

Looking good on paper

Review of recent research on the impact of sustainability certification on working conditions on large farms



Sanne van der Wal

Colophon

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SOMO

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Amsterdam, October 2018

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1 Introduction

Worldwide agricultural production has struggled with numerous social, ecological and economic problems historically. In the late 1980s, the first schemes certifying the sustainable production of agricultural commodities in developing countries emerged to promote better conditions in international trade and production through a kind of private regulation. Today, there are numerous sustainability certification initiatives offering their services and approaches to the market. The schemes have been successful in certifying more and more different commodities, as well as ever larger shares of global production of important (tropical) commodities such as coffee, cocoa, palm oil and tea.

However, although sustainability certification may have become increasingly mainstream, it still is far from the new normal. In coffee production, for example, the sector with the largest share of certified production worldwide, just a quarter of global production is certified.¹ In spite of continued growth in the planted area for the major sustainability certifications, growth rates are slowing down.² Adoption of certification standards might be further affected by the seeming trend of large food and retail companies such as Mondelez and Sainsbury's towards substituting Fairtrade certification with their own less rigorous³ but cheaper approaches developed in-house.⁴ Finally, while sustainability certification is popular because it offers companies that produce or trade agricultural commodities a readily accessible and reputable approach to do it sustainably, there have also been conflicting reports about their actual contribution to the welfare of workers and farmers.

SOMO's study *Goodness Guaranteed* (2015)⁵ concluded that there was little evidence that conditions had improved for workers on farms that have adopted sustainability certification initiatives like Rainforest Alliance, Fairtrade or UTZ Certified. Moreover it showed a considerable number of reports that working conditions on certified farms were not on a par with the internationally agreed labour standards they aimed to uphold. The analysis of the characteristics of these problems led researchers to the conclusion that these transgressions were symptomatic of more structural and systemic issues with sustainability certification in large-scale agricultural production.

For this report, these findings have been reassessed in the light of empirical/farm-level research that has emerged since the earlier study was published, including field studies conducted by the Centre for Research on Multinational Corporations (SOMO) and research partners in Peru and Colombia in 2015. Following this assessment, the report discusses in more detail a number of issues that sustainability certification seemingly struggles with and outlines recommendations along the way. The report aims to inform the debate about the merits and shortcomings of sustainability certification and to invite sustainability certifications and their stakeholders once again to step up efforts to address the risks of human rights abuses in food supply chains.

2 New evidence of impact

This report reviews farm-level evidence about the effectiveness of sustainability certification in terms of ensuring and promoting the fulfilment of internationally agreed labour standards in large-scale agricultural production in low- and middle-income countries.⁶ The analysis builds on the findings of a similar, but more comprehensive, SOMO study from 2015 entitled Goodness Guaranteed. It also uses the same approach and a very similar methodology.⁷

In order to capture possible new developments, the collection of new information focused strictly on new research published between 2014 and 2017. The websites of 13 selected sustainability certifications⁸ were screened again. In addition, references found in reports (e.g. in the media) collected by the author in the same period were followed up and sifted through. In total 23 relevant reports were identified. These were categorised into two types of research and are discussed in three separate sections below:

- 1 research **comparing** labour conditions on certified versus non-certified farms (section 2.1);
- 2 research exposing substandard labour conditions on certified farms (sections 2.2 and 2.3).

Certified versus non-certified farms

Five new studies (see Table 1) were identified that compare conditions between certified and similar non-certified farms. Of these five studies, three compare working conditions between certified and non-certified farms and over time.⁹ These are: a study by University of London School of Oriental and African Studies (SOAS) on the flower industry in Ethiopia;¹⁰ a study by Utrecht University (UU) on tea production in Tamil Nadu, India;¹¹ and a study by Wageningen University and Research Centre (LEI) on the impact of Fairtrade on the situation of banana workers in Ghana,¹² Colombia and the Dominican Republic.¹³

The analytical frame of reference for this report and the evaluation in Table 1, are the following eight norms concerning basic workers' rights: freedom of association and right to collective bargaining; forced labour; child labour; non-discrimination; living wages; no excessive overtime; security of employment; and health and safety. All of these normative categories are codified by the International Labour Organization (ILO) in various conventions and principles.¹⁴ The first four norms are declared by the ILO as fundamental.¹⁵

The SOAS study, which includes two large Ethiopian flower farms, finds no "positive causal chain between Fairtrade certification and working conditions". Average wage levels for manual workers were significantly lower on the Fairtrade certified flower farm compared to a non-certified farm and also the portion of workers with below average wages was significantly higher. Fairtrade certified flower production workers were also found to suffer harsher working conditions. On 11 indicators, ranging from exposure to pesticides to overtime compensation, workers on the non-certified farm were better off. For sexual harassment, the results were mixed. On both large flower farms there

were reports of unwanted touching, obscene language and supervisors attempting to obtain sexual favours from female workers to retain their jobs or to gain better jobs.

