



# EXTERNAL ASSESSMENT LIMBE LEAF TOBACCO COMPANY LTD.

Virginia Flue-Cured farmers in  
Mzimba South and Kabwafu



Agricultural Labor Practices Program

February/March, 2019

## Table of Content

<b>Executive summary</b> .....	<b>3</b>
<b>Market and company background</b> .....	<b>6</b>
<b>1. Implementation of the ALP Program</b> .....	<b>8</b>
1.1. Commitment to the ALP Program.....	9
1.2. Strategy and objectives.....	9
1.3. Internal capacity .....	10
1.4. Communication of the ALP Code requirements to farmers .....	13
1.5. Internal monitoring: data collection, accuracy, and addressing issues .....	15
1.6. Address systemic and/or widespread issues .....	17
<b>2. Farm-level assessment of working conditions regarding the ALP Code Standards</b> .....	<b>19</b>
2.1. ALP Code Principle 1: Child labor.....	20
2.2. ALP Code Principle 2: Income and work hours .....	21
2.3. ALP Code Principle 3: Fair treatment.....	24
2.4. ALP Code Principle 4: Forced labor and human trafficking .....	26
2.5. ALP Code Principle 5: Safe work environment .....	27
2.6. ALP Code Principle 6: Freedom of association .....	30
2.7. ALP Code Principle 7: Terms of employment .....	30
<b>3. ALP Program: feedback from farmers, workers, and other stakeholders</b> .....	<b>32</b>
<b>Appendices</b> .....	<b>34</b>
Appendix I – LLTC’s Action Plan 2019.....	35
Appendix II – Scope and methodology .....	58
Appendix III – Legal information .....	63
Appendix IV – Materials provided to the farmers.....	87
Appendix V – Templates provided to field technicians.....	92
Appendix VI – Glossary.....	93

# EXECUTIVE SUMMARY



**EXTERNAL ASSESSMENT**  
Virginia Flue-Cured farmers in Mzimba South and Kabwafu

Philip Morris International (PMI) requested Control Union (CU) to conduct an external assessment of the flue-cured Virginia (FCV) tobacco growing operations of one of the origins of its supplier Limbe Leaf Tobacco Company Ltd. (LLTC) in the northern region of Malawi. This assessment, which took place in the areas of Kabwafu and Mzimba South in February/March 2019, evaluated the labor practices at contracted farms and whether these were meeting the standards of the Agricultural Labor Practices (ALP) Code.<sup>1</sup> CU also evaluated LLTC's internal capacity to implement the ALP Program, their understanding of farm practices, and how they identified, recorded and addressed ALP-related issues.

For this assessment CU interviewed eleven LLTC management personnel, and eleven field personnel (including nine field technicians). In addition, over a period of one week, CU visited 30 farms, interviewing a total of 30 farmers, 10 family members, and 52 external workers.

An information triangulation methodology was used to evaluate farm practices. The three sources included interviews, documentation, and observation, together with a "Five Whys Analysis" problem analysis. The "Plan, Do, Check, Act" cycle was adopted for analyzing LLTC's management approach.

As of 2019 LLTC based its ALP strategy on PMI's Step Change goals, focusing on child labor, minimum wage, availability and usage of personal protective equipment (PPE), and workers' accommodation. As part of this strategy, several initiatives were being planned and implemented, such as expanding the support mechanism, organizing various educational and entrepreneurial programs, providing PPE and worker-contract templates, improving workers' accommodations, and supporting village saving and

loans associations (VSLAs) for women. Root cause analysis was not part of the reporting procedure required from field technicians, but instead was done through team meetings as well as individual focus group discussions with farmers, workers and family members at the end of each crop season.

LLTC had set up an ALP team within its agronomy department, which was responsible for implementing the ALP Code at farm level, including training of field technicians and farmers, monitoring, and analysis of collected data. Communication between the management, ALP Coordinators and field staff took place on a regular basis. The field technicians, who served as the main link between LLTC and the farmers, generally had adequate knowledge of the ALP Code, particularly for the Principles of Child Labor, Income and Work Hours, and Safe Work Environment. Communication of the ALP Code to farmers took place through individual visits, group meetings, local ALP committees, and written materials such as posters, flyers and contract templates. Direct verbal communication proved to be the most effective. However, as the field technicians focused on the farmers, awareness of ALP Principles was found to be low among workers and non-existent among family members.

As part of their farm visits, field technicians had to update the Farm Profiles (socio-economic information) and monitor adherence to the ALP Code. Eleven of the 30 Farm Profiles checked by CU (37%) did not fully correspond with the situation at the farm, mostly in terms of number of workers living or working on the farm. None of the seven farms with tenants (23%) were classified as such in the Farm Profiles. Furthermore, the Mobileleaf system used by the field technicians did not provide a procedure for systematic monitoring of the ALP Code. Instead, LLTC had conducted an one-time survey on payment structures, working and living

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1. The main goal of the ALP Code is to eliminate child labor and other labor abuses progressively where they are found, and to achieve safe and fair working conditions on all farms from which PMI sources tobacco. For more information on the background of the ALP Program see <https://www.pmi.com/sustainability/good-agricultural-practices/upholding-labor-rights-on-the-farms>.

conditions in 2018. Only situations not meeting the standard and Prompt Actions had to be documented in the Mobileleaf system. Of the 1,234 Prompt Action reports for LLTC farmers across Malawi in crop year 2018/2019, two applied to farms visited by CU. Both were related to accommodation and had not yet been closed, because the issues could not be solved right away.

The main findings of the farm-level assessment were related to Child Labor, Income and Work Hours, and Safe Work Environment. At three farms (10%) evidence was found of children below 18 years of age being involved in tobacco production (nine children in total). Mostly they were helping with carrying and stringing tobacco leaves, which was generally considered a non-hazardous task suitable for children. Awareness of the legal minimum working age was limited. At eight farms (27%) at least one of the workers did not earn at least the legal minimum wage (11 workers in total). In addition, at six farms (20%) workers wives were found to be helping their employed husbands without pay and without any contract or arrangement with the farmer. Furthermore, seven farms (23%) were found to work with tenants, whose pay entirely depended on their tobacco yield at the end of the season. Awareness of the risks of GTS and CPA was high

among farmers and workers, although they did not consistently act on this in terms of PPE use. On nine farms (30%) CPA was not stored in a safe and locked storage, despite the lockable metal storage box and instructions provided by LLTC. Furthermore, none of the farmers disposed of their empty CPA containers in a completely safe way, and none of the farmers had a warning sign to stop persons from entering the field after CPA application. At five farms (17%) CU considered the workers' accommodation to be unsafe, observing big cracks in the walls, holes in the roof, and dried tobacco being stored in the workers' bedrooms.

In terms of feedback received by CU, the general feeling among farmers and workers was that the ALP Code and LLTC's support had increased the safety on the farms (especially in terms of PPE use), had reduced the number of child labor incidents and had increased the number of children going to school.

The outcome of this assessment can be used as a tool to facilitate management with continuous improvement. CU acknowledges LLTC's commitment to addressing the issues identified and defining areas of improvement through the implementation of an action plan (see Appendix I).

# MARKET AND COMPANY BACKGROUND



**EXTERNAL ASSESSMENT**  
Virginia Flue-Cured farmers in Mzimba South and Kabwafu

Agriculture is the main industry in Malawi, with nearly 65% of the population employed in this sector. Tobacco is by far the biggest cash crop; with a share of 55% in commodity export it is a major contributor to the Malawian economy, followed by tea and sugar with a share of less than 10% each.<sup>2</sup> Given that Malawi is the most tobacco-dependent economy in the world, the country and its population (of which about 50% live below the poverty line) are vulnerable to external shocks such as extreme weather events and decreased international demand for tobacco.

Burley is the main tobacco type grown in Malawi: in 2015 it accounted for 87% of total tobacco production. Other tobacco types produced are dark fired and flue-cured Virginia (FCV). Before 1989, tobacco production was tightly controlled by the government; only estate owners were eligible for obtaining a production license or were able to achieve the required production scale for selling tobacco leaves at the auctions. Only after liberalization of the tobacco economy in the early 1990s did it become possible for smallholder farmers to produce and sell tobacco, which resulted in a rapid growth in tobacco production.<sup>3</sup>

All tobacco produced in Malawi is still sold at auction floors; however, these days, large tobacco buying companies and their contracted farmers commit beforehand to buy/sell a specified amount. These pre-agreed sales are part of the companies' integrated production system (IPS) in which contracted farmers also receive crop inputs and technical support. In the Malawi market, the price paid for the tobacco is not agreed beforehand. The Ministry of Agriculture, Irrigation and Water Development through the national Tobacco Commission sets a minimum price each year based on the costs of production, and the tobacco

companies usually pay their farmers slightly above that level.

Limbe Leaf Tobacco Company Ltd. (LLTC) is one of the biggest tobacco companies in Malawi and has been operating in Malawi since the 1960s. LLTC is owned by Universal Leaf Tobacco Company Inc. (58%) and Press Corporation Ltd. (42%), which is a Malawi public company with interests in different sectors of the Malawi economy. The LLTC head office is located in Lilongwe and processing facilities are located in Lilongwe and Limbe. Across Malawi, LLTC works with three growing areas which are further divided in local subdivisions. For the 2019 crop season LLTC had direct growing contracts with 9,447 farmers, who grew Burley (81%), FCV (16%) and DFC (3%). In 2019, LLTC's farmers were supported by a total of 320 permanent employees in the Agronomy department, among whom were 110 field technicians, 16 modular training program (MTP) trainers, nine Area Coordinators, two Area Supervisors and three regional ALP Coordinators who were directly involved with the farmers.

