

GENDER AND ETHICAL TRADE: A MAPPING OF THE ISSUES IN AFRICAN HORTICULTURE

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CONTENTS

Notes	3
Abbreviations	4
Introduction	5
1. Background to horticulture in South Africa, Kenya and Zambia	6
1.i Export Production	6
1.ii. Employment	7
1.iii. Conditions of Employment	8
2. A Gender Framework for Codes of Conduct	9
2.i ILO Conventions	12
2.ii National Legislation	12
3. Mapping Gender and Codes of Conduct	13
3.i Independent Social Codes: SA8000 and ETI Baseline Code	15
3.ii Company Codes	16
3.iii Sectoral Codes	21
3.iv Conclusion on Code Mapping	24
4. Role of Stakeholders and Gender in Process of Auditing, Monitoring and Verification	25
4.i Stakeholder Participation	25
4.ii Auditing of Codes	28
4.iii Gender Sensitive Monitoring and Verification	30
5. Conclusion and Policy Recommendations	31
Appendix 1: Ratification of Core Conventions in Zambia, South Africa and Kenya	34
Appendix 2: Relevant Employment Legislation in Case Study Countries	35
Appendix 3: Sectoral Codes	36
Bibliography	39

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ABBREVIATIONS

AEA	Agricultural Employers Association
BGI	Federation of German Importers & Wholesalers of Cut Flowers
CEP	Council for Economic Priorities
CEPAA	Council for Economic Priorities Accreditation Agency
CLUSA	Co-operative League of the USA
COLEACP	Comité de Liason Europe–Afrique-Caraïbe-Pacifique
CREM	Consultancy and Research for Environmental Management
DFID	Department for International Development
DFPT	Deciduous Fruit Producers Trust
ETI	Ethical Trading Initiative
ETF	Ethical Trading Forum
EUREP	European Retailers Representatives Group
FIAN	Food First Information and Action Network
FLP	Flower Label Program
GAP	Good Agricultural Practice
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
FPEAK	Fresh Produce Exporters Association of Kenya
HACCP	Hazard Analysis Critical Control Point
HCDA	Horticultural Crops Development Authority
HPC	Horticultural Promotion Council, Zimbabwe
ICFTU	International Confederation of Free Trade Unions
ICIPE	International Centre for Invertebrate Pest Ecology
IFOAM	International Federation of Organic Agriculture Movements
ILO	International Labour Organisation, Geneva
KARI	Kenya Agricultural Research Institute
KEPC	Kenya Export Promotion Council
KEWVO	Kenya Women Workers Organisation
KFC	Kenya Flower Council
KPAWU	Kenya Plantation and Agricultural Workers' Union
MOARD	Ministry of Agriculture and Rural Development
MPS	Milieu Project Sierteelt
PCB	Pesticide Control Board
SA8000	Social Accountability standard
ZEGA	Zambia Export Growers Association
NZTT	Natural Resource Development College/ Zambia Export Growers Association Training Trust
NUPAW	National Union of Plantation and Agricultural Workers, Zambia
ZFEA	Zambian Farm Employers' Association

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INTRODUCTION

Codes of conduct covering employment conditions of Southern producers exporting to European markets mushroomed throughout the 1990s. A recent article (Blowfield 2000) cited over 200 codes related to worker welfare specifically, and over twenty codes applied to agriculture in developing countries.¹ Codes have become very prevalent in the UK food retail sector, and most of the large supermarkets are now implementing codes along their supply chains to cover their own brand name products and fresh produce. But codes of conduct are also evolving at multiple levels both internally and externally to supply chains as various actors such as importers, exporters and local trade associations have adopted their own codes. Externally, independent standards have been established through organisations such as Social Accountability 8000 in the US and the Ethical Trading Initiative in the UK. As a result, suppliers of horticultural products are faced with a plethora of codes, some of which are similar, but amongst which there can be considerable variability.

This variability is particularly marked in the case of gender issues. Some codes integrate a number of international conventions relating to gender discrimination and inequality, yet other codes make no mention of gender at all. Even where codes address gender issues, their coverage and sensitivity can often be very limited. This variability extends to the auditing of codes. In some cases, gender issues may be recognised and addressed, yet in other cases they may be overlooked and ignored. Similarly, civil society stakeholders involved in the monitoring and verification of codes can sometimes include the representation of women, but elsewhere this may be absent. Gender issues are therefore approached on an ad hoc basis.

Many companies adopt codes of conduct to reduce their risks of negative exposure to poor employment practices within their supply chains. Yet if codes fail to address the poor working conditions and unequal treatment faced by certain groups such as women, these risks of exposure will persist and the overall effectiveness of codes will be significantly reduced. This is particularly important in horticulture where there is a high level of female employment and women are concentrated in the most insecure employment² with poor pay and working conditions.³ If a supplier is practising gender discrimination, it is also likely that this is not an isolated form of poor employment practice but that other types of non-compliance with codes also exist. The implementation of codes of conduct must be gender sensitive if the

¹ The focus of this study is on social codes that govern worker welfare and employment conditions among suppliers of horticultural produce. However, a plethora of codes have also arisen addressing quality assurance, food safety, and environmental protection in supply chains. See Nadvi and Waltring (2001) for a review.

² While female employment is among the most insecure in the industry, this study did not examine the impact of this employment on women's lives, or the contribution it makes to their households. As other studies have shown (Kabeer 2000, Pearson 1998), employment in labour intensive sectors may provide women with greater opportunities for long-term security.

³ This paper focuses on gender issues, but many of the points raised are also relevant to ethnic minorities, children, homeworkers and other vulnerable groups within the labour force.

employment conditions of *all* workers are to be addressed. For ethical trade⁴ to work, therefore, the variable attention to gender issues that currently exists must be overcome.

This paper focuses on voluntary codes of conduct in three specific commodity groups and countries exporting to EU markets: South African fruit, Kenyan flowers and Zambian vegetables. It is based on the first phase of a proposed two phase study examining gender and ethical trade in African horticulture. Phase I was designed to provide an initial mapping of codes and their gender content, and the extent of stakeholder participation in code development, monitoring and verification in South Africa, Kenya and Zambia. Phase II will undertake a more in-depth study of how ethical trade can enhance the economic and social rights of workers, and identify best practice in implementing gender-sensitive ethical trade based on wider stakeholder participation.

The paper is structured as follows. Section 1 provides an overview of the export horticultural industry in Kenya, South Africa, and Zambia and the nature of employment found in each sector. Section 2 provides an initial framework for assessing gender issues in the context of ethical trade and codes of conduct, and considers the relationship between codes of conduct, national regulation and international labour standards. Section 3 maps the plethora of codes of conduct facing producers of export horticulture in the three countries, and Section 4 assesses the extent to which gender issues have been addressed through stakeholder participation in code development, auditing, monitoring and verification. Finally Section 5 makes recommendations on how gender can be more systematically addressed in the implementation of ethical trade, and highlights avenues for further research in this area.

1. Background - horticulture in South Africa, Kenya and Zambia

Before examining the introduction of codes in African export horticulture, it is important to understand the specific context within which these codes have emerged. While fruit, vegetables and flowers fall within the broad category of horticulture, there are important differences in the production of these commodities, and the way that the sectors have evolved in South Africa, Kenya and Zambia. In addition, each sector is associated with specific forms of employment that vary in their type (permanent, seasonal, temporary, casual) and in their gender composition. Understanding the similarities and differences in the nature of these industries, and the types of employment they rely upon, provides a framework for assessing the development of codes of conduct in each country.

1.i Export Production

Over the past quarter century, international trade in horticultural products - fresh and processed fruits and vegetables, as well as cut flowers - has been one of the most dynamic and rapidly growing areas of international agricultural trade. Developing countries as a whole have achieved a rising share of world horticultural exports, with several sub-Saharan Africa (SSA) countries becoming important suppliers of fresh produce to EU markets. Horticultural exports have doubled since 1980 and in 1996 they exceeded the region's exports for coffee, cotton and for all other individual commodities other than cocoa (Thoen et al. forthcoming). SSA countries now supply a wide range of fruits and vegetables during the European winter and 'exotic vegetables' and flowers much of the year round.

⁴ Ethical Trade combines the use of company codes of conduct as a tool to establish minimum employment standards, with the principle of involving NGOs, trade unions and other civil society organisations in the broader process of design and implementation. See Pearson and Seyfang (2000), Ferguson (1998), Diller (1999), Hale (2000), Nadvi and Waltring (2001), Murray (1997) and van Liemt (1998) for an overview of codes of conduct within the context of ethical trade.

Of the three countries in our study, South Africa has an older export sector that has expanded rapidly since the end of apartheid. Kenyan flower exports took off in the 1960s, and Zambia expanded its exports during the 1980s. The structure of the different sectors in the three countries varies. South Africa has approximately 2,150 deciduous fruit farms. Most of these are commercial farms, producing directly for export. Kenya has a larger number of flower farms, approximately 5000, but 75 per cent of total exports are supplied by two dozen large or medium scale flower operations (Thoen et al. forthcoming). Zambia has far fewer producers, with 36 companies in the industry. Only two companies are responsible for nearly all the exports of vegetables to Europe, as well as a large proportion of the flowers exported. Other companies in the industry export only flowers.

Table 1

Volume and Value of South African Fruit, Kenyan Flowers and Zambian Vegetables (1998-9)

	Volume of Exports (tons)	Value of Exports (US\$ million)	Estimated % exported to EU
South African deciduous fruit	530,350	700	76
Kenyan Flowers	30,221	80.4	94
Zambian Vegetables	4,663	8	100
Zambian flowers	3,351	14	

Sources: Horticultural Crops Development Authority Statistics, Kenya, 1998; Deciduous Fruit Producers Trust, South Africa, direct communication, 2001; 2001; ZEGA 2000a, International Trade Centre/ COMTRADE 1998

The largest volume of exports of the three countries comes from South Africa, followed by Kenya and Zambia. All three countries rely heavily on European markets for their exports, as shown in Table 1. South Africa is the more diversified, with 76 per cent of its fruit going to Europe. In contrast 94 per cent of Kenyan flowers and almost the entire production of vegetables and flowers from Zambia go to Europe. All three countries are therefore very dependent on any changes in the European market, including the trend towards ethical trade.