The UU study compared conditions on 41 non-certified tea estates with those on 19 certified estates in Tamil Nadu in India. At least 13 of these estates were certified through multiple initiatives: with both Rainforest Alliance certification and another, such as UTZ or Fairtrade certification. The study finds a number of positive impacts of certification. The most pronounced impact was that worker absence on non-certified tea estates was reportedly significantly more frequent and longer due to health problems. Tea estate managers with certification also reported almost exclusively working with permanent workers. In contrast, a quarter of the workforce on non-certified farms was made up of seasonal labourers. The mean lowest wage for female permanent workers was significantly higher at certified farms. Only managers of non-certified estates reported not always respecting legal obligations for maternity leave for their personnel. Finally, workers at certified estates were reported by management to have better access to various services such as water, electricity and medical clinics, with the exception of food and health insurance. It should be emphasised that no workers were interviewed for this study. Workers may have a different perspective from management. The latter may have an interest in reporting positively about working conditions at certified plantations because it legitimises their adoption of certification and/or prevents getting into trouble. This in turn may have inflated the study's positive results.

A study by Wageningen University and Research Centre (LEI) on the impact of Fairtrade on the situation of banana workers in Ghana, Colombia and the Dominican Republic found that "workers on Fairtrade certified plantations more often indicate an improvement in terms of health and safety measures". While the study found no significant impact on wages levels, workers received more in-kind benefits primarily because of the use of the Fairtrade premiums to this end. Workers on Fairtrade certified plantations also felt generally more empowered than their non-Fairtrade certified counterparts. For instance, workers indicated a higher level of job satisfaction and a more optimistic outlook on income, schooling and health. However, the researchers noted that any major differences could not be solely attributed to Fairtrade (yet) as this was a baseline study without measured impacts over time. As a proxy for actual measures (and similarly to the UU study), workers were asked how their current situation compared to when they started working at the farms.

A SOMO study on working conditions in the production of fruit and vegetables in Peru concluded that no major differences between certified and non-certified companies could be found.¹⁶ However certified companies did performed slightly better than non-certified companies overall and in almost all categories (see Table 1). For instance, at both certified and non-certified companies, there was a risk that underage workers were among the workforce as ages were not always properly checked, according to the interviewed workers. However, with a quarter of interviewed workers at non-certified companies indicating that ages of workers were not always checked, the percentage was considerably higher than the 15 per cent of interviewed workers at certified companies who responded negatively to this question. Likewise, certified companies scored better on the subject of adequate payment of overtime hours (26 per cent of interviewed workers at non-certified companies reported that overtime hours were not paid properly versus 19 per cent of interviewed workers at certified companies). On the other hand, both groups of companies performed equally poorly on the security of employment (all interviewed workers were on temporary contracts) and

freedom of association and collective bargaining (because of a near total lack of trade unions and the anti-union attitude of employers).

Table 1: Characteristics and results of comparative reports

	SOAS	UU	SOMO (2)	Finnwatch	LEI
Child labour			+	0	
Discrimination	0	+	+	0	
Forced Labour			+		
Freedom of association & collective bargaining			0	0	
Health and safety	-	+	+	0	+
Overtime	-		+	0	
Security of employment		+	0	0	
Wages	-	+	+	+	
Brazil				x	
Colombia					x
Dominican Republic					x
Ethiopia	x				
Ghana					
India		x			
Peru			x		
Coffee				x	
Flowers	x				
Fruit and vegetables			x		x
Tea		x			
Fair for life			x		
Fairtrade	x	x		x	x
Rainforest Alliance		x	x	x	
SA8000			x	x	
UTZ		x		x	

Legend: In rows 2 to 9, the situation on certified farms was compared to non-certified farms on eight labour right norms for each report discussed in this section. The symbols '-', '0', '+' or blank indicate that the situation respectively compares negatively, similarly/mixedly, positively or that there is no comparative information. Other characteristics from these reports are presented in the remaining rows.

A study by Finnwatch on working conditions in the coffee sector in Brazil, Honduras and India¹⁷ concluded that the differences in working conditions between “certified and non-certified farms in Brazil were at times very little or almost non-existent”. Only the median wage for temporary workers was somewhat higher at the UTZ certified farm compared to those at two regular coffee farms in Brazil.

