order to prevent them from leaving the estate when they want or as a disciplinary action. In 2015-16, as many as 23 casual workers stopped working for Kairbetta and went elsewhere, although they had not fully paid back the advances taken by them. The amounts due from them had to be written off by the estate.

Further, the ICN report has misrepresented the amounts taken by the workers in advance of their regular payments to be loans. They cannot be considered to be loans as the amounts are not disproportional to their wages (maximum of 3 months’ wages) and are free of interest. The farm does not demand a guarantor or any type of mortgage for these advances and the amounts & period of pay-back are mutually agreed upon by the management and the concerned worker.

A similar situation was found by auditors on Havukal estate:

Havukal estate does not withhold any part of the wages or benefits of the workers (permanent or casual), in order to prevent them from leaving the estate when they want or as a disciplinary action. 38 workers had stopped work in 2015-16 and had been paid their complete wages till the last day of work.

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<sup>1</sup> Bonded Labour in India: Its Incidence and Pattern (2005), International Labour Organization, ISBN 92-2-117322-4

Further, the ICN report has misrepresented the amounts taken by the workers in advance of their regular payments to be loans. They cannot be considered to be loans as the amounts are not disproportional to their wages and are free of interest. The farm does not demand a guarantor or any type of mortgage for these advances and the amounts & period of pay-back are mutually agreed upon by the management and the concerned worker.

## Freedom of association and worker representation

The Study (page 27) makes the following claims about freedom of association and worker representation on the estates:

Individual interviews revealed that, every year, the management deducts 1.42 euro from each worker's salary as union membership fees or annual subscription. But the workers are not free to choose any union. They have to choose the union supported by the estate management. Some of the workers interviewed did not know under which union their name was registered. As per interview held with union representatives, at some companies the union supports the workers and fight for their rights. E.g. if they did not get their salary on time or the bonus, it would be looked after by the union. It happens that the estate management is not happy when a worker joins a different union, one that is not supported by the management.

At both estates, workers mostly remember the name of the unions they are associated with – for instance All India trade union congress (AITUC) – and having paid annual subscription. However, they could not remember any notable activities taken by the trade union in their respective estates. Hence it should be noted that unions are not familiar with the workers and had not contributed in improving their working and living conditions to a great extent. The presence of a union could not be felt among the workers. Hence many changes could not be observed in relation to the previous study period in terms of freedom of association or union activities and worker's recognition of unions at both the estates.

The research audits evaluated the situation regarding workers freedom to organize and negotiate conditions according to the *Sustainable Agriculture Standard* critical criterion 5.12. The Havukal audit found the following:

All the permanent workers are members of INTUC, the only union that is currently active in Havukal. The interviews with casuals as well as the permanent workers did not indicate any attempt by the management to prevent the workers from joining a union of their choice. They explicitly mentioned that the management had informed them about their free choice. The workers informed that they were free to join any union but the other unions did not make sustained attempts to enroll them. This was confirmed in an interview with the state secretary of Tamilnadu Plantation Labour Progressive Union, another prominent union with an office in Kotagiri, the nearest town.

All the interviewed workers confirmed that the local unit leaders of INTUC visit Havukal regularly to collect their grievances, if any.

There is a works committee in the estate that enables the workers to directly present their issues to the management in order to get them resolved. There is one representative of the migrant workers in the committee.

A similar situation was found on Kairbetta:

All the permanent workers are members of INTUC, the only union that is currently active in Kairbetta. Interviews with the migrant casual workers indicated that they did not want to become members of any union before they became permanent workers. The interviews with them as well as the permanent workers did not

indicate any attempt by the management to prevent the workers from joining a union of their choice. They explicitly mentioned that the management had informed them about their free choice. The workers were informed that they were free to join any union but the other unions did not make sustained attempts to enroll them. The lack of other union enrolment efforts was confirmed in an interview with the state secretary of Tamilnadu Plantation Labour Progressive Union, another prominent union with an office in Kotagiri, the nearest town.

All the interviewed workers confirmed that the local unit leaders of INTUC visit Kairbetta regularly to collect their grievances if any.

There is a works committee in the estate that enables the workers to directly present their issues to the management in order to get them resolved. There is one representative of the migrant workers in the committee.