1.ii Employment

Consequent on their different sizes, the levels of employment also vary between countries.⁵ The largest estimate of employment is for South Africa, with 283,000 employees⁶ (de Klerk, n.d.: 4), followed by Kenya with 40,000 employees (Blowfield et. al. 1998). Employment in Zambia in both flowers and vegetables has been estimated at 8,000 (ZEGA 1998). As Table 2 indicates, there are high levels of temporary and seasonal employment as well as high levels of female employment, which ranges from 53 to 75 per cent of total employment in all three countries.⁷ The lowest proportion of female employment is found in South Africa (53%), but this figure pre-dates the current restructuring, which may lead to a change in the ratio of female to male employment.⁸

⁵ Exact employment figures are difficult to obtain for all three countries given a lack of official statistics, therefore the figures given here are estimates.

⁶ This figure may be slightly high. Recent research suggests a significant decrease in regular employment in South Africa's horticultural sector (personal communication, Andries du Toit).

⁷ These figures do not include Zambian flowers.

⁸ Recent research indicates that temporary workers may outnumber permanent workers by 2:1 and that almost 65% of temporary workers are female. This would suggest a shift towards increased female employment (personal communication, Andries du Toit).

Table 2**Estimates of Employment in Export Horticulture in South Africa, Kenya and Zambia**

	Total Employment	% Temporary or Seasonal	% Female
South African deciduous fruit	283,000	65-75%	53%
Kenyan flowers	40,000 - 70,000	65%	75%
Zambia flowers and vegetables	8,000	60-74%	65% (veg only)

Sources: de Klerk n.d.; Kritzinger and Vorster 1995 and 1996; NZTT 1999 and calculated from farm records; Blowfield et al. 1998

In all three countries, women tend to be concentrated in the more vulnerable forms of work (casual, temporary and seasonal), and men tend to be concentrated in the fewer permanent jobs. In Kenya casual and temporary workers are legally required to be promoted to permanent status after eight months, but they are often found returning year after year on a renewed temporary contract.⁹ In Zambia any worker continuously employed for more than six months is entitled to a permanent contract, however many workers are employed for this maximum and then are 'rested' before being re-hired later in the year. In South Africa many women living on-farm work in the season as an implicit condition of their male partners' permanent employment.

1.iii Conditions of Employment

In all three countries, women experience various types of employment problems arising from their concentration in more vulnerable types of work. Women's predominance in insecure forms of employment results from gender discrimination in the hiring process. In all three countries, this is embedded in social norms that consider women more compliant and better suited for horticultural work (such as picking and packing), coupled with perceptions that women's income is supplemental, rather than central to household well being.

Once women are hired they face many employment-related difficulties. Firstly, women often receive unequal pay relative to men due the fact that the tasks women perform are generally associated with lower pay rates.¹⁰ Even in cases where women undertake similar tasks to those of men, they are paid less for equivalent work. Secondly, because women are concentrated in insecure forms of employment they are not afforded the same employment benefits as permanent workers. Thirdly, workplace regulations often fail to consider women's particular needs (such as crèches), or do not cover issues such as sexual harassment and equal opportunities (Dwasi 1999). Fourth, women often have less access to training¹¹ than men, giving them less opportunity for skill development, promotion and the chance to upgrade their

⁹ However, this may be changing. The Flower Growers' Group of the Agricultural Employers' Association and the Kenyan Plantation and Agricultural Workers Union (KPAWU) signed a memorandum of agreement that defines temporary labour (not longer than three months contract) and seasonal labour (not more than eight months contract). This has been implemented on 20 flower farms.

¹⁰ In South Africa the average wage rate per day in 1998-9 was R26 (£3.50) for men and R20 (£2.35) for women (Barrientos et. al. 1999). In Kenya, daily wages are approximate 120Ksh (£1.13) for production and Ksh 160 (£1.48) for packing/processing (interviews 2001). In Zambia the minimum wage daily rate for 1999-2000 was 2,950 Zambian Kwacha (£0.73) (revised annually with the Joint Agreement).

¹¹ Women's lack of training is frequently justified on the grounds that women have higher turnover and absentee rates than those of men.

work status. Even though women form the majority of the workforce, they are less likely to occupy supervisory or managerial positions. Finally, other issues that can affect women workers more than men are poor quality accommodation where it is provided, poor or lacking childcare provision, inadequate health care facilities, and lack of transport (all of which are important in more isolated rural areas) (Barrientos, McClenaghan and Orton 1999; Dwasi 1999; Interviews 2000). Thus, women face very specific employment-related problems that partly stem from the precarious nature of their employment, but are also related to embedded forms of gender discrimination that are often seen as 'normal practice'.

One of the specific aims of codes of conduct is to improve employment conditions. However, if codes of conduct are going to improve the employment conditions of the majority female labour force in horticulture, they will need to address the types of issues outlined above. Otherwise the potential benefits of codes will be limited to a smaller elite of permanent, and mainly male, section of the horticultural labour force.

2. A GENDER FRAMEWORK FOR CODES OF CONDUCT

Codes of conduct are generally oriented towards tackling overt aspects of employment such as working conditions and wage rates. However, the fact that women typically face greater barriers in attaining employment, and occupy a disproportionate amount of temporary and casual employment, is related to the fact that they occupy a socially subordinate position relative to men in wider society. It is important to recognise that broader social norms, including the combined productive and reproductive responsibilities that women assume, have a direct bearing on women's position within the labour force, and lead to significant gender differences in the types of employment problems that confront women relative to men. How far codes of conduct can address the particular employment conditions experienced by women relative to men will also depend upon: Firstly, whether the gender sensitivity of codes is sufficient to give women in employment the same coverage as men? Secondly, whether codes are sufficiently broad in their scope to cover related non-employment issues that affect the different forms and conditions of employment that women face relative to men?¹²

To provide a framework for assessing these issues, we have analysed codes in terms of a 'gender pyramid' of employment. The pyramid in Diagram 1 divides the key issues relating to the conditions of employment into three inter-linked levels as a basis of assessment of codes of conduct (and linked to this national legislation and ILO conventions).¹³ The tip of the pyramid (Segment A) covers the formal issues that both men and women confront when in employment. These include: freedom of association, collective bargaining, safety and hygiene, equal and living wages, work hours, contracts, and discrimination. The next level (Segment B) addresses employment related issues, which are usually more important to women than men, given they normally have to combine household and childcare responsibilities with paid work. Segment B includes the provision of housing, training, and workplace childcare, reproductive rights, maternity and paternity leave, transport and occupational health. The third level (Segment C) relates to the broader socio-economic circumstances that affect women's ability to access particular types of employment and the conditions of employment they subsequently experience. Segment C includes issues such as social norms and practice, education, domestic responsibilities and gender relations.

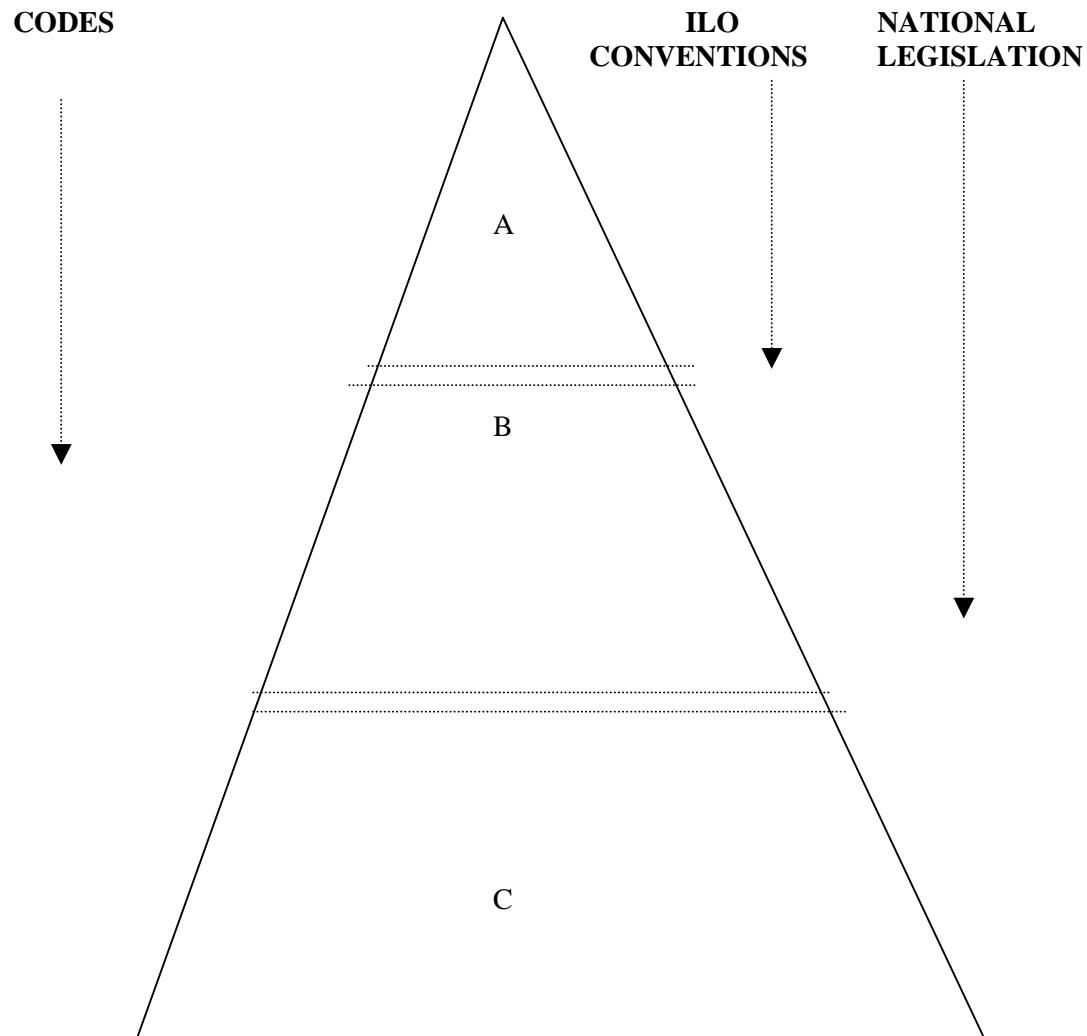
This paper will assess the extent to which codes of conduct covering the horticultural sector address issues in the different segments of the gender pyramid. The more issues covered by a

¹² The question of whether codes, and the private sector more broadly should bear the primary responsibility for improving social conditions is discussed later in the paper.