These five comparative reports offer considerably more information than was available through the two available before 2014. However, the information is still scant and all these studies have methodological challenges.¹⁸ The limitations should be taken into account when reading this section. That being said, overall, and looking at the number and direction of reported effects (see Table 1), certified farms compare most positively in these recent reports compared to non-certified counterparts on the issue of wages and health and safety. The situation regarding discrimination, forced labour and child labour is also more favourable on certified farms but these differences are less pronounced.¹⁹ Farm comparisons on overtime, security of employment and freedom of association and collective bargaining show no differences or provide mixed results. Compared to the findings from 2015, that were based on two SOMO field studies, there is only an overlap on the positive impacts of certification on wages and health and safety. This means that these are also the two most consistent positive impacts recorded in comparative research generally.

Reports on labour right violations

Goodness Guaranteed analysed frequency patterns of on-farm labour rights violations reported in public documents, looking at factors such as country of origin, commodity produced and type of certification. On that basis, the 2015 report concluded that labour rights violations on farms with sustainability certification were not incidental but were of a systemic nature.²⁰ Because there is still so little comparative research available, and to put this main finding to the test again, this same approach was used in this section with more recent reports.

From 2014 to 2017, 18 new reports (i.e. documents) were published – the large majority by non-governmental organisations (NGOs) – with details about labour right violations on at least 56 certified farms (see Table 2). From 2006 to 2013, 20 reports were found citing labour rights violations on 70 different farms (i.e. cases).²¹ This means that the average number of reports and cases per year has increased by 80 per cent and 60 per cent respectively in the most recent period. This clearly outpaces the annual growth rate of the area certified for the most important food crops from 2014 to 2015, which was roughly 50 per cent in the most extreme case of soy.²² Because other factors may be at play,²³ an overall increase in on-farm violations is not implied here. Regardless of causality, however, the fact that a substantial number of cases continue to be reported shows the structural nature of labour rights violations on certified farms.

As analysed in 2015, the most violated labour rights at certified farms involve the rights to a living wage, freedom of association and collective bargaining and health and safety. Most remarkable are accounts of violations of overtime requirements and forced labour that were absent before 2014. The findings show that *all* key internationally agreed labour rights assessed in this report are not always respected on certified farms and provide further evidence for most key labour rights being violated on a structural basis.

Table 2 Characteristics of studies highlighting labour rights violations

	SOAS	SOMO (2)	Finnwatch	Finnwatch (2)	BBC	Guardian	SOMO (3)	Amnesty	CAO	ICN	Oxfam Germany	Reporter Brazil	Banana Link	CNV	Ethical Sugar	Centro de Solidaridad	Foxnews	Rainforest Action Network	Total	Total GG 2015*
Living wage		6	2	2	3	1		3	5	2	4	1		4	2	2		2	39	32
Freedom of association & collective bargaining		1		2			4		4	2	4		1	3	1	4		2	28	23
Health and safety	1	2	2		2				3	2	4			4	4		1	2	27	21
Overtime	1	1	2	2				1		2				4	4				17	0
Security of employment		6									2			4	3			2	17	10
Discrimination	1	1		2		1		2			2				1			2	12	16
Child labour					2			2						4				2	10	2
Forced Labour		1		2				1							2				6	0
India			1		3	1			5	2									12	14
Brazil			1									1			8				10	0
Indonesia								3						4				2	9	4
Peru		6											1						7	1
Costa Rica											2					3			5	10
Colombia							4												4	2
Ecuador											2								2	0
Honduras																2			2	1
Malaysia				2															2	0
Ethiopia	1																		1	0
Guatemala																1			1	0
Uganda																	1		1	1
Fruit and vegetables		6									4		1			6			17	13
Palm oil				2				3						4				2	11	2
Tea					3	1			5	2									11	18
Sugar															8				8	0
Flowers	1						4										1		6	3
Coffee			2									1							3	1
Rainforest Alliance		1	1		3		4			2	4	1				6			22	17
RSPO				2				3						4				2	11	6
Bonsucro															8				8	0
SA8000		1	1			1			5										8	10
Fair for life		4											1						5	1
UTZ			2									1							3	2
Fairtrade	1																		1	6
MPS-SQ																	1		1	1

Legend: See endnotes for references for the following reports in the top row: Finnwatch (2),²⁴ BBC,²⁵ Guardian,²⁶ SOMO (3),²⁷ Amnesty,²⁸ CAO,²⁹ ICN,³⁰ Oxfam,³¹ Banana Link,³² CNV,³³ Ethical Sugar,³⁴ Centro de Solidaridad,³⁵ Foxnews³⁶ and Rainforest Action Network³⁷. Numbers in rows and columns indicate the number of farms (cases) reported for each respective category (item).

*In this last column the number of farms for the same category (item) from Goodness Guaranteed 2015 are noted next to this report's totals. For better comparison, the former are weighted to reflect the same period of time (4 instead of 8 years).

