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Ethical Trade in African Horticulture: Gender, Rights and Participation

Final Report on Zambia Study

Anne Tallontire, Sally Smith and Chosani Njobvu

May 2004



**Natural
Resources
Institute**

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GENDER, RIGHTS AND PARTICIPATION

FINAL REPORT ON ZAMBIA STUDY

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May 2004

This report was written by:

Anne Tallontire Natural Resources Institute, University of Greenwich, UK
Sally Smith Institute of Development Studies, University of Sussex, UK
Chosani Njobvu Institute of Economic and Social Research, University of Zambia,

In addition to the people above, the Zambian field work team comprised:

Diana Banda University of Zambia (UNZA)
Patience Hamayanda NRDC/ZEGA Training Trust (NZTT)
Joyce Manda Mulenga NZTT
Isaac Nkhungulu NZTT
Robert Kelly Salati UNZA
Vincent Simwinga UNZA

The fieldworkers received training in participatory methods by Di Auret, DMA Consultants, South Africa. Stephanie Barrientos of IDS also participated in the field work and undertook some key informant interviews.

Advice on the horticultural industry was provided by Dr Glenn Humphries of NZTT.

Electronic copies of this report, a summary of the Workshop held in Zambia and other reports from this project are available on the Internet at:

NRI www.nri.org/NRET/gender.htm

IDS www.ids.ac.uk/ids/global

Please send comments on this document to:

Dr Anne Tallontire
Natural Resources Institute
University of Greenwich at Medway
Chatham Maritime
Kent ME4 4TB
UK
a.m.tallontire@gre.ac.uk

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EXECUTIVE SUMMARY

Background

Horticulture has become one of Zambia's most successful export industries. The Zambian horticulture industry has specialised in the production of cut flower roses in greenhouses and field production of high value vegetables. Exports are primarily to Europe: roses to the Netherlands, UK, Germany and Switzerland, and vegetables mainly to the UK. The supply chains in which Zambian producers operate are increasingly characterised by 'codes of conduct'. Codes set out what is expected of the producer in terms of the quality and safety of the product, the environmental impacts of production, and/or the social conditions under which vegetables and cut flowers are produced. Codes which consider standards for working conditions are the subject of this report.

In the region of 10,000 Zambians are employed in the production of roses and vegetables, just over half of whom are women. Employment on rose farms tends to be more stable/permanent than on vegetable farms, which are more affected by seasonal fluctuations in production and therefore have a greater proportion of casual and seasonal contracts. Amongst the non-permanent workers women predominate, especially in vegetables. The largest single category of worker in the industry is female non-permanent workers in the vegetable sector.

Codes & Gender

If codes are to deliver substantive changes in working conditions they must ensure that the rights of all workers are protected. However, codes have been criticised for failing to consider gender issues or extend to temporary workers, which are key concerns in an industry where much employment is female and temporary. The research therefore sought to explore ways to develop codes that are effective and inclusive of all workers, including female and temporary workers. We aimed 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.

We undertook research in six companies: three rose producers, one vegetable producer and two rose and vegetable producers. All companies were implementing codes that had some

coverage of labour practices, including the code established by the industry association, northern sectoral codes and buyer codes.

The specific codes adopted by individual producers in Zambia largely relate to the products grown and the markets being supplied. Some flower producers are using the Dutch Milieu Project Sierteelt (MPS) code, an environmental code for rose production which has an optional social chapter. Vegetable producers are expected to comply with the ethical trading codes of their buyers (supermarkets and the importers they source through) and by implication of UK supermarkets' membership of the Ethical Trading Initiative (ETI), the ETI Base Code. All export growers are asked to work towards compliance with the Zambian Export Growers Association (ZEGA) code.

The implementation and auditing of social codes are still in their early stages in Zambia and code development has largely evolved internally within the industry. To date, there has been little involvement of workers' representatives or outside stakeholder groups.

Producers' perspectives

All companies in the study were using at least one code. Most companies found codes in general to be constructive as management tools, as a way of improving worker welfare and a mechanism for training workers. However, some thought that buyer codes were too northern biased and called for greater support in code implementation.

Worker Perspectives & Gender Issues

There were a number of examples of good practice on the farms studied. Examples include: the provision of childcare facilities; a comprehensive programme to address harassment; HIV/AIDS awareness-raising programmes; upgraded housing; subsidised mealie-meal; employment of a community manager and structured programmes to transfer casual workers to fixed term or permanent contracts. However, our interviews and focus group discussion with workers revealed that a number of employment problems persist. Many of the issues they raised had a gender dimension:

- *Insecure employment:* Most workers felt their jobs were somewhat insecure, but casual and seasonal workers were particularly vulnerable. In vegetable production, these workers are mostly women.
- *Low wages:* Low wages were a concern to almost all workers. As women generally have responsibility for childcare, they expressed particular concern that they could not always afford to pay someone to take care of their young children.

- *Overtime:* Many workers complained that overtime is compulsory and not always paid. Women workers found it difficult to arrange childcare when working late and were concerned about personal safety walking home after a late shift.
- *Gender discrimination:* Women and men are allocated different types of jobs and this has limited the wages and promotion of women. Pregnant women are rarely recruited and lack of maternity leave for non-permanent staff creates anxiety about income security.
- *Exposure to chemicals:* Men involved with crop spraying highlighted a number of health concerns. Exposure to toxic chemicals affects women workers as well, especially in greenhouses, and dangers are amplified if pregnant or breastfeeding.
- *Verbal abuse and sexual harassment:* Male and female workers across all farms reported verbal abuse by line managers. Sexual harassment of women, mainly by supervisors, was also reported by workers in four of the six companies.

Underlying Causes

A number of underlying causes of these problems were identified:

- Socially embedded perceptions about the roles and capabilities of women have led to the gendered allocation of tasks and concentration of women in insecure forms of employment.
- The agricultural trade union has limited resources and capacity for recruitment and support of members. On unionised farms there tend to be more male than female shop stewards (although positive steps towards gender equality are being made by the union). Unions often only involve permanent workers, so the large number of non-permanent (mostly women) workers lack representation.
- Human resource management on many farms is hierarchical and in most cases supervisors have not received sufficient management training. Over-reliance on untrained line management, most of which is male, and a lack of trade union representation combined mean that women and non-permanent workers do not have a channel through which to voice their needs, opinions, and grievances.
- Company policies are often unclear and poorly communicated.

- The Zambian horticulture industry is relatively young and resources for investing in labour are limited.
- Zambia is a poor country with inadequate infrastructure and public services. The government has few resources for enforcement of labour law.

In terms of ethical trade, to date there has been little stakeholder engagement and dialogue around the implementation of codes, and social auditing tends to be conducted in a top-down, non-participatory fashion. Workers were generally unaware of codes, despite the fact that some companies have had them for several years. Overall, as in other sectors, codes have been implemented in a gender-neutral way and the differing concerns of women and men workers have not been given adequate attention.

Ways forward

Our research findings offer insights into ways forward for the Zambian horticulture industry, both in relation to specific improvements in the workplace and more generally in relation to ethical trade.

Specific Actions we recommend companies to take include:

a) Company policies & worker education

Companies should draw up and communicate clear employment policies. All workers should have contracts outlining the terms and conditions of their employment, and be given a copy. Payslips with simple information about days worked, wages earned and relevant deductions should also be given. These steps need to be accompanied by education of workers regarding their rights at work, and also their responsibilities and the expectations of employers.

b) Job security

Long-term casuals should be transferred to permanent contracts, or fixed term contracts of at least one year. Seasonal contracts should be used to cope with fluctuations in production, providing pro-rata benefits and some guarantee of being rehired the following season.

c) Support for women in relation to domestic responsibilities

This includes: childcare services; breastfeeding breaks; advance notice of when they have to work late; light duties and antenatal care for pregnant women; job security for women on unpaid maternity leave.

d) Elimination of harassment & abuse

Steps must be taken to eliminate sexual harassment, through awareness-raising and properly enforced company policies. There is also a need for policies on verbal and physical abuse, and favouritism and corruption within the workplace.

e) Health and safety

Spraying of chemicals whilst unprotected workers are in the same greenhouse should be stopped immediately, and re-entry times should be observed. Companies are recommended to set up Health and Safety committees.

f) Management and supervision

Many of the above improvements are dependent on better management generally. In particular there is a need to expand training for supervisors, especially on how to manage workers and on gender issues. Efforts should be made to promote more women to supervisory and management positions; this may require giving them additional training and support.

These measures would contribute to a more gender-sensitive working environment. However, their success in terms of promoting **sustained workplace improvement for women as well as men is dependent on instituting a process through which the voices of all workers can be heard in an ongoing manner**. For this to happen, there needs to be more effective communication of company policies and the establishment of confidential channels for complaints. Both unions and management should make sure that worker representative systems are inclusive and effective, with female as well as male representatives, and including casual and seasonal workers. Women's Committees may be useful for giving women a forum in which they feel comfortable talking about the problems they face, and for seeking ways to overcome socially-embedded gender discrimination.

Ethical trade could make a positive contribution to this sustained process of improvement if a number of changes are made to the way codes are implemented and audited. These changes centre around the adoption of a participatory, multi-stakeholder approach which would involve:

1. *Participatory Social Auditing tools*: The research found participatory tools such as focus group discussions and group exercises more effective for uncovering sensitive or contentious issues (such as sexual harassment and discrimination) than individual 'check-list' interviews. The latter are more appropriate for 'hard' facts such as wages, benefits and contracts.

2. *Process Approach*: Taking a process approach to social auditing, rather than conducting one-off audits with little follow-up work, means having an ongoing, sustainable system of code implementation, monitoring, feedback and improvement.
3. *Stakeholder Engagement*: The involvement of stakeholders external to the industry (eg. trade unions and NGOs) is critical to the success of Participatory Social Auditing, particularly to ensure that the voices of more marginalised workers are heard and verifying information resulting from audits. From a gender perspective, it is essential to identify local organisations that are able to reflect women's interests, as women workers themselves may lack the confidence and skills to do so.
4. *Local Multi-stakeholder Initiative*: One way of institutionalising stakeholder participation and a process approach to ethical trade is the through the establishment of a local, multi-stakeholder code body. This would include representatives from all stakeholder groups and would provide guidance, oversee code implementation and facilitate auditing on a basis that is mutually agreed. Through inclusion of organisations that reflect gender interests, the diverse interests of all workers would be taken into account and the necessary training and support would be provided.

It was clear from our research that there are a number of steps that need to be taken before a multi-stakeholder approach is likely to emerge in Zambia. There is limited understanding of the industry amongst NGOs and the union lacks resources and capacity. In the industry there is a perception that they do not need involvement from outsiders. However these issues are not insurmountable and feedback from our workshop indicates that some of the initial barriers between stakeholder groups could be breached through further dialogue and interaction. In addition, the ZEGA code of practice is a strong foundation for building a multi-stakeholder forum, especially as it makes reference to the union-negotiated Collective Bargaining Agreement.

Conclusion

The Zambian horticulture industry has demonstrated a willingness to tackle serious problems, subject to financial and other constraints. In addition to specific improvements in the workplace we have recommended the adoption of participatory auditing methods and greater stakeholder involvement as important measures to improve the gender sensitivity of codes. A multi-stakeholder approach to code implementation, based on worker participation, is likely not only to improve labour practices but to also help companies realise commercial benefits through a more productive workforce, higher quality products and enhanced access to markets. Before such an approach can be realised in Zambia it is necessary for dialogue

between the union and the industry to be widened and deepened, and for the industry to engage more effectively with civil society generally, especially those able to address gender issues in employment.

A final note should be added about the role of buyers in improving working conditions in Zambian horticulture. To date codes have been implemented in a top-down fashion, with little dialogue with workers and producers about how they are affected. A snapshot approach to auditing does little to instil a process of continual improvement. Buyers should reverse this trend and promote local ownership of codes, placing the focus firmly on worker participation.