¹³ We first developed this concept in discussion with Sumi Dhanarajan at Oxfam UK, who we would like to thank for her input, but we take responsibility for its application here.

code as we move down the pyramid, the greater the gender sensitivity of the code. This is because for women in particular, employment conditions do not just relate to the time spent in paid work, but are also affected by related factors such as the availability of childcare facilities and company policies on pregnancy and maternity leave. Therefore, we need to ask if codes include these issues, and if so, are they sufficiently gender sensitive to ensure gender equity in the conditions of employment faced by men and women? Employment codes alone are less likely to cover Segment C of the pyramid. We have included these issues as they have an important bearing on the position of women in the workforce (particularly their predominance in casual work), which can also affect the specific conditions of employment women face.

A gender assessment of codes of conduct cannot take place without also reviewing relevant international conventions and national legislation. Indeed, many (though not all) codes are explicitly based on core ILO conventions, and state that relevant national legislation must be applied. In this case, the standard set by the code in any country will largely depend on the nature of local regulations and legislation, and the extent to which they address issues of gender inequality.

DIAGRAM 1**GENDER PYRAMID**

- A = Formal Employment Conditions and Entitlements
(e.g. contracts, wages, discrimination)
- B = Employment Related Issues and Entitlements
(e.g. childcare, occupational health, training, housing)
- C = Social Issues and Entitlements
(e.g. domestic responsibilities, education, gender relations)

2.i ILO Conventions

Many codes of conduct are based on the ILO core Conventions that cover freedom of association and collective bargaining; forced labour; child labour; discrimination; and equal remuneration. These conventions form the foundation of Segment A in the gender pyramid.¹⁴ The advantages of using ILO Conventions in codes of conduct are that they have been internationally negotiated and agreed through a tripartite process involving governments, employers and trade unions. They also provide some basis for commonality across the plethora of codes that exist.

However, there are three important limitations to using ILO Conventions as the basis of codes. Firstly, ILO Conventions require ratification by national governments to be enforceable, and hence meaningful for employees (see Appendix 1 for ratification details of the case study countries). While South Africa has ratified all of them, albeit a few most recently, Kenya has not yet ratified several conventions, including freedom of association, anti-discrimination, equal remuneration, and child labour. Zambia has signed the core labour standards but has only recently altered its labour law to implement freedom of association. Secondly, ILO conventions are voluntary agreements with no direct mechanism of enforcement. While ratification, means that the violations of workers rights may be challenged in national courts, their enforcement nonetheless relies on moral pressure on governments within the ILO (Ladbury and Gibbons 2000: 8; 22). Second, the conventions are based on the notion that employment is full time and permanent, and their coverage of temporary employment is limited (Ladbury *ibid*; Seyfang 1999). Thirdly, there is a strong dependence on employees being represented in a collective bargaining agreement. Thus, in circumstances where women and men are employed on a permanent basis with collective bargaining, they will be well covered by codes based on these conventions. However, permanent employees are a small percentage of total employment in the horticultural sector and they tend to be men. To affect the employment conditions of more insecure workers and women in particular, codes of conduct need to extend beyond the core ILO Conventions, and also include employment related issues covered in Segments B and C of the gender pyramid.

2.ii National legislation

Where there are gaps in international labour conventions the role of national legislation in protecting vulnerable workers becomes even more important and many codes include adherence to national legislation as a condition of compliance. Where national legislation is good, this can give codes more extensive coverage than the specific clauses of the code itself. Relevant legislation can address both issues found in Segment A of the gender pyramid, but also employment related issues in Segment B of the pyramid such as housing provision, training, maternity provision and reproductive rights. Further, the broader legal and social framework operating in a country can influence the position of women within the labour force, Segment C of the pyramid, which underlies their conditions of employment. Hence the national context in which codes are applied is an important factor influencing the gender sensitivity of codes in practice, and codes cannot be analysed in isolation from this.

The countries in our study show, there is often wide disparity in legislation, especially relating to issues around gender equity, and even where legislation is good, enforcement is another matter. In South Africa, since the end of apartheid, a swathe of new legislation has been introduced to address employment conditions, labour rights, housing rights, equal opportunity and to provide protection against racial and gender discrimination (See Appendix 2 for the key employment-related legislation in the case study countries). Much of this

¹⁴ The ILO Conventions establish the standard for labour rights world-wide, see Appendix 1 for a list of the Core Conventions.

legislation is considered very progressive, and formally puts South Africa in an advanced position in terms of employment rights and gender equity. However, to date enforcement of this legislation has been weak. In rural areas in particular, there are low levels of literacy, poor access to information, and the state has little means to ensure adherence. In this situation, private sector codes can act as a means of enforcing adherence to legislation, which itself is the standard with which employers need to comply.

In Kenya, legislation covering employment, labour regulations and equal opportunity is less progressive than in South Africa. This is particularly the case with regard to provisions designed to protect female employees from discrimination and guarantee them equal opportunities in the workplace. The government has not enacted the statutes that recognise equal pay for equal work, nor are there any specific legal protections against discrimination on the basis of sex. Even those laws that aim to safeguard women's employment rights are biased against, rather in favour, of them. For example, Section 28 of the Employment Act prohibits the employment of women in industry at night and Section 26 of the Act allows the Minister for Labour to prohibit female employment in any specified trade (Dwasi 1999). Thus, in a national context such as Kenya, where legislation is weak, the standards embodied in codes become particularly important vehicles for ensuring and improving upon the quality of worker's employment.

In Zambia, employment in the horticulture industry is governed by the Joint Agreement between the Zambian Farm Employers Association and the National Union of Plantation and Agricultural Workers as specified in the Industrial and Labour Relations Act of 1993. As in Kenya there are legal provisions that are explicitly oriented toward providing special protection for women, which can ultimately limit their opportunities for employment. Moreover, whilst Zambia has ratified the ILO core conventions there are some concerns regarding the extent to which they are enforced in practice.¹⁵

Requiring compliance with national legislation can therefore provide codes with an important additional strength, but there is often variability between countries in terms of the extent to which codes combined with national legislation can address gender issues and employment conditions. Where there is good legislation but poor enforcement, codes of conduct can become an important mechanism of enforcement. But where legislation is weak, it is the code and relevant international conventions, that sets the standard for Segment A of the gender pyramid, and the provisions of the code alone which set the standards for Segments B (and rarely C) of the gender pyramid. Whilst the international and national context of codes is influential, code content is still important in providing the minimum standards operating across all countries, and linked to this gender equity in the conditions of employment in those sectors covered by codes.

3. MAPPING GENDER AND CODES OF CONDUCT

Within the last decade many European and North American retailers have come under increasing pressure to demonstrate ethically and environmentally sound purchasing policies. Most retailers now assume corporate responsibility for the conditions throughout their supply chains, and have adopted codes of conduct in diverse areas such as food safety, environmental protection, animal welfare, labour rights and health and safety (van Liemt 1998, Murray 1997; Blowfield 2000).

¹⁵ See the observations of ILO committees in the ILO database ILOLEX, <http://ilolex.ilo.ch:1567/public/english/50normes/infleg/iloeng/index.htm>

Codes of conduct have become prevalent in the horticultural industries of South Africa, Kenya and Zambia. On the surface this is a positive sign yet the plethora of codes facing producers is leading to difficulties in compliance and in understanding. Some of these codes overlap, or draw upon similar foundations, while others can vary quite considerably. As a result, it is not always easy to distinguish or categorise codes. In general, codes of conduct have emerged via three routes: (i) internationally as independent codes; (ii) via supermarkets and their agents and (iii) sectorally via trade associations. Codes also tend to have two different (though sometimes overlapping) origins. Independent codes (particularly SA8000 and the ETI Base Code) have been developed solely as freestanding social codes, completely independently of any other existing standard. Company and sectoral codes (whether international or national) have tended to extend existing standards that have been established to cover management systems, technical aspects of production including pesticide use, and environmental issues. More recently social issues have been incorporated into or added on to these standards, which often incorporate elements from the independent social codes. Table 3 summarises the main codes that currently apply, or are under development, in the South Africa, Kenya and Zambian horticultural industries, which are also summarised in Appendix 3. In order to analyse these codes, we will start by examining the international codes which are common to all three countries. We will then analyse the sectoral codes, some of which are specific to individual countries.

Table 3
Summary of Main Codes of Conduct in South Africa, Kenya and Zambia

Country/Sector	Type of Code	Main Organisations
South African Fruit	Independent	ETI SA 8000
	Company	EU Supermarkets EU importers Local Exporters
	Sectoral	DFPT EUREPGAP* Agri-West Cape*
Kenyan Flowers	Independent	SA8000
	Company	EU Supermarkets
	Sectoral	COLEACP MPS FPEAK KFC National Code*
Zambian Vegetables	Independent	ETI SA8000
	Company	EU Supermarkets EU Importers
	Sectoral	COLEACP EUREPGAP* ZEGA

*Under consideration or development;

Note: See Appendix 3 for a summary of each code

3.i. Independent Social Codes: SA 8000 and ETI Baseline code

The need for a harmonisation of codes has been recognised at an international level. So far no single international code has become generally recognised, but SA8000 and the ETI Baseline Code are among the two most relevant to African horticulture. SA 8000 was developed in 1997 in the USA by the Council on Economic Priorities in consultation with various stakeholders.¹⁶ It is an auditable standard, which can be used across sectors including agriculture. A number of companies have been accredited as auditors for SA8000, and it can be used as a benchmark for auditing either a company and/or its suppliers.

The ETI Base Code was also initiated in 1997 but in the UK. It was based on collaboration between NGOs, trade unions and companies, receiving important support from the Department for International Development. The ETI Base Code is not in itself a defined auditable standard, but the ETI has established a number of pilot projects with the aim of experimenting with different multi-stakeholder approaches to monitoring and verification (including different forms of auditing). Two of these pilots are in Africa (wine in South Africa and horticulture in Zimbabwe), and have established important learning links with the viniculture and horticulture sectors in various African countries.¹⁷ The ETI Base Code was

¹⁶CEP formed a company CEPAA to promote and validate certification according to SA8000. This organisation has been renamed as Social Accountability International

¹⁷The original aim of this research project was to compare ethical trade in horticulture within South Africa, Kenya and Zimbabwe. Due to the land invasions within Zimbabwe, we were unable pursue that part of the study. Nevertheless, the ETI pilot in Zimbabwe has continued, and members of the pilot

introduced to South Africa in 1998, and shortly after local stakeholders were brought together in the Ethical Trade Forum (ETF) to implement the ETI wine pilot, thereby introducing the ETI at a local level. However, this initiative is not specifically related to the deciduous fruit sector, and to date appears to have had little impact on the fruit sector despite their proximity in the Cape.