2. Data for 2018, see Index Mundi – Malawi ([https://www.indexmundi.com/malawi/economy\\_profile.html](https://www.indexmundi.com/malawi/economy_profile.html))

3. Food and Agriculture Organization – Tobacco in Malawi (<http://www.fao.org/3/y4997e/y4997e0i.htm>)

## Chapter 1

# IMPLEMENTATION OF THE ALP PROGRAM



## EXTERNAL ASSESSMENT

Virginia Flue-Cured farmers in Mzimba South and Kabwafu



## 1.1. Commitment to the ALP Program

On their global website, LLTC's parent company Universal Leaf committed publicly to the elimination of child labor and the improvement of working conditions in tobacco crop production. The website provided information about the company's policy on sustainability and supply chain integrity and their commitment to the ALP Code. LLTC itself was also committed to ALP through own internal policies on Sustainable Tobacco Production (STP) and dedicated budget for initiatives on ALP implementation.

## 1.2. Strategy and objectives

At the time of the assessment, LLTC had adopted the four main global goals of PMI's Step Change approach as their focus for the current season. These goals were:

- No children performing hazardous tasks in tobacco by 2022
- All workers paid at least the legal minimum wage by 2022
- Personal protective equipment (PPE) for crop protection agents (CPA) and against the green tobacco sickness (GTS) availability and usage for all workers/farmers by 2020
- All workers with safe and clean accommodation by 2020

LLTC had a number of initiatives planned for 2019, such as expanding the support mechanism, organizing various educational and entrepreneurial programs, and improving workers' accommodations. However, since these initiatives were not taking place within the geographical scope of this assessment and/or had not yet been started, they are not evaluated in this report. Since ALP transcends company lines, some of these initiatives were developed not only in cooperation with PMI, but also with Alliance One Tobacco Malawi (another major tobacco producing company in Malawi) and

experiences and best practices were shared among companies.<sup>4</sup> Ongoing initiatives within the scope of this assessment, such as providing PPE and contract templates, are discussed in Chapter 1.6.

LLTC's response:

*"LLTC is committed to eliminating issues in the focus areas [including enhanced focus on child labor, minimum wage and safe work environment (PPE for GTS and CPA as well as safe accommodation for workers) on the farms] and will work with third parties that will support the implementation of some of the initiatives. Having had clearance from the Malawi Competition Commission, LLTC is working with Alliance One Tobacco Limited (AOTM) on some of the projects under the ALP Step Change approach. This partnership will lead to sharing of ideas in the campaign towards the total elimination of unfair labor practices on contracted farms."*

A risk assessment was conducted annually by LLTC's Sustainability Manager and national and regional ALP Coordinators, based on results from monitoring and their own experience. The risk assessment covered each measurable standard of the ALP Code. Risk levels were determined by the probability and severity of the incident, and were classified as acceptable, adequate, tolerable, or unacceptable. No unacceptable risks were identified. The highest risks were identified for child labor, application of chemicals without protective equipment, and accommodation not meeting the workers' basic needs. In the past, the annual risk assessment would provide the main basis for identifying strategy focus areas, but as from 2019 the goals of PMI's Step Change also play a leading role.

Root cause analysis was not part of the Prompt Action reporting by field technicians. However, root causes were discussed in meetings between the field technicians and regional ALP Coordinators.

4. An analysis was done by the companies to ensure that the collaboration was legal. Further, the companies sought clearance from the Malawi Competition and Fair Trade Commission on the collaboration.

Furthermore, LLTC organized focus group discussions at the end of each crop season to identify root causes of different issues. The participants of these groups varied depending on the issue discussed; each focus group had 5-7 participants to facilitate contributions from everyone present.

LLTC's response:

*"As part of the ALP Step Change approach, LLTC will be addressing the root causes of ALP issues that are commonly identified on farms. To address these issues LLTC is planning to engage a third party for the coordination and remediation initiative [...]. The third party will be required to establish the root causes [of identified issues] and then address the root causes by linking the affected farms with relevant support services."*

As of 2019 Universal was required by PMI to adapt their sourcing strategy from Malawi to allocate tobacco for PMI only from farmers who do not employ tenants. Malawi has a long history of producing tobacco in a land tenancy system, where tenants grow tobacco on a piece of land of a farmer (the landowner, who himself may have a contract with a tobacco company) and agree to produce a given volume of tobacco for a specific price, mostly at their own risk if the yield turns out low. A 2015 study of the Malawi Centre for Social Concern (CfSC) found that tenancy labor in its current practice is often characterized by exploitative arrangements that marginalize and degrade the workers.<sup>5</sup> In 2016 the Minister of Labor, Youth, Sports and Manpower Development, Henry Mussa, argued that the tenancy system is detrimental to the country's development and that it keeps a large proportion of farm workers trapped under the poverty line.<sup>6</sup>

In order to ensure that no tobacco from tenants would be allocated from Universal to PMI, LLTC had created a list of farms working with tenants, and was using a traceability system in which the bales of tobacco produced by farms with tenants received a different color tag. As a plausibility check, CU verified that LLTC was able to supply the amount of tobacco required by Universal for PMI based on the production by farmers without tenants. However, the system of segregating and tagging was not working properly yet: tenants were found at seven of the 30 farms (23%) visited in this assessment, while none of these farms were supposed to work with tenants, according to LLTC's farm list.

### 1.3. Internal capacity

#### 1.3.1. Dedicated organizational structure

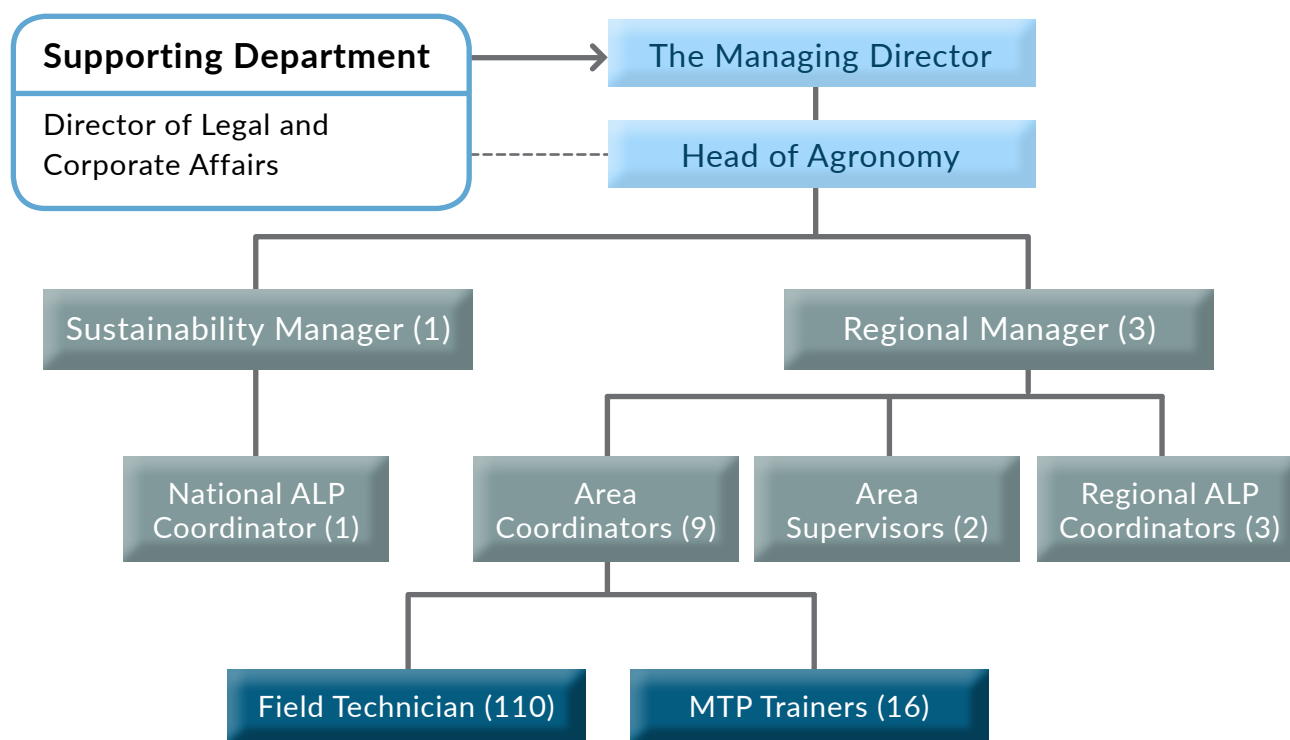
LLTC had set up an ALP team as part of its agronomy department, including a Sustainability Manager and national ALP Coordinator (see graph below). The company had divided the country into three regions (North, Central, and South) and had assigned a Regional Manager and Regional ALP Coordinator to each region. Furthermore, LLTC employed nine Area Coordinators, 16 MTP trainers<sup>7</sup> and 110 field technicians. The field technicians, who served as the link between the management and the farmers, were also part of the internal structure for implementing the ALP Program. The field technicians interviewed for this assessment had an average of 89 farmers (both FCV and Burley) to look after. LLTC worked in close contact with PMI Regional, receiving regular guidance and financial support for the implementation of the ALP Program and specific initiatives.

5. <http://tobacco.cleartheair.org.hk/wp-content/uploads/2016/01/CSC-Malawi-tenant-research-study-2015.pdf>

6. <https://www.business-humanrights.org/en/malawi-tenancy-system-benefits-investors-but-leaves-tobacco-farmers-trapped-under-poverty-line>

7. LLTC had trained a number of field technicians to serve as MTP trainers. Their job was to support the [regional] ALP Coordinators in field technicians trainings.

### Internal structure for ALP implementation



#### 1.3.2. Roles and responsibilities

The Steering Committee, consisting of the senior management staff, was responsible for communicating ALP updates and projects to PMI, and approving and supporting local projects for ALP implementation.