Cases are noted from 12 countries from around the world (see Table 2). Seven of these are also among the 13 countries that were identified in previous research. The most cases are reported from India, which topped the list in 2015 as well. Brazil, now second in the list, is the leading exporter worldwide of various agricultural commodities such as sugar, coffee, soy and orange juice,³⁸ as well as an important country in terms of certified agricultural production.³⁹ Therefore, based on the number of certified producers this country hosts, one would indeed expect a substantial number of reports from this country. Strangely however, none were documented in this country in previous research.

With the exception of sugar cane, the sectors reported on in 2014-2017 are the same as those prior to 2014. Also the number of cases is distributed similarly among the sectors, albeit all on higher levels. The coffee sector is estimated to be the sector that hosts the highest number of large certified farms. However with three cases only, the number of cases revealed in this sector is relatively low. In contrast, labour right violations are now also revealed at eight certified sugar cane producers where there were none before (see Box 1).

More or less the same sustainability certifications as in 2015 appear again in Table 2 and also the relative distribution of cases among sustainability certifications is not much different compared to the findings reported on in 2015. All certification systems show a relative growth in the number of cases being reported, with the exception of Fairtrade for which there now are fewer cases. The growing number of Bonsucro cases, and to a lesser extent also Fair for Life cases, are particularly remarkable.

In 2015 it was found that fewer violations were reported for sustainability certifications that have more demanding codes relatively and that this relationship was statistically significant. Consequently, the low number of cases coupled with a high number of Fairtrade certified farms was discussed in relation to its relatively stringent labour conditions requirements. As the number of Fairtrade certified farms has continued to grow and requirements have become more stringent even for hired labour since revising its standards in 2014, the observed relative decline in cases provides further support for this observation. There is less information available for exploring explanations for the sudden increase in reports for Bonsucro certification (and hence also for Brazil as a country and sugar as a sector) that was just noted. However, it may be related to its certification services having started relatively recently (see Box1).

Box 1 Struggles of sugar cane workers at Bonsucro certified companies

Bonsucro is the leading certification initiative in the sugar sector and started certifying sugar cane producers as recently as 2011.⁴⁰ This makes it the newest initiative in operation among those for which violations were reported (see Table 2). Its relatively recent manifestation may also explain why no labour rights violation were reported for Bonsucro before 2014. To put this into context: the oldest reports considered in *Goodness Guaranteed*⁴¹ are from 2006 only and relate to Fairtrade and SA8000 certified farms. These standard systems issued their first certificates back in 1988⁴² and 1997⁴³ respectively.

The report from Ethical Sugar that was published on the Bonsucro case is based on information from investigations by public authorities. It established that 18 Bonsucro certified mills⁴⁴ were in fact violating labour and environmental laws. This was in spite of provisions in Bonsucro standards that are common for sustainability certifications generally – i.e. that compliance with national laws is required as a minimum certification requirement.

The evidence of violations of labour rights documented in the report is restricted to eight companies⁴⁵ and shows violations of seven key labour rights. To illustrate the nature of these problems Ethical Sugar mentions: “fraud to disguise the employment relationship”, “distortion of the intermediation of the labour force or outsourcing services”, “lack of legally required workplace institutions and protective actions”, “illegal working hours”, “illegal levels of social security contributions, benefits and compensation of employees”, forced labour, trafficking of workers, bullying, discrimination, unpaid working hours, “insufficient pay and benefits”, and “lack of freedom for trade union organization”.

Farms violating labour right revisited

In five reports discussed here (BBC, Guardian, CAO, ICN and Oxfam) certified farms were revisited after precarious working conditions were signalled there before 2014. With the exception of the Oxfam report, all these reports focus on conditions on tea sector plantations in India. While these reports generally do not allow comparison of on-farm compliance with *all* key labour rights with those before 2014, they clearly show that some of these rights have continued to be undermined, despite certification and despite having been flagged publicly, sometimes repeatedly over the years, by NGOs, academia and the media.

The ICN study compared the development of labour conditions on two Rainforest Alliance-certified tea estates in Tamil Nadu, India between 2009 and 2015. It found that “some improvements have been made in terms of the payment of minimum wages, setting up procedures for safe handling of chemicals and the provision of basic medical care and educational facilities for all temporary and permanent workers. However, still many serious non-compliances were found related to unequal benefits for casual workers, overtime wages and working hours, advance payments, chemical

handling practices and worker representation.” Similarly, the BBC found no improvement in health and safety conditions on one Rainforest Alliance-certified tea estate in Assam, India in 2015. SOMO and ICN found the situation there to be degrading for workers as far back as 2010.⁴⁶

In Assam, continued denial of workers’ rights was not confined to Rainforest Alliance certified tea estates. The Compliance Advisor Ombudsman (CAO) – the independent recourse mechanism for the International Finance Corporation (IFC) and Multilateral Investment Guarantee Agency (MIGA) – documents violations of worker’s rights on SA8000 certified plantations of Amalgamated Plantations Private Limited (APPL) over many years. The CAO notes violations of workers’ rights to health and safety, freedom of association and living wages. The CAO assessment of the APPL case even refers to statements by the company in 2015 in which it admits the deplorable state of many houses for workers and their families on its estates. However, SA8000 certification was renewed that same year despite this evident non-compliance with minimum requirements of the SA8000 standard .