ACRONYMS

AEAAZ	Agricultural Ethics Assurance Association of Zimbabwe
BVQI	Bureau Veritas Quality Inspection
CBA	Collective Bargaining Agreement
CBI	Centre for the Promotion of Imports from Developing Countries (Netherlands)
COLEACP	Comité de Liason Europe–Afrique-Caraïbe-Pacifique
DFID	Department for International Development (UK)
ETI	Ethical Trading Initiative (UK)
EUREP	European Retailers Representatives Group
FGD	Focus group discussion
FLP	Flower Label Program
GAP	Good Agricultural Practice
H&S	Health and safety
HACCP	Hazard Analysis Critical Control Point
HEBI	Horticultural Ethical Business Initiative (Kenya)
ICC	International Code of Conduct for Cut Flowers
ICFTU	International Confederation of Free Trade Unions
IFOAM	International Federation of Organic Agriculture Movements
ILO	International Labour Organisation
IUF	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
JIC	Joint Industrial Council
MPS	Milieu Project Sierteelt
MPS-SQ	Milieu Project Sierteelt- Socially Qualified
NAPSA	National Social Pension Scheme (Zambia)
NUPAW	National Union of Plantation and Agricultural Workers (Zambia)
NZTT	Natural Resource Development College/ Zambian Export Growers Association Training Trust (Zambia)
PPE	Personal protective equipment
PSA	Participatory Social Auditing
SA8000	Social Accountability standard
SSI	Semi-structured interview
WHO	World Health Organisation
WIETA	Wine Industry Ethical Trade Association (South Africa)
ZEGA	Zambia Export Growers Association
ZFEA	Zambian Farm Employers' Association

1. INTRODUCTION

Horticulture has become one of Zambia's most successful export industries. Growing from exports of just \$8 million in 1993/4 to over \$60 million in 1999/00, the industry is now one of the country's key employers. In the region of 10,000 Zambians are employed in the production of roses and vegetables, just over half of whom are women.

The supply chains in which Zambian producers operate are increasingly characterised by 'codes of conduct'. Codes of conduct set out what is expected of the producer in terms of the quality and safety of the product, the environmental impacts of production, and/or the social conditions under which vegetables and cut flowers are produced.¹ In particular, a number of different codes covering minimum labour standards have been introduced, in response to a growing demand among consumers for goods produced under 'ethical' conditions. Despite the large numbers of women working in supply chains where codes are also common, the differing concerns of female workers as opposed to male workers have received limited attention in the literature on codes.

This report describes the implementation of codes in Zambia, from a gender perspective. It highlights how gender issues have been overlooked in codes, which is a serious concern since so much of the employment in the industry is female. The report is based on a two year research project that explored the potential for ethical trade in the horticulture industries of Zambia, Kenya and South Africa. The first phase of this project (2000/1) found that producers engaged in export horticulture in Africa faced a large number of codes and they were struggling to implement all their provisions and demonstrate compliance. It was also found that much employment in the sector was female and temporary and there were clearly issues around how codes relate to these workers.²

The second phase of the research (2002/3) has involved an in-depth assessment of gender and ethical trade in African export horticulture, focusing on South African fruit, Kenyan flowers, and flowers and vegetables from Zambia. The aim was to explore ways to develop codes of conduct that are effective and inclusive of all workers, including female and temporary workers, while still being commercially viable for producers. We examine how the evolving process of code development, monitoring and verification could be made more

¹ Codes of conduct have been defined as "a set of ethical principles and standards that attempt to guide a firm's environmental and social performance" (Utting 2000:4).

² A full discussion of these issues can be found in the first stage report of this research project, which is available on the internet: www.nri.org/NRET/genderet.pdf

gender-sensitive through participatory processes and through the development of initiatives based on local stakeholder participation.

This report is organised as follows. In Section 2 we introduce the concept of ethical trade. Section 3 explains our research methodology. The export horticulture sector in Zambia is then described in Section 4, followed by an overview of ethical trade in the industry in Section 5. Sections 6 and 7 comprise the bulk of the report setting out the perspectives of both producers and workers with respect to codes and working conditions in the sector. In Section 8 we highlight some underlying issues before making recommendations on ways forward in Section 9. Section 10 concludes the report.

2. ETHICAL TRADE

In the context of trade liberalisation, privatisation and de-regulation, which have redefined the role of the state, the 1990s witnessed tremendous growth in private sector initiatives promoting corporate responsibility in international supply chains. These initiatives range from codes of conduct, labelling and certification schemes, to investor initiatives, purchasing policies and partnerships (Murphy and Bendell 1999, Diller 1999, Pearson and Seyfang 2001, Jenkins 2001).

In the horticultural sectors of Zambia, Kenya, and South Africa, three kinds of codes of conduct have emerged:

- i. company codes, via supermarkets, importers and exporters;
- ii. sectoral codes, via trade and industry associations; and
- iii. independent codes, through independent, often multi-stakeholder organisations.

There are important differences between these codes. Independent codes (e.g. SA8000 and the ETI Base Code) have been developed as free-standing labour codes. Company and sectoral codes (whether international or national) have tended to add social criteria to existing standards that cover management systems, technical aspects of production including pesticide use, and environmental issues. We discuss the codes that are being applied in Zambia in Section 5.³

Whilst generally applauding the expressed intentions behind codes, there have been a number of criticisms of their development and application. Few codes have referred explicitly to the ILO's Core Labour Standards that set out basic rights at work (Diller 1999). Few have involved consultation with stakeholders outside the industry when being developed. Social auditing, i.e. the auditing of social aspects of codes, is still in its early days, and social auditing practice has been the subject of detailed critiques. For example, O'Rourke (2002) noted the failure of auditors to spot even basic health and safety breaches.

Throughout the world, as experience with the implementation of codes has accumulated, there is an increasing realisation of the complexity of the challenge to improve employment conditions. This is accompanied by growing recognition that long-term change in workplace practice necessitates an approach to code implementation that draws on 'multi-stakeholder'

³ The origin of company, sectoral and independent codes are discussed in more detail in Barrientos et al 2001.

participation (including private sector, civil society, trade union and government), and emphasises flexible application and local ownership. Many members of the UK's multi-stakeholder Ethical Trading Initiative (ETI), including several major supermarkets, acknowledge that local initiatives can be more effective in improving employment conditions than 'top down' northern codes alone⁴. This reflects the view that initiatives involving all stakeholders are more able to address the complexities of local employment conditions and support code development on a sustainable basis (NRI 2002).

Meanwhile, some buyers are looking to local independent organisations to assist them in their efforts to build up the capacity of their suppliers to improve working conditions. Others are considering worker councils as a step towards bringing worker perspectives into code implementation and auditing. These diverse approaches demonstrate the evolving nature of ethical trade, with knowledge and experience growing daily. However, whilst understanding of ethical trade is becoming more nuanced in terms of the relationship between local participation and achievement of international standards, gender issues have been somewhat neglected.

⁴ Based on research interviews with UK stakeholders carried out in 2002/2003, and statements made at the ETI Biannual Conference in May 2003.

3. METHODOLOGY

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.

In light of these aims a variety of research methods were employed, including semi-structured interviews, focus group discussions, participatory research tools and key informant interviews. In-depth fieldwork was carried out in six companies. The companies were selected purposively according to the following criteria:

- a) Size,
- b) Product,
- c) Ownership.⁵

Two of the case study companies owned more than one farm – for one of these a single farm was selected for in-depth research, while for the other two farms were selected.

We carried out semi-structured interviews (SSIs) with senior management and with a total of 93 workers, plus 6 supervisors/junior managers. We also held 19 focus group discussions (FGDs) with workers. Workers were selected on the basis of four main characteristics:

- Employment status (casual, seasonal, permanent);⁶
- Product (rose or vegetable worker);
- Gender; and
- Worksite/job (packhouse, field, greenhouse, harvester, sprayer, storeperson, etc).

Table 1 gives a breakdown of our sample. It was not a statistically representative sample of all horticulture workers in Zambia, due to the purposive selection of both companies and workers. The willingness of companies to participate (including allowing employees to take time away from their work) was crucial to the success of the research, and thus created a

⁵ All companies on which research was undertaken were joint-ventures or foreign-owned. We were unable carry out research on a Zambian-owned farm we had selected due a suspected cholera outbreak (which turned out to be a false alarm).

⁶ Theoretically there is a fourth category of worker 'Fixed term contract: one year plus' as one farm had recently introduced such a contract for its workers. However, at the time of the research no workers were officially contracted on this basis (i.e. they had not received contracts which stated that was the

certain bias in the sample towards firms that are likely to be more progressive. Moreover, particular emphasis was given to the different job categories and gender, in order to explore and compare how codes could apply across different types of workers, especially non-permanent workers and women. We therefore present our findings as a qualitative case study of ethical trade in Zambia, rather than a quantitative survey of the entire industry.

Table 1: Categories of Worker in the Sample

	Female		Male		Total
	Roses	Vegetables	Roses	Vegetables	
Permanent	27	4	10	0	41
Seasonals ⁷	1	6	2	3	12
Casual	9	19	5	7	41
Total	37	29	17	11	93

43 of the workers interviewed for the project worked in packhouses, 20 worked in greenhouses, there were 17 field workers, 2 sprayers and 7 irrigation workers. The remaining three were junior clerical staff and drivers.

case, and were unaware that any changes had been made to the terms of their employment), so we decided not to include it.

⁷ Only one company used a 'seasonal' contract for some of its workers, hence the smaller sample.

4. EXPORT HORTICULTURE IN ZAMBIA

Scale of the Industry

The production of non-traditional horticultural crops started in Zambia in the mid-1980s when a small number of producers began exporting, many using funds from European Union's Export Development Programme for capital investment. The industry has specialised in the production of cut flower roses in greenhouses and field production of high value vegetables (mangetout, fine beans, baby corn, baby carrots, etc.). Exports are primarily to Europe: roses to Holland, UK, Germany and Switzerland, and vegetables mainly to the UK. In the low demand period May to September some growers export to South Africa.

Horticultural products have led the growth in agricultural exports from Zambia over the past decade. In the latter part of the 1990s year on year growth of horticultural exports exceeded 40% on average and amounted to \$63 million in 1999 (\$20 million for vegetables and \$43 million for flowers) (Giovanucci *et al.*, 2001). In contrast, only ten years ago exports were valued at only \$8 million (see Table 2). In the period 1995-2002 production of roses increased by 152% and production of vegetables by 238% (see Figure 1). At the time of the research, there were 22 rose exporters and 3 vegetable exporters, plus 3 vegetable outgrowers of commercial scale and around 300 smallscale vegetable growers (NZTT, direct communication). Around half the rose growers are quite small operations and have plantings between 2-3 ha, with the remainder being over 3 ha. One company involved in both rose and vegetable production employs in the region of 4,000 workers at the height of the season, the next largest employs up to 2,000 workers whilst the remaining firms employ between 50 and 400 workers (*ibid*). Rose growers are predominantly located in the vicinity of the capital, Lusaka, as are most vegetable growers, though some of the latter are in Chisamba, Kabwe and Mazabuka (Fresh Produce Consortium 2002).

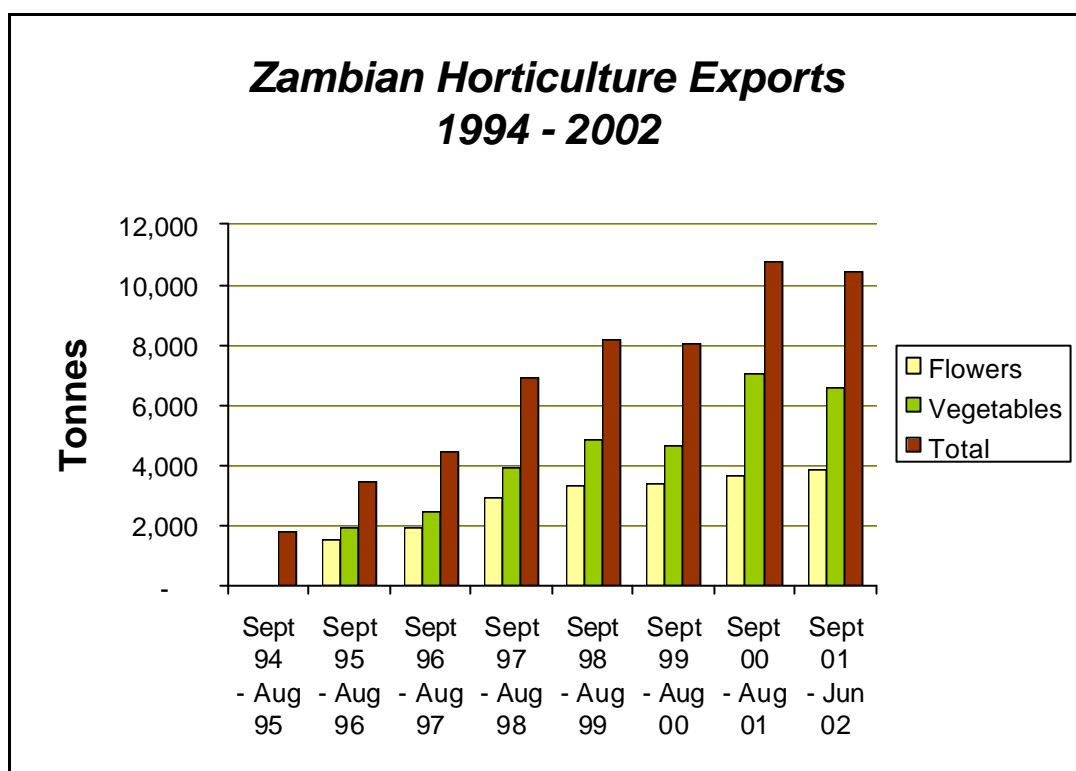
Table 2: Industry Growth and Development

	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000
Value of ZEGA flower & vegetable exports	\$ 8 m	\$ 12 m	\$ 25 m	\$ 30 m	\$ 42 m	\$ 53 m	\$ 60 m
Persons employed	500	1,800	3,000	5,000	8,000	9,000	10,000

Source: ZEGA 2002, as collated by NZTT

The recent drought has had a negative effect on vegetable production, particularly in 2002-3, and one of the larger growers has had to make significant job cuts. While the number of rose growers has declined over the last few years as some growers have gone into receivership, some existing companies have expanded. Rose growers have faced low prices, both absolute and relative to the costs of inputs, priced in dollars. They have also suffered from tough competition in the market particularly from Kenya (Fresh Produce Consortium 2002). Despite an increase in production during the financial year from July 2001 to June 2002 (from 9,928 tonnes to 12, 617 tonnes), the value of overall horticultural sales was US\$55million in the year to June 2002, compared to US\$68.5 in the previous year (Luke Mbewe, ZEGA, personal communication, November 2002).