Overall responsibilities of the ALP team included:

- Rolling out the ALP Code, and coordinating the collection of farm data;
- Training field technicians to ensure proper implementation of the ALP Code;
- Testing the field technicians' knowledge through written tests and practical evaluations;
- Validation of field monitoring;
- Creating and updating communication materials to farmers;
- Creating and analyzing documentation for farm monitoring, including the creation and implementation of action plans where necessary;

- Training the MTP trainers and local ALP committees;
- Updating the risk assessment at least annually;
- Implementing and/or supporting projects and initiatives approved by the management team.

Field technicians were in charge of farmer trainings (held individually and in group meetings throughout the season) and were also responsible for visiting and monitoring the farms. It was their task to support farmers in all aspects related to growing tobacco, including: (i) recruiting new farmers; (ii) gathering farm data to complete the Farm Profiles; (iii) visiting farmers to provide production support throughout the season and training them on ALP; (iv) delivering inputs from LLTC to the farms; and (v) monitoring the practices on the farms, reporting situations not meeting the standard and raising Prompt Actions. All interviewees confirmed that their field work had been supervised by their superior. Additionally, the MTP Trainers and the Area Coordinators were paying unannounced visits to the farms to check and validate the data collected by the field technicians.

LLTC's response:

*"LLTC is working towards having the ALP KPIs being included in separate performance evaluations for FTs outside of Mobileaf by 18th October, 2019."*

### 1.3.3. Training and knowledge of the ALP Program

Members of the Management Team and ALP Team received guidance on ALP from PMI Regional. The program had been rolled out through a formal training session in 2011. Management staff had sufficient understanding of the main purpose and content of the ALP Program. Awareness was highest regarding the Principles of Child Labor, Income and Work Hours, and Safe Work Environment; however, Terms of Employment was mostly not understood as the requirement to inform workers on their legal rights.

The field technicians received an annual refresher training at the beginning of the season from the MTP Trainers and regional ALP Coordinators. The field technicians' knowledge was tested through written tests. After passing the written test each field technician was assessed in a practical evaluation by a superior during their farm visits.

CU's assessment of field technicians' knowledge of ALP Code Principles showed the following results:

1. **Child labor:** All of the nine field technicians interviewed by CU were aware of the meaning of this ALP Code Principle. Furthermore, they were all aware that the minimum age had been raised to 18. When asked about hazardous tasks, stringing was generally not mentioned.
2. **Income and work hours:** In general, the field technicians had an adequate understanding of this ALP Code Principle. All field technicians knew the correct legal minimum wage for Malawi. All field technicians were aware of the allowed work hours. Knowledge on overtime regulations and overtime payment was limited; none of the field technicians mentioned the correct overtime rate.
3. **Fair treatment:** All field technicians could provide a basic explanation of this ALP Code Principle, but none provided a full explanation. Six field technicians (67%) mentioned that there should not be any discrimination or unequal treatment. Eight field technicians (89%) mentioned that there should be a respectful treatment of workers without verbal or physical harassment or abuse. However, none mentioned the need for a support mechanism or that farmers must make themselves available to workers who want to discuss potential grievances.
4. **Forced labor and human trafficking:** Seven field technicians (78%) could give a basic explanation of this principle, mentioning mostly that workers should be free to leave their job or that work should be voluntary (56%), that workers should not be working under a debt or bond (22%), that wages should be paid directly to the workers (22%), and that farmers should not retain their workers' identity documents (11%). However, none mentioned that payments should not be withheld, or that workers should not be required to pay any financial deposits.
5. **Safe work environment:** With regard to this Principle, the field technicians mainly mentioned that the workers' accommodations should meet the minimum standards (78%), and that PPE should be worn when applying CPA (67%) or during harvesting (33%). Two field technicians (22%) mentioned that farmers should provide clean drinking and washing water to their workers. None of the field technicians mentioned that empty CPA containers should be triple-rinsed and punctured before disposal, or that farmers should observe a re-entry period after CPA application.
6. **Freedom of association:** All field technicians had an adequate understanding of this ALP Code Principle.

7. **Terms of employment:** This principle was mostly understood as complying with the local laws or having a written contract in place. Only one field technician (11%) mentioned that farmers should inform workers of their legal rights and employment conditions.

LLTC's response:

*"LLTC has a Modular Training Program (MTP) in which all field staff are trained on ALP. FTs training is continuous with formal training happening at least twice a year. [...] LLTC will continue to ensure FTs are continuously trained on all ALP principles and systematic farm monitoring with more focus on practical assessments by the ALP Coordinators on how information is communicated to farmers on the ground"*

#### 1.3.4. Internal communication

The regional ALP Coordinators called each other every week to discuss the latest developments in their regions. The national ALP Coordinator held quarterly meetings with the regional ALP Coordinators. Additionally, the regional ALP Coordinators regularly traveled to different area offices to discuss relevant issues with the field technicians. Each area office held monthly meetings with their field technicians, which included discussion of ALP-related topics. In order to develop and implement the new Step Change goals, regular meetings were held between the ALP team and the senior management. Informal communication among colleagues in the different local offices took place on a frequent basis.

The Steering Committee met at least three times per year. In preparation for these meetings the national ALP Coordinator produced reports, including a progress analysis on ALP implementation. These reports were sent on to Universal Leaf and PMI Regional after approval by the Steering Committee.

## 1.4. Communication of the ALP Code requirements to farmers

### 1.4.1. Communication strategy and tactics

LLTC started to communicate the ALP Code to farmers in 2011/2012. At the time of the assessment, communication efforts were focused mainly on topics related to the four prioritized Step Change goals, and in general on the Principles of Child Labor and Safe Work Environment, as these were considered the most important areas for improvement.

To communicate the ALP Program to farmers, family members and workers, LLTC was using several different methods: direct communication and training, written information materials, and local ALP committees.

- **Direct communication and training through farm visits:** On average, field technicians visited each farm at least five times per season for ALP-related training and monitoring, in addition to visits for technical and agronomic support.
- **Farmer group meetings:** LLTC organized a minimum of five farmer group meetings per season, one for every crop stage, including group trainings and group visits to different farms.
- **Written communication materials:** LLTC had developed three posters which explained various topics in comic form: one on child labor, one on GTS, and one on CPA storage and application. CU observed that the pictures were self-explanatory and made the topics understandable to people of all literacy levels. However, the posters lacked important legal information such as the minimum working age.

LLTC's response:

*"[LLTC will] amend its child labour comic with the minimum legal working age of 18 years old [and] distribute to all farmers."*

In addition to the posters, LLTC had created a leaflet presenting all seven ALP Principles, the four Step Change goals and various initiatives started by LLTC. This leaflet had already been updated to the revised version (2018) of the ALP Code and included legal information such as the legal minimum wage and the minimum working age; however, information on overtime regulations was lacking. Finally, LLTC provided contract templates to farmers with hired labor, which included basic legal information. This was part of LLTC's policy to promote the use of written contracts (even though Malawi law only required a written statement, as opposed to a formal contract).

- Local ALP committees:** To communicate with farmers, LLTC also made use of local ALP committees. These were local groups that gave training and advice to farmers and also were intended to act as mediators in case of disputes.

The members of these committees were selected by the local farmers; these committees aim to include one village development representative and two workers' representatives, in addition to six other members (mostly farmers).

The following table shows the level of awareness among the interviewed farmers, family members and external workers with regard to the ALP Code Principles. In line with LLTC's communication focus areas, the highest levels of awareness were found for the topics of Child Labor and Safe Work Environment, followed by Income and Work Hours. However, awareness among workers was lower than among farmers, and non-existent among family members. This indicates that the field technicians mostly focused on the farmers and generally did not include workers or family members in their trainings or discussions at the farm.

Level of awareness of ALP Code Principles\*

	Farmers (30)	Family members (10)	External workers (52)
Child labor	27 (90%)	-	29 (56%)
Income and work hours	24 (80%)	-	12 (22%)
Fair treatment	11 (37%)	-	3 (7%)
Forced labor and human trafficking	4 (13%)	-	2 (4%)
Safe work environment	25 (83%)	-	17 (33%)
Freedom of association	9 (30%)	-	2 (4%)
Terms of employment	7 (23%)	-	6 (11%)
None of the above	-	10 (100%)	17 (33%)

\* Note that these data only show whether the interviewees remembered the principles, and not whether they fully understood their meaning.

Interviewees who were aware of (at least some aspects of) the ALP code were also asked how they learned about it. As the table below shows, verbal communication efforts were generally more effective than written materials.

### Means of communication through which the ALP Code was received

	Farmers (30)	External workers (35 out of 52)*
Directly from the field technician	23 (77%)	11 (31%)
Farmer group meeting	24 (80%)	-
Poster/Brochure	3 (10%)	2 (6%)
Verbally from the farmer	n.a.	33 (94%)

\* Family members are not included in this table because they were not aware of any of the ALP Principles, see previous table

#### 1.4.2. Farmers' responsibilities

At the beginning of each crop season, farmers signed a new growing contract with LLTC. This contract stated the requirement to comply with the ALP Code and that failure to meet the contract requirements could lead to contract termination. At the time of the assessment no contracts had been terminated for ALP reasons.

##### LLTC's response:

"During the farmer registration period, LLTC will be assessing farmer's ability to meet standards expected under the ALP Step Change approach. The FT will sensitise the farmer on the said 4 key priority areas and review the number of children on the farm, the farmer's financial status as regards engagement of labour, status of accommodation for workers and required PPE for a safe working environment. When gaps are identified, the FT will make appropriate recommendations to enable the farmer to meet the required standards. If the assessment reveals that even with appropriate measures, the farmer will not meet the standards, the farmer will not be contracted for the season.