Oxfam Germany’s study on bananas from Ecuador and pineapples from Costa Rica also shows that trade union rights are still disregarded at one of the Rainforest Alliance certified pineapple producers it reviewed. Back in 2010 a local trade union already reported that the same company sacked 16 workers for joining a trade union⁴⁷ when it was (already) Rainforest Alliance certified.⁴⁸

Rainforest Action Network (RAN), International Labor Rights Forum (ILRF) and Organization to Strengthen and Develop Community’s Struggle (OPPUK) revealed a number of labour rights violations on two different Roundtable on Sustainable Palm Oil (RSPO)-certified palm oil plantations from the Salim Group in Indonesia.⁴⁹ The workers were interviewed on several different occasions between 2015 and 2017 and the results were published in two separate reports in 2016 and 2017. In both reports more or less the same labour rights violations occurred, including payment below minimum wages and forced membership of company friendly “yellow” unions showing a lack of (effective) action by the company and RSPO to remedy the situation after being confronted with these problems.

3 Discussion

Sustainability certification was invented to address the daunting and widespread problem of precarious and dismal conditions for agricultural workers and farmers in developing countries in the absence of effective public regulation. The ever-growing number of farms with sustainability certification in these countries might therefore suggest that working conditions on farms in the global south have been, and are, improving at a similar pace. However, the findings in this report cast considerable doubt on this assumption. Indeed, the previous section presents more evidence of problems with, than improvements in, working conditions in large-scale sustainability certified farms in developing countries.

There is evidence that sustainability certification has improved working conditions in some farms but positive impacts are not pronounced overall. Meanwhile, reports of problematic working conditions on certified farms keep surfacing in a number of key commodity sectors and producing countries. They show that interventions of sustainability certification are clearly not always effective. Below the implications of these conclusions are considered in more detail, followed by a series of recommendations.

More inclusive and comprehensive approaches needed

The need for further empowerment of workers in sustainability certification schemes is one of the most important and converging issues emerging from this study. This is highlighted in discussions on the impact of sustainability certification in a number of reports and is even acknowledged by some sustainability certification initiatives.⁵⁰ For example, there is a need for workers to be better informed of their rights (LEI, Oxfam Germany, Lyall⁵¹), of investment in both workers' skills and education to open up promotion pathways (Lalitha et al.)⁵² and in initiatives intended to increase the economic independence of workers (Lyal).

The active promotion of freedom of association and collective bargaining seems to be both a crucial and logical strategy for sustainability certification initiatives to (further) empower workers. Sustainability certification initiatives should therefore facilitate (more) training on freedom of association, collective bargaining and social dialogue for workers and management on certified farms. This training should be carried out by credible and independent trade union organisations or labour rights NGOs. Moreover, sustainability certification initiatives should engage (more) with local independent trade unions, industry and government representatives to gain a better understanding of the barriers to unionisation and collective bargaining in specific subsectors or countries in order to be able to develop strategies for addressing these barriers. However, the lack of free trade unions and collective bargaining that characterises many countries and sectors, including at certified farms (e.g. see SOMO (2), CAO, Oxfam, Centro de Solidaridad), also suggests that effective empowerment approaches cannot be confined to interventions at the level of certified farms only. They probably need to be forged and implemented to various degrees at the sectoral, national or even inter-

national levels and require the concerted effort and involvement of different stakeholder groups, not least workers themselves.

Indeed, in terms of sustainability certification, workers now are mostly passive beneficiaries. Therefore more worker agency is needed to truly empower workers on certified farms. This could mean workers having a role in the prioritisation of the problems to be addressed and in worker involvement in discussions about how their problems can be addressed. Similarly workers could have a role in monitoring working conditions, piloting new approaches for improving these or having a role in the governance of such projects or even certification systems globally. A study of Fairtrade certification in the tea sector in India⁵³ even concludes more forcefully that “if fairtrade certification is to contribute towards more decent work and better living conditions of Indian tea workers, then fair trade organisations have to put workers’ interests and agency centre-stage rather than to treat them as passive objects of auditing in a relationship mediated by the estate management”. Perhaps the most recent and most promising models for worker-driven social responsibility, such as the Fair food programme and Milk with dignity⁵⁴, can inspire improvement in current practices of sustainability certification. In any case, and as will be discussed further below, the findings suggest a need to develop more inclusive and comprehensive approaches generally.