Figure 1.



Source: ZEGA 2002, as collated by NZTT

Challenges for the industry include high airfreight costs and a shortage of suitably trained staff, including experienced managers. Insiders in the industry also highlight low productivity as a concern. In a highly competitive global market marked by increasing demands for quality and service, at the same time as downward pressures on prices, Zambia's horticultural producers face challenging times ahead.

Employment

Currently almost 10,000 people are formally employed in the sector, although prior to the 2001/2002 drought as many as 12,000 were employed.⁸ Approximately 7,500 workers are employed in vegetables, and 2,500 in the rose sector. Employment on rose farms tends to be more stable/permanent than on vegetable farms, which are more affected by seasonal fluctuations in production and therefore have a greater proportion of casual and seasonal contracts (Table 3). Rose production is year round, though there are some demand peaks (such as for Valentines Day and Mothers Day) and a reduction in exports in the June – August period. Approximately 65% of workers in the flower sector are men. In contrast there are more women employed in vegetables (56% of the total workforce is female). Another difference between flowers and vegetables in Zambia is the level of permanent workers: in flowers 68% of workers are employed on permanent or ‘fixed term’ contracts of at least one year whereas in vegetables just over three quarters of workers are ‘seasonal’ or ‘casual’ (64% of whom are female) (Table 3).

The greater number of women employed in vegetables can be partly explained by the greater amount of tasks involved that are characterised as ‘female’ but that are also very labour intensive. In roses female staff are employed primarily for post harvest activities and quality control.⁹ In vegetables most women carry out a range of low skilled seasonal work, including weeding, harvesting, sorting and packing, while men tend to occupy more of the skilled positions (sprayers, drivers, supervisors etc.).

Table 3: Employment in export horticulture

	Roses		Vegetables		Total
	Number	%	Number	%	
M Permanent	1121	46	1188	16	2309
M Non-permanent	473	19	2080	28	2553
F Permanent	542	22	545	7	1087
F Non-permanent	318	13	3663	49	3981
Total men	1594	65	3268	44	4862
Total women	860	35	4208	56	5058
Total Permanent	1663	68	1733	23	3396
Total Non-Permanent	791	32	5743	77	6534
Total	2454		7476		9930

⁸Based on ZEGA statistics provided by NZTT

⁹ The relatively low number of women involved in flower sector overall in Zambia is unusual compared to other African countries such as Zimbabwe and Kenya.

Source: Figures provided by NZTT, for January 2003

Note on categories: 'Permanent' includes fixed term contracts of at least one year; 'non-permanent' includes casual and seasonal workers (with contracts of up to six months)

Indeed traditional views on the respective roles of women and men permeate employment practices throughout the Zambian horticulture industry. The subordinate position of women within the workplace hierarchy is to some degree both the result of male perceptions and women's acceptance of this traditional role. Women are selected for certain tasks on the basis of certain attributes: reliability, care, attention to detail etc., but also acceptance of working long hours under sometimes uncomfortable conditions without complaint. Men are allocated tasks where strength is required, often described as 'heavy' work in contrast to the 'light' work done by women. The intense concentration and skill level involved in the work that the women do tends not to be appreciated, even by the women themselves, though some note that men are 'too rough' for tasks such as picking.

Legislative framework

Employment in the Zambian horticulture sector is governed by national and international law. The foundation of internationally agreed labour law is the conventions of the International Labour Organisation (ILO). Some codes of conduct are based on the ILO Conventions that cover freedom of association and collective bargaining, forced labour, child labour, discrimination and equal remuneration. The government of Zambia has ratified the ILO's core labour standards (see Annex 1), but has only recently altered its labour law to implement freedom of association and allow more than one union to operate per industry.

The Zambian laws of relevance for employment in the horticultural industry are as follows:

- (i) The Employment Act (No. 269 and No. 270)
- (ii) The Employment of Young Persons and Children Act (No. 274)
- (iii) The Minimum Wages and Conditions of Employment Act (No. 276)
- (iv) The Industrial and Labour Relations Act (No. 268)
- (v) The Factories Act (No. 441)

Gender analysis of Zambian labour legislation undertaken by Mattaa (1998) highlights that although the provisions are supposed to apply equally to men and women, very little has been done to ensure that men and women are paid equally. The legislation does not define equal work, meaning that is very difficult to make a case that women and men are not paid the same for work of equal value. In relation to benefits, a recent amendment has meant that the payment of housing and rent allowances has been extended to women.

The law recognises three categories of work contracts:

- *Permanent* – Workers employed for an indefinite period and provided with a range of employment benefits as set out in legislation. Those who have worked for at least five years are entitled to three months pay for each year of service upon retirement at fifty years of age (or payments in accordance with an established private pension scheme).
- *Fixed term* – Workers given contracts of at least one year, with the same employment benefits as permanent workers. On completion of the term workers are due a gratuity, as set out in the contract.
- *Casual* – Workers hired for discrete jobs, paid daily and not employed for more than six months. Either party to the contract can terminate the service agreement with 24 hours notice, in theory allowing flexibility on both sides. There are no employment benefits attached to casual contracts, with the exception of National Social Pension Scheme (NAPSA) contributions.

Labour legislation is only slowly evolving to meet the needs of a more liberal economy. The generous termination and other benefits for permanent workers under Zambian law may create a burden for some employers such that they are unwilling to employ more workers on a permanent basis. Thus the legal framework regarding permanency has particular significance in relation to the potential for more women to gain more secure employment. In practice casual workers tend to be paid monthly or every two weeks for convenience rather than daily. In addition, it is legal for them to be rehired for an additional six months as long as there is a period of at least three days between contracts. In reality this provision allows for long-term use of casual labour, which can serve as a way for employers to cut labour costs but offers few benefits to workers, as discussed in Section 7.

The horticultural industry is part of a collective bargaining agreement for workers in the agriculture sector, known as the Joint Industrial Council Agreement (JIC). This binds employers who are members of the Zambia Farm Employers' Association (ZFEA) and whose workers are members of the National Union of Plantation and Agricultural Workers (NUPAW). In practice most commercial scale horticultural farms also use it as the basis for deciding terms and conditions of employment. By law a collective bargaining agreement can be negotiated at the level of a single company, which NUPAW believes may offer better conditions for horticulture workers, but to date no company has pursued this route.

It is important to note that the JIC refers to 'all permanent employees employed by members of the ZFEA' who are not classed as management. It does not cover conditions for seasonal and temporary workers, other than in relation to the minimum wage and a limited number of benefits. However, it does say that seasonal and temporary workers are eligible for union

membership. Casual workers are not included in the agreement, presumably since they are not officially allowed to be union members (though the law is unclear in this regard). As many casual workers are employed for a season or longer, their position both in terms of the law and representation by unions is problematic.

Due to limited economic resources, and perhaps little political motivation, resources for labour law enforcement through the government's Ministry of Labour are quite scarce. The International Confederation of Free Trade Unions has raised particular concerns regarding the extent to which trade union rights are respected in Zambia, though the reports do not specifically refer to the commercial horticulture sector (ICFTU 2002 and 2003). Indeed, it is in contexts such as these that voluntary codes of conduct for labour standards have gained particular importance as a means of helping to promote and protect the rights of workers.

Key institutions

There are four main institutions in the Zambian horticulture sector. These are the exporters association and linked freight-handling company, the employers association, the union and a 'training trust' which was established by the industry association. Despite the proliferation of non-governmental organisations (NGOs) in Zambia, none are active in the sector. Similarly the women's movement is not engaged in the horticulture sector; it is composed of mostly educated urban women rather than workers (Mattaa 1998). The key institutions to date are therefore dominated by industry players.

Zambian Export Growers Association (ZEGA)

ZEGA was formed in 1984 and is the only association representing the growers of flowers and vegetables for export from Zambia. Its primary roles are lobbying government, organising training and workshops, supplying market information, and sourcing finance. Two associated companies, ZEGA Ltd and ZEGA Airfreight Ltd, are responsible for handling, loading and organising the airfreight of all horticultural exports to Europe, and membership of ZEGA is important for space on carriers. Zambia faces high airfreight costs relative to competitors such as Kenya and Zimbabwe and a major challenge for the industry has been to ensure adequate production levels to maintain economies of scale in transport, especially for vegetables which have a lower unit value compared to flowers.¹⁰

ZEGA, as a member of COLEACP (Comité de Liason Europe–Afrique-Caraïbe-Pacifique), has been at the forefront of code development in Zambia.

¹⁰ In 2000, the Times of Zambia claimed that Zambia paid \$2 per kg of flowers shipped to Europe compared to \$1.50 from Kenya.

NRDC/ZEGA Training Trust (NZTT)

ZEGA has lobbied to improve horticultural skills in Zambia, commissioning a training needs analysis in 1995, which ultimately led to the formation of NZTT. Formed in 1998, NZTT provides training courses focused on both specialist horticultural technical knowledge and human resource management. Two specific programmes are provided:

- Short course training to develop the knowledge and skills of existing farm staff and supervisors in the industry;
- A three-year Diploma course in Export Horticulture for future managers, in order to facilitate expansion and sustainability of the industry¹¹.

NZTT, through both the promotion of the ZEGA code and its training, has helped to modernise the industry, facilitating the implementation of appropriate standards, management systems and provision of suitably trained personnel.

Zambia Farm Employers' Association (ZFEA)

ZFEA is the union of farm owners that negotiates the agricultural sector's collective bargaining agreement (JIC) with the employee union, NUPAW.

National Union of Plantation and Agricultural Workers (NUPAW)

NUPAW is the principal union representing workers in the horticulture sector. A recent change in legislation permitted more than one union per industry, but other unions have yet to penetrate the industry¹²

NUPAW is in the process of strengthening its work in horticulture, having previously been focused on other forms of agriculture. At the time of the research NUPAW officials stated that they had two to three thousand members from the horticulture sector, employed by six companies, and were actively recruiting more. They also reported generally positive relations with the horticulture industry, though were having some difficulty accessing information about farms. With support from the International Labour Organisation (ILO), NUPAW has responded to calls to be more inclusive of women members with the creation of Women's Committees at national, provincial, district and farm levels. In 2002 the German trade union organisation Friedrich Ebert Stiftung supported training of selected horticulture workers (specifically including women) on the International Code of Conduct for Cut Flowers, which has raised NUPAW's awareness of codes (see Section 5).

¹¹ The first 22 students from the Diploma graduated in September 2002. There are now 24 students in each year cohort.

¹² The Domestic Workers Union is trying to recruit on some horticultural farms.

5. ETHICAL TRADE IN ZAMBIA

There are a number of different codes being implemented by horticulture producers in Zambia, including stand-alone food safety, environmental and social codes, and combination codes such as the ZEGA code. The specific social codes (or codes with social chapters) adopted by individual producers in Zambia largely relate to the products grown and the markets being supplied, that is different codes are used by flower and vegetable growers. However, all export growers are members of ZEGA and are asked to work towards compliance with the ZEGA code.

Company codes

Vegetable producers in Zambia send most of their export quality produce to the UK. They are expected to comply with the ethical trading codes of their buyers (supermarkets and the companies through which they import).

Northern sectoral codes

Growers of cut flowers in Zambia mainly sell to the Dutch auctions, where compliance with social codes has not yet led to preferential access to the market¹³. However, some producers are using the Milieu Project Sierteelt (MPS) code, an environmental code for cut flower production that has an optional social chapter (leading to MPS-SQ certification). MPS began to be promoted amongst Zambian growers in the late 1990s, as part of a Dutch donor programme.¹⁴ By 1999 several Zambian companies had adopted the code and in April 2001 nine companies had achieved MPS certification. However by 2001-2 interest in MPS had fallen off and some companies failed to renew their MPS certification, as they saw no market benefit in relation to the costs. In 2002 there were only five MPS certified farms remaining, only one of these having achieved MPS-SQ certification.