*Farmers will be required to disclose any risk areas or areas for potential breach to enable FTs to provide the required support beforehand. Farmers will be required to assess workload requirements based on farm size to ensure they employ the appropriate number of employees. For the number of children found on the farm, the FTs will review the farmer's adherence and commitment to sending those that are of school going age to school.*

*From CY 2020 LLTC will terminate farmer contracts for recurrence of ALP breaches. This will be based on the implementation of a "Discipline Matrix" (See Appendix I, 2.6.3)"*

#### 1.5. Internal monitoring: data collection, accuracy, and addressing issues

At the time of the assessment, LLTC was collecting three types of ALP-related data from the farms: socio-economic information (Farm Profiles), situations not meeting the standard, and Prompt Actions. All information was collected digitally in the Mobileaf system. Field technicians had to visit each farm at least five times per season for

monitoring, but usually they would visit the farms more frequently (e.g. for technical support unrelated to ALP).

### 1.5.1. Socio-economic data: Farm Profiles

The socio-economic information for Farm Profiles was collected at the beginning of each season during the contracting period and was updated after every visit by the field technicians. For all farms visited by CU, updated Farm Profiles were available.

When comparing the data reported in these profiles to actual farm situations, CU found that eleven profiles (37%) did not fully correspond with the situation observed at the farm. In general, temporary workers (who were hired for a short period, i.e. not seasonal) were not recorded in the profiles, as their numbers could differ from day to day.<sup>8</sup> However, this meant that some farms were incorrectly classified as family farms while in reality they hired temporary workers during harvesting and curing. Furthermore, at four farms (13%) the number of seasonal workers living on the farm did not match, and none of the seven farms with tenants (23%) were classified as tenant farms in the Farm Profiles. Finally, at one farm (3%), one of the farmer's wives was missing from the profile.

LLTC's response:

*"LLTC will, through the MTP trainers and ALP Coordinators, conduct farm profile data verification from November to February 2020 on 5% of the farms."*

### 1.5.2. Systematic monitoring: situations not meeting the ALP Code standards

Situations not meeting the standard were not monitored or documented in a systematic way (there was no procedure for this in the Mobileaf

system). After each farm visit, the field technicians only had to enter into the Mobileaf system which Principles they had discussed with the farmer. Here, the system differentiated between family farms (where technicians had to discuss Child Labor and Safe Work Environment) and farms with workers (where they had to discuss all Principles).<sup>9</sup> The field technicians only had to file a report when they observed a Prompt Action.

LLTC's response:

*"LLTC has developed a booklet to be used by FTs to record systematic farm assessment findings. [...] The booklet will contain [...] information [on] [...] whether the farmer is meeting the standards, if yes, why and if not why (5 whys analysis). [...] ALP Booklets have been developed and distributed to all FTs. These will enable FTs record findings of issues on the farm and leave copy with the farmer as a record. Farmers will acknowledge the findings by signing and agreeing on action plans with the FTs."*

From February to April 2018 LLTC had conducted a survey among all farmers with hired labor to gain insight into payment schemes and working and living conditions. This baseline study was used by LLTC as an additional tool for understanding the farm situation. And while this gives a good insight into the situation in the field, it does not replace a documented farm-by-farm monitoring throughout the entire season which is expected of all Suppliers.

### 1.5.3. Prompt Actions

The reporting procedure for Prompt Actions consisted of several steps. After identification of a Prompt Action, the field technician had to stop the activity, inform the farmer, agree on an action plan, and write a report in Mobileaf. Within six weeks the field technician had to pay an unannounced follow-up visit and—if the issue was addressed—close the

8. For farms where workers were hired on a daily basis, it was challenging to keep the Farm Profile up to date in terms of the exact number of workers.

9. CU notes that this system relies on an accurate classification of farms. However, a few farms in this assessment were found to be incorrectly classified (see Chapter 1.4.1).



Prompt Action. As of 2019, severe breaches such as forced labor and child labor also had to be reported to the District Labor Office (DLO) or the village chief.

All of the nine field technicians interviewed by CU were aware of the procedure for follow-up and the required timeframe. The majority (67%) had a correct understanding of the meaning of Prompt Actions, but three (33%) described it as any situation not meeting the standard. At the time of the assessment a total of 1,234 Prompt Actions had been reported by the field technicians for all LLTC contracted farmers in Malawi; these were related to child labor (10%), income and work hours (<1%), and safe work environment (<90%). This number shows that LLTC's field technicians were actively monitoring and reporting on the ALP Code, even though there was no procedure for documented monitoring in Mobileaf (see 1.4.2).

Two of the farms visited by CU had a reported Prompt Action. Both Prompt Actions were related to workers' accommodation and had not yet been closed, because the issues were not easy to fix. One of the two farmers was unaware of the raised Prompt Action. The field technician in question said that he had not told the farmer since there was no easy way to solve this problem and therefore he did not see the need to inform the farmer. This indicates a limited follow-up on open Prompt Actions by LLTC.

LLTC's response:

*"All FT's have been re-trained on Prompt Actions and its guidelines. A written assessment was also conducted to assess FTs understanding of the guidelines. FTs were further advised to ensure that farmers are [aware] of situations identified on their farms, even in their absence."*

#### 1.5.4. Data management and analysis

Field technicians were responsible for updating the Farm Profiles and inserting any findings on the ALP Code after every visit, using the Mobileaf

system on their tablet or smartphone. The inserted information was downloaded every week for analysis by the regional ALP Coordinators, who also compiled the data into monthly regional reports that covered topics such as training, Prompt Actions and stakeholder engagement. The head office was also able to generate overview graphs and tables of all farm data captured, including Prompt Actions, using Business Intelligence software.

CU observed that Mobileaf did not allow field technicians to see the Prompt Actions reported in previous seasons. This may limit their ability to make an in-depth analysis of the issues observed, especially when they have not worked with the farmer in question before and are therefore not aware of past incidents.

#### 1.5.5. Improvement plans for individual farms

In case of an identified incident or Prompt Action, the field technicians had to fill out a report in Mobileaf and agree on an action plan with the farmer. In most cases these plans focused on reminding and educating the farmer about the correct practices, rather than analyzing root causes and developing corrective actions to address these causes. Nonetheless, the field technicians had some influencing options in the form of a "toolbox" of measures, including incentives (e.g. higher tobacco quota), discouragement (e.g. contract termination), provision of training material, and additional support through Village Savings and Loan Associations (VSLAs), Community Based Child Care Centers (CBCC) or other projects in the region.

#### 1.6. Address systemic and/or widespread issues

Based on the risks and issues identified (see Chapter 1.2), PMI's leaf tobacco suppliers are expected to address systemic and/or widespread issues in their supply origins through operational initiatives, community programs (which may be supported by a financial contribution from PMI) and engagement with key stakeholders.

At the time of the assessment, LLTC was implementing the following operational initiatives within the geographical scope of this assessment:

- **Worker contract templates**

In order to help formalize employment and support farmers and workers in their agreements, LLTC provided contract templates to farmers with hired labor. All farmers visited by CU had received the contract template, and it was used by 13 farmers (43%) used it. The main reason for this low usage, according to the farmers interviewed, was that they had already hired their workers when the contract templates finally arrived. The majority of farmers (83%) reported to find it useful to have contracts, as these provided clarity for both sides. However, some farmers mentioned that it was difficult to agree on a wage with the workers before they knew what price they would receive for their tobacco at the end of the season. The contract template included a table for recording worker attendance (hours worked) and cash advances and in-kind payments such as food and soap. Although the time-attendance table was not widely used, the table for cash advances and in-kind payments was filled in at most farms.

- **Village Savings and Loan Associations (VSLAs)**

The VSLAs, locally known as “village banks”, were local women groups formed with the purpose of saving money and providing small loans. The women received trainings from LLTC on the VSLA concept, business planning and financial literacy and were encouraged to start their own small businesses (e.g. growing and selling peanuts) with the help of microloans. At 15 farms visited by CU (50%) the woman of the house (farmer or farmer’s wife) participated in a VSLA. All considered this initiative useful, mostly because it provided easy access to loans or a good way to save money. Two women had successfully set up their own business with money from the VSLA; the other women reported to use the loans to buy corn fertilizer, to pay daily labor, or as a backup for difficult times. The women who did not participate gave various reasons, including a lack of funds for the weekly

contributions, a distrust in saving associations based on bad experiences or stories, or because they felt they did not need it.

Three other ongoing initiatives, which will be discussed in more detail in Chapter 2 (Farm Findings), were:

- **Provision of improved PPE for CPA application**, with new gloves, dust masks and aprons (see Chapter 2.5 and pictures in Appendix IV);
- **Provision of gloves specifically for handling green tobacco leaves**. These special gloves were a new initiative; the recommendation was four pairs of gloves per contracted hectare (see Chapter 2.5);
- **Setting up and training local ALP committees to provide a support mechanism** in all operation areas (at least one committee per field technician) (see Chapter 2.3).

