

An aerial photograph of a rural town in Nicaragua, showing a cluster of buildings with red and grey roofs, surrounded by green fields and trees. In the background, there are large, forested mountains under a cloudy sky. The foreground shows some green foliage. A green vertical bar is on the left side of the image.

Corporate Social Responsibility Review: Risks of Child Labor on Select Coffee Farms in Nicaragua

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Author: ENTERATE Project

Consultants: Martine Combemale, HR Without Borders
Diane Mull, International Initiative to End Child Labor (IIECL)

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Executive Summary

In Nicaragua, coffee is mainly produced on small-scale farms where temporary or seasonal work, weak remuneration, subcontracting, migrant workers, and child labor are likely to exist. In recent years, corporate social responsibility (CSR) activities have been encouraged to help improve conditions for workers and work toward the elimination of child labor. The integration of social factors in supply management within CSR is one of the key issues for food companies (brands, roasters, etc.) to address in order to fight against child labor and give hope to young workers' future employability.

On coffee plantations, child and adolescent workers have very little voice, are provided with little or no compensation, and face a range of other rights violations. They often encounter the greatest obstacles in fighting for their rights. Problems, however, are seldom due to deliberate violations by the farmers, but rather more often are a product of a lack of appropriate tools for personnel management and lack of having in place relevant processes and controls. In this regard, brands are responsible for promoting human rights and good working conditions not only for their own employees but also for their indirect workers along the supply chain.

In mid-2011, the American Institutes for Research (AIR) contracted with the International Initiative to End Child Labor (IIECL) to identify the necessary processes to verify/mark progress toward child labor free production of coffee. To achieve this, IIECL was engaged to carry out an analysis to determine the risk of child labor based on human resource management, human rights, subcontracting, and community involvement practices currently in use with a small sample of coffee farms in the Department of Jinotega, Nicaragua. Considerations on rights violations drove the evaluation team throughout this study to look at staff management systems, the relations between subcontractors and stakeholders, and the impact of certifications that farms may currently have in place, such as FLO, Bio Latina, Bird Friendly, Café Practice, etc.

The fight against child labor is a key aspect of CSR, and the management of the staff on farms contributes to it. For labor intensive agricultural operations, personnel management is a necessary CSR requirement, although perhaps applied at varying degrees of complexity depending on the size of the farm and its labor requirements.

The following report provides a summary of the key findings of the CSR review concerning the risks of child labor for select coffee farms in the Department of Jinotega, Nicaragua. The findings are organized based on primary areas of CSR that have an impact on child labor issues and employability of adolescents and youth: certification, community involvement, wage, working time, health and safety, career management, discrimination and human abuses, and freedom of association. ISO 26000, Chapter 6 served as the framework for the review.

Certification and impact on child labor

Certification fosters structure in the organization of the farms, and encourages more environmentally-friendly production practices. Managers and supervisors are aware of the ban on child labor and certain other obligations concerning the application of agro-chemicals, and most of the large farmers finance school construction, as well as a health center, dormitories, and teacher salaries.

However, certification can distort the concept behind CSR and can make certification seem superficial. CSR places reviewers' legitimate *attempts to contact* (based on international rights) at the center of the strategy of the enterprise. Also, certification auditors reportedly do not meet directly with the local stakeholders working on child labor issues. For those concerned about the elimination of child labor, having certification as currently implemented does not prevent the occurrence of the worst forms of child labor.

Community involvement and impact on child labor issue

To eliminate child labor, it is important to have the involvement of all stakeholders - government institutions, UN agencies, international NGOs, unions, CBOs, etc., in addition to the employer organizations, exporters, producers, and the brands, through their certification. These efforts to end child labor, in collaboration with the stakeholders or not, includes education, vocational training, public awareness-raising as well as audits and monitoring, notably on the large certified farms. It is important to recognize that many projects for seasonal workers are currently under way. However, their continuation may be dependent on international funding that may not be available long-term.

Projects are also being developed to educate parents and farmers on the benefits of education and the need to stop child labor. However, more efforts are needed to

raise parents' awareness on the long-term financial benefit of education. Having parents view the relevance of education as it relates to current agricultural employment opportunities may offer one effective strategy.

The CSR business-related projects generally target primary school-age children but rarely address issues of youth aged 12 to 14, in terms of a project eligibility, activities directly linked with coffee, and that allow access to indispensable materials linked to certification and have an impact on employability. Vocational training, therefore, is very important in a zone dominated by the coffee culture.

The absence of reporting on the number of employees and the kind of employment obtained by girls and boys does not allow a measurement of the impact of education on the employability of adolescents, girls in particular.

Wage and impact on child labor issue

During harvesting season, working children represent an abundant and easily exploited source of cheap labor and contribute to the decline of wages. To meet a daily production quota in order to receive their meager wages, workers in some farms are forced to bring their children to work with them. The payroll records, however, only mentions the name of the head of the family. Also, payroll records do not record the age or other demographic information regarding the worker on file.

In general, the farms do not have any specific remuneration system or pay classification grid that could help to fight against child labor by recognizing the skills, education, work experience, seniority, or respect to CSR objectives like the fight against child labor (incentive on health and security, regular school attendance of all children, etc.).

Working time and impact on child labor issue

In general, no formalized commitments and objectives with regards to working hours and break time, particularly during the peak harvest season, could be identified that has a direct impact on child labor.

No measures appeared to be in place to guarantee that laws are respected, especially for youth where parental permission and limited hours are required. The personnel record that lists seasonal workers, where they exist, are incomplete (age, level of education, schools attended, especially for the seasonal workers, are non-existent). Young workers are not identified, nor are the tasks they perform. In fact,

they work along with other adult workers in nearly all tasks. Supervisors are unable to control their hours and their exposure to risks as they perform their tasks.

Reporting on work time and overtime for adolescents was not recorded. If processes are not followed by reporting, then it is likely that the policies associated with the process will not be applied. This is particularly important if the work associated with younger workers is to be controlled for the number of hours and the type of work tasks that these workers are assigned.

Career management and impact on child labor issue

The issue in skills development is important in a sector that employs many young and poorly qualified workers.

The formalization of duties and contracts of supervisors and workers, which would allow including the fight against child labor, harassment, discrimination and the protection of health and safety, are non-existent. Supervisors do not receive substantial training on health and safety and management of migrants, youth and women. They are not evaluated and do not receive sanctions or incentives relative to these issues.

Describing the job and skills required (job description) is the very first step to build a consistent and fair human resource management system even for the small farms. This is necessary to assure that the management of the farms helps to eliminate child labor, discrimination, and promotes health and safety. Further, it helps to promote young graduates for the skills they acquire in training.

The task mapping could serve as a basis for a map of qualifications that permits identifying those who are over or under-qualified, and can distinguish consistencies or inconsistencies between the age, qualifications and tasks that need special training.

Health and Safety and impact on child labor issue

The coffee sector is labor intensive and working conditions are not favorable, with low skilled work, high job demands, and poor ergonomic and physical conditions. Children are more vulnerable due to their stage of physical and mental development. Therefore, the same task carried out by children can be more hazardous for children than for adults.

Health and safety is one of the aspects of certification and some training is given on the environment and certain aspects of pesticide application.

However, in the farms, the policy to improve the health and safety of the workers is not really in place as well as incentives or disciplinary measures for non-compliance or violations concerning minimum standards of health and safety.

The absence of formalization of health and safety policies, training and evaluation of all supervisors, incentives, and reporting adapted to these commitments shows that the risks for the young workers are elevated, notably, during the peak harvest season.

Discrimination and human abuses and impact on child labor issue

In farms that essentially employ women and migrants with low levels of qualification, the risk of harassment, discrimination and other degrading treatment have an impact on the daily lives of working children and young workers. The children of poor and/or uneducated parents are more likely to be sent to work. Children suffer discrimination as a consequence of the work they do. Discrimination suffered by parents leads to lack of access to employment opportunities and rights, causing family poverty, in turn making children more vulnerable to exploitation. There is also discrimination against young workers with family responsibilities, such as inadequate maternity/paternity protection or lack of job security for pregnant women and mothers. The work done by children helps keep them in poverty as opposed to raising the family out of poverty. Children who fail to obtain an education will likely experience further discrimination.

The problem of discrimination and harassment is a concern on all farms, small, medium and large.

The review team found no farms that had set up a management system to prevent and address the cases of discrimination and possible harassment.

Social Dialogue and impact on child labor issue

Children's young age also means that they are often denied the right to participate in decisions affecting their lives. Their opinions may not be adequately sought or taken into consideration regarding how to improve and/or resolve their situation.

Trade unions can play a key role in ending forced and child labor by codifying improved working conditions through a collective bargaining agreement. These

agreements can help prevent child labor while contributing to higher wages and stronger rights protections for adult workers.

Responsibility does not rest only on the farmers, but on the entire supply chain, from farmer to roasters, buyers and exporters. However, freedom of association is not subject to detailed analysis of processes and policies in the certification, although this criterion is an integral part of reference for certifications. The unions reported that they were never interviewed within the framework of the certifications.

In the region of Jinotega, there are still few health and safety committees (23 on 7,000 farms), even though these committees are mandatory. When farms have instituted a constructive dialogue with the health and safety committee, according to stakeholders, working conditions are better for everyone and for addressing the child labor issue.

Conclusion: What could be done?

Global analysis shows that in spite of the initiatives in place, the risks for child labor are significant. Certain problems deserve to be explored in depth as these may have an impact on child labor; education of adolescents from 12-14 years old, small farms where there is a large concentration of child labor, promotion of gender equity, and human resource management on the farms.

- The results of the task mapping and job risk / hazard analysis should help in the development of an educational program that offers children and youth the opportunity to engage in formative work that removes them from hazardous labor, builds upon their education, and teaches them the language, math, science, and business of coffee production while being beneficial for the coffee farmer. This should lean on the identification and building of relevant skills.
- In order to efficiently coordinate all the initiatives and to provide the players in coffee production a targeted and effective strategy, a mapping of the projects and stakeholders is also needed. It is mandatory to help the small farms, including information on who and what is being done, financing, impact on child labor, gender equity, etc., and actions that have an impact on the work of adolescents aged 12 to 14.
- Both of the actions above (tasks mapping/job risks-hazard analysis and stakeholder mapping) will help to formalize a worker safety training program

for use on coffee farms and promote individuals at each farm being equipped to provide effective training to permanent and temporary workers and their family members.

- In parallel, management of human resources must be structured on the farms. Training and implementation on the large, medium and small farms, in terms of a pilot project, could be put in place.
- Involvement of the buyers beyond certification is important.
- Complete reporting of relevant indicators with regards to CSR challenges is needed (managers, supervisors, staff, gender, etc.)

1. BACKGROUND

In Nicaragua, the agricultural sector represents 19.6 percent of the Gross Domestic Product (GDP) and employs more than 29 percent of the economically active population. Raw coffee is among the leading agricultural products produced and exported.¹ Child labor is reported in the production of export crops such as coffee² and other crops. About three in five working children are employed in the agricultural sector and children in rural areas are more likely than those in urban areas to work and not attend school (6.6 vs. 1.7 percent).³

The coffee sector, who is one of, if not, the largest employer in the rural areas in Nicaragua, are forced to chart their course within a very complex and dynamic environment. This is especially true for large farms, but also for medium and small farms. For those coffee farmers within the supply chain of a brand or are a brand themselves who want to maintain or build a competitive edge in international markets needs to be mindful of the role that corporate social responsibility (CSR) can play in this arena. There is a growing trend of enlightened “ethical” consumers who are making purchases on the basis of the social and environmental practices of the brand. Further, there are investment administrators who are seeking to identify brands that meet specific criteria for social investments. Companies that aspire to be, or are leaders in CSR, are challenged by rising public expectations, increasing innovation, continuous quality improvement, and heightened awareness regarding social and environmental problems. Child labor is one of the primary social issues being considered by the “ethical consumer.” While the enlightened consumer may not make all purchases on the basis of CSR, when it comes to a tie-breaker at the shelf, not only will it be a retail competitive advantage in the future, it will be a negative motivator if a company is a known abuser.⁴

ENTERATE, a USDOL funded project operating in Nicaragua since 2008, is working on the prevention and reduction of the incidence of exploitative child labor and the worst forms of child labor in coffee farms and elsewhere. The project strengthens the capacity of public and private local organizations contributing to the elimination of child labor; engages the private

¹ Foreign Agricultural Service, USDA, Nicaragua, 2011; <http://www.fas.usda.gov/country/Nicaragua/Nicaragua.asp>

² Internationally Recognized Core Labour Standards in Nicaragua: Report for the WTO General Council Review of the Trade Policies of Nicaragua (Geneva, October 1999), 3.

³ Nicaragua Child Labour Data Country Brief, ILO, 2007.

⁴ Strandberg, C., The Future of Corporate Social Responsibility, VanCity Credit Union, September 2002.

sector to increase the level of impact and sustainability of project interventions; and promotes awareness strategies to mobilize local stakeholders. Working in partnership with the League against Child Labor, a coalition of 10 international and national NGOs, the coalition organized the 2010 forum, “Best Practices of Corporate Social Responsibility in the Path to Eradicate Child Labor: a Commitment with the Coffee Sector” in Jinotega, Nicaragua. One of the results of this forum was the garnered commitment of some coffee producers from Matagalpa and Jinotega to prevent exploitive child labor during the 2010-2011 coffee harvest by participating in the Educational Bridges program. Twenty-three coffee producers agreed to actively participate and the result has benefitted 1,371 children in rural agricultural areas to have access to education and prevent their participation in exploitive child labor in the coffee sector.

Building on this work, ENTERATE is working with coffee producers to engage them in reviewing, revising and, where necessary, indentifying standards for child labor-free production and establishing quality criteria for school sponsorship. This has included preliminary discussion on encouraging corporate social responsibility (CSR), strengthening investments in education, and supporting other strategies for child labor prevention. Further work has been done with the Ministry of Labor (MITRAB) through technical support in the design and production of the Labor Guideline for Adolescents and the signing of a Memorandum of Understanding to facilitate labor inspection visits to 56 coffee farms in Jinotega and Madriz to monitor adolescent work during the 2010-2011 harvest.