Most supermarkets buying vegetables are starting to require compliance with the EUREPGAP Protocol for Fresh Fruit and Vegetables, a code developed by European horticulture retailers which has a small section on worker health and safety.

Southern sectoral codes

The ZEGA code covers both flowers and vegetables. All members of ZEGA are supposed to adopt the code, but members are not yet systematically audited for compliance. NZTT has

¹³ In our study of flower growers in Kenya, a market demand for flowers that were MPS certified was reported by some producers who sold to the Dutch auctions.

¹⁴ A Dutch national resident in Zambia was employed to promote the code who also liaised with the ZEGA code development committee.

encouraged implementation of the ZEGA code in a step-by-step manner. They began by promoting the pesticides sections, followed by worker welfare, environment and finally the due diligence sections. The code is presented as a developmental tool for good management and is used by NZTT as a key resource in their training.

Independent codes

By implication of UK supermarkets' membership of the ETI, they require their vegetable suppliers to implement the ETI Base Code.

One Zambian rose producer sells to the Swiss fair trade market, and is therefore required to implement the Max Havelaar Switzerland Criteria for Fairtrade Cut Flowers. This has criteria covering working conditions and uses MPS-SQ or International Code of Conduct for Cut Flowers (ICC) certification as an entry qualification.

The ICC is not currently implemented by producers in Zambia but is being used by some stakeholders in the Zambian flower industry. Developed by a consortium of International and European trade unions and NGOs, the ICC is based on ILO Conventions and universal standards for human rights. In Zambia, the ICC is being used by NUPAW as a vehicle to raise awareness of workers about labour rights within the cut flower industry. Also, in 2003 MPS strengthened its social chapter by benchmarking it against the ICC.

A table of codes being used in Zambia is in Annex 2, together with two examples of what a codes cover.

6. COMPANY BACKGROUND

In this section we give some background to the companies that participated in the research paying particular attention to employment and the implementation of codes. The perspectives of managers with regard to working conditions on the farms are integrated into the following section alongside the views of workers.

Profile of the case study companies

We undertook research in six companies – three rose producers, one vegetable producer and two producers growing both roses and vegetables. The area under vegetable production ranged from 150 to 1500 hectares, whereas for rose production the area ranged between three and eight hectares. With the exception of two larger players, most companies consisted of a single farm with a packhouse.

Two of the businesses were established in the late 1980s, though one had roots back to the 1940s. The others began in the mid 1990s. Four companies have had a change of management since 2000, and two rose farms had replanted as recently as early as 2001 and 2002. Four of the six companies were joint ventures between Zambian and foreign capital, while the remaining two were totally foreign owned by investors from Belgium and USA respectively.

These exporters reflect the overall export orientation of the country. Almost all export quality roses are sold via the Dutch auctions, which include Flora Holland and Zurel. The exception is nine per cent of roses from one farm which are sold through the Max Havelaar Fair Trade programme to the Migros supermarket in Switzerland. Roses that do not make export grade are sold locally. The total volume of roses sold per company in our study ranges from 2.9 million stems per year to 30 million stems per year.

Over 80% of export quality vegetables are sold to UK buyers. Most of the remainder go to The Netherlands, with a small proportion going to South Africa. As with roses, most vegetables that do not make export grade for the European supermarkets are sold locally. However two farms have a regular supply contract with the South African owned Shoprite supermarket chain in Zambia.

The vegetable farms tend not to sell direct to supermarkets, but through importers who mediate their relationship with the supermarkets. One farm sells through a single importer; another farm has an importer in the Netherlands for 10% of its overall production, with the

bulk divided equally between two UK based importers. The third and largest vegetable producer produces for six UK supermarkets, usually through four importers.

The companies studied varied tremendously in terms of numbers of workers employed (see Table 4). One company, which has both rose and vegetable operations, has as many as 3,787 workers (a low season figure), whereas one of the recently established rose companies has only 67 workers. The highest proportion of non-permanent workers is on farm E (a vegetable farm); this is followed by Farm B's vegetable operations and then Farm A's vegetable operations.

All six companies referred to the JIC as the basic standard for terms and conditions, although one manager said that the firm had developed its 'own conditions of service based on the national law, and some of the JIC'. The managers interviewed believed that they were good employers and were keen to hear ideas about how to improve. Concerns were raised about the time it can take to institute change, whether behavioural or in terms of investments (eg. almost all referred to long-term programmes to improve worker housing), and the costs involved (again housing was mentioned on many occasions).

Table 4. Employment on sample farms

Company	A total	A roses	A Veg	B total	B roses	B veg	C	D	E	G
Total Permanent	385	64	232	1038	358	680	67	242	47	119
Male Permanent	264	51	138	551	213	338	47	140	38	78
Female Permanent	121	13	94	487	145	342	20	102	9	41
Total non-permanent	1048	73	957	2749	105	2644	note 4	note 5	383	68
Male non-perm.	201	22	167	662	34	628	0	0	175	39
Female non-perm.	847	51	790	2087	71	2016	0	0	208	29
Total male	465	73	305	1213	247	966	47	140	213	117
Total female	968	64	884	2574	216	2358	20	102	217	70
TOTAL	1433	137	1189	3787	463	3324	67	242	430	187

Source: Research data 2002, Management interviews

Notes: (1) A and B calculated on the basis of low season figures; (2) Total for Farm A includes an 'other' category and so does not equal vegetable plus roses; (3) Non permanent for Company A includes fixed term contracts with pro-rata benefits; (4) Farm C only employs casuals in high season (21); (5) Farm D only employs casuals in high season (20); (6) Non permanent for company G only includes fixed term workers

Code implementation

All companies in the study were using at least some parts of the ZEGA code. Two companies had current MPS certification (one being MPS-SQ) and a third had previously been certified. One was EUREPGAP certified, and two other companies were starting to implement it but had not yet been certified. Three were implementing UK supermarket codes. Finally, one farm was licensed to sell Max Havelaar fair trade flowers.

In Zambia there are greater market pressures for codes on vegetable growers compared to flower growers. The code that vegetable growers refer to most frequently is EUREPGAP which is being heavily promoted by the UK supermarkets as the minimum requirement for market access, in addition to their own labour codes. "Buyers are insisting on it, especially EUREPGAP" noted one manager. A manager from another vegetable farm stated that there were clear commercial reasons for abiding by codes, "to get the markets..." it was a requirement if one wanted "to sell to the more lucrative markets [i.e. supermarkets] while others only sell wholesale". The manager of the third vegetable farm confirmed the importance of codes for access to markets offering higher prices: "If you sell to supermarkets you get more stable prices and volumes". He added that as it cost the same to airfreight low quality, low price produce, it was worthwhile investing in producing higher quality.

In contrast the Dutch auctions are not insisting on code compliance and producers reported no increased market access or price differential for Zambian flowers that are MPS compliant. However, some managers recognised the utility of the management systems required by MPS. One manager said that MPS is "quite a nice tool from a management perspective". The manager of another firm that was formerly MPS certified claims to keep up the management systems. Whilst "there is no demand for social development and community work there [in the auctions] yet", this latter manager thinks that "MPS will become obligatory at some stage, so maybe in future it will matter more". The manager of another farm that is MPS environmentally qualified anticipates that MPS will "become a market requirement" in the future.

As stated earlier, the ZEGA code is not being imposed on members at present; rather it is presented to producers as a management tool in the context of training rather than a drive for compliance. The ZEGA code was seen by producers as good preparation for compliance with buyer codes. It was also viewed as a useful way of making codes locally appropriate and of protecting the reputation of Zambia. One manager said the ZEGA code enabled the industry to be 'ahead of the game'. Moreover, he thought it was important that the whole industry met the code as produce in the supermarket is not labelled with the farm's name, just the country of origin.

Most companies found codes in general to be constructive as management tools, as a way of improving worker welfare and a mechanism for training workers. "It's good business practice to make sure you have a code of practice and good human resource management", said one manager.

However, some thought that buyer codes were too northern biased, particularly EUREPGAP and MPS. One manager said, "There is a problem with European codes that have been designed by someone sitting behind a desk in Europe". Some expressed a preference for the ZEGA code "because they have a better understanding of what's going on in Zambia". This was echoed by another manager who stated "The thing that worries me is EUREPGAP; they should be careful about imposing European ideas here, it needs to be regionalised - both the technical and social sides". Managers at two firms expressed disagreement with some of the content of MPS, for example the limitation on use of coal boilers and requirements for cholinesterase testing.

There were also some complaints that the onus for action was all on the supplier: "Codes are vitally important, but there is [no] support"; "Lots of code organisations are making a lot of money out of it, without providing support". Another manager claimed in relation to MPS "they're not interested in community development and don't help with it."

Auditing

Despite the efforts of ZEGA and NZTT, social auditing is still in its early days in Zambia. With a few exceptions, company codes are largely audited by the quality assurance staff of supermarkets and their importers, most of whom have a technical background. European representatives audit codes such as MPS and Max Havelaar, and third-party audits by local auditors are rare. Importantly, to date few social audits in Zambia have involved worker interviews. Many audits are based on a 'tick box' approach and it is becoming increasingly apparent that such an approach may reveal certain basic issues, but is less likely to pick up more embedded or sensitive problems such as discrimination and harassment. Details on auditing practice in relation to codes being implemented on the farms are recorded in Box 1.

NZTT is working hard to increase the industry's capacity for social auditing and has run a series of programmes to train auditors.¹⁵ Initially annual audits are planned, and following a review a decision will be made on how frequently audits should take place.

¹⁵ This has included programmes on social auditing in early 2000 and mid 2002. Participants have included middle management of farms (who are then able to act as internal auditors) and the growing team of auditors at NZTT itself. Group interviews as well as one-to-one interviews and observation have

However, there has been very little stakeholder engagement in the process of code development, implementation and auditing in Zambia. The ZEGA code is first and foremost an industry code. To date, other stakeholders have not been involved in the development and implementation of the code. It was felt that the interests of the union were covered by reference to the JIC (collective bargaining agreement). Consultation with NGOs was not considered and several producers in the study felt that they would have little to contribute to the process.

Box 1: Auditing practice in Zambia to date

- *ZEGA*: Auditing of the ZEGA code began with assessing companies on pesticides issues in the last quarter of 2000, and all companies have now been audited on this section. By late 2002 around seven audits of the social aspects of the ZEGA code had been completed (in companies that account for approximately 70% of the industry's workforce). Auditing is carried out by NZTT staff who aim to link auditing with the identification of training needs and the recommendation of best practice, rather than using the 'pass or fail' approach of some external auditors.
- *MPS*: Audited by representatives from MPS in Holland. There are specially trained social auditors for the SQ aspects of the standard. Before undertaking formal social audits some pilot audits were undertaken in 2000 so that conditions in Zambia could be better understood. Relatively few MPS-SQ audits have been undertaken to date.
- *Max Havelaar Fairtrade Flowers*: Labour standards audited by MPS auditors. A Max Havelaar representative based in Zimbabwe monitors use of the social premium.
- *Supermarket codes*: Audited by buyers/technologists in the main. There was one mention of external audits by BVQI and Verité.
- *EUREPGAP*: External audit by South African auditing company. Includes minimal coverage of worker welfare issues.

Source: Research Data 2002, Key Informant and Management interviews

been used. Unfortunately the auditing programme has been constrained by staff shortages following the death of two trained auditors. With the recruitment and successful training of two new auditors, the Trust hopes to resume regular audits of ZEGA members.

7. WORKERS' PERSPECTIVES

Most of the companies in our study have instituted a number of positive employment practices, many of which go beyond their legal obligations. This contrasts with the situation in the not too distant past when even in more established companies proper staff records were not kept and contracts of employment were essentially biographical data on employees (personal communication, personnel office on Zambian farm in September 2000). Nevertheless there were many problems highlighted by workers. In the following sections we summarise the views of workers regarding their employment in relation to codes. Throughout this discussion we also note the positive changes and management perspectives. We have used common code themes as a framework for this analysis, derived from codes that were being used by companies in our sample.

The views reported here result from analysis of our semi-structured interviews and focus group discussions with workers on the farms visited. In our analysis we have compared information given to us by workers with management interview data and in some cases there were disparities between sources, sometimes regarding statements of fact, sometimes regarding the extent of a problem. Occasionally, disparities in information given by workers and management can indicate a lack of communication or understanding between the two parties. We feel that it is important to listen to workers' testimonies to understand how they perceive the working environment on the farm, and to develop appropriate strategies for enhancing workers' rights, especially in relation to gender issues.

Employment Conditions

The discussion of employment conditions below is based on key codes operating in the sector.

Freely chosen employment

Forced, bonded or slave labour did not emerge as an issue in our study.