LLTC’s response:

*“During the farmer registration period, LLTC will be assessing farmer’s ability to meet standards expected under the ALP Step Change approach. The FT will sensitise the farmer on the said 4 key priority areas and review the number of children on the farm, the farmer’s financial status as regards engagement of labour, status of accommodation for workers and required PPE for a safe working environment. When gaps are identified, the FT will make appropriate recommendations to enable the farmer to meet the required standards. If the assessment reveals that even with appropriate measures, the farmer will not meet the standards, the farmer will not be contracted for the season.*

*Farmers will be required to disclose any risk areas or areas for potential breach to enable FTs to provide the required support beforehand. Farmers will be required to assess workload requirements based on farm size to ensure they employ the appropriate number of employees. For the number of children found on the farm, the FTs will review the farmer’s adherence and commitment to sending those that are of school going age to school.”*

## Chapter 2

# FARM-LEVEL ASSESSMENT OF WORKING CONDITIONS REGARDING THE ALP CODE STANDARDS



**EXTERNAL ASSESSMENT**  
Virginia Flue-Cured farmers in Mzimba South and Kabwafu

This chapter describes CU's assessment of the working conditions on farms with regard to the ALP Code Principles and Measurable Standards. ALP Code Principles are short statements designed to guide farmers on specific practices, resulting in safe and fair working conditions. A Measurable Standard defines a good practice and over time can be objectively monitored to determine whether, and to what extent, the labor conditions and practices on a tobacco farm are in line with each ALP Code Principle.<sup>10</sup>

## 2.1. ALP Code Principle 1: Child labor

*There shall be no child labor.*

### Main findings and challenges

#### 2.1.1. Children working and activities performed

At three farms (10%) evidence was found of children below 18 years of age being involved in tobacco production.<sup>11</sup> At one farm, five family children aged 11 to 16 were helping with carrying and stringing tobacco leaves; two of them were also involved in harvesting. At the second farm, three children aged 10, 11 and 13 were helping with stringing and carrying tobacco. These were the children of a tenant, and they said that it was normal for them to help. Finally, at the third farm the 17-year old wife of a worker was helping her husband with his work. She was not paid for this work.

### Underlying factors that increase risk

CU identified four underlying factors that increased the risk of child labor:

1. Awareness of the legal minimum working age was limited. Six farmers (20%) and workers at eleven farms (37%) said they did not know what the correct legal minimum age was. Furthermore, carrying tobacco or helping with stringing was generally not considered to be hazardous work, and therefore viewed as a good task for children.
2. Involving children in farm work is still common practice in Malawi. Children are expected to support the family income and share in the workload. CU observed children helping in tobacco at several neighboring farms (not necessarily contracted by LLTC).
3. In Malawi, child marriage is widespread: 42% of girls are married before the age of 18, and one in ten are married before their 15th birthday.<sup>12</sup> It is common for wives to help their employed husbands, also in tobacco (see Chapter 2.3).
4. Farmers want to teach their children how to farm, because school education may not ensure a job.

### Analysis and priorities

Elimination of child labor was one of LLTC's main focus areas. At the time of CU's assessment, the legal framework had just been re-interpreted to define child labor in a stricter way and the topic was also emphasized in the LLTC's communication materials and trainings. However, in Malawi many families are living below the poverty line (see Market and Company Background) and children are expected to contribute to the family income. Additional efforts from LLTC are needed in order to reach their goal of eliminating child labor.

10. The scope and methodology of the assessment are described in Appendix II.

11. Based on a reinterpretation of Malawi law, LLTC had communicated to their farmers that no person under 18 years of age would be allowed to work in any tobacco-related activity, as of the 2018-2019 crop year. Therefore, this report considers all tobacco-related work under 18 as child labor (including non-hazardous, light work allowed by the ALP Code for children between 15 and 18).

12. <https://www.girlsnotbrides.org/child-marriage/malawi/>

LLTC's response:

*"Establishment and support of 3 Community Based Child Care Centers (CBCCs) in Dowa, Lilongwe and Ntcheu [prior to the assessment]. Care givers at the CBCCs are provided with training. The Centre is provided stationery for use and food for the pupils. [...] LLTC has budgeted for construction of another CBCC in CY 2020.*

*In addition to the ongoing initiatives (see Annex I, 3.1.3) [...] LLTC will be implementing a number of initiatives under the ALP Step Change approach targeting root causes of child labour in tobacco farms:*

*Engagement with District Labour Office (DLO) through the Ministry of Labour to follow up on reported issues on child labour (to start by October 2019).*

- The DLOs will conduct unannounced farm inspections in order to enforce compliance.*
- DLO engagement will also include conducting community awareness sessions so that workers and other people in the community benefit from their presentations.*

*A pilot School feeding program at Chulu Primary School in Dowa (Central Region)*

- Children will be provided with a meal when they report for school.*
- LLTC will require the community to provide land where the school will grow corn and groundnuts for the meal to be provided.*
- LLTC will engage a third party to assist in implementing the initiative. An assessment will be made after the pilot period on whether the model is self-sustaining for the community.*

*Implementation of a pilot after school activities at Chulu Primary School in Dowa*

- LLTC will provide the selected school with sports materials for Football and Netball games and other play materials. Trainings will also be organized for teachers on coordination of physical education and other activities."*

## 2.2. ALP Code Principle 2: Income and work hours

*Income earned during a pay period or growing season shall always be enough to meet workers' basic needs and shall be of a sufficient level to enable the generation of discretionary income. Workers shall not work excessive or illegal work hours.*

### Main findings and challenges

#### 2.2.1. Payment of workers

All farms visited by CU worked with hired labor. Many of these farms employed more than one type of worker, including tenants, seasonal workers and temporary (daily or weekly) workers. At eight farms (27%) at least one of the workers did not earn at least the legal minimum wage<sup>13</sup>. On most farms, workers were provided with food (prepared meals or maize and salt) and accommodation where needed. Four farmers (13%) deducted these in-kind payments from the final cash payment<sup>14</sup>. It was not possible for workers to refuse the in-kind payment in order to receive the full amount in cash.

13. The legal minimum wage in Malawi is 962 MWK per eight-hour-working-day

14. LLTC communicated to farmers that in-kind payment was allowed up to 50% of the total wage. For legal details, see Appendix III

For the purpose of this assessment, workers' incomes were calculated as wage per month. If workers were employed on a daily basis their income was extrapolated to a monthly wage based on a full working week (eight hours per day, six days a week).<sup>15</sup> The table below shows the calculated pay rates in three categories (below the minimum wage, at the minimum wage, and above the minimum wage) and the number of workers receiving this pay rate. Note that tenants are not included in these numbers; their situation is discussed further down this section. In addition, workers at two farms are not included in this table, because the farmers in question had not yet agreed on a wage for the season, stating that it was difficult to do this if they did not know yet how much they would receive for their tobacco.

Furthermore, the table differentiates between workers receiving the full payment in cash as specified in their contract (without deductions for the food and soap provided) and workers for whom the cost of food and soap was deducted from the total wage specified in their contract. Note that accommodation was provided free of charge and no fees were being deducted for this. The table shows the range of salaries paid per contract and the range of deductions as documented by the farmer. This data shows that 11 (31%) of the 35 workers for whom the salaries could be calculated were paid below the minimum wage. As mentioned above, they were working at eight different farms (27%).

	Breakdown of calculated salaries (MWK/month)			Salary range (MWK/month)		
	< 25,000	=25,000	>25,000	Min. salary	Max. salary	Average
Without deductions (N=28)	11 (39%)	2 (7%)	15 (54%)	13,000	40,000	25,340
With deductions (N=7)	0	1 (14%)	6 (86%)	25,000	37,500	31,305
Deductions				8,421	12,000	10,807

The tenant workers (who were found at seven of the 30 farms visited) did not have a fixed income. In most cases they had one hectare of land for growing tobacco and expected to produce between 17 and 20 bales (about 100 kg each) for which they hoped to receive between 22,000 and 25,000 Malawi Kwacha (MWK) per bale, amounting to 418,000 to 500,000 MWK per season (about ten months) as payment for the (usually) two persons working the crop. The Agriculture Research and Extension Trust (ARET) has estimated that the production of FCV tobacco costs 367 man-days per hectare of

tobacco per season. Based on the legal minimum daily wage of 962 MWK, this would amount to a minimum required income of 353,054 MWK per hectare per season. According to this estimation, all tenants at the farms visited by CU would receive the minimum wage this season, but only if they realize the expected yield and tobacco price. These expectations are based on previous seasons and results may differ substantially in the current crop season; in which, for example, due to rain and high humidity more days for curing were required. In addition to this income, tenants usually received

15. Based on the legal minimum wage, the monthly pay should be at least 25,000 MWK

crop inputs, food (maize and salt, not necessarily enough for the season) and a small piece of land for growing their own vegetables, usually free of charge. Only one of the seven farmers with tenants (14%) charged his tenants for food and soap (around 15,000 MWK per month).

At six farms (20%) women were found to be helping their employed husbands (seasonal or temporal workers), mostly with stringing, without pay and without any contract or arrangement with the farmer. The husband also did not receive any extra pay for bringing in helping hands.

LLTC's response:

*"In order to address the gaps identified by the assessment, the following actions will be implemented by LLTC:*

*Training on Financial Literacy and Overtime and Minimum Wage calculations*

- *LLTC has planned for the FTs and farmers to attend a training course on Financial Literacy and Business Planning which will equip them with skills and knowledge on business planning and savings. The FTs will be able to deliver relevant financial information to the other farmers. Knowledge of finances will assist farmers to deal with issues on Income and Working Hours in general terms.*
- *Training farmers on calculation of minimum wage and overtime to be emphasized at the beginning of the growing season.*
- *Inclusion of workers or worker representatives during farmer meetings to ensure awareness of the minimum wage by the workers. This will be for the period September to December 2019 and scheduled on a need be basis thereafter.*

*District Labour Office Engagement*

- *Engagement with DLO will ensure enforcement of standards on Income and Work Hours. Being a government institution mandated to deal with*

*labour law breaches, DLO will ensure that all workers are paid at least the minimum wage and all agreements and negotiations are according to the laws of the country.*

*Enhancement of VSLAs*

- *Enhance VSLAs to enable farmers to pay minimum wage regularly to replace end of season payments. [...] An opportunity was identified to support the VSLAs to become more entrepreneurial by supporting them with access to capital through a partnership with microfinance institutions and linking them with meaningful business opportunities."*

### 2.2.2. Payment schedule

End-of-season payment was practiced at most farms.<sup>16</sup> According to the farmers and workers interviewed, the main reasons for this practice were, firstly, that farmers lacked the money to pay their workers throughout the season, having sufficient cash funds only after selling the tobacco harvest; and secondly, that many of the workers wanted to be paid the full sum at the end of the season to be able to go home with a sufficient amount of money and not spend their wages before that. Although Malawi law allows for end-of-season payment if agreed between employer and employee, the ALP Code advises to pay the salary regularly and at least once a month, to reduce the risk of forced or indebted labor (see also Chapter 2.4).