There are many common elements between SA8000 and the ETI Base Code (see Table 4). Firstly, both incorporate the core ILO Conventions covering minimum labour standards. Second, both are independent and free standing social codes, that is, they have not been developed as an addition to another standard. Third, both were originally developed in consultation with multiple stakeholders (including NGOs, trade unions and private companies). Fourth, both require adherence to national legislation in the country of application. Fifth, both cover a range of issues, as summarised in Table 4, including safety and hygiene, living wages, abuse, hours of work and accommodation. Finally, SA8000 is explicitly based on the Universal Declaration of Human Rights and the UN Convention on the Rights of the Child and the ETI code makes reference to these.

Given that SA 8000 and the ETI Baseline codes incorporate the core ILO Conventions, they clearly address Segment A of the gender pyramid. Issues such as freedom of association, collective bargaining, forced labour and child labour affect both men and women employees, certainly in terms of establishing basic employment rights and entitlements. These codes also include other issues that affect all workers, such as safety and hygiene, living wages, abuse and hours of work. The ETI is stronger in terms of its coverage of insecure employment than SA8000 in that it includes specific reference to regular employment and work contracts, though the wording is very vague. Both of these can be important for women who tend to be concentrated in insecure work, where these issues are more significant than in full time permanent employment. From a more specific gender focus, both include brief sections on discrimination but where ETI has a reference to non-discrimination in compensation, SA8000 has a more general clause on equal pay.

However, as can be seen from Table 5, both the ETI and SA 8000 codes are weaker once you move beyond specific employment to employment-related issues (Segment B of the gender pyramid). Neither includes coverage of reproductive rights, maternity or paternity leave, protection for pregnant women or childcare. These are all important employment related issues for women workers in particular, affecting their access to employment. Therefore their coverage is largely confined to segment A of the gender pyramid, and whilst their coverage is good at this level, they are limited in their scope extending to Segment B and especially C.

3.ii. Company Codes

Although not a directly auditable standard, the ETI has had an important influence on the evolution of auditable codes within horticulture in sub-Saharan Africa. All companies participating in the ETI, which include seven of UK's largest retailers¹⁸ have agreed to incorporate its line code as a minimum within their own company codes of conduct. These codes are applied to all their own brand, as well as fresh produce, suppliers and are therefore directly applied to fruit and vegetable growers in South Africa and Zambia that supply the main UK multiples. In South Africa in particular, supermarket and exporter and importer codes (usually reflecting the standards set by supermarkets) are the main standards that growers face, as there is currently no other sectoral code that covers the deciduous fruit

have visited South Africa and Zambia where the chair of the Zimbabwe pilot was involved in training social auditors as part of a COLEACP-organised course in January 2000.

¹⁸ Supermarket members of the ETI are ASDA, The Co-Op, J Sainsbury, Marks & Spencer, Safeway, Somerfield, and Tesco.

sector.¹⁹ In Zambia, growers face supermarket and importer codes, as well as the code of the Zambian Export Growers Association discussed below. In Kenya, the application of supermarket codes in the flower sector is less well established. Most of the major UK supermarkets accept the Kenya Flower Council code of practice as the standard for the flower industry.²⁰ Nevertheless, since those UK supermarkets that are members of the ETI account for 80% of the UK food retail market, codes that incorporate the ETI line cover a significant number of growers/exporters supplying the UK (USDA 2000). Most of the supermarkets are using some form of auditing or inspection process to verify compliance with their company codes, and therefore the ETI line code is being incorporated into an auditable process.

Even though all UK supermarkets are meant to be applying the ETI line code, there is some divergence, as can be seen from Table 4, which summarises five main UK supermarket codes.²¹ They all include freedom of association, but only three of the codes specifically include collective bargaining. They all include child labour, and either a living wage or the legal national minimum wage, but only one covers employment contracts in their code. Therefore individually coverage by the supermarket codes are less comprehensive than the ETI code. However, taken together, the supermarkets do cover all the ETI principles, and so if a producer supplies a number of supermarkets (as many of them do), they will have to meet most if not all the requirements of the ETI code to satisfy the joint requirements of their supermarket buyers. The ETI code therefore does provide a common basis around the core codes found in Segment A of the Gender Pyramid, at least for larger suppliers to UK supermarkets.

When we look at gender issues, apart from discrimination, they are weaker than the ETI and there are variations between them. At the level of Segment A of the gender pyramid, only one includes equal pay, whilst one other includes sexual harassment and abuse. When we move onto employment related issues in Segment B of the gender pyramid, one supermarket does include maternity and paternity leave in its code in line with national laws, but otherwise supermarket codes are very weak on employment related issues.

Beyond the supermarkets themselves, many UK importers have also adopted company codes of conduct that apply to their suppliers. Whilst there are variations, their codes normally comply with those of the UK supermarkets, for whom they are agents.²² Where an importer is acting for a specific supermarket, they will be required to apply the supermarket code rather than their own as a minimum standard. As a result many UK importers acting for different

¹⁹ This reflects the fact that since deregulation of the sector in South Africa, no single body has been in a position to introduce such a code, although the Deciduous Fruit Producers Trust is considering such a move, as will be discussed later.

²⁰ Marks and Spencer and Tesco are both members of KFC and Sainsbury's also uses the KFC code.

²¹ In Table 4 we have entered a summary of the 5 supermarket codes (all ETI members) examined in this project. Three of these codes are examined individually in Ferguson (1998), and two of the codes we examined were given to us confidentially. The aim here is to show there is still some variability between them.

²² There is currently only one importer, Fisher Vegetables, which is a member of the ETI.

supermarkets will aim to have codes that meet their clients' combined requirements. The summary of importer codes (Tables 4 and 5) shows that many of them are at least as good as, or better than the supermarket codes. This provides some commonality to company codes, reducing the level of divergence between codes faced by growers.²³

²³ However, the plethora of codes is compounded where growers supply markets outside the UK that embrace other standards.

TABLE 4 CORPORATE CODES OF CONDUCT - SUMMARY OF CONTENT

Code	Audited Code	S/holder participation design // implement	Linked Production standards	Environment	National Legislation	Freedom of Association	Collective Bargaining	Forced Labour	Child Labour	Discrimination	Safety/ hygiene	Living wages	Regular Employment Abuse	Work hours	Work contract	Accommodation quality	Leave- holiday + special	Grievance system	Management system	
INTERNATIONAL INDEPENDENT																				
ETI Base	N	Y//Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	
SA 8000	Y	Y//Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	
COMPANY																				
<i>Summary UK Importers</i>	Y	N	Y	Y/N	Y	Y	Y	Y/N	Y	Y	Y	Y/N	Y/N	Y/N	Y	Y	Y/N	Y/N	N	
<i>Summary UK Supermarkets</i>	Y	Y//N	Y	Y/N	Y	Y	Y/N	Y/N	Y	Y	Y	Y/N	Y/N	Y/N	Y	Y	Y/N	N	Y/N	
SECTORAL																				
COLEACP	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
EUREPGAP	Y	N//N	Y	Y	Y	N	N	N	N	N	Y	NL	NL	N	NL	N	Y	N	N	N
MPS	Y	Y//Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	Y
KFC	Y	N//N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y
FPEAK	Y	N//N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y
ZEGA	N	N//N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y

Note: Y=Yes, N=No, Y/N = mixed, NL = National legislation

TABLE 5

CORPORATE CODES OF CONDUCT - GENDER ISSUES

	Discrimination	Abuse	Sexual harassment	Confidential Complaints	Reproductive rights	Maternity leave	Paternity leave	Childcare	Pregnant women protection	Equal pay	Equal pay/ work of equal value
INTERNATIONAL INDEPENDENT											
ETI Base	Y	Y	Y	N	N	N	N	N	N	Y	N
SA 8000	Y	Y	Y	N	Y	N	N	N	N	(Y)	N
COMPANY											
<i>Summary Importers</i>	Y	Y/N	Y/N	N	Y/N	Y/N	Y/N	N	N	Y/N	Y/N
<i>Summary Supermarkets</i>	Y	Y/N	Y/N	N	N	Y/N	Y/N	N	N	Y/N	N
SECTORAL											
COLEACP	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N
EUREPGAP	N	N	N	N	N	N	N	N	N	N	N
MPS	Y	N	Y	N	N	Y	N	N	Y	Y	N
KFC	Y	N	N	N	N	Y	N	N	Y	Y	N
FPEAK	Y	N	N	N	N	Y	N	N	Y	Y	N
ZEGA	Y	Y	Y	Y	Y	Y	N	Y	N	Y	N

3.iii. Sectoral Codes

Beyond the ETI and supermarkets, there are a number of sectoral codes that growers and firms supplying the UK or the rest of the EU may have to comply with. Most sectoral codes are an extension of standards covering production, pesticide and environmental conditions that were already in existence prior to the introduction of sections covering social factors. These former standards were an important element in ensuring safety to the consumer, especially in the case of edible fruit and vegetables, but are also found in the flower sector where there have been strong environmental concerns. When we combine sectoral codes with the international and supermarket codes, then we begin to see more clearly the plethora of different types of codes and standards that producers face. We also see that the trend to standard setting is much greater than labour codes alone. A summary of the main sectoral codes relevant to horticulture in South Africa, Kenya and Zambia is given in Appendix 3. Here we will consider the key features of these codes, and particularly the gender content of their social provision.

Some sectoral codes have their origin in the North, and are being adopted by producers in South Africa, Kenya and Zambia either voluntarily or as a requirement to supply certain buyers. EUREPGAP and MPS²⁴ are the two most relevant to our case study countries. The EUREPGAP protocol, produced by the Euro-Retailer Produce Working Group, provides a comprehensive set of standards aimed at ensuring sound production methods with regard to on-farm environment and use of agro-chemicals. Social provision has been included as an addition to these standards, and comprises a small part of the protocol. In general the code makes recourse to national law as a guiding principle on social issues but as we have discussed, national legal frameworks provide variable employment protection. In terms of Segment A of the gender pyramid, none of the ILO Conventions are mentioned, nor are any issues such as wages, abuse, working hours or discrimination (see Table 5). As such EUREPGAP is much weaker than both the ETI and SA8000 codes, and most of the UK supermarket codes. If suppliers were only required to comply with the EUREPGAP code, they would not address any of the gender specific issues raised in either Segments A or B of the gender pyramid, except where they were covered by prevailing national legislation.