Security of employment

Contracts

Some companies do not yet have effective systems for giving workers formal contracts. Forty-four percent of permanent workers legally entitled to a copy of their contract of employment claimed not to have one (see Table 5); some others said they had not even signed a copy.

Table 5: Workers' contracts

Employment status	Type of contract				Total
	Written	Oral	None	Do not know	
Permanent	20	6	11	2	38
Seasonal	8	1	1		8
Casual	14	11	18		43
Total	42	18	31	2	93

Source: Research Data 2002, Worker interviews

Workers' responses largely agree with what companies reported. Only four of six said permanent workers were given written contracts, with one adding that not all had been given one yet. Two companies claimed to issue written contracts for casual workers, but in neither case are copies given to workers. Two further farms said that casual workers had oral contracts (which are all that is required by law). A fifth company said that no contracts were given to casual workers. One company was reviewing its practice regarding contracts and at the time of the research no contracts had been issued, and another planned to develop 'group contracts' for seasonals and casuals, copies of which would be pasted up on notice boards.

Importantly, all contracts were written in English and many workers said they did not understand what they contained, even if an explanation had been given in Nyanja upon signing.¹⁶

Workers' claims that they were not given a contract, or copy of a contract, do not necessarily mean that they were never given one. It may reflect the fact that they do not understand the significance of contracts for protecting their rights, and therefore place little importance in having one. In general we found workers had little awareness of their rights under law, or as union members, and this may be just one indication of this. As with the poor understanding of the content of contracts, this indicates a pressing need to educate workers about their rights and obligations at work.

Job security

¹⁶ Although English is the official language in Zambia, employers should ensure that an adequate explanation of the contracts is given to workers in their mother tongue to enhance clarity and avoid misunderstandings.

Many workers expressed anxiety about the lack of security of their employment. This was an issue that came out particularly strongly in the FGDs and which affected mainly non-permanent workers, the majority of whom are women. On one farm, for example, a worker said, "People are warned of losing their job everyday" and on another it was noted that "[A]s we are working, we are fully aware of our being replaced any time. This makes us feel uncomfortable". Concerns about job security partly related to temporary employment status, but they were also caused by the perceived power of supervisors to sack casual workers without notice or just cause. For example, two focus groups on one farm referred to instant dismissal for eating a carrot. This is compounded by workers' lack of understanding of their rights, terms and conditions of employment and company disciplinary procedures. In addition, high levels of unemployment¹⁷ in Zambia create a sense of vulnerability – at some of the larger farms in particular there are scores of people waiting at the farm gates hoping to get jobs, and workers believe they can easily be replaced. Most workers said they did not have a secure channel to express their concerns or to appeal against summary dismissals instigated by supervisors. They therefore felt it was safer to keep their heads down and not complain about any mistreatment. As one Zambian woman put it, "We just cry in our hearts because we cannot complain".

It has been pointed out that there may be some disparity between workers' perceptions about the likelihood of summary dismissal and the number of workers who actually lose their jobs. This is related to the often poor relations between staff and supervisors and the low level of managerial skills held by many supervisors. On most farms communication from management was delegated to supervisors in a very hierarchical structure meaning that supervisors hold power, both real and perceived, over ordinary workers. While supervisor threats that poor performance will lead to job losses may be seen as attempts to improve productivity and cut down absenteeism, rather than actual precursors to being sacked; an atmosphere of intimidation was widely reported by participants in the study.

Use of long term casual staff

As stated above, job insecurity primarily affects casual workers. Casual contracts are frequently used to allow producers flexibility in their labour force. Seasonality of agricultural production is the reason usually advanced for this practice, but while there is some seasonality in both rose and vegetable production, casual workers in both sectors reported working between 10 and 12 months per year (see Table 6). On vegetable farms where seasonality is more pronounced, there were a significant number of casual workers employed in the low season as well as the high season, indicating that the use of casual contracts was

¹⁷ Official sources, such as the ILO, cite overall unemployment at 15%, but 32% for 'youth'. However, some internet sources suggest that unemployment is as high as 50% (e.g.

not merely dictated by seasonality. Importantly, casual workers on the vegetable farms are predominantly women.

Table 6: Average number of months per year worked by casuals

	Roses	Vegetables
Female	10.25 months	11.11 months
Male	12 months	12 months

Source: Research data 2002, Worker interviews

Note: These averages mask considerable variation. Of the 36 casual workers interviewed, 16 had been working for more than one year as a casual, and 5 had been working for more than 2 years.

The use of casual contracts on a repeated basis has been recognised as a problem by some companies in the horticulture industry. In our study four companies had begun giving workers formerly on casual contracts seasonal, fixed term or permanent contracts. However, these programmes appear to be only recent innovations and few workers were aware of them.

Union officials were also aware of the misuse of casual contracts in agriculture (not just in horticulture). NUPAW has plans to lobby the Ministry of Labour to reduce the period that casual workers can work before being made permanent.

Working hours & Overtime

Workers often complained about long working hours. During focus group discussions in four companies workers claimed to work more than eight hours a day, six days a week. Packhouse workers, who are predominantly women, are particularly affected – one focus group said they have “no fixed knocking off time... [it] depends on the amount of work they have. If production is too high the workers in the packhouse are told to knock off between [8pm] and [10pm]”. In another group discussion it was noted that, “Work becomes heavier when there are exports to be made...Whatever working hours are suggested by management are the hours worked”.

However, there was considerable confusion among workers about whether these long hours constituted overtime or ‘normal’ working hours. Just under half (46%) of the workers interviewed said that they had to work overtime, the majority of whom were packhouse workers (56%). Overtime was also common for greenhouse workers. In general, working extra hours was not problematic so long as they were compensated for them. However, in five companies some workers complained that this did not always happen. Casual workers

<http://nationmaster.com/country/za/Labor>).

on one farm ranked 'long working hours without payment' as their most serious problem. Time off in lieu of extra hours worked was particularly unpopular, partly because workers said that they struggled to get supervisors to give them the hours off or were too scared to request them.

The confusion is perhaps not surprising given that in the management interviews four companies said that they generally gave time-off in lieu of payment, but overtime is paid on occasion. Furthermore one farm said that they do not pay for time when workers are waiting for produce to arrive from the field or greenhouse but are not actually 'working'. As with other aspects of employment conditions, there was insufficient clarity around these policies, leaving workers confused and sometimes feeling aggrieved.

Another issue is the obligatory nature of much overtime work. In three companies workers claimed that working extra hours is not on a voluntary basis, on one farm saying: "If you refuse they fire you. For casuals it is even worse". Some female workers expressed particular concerns about childcare when they had to work late, especially since they are rarely given prior notice that overtime is required. A woman with four children, the youngest of which was four, said she was "concerned when I knock off late in the night....Because, then I don't know how my children have coped during the day"; another, with three children between 18 months 10 years, said "I need to be at home early with the children.The children are usually on their own". In addition, in four companies there were also concerns about safety when walking home late, especially among women.

Workers in three companies claimed they were denied tea, lunch or both breaks during the day, in two companies saying that these were specifically denied them by their supervisors.

Living Wage

Basic Wage

Wage levels in general exceeded statutory minimums, and reflected the scales negotiated in the JIC. As the figures in Table 7 demonstrate, workers on rose projects earned more on average than workers in the vegetable sector. The higher figure for workers involved in both vegetables and roses reflects the higher skill levels of workers employed as clerks or mechanics.

Table 7: Average monthly basic wage

Produce sector	Average monthly wage (Zambia kwacha)	Average monthly wage (US \$)
Rose	145,380	35.81
Vegetables	133,523	32.89
Both	168,000	41.40
All	141,091	34.75

Source: Research data 2002, Worker interviews

Note: US dollar calculations based on rate of exchange at time of research, Kw4,060:\$1.

Table 8 indicates that remuneration levels vary between areas of work, with vegetable field workers reporting the lowest wages and irrigation and 'other' skilled workers the highest. All but one of the irrigation and 'other' workers were men. The average wage for female workers interviewed was Kw 137,554 whilst the average for men was Kw 150,669. Permanent workers were paid more than casual workers, at Kw 149,872 compared to Kw 136,009. As more men than women are permanent the difference in pay between permanent and non-permanent workers also has an important gender dimension. The same is true for predominantly female as opposed to predominantly male jobs: compare irrigation and field workers.

Table 8 Average monthly basic wage

Job position	Average (Kw)
Field worker	120,994
Sprayer *	136,000
Greenhouse worker	142,100
Packhouse worker	142,814
Irrigation worker	163,785
Others (clerk, mechanic etc)	176,666
Average	141,091

Source: Research data 2002, Worker interviews

* One would expect the sprayer category to receive relatively high wages. The figure above is low because it based on the average only two interviews, one of which was with a casual worker acting as a sprayer who earned only Kw120,000. The other interviewee earned Kw 152,000 as a basic wage.

In five companies workers claimed that their net pay was inadequate to cover the basic needs of their families. This issue was particularly drawn out in focus groups where workers raised concerns about their children: "Some do not even afford to send their children to

school". Difficulties in paying for food and shelter were also raised: "This is not enough ... one just works for food and shelter". The inadequacy of the wage to meet basic needs is also highlighted by the fact that although many experienced difficulties working overtime (especially women), they often said that they wanted to do it as it gave them an opportunity to increase their income.

In general there is a lack of clarity on wages, including hours paid for, overtime pay and deductions, even amongst those who receive pay-slips. Many of the concerns expressed by workers suggest that they are not given adequate information and training regarding company policies and the terms and conditions of their employment. It has been suggested that some managers are also likely to be confused by the myriad of regulations regarding the calculation of wages and conditions of service, which calls for clarification at the national level as well as training at the farm level.

Benefits

The wage and non-wage benefits that workers said they received varied greatly both between companies and between worker categories. In general, permanent workers acknowledged receipt of most of the benefits that they are entitled to under law, or as part of the industry's collective bargaining agreement with NUPAW (including paid annual leave, paid sick leave, paid maternity leave, funeral grants, house or housing allowance, and protective clothing). In many cases companies provided additional benefits, such as bonus schemes, healthcare, energy drinks, mealie-meal (at cost or subsidised) and sports facilities.

According to management, seasonal workers and casuals in four companies get many of the same benefits, calculated on a pro-rata basis. On the remaining two farms casual workers receive few if any non-wage benefits. However, there were considerable discrepancies between what management said workers were entitled to and what workers themselves reported, especially casual workers. This was particularly the case with respect to paid leave, sick leave, workmen's compensation, bonus systems and funeral grants, all of which many workers didn't think they received. Similarly, 'mothers' day'¹⁸ was mentioned as a benefit by only a handful of women, with others either unaware of this entitlement or fearful of losing their jobs if they requested it. Once again, this demonstrates the general lack of understanding among workers about the terms and conditions of their employment, which is exacerbated by not having contracts and/or pay-slips, or not having them explained to them.

Benefits important to women workers: maternity leave and childcare facilities

¹⁸ By law women are entitled to one paid day off per month during their menstruation.

Under Zambian law, only permanent staff are entitled to paid maternity leave. This is because to be eligible for maternity leave an employee must have been employed for at least one year continuously. Since seasonal and casual workers are on contracts of less than one year, they do not technically qualify for maternity leave, despite often being on rolling contracts and therefore working year round. Importantly, workers reported that non-permanent pregnant women who go on unpaid leave do not necessarily have their job held open for them, leaving them in a vulnerable economic position.

Some companies are trying to cater to the maternity needs of workers: two companies provide antenatal care, and mothers are allowed to have their babies brought to them to be breastfed in three companies.

Access to childcare facilities can be extremely important to workers, especially women, and their children. Overall fifty workers in the study had children living with them. Workers from five companies, female primarily, expressed concern about leaving older children to care for younger ones, some even keeping older ones out of school to do this because they cannot afford to pay for a carer. In fourteen cases the eldest child responsible for the other children was sixteen or younger, in three the eldest was six or seven.

Despite the importance of childcare services to workers, only two companies in the study had childcare facilities for pre-school children. One was only available in the mornings and was only for on-farm children. The other was only for children over three years of age, though management was considering introducing nursery care too.

Discrimination

Hiring and allocation of jobs

According to management, recruitment for most low-skilled jobs is done informally, through word of mouth or staff contacts. Formal interviews are rare. As we noted earlier, there were clear gender patterns in the allocation of tasks. In several cases management said they thought women were better than men at jobs which involve handling the product, which resulting in many of the seasonal jobs such as harvesting and packing being dominated by women. Meanwhile men were seen as more appropriate for what were seen as 'physical' work, such as trellising or maintenance, and were more likely to be hired as sprayers, irrigators or tractor drivers – positions which are usually permanent and which are paid higher wages.

Some workers reported discrimination against pregnant women when making decisions about recruitment and redundancy. They said that non-permanent women who have become

pregnant are asked to leave once the pregnancy advances, or are simply not re-hired once their current contract ends. Non-permanent workers often therefore work as long as possible into their pregnancy without telling their employers, which can have serious health implications for themselves and for their unborn children.