To build upon the momentum started by the ENTERATE project and to strengthen the Educational Bridges Program, the American Institutes for Research (AIR) contracted with the International Initiative to End Child Labor (IIECL) to identify the necessary processes to verify/mark progress toward child labor free production of coffee. To achieve this, IIECL has been engaged to carry out an analysis to determine the risk of child labor based on human resource management, human rights, subcontracting and community involvement practices currently in use with a small sample of coffee farms in the Department of Jinotega, Nicaragua. The frame of reference for the analysis is based on International Standards of Operation (ISO) 26000. Key CSR objectives served as the basis for the analysis. Further, the review was comprised of an observational and job site analysis. This included a task mapping and job hazard / risk analysis of the work activities performed by coffee workers, particularly

children. The combined results of these analyses will aid to strengthen the coffee farms' human resource management systems and approach to addressing worker health and safety leading toward meeting corporate social responsibility expectations.

Further, the results of the analysis are intended to identify areas where youth may be able to engage in formative light work activities, dependent on age with the permission of their parents, that does not place their health, safety or morals at risk, and that does not interfere with education but promotes vocational learning in coffee production. Additionally, added benefits from the analysis include the design of a framework for a coffee worker safety training program and a vocationally-oriented education program on coffee production appropriate for 12 and 13 year olds.

1.1. DEFINITION OF CSR

Corporate social responsibility (CSR) is the responsibility that a business embraces and integrates into its corporate practices, with an attitude and commitment to ethical practices, legal standards, international norms, and respect for the greater public interest, including all involved stakeholders and the environment. The more the corporation sets out to reduce the negative impacts of their corporate actions, the more the firm demonstrates its social and environmental responsibility.

CSR requires the implicit commitment of management. This would include a methodical inventory of the stakeholders relating to the business and their geographic location, and an operational implementation

Corporate social responsibility refers to a managerial commitment to take into account the expectations of stakeholders and to report on it.

ensured through the agreement and financial incentives of managers with respect to the resulting objectives. This “strategic and managerial approach” relies on the premise that social responsibility is also a source of innovation, differentiation and appeal.

What CSR is not, is simply philanthropy, i.e., giving money to support the cost of a teacher. While worthwhile and a move in the right direction, it is not enough to meet the criteria of being socially responsible. The firm/brand does not exercise this responsibility by philanthropy alone, but rather by embracing the concept as an integral part of its strategy, decision-making and operations. The socially responsible corporation views CSR as a potential investment factor in future performance and risk prevention. For example,

appropriate employee hiring and training is beneficial to all those involved, and with allowing child labor and the absence of employee training, productivity decreases. If environmental impacts are badly managed, ecological accidents can tarnish corporate image and cause a business crisis. The most enlightened corporate leaders see CSR as a path to sustainable growth opportunities, and competitive differentiation, and rely on a continuous process of improvement.

External-financial agencies treat and qualify accessible information, and issue an opinion on enterprises and their degree of performance, workmanship and risks. This analysis is given to investors or administrators of assets practicing "socially responsible" investment and is included in the mode of selection of their investments of external-financial criteria, which goes beyond classical finances. As a result, Starbucks, Nestle and all firms listed on the stock market can have an objective evaluation made.

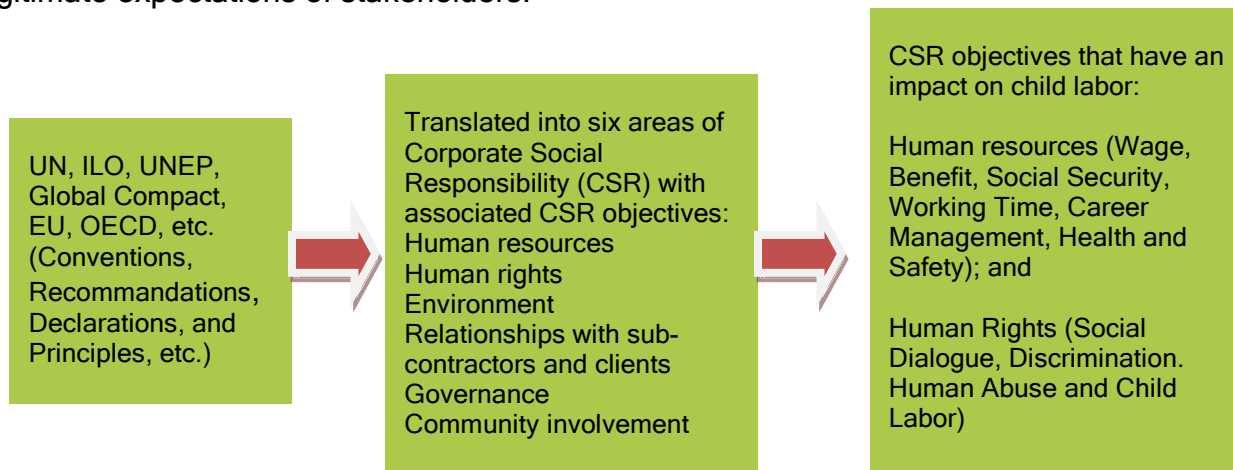
The new standard ISO 26000 is not different in its approach than the approach of the rating agency. ISO 26000 provides guidance for all types of organizations, regardless of their size or location, but does not give a certification.

1.2. METHODOLOGY

The study was performed in Jinotega, Nicaragua on a small sample of 17 coffee farms (small, medium and large, four wet mill operations and stakeholders (union, NGO, government). I will put this paragraph below in annex for both report, it has nothing to do with methodology. The methodology relies on ISO 26000 as the frame of reference and methods used by rating agencies that evaluate the top financial performance of businesses listed in the stock market. In order to realize their CSR, companies or brands (such as Starbucks, Hershey and others) must comply with and promote principles (or recommendations, conventions, etc.) that are issued by international institutions with this intent.

Because the fight against child labor is complex and depends on multiple factors, the methodology rests on a referential based on international texts and is therefore opposable (according to the grading agencies like Vigeo and ISO 26000, Chapter 6.) The results of the study are based on relations and work conditions, human rights and community involvement as they have a direct impact on child labor.

Figure 1: The references for this analysis are based on the key international instruments and the legitimate expectations of stakeholders.



The CSR objectives are summarized at the beginning of each chapter (wage, working times...). A short paragraph explains Nicaragua’s position on these objectives. The analysis reflects the principal strong and weak points of the evaluation on each of the criteria. At the end of the evaluation of each chapter is a brief plan of action. The impact on child labor on each of these criteria is mentioned in the conclusion.

Before going into the field, the mission team worked with the members of the ENTERATE project to plan the interviews with the stakeholders and to collect diverse documents needed for the investigation.

This preparation helped to select the criteria based on International conventions upon which the evaluation was made (See Figure 1). The first step included a desk review, analyzing available social data and information in order to rapidly have a first social portrait of the situation in Nicaragua. This first analysis allows the team to decide on the direction to take for the social review.

While in Nicaragua, information was collected to assess potential risks of child labor. This included an examination of human resource (HR) indicators; internal reporting; press articles; information received from stakeholders, context of the country, difficulties, relations with local stakeholders, etc.).

The representatives from local community groups were interviewed primarily in order to gather external information about the impact of previous and current programs on child labor, their current projects, and their opinions about the policies on child labor of the farms and their subcontractors, buyers, certifying agencies etc. The interviews with the farmers, business associations, and exporters offer insights into their knowledge about labor standards and their action(s) on child labor. Cross-referencing this information with interviews and documents facilitated the writing of the report.

The questioning is organized into nine elementary analysis angles that allow the opinion in this report.⁵ With this methodology, Declarations of intent are not enough, ethical codes and codes of conduct may be relevant and sincere, but they do not always give information about the material aspect of commitments.⁵ The questioning is based on the analysis of managerial integration. For the review, the team relied on the following frame of reference:

Figure 2 : Frame of Reference⁵



For example, the desire to fight against child labor is not enough. Some questions to consider:

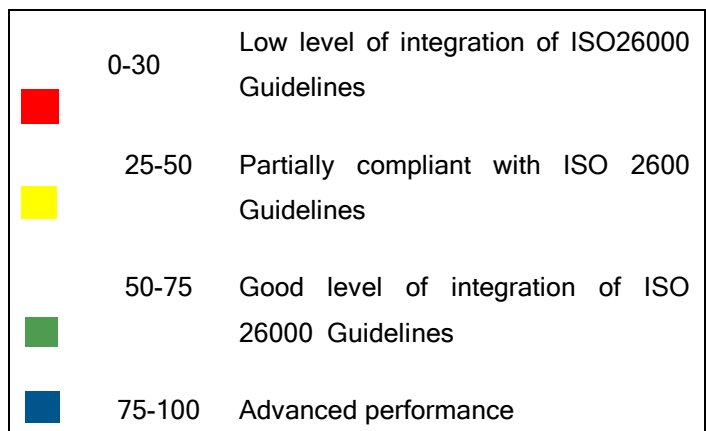
- Are any concrete objectives set (e.g. to increase the number of children in bridge schools, for seasonal workers in small farms to access bridge schools, etc.)?

⁵ Frame of reference is based on Vigeo, an internationally known rating agency and first in Europe, methodology for ISO 26000 ratings of corporations seeking position on the stock exchanges.

- Is this policy visible not only externally, but also to the families of seasonal workers (radio announcements, billboards in the vernacular and drawings explaining that children must attend school)?
- Are brokers, supervisors and the management chain trained, and do they receive sanctions or incentives (e.g. more children enrolled in bridge schools, child labor prohibition and related sanctions are included in the contract with the broker)?
- How the policy is implemented, and is implementation adapted to the policy's set objectives: related to training, incentives, sanction (processes)?
- What means and resources are established for said implementation (training, during peak harvest season one person is put in charge and given the required authority and training)?
- Control and reporting: Are the indicators adapted to the objectives, is control carried out on the number of tins per person per day, is any control carried out on the organization of work by teenagers etc.?)
- What has been achieved in the results/indicators (number of children in school/number of children in the families of seasonal workers, number of young people being trained at La Cuculmecca, number of adolescent temporary seasonal workers, etc.)?
- What are the stakeholders' views?

Following the assessment based on the frame of reference, the team applied for information the scale that could be given under ISO 26000 or rating agency.

Figure 3: Scale for ISO 26000



1.3. LIMITATIONS OF THIS REPORT

The team was sincerely welcomed at all farms and with all stakeholders visited. The ENTERATE team prepared the documents requested, and their assistance with logistics assisted the team to meet NGOs, labor unions, groups of exporters, cooperatives, government and international institutions, and different farms (small, medium, large, those certified and uncertified, and using organic and conventional production practices. During the course of the field work, meetings were held with other persons or entities that seemed relevant for the study, including university staff, laid-off workers, international labor unions, and churches. Documents they had were made available and the persons provided open and frank discussions.

However, the time frame for the review (15 days) did not allow sufficient time to meet all key stakeholders desired. Unfortunately, in spite of requests, meeting with buyers was not possible. Meetings and information regarding certifications and the processes used was obtained. However, no direct information for the coffee buyers who do not request certification was obtained. Rather, the information obtained was through interviews with related farmers.

As a result, this small sample of farms and absence of buyers prevented a review that assesses the level of commitment of the entire supply chain. However, it does enable an assessment of the risks of child labor based on a small sample of farms in the Department of Jinotega. Where farms are using similar practices, the same risks may likely exist.

2. FINDINGS

The following provides a summary of the key findings for the CSR review relative to the risks of child labor for select coffee farms in the Department of Jinotega, Nicaragua. The findings are organized based on primary areas of CSR, including:

- Wages, benefits and social security;
- Work time;
- Career management;
- Health and safety;
- Discrimination and human abuses;
- Social dialogue;
- Relations with subcontractors: impact of certification; and
- Community involvements.

For each of the primary areas listed above, the review provides the relevant CSR objectives the principal legal reference in Nicaragua, analysis of the situation, and the way forward (what can be done). The analysis is presented with strengths that were seen and weaknesses that need to be addressed to fully embrace CSR and strategically position the coffee sector of Nicaragua in international competitive markets without child labor.

2.1. WAGES, BENEFITS AND SOCIAL SECURITY

During harvesting season, working children represent an abundant and easily exploited source of cheap labor and contribute to the decline of wages. To meet a daily production quota in order to receive their meager wages, workers are in some farms forced to bring their children to work with them but the pay roll mention just the name of the head of the family. A fair wage policy helps to fight against child labor and to recognize the skills of teenagers.

CSR OBJECTIVES

Key CSR objectives considered for this part of the review:

- Ensure a decent salary.

- Ensure objectivity and transparency in fixing base salary.
- Development of employee benefit schemes and social protection: medical expenses, unemployment, occupational accidents and diseases, maternity, family allowance, pension, disability, death, and allowance for the survivor.

Compensation for the work provided, remuneration and social protection are also issues of social responsibility, as they contribute to decent conditions of life of the employees, economic development, while creating a creditworthy demand, and a training effect for the long term. Remuneration and social protection are motivation factors of the employee. More generally, they are a means to fight against job insecurity, and do have an impact on child labor.

PRINCIPLE LEGAL REFERENCES FOR NICARAGUA (ENFORCEMENT)

Following identifies the principle child labor-related international conventions, laws and regulations used as reference throughout the review and some of the key findings:

- Ratification of the Convention No. 110 on Conditions of Employment of Plantation Workers
- The national Minimum Wage Law establishes a statutory minimum wage for nine different economic sectors and is set through tripartite negotiations involving business, government, and labor.

The monthly minimum wage ranged from C\$1,573 (US\$76) in the agricultural sector to C\$3,588 (US\$174) in the financial sector.

The highest minimum wage remains significantly below the MITRAB's estimated basic cost of goods for an urban family, which is C\$8,670 (\$401). Several labor NGOs reported that the minimum wage did not cover the cost of inflation or provide a decent standard of living for a worker and family. Unions and labor rights advocates all decry the lack of labor justice for Nicaragua's workers.

The bucket/tin used for piece rate payments for the harvest of coffee is defined by the law (25,4cm/ 31, 75cm). It is forbidden to use any other measure than that which is defined by the

law. Periodic monitoring at the measurement stations on farms during the peak harvest period is needed to verify that this requirement is being met.