Within South Africa, the EUREPGAP code is being considered by the Deciduous Fruit Producers Trust (DFPT) as a key standard that growers in the fruit sector should adopt. The DFPT is the main fruit industry association to provide co-ordination in the sector following deregulation of the single export marketing system. It is looking to provide some form of harmonisation for growers amongst the plethora of production, environmental and social standards currently existing. In Zambia the EUREPGAP standard is being used as a baseline code for assessing outgrowers supplying one of the major vegetable exporters. The main rationale for this is the general acceptance of EUREPGAP amongst European retailers, and the fact that it provides a unified standard for growers amidst the variety of supermarket and importer codes. From a technical standpoint, there are clear advantages in adopting EUREPGAP given its comprehensive coverage of production, pesticide and environmental conditions. However, its coverage of social provision and especially gender issues is limited and therefore most growers would have to separately ensure they were meeting the higher standards set by supermarkets and importers.

Like EUREPGAP, the Floriculture Environmental Project, MPS, covering flowers is primarily an environmental standard, into which social provision has more recently been added. Its Social Chapter is based on the Universal Declaration of Human Rights and ILO Conventions. Because MPS is based on the ILO Conventions, growers who adopt the full Social Chapter address Segment A of the gender pyramid including discrimination, equal pay,

²⁴ MPS is an instrument of the Dutch flower auction rather than of a specific buyer.

collective bargaining, forced labour and child labour. However, as we move down the gender pyramid to employment related issues the coverage of the MPS code is more variable. While the code specifically addresses sexual harassment, maternity leave,²⁵ work contracts and hours, it does not cover other employment related issues such as confidential complaints, grievance procedures, regular employment, childcare, paternity leave and reproductive rights (see Table 5). These issues are among the most relevant for women, whose employment is characterised by insecurity and poor working conditions. Further, like most of the codes in this study, MPS does not address any broader gender-related issues that extend beyond the workplace. In Kenya MPS has been implemented at 23 farms (seven under the Social Chapter), and in Zambia on nine farms (but none yet have the Social Chapter).

Other sectoral codes have their origin within the countries themselves. This is particularly so in Kenya (the FPEAK and KFC codes) and Zambia (the ZEGA code). Associations of exporters were aware of the trend towards standard setting and the need to assure northern buyers of the quality of production, and moved early to introduce their own benchmark standards as a means of promoting quality assurance. In both Kenya and Zambia the horticultural export associations have formed part of COLEACP (Liaison Committee Europe-Africa-Caribbean-Pacific), which is an association of exporters, importers and other stakeholders of the EU-ACP horticultural trade aimed at promoting horticultural exports from ACP countries. COLEACP has produced a harmonised framework, which provides guiding principles for local codes covering environmental and social responsibility, although the Framework is not itself an auditable code.

As a guiding framework, COLEACP provides the most progressive coverage of social issues of all the codes in this study. It makes reference to compliance with all the core ILO Conventions, and covers key direct employment issues such as equal pay, safety and hygiene, work hours, contracts and discrimination (see Table 5). Its coverage of Segment B of the gender pyramid - employment related issues - is also comparatively thorough incorporating provisions for housing, workplace childcare, and maternity leave. While it does not cover paternity leave, it is one of the few codes to address reproductive rights.

Within the framework set by COLEACP, there are two sectoral codes that apply nationally within Kenya. They are the Kenya Flower Council (KFC), and Fresh Produce Exporters Association of Kenya (FPEAK) codes. Both are technical and environmental codes, to which social provision has been added, within the context of COLEACP. The degree to which the FPEAK and KFC codes address gender specific criteria varies between the codes and across the types of issues. Segment A of the gender pyramid is relatively well covered. Both codes stipulate compliance with the content of various ILO Conventions such as forced labour, child labour, equal pay,²⁶ anti-discrimination, collective bargaining, and freedom of association as well as adherence to national legislation.

The FPEAK and KFC codes also address many of the gender specific criteria in Segment B of the gender pyramid (see Table 5). Both include issues such as maternity leave, no use of women in pesticide-related tasks, and housing. However, in contrast to MPS which has adopted the Maternity Leave provisions of the ILO, both FPEAK and KFC have incorporated the maternity leave of the Kenyan law, which itself is very weak. There are several issues that neither the FPEAK nor the KFC codes cover that are particularly important for women in the horticultural sector, whose employment is generally insecure. First, neither addresses regular

²⁵ Since MPS is based on the ILO conventions, it requires that members provide employees with 12 weeks of fully paid maternity leave. This has been a difficult issue for flower growers in Kenya, who feel that it penalises them vis a vis other growers who adopt either FPEAK or KFC, which require two months maternity leave.

²⁶ Neither of the codes specifies equal pay for work of equal value, nor has the government of Kenya enacted the statutes that recognise equal pay for equal work regardless of sex (Dwasi 1999).

employment, which is largely due to the reliance on temporary, casual and seasonal work in the sector. Second, neither code makes specific reference to sexual harassment or paternity leave. Third, the codes vary on their coverage of childcare, reproductive rights and housing provisions. While the FPEAK code suggests that employers make childcare facilities available for employees wherever possible, this is unlikely to be enforceable and KFC makes no reference to childcare facilities. Only the FPEAK code mentions broader reproductive rights and that is in the area of family planning. Health care is unsystematically addressed. While the KFC codes specifies that medical care be available for both workers and their family, under the FPEAK code medical care is only available to workers.²⁷ Both the FPEAK and KFC codes, as well as national law require employers to provide reasonable housing or a housing allowance in lieu of direct accommodation. However, the codes are not enforced by national legislation and the Kenyan Civil Service Code of Regulations excludes a married woman from obtaining housing allowances except in certain circumstances (GOK 1994). Thus, the coverage of the KFC and FPEAK codes are quite thorough on Segment A of the gender pyramid yet more variable in their inclusion of the employment-related issues found in Segment B. Neither code extends to the issues beyond the workplace found in Segment C.

The main sectoral code applying nationally in Zambia is the ZEGA code, which was also drawn up within the COLEACP framework. It also has roots in production and quality control management systems, and was developed to help growers meet the demands of their supermarket buyers. Its social content is relatively comprehensive, especially in terms of the Segment A of the gender pyramid. It is based on the collective bargaining agreement between the horticulture industry union (NUPAW) and the Zambian Farm Employers Association²⁸ and covers minimum wages and the wage structure, hours of work, overtime, public holidays, leave, special leave, contracts, sick benefits, subsistence, housing and other allowances and discipline.²⁹ Measures to ensure regular employment and tackle permanent casuals are not addressed directly in the ZEGA code.³⁰ However, it stresses the need for contracts of employment and refers to an 'information sheet' for casual employees covering job description, hours of work and remuneration and payment procedures written in both English and local languages.³¹ The development of contracting systems and better record keeping on employment of seasonal and temporary labour has been one of the first steps in properly implementing the ZEGA social welfare code.

Moving to the second segment of the gender pyramid - employment-related issues - the coverage of the ZEGA code is still relatively good. Abuse, including sexual abuse, is covered in the ZEGA code, having been added as a result of dialogue between the Zambian code development team and the ETI pilots in Zimbabwe. This also led to the addition of a grievance procedure in the code. Whilst the code itself does not specify a system for confidential complaints about sexual harassment, the audit questionnaire asks employees if such a system exists. The reproductive rights of women outside of maternity leave are not covered. The code refers to the maternity rights in the Joint Agreement that is effectively the law for the industry, but goes no further. Following the COLEACP Harmonised Framework, the ZEGA code stipulates that women should not be employed in the handling, mixing or

²⁷ In general, codes face the problem of defining who is eligible for health care – i.e. should it be the worker or the workers' family and what is the definition of family.

²⁸ All members of ZFEA are bound to apply this agreement which is regularly renegotiated.

²⁹ Union membership is relatively high in the two vegetable farms, where there are high numbers of female union members. But there is union presence at only 5 of the 35 ZEGA companies. Nevertheless, many members of ZEGA who are not also members of ZFEA also implement the Joint Agreement on salaries and basic conditions even if the union is not present on the farm.

³⁰ The ZEGA code and the Joint Agreement officially refer only to permanent workers, but seasonal workers are covered by the minimum wages negotiated and are entitled to join the union.

³¹ Until fairly recently formal contracts of employment even for permanent employees were the exception rather than the rule in the Zambian horticulture industry.

application of pesticides because of the potential dangers to a foetus.³² The provision of childcare is mentioned in the ZEGA code only as a desirable practice.

This summary of the sectoral codes applied to the horticultural sectors in South Africa, Kenya and Zambia has shown the variety and variability of the codes that exist. All the sectoral codes discussed above include social provision as an extension of existing management, production and environmental standards. The comprehensiveness of their social provision, and especially their gender provision, varies greatly from EUREPGAP that has fairly minimal coverage to COLEACP that is much more comprehensive. At a national level, the FPEAK KFC, and ZEGA codes are relatively good in their coverage of segment A of the gender pyramid, partial in their coverage of segment B, but do not relate to segment C of the pyramid. None of these national sectoral codes is as comprehensive as COLEACP, which provides a Framework for these national codes. While Kenya and Zambia both have relatively good sectoral codes, they are linked to national legislation, which lags behind South Africa. Therefore in Kenya and Zambia provision of the codes will often be of primary importance in protecting labour conditions. South Africa, on the other hand, is still only at an early stage in developing a sectoral code, but where company codes require compliance with national legislation, this sets a strong standard.

3.iv. Conclusion on Code Mapping

This section has shown that there are currently a plethora of codes facing horticultural producers, particularly when social codes are considered in the context of the many management, production and environmental standards they are also required to meet. Codes can provide an important basis for improving the minimum employment conditions of women and men, but there needs to be greater harmonisation and consistency if they are to achieve this.

The social codes, which have been developed through multi-stakeholder approaches, such as ETI and SA8000, tend to be most comprehensive in their coverage of core UN and ILO conventions relating to minimum labour standards. MPS and the COLEACP Framework have also used most core conventions. Many company codes, especially in the UK food retail sector, are based mainly on the ETI line code, and (with some variability) include its main provisions. These codes are good at covering the key issues facing both women and men whilst they are in employment, including discrimination. However, they are less effective at covering temporary or insecure workers, the majority of whom are women in horticulture, and do not necessarily include many employment related issues that affect women in particular. The sectoral codes we examined are more varied, with some not covering core ILO conventions, and others extending beyond these conventions to include some of the employment related issues that can be of great importance to female workers. None of the codes in this study related to gender issues beyond the workplace, such as education, health or broader social norms and practices that affect women's position within the horticultural labour force.

³² Very few women are involved in spraying and use of pesticides, however one woman was supervising a spray team. With the implementation of the ZEGA code she was moved to a different supervisory position but was angry about what she perceived to be a block on her further promotion prospects. ZEGA committee members wondered whether there may be a case for more subtle interpretation of the clause against 'pesticide handling' so that women pesticide supervisors and monitors can maintain position.