## Pesticide safety and training

The final major conclusion made by the Study is in regard to pesticide safety:

Most of the workers, in particular the migrant workers, involved in chemical handling are not aware about banned chemicals and what kind of chemicals are being used in the plantations. Only few workers are aware of the personal protective equipment being used in the estates. However, it could be noticed that at both the estates, chemical handling procedures had been setup right from storage of chemical – storage area, mixing of chemicals, provision of personal protective equipment for application of chemicals. However, the practice of using personal protective equipment of workers could not be found among all chemical sprayers as it was not seen as comfortable practice rather than safety precaution among the workers. Workers generally use PPE's like coats and gloves but they are not comfortable with wearing goggles and masks. Due to their illiteracy or different language, migrant workers are ignorant of chemicals used and any instructions given to them.

We, as well as the IMO auditors, question the basis of these claims. They allude to on-farm practices, with statements such as "...it could be noticed that at both the estates, chemical handling procedures had been setup right from storage of chemical – storage area, mixing of chemicals, provision of personal protective equipment for application of chemicals." In a similar fashion, "the practice of using personal protective equipment of workers could not be found among all chemical sprayers as it was not seen as comfortable practice rather than safety precaution among the workers." However, the Study admitted that it only conducted interviews and did not enter the farm to observe any production practices.

Both Rainforest Alliance and SAN recognize that using personal protective equipment (PPE) for applying agrochemicals is uncomfortable, particularly in the tropics. Nevertheless, there is a marked difference between workers expressing that PPE use is uncomfortable, and its required use on estates. The research audits confirmed that PPE and pesticide safety training is provided on both estates, and that there are policy to enforce the use of PPE. From the Havukal research audit report:

There are 14 spraying workers and a supervisor in the estate spraying team and all of them are permanent workers. Eight of these spraying workers are migrants.

The trainings are conducted at regular intervals, in Tamil and Hindi. The estate has appointed a well-trained Hindi speaking staff to train the migrant workers in the spraying team. The interviews with the spraying workers confirmed without doubt that they were all aware of the chemicals in use, their correct usage as well as safety measures and PPEs to be used while handling chemicals.

It was physically verified in this audit, as done in the previous audits, that there are sufficient numbers of appropriate PPEs in good condition for the 14 workers of the spraying team. As no spraying was ongoing during this audit, the actual use of the PPE by the workers could not be verified physically. However, a supervisor who is well experienced in all aspects of handling agro chemicals is always present to ensure that all the workers use the PPEs as required. This is supported by the written warnings that had been issued to 3 workers in 2015-16 for not using PPEs properly.

Similar results were found regarding Kairbetta estate:

There are 17 spraying workers and a supervisor in the estate spraying team. Eight of these spraying workers are migrants and out of these eight, five are casuals. The supervisor is a permanent worker. The majority of the spraying workers are permanent workers and locals, contrary to the claims in the ICN report.

The trainings are conducted at regular intervals, in Tamil as well as Hindi, by the manager and the owners of the estate who are native Hindi speakers. There are wall posters with pictorial presentation of the spraying activities as well instructions in English, Tamil and Hindi. The interviews with the spraying workers confirmed without doubt that they were all aware of the chemicals in use, their correct usage as well as safety measures and PPEs to be used while handling chemicals.

It was physically verified in this audit, as done in the previous audits, that there are sufficient numbers of appropriate PPEs in good condition for all 18 workers of the spraying team. Spraying was ongoing during this audit and it was physically verified that the workers were using the PPEs properly. Further, the supervisor who is well experienced in all aspects of handling agro chemicals is always present from the issue of PPEs and chemicals at the start of the day till the workers finish cleaning the equipment, return the PPEs, shower and change into their home clothes. This ensures that all the workers use the PPEs as required.

Further, the condition of the PPEs as well as the records of replacements confirm that the PPEs are used regularly.

SAN auditors typically confirm the use of PPE through worker and supervisor interviews, field observations, the inspection of storage facilities, and the review of PPE inventories, purchase invoices, and dispatch records. The dispatch records are also cross-checked against pesticide application records to ensure that the correct PPE was provided to workers.

## Conclusion

The IMO audit teams evaluated and cross-verified many different types of evidence, especially evidence only available on the estates. From this multi-faceted review, they did not find any corroborating evidence that support the Study's finding about conditions on Kairbetta and Havukal estates.

The research audits did not find any conformity issues related to *Sustainable Agriculture Standard* critical criteria. Only one minor conformity issue was detected with respect to the *Sustainable Agriculture Standard* criteria 5.7 related working hours. This was quickly rectified by the farm, and restitution made to the workers involved.

Given these results, IMO India has concluded the cancelation of the certification of Kairbetta or Havukal estates is not justified. SAN analysed the audit results and information provided by the estates and has concluded that the audits were carried out professionally within the framework of *SAN Accreditation Requirements* and upholds IMO's conclusions regarding conditions on the farm.