LLTC's response:

*"LLTC will enhance the bridging finance payments [through cash advances] to farmers from December to April and ensure that the money paid is sufficient for the farmer to afford paid labour for the farmers' land size holding."*

16. Malawi law requires weekly or monthly payment, unless otherwise agreed between employer and employee.

### 2.2.3. Work hours and overtime payment

No evidence was found of farmers disrespecting the legal work hours on a regular basis outside of the harvesting and curing peak. At 26 farms (84%) workers were also involved in curing, in addition to their usual shift. This meant that they had to monitor the curing barns and the fire every two hours (on average) for around seven days in a row, per barn. Only at three farms (10%) curing was paid at a premium,<sup>17</sup> with payments ranging from 1,600 to 2,000 MWK per night of curing. None of the farmers provided overtime pay for overtime unrelated to curing. Often, they considered that overtime work was compensated by the low workdays at the beginning of the season; however, this practice is not in line with Malawi law. At eight farms (27%) overtime was not considered voluntary, as workers upon starting their employment had agreed to be involved in curing; here, the overtime was already included in the working agreement (without additional pay) and workers could not decide to not do the overtime that day. No evidence was found of workers not receiving at least one resting day per week outside of the curing period.

### 2.2.4. Legal benefits

On 20 farms (67%) workers did not get a day off on public holidays, although they were legally entitled to this benefit. According to Malawi law, workers employed less than a year are not entitled to any further benefits. Since all farms visited by CU worked with temporary and seasonal workers (employed for a maximum of 9 months per year), no further benefits were verified in this assessment.

LLTC's response:

*"LLTC will continue to sensitize farmers on the need for workers to have a day off on a public holiday and a day off once a week as a resting day."*

Underlying factors that increase risk

Five farmers (17%) and workers at eleven farms (37%) did not know the legal minimum wage of 962 MWK per day. In addition, knowledge on overtime regulations was very limited.

Analysis and priorities

The ALP Code Principle of Income and Work Hours was a focus area for LLTC and part of the Step Change Goals. However, CU's findings demonstrate that there are still widespread issues related to this topic, especially in terms of pay rates, overtime arrangements, and unpaid labor by workers' wives.

## 2.3. ALP Code Principle 3: Fair treatment

*Farmers shall ensure fair treatment of workers. There shall be no harassment, discrimination, physical or mental punishment, or any other forms of abuse.*

Main findings and challenges

### 2.3.1. Treatment of workers

No evidence was found of sexual or physical abuse on the farms.<sup>18</sup>

However, at one farm (3%) a case of verbal abuse was identified. A worker reported that the farmer would shout badly at him and threaten to fire him when he made mistakes.

### 2.3.2. Discriminatory practices

Two types of discriminatory practices were identified. First, in Malawi it is not common practice to employ women in tobacco, particularly for curing. Most women were hired (for activities other than

17. Under Malawi law overtime should be paid at 1.5 times the normal pay during the work week

18. See Appendix III for legal details on fair treatment.



curing) only if they were the wife of a worker, and mostly on a daily basis and on a verbal agreement. Secondly, especially in the case of tenants, it is common practice in Malawi to only employ the man, as head of the family, and not his wife, even though she usually helps her husband in tobacco production. These women are left empty-handed when something happens to their husband (see Chapter 2.4.1).

### 2.3.3. Support mechanism

Support mechanisms facilitate workers' access to information, assist workers in difficult situations, and mediate disputes between farmers and workers. Suppliers in origins from which tobacco is sourced for PMI are expected to ensure that farmers and workers have access to such a mechanism.

During the last years LLTC had implemented a large number of local ALP committees to provide a support and grievance mechanism in all regions. In total, the company had set up 318 committees including 1,380 committee members across Malawi. Committee members were selected by local farmers, and the aim for each committee was to include at least one worker representative and one member of the village development center to make the committee more approachable for workers. It was their task to mediate disputes between farmers and workers and to follow-up on the solutions agreed. In this role they were also to act like social workers, actively approaching persons on the farms to find about any ongoing issues. In addition, their task was to support farm monitoring and to inform the field technician in case of any identified Prompt Actions. At the time of the assessment LLTC was planning to hire a social consultancy firm to give social worker trainings later in 2019, in order to provide committee members with the necessary soft skills and knowledge on how to handle sensitive topics.

Among the farmers visited by CU, eleven (37%) were aware of the support and grievance function of the local ALP committees. The other farmers

only knew about the committee's training and monitoring function, if they had heard about the committee at all. Among the workers interviewed, only one worker (at one farm (3%)) knew about the ALP committee; in this case the farmer was the local committee's secretary. None of the workers had used the support mechanism so far. All farmers who knew about the support mechanism were asked about their opinion, and all stated they felt that the committee members were very accessible and active in their approach. When asked about how to address grievances, most farmers (including those who did not know about the support mechanism) mentioned that they would most likely talk to the field technician or approach the local chief.

To complement the work of the local ALP committees, LLTC was planning to set up a toll-free support line in collaboration with AOTM. The idea is that farmers and workers can call this line to ask for support and discuss grievances, and that the counsellors will mediate and solve these issues together with the local ALP committees.

The ALP Code requires access to a fair, transparent and anonymous grievance mechanism. At the time of the assessment this requirement was not yet fulfilled, as the local ALP committees could not ensure anonymity and also were not independent, given that they mainly consisted of farmers. Nevertheless, LLTC's current plan to expand and integrate the two approaches (toll-free line and local committees) is a potentially effective option, considering that the ALP committees know the local people and rely on culturally accepted structures (which makes it easier to mediate and solve grievances), while the toll-free line can provide anonymity and fair and independent counsel.

In addition to a formal support mechanism, the ALP Code requires that farmers should make themselves available to their workers to discuss potential grievances. No cases were identified where farmers were unavailable to their workers.

## Analysis and priorities

This principle was not a focus area for LLTC. Nevertheless, the company was taking important steps towards setting up a locally accepted support mechanism. Together with raising further awareness among farmers, workers and family members, these efforts will increase the possibilities for offering support in case of conflicts and promoting respectful cooperation between farmers and workers.

### LLTC's response:

*"In order to cover the gaps identified by the assessment under fair treatment, the following actions will be implemented by LLTC.*

*DLO inspections to include checking of fair treatment related measurable standards*

- *The DLOs will conduct unannounced farm inspections in order to enforce compliance (5% of farmers allocated to each FT to be covered in the inspection)*
- *DLO engagement will also include conducting community awareness sessions so that workers and other people in the community can benefit from their presentations.*

### *ALP Committee Engagement*

- *Farmers and workers to be informed of the roles and responsibilities of ALP Committees at the beginning of the season. ALP Committees to be more empowered through provision of resources and more training*
- *LLTC will empower ALP Committees through more trainings and with resources such as hardcovers, pens and rulers to ensure they are able to provide grievance mechanism support (to be complete by November 2019)"*

## 2.4. ALP Code Principle 4: Forced labor and human trafficking

*All farm labor must be voluntary. There shall be no forced labor.*

### Main findings and challenges

#### 2.4.1. Involuntary labor

No evidence was found of forced or indebted labor. Furthermore, no evidence was found of contracted prison labor, of workers being obliged to hand over their original identity documents or having to pay a financial deposit.

However, CU observed that the tenancy system carries an inherent risk of forced labor. Due to the nature of their contract, tenants cannot leave the farm before the crop is sold at the end of the season, otherwise they will not receive any money. Furthermore, the tenant system usually only employs the man, as head of the family, and not his wife, even though she usually helps her husband in tobacco production. These women are left empty-handed when something happens to their husband, which increases the risk of forced labor.

### LLTC's response:

*"LLTC has now changed its policy towards the use of tenant labour by contracted farmers. LLTC will no longer contract with farmers using tenant labor and will therefore not enforce the TMS [Tenant Minimum Standards]. It will be easier to monitor regular payment of wages than to monitor tenant labor."*

## 2.4.2. Indirect payment

In addition to the already mentioned indirect payment of tenant wives at seven farms (23%), indirect payment was also identified at two other farms, where couples were hired but the wages were always paid to the husband as head of the family. The persons in question all declared to CU that they would share their income. Indirect payment is seen as a risk of forced labor and farmers should ensure direct payment to all workers individually.

LLTC's response:

*"Going forward [...] LLTC will advise farmers to engage spouses independently and to pay them directly as any other farm worker."*

### Analysis and priorities

This principle was not a focus area for LLTC. Although widespread issues were not identified by CU, the vulnerable situation of tenants and women, in particular, requires continued and in depth monitoring by the field technicians.

## 2.5. ALP Code Principle 5: Safe work environment

*Farmers shall provide a safe work environment to prevent accidents and injury and to minimize health risks. Accommodation, where provided, shall be clean, safe and meet the basic needs of the workers.*

### Main findings and challenges

#### 2.5.1. Training and awareness of GTS

Awareness of GTS was high among farmers. All farmers were aware of the existence and avoidance

of GTS; however, at six farms (20%) at least one person handling green tobacco was not trained on avoidance of GTS. GTS training was provided by the farmers to the persons on the farm. Generally, farmers had a better knowledge of GTS than family members and workers. The workers wives who helped their husbands without a formal employment arrangement usually had not received any training on GTS.