4. Role of Stakeholders and Gender in Process of Auditing, Monitoring and Verification

Formal written codes themselves are only one aspect of ethical trade. Even if the content of codes is gender-sensitive, they will remain relatively meaningless if this sensitivity is not implemented in practice. Implementation relates both to the methods of auditing, monitoring and verification adopted, and the extent of local stakeholder participation in these. The call for increased stakeholder participation has been one of the main features of ethical trade in recent years, but in terms of the implementation of codes it still remains quite problematic. Stakeholders include both the employers adopting the codes and the workers to whom the code applies (men and women, permanent and temporary workers who are a majority of the workforce). Stakeholders can also include labour organisations representing workers, non-government and local community organisations with links to workers in the sector, relevant professional and trade organisations and government officials. There is no agreed formula for stakeholder involvement, and which stakeholders participate in the implementation of ethical trade will vary between localities and sectors. Stakeholder participation also raises issues of representation by different organisations, particularly of workers where formal unionisation is weak, and power relations differ between stakeholders, many of whom traditionally have conflictual relationships. It is beyond the scope of this paper to go into these issues in depth, and the following section focuses mainly on mapping the different stakeholders that are currently or potentially could be involved in the implementation of ethical trade. We then go on to examine the current process of implementation in more depth. But we are aware that this is a complex area, involving inherent tensions between stakeholders, and needs further exploration in future work.

4.i. Stakeholder Participation

Many of the codes discussed above included some degree of stakeholder participation in their design, particularly by northern NGOs and trade unions. This was particularly so in the case of the ETI and SA8000 codes, and to a lesser extent this also applied to some of the company and sectoral codes. Northern NGOs and trade unions are all linked to southern partner organisations and affiliates, with whom they have close communications. However, interviews reflected a sense (especially in South Africa which has yet to develop a nationally based code) that codes of conduct are largely northern driven. This partly reflects the origins of many (though not all) codes in the north, but it also reflects the fact that most codes are not very flexible in their local application, with little or no room for input into this process by local stakeholders, especially workers. A possible exception to this, which fell outside the direct remit of our study, was the ETI pilot projects in Zimbabwean horticulture and South African wine. Here informants indicated that local stakeholders were able to highlight some issues glossed over in the code (in particular sexual harassment in Zimbabwe), giving the code greater local relevance, although tensions between different stakeholders remained.

Local stakeholder participation in the monitoring and verification of codes is also essential if their implementation is to genuinely address the conditions faced by workers (Barrientos et.al. 1999). Local NGOs and trade unions have knowledge of prevailing conditions, local language skills, and can often gain the confidence of workers in ways that professional auditors or company representatives can not. This is particularly important in the case of temporary and casual workers, who may fear losing access to future work if they are critical of employers. They are unlikely to be members of trade unions that can formally represent their interests, but may be prepared to communicate confidentially to local community organisations in whom they trust. From a gender perspective, including local organisations that are able to reflect women's interests is essential to ensure that the needs of female

workers are included in the process of implementing codes, without which a large section of the labour force is essentially ignored.

**TABLE 6 : STAKEHOLDERS IN THE EXPORT HORTICULTURE INDUSTRY:
SOUTH AFRICA, KENYA AND ZAMBIA**

	South Africa	Kenya	Zambia
NGOs	Centre for Rural Legal Studies Women on Farms Surplus People's Project Lawyers for Human rights	Safe Use Project ICIPE	Zambia CLUSA Women in Agriculture NZTT
Trade Unions	FAWU (COSATU affiliated) SAPAWU General Workers Union (plus 14 other smaller local unions)	KEWVO KPAWU AEA ICFTU	NUPAW
Academics	PLAAS, University of the Western Cape Department of Sociology, University of Stellenbosch Department of Agricultural Economics	NRI -Chatham	Mano Consultants
Government		HCDA KEPC MOARD PCPB KARI Ministry of Labour	Ministry of Commerce, Trade and Industry Ministry of Labour
Industry associations	Agri-Westcape Deciduous Fruit Producers Trust	KFC FPEAK	ZEGA ZNFU

The degree of stakeholder participation, however, largely depends on the number and capacity of stakeholders in existence at a local level. This can vary considerably both within and between countries as highlighted in our study (see Table 6). In South Africa, there are a number of organisations that play an important role supporting workers in the deciduous fruit and wine sectors. These include advice centres, local NGOs offering support and legal guidance to workers, a number of trade unions (three larger ones, and more recently a proliferation of smaller localised unions), research and legal organisations, as well as government, trade and professional organisations. The main potential stakeholders are summarised in Table 6. Most, though not all, of these organisations are involved in the ETI/ETF wine pilot in the Cape region, and are also involved in formulating a new local code for the agricultural sector in the Western Cape under the auspices of Agri-Westcape (see Appendix 3 for details). Although the capacity of these organisations varies, they are all aware of and to some extent actively involved in ethical trade. However, in the course of our study, we found no evidence that local stakeholders linked to workers had been drawn into or consulted in the application of codes of conduct within the deciduous fruit sector (which is

not covered by the ETI/ETF wine pilot). Even where technologists from UK supermarkets that were ETI members carried out inspection visits, there was no evidence that they consulted local participants in the ETI/ETF. Whilst companies were involved in the process of implementing codes (supermarket representatives and growers) the involvement of local labour and community organisations in codes is very uneven, even where they have some capacity to provide a role.

In Kenya, stakeholder participation has largely been confined to the design of codes, and more specifically to their environmental and technical aspects. For example, while the FPEAK code has involved the participation of several technical organisations,³³ there has been very little input from NGOs, trade unions or any other worker organisations. Similarly, while the KFC code was developed in consultation with representatives from three of the large flower farms, the Safe Use Project and ICIPE, there has been relatively minimal stakeholder participation on social issues. In both cases, the main agricultural trade union (KPAWU) is aware of both codes, but there has been minimal involvement of NGOs, or specific women's organisations in the process. However, this may be changing as KFC is now participating in a consortium of NGOs and exporter associations in Zambia, Zimbabwe and Uganda as part of the COLEACP harmonisation process. Similarly, MPS has recently made an effort to tailor the Social Chapter to local conditions, consulting with a range of stakeholders including several regional trade unions.

In Zambia stakeholder participation in code development, implementation and monitoring has been minimal, even non-existent. The ZEGA code for example is first and foremost an industry code and local stakeholders outside the industry have not been consulted during its development phase. However, the ZEGA code committee is keen to start a dialogue with the union NUPAW, but they have found it difficult to meet union officials largely because of the poor communication facilities of the union and a general lack of capacity.³⁴ Few NGOs have shown an interest in ethical trade or labour standards in export horticulture, partly because of the small size of the industry. Two exceptions are Zambia and CLUSA, but they are both more concerned with smallholders than waged labour. If the union, and other stakeholders, is to participate more actively in ethical trade it is perhaps incumbent upon code developers to facilitate this more effectively.

In the sectors under consideration in our study, we therefore found stakeholder participation in codes to be weak, especially those linked to workers. This was partly accounted for by low capacity or interest by some local stakeholders, but was primarily because of lack of consultation or involvement by the companies and organisations developing and implementing codes. This meant that in the monitoring and verification of codes there was little or no means for the independent articulation of workers' interests, nor were there means for gender concerns to be raised. Without full stakeholder participation, the implementation of codes of conduct is always likely to be partial, without the means of ensuring that codes address the gendered interests of workers whom they are meant to benefit.

³³ This included the Pesticide Control Board of Kenya, Kenya Agricultural Research Institute, COLEACP, and GTZ.

³⁴ Similar difficulties were experienced during the MPS pilot social audit, and union was not able to fully participate in the meetings to discuss the proposed Zambian Bureau for Social Accountability (Redfern, 1999).

4.ii. Auditing of Codes

Implementation of codes involves three important aspects. Having applied a code, an employer can be audited against the code in one-off inspection visits to check compliance. An audit can be first party (by the employer themselves against their own code), second party (by a representative of a purchasing company against a code selected by the purchasing company) or third party (by an independent auditor against an independently recognised code). Auditing is part of a monitoring process, which should be ongoing, including issues such as company policies to ensure continuing compliance with the code, and mechanisms for workers to raise issues of non-compliance as they arise. Independent verification of a code involves the participation of stakeholders beyond the company applying the code, in ensuring or verifying that compliance is being fully met. There is no commonly agreed form this should take, but ideally it should involve stakeholders representing the independent interests of workers, such as trade unions, NGOs and community organisations which are gender sensitive in their approach. We will examine the implementation of codes as revealed during the course of our mapping in horticulture in South Africa, Kenya and Zambia.

Company Codes

Most companies implementing codes have some form of auditing procedure. Supermarkets use a combination of methods to audit their codes. In South Africa the most common procedure is a combination of auditing and monitoring via the supply chain. Firstly, growers are meant to self-audit against a check list. Secondly, agents (normally the exporter or importer) may send an auditor (often one of their own technologists) to conduct an audit visit to ensure compliance. Thirdly, occasionally the supermarket buyer or technologist will audit a grower. The individual exporters also tend to use their own technologists or equivalent person to audit against their own codes. In Zambia, both supermarket and importer codes are monitored by the buyers themselves, who undertake annual visits. This is largely done by supermarket buyers and technologists, accompanied by the importers who carry out detailed auditing. However in late 2000, one UK supermarket sent auditors from a professional auditing company to audit one of its Zambian suppliers against SA 8000. The use of third party professional auditing by supermarkets appears to be occurring with greater frequency, particularly among suppliers of fresh vegetables.

Supermarket efforts to foster participation and gender-sensitivity in the process of auditing their codes have generally been limited. In South Africa, there was no evidence that companies consulted stakeholders (including trade unions or women's organisations) in the process. Audits were carried out solely in the company of managers, and managers selected any workers to be interviewed. In one case audit visits to a farm supplying a UK supermarket failed to pick up a series of retrenchments, where mainly union representatives and female workers were laid off, in the immediate run up to the audit taking place. In Zambia, auditors generally speak to managers and workers and sometimes union representatives, but not union officials or NGOs. In both South Africa and Zambia, auditors are usually male technologists who have minimal or no training in social auditing techniques. Many of the importers interviewed recognised their lack of experience in this field and hoped to pick up tips from others active in ethical trade. However few importing companies had the resources for in-depth training for the social auditing role that is increasingly being demanded of them by their supermarket clients. Further, several importers were reluctant to hire professional auditing companies to monitor compliance, not only because of costs, but because of their reliance on northern based auditors, who often lack local and industry knowledge.