Structural and interconnected vulnerabilities

Various structural factors make agricultural workers vulnerable to exploitation. In turn, these factors not only undermine workers’ resilience, but are also inimical to their chances of securing better working conditions e.g. by organising and engaging in dialogue with employers. Agricultural workers are often from socially disadvantaged groups, such as migrants, and therefore have fewer opportunities for social mobility and education, as well as facing discrimination more readily than other groups. The structural precariousness of labour in this sector is another important factor adding to worker vulnerability. Jobs are often seasonal or temporary in nature. Labour relations are often informal (e.g. absence of contracts) and may be indirect through the use of agents. Also the strenuousness of the work itself and the often long working hours may affect worker health and energy levels. Not surprisingly workers’ association is lowest among agricultural workers of all sectors globally.⁵⁵

On the one hand, interventions that acknowledge and address the structural and interconnected nature of workers’ vulnerabilities in this sector are likely to be more successful than those that do not. In theory, the approach of sustainability certification, with its system of comprehensive standards coupled with independent auditing, seeks to ensure fulfilment of many different important labour rights at the same time. In practice however, evidence of problems with freedom of association and collective bargaining, security of employment, health and safety, overtime, living wages and discrimination at certified farms – of which several may even be occurring simultaneously – also shows this approach is not always effective. Therefore it is recommended that sustainability certification schemes should also assess how the fulfilment of these different rights interacts when they are looking for more effective approaches.

On the other hand, and perhaps more importantly, empowerment approaches need to consider that their effectiveness also depends on factors outside their direct sphere of influence. Indeed, workers may not be able to benefit substantially from policies such as training, awareness raising or even mere enforcement of key labour rights on specific certified farms if these do not also address and acknowledge the reality of these workers when they are not working on certified farms. The reality for most workers in the agricultural sector is precisely that they often move from one farm to the other because of the seasonal nature of the work (see Box 2).

Box 2 Migrant seasonal workers are a moving target

The reality for many agricultural workers is that relationships with employers are ambiguous and so it may not be realistic to expect the structural improvement of working conditions if sustainability certifications focus their efforts primarily at the farm level.

For instance, the migrant seasonal workers in the coffee sector in Brazil or Colombia move from one farm to another to harvest coffee. They present the large majority of the workforce and they have no long-term formal relationship with the farms that employ them directly or indirectly via recruiters. At the level of individual (certified) farms, this also means that workers have no security of employment. In practice, they will have no written contract and when the harvest is over, they cannot count on more work that year or the following year.

There are also no trade unions or bargaining processes they can join and because of the brevity of the relationship, it does not make much sense for them to form a company-level trade union either. There may not even be something like a collective in the first place because colleagues change from farm to farm. Compounding their situation is that workers may be unaware of their rights in the first place and/or lack the capacity, resources and/or energy to associate with other workers. Under such conditions, it is difficult to imagine workers benefiting from their right to freedom of association and collective bargaining – whether stipulated in certification standards or not. Conditions at certified farms are also influenced directly and indirectly by sector-wide prevailing norms for piece rates, working hours, benefits (if any) and health and safety: directly, because these norms often apply equally to certified and non-certified farms; and indirectly, because workers may arrive at certified farms exhausted, in ill-health and underpaid from work on non-certified farms.

Sustainability certification initiatives should put more effort in interventions beyond certified farms and urge governments and civil society to get involved to prevent the further delay of remedy. This also means sending clearer messages about what they can and cannot do alone to ensure decent working conditions. It should be noted that the issue of workers not receiving living wages on certified farms has led to special and preferential attention from sustainability certification initiatives in the form of joint research and approaches.⁵⁶ While there is no evidence that this

collaboration is actually resulting in living wages for workers, it probably helps to create more pressure on producing companies, as well as helping to share resources and insights. To genuinely lead to the empowerment of workers, such concerted efforts are needed in other areas as a minimum as well. Freedom of association and collective bargaining is perhaps the most acute right to focus on, since this is an enabling right.

Social auditing

The quality of auditing has also been a key element in discussions on the impact of sustainability certifications in the literature. One recurring critique is that audits overlook (structural) violations of workers' rights as has also been demonstrated in the previous sections. Indeed, eight investigations reviewed for this report (SOAS, Finnwatch, Oxfam Germany, Reporter Brasil, Gilbert & Rache,⁵⁷ EIA,⁵⁸ Rainforest Action Network and the Brazilian Labour Prosecutor's Office⁵⁹) highlight various problems with the quality of social auditing in sustainability certification. For example, Rainforest Action Network points to conflicts of interest between audit firms (certification bodies) and the plantations that pay them for their services, bidding schemes that incentivise cost cutting by certification bodies leading to deteriorating audit quality, inexperienced auditors on labour issues and coaching of workers prior to audits that are announced in advance.