Despite the existing awareness, PPE use was limited. At none of the farms visited, complete sets of PPE were worn at all times by all persons handling green tobacco. During harvesting, the majority of persons involved (86%) were wearing at least long sleeves (see Table below). However, stringing and carrying tobacco was not considered a hazardous activity in relation to GTS, and usage of PPE (or simply wearing long sleeves) was therefore very limited for these tasks, indicating a lack of understanding of the causes of GTS. CU observed two pregnant women and one nursing woman handling green tobacco while wearing incomplete PPE.

Use of protective clothing during harvesting	(n=28)
Complete protective clothing (Long sleeves, long pants, gloves, shoes, and rain gear in case of wet tobacco)	2 (7%)
Long sleeves, long pants, shoes, rain gear	1 (4%)
Long pants, gloves, rain gear, shoes	4 (14%)
Long sleeves, long pants, gloves	6 (21%)
Long sleeves, shoes, rain gear	1 (4%)
Long sleeves, gloves, rain gear	1 (4%)
Long sleeves, gloves	7 (25%)
Long sleeves	4 (14%)
None of the above	2 (7%)

As can be derived from the table above, gloves were not being worn at nearly one third of the farms. The main reasons given by the interviewees were that it was new for workers to wear gloves for handling green tobacco, and that it was uncomfortable and impractical to do harvesting and stringing while wearing gloves.

### 2.5.2. Training and handling of CPA

Like for GTS, safety awareness with regard to handling CPA was high among both farmers and workers, although they did not consistently act on this.<sup>19</sup> All persons handling or applying chemicals reported to have received a training. No evidence was found of persons applying CPA without any protective equipment.<sup>20</sup> LLTC provided rubber gloves, plastic aprons, goggles and dust masks to the farmers<sup>21</sup>. Boots were not provided; however, at most farms (22, or 73%) boots or shoes were being worn by the person applying the CPA. In terms of wearing the equipment provided by LLTC, farmers or workers at 20 farms (67%) mentioned to wear the complete set of PPE. At ten farms (33%) the complete set of PPE was worn except for the apron. No evidence was found of CPA application equipment not being in good condition. At ten farms (33%) evidence was found of persons applying fertilizers without gloves.<sup>22</sup>

LLTC had provided all farmers with a metal box for CPA storage that could be locked with cable ties, and had advised farmers to keep the chemicals out of reach of children, away from residential rooms and livestock housing. However, at nine of the 29 farms where this could be verified<sup>23</sup> (31%) CPA was not stored in a safe and locked storage. At three of these farms the CPA containers were stored in the

farmyard, outside the storage box; at three other farms the storage boxes were unlocked and located in a sleeping area or next to food supplies; and at the three remaining farms the boxes were unlocked and located in an unlocked storage area.

LLTC had set up a system for the collection and safe disposal of empty CPA containers. In their written communication materials LLTC advised farmers to triple-rinse and puncture empty CPA containers and store them out of reach of children until the field technician came to collect them. However, none of the farmers visited by CU correctly followed these instructions. At 19 farms (63%) the empty containers were returned to the field technician without proper rinsing and puncturing, at four farms (13%) the empty containers were thrown into the toilet pit, at three farms (10%) the empty containers were stored unsafely inside the living area, at two farms (7%) empty containers were thrown away outside and lying around openly in the field, and at one farm (3%) the empty containers were burned. Finally, at one farm an empty CPA container was being used to get drinking water, which poses a serious health risk.

Ten farmers (33%) did not know the correct re-entry period after CPA application; three of them (30%) mentioned that there was no risk in entering right away, three others (30%) mentioned a period of four hours, and the remaining four (40%) were not aware of the required re-entry period. None of the farmers used a warning sign to ensure that nobody would enter the field after application; eight farmers (27%) considered it unnecessary to observe or impose a re-entry period, and 22 farmers (73%) reported to inform others verbally and to watch out that nobody would enter the field.<sup>24</sup>

19. It should be noted that the main method to apply CPA at the farms visited was targeted application rather than spraying. Hence, people were less inclined to protect themselves

20. CPA application was not observed during CU's farm visits; hence this evidence is based on what farmers and workers answered to the question "What do you wear when applying CPA?", and on CU's inspection of the state of the PPE present at the farm.

21. For photos of the PPE provided by LLTC, see Appendix IV

22. Fertilizer application could not be observed during the visits and underlies the same limitations as CPA application.

23. At one farm this could not be verified, as the farmer claimed he had never received any chemicals from LLTC

24. It could not be observed whether someone actually stayed around the field to warn trespassers.

LLTC's response:

*"In addition to the efforts [prior to the assessment] LLTC will be implementing a number of initiatives under the ALP Step Change approach targeting root causes.*

- *Enhanced training and monitoring to emphasize GTS symptoms, prevention, CPA handling and use of full PPE.*
- *Further distribution of comics on GTS, CPA storage and PPE usage to all farms.*
- *Farmers to be trained and encouraged to keep tools and equipment safely*
- *Training on rinsing and puncture of CPA containers by FTs, MTP trainers and GAP Coordinators.*
- *Training and monitoring to be done by June 2020*
- *Safe storage of equipment by 2020."*

### 2.5.3. Clean drinking and washing water

No evidence was found of drinking and washing water not being available to family members and workers; however, occasionally workers had to fetch the water themselves or their wives would have to bring it to them. Not all farmers had access to a well or borehole close by; in those cases, the persons on the farm had to use the water from a local stream. None of the farmers had (portable) sanitary facilities at the field. Most of the work, especially stringing and curing, was done at the farmer's house or curing barn. Basic sanitary facilities were available in the living areas in all cases.

### 2.5.4. Workers' accommodation

Among the farms visited by CU, workers' accommodation ranged from single-room huts made of branches and mud, to brick houses with several rooms. In most cases, the rooms were shared (two workers, or one couple). Windows were mostly either fully covered with paper or plastic, or non-existent. Although this made ventilation difficult it was sometimes requested by workers to

prevent theft. Kitchen and sanitary facilities were mostly provided in additional buildings outside the workers' accommodation. Housing was provided to all seasonal workers free of charge.

At five farms (17%) CU considered the housing to be unsafe and not meeting the basic needs of the workers. This evaluation was based on observing clearly unsafe situations such as big cracks in the walls, holes in the roof, and dried tobacco being stored in the workers' bedrooms.

No accommodation was provided to local workers doing the curing; they would sleep next to the curing barn during monitoring breaks. Seasonal workers would do the same if the curing barns were located too far away from the workers' accommodation provided.

LLTC's response:

*"A root cause analysis revealed that farmers were unable to provide standard accommodation to their workers because they cannot afford to buy building materials. [...] LLTC will support the farmers not meeting the standard with cement, Iron sheets and other materials in order to improve the workers' accommodation.*

*The plan is for construction of 700 houses in CY 2019 and 692 houses in CY 2020."*

### 2.5.5. Safety at the farm

At four farms (13%) sharp farming tools were not stored properly but lying around in areas where children were playing. One farmer stored the cups for applying CPA next to the toothbrushes, which presented a risk of persons ingesting chemical residues. None of the farmers had access to a first-aid kit, but all farmers mentioned to be able to provide transport to a medical facility in case of an accident. Furthermore, 19 farmers (63%) mentioned to have resources in case of fire. Mostly this related to having buckets of water.

## Analysis and priorities

Safe work environment, especially PPE use and workers' accommodation, was one of LLTC's focus areas. This was evident in the field, as awareness on this Principle was found to be relatively high among both farmers and workers. Nevertheless, understanding of the causes of GTS was limited to harvesting; many farmers and workers were not aware of the risks involved in stringing or handling green tobacco. Furthermore, even though the number of clearly unsafe accommodations was low, the living conditions observed by CU were mostly very basic; hence, the ongoing efforts of LLTC to improve workers' accommodation deserve to be continued.<sup>25</sup>

LLTC's response:

*"ALP Coordinators and MTP trainers [will] validate [5% of each] FTs monitoring data on PPE usage, storage of chemicals and tools by March 2020."*

### 2.6. ALP Code Principle 6: Freedom of association

*Farmers shall recognize and respect workers' rights to freedom of association bargain collectively.*

#### Main findings and challenges

##### 2.6.1. Workers' right to freedom of association

No evidence was found of farmers disrespecting their workers' right to freedom of association. There were no active labor unions in the region of the assessment. Nevertheless, no evidence was

found of farmers not allowing their workers to discuss common work goals and interests.

## Analysis and priorities

This ALP Code Principle was not a focus area for LLTC as there were no unions or associations active in the region.

LLTC's response:

*"Irrespective of the lack of unions in the communities, LLTC ensured that farmers and workers are trained on Freedom of Association and this was done through the distribution of leaflets to all farmers and also airing of skits on Freedom of Association on ZBS."*

### 2.7. ALP Code Principle 7: Terms of employment

*Farmers shall comply with all laws of their country relating to employment.*

#### Main findings and challenges

##### 2.7.1. Information on legal rights

Typically, farmers informed their workers about the basic employment conditions at their farm, such as the wage they would receive, the hours they needed to work, their tasks, and payment conditions. However, none of the farmers fully informed their workers about their rights in terms of legal benefits, the legal or recommended minimum wage, or the legal minimum rate for overtime hours. This was found to be due to the farmers' lack of awareness that it was their responsibility to provide this information to their

25. Initiatives outside of the regional scope of this assessment, as mentioned in Chapter 1.2; and the accommodation minimum standards set by LLTC

workers. In the cases where the contract template provided by LLTC was used (13 farmers, i.e. 43%), basic legal rights were stated in the copy given to the worker (see Chapter 1.6).