Sectoral Codes

The process of auditing sectoral codes varies. In the MPS system all new participants undergo an initial audit before they have received their first qualification. This audit is geared toward assessing whether new participants have carried out the registration correctly, and examines initial compliance with environmental and social criteria. In Kenya, the initial audit of social criteria only covers health, safety and documentation issues, not the broader employment-related criteria. The local MPS representative, who visually audits different aspects of production and conducts interviews with safety officers, nurses/first aid personnel, sprayers and storemen, conducts this audit. The representative does not generally speak with any of the employees. The verification process is still evolving and is currently conducted by an independent professional auditing company. This company audits via checklist and interviews a selection of employees confidentially on each farm. All professional auditors have relevant local language skills yet at the time of this study there were no female auditors.

In Zambia to date no farms yet have the Social Chapter as MPS wish to test their auditing procedures in the field before certifying farms. In July 2000 two MPS auditors (a female social auditor and a male principal auditor) visited four Zambian farms in order to test whether the issues that had been identified by MPS (in discussion with international labour and social welfare organisations) were relevant to the situation in Zambia. MPS report that people at different levels of the farm were interviewed (without the presence of management, but using translators as neither auditor spoke the local language) and at the end of the visit both auditors discussed findings with the management in order for management to further explain certain issues that had come up during the interviews.

Similar to MPS, both the FPEAK and KFC codes are internally audited by the organisations themselves using a checklist. Native language speakers audit both codes, yet at present neither KFC nor FPEAK use female auditors.³⁵ However, there is general agreement that female employees are often reticent to speak to male auditors and that a more effective way of gaining information from women needs to be developed. While both organisations consult employees in the process of the audit, there is always a farm representative present and auditors need permission to speak directly to any employee. Further, the auditing phase has involved little consultation and participation from NGOs, trade unions or civil society organisations.

Over the last few years KFC and FPEAK have introduced the use of professional auditing companies. However, despite the fact that these companies use qualified social auditors and are locally based, the process has not been very participatory. This is indicated by three factors. First, while both companies use auditors that speak the local language and recognise that it is important to have female auditors to consult with workers, their practice is somewhat variable. While one company has two female auditors there has not always been a woman present during the auditing of the KFC code, and the other company had no women on the auditing team at the time of our interview. Second, the role of external stakeholders in the process differed significantly. One company does not believe that it is their role to involve outside entities in the auditing process and considers stakeholder consultation the responsibility of the code bearer. The second company, however, solicits NGO and trade union participation before beginning the auditing process. Yet, when our project contacted some of the local stakeholders that they claimed to have consulted, none were aware of this, nor had any of them seen a copy of the code. Third, in neither of the auditing procedures does there appear to be any mechanism through which to translate the findings of the process to the employees of the company. Thus, in the Kenya case, despite the fact that the content of the

³⁵ According to FPEAK, the lack of female auditors reflects the fact that few women are willing to stay in rural areas during the week.

codes is quite good, much needs to be done to make the auditing process more inclusive of local stakeholders and responsive to the particular needs of the workers.

In Zambia, the auditing of the ZEGA code has been a form of first party audit in that NZTT, on behalf of ZEGA, audits the member farms. Auditing against the pesticides sections was complete by September 2000 and it was hoped that audits against the social sections would follow immediately.³⁶ In the future they may consider having an external audit of their auditing practice (e.g. using the KFC model). The auditing team is comprised of NZTT staff members and some of the technical staff from the larger farms. NZTT has been actively training environmental and social auditors under the auspices of COLEACP.³⁷ They are also attempting to link the process of auditing to the identification of training needs and the recommendation of best practice rather than the yes/no approach of some external auditors.

The team at NZTT acknowledged that gender issues were not specifically included in the code as they considered them to be covered under the discrimination clause. However they noted that gender issues were emerging in implementation and auditing. In particular, the ETI pilot in Zimbabwe alerted them to several gender issues, which have been incorporated into the development of the social audit questionnaire. This exposure to more gender aware auditors and auditing techniques led to the expansion of the briefing notes on the conduct of audits that are bound into the ZEGA code manual. Perhaps the fact that a woman led the code development and auditing training helped ensure that these lessons were incorporated. Despite this, at present there is no stipulation that the composition of the ZEGA auditing teams be gender balanced, and a minority of the auditors speak the local language.³⁸ Further consultation with external stakeholders is not specially included in their procedure.

4.iii. Gender Sensitive Monitoring and Verification

In all three countries, the auditing process has been rather unsystematic in its attention to gender issues. There has also been little attention to developing ongoing processes of gender sensitive monitoring, and virtually no attention to independent verification. Part of the problem relates to the difficulty of monitoring gender-related issues. While the technical aspects of a standard (e.g. pesticide use) are relatively straightforward to monitor, social issues such as discrimination, abuse, and sexual harassment are less easily identifiable. They are often embedded in gendered social relations, as identified in our gender pyramid, and many of the problems women experience relate specifically to the types of insecure employment in which they are predominant. Recognising these issues requires gender sensitive auditing methods, gender awareness in on-going systems of monitoring and independent verification, and stakeholder consultation at every point in the process.

Several key areas need to be institutionalised to reduce the arbitrary nature of the auditing process. First, when social auditing takes place, teams must include women with local knowledge and language skills, and visits need to be made during the peak female employment season to ensure that the majority of workers are represented. While female auditors do not necessarily guarantee a gender sensitive process, it is important to strive for gender balance on auditing teams. Most companies that use first and second party auditing employ technologists, usually male, to conduct the auditing. These technologists need to be

³⁶ It appears that this has been a little delayed and the social audits had not started at the large vegetable farms (February 2001).

³⁷ The week-long training course in January 2000 covered due diligence and HACCP (trainer from NRI), social auditing (Di Auret from Save the Children in Zimbabwe), auditing techniques (SGS Zambia), and good agricultural practice (CREM). Representatives of FPEAK and HPC also participated in these sessions

³⁸ Women in the team include a local women staff member from one of the larger farms currently being trained, a European woman working for NZTT and another European woman representing MPS.

incorporated into a team of auditors who also have social science or legal expertise, who speak the local language and some of whom are female. Further, local auditors are generally much more familiar with local conditions and legislation, and as a result, female employees are much more likely to speak to them confidentially and report to them outside the auditing process. It is particularly important that auditing checklists, based on the codes, be drawn up by the auditing team in consultation with local stakeholders.

Second, auditors need gender awareness training. It is unrealistic to expect auditors to have knowledge of specific gender employment concerns as well as wider gender inequities without undergoing training. Third, all records of employment, contracts, training, promotion and representation should be scrutinised for their gender balance. If the workforce is 75% female, what is the gender ratio of supervisors? And what measures have been undertaken to ensure the promotion of females to supervisory positions?³⁹ Fourth, women need to be interviewed separately, by female auditors, away from the workplace if necessary. Finally, where employers have good gender practice and procedures this should be highlighted and encouraged.

The content of a code may be good in terms of the gender related issues it covers. But if it does not involve stakeholder participation or consultation, it will be limited in its potential to achieve better working conditions for both female and male employees. This requires greater participation by both women and men in the local design and application of codes. What are the key issues facing women temporary workers, and how can they be included in the code? Workers and local stakeholders need to be directly involved in developing and ensuring gender sensitive monitoring systems. These could include employer equal opportunities policies and means of reporting on-going non-compliance, but they need to reflect worker interests be relevant to local circumstances. Independent verification must be developed that incorporates groups and unions in whom workers (including women) have confidence, otherwise independence of the process may be questionable. The general lack of stakeholder consultation found in our study stems from the fact that most of the codes have been applied through the private sector, in a top down manner. Yet for codes to be truly effective, it is essential that local NGOs, women's groups and trade unions with a specific gender focus be incorporated into the process of code implementation and a more participatory approach to monitoring and independent verification needs to be found. It is only in this way that workers themselves can be given a voice in ethical trade.

³⁹ Where there are embedded gender stereotypes that limit the potential for women to become supervisors, these need to be challenged through gender awareness training.

5. CONCLUSIONS AND POLICY RECOMMENDATIONS

This paper provides an initial mapping of gender and ethical trade in export horticulture in South Africa, Kenya and Zambia. All three countries have expanding horticulture sectors that generate significant levels of local employment, a high percentage of which is female. Women in this sector are predominantly concentrated in temporary and flexible forms of work, which are characterised by insecurity in the terms and conditions of employment. In contrast, men tend to be concentrated in permanent work, which enjoys greater security and generally higher wages. This paper has identified two key issues pertaining to codes of conduct in the export horticulture sector: i) there are a plethora of codes facing producers, in which the gender content is variable and in some instances minimal; and ii) the extent to which gender issues are addressed in the implementation of codes, through auditing and stakeholder participation in monitoring and verification is generally poor. But there needs to be far greater emphasis placed on gender issues if they are to address the employment conditions of the majority of workers in the horticultural sector, who are mainly women.

The analysis of codes of conduct and their gender dimension is still very underdeveloped. A conceptual framework for the gender analysis of codes clearly needs to be developed if our ability to learn from specific cases is to be enhanced. In this paper we have provided a preliminary framework for assessing codes based on a 'gender pyramid' of employment issues. This has allowed us to develop a more systematic assessment of the gender implications of codes at different levels. In doing so, we found that the extent to which gender issues are incorporated into codes is highly variable. While some codes have relatively good coverage, others have little or none at all. The types of codes where gender integration was better were those developed in consultation with different civil society stakeholders, such as SA8000, the ETI baseline code, and COLEACP's harmonised framework. Gender content tended to be weakest where social codes have been developed as an extension of technical specifications on food production, hygiene and the environment (with the exception of COLEACP).

In addition to code content, adequate auditing, monitoring and verification procedures are crucial if ethical trade is to be gender sensitive. Local stakeholder participation in the process of code implementation is essential if workers' interests are to be reflected and actual conditions of employment revealed. First and second party auditing of codes of conduct, especially by technologists and buyers with little or no experience of social issues, largely fails to identify gender issues, leaving codes ineffectual at a gender level. Monitoring and systems of independent verification that involve local stakeholders are currently very underdeveloped, but have greater potential to address gender issues, and ensure more effective implementation of codes down the gender pyramid. Overall, gender should be more systematically integrated into design, monitoring and verification of all codes if they are to address the needs of all workers, both male and female as well as permanent and temporary. Otherwise the effectiveness of ethical trade will be severely limited.