To illustrate this issue further, the Brazilian Labour Prosecutor's Office points to a range of flaws regarding the auditing based on the access it requested to audit results of Bonsucro certified sugarcane mills in the State of São Paulo, Brazil. The office found that auditors generally do not speak to trade unions or investigate complaints of trade unions and judicial procedures on slave and child labour, freedom of association, collective bargaining and labour safety. Similarly, it finds that audits sometimes include false statements. It highlights the case of a sugarcane mill for which judicial proceedings established that it outsourced all its rural workers whereas the audit stated that no outsourcing was taking place. The remedies proposed in these investigations include increasing the number of workers in audits (Oxfam), targeted inclusion of high-risk groups (i.e. migrant, seasonal or workers that face discrimination) in audits (Finnwatch), pooled funds for audits instead of direct financial relations between companies and audits firms (Gilbert et al.), increased involvement (if any) of local NGOs and trade unions (Gilbert & Rache), rigorous policing (more scrutiny) of audit firms (EIA), more consistent evaluation in audits, off-site worker interviews by default and joint reviews (i.e. involving more than one certification body per audit, Finnwatch (3)⁶⁰).

Transparency

A number of studies reviewed (SOMO (2), Reporter Brasil, Gilbert & Rache, Finnwatch (3), FES⁶¹) suggest that audit quality could be improved if sustainability certification initiatives allowed for (better) access to the audit results of certificate holders, including information about the grounds for issuing, sustaining or suspending certifications. This way NGOs and/or trade unions could review audit results and compare them with what is known about the situation on those farms and/or more generally review how auditors ascertain and assess conditions at certified farms. Indeed, the above-mentioned findings by the Brazilian Labour Prosecutor's Office show this can be valuable and revealing. However to date only a few sustainability certification initiatives have published summaries of audit reports (e.g. RSPO and more recently Rainforest Alliance⁶²).⁶³

In contrast, publicly accessible lists of certified producers are available for all the initiatives for which labour right violations were noted in this report. However, two studies (SOMO (2), Reporter Brasil) find that the level of detail they provide is insufficient to locate farms. It would be conducive for public scrutiny if sustainability certification would publish up-to-date and detailed records about the characteristics of their certificate holders such as their exact location, size and number of workers employed. Also a public registry of complaints received about certified farms – with information about their nature, the complainant, certificate holder involved and how these were handled – would help to gain a better understanding of the impact of sustainability certification. Among the eight initiatives discussed specifically in this report only Fairtrade and RSPO disclose (some) details about the frequency and handling of actual complaints.

More research needed

To date very few robust comparative studies have seen the light.⁶⁴ The number of independent studies assessing conditions on certified farms is also still very modest compared to the number of certified farms. Therefore the need for this kind of research remains pressing. If designed properly, new research would allow for a better understanding of why sustainability certifications fail, or succeed. Ideally new research would be based on off-site worker interviews with farm management initially not being involved in, or aware of, research being conducted on their farms. However, above all, research is needed into approaches that could make sustainability certification more effective in improving working conditions. Several ideas for such approaches have been presented in this section. The most relevant approaches to research and pilot are those that are worker-centred and go beyond certification by focussing on the empowerment of workers through training, sectoral (multi-stakeholder) cooperation, lobbying and advocacy. Of the sustainability certifications investigated, Fairtrade is the only sustainability certification with a more active and coordinated approach to improve conditions for workers beyond setting standards.⁶⁵

Box 3 Sustainability certification's reactions on findings

Before publication of this report, all eight sustainability certification initiatives mentioned explicitly in this report (e.g. see Table 2) were asked to review a draft to allow correction of possible factual errors, collect relevant perspectives and share results. Comments were received from all organisations except for RSPO and Milieu Project Sierteelt (MPS). Rainforest Alliance,⁶⁶ Bonsucro, Social Accountability International (SAI) of the SA8000 standard and Fairtrade welcomed the report generally to further develop their approach. More specifically both Fairtrade and Rainforest Alliance both underlined the need for complementary approaches such as engaging with stakeholders and duty bearers for an enabling environment. For Rainforest Alliance this was a new strategy. Fairtrade also expressed awareness of the need for more worker agency in their approach generally and highlighted recent research showing they were working on this.⁶⁷ Similarly, SAI informed researchers of a new SA8000 standard requirement that improves involvement of workers in auditing. They also intend to focus more on monitoring and evaluating standard impact. In reaction to the critique of the Brazilian Labour Prosecutor's Office, Bonsucro indicated having "worked extensively with our licensed Certification Bodies to evaluate and reflect on possible shortfalls in the auditing process. No breaches to the Certification Protocol were identified, but we also took that opportunity to further improve the process."⁶⁸ Ecocert emphasised that the Fair for life standard, which it owns, was recently revised and its specifications are now stricter.