The employers must register with Social Security but the seasonal workers are not covered by social security, with the exception of teenagers.

A new legal project on social security is under review in Nicaragua. It foresees legal provisions for improvements in favor of the contributors and the current beneficiaries. The new legislation will spread coverage to categories which have not previously benefited, such as those seasonal workers who do or don't come from outsourcing agencies.

ANALYSIS

Strengths

According to interviews and a review of payroll (whether addressing small, medium or large farms, certified or not), the law seems to be respected with regard to the legal minimum and the supply of lodging and food with variations relative to size of operation.

- Certified farms have a formalized payroll.
- Some farms visited (certified) pay INSS, the thirteenth month (extra month's salary), the 7th day, to the body of permanent workers as required by law.
- One farm visited (certified) has identified tasks that deserve a slightly higher salary and organize a rotation among the permanent workers.
- The salary appears to be regularly paid every 15 days according to our investigations.

Weaknesses

In terms of results, the investigation shows that the payroll does not always reflect reality in the field during the harvest period:

- A single member of the family is paid but the children work despite they do not appear on the payroll. This fact is easily verified since we know that a worker can only harvest an average of 8 to 10 buckets/tins per day, a salary of more than C\$400 C\$ per day should alert the certifying agencies and inspectors.

- Some farms do not pay INSS to permanent employees. The minimum salary is attained after payment of the thirteenth month (extra month's salary) and of the seventh day (included on some of the certified farms visited).
- Seasonal workers and all permanent employees are not routinely provided pay stubs. The payroll signature is not sufficient. The payroll records do not mention the names, hours worked and age of the workers.
- The salary based on minimum wage can be less for the women who do not fulfill the requirement of fertilization or workers who do not complete assigned tasks for the day. Disciplinary sanction based on wage is against international conventions and is not appropriate for the lowest salaried workers who cannot afford variations in salary. Incentives or disciplinary sanctions that are not linked to salaries are more appropriate.
- In general, the farms do not have any specific remuneration system or objective criteria, and clearly do not appear to have a pay classification grid. The only information taken into account by the management to fix wage is the law (when the law is respected). The classification grid could constitute an advantage to recruit and motivate the permanent workers and make the seasonal workers come back each year.
- The base salary is calculated on the basis of daily rate (in general for permanent workers) or based on the task to carry out the work activity (piece rate). During the peak harvest season, workers were able to reach the target average wage through working overtime. In some farms, they can arrive earlier in the morning or they can have the entire family working under one name. When workers work more than 48 hours, overtime must be paid, even if wages are calculated based on a piece rate..
- The farms need only to pay more than the market to recruit workers for the certification. However, this means that once the worker is hired there is no pay classification system that could help in progressing along the wage and grading scale according to their initial skills, education, work experience, seniority, or respect to CSR objectives like health and safety.
- The people in charge of payroll on the farms visited are in the best case accountants, but are not sufficiently trained in human resources management in order to:

- Check the compliance of practices with the law and the procedures in force in the company;
- Make sure the wage system is secure;
- Evaluate its efficiency according to criteria:
 - regularity (paying on time),
 - accuracy (paying the correct amount of money), and
 - designation of receivers (payment to the appropriate person);
- Evaluate the scalable criteria of the wage system according to the farm's characteristics and objectives.

Even on small farms it is important that the owner of the farm be trained in wage management. This training will help to understand how to build a wage grid that helps to develop loyalty for the seasonal workers, to fight against child labor by giving incentives at the end of the harvesting season for families sending their children to school, or to highlight the quality and therefore the skills of the young workers.

WHAT CAN BE DONE?

Rating:

In terms of ISO 26000 and the evaluation of a rating agency, the grading would be yellow (from 25 to 50). This is not enough to prevent child labor and provide safe work for youth and women in middle or large certified and non-certified farms. Small farms are treated separately due to the differences in their nature of operations.

Middle and Large Farms

Pay systems should be reformed to offer a more coherent system with the objective to tackle different 'fair wage' dimensions. This will help to progressively introduce a classification and pay grid; promote a series of other incentives either monetary or non-monetary, such as accommodation and meals; and promote social dialogue around all wage issues.

This requires, on one hand, to recruit employees with a certification in personnel management, and, on the other hand, to set in place a system of internal control. The analysis of the projects

(ILO and others) and skills of the stakeholders (universities and others) on this subject can help the farms (small, medium and large) to set up an effective system that will help to prevent child labor while motivating the seasonal workers to return to the farm. This can be achieved within the framework of a controlled budget.

Setting remuneration presupposes that the company has primarily planned out its remuneration policy by categories (managers, supervisors, workers) and by factor (i.e. the components determining wages) that it wishes to pay. The company needs to clearly determine what it intends to do in terms of remuneration. This approach needs to be consistent with its objectives to motivate and keep the workers (including the seasonal temporary workers), and to encourage them to respect the farms' policies regarding health and safety and the struggle against child labor. Some objectives could be:

- Health and security (following the security processes),
- Regular school attendance of all children,
- Seniority of seasonal temporary workers, and
- Performance: based on quantity and quality of work.

The following graph offers one approach for helping farmers to establish priority. Based on the priorities for his own business, the farmer can determine the remuneration policy to be used.

The farmer can then:

- Analyze the decisive elements of the wage the farm currently gives by category (skilled/unskilled, etc.),
- Determine the decisive elements of the wage the farm should give, and
- Set the decisive elements of the wage the farm intends to offer from now on.

Respect of safety rules and attendance of workers' children at school should be one of the first priorities and will demonstrate that the farmer (small, medium or large) is willing to fight against child labor.

The seasonal and permanent workers will thus become a resource that should be trained and promoted, and should ensure improvement in the quality of production, while persuading them by strategic incentives to work without their children.

Linking wages to the farm's profits is also a way to tie the permanent workers and (primarily) management more closely to the company's performance. As a result, this will help to more effectively communicate information about profits and eventually greater understanding about the policies and decisions governing the farm. It is also a way for the farm to make part of the workers' wages flexible with their performance—thus creating less impact on labor costs as the flexible part increases in periods of strong production and reduced in periods of economic downturn. This approach, of course, must always respect the salary scale and meeting minimum wage requirements.

The following Self-evaluation Questionnaire may provide a helpful approach for farmers to analyze the various criteria and how they rank priorities for the farm. For example, it can help to identify the remuneration criteria that the farmer will use, which is the most important to initiate and which the owner should follow from then on. The farmer can choose 5 to 6 criteria and rank them in order of importance, by awarding 5 points to the most important criterion, then 4 points for the second and so on. Attendance of children at school, for example, can be one of the priorities for workers on a small farm that wants to push the family to place their children in school. In order to verify this element, working with relevant stakeholders is mandatory. Multi-skills are also important and can help to recognize the education and training of young workers.

Rank Priorities

	Criteria	Rank Unskilled worker	Rank Skilled worker	Rank Supervisor	Rank Management
1	Seniority, loyalty				
2	Individual performance (quantity)				
3	Multi-skills				
4	Farm's performance				
5	Management				
6	Respect safety rules				
7	Individual performance (quality)				
8	Normal working hours				
9	Overtime hours				
10	Skills and training				
11	Complexity of the production process				
12	Attendance of children at school				
13	Reading and writing skills				
14	Correct appliance of fertilizers				

Small Farms

For small farms, the concern is particularly during recruitment of seasonal temporary workers. One of the main concerns of the small farmers, according to our interview, was the lack of work force during the harvest season.

The ranking of the priorities could be helpful for them. For example, by giving an incentive to the workers that worked the past years in the farms (seniority) and the one willing to put their children at school. If the school is too far from the farms, before the harvest season, with the help of cooperative, La Cuculmecca or other NGO or government, a brainstorming on transportation could be interesting.

2.2. WORK TIME

CSR OBJECTIVES

Key CSR objectives considered for this part of the review:

- Respect the right for employees to a reasonable limitation of working hours, to rest and regular vacation:
- Respect rules regarding over-time, compensate specific constraints etc.
- Set up measures to compensate atypical working hours: nightshifts, weekends, on-call duty, interruptions etc. or for specific needs: disabled, senior employees etc.
- Integrate working time issues in organizational projects.

The respect and management of working hours is one of the main challenges in the agricultural sector where temporary and seasonal work is prevalent.

PRINCIPAL REFERENCE IN NICARAGUA (ENFORCEMENT)

- The standard legal work week is a maximum of 48 hours, with one day of rest.

Based on the review, this provision was often ignored by employers who claimed that workers readily volunteered for extra hours for additional pay. While the law mandates premium pay for overtime and prohibits excessive compulsory overtime, these requirements were not always effectively enforced.⁶

ANALYSIS

Strengths

- According to those interviewed, the work schedules, especially for permanent workers, appears limited to 8 hours per day outside of the peak harvest season.

⁶ Interviews with key stakeholders (See annex for list).

Weaknesses

The payroll books and records, where they exist, make mention of a work day without specifying the number of hours. Some permanent workers, such as the cooks and the supervisors, based on the available information as reflected in the payroll records, can work four Sundays in a row and 24 hours per day.

According to “La Cuculmecca”, a Nicaraguan NGO in Jinotega, the teenagers who attend the informal training provided in the communities, results in the number of working hours being reduced for them.

According to the certifying agencies interviewed, overtime is not counted when the workers are working by the task for a piece rate. According to interviews and the analysis of the files, no policy and processes appeared to be in place that would control overtime for the permanent or seasonal workers. Most supervisors interviewed claimed to work every day during the peak harvest season.

In general, no formalized commitments and objectives with regards to working hours and break time, particularly during the peak harvest season, could be identified.

No measures appeared to be in place to guarantee that rules are respected, especially for teenagers. The problem is all the more important since there are few worker committees in existence and/or are functional.

Reporting on work time and overtime for adolescents was not recorded. If processes are not followed by reporting, then it is likely that the policies associated with the process will not be applied. The obligation to report provides a guarantee that working time is managed and controlled. This is particularly important if the work associated with younger workers is to be controlled for number of hours and the types of work tasks that these workers are assigned.

WHAT CAN BE DONE?

Rating: 

In terms of the ISO 26000 and an evaluation of a rating agency, the notation would be red (of 0 to 25), although isolated processes are beginning to be put in place. However, these are not sufficient to prevent child labor and provide safe work for youth and women in certified and non-certified farms, and middle or large farms.

- In terms of structuring a human resource management system, it is necessary to train the supervisors and to set up a system to check and control the management of time for the workers, and especially for youth.
- The identification of youth and a system of oversight and control of working hours, over time and assigned tasks are necessary for small, medium and large farms. A thorough review with stakeholders is necessary, especially for small farms.
- The supply chain, notably buyers and exporters, must get involved with the stakeholders to address this subject.

2.3. CAREER MANAGEMENT

CSR OBJECTIVES

Key CSR objectives considered for this aspect of the review are:

- Informing the employees in a clear and complete way about the work and the organization.
- Developing the skills and the qualifications of employees and workers: training, work organization and career management.
- Guaranteeing access to training for all.

Education is an issue of social responsibility that allows the development of employability of vulnerable populations (illiterate employees, women, migrant workers), and can become an advantageous asset for the business by having more competent personnel.

ENFORCEMENT IN NICARAGUA

- Nicaragua signed Convention No. 142 on Human Resources Development

Labor rights advocates have repeatedly stressed the need to improve worker productivity through better education and skills development, professional and personal. They note that most Nicaraguan workers do not complete the 3rd grade, which was corroborated by the workers interviewed through the task mapping and risk assessment survey (See task mapping report that accompanies this report), and they often have not developed basic work habits. For example,

getting to work on time and making arrangements for child care during work hours were noted by respondents.

Labor rights advocates recommend that the Government of Nicaragua improve and expand the national system of vocational institutes for students, as well as a national certification process for technical vocations. Nicaragua currently does not have a national certification process for technical skills.

A government of Nicaragua (GON) entity, the National Technological Institute (INATEC), who is dedicated to training workers and certifying vocational training programs, receives 2% of each worker's gross salary and is in a prime position to establish a national certification process for the training linked to the improvement of worker skills in coffee farms. The skills are those identified through the task mapping and in human resources management. Such training can be offered to youth to raise the competencies of teenagers.

ANALYSIS

Informing the employees in a clear and complete way about their work and its organization

Strengths

- Some contracts for permanent workers in certified farms were identified, among them a contract for a 15 year old adolescent. This farm was certified.

Weaknesses

- The basic information (the description of the work, the date of the beginning of the contract or the work relation, the normal working hours, the organization of the working time) was not found.
- Seasonal workers do not have contracts on any of the farms reviewed.

Developing the skills and the qualifications of employees: training, work organization and career management, and guaranteeing access to training for all

Strengths

- Some training being provided may have an impact on career management and on human resources management in the farms.
- UNICA, a Catholic university gives training in Human resources management during an 80 hour, two month course. No other Human Resource Management curricula were found.

- Certifications allow one to structure the management of the medium and large farms, to sensitize the farmers to the environment and, notably, to health and safety of the workers. APEN, CISA, the cooperatives, and other professional organizations give technical training, which is sometimes oriented towards the environment and management.
- The cooperatives offer training to their members, thus, the small farms can benefit.
- The governmental institutions, such as INATEC and the Ministries of Labor and of Education, and the NGOs, ILO, ENTERATE, La Cuculmecca, international institutions and the ACT union, have put in place training oriented toward the environment, health and safety, agricultural techniques, worker rights, child labor and other human rights.
- INATEC, working with Don Bosco, are planning to conduct a survey among companies and large farms to ask about their training needs.
- According to “La Cuculmecca”, a Nicaraguan NGO in Jinotega, for those teenagers who attend the informal training this NGO provides, their new skills are recognized by large farms. Young workers can thus receive a higher salary on the farms that are focused on the environment, where their skills are in demand. However, no reports that demonstrate this was provided.
- One farm visited formalizes its training initiatives as part of its manual of operations, including topics of training, annual calendar for training, signatures of participants, etc.)