Promotion

According to most employers, promotion is based on merit and sometimes also time served. In one-to-one interviews, most workers concurred, but in some of the focus groups a different picture emerged. Four groups (three mixed and one all female) perceived promotion to be predominantly based on the “relationship to the supervisor” or “favouritism”, while four groups (two mixed, two female) said promotion depended on gifts, money or favours being given to supervisors. Interestingly, two of the three all male focus groups said that women were not often promoted, with one group saying, “women do not seem to come out and prove they can do the job”. It is important to note that these claims were spread across four of the six companies, suggesting that discrimination and corruption are widespread problems in Zambian horticulture¹⁹.

Internal promotion to higher levels within the company was not seen as easy to achieve, with many saying there were no opportunities for promotion on their farms. In the majority of SSIs, those interviewees who responded said that men and women have equal opportunities for promotion (whether to permanent status or to a supervisory position). Nevertheless, some managers interviewed expressed a lack of faith in women to do more senior jobs. One manager indicated, “All greenhouse supervisors are men because it would be very difficult for a woman to supervise men, unless she were very strong”. Another manager claimed, “Men tend to be stronger supervisors. Women don't always respect women supervisors”. He added “It is difficult to find women with capability and education”. Another company manager had had much better experiences with women workers than men, but “for historical reasons does not have any female managers... though [I] plan to promote a particular woman to a management position in the near future”.

Training

Initial training on work tasks tends to be undertaken by supervisors, fellow workers or in some cases managers. Often the most practical option is for supervisors to provide on-the-job training, for which some supervisors have had instruction on training delivery. Nevertheless this brief and informal induction is frequently the only training recalled by workers.

¹⁹ It should be noted that these are problems in Zambia generally, and they are not restricted to the horticulture industry.

The only external skills training reported was for sprayers. When asked whether men and women have equal opportunities for training, most interviewees found it difficult to respond, as they didn't think there were *any* training opportunities for workers. Opportunities depend on the section in which one works, and so gender is sometimes a determining factor as some sections are populated almost exclusively by either men or women. Overall, it was clear that there is very little skills training at the 'general worker' level, and few opportunities for training that could lead to promotion.

Equal pay for equal work

Workers from all companies reported that women and men receive equal pay for the same work, but there are distinct gender patterns in job allocation that are accompanied by different pay scales for predominantly male or female jobs. For example, fieldworkers who are mostly women are paid significantly less than greenhouse workers, more of whom are men (an average of Kw120,994 compared to Kw142,100). It could therefore be argued that, for some tasks, the companies are not practising the principle of equal pay for *work of equal value*.

Child labour

In general child labour is not a significant problem on the farms studied. It was reported on one farm that youth of under 16 use other people's identity cards to get employed, and on another that youth stand in for their parents when they are ill, to prevent them losing their jobs. However, these cases appeared to be exceptions and producers were clear that they did not condone the employment of children or adolescents.

Health and Safety

Codes have brought considerable improvements in health and safety (H&S), particularly with respect to safe use of chemicals, and provision of Personal Protective Equipment (PPE), toilets, washing facilities and drinking water.²⁰ Two companies have begun comprehensive programmes for H&S and the other companies also had some H&S precautions in place. There are clinics on two farms. Workers on two other farms have access to nearby clinics, and/or monthly visits from a government nurse. While no workers or management referred to a H&S officer or a H&S committee, one group of workers said that a 'health inspector' checked daily that the farm environment was clean. However, despite considerable and

²⁰ These issues are covered in detail in the ZEGA code in particular.

ongoing progress in H&S standards, interviews with workers revealed that some serious problems persist.

Use of pesticides

The main health and safety concern in horticultural production is use of pesticides. This is of particular concern in flower production, as spraying takes place in closed greenhouses. On two farms workers claimed spraying is sometimes undertaken in greenhouses when they are still working there. They complained of being given no protective clothing and of the lack of washing facilities at work to remove the chemicals from their skin. One focus group noted that this was a particular issue where women are breastfeeding. Various greenhouse workers complained of vomiting, coughs, dizziness and/or sore chests from being in greenhouses while spraying was carried out, or from going back into greenhouses when the leaves were still wet with freshly sprayed chemicals. Indeed, two farm managers admitted to having problems abiding by World Health Organisation (WHO) recommended re-entry times, due to tight production schedules, but insisted that they took every precaution possible.

Few respondents said they had suffered an accident in the workplace, though several flower workers complained of thorn injuries due to working without gloves.

Light duties for pregnant women

Two companies claimed to give light duties to pregnant women. Only on one farm did workers concur, saying that even then light duties were at the discretion of supervisors. However, one manager said that often women do not tell them when they are pregnant, as they fear losing their jobs, and as such it is hard to make sure light duties are given. Moreover, during the project workshop it was pointed out there are very few jobs on farms that would be considered 'light', and with a considerable number of women workers who may be pregnant at any one time, it can be extremely difficult to ensure that light duty requirements are enforced. One company deals with this challenge by sending pregnant women on maternity leave six weeks prior to the due date. This works well because workers know that if they want their three month maternity leave entitlement, they have to report their pregnancies as soon as they are aware of them and they are then required to receive antenatal treatment from a local clinic.

Sanitation

In general, respondents felt that the farm environment was clean. However, there were a large number of complaints about toilet facilities, specifically in relation to the number provided and their cleanliness.

Chlorinated or running water for washing hands was available on all farms, though soap was not. Packhouse workers on all farms had access to potable water, though not always in

hygienic surroundings, with two groups of workers on one farm saying the sprayers filled and cleaned their equipment using the tap marked 'drinking water', and on another farm saying buckets were cleaned from the same tap used for drawing drinking water. Fieldworkers from three companies said there was either no potable water in the field, or it was a long way from where they were working. As a result, they drank from hydrants which were periodically used to apply fertilisers.

H&S Training

About half of the interviewees reported having received some form of H&S training. This included, variously, formal or informal training on hygiene, general cleanliness, re-entry times, safe use of chemicals, use of PPE, first aid, prevention of cholera and general health. Three companies have a HIV/AIDS awareness-raising programme, and two others were considering introducing one.

Harsh and inhumane treatment and intimidation

In all six companies relations between workers and some supervisors were described as poor. Job harassment and verbal abuse by supervisors (mostly male, but also some female) were cited fairly extensively in all but one company. In the SSIs, 43% of workers reported some form of line management abuse, including work harassment, insults, docked wages for making mistakes or working slowly, and threats of being fired. Most cases involved supervisors, but in three companies middle management was implicated and in two companies workers reported abuse by senior management. More detailed information emerged from the FGDs, with twelve out of eighteen groups reporting harsh treatment and/or verbal abuse. Eight groups said that they could be fired easily, even for minor indiscretions. Five groups claimed they could be fired for complaining, and four groups said they risked being fired by their supervisor if they bypassed him or her to complain directly to management.

With the exception of sexual harassment (see below), overall there are no clear gender or worksite patterns in the occurrence of abuse, in either SSIs or FGDs, with reports spread across all the various groups of workers (see Table 9).

Table 9: Percentage of respondents reporting line management abuse, by gender, worker category and worksite

	Female		Male	
	Perm	Non-Perm	Perm	Non-Perm
Vegetable field	100%	40%	n/a	30%
Vegetable packhouse	0%	40%	n/a	n/a
Roses greenhouse	25%	25%	38%	75%
Roses packhouse	50%	57%	n/a	n/a

Source: Research data 2002, Worker interviews

While male supervisors were implicated by many workers, others claimed female supervisors were abusive. Two all female focus groups said they preferred male supervisors as they were more sympathetic. Some managers indicated that women selected for supervisory positions are those who are perceived as capable of 'handling' male workers which may lead to female supervisors with dominant, 'strong' characters. The influence of gender relations and cultural patterns no doubt plays an important role in the way in which both male and female supervisors and managers behave. Often having received little training, they tend to rely on forms of management that make use of their relative power, in terms of both the company hierarchy and as men or women.²¹

Sexual harassment

Sexual harassment was reported in some SSIs and/or FGDs on four of the six farms. Often hidden and difficult to detect, this indicates sexual harassment is still an important issue. Participants in a further five FGDs participants referred to promotion or other benefits being dependent on 'favours' given to supervisors and/or on 'relationship to supervisor'. In several cases workers said that if a woman refused the advances of a supervisor, she would subsequently be treated harshly and given tough work assignments. One role-play depicted the female workers' fear of losing their jobs if they report such incidences. Interestingly, sexual harassment was not only raised as an issue by women: one all male group spoke about it at some length.

Four out of the six employers were aware that sexual harassment can be a problem, and stressed that it is not permitted by the company and would be dealt with seriously if reported. One problem is that women workers are often reluctant to talk about such problems, especially to male line managers.

²¹ The training programmes being offered by NZTT are therefore extremely valuable in presenting alternative models of management and providing supervisors and managers with the skills they need to be effective in their work.

Freedom of association and the right to collective bargaining

Trade Unions

Two of the six companies officially recognised NUPAW, with management regarding the union as an important part of their relationship with workers. On a third farm, workers had recently signed up to the union following visits from union representatives, and on a fourth union representatives had visited but not yet recruited workers.

In our sample only 17% of workers considered themselves to be union members, with no significant difference between permanent and non-permanent workers. Marginally fewer women than men in each category were union members (18% of female permanents and 14% of female casual workers). Many workers on non-unionised farms expressed a desire to belong to a union, though on one farm some felt that management would not want them to be members. Whilst workers on the unionised farms acknowledged that there was union representation, some did not demonstrate much faith in its utility or ability to effect change. However, some workers in one company said that the union was effective, or was at least trying its best. On one farm workers said that branch officials were obstructed in their work by farm management.²²

In one company there is a women's committee as part of the union structure. A committee member complained that it is dependent on the male-dominated executive committee for resources, which makes it difficult for them to forge ahead with their own agenda. A representative on the national women's committee made a similar comment noting that women trade unionists face considerable challenges in getting their voices heard in what is traditionally a male dominated arena.

Workers committees

Elsewhere in Africa (eg. Kenya and South Africa) farms have set up Workers Committees to facilitate communication with workers (which should not be confused with free trade unions that are independent of management). In Zambia only one company had set up such a committee, although the manager of another farm said he was considering establishing one in order to improve communication with workers. On the former, none of the casual workers interviewed were aware of its existence.

²² NUPAW officials expressed frustration with lengthy, and often unsuccessful, processes when addressing cases of unfair dismissal.

Workers and Codes

Workers were generally unaware of ethical trading codes, despite the fact that some companies had been implementing them for several years. Overall 31% claimed to know what codes were, while 50% said that they did not know and 14% were unsure.²³ However, of those who said that they knew about codes, only four said that they were related to working conditions. Most thought codes related only to technical specifications, and that they were used to ensure appropriate quality, size and safety of products being exported: “[A] code of conduct is a way [buyers/supermarkets] want the crops to be produced.”

Indeed some employers have begun to impress on workers that their compliance with codes has implications for the amount of produce sold and ultimately the health of the company and its ability to pay workers. With reference to MPS, one worker noted that the code was related to the market: “The code of conduct is the way of looking after the flowers properly so that they sell in Holland”. Another linked this ultimately to wages: “The code of conduct is the way of packing vegetables. The conditions have improved in that they pack a lot produce due high demand and wages have increased.”

Two of those who knew that some codes covered conditions for workers linked this to health and safety issues, specifically the provision of protective clothing. One said that codes of conduct are related to “the welfare of workers and their protection from chemicals. The code has improved the conditions....workers now work with protective clothing,” whilst another extended this workers’ health: a code is about “...the care of the workers by the employer...has changed the conditions of the workers... [For example] protection from chemicals and general health.”

Only two workers understood that codes were related specifically to their working conditions: “They are supposed to give us good conditions of work or service.” The only code that workers could name was the Max Havelaar code.²⁴

In the main, workers had little experience of audits. Worker interviews have tended not to be a feature of most audits that have been undertaken on Zambian farms.²⁵ However, workers are generally aware that ‘visitors’ come and look around the farms; during our

²³ Figures do not add up to 100% due to rounding.

²⁴ Max Havelaar was referred to in two SSIs: one referred to the Max Havelaar committee by name, the role in it played by workers and noted that profits from the sale of Max Havelaar roses were returned to the company for the welfare of workers; another noted that the Max Havelaar project, together with the union had led to the provision of PPE for the workers.

²⁵ The main exceptions are the social audits for MPS-SQ and Max Havelaar. NZTT’s social welfare audit schedule includes worker interviews, but very few have been used to date.

interviews on several occasions workers referred to 'visitors' to their work places but did not connect this to their working conditions. None of the workers we interviewed had ever been interviewed by an auditor. The visitors talk largely to managers and inspect the working environment, mainly for cleanliness, in the opinion of the workers. Most workers just get on with their work when the auditors arrive, but some workers on one farm claimed that they were told by their supervisors to hide so that the visitors would not see them and remark on their lack of protective clothing.