4 Conclusion

When looking at farm-level information of agricultural labour conditions there still is more evidence of problematic working conditions on certified farms and plantations than there is of positive workplace impacts of sustainability certification initiatives, as was the case in 2015. Indeed the findings in this report show a pattern of recurring labour right violations across the most important sustainability certification initiatives, tropical commodities and the countries exporting them. This in turn provides further support for one of the main conclusions from SOMO's previous research – that labour rights violations on certified farms are systemic rather than incidental.⁶⁹ The report also shows that there is more evidence that sustainability certification initiatives improve conditions for farm workers but that it remains very thin. Moreover, the comparative studies reviewed show working conditions on certified farms are not necessarily better across the board but are mostly confined to higher wages and a better health and safety situation.

These conclusions do not automatically mean that ambitious sustainability certification schemes could not be a significant instrument in improving working conditions. However, they do highlight an urgent need for change and improvement in these approaches, especially in the form of sustainability certifications investing in policies that complement their approach of setting standards and auditing workplace compliance. This would mean increased collaboration and coordination with stakeholders, including the retail and food companies that source certified products, to address structural factors that make it exceedingly difficult for agricultural workers to have access to better working conditions. In turn, this entails work on certified farms such as education, training, consultation and more research into actual workplace conditions, the impact of certification, how disrespect of one labour right affects others, how off-farm factors influence on-farm conditions and how more worker-centred approaches can be developed. This also calls for efforts at the sectoral or (inter) national level – i.e. outside certified farms – to promote freedom of association and collective bargaining, to advocate for better enforcement of labour rights generally (thereby increasing the level playing field sectorally), to invest in approaches to increase sectoral minimum wages, to facilitate worker education and social protection.

Last but not least, sustainability certification initiatives should also do more to ensure buyers (e.g. traders, brands and retail) contribute to farm-level improvements. Certified farms should as a minimum be able to *afford* compliance with basic workers' rights. However, with the exception of Fairtrade and Fair for life, sustainability certification initiatives have no requirements for companies that source certified products regarding the terms of trading with their suppliers. When producers receive a good price, receive their payment on time, have clear trading terms, and have stable commercial relations it is also likely to be easier to assure good working conditions. Last-minute changes in orders may, for instance, lead to overwork and jeopardise the health and safety of workers. Generally, downward price pressures, short lead times, cancellations of orders and receiving prices below the cost of production all affect producer resilience, which in turn may affect working conditions negatively. Much is also to be gained in this respect, as these practices are fairly common in the sector.⁷⁰

From the opposite perspective, it should also be emphasised that food (retail) companies (buyers) cannot rely on sustainability certification as their main instrument for improving working conditions in their supply chains. The adequate human rights due diligence that is expected of them requires considerable additional complementary efforts. First, they need to further engage with certification systems for improved effectiveness. Second, they need to try to use, or increase their leverage over, suppliers to address continued violations in their supply chains, whether at certified or at non-certified producers. This means properly investigating the occurrence of labour right violations in their supply chain and developing and adopting targeted approaches to mitigate the problems they find. They also need to refrain from applying unfair business-to-business trading practices and see how they can improve their sourcing practices to help improve the conditions on the farms they source from, both directly and indirectly. Finally they should lobby governments for regulation of sustainable production and trade instead of against it – as was evident again recently with supermarkets opposing draft EU regulations to curb unfair business-to-business practices⁷¹ – as well as calling for better enforcement of existing national regulation for labour rights.

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Looking good on paper

Review of recent research on the impact of sustainability certification on working conditions on large farms

For this research, SOMO reviewed published evidence about the effectiveness of sustainability certification initiatives on labour conditions at large-scale farms in low- and middle-income countries from 2014-2017. The evidence included field research by SOMO and researchers from SOMO compared this evidence with internationally agreed labour standards.

The study reveals a pattern of recurring labour right violations on farms certified by almost all the well-known sustainability certification initiatives, such as Fairtrade and Rainforest Alliance. Only a handful of studies demonstrate some improvements in working conditions for farm workers as the result of sustainability certification schemes.

SOMO concludes that changes and improvements are urgently needed for ambitious sustainability certification initiatives to help improve working conditions on farms across the developing world.