Weaknesses

- Efforts to reduce turnover and retain workers on the farms was not identified. This is an important factor since the lack of a stable adult labor force is a contributing problem facilitating child labor, including on the small farms.
- The farms visited do not have specific policies, procedures and criteria to develop skill appraisals of workers and employees. The workers do not know how they could become supervisors. The female workers claim that they can never become supervisors as that position is solely for men. Reading and writing appears to be a prerequisite to be promoted to a supervisory level, according to respondents. However, the information is not requested in the personnel file, and the promotions are strongly dependent on the head foreman, with a strong risk of discrimination and harassment.
- An analysis that examines the root causes of child labor that takes into consideration agricultures’ human resource management practices, education of workers, and the work of children 12-14 years was not identified.

- The vocational training was largely lacking and uncoordinated. The issue in skills development is important in a sector which employs many young and poorly qualified workers. No formalized commitments were found on the map of tasks and skills development of the employees and workers and career development in the farm
- The lack of team-work among the different entities that provides training will enable the development of information and tools to assist farms to move forward with their career management objectives and reduction in reliance on child labor:
 - Identification of trades needed on coffee farms
 - Skills that need to be developed
 - Impact on women and their needs
 - Women's skills be improved and training that will assure their getting ahead
 - Training and skills development needs of small farms and ensuring their profitability
 - A skills scale and job definitions / descriptions for agricultural human resource management.

2.4. WHAT CAN BE DONE?

Rating: ■

In terms of the ISO 26000 and the evaluation of a rating agency, the grading would be red (from 0 to 25). Although isolated processes are beginning to be put into place, these are not sufficient to prevent child labor and provide safe work for youth and women in certified and non-certified, medium or large farms.

- To improve skills and the employability of the workers, and encourage promotion, it is necessary to set up a system of human resource management with processes adapted to the objectives that is known by the workers and formalized. It is necessary to identify the stakeholders and the buyers that can help to establish this for all the farms, while identifying a basic system for the small farmers.
- Describing the position is the very first step to build a consistent and fair human resource management system even for the small farms. On the large farms, it helps to define several types of workers according to the responsibilities they are given, and is therefore useful to encourage workers because they can now have a view of the steps they must go through to climb up the ladder within the workers category. It helps to set a framework that will allow the farm to assess and classify jobs. The job description corresponds to what can be

expected from the position, whoever the worker is, and corresponds to the minimum technical and practical aspects the position requires. It includes the worker's objectives, missions and duties, and most often the skills and experience required to meet the job task requirements. The job description establishes a visible CSR policy notably for the managers and the supervisors. Within each job category a criterion should be defined that helps to assure that the management of the farms help to eliminate child labor, discrimination, and promotes health and safety.

- Job descriptions can also help to highlight the skills necessary for each task and the skills can be provided through vocational training. This will, therefore, help to recognize the skills of young workers. One positive strategy would be to routinely promote job entry and advancement of older youth following their completion of training through programs like those that La Culculmeca provides or the reading and writing skills offered through relevant NGO's.
- The task mapping could serve as a basis for a map of qualifications that permits identifying those who are over or under-qualified, and can distinguish consistencies or inconsistencies between the age, qualifications and tasks that need special training.
- Training in human resource management for small and medium-sized farm workers could allow promoting the work of youth and women of these families to making them employable on groups of other similar farms or large farm, and to show the importance of education to the farmers due to the direct impact on the business (worker motivation, improvement of quality).
- A reporting document is needed to be established within farm operations to verify the appropriateness of the training measures and the results achieved with the related indicators for evaluation and continuous improvement purposes.

2.5. HEALTH AND SAFETY

CSR OBJECTIVES

Key CSR objectives considered for this aspect of the review are:

- Prevent and reduce occupational accidents and injuries.
- Take measures regarding first aid.
- Prevent occupational diseases and contribute to the general health of the employees.
- Ensure adapted working conditions for victims of occupational accidents or diseases.

- Provide venues and equipment related to health management, such as sanitary installations (latrines), drinking water, canteen, etc.

ENFORCEMENT IN NICARAGUA

- Ratification of Convention No. 110 on Conditions of Employment of Plantation Workers

The law establishes occupational health and safety standards. The law mandates the creation of regional offices for the National Council of Labor Hygiene and Safety. The council is responsible for worker safety legislation and for collaboration with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities.

The law provides workers with the right to remove themselves from dangerous workplace situations without jeopardizing continued employment, but many workers were unaware of this right due, according to ACT, to the lack of government dissemination of information.

The law requires the creation of a Health and Safety Committee.

According to the law, a cantina is mandatory for seasonal workers. If there is no cantina, compensation must be given.

ANALYSIS

Strengths

- The government organized tripartite Health and Safety committees. ACT union is present in these committees.

Weaknesses

- In the region of Jinotega, only 23 committees have been created among 7,000 farms.
- On the farms visited that have health and safety committees, none of the following was observed:
 - Reporting to demonstrate the involvement of the employee representatives,
 - Regularity of the meeting,
 - Personnel representatives receiving the information that they need, and
 - Follow up to answer questions.

Prevent occupational diseases and contribute to the general health of the employees.

Strengths

- Health and safety is one of the aspects of certification and training is given on the environment and pesticide application. The cooperatives for the small farms, the government, the unions, INATEC or Nicasalud give training on health and safety, most notably in pesticide application.

Weaknesses

- Training is heterogeneous and the curricula are not well defined or coordinated. The businesses selling the pesticides give a short training on their use. The NGO and the training organization will insist on respectful treatment of the environment without equal treatment on the impact on worker health and safety. Definitions do not have the same meaning for the different stakeholders and training is not certified by a governmental body.

Prevent and reduce occupational accidents. Take measures regarding first aid. Prevent occupational diseases and contribute to the general health of the employees.

Strengths

- Task mapping on the risks in general of agricultural jobs has been created by the government with the help of ILO and the NGOs.
- As part of this review, a task mapping and job hazard analysis has been performed on coffee production (See accompanying report).
- During the peak harvest season, large farms hire nurses or a trained health promoter to assist with minor first aid and triage in more severe cases.
- A list of injuries on some large farms with a list of the people concerned was identified.

Weaknesses

- The individuals in charge of safety and health were not always identified, including on the certified farms. The employees (workers, supervisors, employees) met do not always know who is in charge of first aid or where the first aid kits are kept, particularly during the peak harvest season.
- The small and medium farms reviewed do not have health promoters, and during the peak harvest season, the violations noted by inspectors (report from MITRAB) were mainly concerning no health promoter on large farms.

- Defining work accidents with stoppage depends on the managers. Certain managers prefer to not send their employees to the hospital or health clinic, most notably, seasonal workers were not listed.
- The statistics provided by the Ministry of Health on work accidents on coffee farms likely underreports the level and extent of the problem. According to the Ministry of Health representatives, most farms treat minor injuries at the farm site, including stitching cuts and open wounds, and workers are not referred to the health clinic or hospital unless it is considered life threatening.
- On the farms reviewed, no work accidents reported included the cause (activity being performed by the worker) of accidents and the plan of action to diminish future work accidents was identified.
- Depending on the season, the supervisors managing dozens of workers do not have the materials to complete such reporting.

Provide venues and equipment related to health management

Strengths

- The large certified farms we visited have constructed dormitories, sometimes with family bathrooms, and health promoter workers are in charge of controlling the conditions of cleanliness.
- Financial sanctions are sometimes levied when the conditions of cleanliness are not respected.

Weaknesses

- According to the Ministry of Health, the hygiene problems are those associated with concentration of large number of workers, over-crowding, lack of potable water, and poor maintenance of the latrines. However, there is no inspection on small and medium farms because there are too few labor inspectors to have an impact.
- Inspections of cleanliness on the large farms should merit clear, formalized and visible criteria.
- Financial sanctions cannot be applied to the least vital employees.
- The typical participation of suitable stakeholders is sporadic.

Ensure modified working conditions for victims of occupational accidents or hazardous work for children

- Measures to help permanent workers who are victims of work accident to find jobs adapted for their handicapping conditions were not identified.
- Valid information as to the fate of the seasonal workers who do not pay contributions to INSS” was not available.
- Generally speaking, the policy to improve the health and safety of the workers are not really in place in the farms as well as incentives or disciplinary measures for non-compliance or violations concerning minimum standards of health & safety.
- The managers are not evaluated on their implementation of the health and safety policy.
- Ergonomic measures to avoid occupational diseases are not yet in place, including for women and youth.
- There is no reporting with adapted indicators and corrective actions. Since there is no real reporting on the farms, identifying an increase or decrease of work accidents and their root causes is not possible.
- The absence of formalization of health and safety policies, of training and evaluation of all supervision, of incentives, and of reporting adapted to these commitments shows that the risks of child labor are elevated, notably, during the peak harvest season.

WHAT CAN BE DONE?

Rating: 

In terms of ISO 26000 and the evaluation of a rating agency, the grading would be yellow (from 25 - 50). Although processes are beginning to be put into place, these are not sufficient to prevent child labor and provide safe work for adolescents and women in certified and non-certified farms, medium or large.

- The risk mapping created realized by the government and ILO, the brainstorming organized by the ENTERATE project with the producers and the different trainings have a positive impact that deserves to be coordinated, formalized and evaluated in terms of annual reporting.
- The certifications are only one of the means that do not suffice to prevent child labor and the consequences to health and safety. The task mapping created by Diane Mull will permit determining, for every season and task, those which can be done by adults, women and

older youth, or adolescents between 12 and 14 years of age, in terms of a formative vocationally-oriented education program. It will thus allow defining the specific tasks, the ergonomics of the work, and necessary training, which is the first step to build a health and safety policy that will have an impact on child labor.

- It will be necessary to set up objectives and indicators for hygiene, meeting health and safety regulations, and prevention of accidents and work related diseases, all with the appropriate means (training, budget, role of the health and safety committee in the analysis of work accidents, etc.).
- Defining a policy that is visible is essential before creating written indicators for reporting. Health and safety policies are aimed at all, including the small farms. The role of the stakeholders and the cooperatives is very important in this case. Monitoring of the safety conditions by the technicians of ENTERATE-La Cuculmecca for example, or by teenagers trained for this in the community, could have an important impact during the harvest period, if this intervention is formalized and coordinated with all the other actions, to prevent child labor.

2.6. DISCRIMINATION AND HUMAN ABUSES

In farms that essentially employ women and migrants with low levels of qualification, the risk of harassment and other degrading treatment are particularly important, for the migrant, the women and young workers. Discrimination and harassment have an impact on the phenomenon of child labor and on the daily lives of working children. Children suffer discrimination as a consequence of the work they do; The children of poor and/or uneducated parents are more likely to be sent to work. Discrimination suffered by parents leads to lack of access to employment opportunities and rights, causing family poverty, in turn making children more vulnerable to exploitation.

As freedom of association and the fight against forced labor and child labor, discrimination is considered as one of the fourth fundamental rights by the ILO.

CSR OBJECTIVES

Key CSR objectives considered for this aspect of the review are:

- Prevent discrimination based on gender, maternity or family status, race, disability, ethnicity or color, national extraction, political opinion, religion, social origin, health, sexual orientation.
- Promote equal opportunities, notably in access to employment, training, promotion, remuneration and managerial positions.

- Strengthening the policy in favor of the populations which are having more difficulties in access to employment, to training...
- Preventing degrading or inhuman treatments at work (harassment etc;)
- Respect individual rights in disciplinary procedures.

ENFORCEMENT IN NICARAGUA

Nicaragua ratified the following conventions:

- CEDAW - the United Nations Convention on the elimination of all forms of discrimination against women
- CERD, the International Convention on the Elimination of all Forms of Racial Discrimination
- International Convention on the protection of the Rights of all Migrant Workers and Their Families in 26 Oct 2005
- CRPT - International Convention on the Rights of Persons with Disabilities in 7 Dec 2007
- Nicaragua had adopted a constitution that explicitly guaranteed equal rights for men and women. (Article 109)

An ongoing area of employment discrimination in Nicaragua is based on gender according to stakeholders (NGOs and international reports). Women (and girls) in agriculture are largely in charge of labor-intensive tasks for maintaining the household, carrying water, collecting wood for fuel, caring for children, fertilizing, harvesting and other specific jobs on coffee.

There is no legislation that addresses gender inequality, while all the NGOs and international reports stress that violence with regard to women is committed in their work or inside their home.

ANALYSIS

Prevent discrimination and promote equal opportunities, notably in access to employment, training, promotion, remuneration and managerial positions

Strengths and Weaknesses

- No wage discrepancies between men and women were identified.
 - However, it should be noted that wages are paid at the legal minimum wage, and that women are not in management positions in the coffee fields.

- A permanent worker with a work accident handicap is reclassified for another task that corresponds to the handicapping condition whenever possible, according to the managers we met.
 - However, there is no way to verify these affirmations. The definitions given by the managers interviewed are very vague. For the seasonal workers, it seems there is no visible policy. This problem becomes all the more problematic with the seasonal workers who do not contribute to INSS.
- In the region of Jinotega, trainings in gender equity are proposed by the Ministry of National Education, NGOs, MITRAB, APEN, ACT, Co-operatives, Care or BIT because, according to them, the education of mothers is fundamental to prevent child labor. The vocational training welcomes girls and boys; the girls are sometimes in majority in training organized by ENTERATE-La Cuculmecca.
 - However, there is no reporting with respect to the number of women who get training, the number among them who do work related to the training and the impact of child labor. In the absence of any reporting with indicators adapted to correspond to the established objectives (employability of women and reduction of child labor), it is difficult to measure the impact of the training on the employability of women and on reduction of child labor.
- Some women, with the help of World Bank and an International NGO created a cooperative for roasting, grounding and packing coffee. They wanted to contribute to the family while being independent. Four women have thus received training and are now certified professional coffee tester.
- According to them, this work of responsibility and independence brings them pride and allows them to put their children in school, which they recognize as a social advancement advantage. They wish henceforth to professionalize themselves and export coffee. This experience raises awareness among the women of different communities, according to them.
 - The women's cooperatives still lack professionalism, and the means to develop and reach the international market. Yet this project merits real social commitment with technological transfer of professionals and brands, and effective follow-up with reporting on the impact of child labor and the integration of women.
 - The contributions of the Brands, the certifying agencies, the exporters and other direct stakeholders are not visible in this type of women's initiative. We can see

some consciousness-raising activities, but we have seen little of the experience of structuring of women's groups.