The process of introducing codes of conduct via private sector supply chains and sectoral trade associations is a complex process. However, there is currently a strong momentum that could potentially lead to greater harmonisation of codes. Without this, there is a risk that code overload will lead to code fatigue, defeating the potential benefits of ethical trade. Nevertheless, codes are just one mechanism for improving the lives of workers, and it is not realistic for the private sector to bear the sole responsibility for improving social conditions or addressing underlying gender relations. Responsibility also lies with national governments and international bodies. Nevertheless, while codes alone cannot address socio-economic circumstances, companies cannot absolve themselves of responsibility. There is a need to change business culture. A firm that is proactive on gender issues, and adopts a gender sensitive approach, is likely to have better employment practices in other respects. Thus, in sectors such as horticulture, where there are high levels of female employment, companies

that adopt a gender-sensitive approach are not only more likely to benefit from a productive workforce, but also to contribute to broader developmental objectives.

POLICY RECOMMENDATIONS

Our research to date has been conducted on the basis of an initial mapping of codes and the level of stakeholder participation in the implementation process within horticulture in South Africa, Kenya and Zambia. Further research is required in order to assess the effect codes of conduct are having on levels of male and female employment within horticulture; any changes in the specific conditions of employment each experiences; and how mechanisms of implementation can be improved to enhance stakeholder participation and gender sensitivity within the process.

The following are policy recommendations based on our initial mapping, which also indicate areas that need further work if the gender sensitivity of ethical trade is to be improved:

- Means of harmonisation in terms of both the content and number of private sector codes need to be found, with all appropriate stakeholders nationally and internationally playing a role.
- As codes are revised their gender content needs significant improvement. This process would be helped if gender aware stakeholders in the south and north agreed a gender-sensitive code framework that private companies and bodies designing codes could follow.
- A more systematic gender analysis of ethical trade is required in order to provide a basis for addressing the civil, economic and social rights of female as well as male workers in relevant export sectors, and to enhance policy formulation.
- Viable mechanisms need to be developed to ensure local stakeholders, including groups representing the interests of women workers, are incorporated into the process of code implementation by private sector companies.
- Guidelines and procedures for gender sensitive auditing need to be established, along with gender training in social auditing for all involved in the auditing process.
- Complementary policies are required by government and international organisations in order to enhance the strength private sector codes, and address broader issues of gender inequity that are beyond the scope of private sector codes alone.

**APPENDIX 1: RATIFICATION OF CORE CONVENTIONS IN ZAMBIA,
SOUTH AFRICA AND KENYA**

Convention Number	Date of convention	Subject	Zambia ratification	South Africa ratification	Kenya ratification
C29	1930	Forced labour	2-12-64	5-3-97	13-1-64
C87	1948	Freedom of association	2-9-96	19-2-96	--
C98	1949	Collective bargaining	2-9-96	19-2-96	13-1-64
C105	1957	Forced labour	22-2-5	5-3-97	13-1-64
C138	1973	Minimum age of workers	9-2-76	30-3-00	9-4-79
C111	1958	Discrimination	23-10-79	5-3-00	--
C100	1951	Equal Remuneration	20-6-72	30-3-00	--
C182	1999	Worst forms of child labour	--	7-6-00	--

APPENDIX 2: RELEVANT EMPLOYMENT LEGISLATION IN CASE STUDY COUNTRIES

South African Legislation

Gender Equity Act/Employment Equity Act (1998)
Basic Conditions of Employment Act (1998)
Unemployment Insurance Act (1993)
Labour Relations Act (1995)
Extension of Security and Tenure Act (1997)

Kenyan Legislation.

The Regulation of Wages and Conditions of Employment Act Chapter 229
The Employment Act Chapter 226
The Workmen's Compensation Act Chapter 236
The Trade Union Act 233
The Trade Disputes Act 234
The Factories Act 514
The National Hospital Insurance Act 255
The National Social Security Fund Act Cap 258

Zambian Legislation

Industrial and Labour Relations Act, 1993 (No. 27 of 1993), as amended by the Industrial and Labour Relations (Amendment) Act, 1997 (No. 30 of 1997).

APPENDIX 3: SECTORAL CODES

EUREPGAP

The Euro-Retailer Produce Working Group (EUREP) which represents the major retailers in Europe issued its first official version of its Good Agricultural Practice Protocol in 1999, following consultation with growers, produce marketing organisations, verification bodies, agrochemical companies, farmers organisations and scientific institutions. The protocol (EUREPGAP) is primarily technical and is very comprehensive on Integrated Pest Management (IPM), and Integrated Crop Management (ICM) practices, and encourages the use of Hazard Analysis Critical Control Points (HACCP). Most recently EUREP incorporated environmental, health and safety, and employee welfare criteria into the code, which has been adopted by increasing numbers of suppliers of African export horticultural produce, largely due to the prominent role of supermarkets in the development of the code.

COLEACP

COLEACP (Liaison committee Europe -Africa- Caribbean-Pacific) is an association of exporters, importers and other stakeholders of the EU-ACP horticultural trade established in 1973 to promote the export of horticultural produce from ACP countries. Partly in response to the need to demonstrate good social and environmental performance, and partly because of the confusion caused by a plethora of different codes of practice, COLEACP has assisted African horticultural export associations to develop their codes according to a harmonised framework. The framework incorporates the priorities of local code developers and the needs of buyers and is the only example to date of international standards driven by developing country producers. However, the framework is really a guiding principle in that it establishes the benchmark against which more specific sectoral and local codes can benchmark their standards. At present the COLEACP Harmonised Framework contains a set of core criteria that cover environmental conservation; social responsibility including social welfare and workers safety; and food safety, food hygiene and traceability.

MPS (Milieu Project Sierteelt)

The Floriculture Environmental Project (MPS) is an international, environmental standard founded in 1995, which has become one of the most important codes in the agricultural sector worldwide. MPS growers now account for more than 65% of the turnover at the Dutch flower auctions, the largest outlet for cut flowers globally. Like many of the company codes, MPS originated as a technical standard, specifically aimed at reducing the environmental impact of cut flower production. MPS recently introduced a Social Chapter, which is based on the Universal Declaration of Human Rights and ILO Conventions. The Social Chapter, developed by the Dutch consultancy organisation CREM, addresses three main areas: health, safety, and employment issues.⁴⁰

Since 1997, overseas suppliers have been encouraged to participate in MPS and several growers from Africa, Israel and South America have joined in the last few years. In contrast to growers in Europe, all MPS members in developing countries must meet the health and

⁴⁰ CREM incorporated aspects of the ZEGA, KFC, FPEAK, HPC, BGI, Max Havelaar/Fair Trade and IFOAM codes.

safety requirements of the Social Chapter.⁴¹ However, only those growers that comply with all three aspects are eligible to be considered “socially qualified.”

AGRI-WESTCAPE (SOUTH AFRICA)

Agri-Westcape is the main farmers union that covers all agricultural production for domestic as well as export markets. It has recently begun to develop a locally owned standard or code of conduct for the broader agricultural sector.⁴² This initiative is starting from scratch in developing its own standard (which is still at the design stage). It is being set up as a multi-stakeholder approach, involving NGOs, trade unions and growers. The involvement of local stakeholders has meant that the code covers a wider range of development issues than many sectoral codes. In particular, gender issues have been raised through involvement of local NGOs with a strong gender focus, although the code is still at a draft stage. There is, however, some scepticism about the potential of the code amongst some stakeholders, trade unions in particular. To date, there is little evidence that members of the main trade associations are involved, and participation appears to be limited to a few of the more progressive farmers. Whilst it is too early to predict exactly how the code will evolve, the proposal of this code does reflect a momentum to introduce locally owned codes, which could possibly have knock on effects at a national level.

FPEAK AND KFC (KENYA)

FPEAK represents approximately 80 cut flower producers, mostly in the small to medium category. The FPEAK code covers fresh flowers, as well as fruits and vegetables, and addresses labour regulations, agricultural practices, and environmental protection. It is based on the Universal Declaration of Human Rights, and exceeds the minimum standards established by the COLEACP Framework, as well as EUREP guidelines.

KFC was formed in 1994 by six of Kenya’s largest producer exporters, who were concerned about the reputation of the industry in overseas markets. KFC now has 30 members, which account for over 60% of Kenya’s total cut flower exports. While the code originated as a technical standard addressing primarily environmental and pesticide related issues, recent editions of the code have been much more comprehensive in their coverage of social issues.

In addition, FPEAK and KFC, in concert with the Horticultural Crops Development Authority and Export Promotion Council, are involved in the development of a Kenyan National Code, which could help to mitigate the confusion arising from multiple codes covering the Kenya flower industry. While the national code has used the KFC code as a basis, and augmented it with the specifications contained in other codes such as EUREP, it is much more oriented toward the needs of smaller growers and exporters. The code is currently awaiting final government approval and is expected to be implemented in late 2001.

⁴¹ In Europe, it is up to the discretion of producers whether or not they wish to comply with the Social Chapter. However, in May 2001 MPS will conduct a pilot project in The Netherlands to test the feasibility of making the Social Chapter mandatory for European growers.

⁴² An important underlying factor behind the move by Agri-Westcape to establish a unified code in Western Cape agriculture is the effects land seizure in Zimbabwe has had on thinking in the sector within South Africa. Fear of a potential knock on effect in South Africa has led many within the agricultural sector to look for ways of improving conditions and facilitating an orderly process of land reform, as a means of averting a similar crisis as Zimbabwe occurring in South Africa.

ZEGA (ZAMBIA)

All major growers of vegetables and roses for export are members of the Zambian Export Growers' Association. Formed in 1984, it provides a variety of services to members including negotiation of airfreight rates, sourcing inputs (especially pesticides), plus freight handling and cold storage. Like FPEAK and KFC, ZEGA is a member of COLEACP and has been active in developing COLEACP's Harmonised Framework for sub-Saharan African codes of conduct as well as promoting training in auditing methods.

The development of ZEGA's code of conduct, including its promotion and auditing, has been delegated to NZTT, the NRDC/ZEGA Training Trust. NZTT convenes a code of conduct committee comprised of representatives of the two major vegetable exporters and a rose grower, a representative of MPS, and two NZTT staff.. Other codes were considered in the development of the ZEGA code, as well as their understanding of sensible business practice. They wanted to ensure that the code was achievable, believing that if people can't achieve the code they are encouraged to hide inconvenient facts. The code is also written in a 'guide' style, partly because of the lack of agricultural experience of most of the ZEGA members.

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