This lack of awareness of codes in particular and more generally of employment rights does not mean that codes have no impact, but it may constrain deeper, more long-term improvements in worker rights. A lack of understanding of employment rights, as embodied in codes, means that workers have no means of addressing their employment problems themselves or approaching appropriate representatives to act on their behalf. Some of the most insidious problems on farms are likely to remain undetected so long as workers are unaware of their rights, and feel they have no means of being heard. This is even more likely to be the case if workers are not involved in auditing.

We have summarised many issues raised by workers, the constraints noted by managers and also the positive initiatives implemented by the companies. The problems discussed in this section are not insurmountable. There are many actions that can be taken by the management of individual companies as well as the industry, government, trade unions and buyers to improve the implementation of codes and employment conditions. We will turn to our recommendations for the way forward in the Section 9, but first we discuss some underlying causes of the problems raised.

8. UNDERLYING CAUSES

Gender issues & the wider society

Our discussion has highlighted that many issues in the workplace affect women and men differently. Some examples are given below:

- *Insecure employment:* In vegetable production casual and seasonal workers are mostly women.
- *Low wages:* As women generally have responsibility for childcare, they expressed particular concern that they could not always afford to pay someone to take care of their young children.
- *Overtime:* Women workers found it difficult to arrange childcare when working late and were concerned about personal safety walking home after a late shift.
- *Job discrimination:* Women and men are allocated different types of jobs and this has limited the wages and promotion of women to management positions. Pregnant women are rarely recruited and lack of maternity leave for non-permanent staff creates anxiety about income security.
- *Exposure to chemicals:* Men involved with crop spraying highlighted a number of health concerns. Exposure to toxic chemicals affects women workers as well, especially in greenhouses, and dangers are amplified if pregnant or breastfeeding.
- *Sexual harassment:* Women are far more likely than men to be subject to sexual harassment by supervisors.

Many of these gender issues are linked to deeply embedded beliefs about the roles and capabilities of men and women which permeate Zambian society. The subordinate position of women in wider society is mirrored in the hierarchical structure of farms, giving women little opportunity to advance beyond low paid, insecure work. Job insecurity makes them vulnerable to abuse and harassment, which can further undermine their self-confidence. They have little presence within management, and are often under-represented in trade unions. This lack of representation means women workers have few channels through which they can voice their needs and concerns.

Management and supervisory practices

Problems relating to communications and supervisors underlie many of the issues identified by the workers. Workers' poor understanding of their conditions of employment is explained, at least in part, by weaknesses in communications systems on the farms. We found that senior managers were often unaware of the problems workers faced, with supervisors

creating a blockage in the communication channel. Many workers were not convinced that their complaints ever reached management, some saying that even sympathetic supervisors are too fearful to take complaints higher. There are no confidential complaints channels on most farms and if workers go straight to managers some said they risk being harassed or even fired by their supervisors.

Further problems are caused by the fact supervisors often have the power to hire and fire, promote and discipline without reference to managers above them in the hierarchy and have often received very little training in management skills. The predominance of male supervisors in charge of female workers makes the potential for abuse greater. As with many other aspects of their employment, most workers were unclear about company rules and regulations regarding disciplinary procedures. Most believed they could be fired without notice or just cause, with 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.

This is not to say that all management and supervisors are bad, that is certainly not the case. However, supervisors are often poorly trained and do not always have good management role models from whom to learn. Workers in one focus group maintained that when management made the supervisors feel small and inferior, then they in their turn treated the workers harshly. This was backed up by interviews conducted with supervisors, some of whom said that they themselves suffered verbal abuse from management and threats of being dismissed. Moreover, a significant number of respondents commented that not all supervisors are the same, with some reporting positive relationships, demonstrating that harsh treatment is not necessary for supervisors 'to get the job done'.

In addition the NZTT training programme appears to be starting to have an effect, with recent graduates performing well in junior management positions. NZTT argues that the productivity problems, challenges in combating absenteeism and poor performance by workers contribute to an authoritarian management culture, where work is encouraged by the threat of punishment. Worker testimony suggests that supervision is akin to bullying for many supervisors. NZTT's supervisor training programme which includes sessions on motivating worker indicates that this is not seen as good practice in the industry as a whole.

Young industry in a developing country

The Zambian horticulture industry is young and small and is struggling to compete in the global market. Growers have concentrated on increasing production rather than improving working conditions (though advice and training by NZTT is a step in the right direction).

Progress is hindered by poor infrastructure and public services. Furthermore, the Zambian government has limited resources for enforcement of its labour laws.

Lack of worker engagement in code implementation

The plethora of codes in Zambian horticulture appears to have done little to address gender-related employment issues. In part this is because codes have been implemented in a top-down fashion, with little engagement with workers or their representatives²⁶. While companies may have made changes in order to comply with codes, which should be welcomed, the needs and priorities of different types of workers have not been central to this process. For the reasons stated above, women and non-permanent workers are even less likely to have been involved. In the following section we discuss ways to address this.

²⁶ The exception is the Max Havelaar fair trade programme, which actively involves workers and does seem to have led to some positive changes, including relating specifically to women.

9. WAYS FORWARD

Our findings offer insights into ways forward for the Zambian horticulture industry. The research approach, combining individual worker interviews with more participatory methods, has highlighted some issues that have hitherto been somewhat hidden, particularly gender issues. Through analysing the differences in experience and perceptions between male and female workers as well as contrasting permanent and non-permanent workers, we have been able to tease out some of the key employment issues facing the industry.

Our recommendations have two inter-related dimensions: (a) specific actions that can improve the employment conditions of women, and of workers more generally, and (b) improvements to code implementation to enable gender-sensitivity and make codes more effective.

Specific Actions

There are a number of specific actions that could be undertaken by stakeholders in the industry, including companies, trade unions and government, to ensure that the employment rights of both men and women are respected. Many of these recommendations came from workers themselves.

a) Company policies and worker education

Workers displayed considerable ignorance of the terms and conditions of their employment and how their wages were calculated. The latter is particularly damaging to worker-management relations and morale as it can breed distrust. All workers should have written contracts with complete details of their employment conditions, and should be given a copy. The provision of pay slips for workers with clear information about days worked, wages earned and relevant deductions, is also essential for maintaining clarity.

Importantly, these steps need to be accompanied by education of workers regarding their rights at work, and also their responsibilities and the expectations of employers. Employers have responsibility for explaining contractual issues to workers in an understandable way, but this should be supplemented by more general training by unions on rights.

b) Job Security

Long-term casuals should be transferred to permanent contracts, or fixed term contracts of at least one year. Seasonal contracts should be used to cope with fluctuations in production, providing pro-rata benefits and some guarantee of being rehired the following season.

Legislation relating to casual workers needs to be revised to close the loophole which allows long-term use of casual labour with no protection or benefits.

The Union should ensure that non-permanent workers are represented effectively and are given more protection through the JIC.

c) Support for female workers in relation to domestic responsibilities

Full-day childcare services (i.e. crèche and/or pre-school) should be provided so that older children who were caring for siblings can attend school and to reduce parental anxiety about their children when they have to work long hours. Women with young children should be permitted breastfeeding breaks.

Producers, in dialogue with buyers, should investigate ways of giving workers notice of when they have to work late. It is often the just-in-time ordering policies of buyers that lead to overtime being required at short notice, thereby creating problems for workers.

Pregnant women should be offered antenatal care, especially in the later months and they should be assigned light duties. Non-permanent women who go on unpaid maternity leave should be offered job security.

d) Elimination of Harassment

There is a need for clarity and enforcement of company policies on verbal and physical abuse, sexual harassment and corruption within the workplace. One company has already initiated a programme to address harassment which offers a model to emulate.²⁷

e) Health and Safety

There are number of health and safety measures that are recommended for immediate implementation. Spraying of chemicals with unprotected workers in the same greenhouse should be stopped immediately. The industry should jointly seek solutions to the difficulties of abiding by re-entry times, as some producers expressed difficulties with this while others said it was not a problem. Drinking water should be made more accessible to fieldworkers, to

²⁷ This includes worker education on company policy and the procedure to be followed in case of suffering any form of harassment or abuse in the workplace. A simple leaflet has been produced which outlines the policy and actions to take, and workers, supervisors and managers are being trained in small, single sex groups.

stop them drinking contaminated water from hydrants. Companies are recommended to set up Health and Safety committees to monitor conditions in an ongoing and proactive manner.

f) Management and supervision

Some supervisors have had limited training on how to manage workers, but this training needs to be a lot more widespread. Supervisor performance should be monitored carefully. Training in the motivational and social skills necessary for their jobs, and appropriate communication techniques, are required. Efforts should be made to promote more women to supervisory positions, providing extra support and training where required.²⁸

Communication systems in general need to be improved, e.g. through the use of manager-worker meetings, suggestion boxes, notice boards. Wherever possible written and verbal communications should be in the workers' mother tongue.

The complications of the Zambian income tax and pension schemes suggest that there is a need for training materials for managers and supervisors on the regulations as well as for workers.

g) Representation and a 'voice' for workers

The above measures would contribute to a more gender-sensitive working environment, but for sustained improvement there needs to be more systematic communication and dialogue with workers. This requires worker representative systems that are inclusive and effective.

The union needs to engage more effectively with *all types* of workers and management should facilitate this process as a means to improve its communication with workers. All worker forums, be they farm-level trade union branches or workers' committees, should have female as well as male representatives. Companies should consider establishing Women's Committees and/or committees for non-permanent workers, either additionally or as part of union representation, as a way of raising the 'voice' of marginalised workers and more effectively communicating company policies to these groups.

As many workers feel that they have no avenue for complaint or fear that their complaints will be quashed by supervisors, it is important that a complaints procedure that allows workers to bypass their supervisors is established. Complaints procedures should be made

²⁸ It is hoped the gradual influx of trained women managers from NZTT will start balancing out the gender disparity at management level. The female diploma students who have already graduated are all working successfully in senior supervisory roles, and will hopefully provide good candidates for promotion in the future.

confidential; if confidentiality is not maintained complaints are likely to be anonymous and therefore difficult to follow up.

Effective Implementation of codes

Ethical trade could make a positive contribution to sustaining gender-sensitive improvements in labour practices if a number of changes are made to the way codes are implemented. These changes centre around the involvement of workers and uptake of a multi-stakeholder process approach, as described below.

Improved auditing – Participatory Social Auditing

Standard auditing techniques tend to focus on the employer as the principal source of information. There were considerable discrepancies in our research between what management said about employment conditions and what workers reported. It was clear that most of the producers in our study were simply unaware of many of the problems that workers face. Worker testimony should be the primary focus of audits, not an optional add-on.

In our research, we found that individual interviews provided an opportunity for workers to give details of their own employment situation, particularly in relation to benefits, contracts and tasks performed. The individual interview however can be an intimidating experience for a worker who, despite the assurance of confidentiality, is likely to be fearful of making any statement that could be interpreted as whistle blowing or trouble-making. Answers are also likely to be short, and the interviewee does not always respond to prompts. In contrast, FGDs provide an opportunity for workers to discuss their joint experience of life on the farm. Collectively they can give each other confidence to talk about contentious issues. Issues are more likely to be recounted in-depth; workers have the chance to correct each other and/or add different aspects. During our research issues such as the harsh treatment by supervisors, sexual harassment and discrimination came out in the FGDs rather than the SSIs.²⁹

Both SSIs and FGDs form part of Participatory Social Auditing (PSA) methodology. PSA was developed through an NRI-coordinated project (NRI 2002) and the ETI Pilot Project in Zimbabwe, and has been used extensively by the Agricultural Ethics Assurance Association of Zimbabwe (AEAAZ). More detail about tools such as semi-structured interviews, focus group discussions, group exercises and participant observation that are used in PSA can be found in Auret (2004, forthcoming).

²⁹ More detailed information regarding the findings related to the use of Participatory Social Auditing in the research will be provided in a forthcoming manual by Diana Auret, to be published in 2004 and made available on the IDS website, www.ids.ac.uk.

A process approach

Ethical trade that is able to address embedded gender issues and improve working practice across the board implies a process approach rather than one-off audits. A central element of PSA is for it to be part of a system whereby audits feedback into a continuous process of code implementation and workplace improvement.

Stakeholder engagement

This process of change can be facilitated by the participation of stakeholders outside the industry, for example trade unions and NGOs. The involvement of organisations from outside the workplace can be critical to ensuring that workers' views are articulated. Workers, especially individually, may find it difficult to voice their concerns, perhaps due to a lack of understanding of their rights or for fear of intimidation by employers. Mediation by a trusted outsider who facilitates communication in a 'safe' environment can be a way of providing a key channel for worker views to be fed into the process. Trade unions may play this role, but where they are dominated by men they are less likely to offer an effective vehicle for women's issues to be raised. From a gender perspective, it is essential that local organisations are able to reflect women's interests.