Preventing degrading or inhuman treatment at work

Strengths

- Some cooperatives give very short training on how to treat, or not mistreat workers and minors.
- Supervisors on the farms we visited receive a little information on sensitive management of seasonal workers.

Weaknesses

- In farms that essentially employ women and migrants with low levels of qualification, the risk of harassment and other degrading treatment are particularly important, mainly in large farms. However, we didn't find any farms that set up a management system to prevent and address the cases of possible harassment.
- The intermediate managers are not trained to prevent and handle harassment.
- There is no "alert system" that can be used for harassment cases, except through the union or labor inspector but it can be long and difficult for people.
- During the peak harvest season, managing a great number of people, (sometimes up to 60) who come from all regions, calls for support and training which could prevent abuse.
- In addition, those in charge of recruitment, security guards, temporary agencies (brokers) or other intermediaries are not trained. The relation to the intermediaries seems blurry. Contradictory information on the same farms was found.
- Yet, the supervisors, according to different reports, unions and stakeholders, have a bad reputation. The majority of the cases brought up by the unions relate to sexual harassment and morality. The NGOs stressed that the girls who work during the peak harvesting season complain equally about harassment. The NGOs, union and women we met emphasized the harassment of certain women among them who must submit themselves to the supervisors to have lighter work but they are afraid to complain because they could, according to them, lose their jobs.
- Financial sanctions that have been outlined and confirmed by the managers are not understood, and seem disproportionate. The sanctions don't seem to be inflicted according

to an internal “judicial” process, which would give the sanctioned employee the possibility to stand up for him/herself. They could generate harassment.

WHAT CAN BE DONE?

Rating: 

In terms of ISO 26000 and evaluation of a rating agency, the grading would be red (0 to 25), although isolated processes are beginning to be put in place. They are not sufficient to prevent child labor and provide gender equity and safe work to women and seasonal workers.

- On many farms, owners declare to be against discrimination, to make their decisions without taking into account gender, age, origins, etc. of the workers but they do not see how they can make this commitment real: the absence of discrimination is not visible as such. The actions that can be driven by the company and evaluated are:
- Making a commitment to refuse discriminations visible,
- Taking measures so that all the employees (brokers, security guards, employees, workers, supervisors) know about it,
- Training managers, men, security guards, and brokers and follow-up on cases where there are potential risks,
- Setting up control mechanisms with health and safety committee
- Setting up measures allowing workers and health and safety committees to notify about discriminating situations and to address these problems.

The problem of discrimination and harassment is a concern on all farms, small, medium and large. The small farms also employ seasonal workers and management is important. A public awareness campaign to promote the benefits of the education of girls or programs to increase awareness of gender discrimination in the workplace will be important. The training of supervisors and proprietors of these farms by the cooperatives, unions, NGOs or other stakeholders would be valuable.

The implication of the entire supply chain from the farmers to the buyers, like Starbucks, is fundamental no matter the size of the farms. Working in partnership with the local stakeholders is essential. Having a reporting mechanism with indicators adapted to the objectives is obligatory to evaluate the progress of eliminating child labor from one year to the next. The buyers, in this case, should not accept any product if their own subcontractors do not meet the requirement, is

implementing the processes to avoid child labor, and are engaging in efforts to improve the skills of the young workers. It is important that the auditor while conducting a certification review analyzes the processes in place not only to prevent the risk of child labor but to give education and training to the teenagers.

The ENTERATE project could integrate programs to increase awareness of gender discrimination and their impact on child labor.

2.7. SOCIAL DIALOGUE

The coffee sector is labor intensive and working conditions are not favorable, with low skilled work, high job demands, and poor ergonomic and physical conditions. Due to their young age, children are often denied the right to participate in decisions that affect their lives. Trade unions can play a critical role in ending forced and child labor by codifying improved working conditions through a collective bargaining agreement. These agreements can help prevent child labor while contributing to higher wages and protecting rights of adult workers. As the fight against discrimination, forced labor and child labor, freedom of association is considered as one of the fourth fundamental rights by ILO.

CSR OBJECTIVES

Key CSR objectives considered for this aspect of the review are:

- Respect the rights of all employees to organize in trade unions of their choice, and respect the independence of these organizations.
- Protect trade union members and leaders against discrimination.
- Facilitate the functioning of trade unions in the work place.
- Ensure the freedom of each employee to be represented and defended by the trade union organization of her/his choice.
- Respect the right to strike.
- Allow the presence and activity of representative bodies without impairing trade union rights.
- Favor the function of these representative bodies
- Develop information and consultation of employee representatives.
- Guarantee and promote collective bargaining.
- Prevent conflicts, and search for peaceful solutions.

Communication/Encouraging worker participation for all the workers, including young workers (Article 13 of the UN Convention on the Rights of the Child)

- Provide workers with information on all elements impacting their working and employment conditions.
- Encourage staff participation.

ENFORCEMENT IN NICARAGUA

- Nicaragua has ratified the conventions concerning freedom of association and collective bargaining:
 - Convention No. 87,
 - Convention No. 98, and
 - Convention No. 100.
- The Agricultural Workers Union (ACT) is the largest union of the agricultural region.
- The law provides for the right of all public and private sector workers to form and join independent unions of their choice. The constitution recognizes the right to strike. The law provides for the right to bargain collectively.
- Because there are too few government work inspectors to cover the entire territory, the strengthening of the unions and health and safety committees on the farms is one of the principal pillars which will help the fight against child labor, according to MITRAB.
- Since January 2007, the employers can no longer give letters of dismissal to employees who wish to join a union, according to MITRAB.
- The law establishes fines against employers who violate labor rights by engaging in anti-union discrimination, such as interfering with the formation of unions or strikebreaking.
- Recent allegations raised by international trade unions confirm that food workers encounter difficulties when they try to join trade unions and exercise their rights, even in Nicaragua.

In practice, according to our interviews and reports (see Appendices References p. 63)

- Many employers in the formal sector continued to violate worker rights with impunity by blacklisting or firing union members, or delaying payment of severance pay to fired workers. Labor leaders complained that employers routinely violated collective bargaining agreements and labor laws with impunity.

- The tri-party health and safety committees that normally must be created in any business, including farms, bring together the Ministry of Labor, unions (ACT) and farms. The health and safety committee can be organized even if the workers are not unionized. The health and safety committee permits personnel representation in a field that is very important, while being of common interest to the three parties.

ANALYSIS

Respect the rights of all employees to organize, allow the presence and activity of representative bodies, guarantee and promote collective bargaining, prevent conflicts and search for peaceful solutions, and the right to strike as a fundamental right for all the workers including the youth and adolescents (ILO).

Strengths

- The Agricultural Workers Union (ATC) receives training on social dialogue and labor rights by international institutions (ILO) or international unions like 3F or Solidarity, in order to play a constructive role with the farmers.
- The role of ATC is at the heart of the activities. As described by the international convention, unions can play a critical role in addressing not only child labor, but also the condition of women, job security, social and health rights (pertaining to UNICEF, ILO and MITRAB), and the promotion of the workers in collaboration with INATEC. Based on interviews, the union is also working on child labor on small farms
- Three farms have instituted a constructive dialogue with the health and safety committee. In this case, working conditions are better for everyone and the farmers have more motivated employees according to the stakeholders interviewed (ATC and ILO).
- The Antenna of ATC in Jinotega also plays a role in alerting public opinion and informing the government, and to advise the workers who feel that their rights have been violated. According to ACT, about twenty people per day come to seek advice when they feel like victims of abuse (essentially harassment).
- ACT broadcasts radio programs about the violation of labor rights. A radio program against the sexual harassment of nine employees by a supervisor of a certified farm was broadcast because the farmer refused to listen to the unions.

Weaknesses

- It was not possible to identify where processes had been instituted to have a regular and quality social dialogue to prevent conflict and arrangements so that all the workers know the policy on health and safety committees and freedom of association of the brands requesting a certification.
- Investigation shows that the owners of farms are, for historic reasons, reluctant to respect freedom of association. No tangible policy or action to prove that the farms respect union rights has been identified.
- The farms do not define the relationships that they want to have with the union and the health and safety committees in the context of the law (regular contacts, availability of owners for contacts, consultation on the farm decisions likely to have an impact on the working conditions, analysis of work accident).
- Freedom of association is not subject to detailed analysis of processes and policies in the certification, although this criterion is an integral part of reference for certifications. The unions were never interviewed within the framework of the certifications.

Protect trade union members and leaders against discrimination:

Strengths

- Difficulties related to the black listing of brokers and farmers, to prevent freedom of association and to negotiate collective bargaining are raised by the unions or by the victims of black listing that we were able to meet. These incidences occurred on farm, including the farms that are certified. Women that are low paid cannot bring enough income for their children, and if there are conditions to join a union or claim for labor rights their situation is more difficult.
- The careers of the unionized workers or members of health and safety committee are not followed (sanctions, resignation, dismissal, lay-offs, salary.) and are not the subject of the report in the farms visited and according to ACT.

Facilitate the functioning of trade unions in the work place, ensuring the presence and activity of representative bodies without impairing trade union rights. Favor the function of these representative bodies. Develop information and consultation of employee representatives.

Weaknesses

- None of the stakeholders interviewed attach importance to the health and safety committee for three main reasons:
 - It's not a very important requirement or well regarded by the certifying agencies.
 - When the health and safety committees do not function well, they are not sanctioned.
 - They lack information and training on the importance of social dialogue on a farm.
- In the region of Jinotega, there are still few health and safety committees, 23 on 7000 farms, even though they are mandatory. The existence of health and safety committees does not guarantee their efficacy. Only three of them function well according to the union organizations.
 - When the health and safety committees function well, they do not always play their role, notably with respect to the analysis of work accidents.
 - The contents of meetings are not always recorded, and are not the subject of a course of action or follow-up actions.
 - Absence of a system of observation and measure of, or reporting on, health and safety committee meetings.
- With respect to the means of the union organizations and personnel representatives, implementation is not consistent (access to the work place, compensation for the cost of transportation), according to our investigation.

Communication/Encouraging worker participation

Strengths and Weaknesses

- Concerning the communication and participation of the workers, some good practices were noted, but needed are improvements and structure to help prevent human abuse and child labor. In particular, there is no structure in the farm to help promote freedom of expression of young workers. Some examples may include:
 - Bulletin boards on health and safety.

- Willingness by certain farmers to make improvements and create a formal policy.
- Posters in some plantations explaining that child labor is forbidden.
 - However Information is in written form, while numerous seasonal workers are illiterate; this does not create conditions for eventual sanctions and recourse at the Educational Bridges project managed by ENTERATE.
 - To forbid child labor is not enough, It would be necessary to inform about alternatives for the families for their children and adolescents members that arrive during the harvest
- Annual meetings on certain farms assembling permanent workers.
 - These kinds of meetings are not always an appropriate venue for workers to speak out, particularly on subjects related to discrimination and harassment (due to fear of retaliation, etc.). Further, it is not a venue that is appropriate for young workers to raise their concern.

In general, policy and process for the permanent and seasonal workers to speak out without fear of retaliation were not found. Clear procedures identifying mechanisms that exist for dealing with grievances, particularly for young workers do not exist. These should include information about: who is responsible, who is involved, the steps to be taken, and how to present a formal grievance.

WHAT CAN BE DONE?

Rating: ■

In terms of ISO 26000 and the evaluation of a rating agency the grade will be red (0 to 25). Although isolated processes are beginning to be put in place, they are not sufficient to prevent child labor on the certified and non-certified farms.

This coffee sector is labor intensive and working conditions are not favorable, with low skilled work, high job demands, and poor ergonomic and physical conditions. For these reasons, promoting harmonious labor relations is of paramount importance to workers in this sector and has a direct impact on child labor.

Responsibility does not rest only on the farmers, but on the entire supply chain, from farmer to roasters, buyers and exporters. Brands are expected to inform, consult and finally negotiate with their own subcontractors on working issues in order to improve their working conditions. To achieve these goals, companies can encourage farmers to promote the health and safety committee and to help them to be functional.

Even in cases with participative management, the manager still has a hierarchical position with a certain power and control. Collective needs and expectations from workers cannot always be imagined, supposed or invented, and need to be expressed. The role of trade unions and workers representatives is to transmit and explain information from management and underlining potential consequences on the workers. The more the representatives are trained and informed, the more probable it is that workers are correctly informed. The example of Rosalpina, the leader of the union ACT in Jinotega must be emphasized. She started as an illiterate worker on a coffee plantation, and she climbed the ladder in the union with the help of OIT, 3F union and other NGOs.

The involvement of the brands in signing an agreement for example, with international unions like IUF and local unions like ACT, would prove that the declared policies of the brands are deployed, and it would demonstrate their commitment to respect certain principles. This kind of agreement is an instrument negotiated between a multinational business and a union federation with the objective of guaranteeing that the business respects the same norms in each and every country where it operates directly or indirectly. Dannon and Chiquita have signed such an agreement with IUF (International Union of Food and Commercial Workers).

SMALL FARMS

On the small farms, health and safety committees are not compulsory. Nevertheless, each worker has the right to defend his or her rights. Therefore, negotiated solutions at the level of a cooperative with the help from MITRAB, NGOs and the unions could be important.

2.8. RELATIONS WITH SUBCONTRACTORS: IMPACT OF CERTIFICATIONS ON CHILD LABOR

CSR OBJECTIVES

Key objectives considered for this aspect of the review:

- Ensure equal treatment between suppliers throughout the selection and negotiation procedures and in the contractual clauses: maturity of pricing policies (reverse auctions, etc.)
- Ensure the respect of contractual clauses, notably delays in payments.
- Guarantee the respect of social norms by the farms: Working conditions (respect of fundamental rights, minimum wages, health and safety measures, child labor, etc.)
- Encourage farms to take corrective measures and accompany them: exchange on practices, co-financing etc.

ANALYSIS

Ensure equal treatment between suppliers, ensure the respect of contractual clauses (notably delays in payments) and promote sustainable and fair relations with suppliers, including partnership modalities and formalization of long-term relations

Strengths

- Certification is an advantage for the farmers as they can structure their work, become trained to adapt to change and move toward agriculture that is more environmentally friendly. The payment system allows for price stability (minimum price, premium payment). Small farmers, working together in a cooperative, can benefit from it.
- Systematic support for training and technical extension is considered of critical importance to accompany in-depth investment for improving production or processing facilities.
- UNIRSE Foundation has created a guide based on ISO 26000 to help businesses structure themselves. They are going to test this guide on small farms.

Weaknesses

- Sufficient visibility does not exist regarding commercial relations between the farmers and the buyers when they are not in the certification.
- The software that is based on the use of questions developed by UNIRSE are based on ISO 26000, but the concepts are not yet integrated by the farmers, according to our interviews. It requires a management system of collecting and analyzing information that has not yet been initiated on the large farms and even less by the medium and small producers.

Guarantee the respect of social norms by farms; encourage them to take corrective measures and to follow through with a change of practices, co-financing, etc.

Coffee is mainly produced on small-scale farms where temporary or seasonal work, weak remuneration, subcontracting, immigrant workers and child labor is likely to happen. Furthermore, as farms are spread over wide geographical areas, trade union organization is less favorable as we saw in the last chapter. For those reasons, the integration of social factors in supply management is one of the key issues for food companies. Brands are responsible for promoting human rights and good working conditions for their own employees and the indirect workers of the farms which with they work. Even if companies are not in direct contact with farms, it is their

responsibility to design and create original measures to ensure the respect of human rights and living conditions along the supply chain.

Brands can decide to enroll in independent certification such as Fair Trade (NGO), or could have their own certification such as Starbuck (C.A.F.E).

Strengths

- Certification pushes the farmers to structure the organization of the farms. The ban on child labor is known by the managers and the supervisors, as are certain obligations concerning the application of pesticides, pay rolls are computerized, and most of the large farmers finance the construction of schools and the financing of teachers, health centers, dormitories.
- For CISA, 431 producers in different areas and the 12 technicians working with them are willing to be certified
- The supply chain has an effect on the demand of the brands to a certain extent. Cooperative exporters like CISA, push the farmers to be certified and help with their technicians.


Weaknesses

- From the buyer to the farms, all different subcontractors are not committed at the same level. Some are more committed than others. Some are very committed and others don't care. Thus, according to the interviews, few of the roasters required demonstration of social responsibility. The technicians of CISA for example devote themselves to the certified farms but the other farms are not checked in this area. Their contracts do not cite social and environmental conditions as an important condition of business
- Certification can distort the concept behind CSR (corporate social responsibility) and can make certification seem superficial. CSR within the framework of certification is understood as an objective and not a means, according to interviews with the managers. In this context, child labor and other social issues cannot be resolved without commitment of the stakeholders including the union ACT
- CSR places legitimate attempts of the stakeholders (based on international rights) at the center of the strategy of the enterprise. Nevertheless, auditors don't meet with the local stakeholder directly implicated in child labor issues, like the union ACT or the communities through ENTERATE-La Cuculmecca, ILO or other relevant NGOs. For the stakeholders, certification does not prevent the worst forms of child labor. For the Ministry of Labor it's an

invention of capitalist governments, “Certification is a business, a speech.” The question of certification has been posed: who should issue the certificates? The government, but which Ministry? This question is at the center of the debate, and the participation of the stakeholders seems for them indispensable to give credibility to these certifications.

- Compliance audits in this context (1 to 2 days every year) do not permit working in terms of the business strategy (while CSR must be an integral part of the business strategy), and do not permit reasonable assurance that the risks of child labor are identified.

WHAT CAN BE DONE?

Rating: 

In terms of ISO 26000 and evaluation of a rating agency, the grading would be green (from 50-75) concerning the respect of suppliers.

Rating: 

The grading would be yellow (from 25-50) concerning the integration of social clauses. The processes are not sufficient to prevent child labor and provide safe work for teenagers and women on certified farms.

- It's necessary that the entire supply chain, from the buyer to the farm, has an active policy that fights against child labor within the context of a structured CSR policy (buyers, roasters, exporters, farmers).
- The policy and implication of the buyers must be more visible and formalized, and the instruments of deployment must be put in place (at least the participation of the buyers and of the supply chain in the identification of stakeholders suitable to work in depth on the social aspect of CSR, training in human resource management and demand for social balance of the farms as it was described in this report).
- The question of homogenization of certifications with the participation of the stakeholders under the direction of the government merits study.

2.9. COMMUNITY INVOLVEMENT

CSR OBJECTIVES

A company must create value for its shareholders because without their investment, there is no economy. But at the same time it must create, through its own investments, value and wealth for its other stakeholders. Through developing the wellbeing of its environment a company becomes sustainable and achieves its social usefulness.

Key objectives considered for this aspect of the review are:

Promotion of the social and economic development

- Commitments to provide sustainable contributions to the economic and social development of local areas and to optimize the economic and social impact of activities:
- Promotion of local employment.
- Transfer of technologies and skills.
- Create employment and develop employability through new training.
- Reinforce and protect the most vulnerable stakeholders (small farms, temporary seasonal workers, children, and women) by creating social value through economic progress.

Societal impacts of the products and services

- Prevent and manage any negative social impacts related to the product.
- Make the product / service available to those who need it.

Contribution to general interest causes

- Assesses corporate commitment to promote voluntary community initiatives not directly related to the company's products or services: patronage, involvement in various causes of general interest, other forms of sponsorship, as well as contributions to studies or academic research on community interest issues.
- Develop voluntary community involvement initiatives promoting causes of general interest.

ANALYSIS

Promotion of social and economic development

Strengths

- The certification process has an impact on the transfer of technologies and skills, and drives the small farmers to regroup in cooperatives to obtain the same advantages.
- It seems that the work of technology transfer, of structuring activities, has a direct impact on the activities of the farmers.

Weakness

- The twisted effect of certification is seen as an end, and not a means. The net effect is that the network rating is also understood in the same skewed manner. The impact on the group

is therefore an action of general interest that has no link to the heart of the matter of the businesses (i.e., school project of CISA) and it is not strategic. The certifying agencies do not meet with NGOs in charge of the project or the unions, which suggest that the brands do not rely on the community to develop their projects. Even in the case of the ENTERATE project, the management of the farms is not fully engaged in the project. According to our interviews, the farmers do not see the link with their business and it is not considered strategic for the farmers. It appears to be viewed as more of a matter for teachers and NGOs. However, according to the interviews with farmers, when a supervisor is fully implicated by walking the child he had found working on the farm and making sure that the child reaches the school, child labor diminished dramatically. As a result, the implication is that a supervisor has a tremendous impact on the eradication of child labor and ensuring children's participation in school.

Societal impacts of the products and services

Strengths

- Within the framework of certification, the producers receive a transfer of expertise on environmental impact, health and safety.
- The association Crop Life, which brings together the pesticide brands for training on crop protection management in order to reduce intoxication due to job risk analysis. The association Crop Life which unites the pesticide brands has crop protection management as its' mission in order to reduce job related intoxication. The training given in the communities lasts one hour, maximum. According to this group, which has a positive reporting, a reduction of 60% of accidents has been established. The strength of this group, which brings together several multinationals, could allow the building of a policy that could have a real impact on health and the environment.

Weakness

- However, these projects do not depend on a task and stakeholders maps. Therefore, the information given out can be in contradiction with the other training and information.

Favor accessibility of services and schools is to render services and education accessible to greater numbers of children and women, whether they are handicapped, geographically distant, or have little disposable income

Weakness

- The issue is an important one, especially for the schools and small farms. There appears to be no focus among the partners on the accessibility of services by people the furthest away

(distance)--transportation, road improvement, training to maintain these roads--was not identified.

Contribution to general interest causes: Education in local communities: a route for the group of stakeholders to fight against child labor.

Strengths

- Policy or initiatives that participate in education are numerous, as much with the stakeholders, as with the farms regrouped in cooperative or not, certified farms or non-certified farms.
- Between the ENTERATE-La Culcumecca, OIT, CARE, government, export associations, La Cuculmecca and others, numerous projects are in place to prevent or remove children from exploitative child labor, notably among the temporary seasonal workers, and to furnish education for these children.
- The Educational Bridges school program and the educational passport are appreciated by all the stakeholders. The program facilitates keeping the schools open during vacation periods and they give the students an educational passport, validated by the Ministry of Education, for use no matter where they move. The program is a pilot measure to monitor school dropouts who do not finish the academic year. The passport is a tool to register the contents reviewed in each Educational Bridges program during the harvest. It is intended to facilitate providing information to the teacher when the student returns in order to evaluate and/or modify his/her program study. This project is a successful factor because it initiates a real partnership with the stakeholders and the Ministry of Education. It also depends on the network of La Cuculmecca and other NGO's in the geographic area. In addition, it focuses on one of the causes of child labor during the peak harvest season, the closure of schools. Further, it offers the solution of an educational passport recognized by the Ministry of Education, which responds to the problem of migrants. For all this reasons (stakeholders consultation, implication of Ministry of Education by giving a passport for all student, project based on one of the root causes of child labor during harvesting season. Rating of this project In terms of ISO 26000 would be green (50 to 75).

Rating: 

- Farms participate essentially in the construction of the school, and the payment of the teachers. Some farms visited have an initiative for improving conditions of daily life of the farmworkers and their children, like a bridge to cross the river, or the construction of decent lodging.

- The largest farms set aside a portion of land for the schools or supply the equipment or payment of the teachers.
- Appreciated by all those interviewed and the medical personnel is the burgeoning development of a medical infrastructure available to the local populations, especially since the farms are distant and electricity and telephone do not always reach these areas. The opening of a medical center for the entire community is a strong point.
- Studies, such as inventories of good practices, are conducted by BSR and UNIRSE, Entrepreneurs for Education, ILO, Care, etc.
- It seems that more and more of the enterprises or groups of civil enterprises have a commitment to improve education in Nicaragua.
 - CISA, for example, has created its own schools modeled in the activity zone.
 - Academicians and businessmen have launched their own educational programs, seen as a strategy to develop country “entrepreneurs for education”, bringing CSR with respect to education.

Weaknesses

- Nevertheless, the absence of a map of stakeholders and their projects, their interactions and their impact on child labor, on the jobs attained after vocational training, the penetration into the market of girls... does not give us a global view of the actions in the field, and to see if there is overlap, and redundancy between programs and their impact on child labor.
- The sharing of know-how, budget and skills, the knowledge-sharing necessary for an effective policy is not yet in place. We don't have reporting on the sum committed to the operating expenses to put initiatives and cooperation in place. It seems that each stakeholder works with its own agenda. The certifying agencies and organisms grouping together employers have their own initiative, sometimes in coordination with NGOs but without really looking at initiatives most appropriate for an adapted policy, in terms of employability and business (local authorities, professional organizations etc.)
- More farms are engaging in charity, or paternalism by the owner, which does not render policy viable nor does it have a real impact on the community for the long term. The policies are not formalized or coordinated, and the management is not really involved. There is no updating and adaptation in problem cases formalized and visible. Manager meetings with ENTERATE and other stakeholders to follow initiatives are rarely in place, and the reporting is practically non-existent. We have not found any evaluation of the means allocated to the

promotion of local development through employment, to partnerships with NGOs. National or local authorities are not followed-up, controlled and in line with their business.

- The business projects in terms of social commitment always concern the primary schools but rarely concern youth aged 12 to 14 in terms of a project in direct line with the coffee, and which allow access to indispensable materials linked to certification and have an impact on employability.
- The academicians and businessmen have launched their own educational programs, seen as strategy to develop country “entrepreneurs for education”, bring CSR with respect to education. These projects have an impact on the general interest in the causes of child labor. But it would be interesting to see if the competencies of the managers could be exploited for a transfer of skills and technology, for example, in the domain of business management and human resource management, supporting and reinforcing training organizations and the local partners.
- The second project of Crop Life regards the recuperation of drums of pesticides and recycling them in China. The environmental and social impact in China is not evaluated, and beyond a reduction of dangerous waste in Nicaragua, the impact on the promotion of social and economic development is not visible. There is no assurance on the transformation of the product and the precautions taken with respect to the toxicity of the recollected drums. The environmental impact is very significant, and the impact on health is unknown. In terms of ISO 26000, the grade would be red (0 to 25). **Rating:** ████████
 - This project nevertheless could, for example, allow the creation of a local initiative that profits from the transfer of skills from multinationals, with formalized processes of safety to recuperate the contaminated drums, in partnership with the government, training centers, the cooperatives, the union, ENTERATE-La Cuculmecca, and other suitable stakeholders.
 - The CISA project on education is not linked to the heart of its business and is independent from the other initiatives and stakeholders. Youth between 12 and 14 years old are not targeted and the impact on child labor and girls in particular is not evaluated. If there is a reporting, it's not visible. Nevertheless, it would be interesting to reflect with the stakeholders on the skills which could transmit to CISA, such as training on recognition of plant illnesses, and thus have an impact on the three aspect of social commitment.

- This partnership approach would be even more of an asset; to register the initiatives of these businesses of the network of subcontractors, in a more general framework, linked to the political and social priorities. Their positive effects can thus spread beyond the businesses' own zone of impact, and to be part of a more advantageous zone of general interest (impact on the small farms, on the community, etc.).

WHAT CAN BE DONE?

Rating:

In terms of ISO 26000 and the evaluation of a rating agency, the grade would be yellow (25 to 50) because there are initiatives but they lack coherence, reporting and only have an impact on the general causes.

For the reasons mentioned above. They are not sufficient to prevent child labor and provide safe work for adolescents and women on the certified farms and the non-certified farms, medium or large.