Widening stakeholder participation – multi-stakeholder initiatives

One way of institutionalising stakeholder participation and incorporating a process approach to ethical trade is through the establishment of a local, multi-stakeholder code body. This would include representatives from all stakeholder groups and would provide guidance, oversee code implementation and facilitate auditing on a basis that is mutually agreed. Through the participation of worker representative bodies, such as trade unions, a multi-stakeholder initiative would be able to reflect the diverse interests of workers (both unionised and non-unionised). It would also offer the potential for groups representing the specific interests of women to participate.

Such multi-stakeholder initiatives are beginning to emerge in Zimbabwe, South Africa and Kenya (see Smith et al 2003). They are still at an early stage in their development, and many issues relating to the relative power of different stakeholder groups and how to manage the inevitable tensions between them have yet to be resolved. Between the existing initiatives there are differences in which stakeholders are involved and how the process is managed.

Could such an approach emerge in Zambia? Our dialogue with the industry and a stakeholder workshop in Zambia, which included NGOs and trade unions as well as the

industry, indicated that there are a number of steps to be taken before this is likely to happen.

In contrast to other countries, NGOs in Zambia have not yet engaged with codes of conduct. They are more focused on traditional areas of work, such as community development. While they may interact with horticulture workers in non-employment related projects, they have little knowledge of the horticulture industry. As a result they may not fully understand the issues facing the industry, and this could create tensions were they to get involved. The agricultural union does have some experience with codes in the horticulture sector, as it has used the ICC for worker education. However, at the time of the research its knowledge did not extend beyond the ICC. It also has limited resources (human and financial) which restricts its capacity to initiate a multi-stakeholder process.

This is not to say that the industry should reject the involvement of civil society. Company owners and managers should ask themselves if they understand how to engage with workers, and whether other people or organisations could help in doing so. Greater dialogue with the union on code issues could help to make the union understand the needs and constraints of the industry. In turn, greater dialogue between the union and workers could improve worker-management relations. NGOs could contribute to training (eg. on company policies) or social development programmes (eg. schools and crèches), and offer their expertise in gender issues (eg. how to combat sexual harassment). Such activities would be of mutual benefit to workers and employers as they are likely to improve worker morale and impact positively on productivity.

Some of the initial barriers between stakeholder groups could be tackled through further dialogue and interaction. Our stakeholder workshop in April 2003 was one of the first times a broad selection of stakeholders in the Zambian horticulture industry had had an opportunity to meet and debate, and many of those involved found it a useful and enlightening process.³⁰ Moreover, the ZEGA code of practice can be viewed as a strong foundation for building a multi-stakeholder forum as it makes reference to all the provisions of the union-negotiated Collective Bargaining Agreement.

³⁰A report of the workshop proceedings is posted on the NRI website at www.nri.org/NRET/gender.htm.

10. CONCLUSIONS: GENDER, RIGHTS & PARTICIPATION IN ETHICAL TRADE IN ZAMBIAN HORTICULTURE

The Zambian horticulture industry has demonstrated a willingness to tackle serious problems, subject to financial and other constraints. The industry faces a hostile production environment (not least on account of the recent drought) and keen competition from producers in other parts of Africa, many of whom who face lower costs, e.g. for freight. The ZEGA code and the associated training through NZTT have proved critical institutions in helping to bring the Zambian horticulture industry up to international standards and for injecting local understanding of codes.

However, to date gender issues have not been addressed in the workplace and codes have not been developed in a gender-sensitive way that reflects the different needs and experiences of women and men. The gendered allocation of jobs and the fact that non-permanent female workers are the largest category of worker highlight the importance of gender issues in the industry.

In addition to specific improvements in the workplace we have recommended the adoption of a participatory social auditing process that incorporates greater stakeholder involvement as important measures to improve the gender sensitivity of codes. A multi-stakeholder approach to code implementation (centred on worker participation) that begins to resolve some of the employment problems in the industry is likely to improve labour practices but may also help companies to realise commercial benefits through a more productive workforce and higher quality products.

There are a number of steps to be taken before a multi-stakeholder approach can take root in Zambia, starting with more wide-ranging and effective dialogue between the union and the industry. There remains however, a conviction within the industry that they can 'go it alone'. The catalyst of civil society campaigns and international intervention that led producers in other countries such as Kenya and South Africa to actively engage with other stakeholders, is presently absent in Zambia. However, it is likely that this will not remain the case for long, with buyers and consumers in the North becoming increasingly interested in labour standards. The Zambian horticulture industry would do well to act proactively and do everything in their power to ensure that the rights of *all* workers are protected.

Meanwhile buyers (and consumers) also have a role to play in promoting and supporting local multi-stakeholder approaches to code implementation as a way to bring about genuine and sustainable change. Buyers also have an important role to play in relation to re-thinking their purchasing practices and how they affect the ability of producers to implement codes effectively and to the benefit of all workers.

ANNEXES

Annex 1. Zambian Ratification of Core Labour Standards

Convention Number	Date of convention	Subject	Ratification Date
C29	1930	Forced labour	02-12-64
C105	1957	Forced labour	22-02-65
C87	1948	Freedom of association	02-09-96
C98	1949	Collective bargaining	02-09-96
C138	1973	Minimum age of workers	09-02-76
C111	1958	Discrimination	23-10-79
C100	1951	Equal Remuneration	20-06-72

Annex 2: Codes being implemented in Zambia

Code	Description	Market
Company codes		
<ul style="list-style-type: none"> UK supermarket codes 	Most have origins in food safety and technical specifications, but tend to have separate social section. Most social codes follow the ETI Base Code, but each is slightly different.	UK supermarkets
<ul style="list-style-type: none"> UK importer codes 	UK importers have developed their own code to meet the requirements of their client supermarkets	UK supermarkets
Sectoral Codes		
<ul style="list-style-type: none"> EUREPGAP 	Focus is primarily safe use of chemicals with respect to food safety, but include some brief clauses on worker welfare	Increasingly a base line requirement for supermarkets in UK & elsewhere in Europe
<ul style="list-style-type: none"> ZEGA 	Comprehensive code developed in Zambia for the whole industry; used as guidelines for good management and as a training tool. Four sections: pesticide use, worker welfare, environment & food safety. Follows the COLEACP Harmonised Framework ³¹ .	Not demanded by any particular buyer, but recognised as good preparation for buyers' codes
<ul style="list-style-type: none"> MPS 	Primarily an environmental code focusing on chemical usage and environmental impact. There is a separate Social Chapter that refers to the ILO Core Labour Standards, which was recently benchmarked to the ICC (below)	Not specific requirement as yet for Dutch flower auctions, but may improve access
Independent codes		
<ul style="list-style-type: none"> ETI Base Code 	Social code developed by an alliance of companies, trade unions and non-governmental organisations. Not directly audited by ETI but member companies are required to adopt the code and to report on monitoring against the code requirements	UK supermarkets have incorporated the requirements in their codes
<ul style="list-style-type: none"> ICC 	Code negotiated by a number of International and European trade unions and NGOs based on ILO Core Labour Standards.	Used by the German-based Flower Label Programme. Not a requirement, but may increase access.
<ul style="list-style-type: none"> Max Havelaar (fair trade cut flowers) 	Content on employment practice is similar to the ICC, but has additional criteria for price and trading relations. Key difference is the 'social premium' for worker determined projects/initiatives	Swiss supermarkets

Source: Research data 2002, Key Informant and Management interviews

³¹ Comité de Liason Europe-Afrique-Caraïbe-Pacifique, an association of exporters, importers and other stakeholders of the EU-ACP horticultural trade aimed at promoting horticultural exports from ACP countries.

The ZEGA code of Conduct –Worker Welfare Section (Feb 2000 version)

4.1 Aims

- To promote improvement in the standards of worker welfare for farm workers in Zambia
- To provide uniformity of minimum standards, for worker welfare, for all ZEGA members
- To provide evidence of good practice, due diligence and accountability
- To protect the reputation of Zambian produce in the world market place
- To meet the requirements of the UK and other European supermarkets and the various new 'flower label' schemes used in the European flower market.

The worker welfare section covers:

4.3 Conditions of Service

- 4.3.1 Contracts
- 4.3.2 Hours of work
- 4.3.3 Holiday allowance and special leave
- 4.3.4 Sickness payment and maternity benefit
- 4.3.5 Wages, insurance and social security
- 4.3.6 Disciplinary procedures and termination of employment
- 4.3.7 Union membership and right to negotiate
- 4.3.8 Equal opportunities
- 4.3.9 Employment of children
- 4.3.10 Intimidation
 - 4.3.10.1 Sexual harassment
 - 4.3.10.2 Bribery and extortion
 - 4.3.10.3 Threatening behaviour and physical violence
 - 4.3.10.4 Verbal abuse
 - 4.3.10.5 Excessive loans
 - 4.3.10.6 Policies and procedures

4.4. Welfare, health and safety (this supplements the safe use of pesticides section)

- 4.4.1 Safety in the workplace
- 4.4.2 Safety awareness and training
- 4.4.3 Protective clothing and washing facilities
- 4.4.4 Health Care and first aid
- 4.4.5 Facilities for staff
- 4.4.6 Children in the workplace
- 4.5 Housing and Transport
 - 4.5.1 Housing and housing allowances
 - 4.5.2 Water and fuel supplies, sanitation and waste disposal
 - 4.5.3 Transport

The ETI Base Code

1. EMPLOYMENT IS FREELY CHOSEN

- 1.1 There is no forced, bonded or involuntary prison labour.
- 1.2 Workers are not required to lodge "deposits" or their identity papers with their employer and are free to leave their employer after reasonable notice.

2. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING ARE RESPECTED

- 2.1 Workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively.
- 2.2 The employer adopts an open attitude towards the activities of trade unions and their organisational activities.

2.3 Workers representatives are not discriminated against and have access to carry out their representative functions in the workplace.

2.4 Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining.

3. WORKING CONDITIONS ARE SAFE AND HYGIENIC

3.1 A safe and hygienic working environment shall be provided, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Adequate steps shall be taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

3.2 Workers shall receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers.

3.3 Access to clean toilet facilities and to potable water, and, if appropriate, sanitary facilities for food storage shall be provided.

3.4 Accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers.

3.5 The company observing the code shall assign responsibility for health and safety to a senior management representative.

4. CHILD LABOUR SHALL NOT BE USED

4.1 There shall be no new recruitment of child labour.

4.2 Companies shall develop or participate in and contribute to policies and programmes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child; "child" and "child labour" being defined in the appendices.

4.3 Children and young persons under 18 shall not be employed at night or in hazardous conditions.

4.4 These policies and procedures shall conform to the provisions of the relevant ILO standards.

5. LIVING WAGES ARE PAID

5.1 Wages and benefits paid for a standard working week meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In any event wages should always be enough to meet basic needs and to provide some discretionary income.

5.2 All workers shall be provided with written and understandable information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time that they are paid.

5.3 Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the expressed permission of the worker concerned. All disciplinary measures should be recorded.

6. WORKING HOURS ARE NOT EXCESSIVE

6.1 Working hours comply with national laws and benchmark industry standards, whichever affords greater protection.

6.2 In any event, workers shall not on a regular basis be required to work in excess of 48 hours per week and shall be provided with at least one day off for every 7 day period on average. Overtime shall be voluntary, shall not exceed 12 hours per week, shall not be demanded on a regular basis and shall always be compensated at a premium rate.

7. NO DISCRIMINATION IS PRACTISED

7.1 There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation.

8. REGULAR EMPLOYMENT IS PROVIDED

8.1 To every extent possible work performed must be on the basis of recognised employment relationship established through national law and practice.

8.2 Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through the use of labour-only contracting, sub-contracting, or home-working arrangements, or through apprenticeship schemes where there is no real intent to impart skills or provide regular employment, nor shall any such obligations be avoided through the excessive use of fixed-term contracts of employment.

9. NO HARSH OR INHUMANE TREATMENT IS ALLOWED

9.1 Physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation shall be prohibited.

The provisions of this code constitute minimum and not maximum standards, and this code should not be used to prevent companies from exceeding these standards. Companies applying this code are expected to comply with national and other applicable law and, where the provisions of law and this Base Code address the same subject, to apply that provision which affords the greater protection.

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ANNIVERSARY PRIZES
2000 & 2002

Enterprise Trade and Finance Group
Natural Resources Institute
University of Greenwich at Medway
Central Avenue
Chatham Maritime
Kent ME4 4TB
United Kingdom

Tel: +44 (0)1634 883199
Fax: +44 (0)1634883706
Internet: <http://www.nri.org>