- The consistency that is expected by internal and external stakeholders requires an attention on the fundamentals of sustainable development. The risk of “social or green washing” is real. It's important to give the right value to the program and set up tools for measuring impacts and show concrete results.
- The owner of the project (farms, business..) must have legitimacy on the cause it wants to support and its action must be credible (transparency, quantifiable impact, etc). The supported causes should correspond to the competence and mission of the one who is supporting.
- Partnerships create more effective and perennial paths via the production of collective intelligence and the mobilization of skills specific to each partner (each partner dedicates itself to do what they know best) to tackle the problem in a global way. The plurality of the players allows a response to the multiplicity of issues.
- It is indispensable to identify the relevant partners to support the projects. It should lean on the identification of skills. For example, the buyer businesses who want to fight against child labor cannot ignore the impressive network of ENTERATE-La Cuculmecca and of the union ACT. These stakeholders are able to touch all populations in a truly qualitative fashion and they are appreciated by them. They can help to understand the local problematic issues.

- The supply chain in the coffee industry can also reflect the issue of child labor on the small farms and bring their expertise. They can thus be listening to the local needs and engage a solution map regarding what they can bring in an intelligent way. Thus, the roasters or the exporters could help to develop the women's cooperative, bringing key skills. Café Gourmet could help deploy training on product quality in terms of a training program and develop tours around the small farmers to show the importance of education and to improve revenue, relying on local roads. Important progress in education is needed to professionalize the local networks.
- Placement of the means in common between the network of subcontractors, the local partners and the specialized players within the domain of child labor, allows optimization of cost strategy and the efficacy of the placement of accessibility, for example, to specific training from the age of 12, linked to the production and the management of the coffee.
- Reporting with indicators adapted to the objectives, without forgetting the impact of the initiatives on child labor is indispensable.

3. IMPACT OF ACTIONS ON THE ELIMINATION OF CHILD LABOR

As freedom of association and the fight against discrimination, forced labor and child labor is considered as one of the fourth fundamental rights by ILO.

CSR OBJECTIVES

Key CSR objectives considered for this aspect of the review are:

- Prohibit the use of child labor below age 15 (14 in Nicaragua)
- Prohibit the use of teenage laborers for activities that are incompatible with their physical and mental development.
- Guarantee that no one is working under coercion or threats of retaliation.
- Ensure that suppliers and subcontractors do not use child labor or forced labor.

ENFORCEMENT IN NICARAGUA

- Nicaragua ratified all the conventions related to the interdiction of forced labor and child labor including:
 - Convention No. 138, Convention No. 182 and
 - The Convention on the Rights of the Child (CRC).
- The law prohibits forced or compulsory labor.
- The law establishes the minimum age for employment at 14 years and limits the workday for any child between 14 and 18 years of age to six hours, and the workweek to 30 hours.
- Children between 14 and 16 years old must have parental approval to work, or to enter into a formal labor contract.
- All employees older than age 14 must be enrolled in the national social security system.
- The law also provides for eight-year prison terms and substantial fines for persons employing children in dangerous work, and permits inspectors to close those facilities.
- The NGO Save the Children has noted that, although school enrollment increased from 2007-2008, it fell in 2009 due to the economic situation as well as budget cuts in education and health.
- Lower enrollment rates typically correlate with a higher incidence of child labor.

- Primary and secondary education has been free since 2007. School uniforms are not mandatory.

ANALYSIS

We have established an important involvement of all the stakeholders--government institutions, international organizations, NGOs, unions--who fight against child labor, as well as, the employer organizations, exporters, producers and the brands, through their certifiers. This work, whether done in collaboration with the stakeholders or not, relates to education, vocational training, public awareness as well as audits and monitoring, notably on the large certified farms.

The definition of abusive child labor up to the age of 12 is not disputed. On the other hand, defining the line between formative work and child labor (from ages 12 to 14) crosses into the idea of exploitation of children, and this is where the opinions of the stakeholders are split.

The small producers cannot understand how to eliminate child labor on the medium and small farms where family work predominates. The causes of child labor identified by the different stakeholders we met are:

- The Ministry of Labor cannot verify everything because the majority of the farms are small or medium, and the farmers know that they will not be sanctioned. Thus, children are working on small farms. Nevertheless, everyone recognizes the risks for the child are the same regardless of the size of the farm.
- There is a scarcity of manual work especially on small farms.
- It is impossible to finance the schools, health care, etc. For the medium and small producers, the distances are significant between the schools. For some farms, the schools are inaccessible. The Ministry of Education has a program to bring schools closer to the community; however that will happen gradually over the next few years.
- The lack of HR structure on the medium and large farms, certified or not, does not contribute to the reduction of child labor.
- The families are needy. It is difficult for the farmers to refuse to let a child less than 14 years old work if he is the sole support of the family, or to refuse a single parent worker who must feed five children, or young people who are not in school and who must decide between informal work, prostitution or thievery. The situation of girls is even more specific. Families need them at home, or they are often married or have partners at an early age.
- Children work for all the stakeholders during the peak harvest season, sometime including Saturdays and Sundays. In 2010, for example, 218 of the children from the market,

followed by the Association Natraz, left to work on the plantations with their families. The families appreciate the Educational Bridges program because they prefer to work with their children, they are well paid, and meals for the children are guaranteed. The three months of harvesting are very important for the whole family. They said that they can improve their lives thanks to the peak harvest season and the money they make.

- The schools, with the exception of the Educational Bridges schools, are not always considered creative, and the teachers are not yet sufficiently trained according to the Ministry of Education. Corporal punishment is still practiced in some schools, according to the interviews.

REVIEW OF ACTIONS AND IMPACT ON CHILD LABOR

Policies of the stakeholders focus around four axis, education of youth until the age of 14, vocational training after the age of 14, or informal training after the age of 12, raising awareness among parents, communities and farmers, and the certification that includes the fight against child labor.

EDUCATION

Strengths

- Within the project ENTERATE, OIT, the association Care, the government, the associations of the exporters, La Cuculmecca, or farmers... numerous projects are in place to prevent children from working, or to pull them out of work. Notably, projects for the seasonal workers are under way, e.g. the Educational Bridge program supported by ENTERATE.
- The bridges schools and the Educational Bridges are appreciated by all the stakeholders. They facilitate keeping the schools open during vacations and they give the students a passport, validated by the Ministry of Education, for use no matter where they move. The project ENTERATE is present in 93 communities. Feeding the children is considered a vital element in pushing parents to send their children to school, according to the farmers. Informal training during the peak harvest season is flexible and the hours correspond to the parents' schedules.
- Numerous associations that we met work in terms of the ENTERATE project, on educating children, directly or indirectly, on the coffee plantations. CISA, for example, has its own primary school project. The Ministry of Education and the communities have put a project in place where the farmer supplies the land, the government provides the materials to

construct the school, and the community constructs the school. By participating physically, the GON expects that the parents will get a chance to talk about education with the NGOs.

Weaknesses

- The initiatives are not always coordinated. Reporting is needed to evaluate the carrying out of these projects on child labor and the employability of teenagers.
- The projects are focused essentially on the primary school, but there are not mappings (lists with explanations or details) of the farms, the local stakeholders, the transportation, and the different education projects. It will help to target these initiatives, share in the support of the budgets, and do a reporting which will illuminate the impact of child labor.

RAISING AWARENESS

Strengths

- Many projects are being developed to educate parents and farmers to benefit education and to fight against child labor, because the education of adults has a direct impact on child labor, according to all the stakeholders and the small farmers.
- The Ministry of Labor raises awareness among the farmers of all the producers through radio and television.
- Some farmers conduct educational meetings with workers about risks and the importance of schooling, those with certification focus more broadly on CSR.
- A cooperative asks the farmers to come to training with their families. The hope, therefore that the youth will be able read the documents and demonstrate to their parents the importance of education.
- In some cases, parents organized meetings and formed a commission. If the children pull out, the commission sends representatives to the family to try to encourage the children to come back. Assistance is provided if children cannot pay for shoes.
- The unions also emit radio messages.
- Care, ILO, La Cuculmecca, ENTERATE, Association Tuktan Sirpi (an NGO partner focusing on awareness-raising with ENTERATE), and other NGOs are improving the voice of children by giving training on the rights of children.

Weaknesses

- Awareness-raising to highlight the interest of education was not identified. The youth who have succeeded can serve as a reference and guide for other youth and parents. It is

important to show the long-term financial benefit of education to the parents. For example, over three years, gourmet coffee producers have obtained the cup of excellence, which is basically a diploma for small producers. Because workers were well trained according to ILO, they care for their plants individually, and without chemicals. They were producing the best coffee and getting \$1,000 dollars per quintal (100 kilos). Young technicians could help raise awareness by showing interest for the business of education.

VOCATIONAL TRAINING

Strengths

- According to the available statistics, the majority of students drop out of secondary school. Vocational training, therefore, is very important in a zone dominated by the coffee culture.
- ENTERATE- La Cuculmecca in Jinotega provides educational opportunities for at-risk youth over 14 years of age. Education was effective to gradually reduce the number of working hours, with some progress to date, from 15 hours to 3.5 hours per week. The restoration of rights of children and girls is a cross-cutting issue in the project.
- Training in ENTERATE- La Cuculmecca, as in INATEC, relates to agriculture and the environment (preparation of organic fertilizer, soil based or compost). Technicians train adolescents in their communities twice a week for six hours per week, which allows them to reduce their working hours, by keeping them in school and raising awareness of the risk of exploitation. Many adolescents are contracted by organic farms and are particularly interested in the subject because they know how to prepare organic crops.
- INATEC also trains youth over 16 years old in agricultural and environmental techniques. These trainings award a diploma and allow the youth to practice in the farms that have these needs.

Weaknesses

- The absence of reporting on the number of employees and the kind of employment obtained by girls and boys does not allow us to measure the impact of this training on the employability of adolescents, girls in particular.
- Trainings linked to agriculture are included in some educational projects for children below the age of 14.
- Some training programs of the Ministry of Health have already included practical activities in the school program, such as sewing, making bread and biscuits, hair cutting, making

orange jams and selling them in the Jinotega market. 1600 children between the ages of 2 and 16 are involved.

- In other schools, the alliance with the Ministry of Education, ENTERATE- La Cuculmecca and the religious group “Mission for Christ” teach the basics of agriculture: “where food comes from, sustainable programs and food harvesting”.
- There is no reporting on the number of youth who follow this vocational training.
- For youth past the sixth grade, and especially for youth between 12 and 14 years old who cannot participate in diploma granting vocational training, it would be important to identify (with the help of the job hazard and risk analysis that provides specifics about the quality, security and environmental requirements) a practical diploma awarding training that is helpful to the farmers. This project could follow the ENTERATE project in collaboration with GON, ILO, ACT, La Cuculmecca, the farmers and other NGOs. Training in quality of coffee production, according to ILO, could be taught after 6th grade.

FARM MANAGEMENT, CERTIFICATION AND THE IMPACT ON CHILD LABOR

Strengths

- BSR and UNIRSE gathered data to identify good practices in child labor eradication.

Weaknesses

- BSR and UNIRSE good practices in child labor eradication presented no practices that have an impact on human resource management. According to the farmers, the majority of farms have financial incentives in terms of certification to apply a policy of eradication of child labor, and they have the resources to provide alternatives to children. Large and medium farms appear to have had successful experiences eliminating child labor.
- According to the audits conducted by ENTERATE and labor inspections of one-third of the farms, for employers of 148 adolescents, some have work permits and others do not; and 1/3 do not respect the work hour limits fixed by the labor code for adolescents (limit of 6 hours per day and 30 hours per week). There are not enough inspectors or auditors (one audit per year) to ensure compliance. In addition, they cover the large farms or the certified farms, leaving out the small and medium farms, where the risk of child labor is significantly higher. Therefore, we need to act on the risks by going back to the policies and processes of staff management on the farms.
- According to this investigation, the risks of child labor and abusive labor of adolescents is significant, depending especially on the season, because the management system is not in

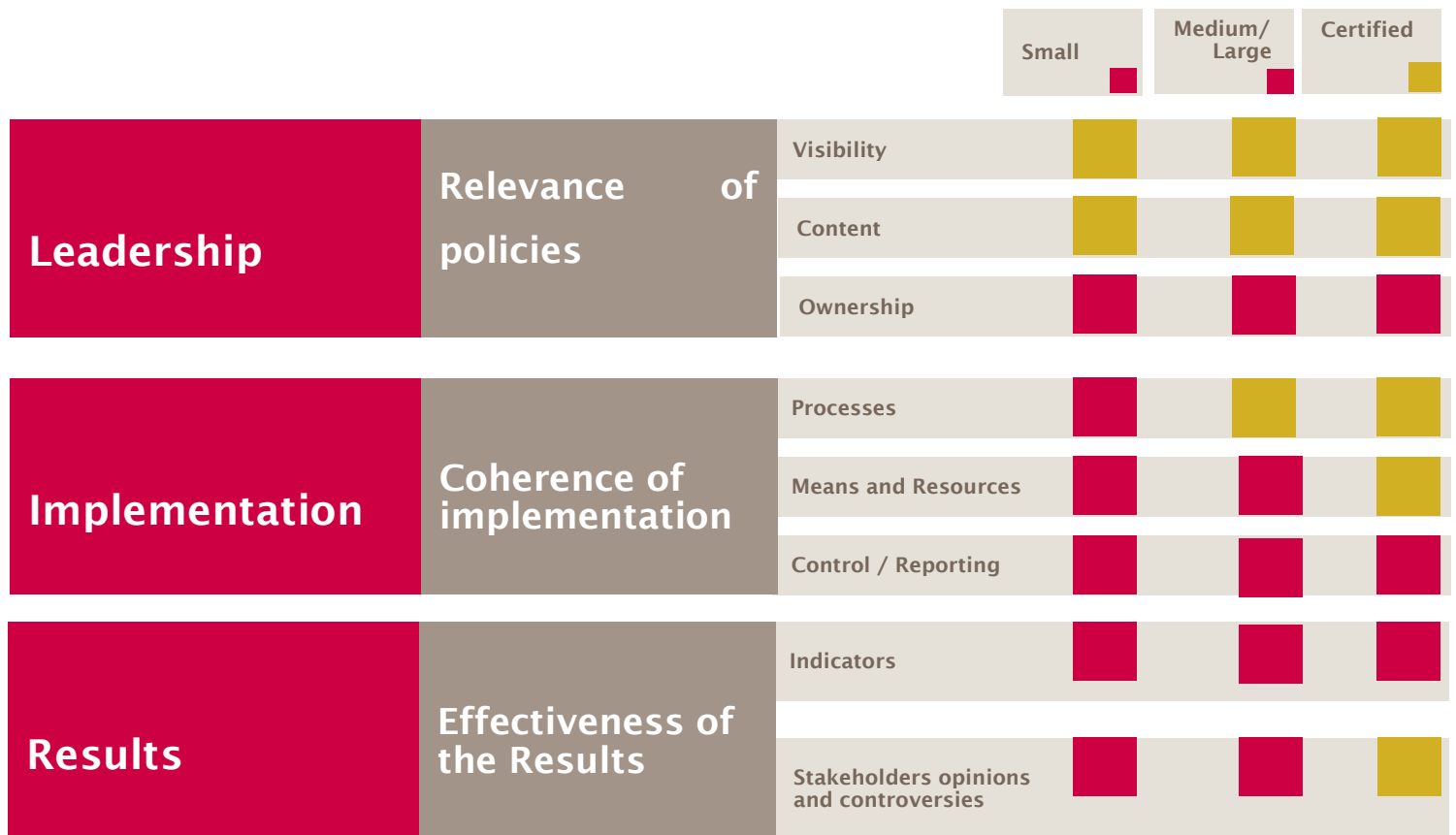
place. Audits concerning the results, such as certification audits, are not sufficient to measure the risk of child labor and adolescent labor.

- On certified farms, the certification is an end, and not a means. Documents are written accordingly, but not based on a true management system that evaluates the risks. This was true on the large majority of farms (certified or not) that were visited:
- The personnel files showing age, level of education, schools attended, especially for the seasonal workers, are non-existent. Parental authorizations are only required if a youth appears to be less than 14 years old. As a result, they are not all registered with INSS, even though it is mandatory for all adolescents.
- Young people are not identified, nor are the tasks they perform. In fact, they work along with other adult workers in nearly all tasks. Supervisors are unable to control their hours and the danger in their tasks.
- The personnel records that list seasonal workers, when they exist, are incomplete. The farm does not make available a list of family members with the age of each child of the parents work in the field. The bridge school is in charge of making the list of registered children, but it may not have any correlation with that of the farm.
- The definitions of duties and contracts of supervisors and workers, which would allow including the fight against child labor, harassment, discrimination and the protection of health and safety, are non-existent. Supervisors do not receive substantial training on health and safety and management of migrants, youth and women. They are not evaluated and do not receive sanctions or incentives on these issues. One of the points raised by the farmers is that when the supervisors themselves return the children to school, the impact on the reduction of child labor is significant.
- The system of remuneration is not performing well enough when one takes into account the incentives for fighting effectively against child labor.
- The employees in charge of personnel are not sufficiently trained. They know more about the prerequisites of certification than the law and the foundation of effective personnel management.
- Finally, the supply chain as a whole is not involved in the project. According to those interviewed, the roasters are not involved in the process beyond certification. Nevertheless, they have participated.

4. GENERAL PLAN OF ACTION TO IMPACT CHILD LABOR

Global analysis shows that in spite of the initiatives in place, the risks for child labor are significant and certain problems deserve to be explored in depth, because they have an impact on child labor; education of youth from 12-14 years old, small farms where there is a large concentration of child labor, promotion of gender equity, and human resource management on the farms.

Figure 4 : The risk of child labor is evaluated as high regardless of the size of the farm.



4.1. ACTIONS TO ADDRESS CHILD LABOR

The following offers recommendations for consideration based on the combined analysis performed by the team (representative of the two reports):

Small, medium and large farms (certified or not)

1. It is necessary to create a task mapping, one that allows the identification of risks, but one which will be the essential framework from which to create the job descriptions and put a policy of adapted remuneration in place.
 - o This mapping has been created as part of this review (See accompanying report).

2. In order to efficiently coordinate all the initiatives and to provide the players in coffee production a targeted and effective initiative, a mapping of the projects and stakeholders is also needed.
 - The plan for such a map was proposed by UNIRSE. It is important to work collaboratively in order to produce this map so that it is as complete as possible, including whom and what is being done, financing, impact on child labor, gender equity, etc.
 - It's necessary to identify the actions that have an impact on the work of youth aged 12 to 14.
3. Building on these two mappings and the identified needs for the government and the community, the initiatives to educate, train, and transfer skills can be reviewed with the stakeholders and parties involved in coffee production, under the direction of the government or a delegated institution.
 - These mappings are indispensable in helping the small farms fight against child labor, while developing their employability and managing business growth.
4. In parallel, management of human resources must be structured on the farms. Training and implementation on the farms, large, medium and small, in terms of the pilot project, could be put in place.
5. Involvement of the buyers beyond certification is important.
6. Complete a reporting of relevant indicators (managers, supervisors, staff, gender, etc..) with regards to CSR challenges and on implemented policies.
7. In the long run, it is important to reflect at the government level, and with the stakeholders about certification and monitoring, integrating the stakeholders and buyers.

Small farms (in particular):

- Small farms cannot act by themselves. They need to work with the relevant stakeholders.
- In order to raise awareness among the small farmers, the publication of field testimonies of young workers like those in gourmet coffee production is highlighted; It is important to demonstrate through example how trained youth can be a better business strategy in the long run, in order to push the farmers to send their children to school.
- Planning for the peak harvest season has to be done months in advance with the relevant stakeholders. Concerns include how to retain the workers from one year/season to the next, how to integrate children living in remote areas into the bridges school program, how to

improve the means of transportation, and how to certify the youth who are trained with La Cuculmeca.

Large and certified farms (in particular):

- Suppliers and subcontractors must initially set up a human resources management system which is often embryonic, in order to build an HR policy that strengthens the staff and gives them career perspective. The policy must bring transparency and objectivity to promotions and disciplinary sanctions. These policies must be visible, known by the workers and supported by HR and the manager.
- In light of this prerequisite, social audits must promote actions to upgrade human resource management systems that are adapted to the needs and the potential of the farms.
- Training in human resource management, in collaboration with local universities, is needed in order to ensure knowledge transfer close to the field. Training should be provided for all supervisors during work hours on the farm.

4.2. ACTIONS TO ADDRESS THE HEALTH AND SAFETY OF THE COFFEE WORKFORCE

Non-hazardous and formative work activities for children and youth:

- Consideration should be given to the development of an educational program that offers children and youth the opportunity to engage in formative work that removes from hazardous labor, builds upon their education, and teaches them the language, math, science and history of coffee production while being beneficial for the coffee farmer. A vocational accelerated education program that is grounded in coffee production can be designed for work in the coffee tree nursery where conditions and hours of work can be controlled and the science of coffee production taught in such a way as to accelerate the learning of children beyond the 6th grade, increasing their vocational skills in various aspects of coffee production, enhancing parents appreciation for the value of education, continuing to help supplement the income of the families, and benefitting the farmer with production of new coffee and nitrogen rich tree seedling stock for their farm.
- Consideration should be given to promoting micro-businesses for youth of coffee workers using artisanal skills that promote the development of practical, usable protective gear that aids in the reduction of accidents and injuries with use of the machete, such as the making of leather holsters for machetes, or small portable sitting stools that aid workers when performing tasks requiring squatting or sitting on or near the ground.

Worker safety training:

- A more formalized worker safety training program is needed for use on coffee farms and individuals at each farm should be trained to provide effective training to permanent and temporary workers and their family members. Current efforts, while admirable, are not sufficient to address the level of risks that workers currently face and are inadequate related to training for women workers and the workers' family members.
- Additional training is needed for health promoters and other health care personnel on occupationally-related accident and injury prevention, diagnosis and treatment, including but not limited to chemical exposures and musculoskeletal disorders.

Pesticide worker safety training:

- Formalized pesticide worker safety training is needed for all temporary and permanent coffee workers who mix, load, apply and work in and around areas that have been treated with agricultural chemicals. The training needs to take into consideration the literacy level of the workers. The training needs to address posting of treated areas, complying with restricted re-entry intervals (REI), and proper handling and disposal of pesticide containers (burning or burying of containers prohibited), to name a few. Training should be frequently repeated and assigning one person on a quadrille to serve as a safety monitor considered.
- Immediate attention should be given to the provision of pesticide worker safety training for women engaged in the application of fertilizer and protective gear provided for these workers. Youth who are engaged in this activity should be immediately removed.
- Training of the women and children who live in and around the farm is needed. This should include understanding the posting signs, how to properly handle and wash the workers' clothing that has been directly or indirectly contaminated with chemicals and how to mitigate the risks for themselves and their children.
- Consideration should be given to identifying temporary and permanent workers who can be trained and serve as trainers with other workers. This could include one or more workers from within groups representative of various geographic areas or diverse groups, including females and youth. For the temporary seasonal workers, these trainers could be trained and accessible to workers traveling together so that the training is sustainable.

Policies and procedures to promote a safer workplace:

- Human resource management training and technical support is needed to assist farms to develop and/or modify their current practices to ensure that systems are in place to identify children and youth and know their activities associated with their coffee production.
- As provided under the law, workers have the right to refuse to do work that they believe places their health and safety at risk without fear of reprisal. Farms need to establish a policy and ensure that this policy is transparent to all workers, first-line supervisors trained, and policy and procedure openly communicated with workers.

Improved and validated interventions to reduce exposures:

- There is an urgent need for improved and validated interventions to reduce machete accidents and resulting injuries to workers. One immediate intervention is ensuring that workers have access to leather covers for the machetes to use when the workers are finished working. Numerous workers reported that serious accidents occurred when they were carrying a heavy load and trying to handle their machete. A simple leather covering that could be slipped over the machete with a strap that goes over the head and shoulder, would enable the adult worker to use both hands to carry their load while having their machete secured thus reducing the risk of cuts should the worker slip, trip or fall. This may provide a micro-business for group of youth or women as an alternative for youth to be working in more hazardous activities in coffee production. Further, while working in excessive temperatures is a consideration, more serious consideration should be given to injuries such as severed fingers, and other injuries to hands, ligaments and muscles. Gloves were not observed being used by any workers handling machetes. Likewise, protections for other parts of the body at high risk of cuts, such as arms, and legs, are needed.
- There is an urgent need for improved and validated interventions to reduce ergonomic exposures and to improve the health of farmers and farm workers. Steps to mitigate the ergonomic risks to coffee harvesters, given the high number and intense nature of the harvest, needs immediate attention. For example, one approach to mitigating an ergonomic risk for harvest workers may include a redesign of the basket used to collect harvested coffee cherries. Currently, a light-weight straw basket is used that is tied around the waist of the worker. When full, the basket may reach weights of 20-25 lbs with the weight pulling against the workers' lower back. Additionally, when the basket is full, it may make maneuvering with the basket difficult, enhancing the risk of slips, trips or falls. However, if

the cloth that is used to tie around the waist could be lengthened to allow it to be draped over the shoulders and crisscrossed over the back before tying off at the waist, this may help to shift some of the weight from the lower back to the shoulders.

Improved reporting and recordkeeping:

- While some good work has been done to improve the reporting of occupationally-related accidents and injuries, more needs to be done to ensure that wounds caused by machete cuts are recorded as occupationally-related as opposed to general references to “knife wounds” so that occupationally-induced injuries can be identified separate from altercations between individuals.
- While some good work has been done to improve the recordkeeping of pesticide exposures, more care needs to be given to the recognition and recording of chemical related exposures, particularly given the types of chemicals being used on coffee farms and the cholinesterase study that is currently underway in Jinotega.

Future research:

- Inadequate understanding of musculoskeletal disorders in farming impedes efforts to prevent this common and important type of occupational injuries on farms. Coffee brands should consider supporting farm-related musculoskeletal disorder research that should emphasize: (1) better identification of exposures for migrant / temporary worker populations in coffee production, (2) development of interventions for diverse farm populations with consideration for varying levels of literacy, and (3) identification of additional exposures for musculoskeletal disorders.
- A follow-up assessment should be conducted during the peak harvest and processing periods when temporary workers are fully engaged in performing harvesting and processing tasks to ensure accuracy of the findings.
- The first step in the job hazard analysis has been performed. However more work is needed in order to establish proper job procedures and subsequent training for workers in safer and more efficient work methods. These actions can result in a reduction of accidents, injuries and ergonomic risks to coffee workers.

Appendices

References

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ILO Convention 182
ILO Convention 138
ILO Convention No. 122 on Employment Policy (1964)
ILO Convention No. 140 on Paid Educational Leave (1974)
ILO Recommendation No. 150 on Human Resources Development (1975)

Tripartite Declaration of Principles concerning Multinational Enterprises and Social policy

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Ley núm. 287 por la que se dicta el Código de la Niñez y la Adolescencia.

Decreto núm. 20-2006 por el que se dicta la política de protección especial a los niños, niñas y adolescentes.

Acuerdo Ministerial núm. VGC-AM-0020-10-06 sobre el listado de trabajos peligrosos aplicado para el caso de Nicaragua

Código del Trabajo, Article 134. However, 13 percent of working children have been found to work more than eight hours a day. See Ministry of Labor, ILO-IPEC, and the National Commission for the Eradication of Child Labor

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List of people interviewed:

Focus groups

NGO

Care: Olanda Marcia Gleves, Rossana Ostrovosky, Alicia Arteaga Salgado

Fundacion Yo Amero Ser feliz : Heremia Castillo

Fundacion Intervida: John Delgado, Nora Soza Lustro

IPEC-OIT: Sonia Sevilla Perez

Eduquemos : Rosa Maria Vivas M

Cuenta resto del Milenio: Maritza Rivero Centeno

Fundacion Uno: Josepha Cabrera, Bertha Pineda Amador

CulCumecca/Enterate: 16 Participants

US Embassy:

Daniel C.Carroll, Secundo Secretario, Asuntos Politicos

Cooperatives:

SOPPEXCCA

La union: Rito Elias Zeas Perez, President

Cosep

Rodrigo Caldera

Unions:

ACT: Rosalpina: responsible of Jinotega

3F: Joergen Hovgaard Coordinator

UniRSE

Certifiers

4C Criteria: Jaime Picado Zamora

Farms

BioLatina

(For confidentiality, the names of the farms and workers interviewed are not being released.)