### 2.7.2. Written contracts

Malawi law did not require a formal written contract between farmers and workers, but only a written statement containing the main employment conditions. However, LLTC promoted the use of written contracts and provided a template which included the basic legal rights as well as a timesheet and space for documenting cash advances and in-kind payments. At 21 farms (70%) workers were provided with a written statement or contract. The template of LLTC was used at 13 farms (43%). CU identified four farms (13%) where workers had not received a copy of their contract.

Some farmers mentioned that the contract templates from LLTC had not arrived in time for the hiring season, which explains the relatively low usage of the contract template.

LLTC's response:

*"Going forward, LLTC will [ensure] early distribution of contract templates at the onset of the season, this will ensure that farmers sign contracts at the beginning of their agreement."*

CU noticed that on some farms the contracts did not match with the actual agreement between farmer and worker (especially in the case of tenants) and had only been filled in to meet LLTC's requirements as communicated by the field technician. According to some workers at one farm, their contract had only been filled in the previous week, even though the signed date showed the beginning of the season, several months earlier. Furthermore, at one farm CU observed that the worker's contract had not yet been signed; the reason given was that a witness should be present and that the farmer wanted the

worker's parents, who were living further away, to witness the signing. In terms of positive feedback, interviewees at several farms mentioned that the contract decreased discussions about payment at the end of the season and provided clarity regarding the agreed terms for both sides.

In addition, CU observed that generally only seasonal workers received a written contract; temporary workers usually did not have written contract in place. Furthermore, at six farms (20%) women were found to be helping their employed husbands unpaid and without any contract or arrangement with the farmer (see Chapter 2.2.1).

Lastly, several farmers reported that it was very difficult to agree on a wage with the worker if they did not yet know what price they would get for their tobacco at the end of the season.

### Analysis and priorities

LLTC was actively promoting the use of written contracts and provided farmers with contract templates. Although farmers did not yet fully understand that it was their responsibility to inform workers on their legal rights, increased usage of the contract templates is a first step toward better informing the workers. Furthermore, more effort should be put into improving the rights, direct pay and employment structures for women.

LLTC's response:

*"LLTC will [...] [continue to] train farmers and workers on terms of employment measurable standards"*

*ALP Coordinators and MTP trainers [will] validate [5% of each] FTs monitoring data on [...] employment conditions [and] usage of the templates."*

## Chapter 3

# ALP PROGRAM: FEEDBACK FROM FARMERS, WORKERS, AND OTHER STAKEHOLDERS



### EXTERNAL ASSESSMENT

Virginia Flue-Cured farmers in Mzimba South and Kabwafu



CU asked farmers, family members and workers what had changed on their farms since the start of the ALP Program. The general feeling among farmers was that the ALP Code and LLTC's support had increased the safety on the farm (especially with regard to PPE use), had reduced the incidence of child labor, and had increased the number of children going to school. Most of the feedback was positive and a good relationship with the field technicians was reported in all cases; however, some farmers complained that the contract templates had arrived too late (after the workers had already been hired). One farmer claimed that he had been charged double for his firewood and that he had informed the field technician, but that nothing had been done about it so far.

Workers mostly mentioned that PPE use had increased since the implementation of ALP and that people were more aware that children needed to have a school education. Furthermore, some workers mentioned that they were being treated with more respect and that the relationship between farmer and workers has improved.

Field technicians received feedback from farmers as well as workers and family members during their farm visits. They would discuss their findings, if considered relevant, during meetings with their supervisors. However, there was no structured process for reporting these findings to the ALP team. The focus groups organized by LLTC to discuss root causes provided an additional means for the company to receive feedback.

## Chapter 4

# APPENDICES



## EXTERNAL ASSESSMENT Virginia Flue-Cured farmers in Mzimba South and Kabwafu

## Appendix I – LLTC’s Action Plan 2019

### 1. INTRODUCTION

Limbe Leaf Tobacco Company Limited (LLTC) recognises the Agricultural Labour Practices challenges as identified by Control Union (CU) and is committed to implementing initiatives aimed at progressively eliminating child labour and other forms of labour abuses and risks. Through Universal Leaf Tobacco Inc. (LLTC’s parent company in the USA), LLTC is a member of the Elimination of Child Labour in Tobacco Growing (ECLT) Foundation which is dedicated to improving the lives of children in tobacco growing communities. At national level, LLTC is a member of the National Steering Committee on child labour. For all LLTC contracted farmers, there is a clear prohibition of use of child and/or forced labour and a requirement for strict adherence to fair labour practices as defined by the ALP code requirements.

ALP was initiated in 2012 with the primary purpose of promoting sustainable agronomy and best practices related to progressively eliminating child labour and other labour abuses where they are found and to achieve safe and fair working conditions on all farms from which LLTC sources tobacco. The first phase focused on training farmers and field staff, identifying issues that were contrary to ALP requirements and the collection of farm profile information. In 2013 LLTC piloted Phase 2 of the ALP program. This phase aimed to systematically assess farms and develop individual farm action plans for improvement. Phase 2 pilot was implemented in Dowa and Ntchisi Districts where focus areas were on child labour, safe work environment and the tenancy system. The first two being identified as priorities through reported practices not fully meeting the standards required by the ALP program.

In the crop year (CY) 2019 LLTC contracted 9,359 farmers. The farmers were allocated amongst the company’s 110 Field Technicians (FTs) representing a ratio of 85:1. An average of 6 visits were made per farmer by FTs. The FT’s are required to follow up on the ALP Program, oversee crop management, agronomy practices and farmer forestry activities, facilitate recovery of loans for inputs and delivery of tobacco to markets.

PMI introduced an ALP Step Change Approach in 2018<sup>26</sup>. The new approach aims at focusing on the most recurring and serious issues and developing action plans that address their root causes. Following the introduction of the ALP Step Change Approach, LLTC conducted a baseline survey in all operational areas involving farmers and workers. The objective of the survey was to further understand the payment structure on farms that hire labour, and to verify the living and working conditions for farm workers. Under the survey, it was mandatory for FTs and Regional ALP Coordinators to triangulate information and verify existing conditions of the workers. The survey therefore enabled LLTC to identify recurring issues from which to develop key priority areas alongside concrete action plans for the ALP Step Change targets. The priority areas identified are Child Labour, Income and Working hours and Safe Work Environment (see table below). With the selected focus areas and targeted action plans, this Step Change approach will take ALP adherence to the next level. The table below shows the focus areas and set targets:

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26. Before the 2019 Control Union Assessment

ALP Principle	Focus Area	Target
<b>Child Labour</b>	No hazardous work for children under the age of 18	Zero children performing hazardous tasks in tobacco by 2022
<b>Income and Work hours</b>	Minimum wage for labour	100% adherence by farmers in paying workers at least minimum wage by 2022
<b>Safe Work Environment</b>	Use of Personal Protective Equipment (PPE) for Green Tobacco Sickness (GTS) prevention and Crop Protection Agents (CPA) application	100% of PPE for GTS & CPA availability and usage for workers/farmers by 2020
	Accommodation for farm workers	100% of workers with safe clean accommodation by 2020

## 2. IMPLEMENTATION OF THE AGRICULTURAL LABOUR PRACTICES PROGRAM (ALP)

### 2.1 Commitment to the ALP Program

LLTC is committed to continuously improving the implementation of the ALP program. As mentioned earlier, LLTC conducted a baseline study last year to identify key priority areas for a Step Change. In August 2018, LLTC also conducted a root cause analysis to identify key initiatives that would most effectively further achieve compliance with the principles of the ALP program, especially elimination of child labour and improving work conditions for farm labour. The results of this analysis combined with the farm-by-farm monitoring and past experience in implementing the ALP program in the field, enabled LLTC to identify root causes of the persistent ALP noncompliance. Having identified the priority areas and knowing the root causes of the recurring challenges, LLTC will be able to focus on targeted initiatives that are problem specific and sustainably address these root causes.

### 2.2 Strategy and Objectives

During the previous crop years, focus was on two principles: child labour and safe work environment. These were identified from issues that were reported through the FTs monitoring. Initiatives were therefore targeting these two principles. However, despite the implementation of the initiatives, LLTC continued to receive reports on related ALP issues through FTs hence the LLTC adoption of the ALP Step Change approach. As stated above, this will include enhanced focus on child labour, minimum wage and safe work environment (PPE for GTS and CPA as well as safe accommodation for workers) on the farms. LLTC is committed to eliminating issues in the focus areas and will work with third parties that will support the implementation of some of the initiatives. Having had clearance from the Malawi Competition Commission<sup>27</sup>, LLTC is working with Alliance One Tobacco Limited (AOTM) on some of the projects under the ALP Step Change approach. This partnership will lead to sharing of ideas in the campaign towards the total elimination of unfair labour practices on contracted farms.

27. Clearance was sought from the Competition and Fair Trading Commission of Malawi prior to engagement with AOTM on the ALP Step Change approach. This was to get the approval of the Commission that ALP issues are industry issues and are non-competitive in nature. AOTM is one of the main tobacco buying Companies in Malawi and sharing of common goals under the ALP Step Change approach entails more in achieving fair labour practices in the tobacco industry in Malawi.

## 2.3 Internal Capacity

### 2.3.1 Roles and Responsibilities

As verified during the assessment several people are involved in the implementation of the ALP program both at managerial and junior levels, at head office and in the field. LLTC has an Agronomy Sustainability Manager, an ALP National Coordinator and ALP Regional Coordinators, who are directly involved in the implementation of the program. They are supported in the field by Area Coordinators, Area Supervisors, FTs and ALP Committee members, who all ensure that the ALP Code is being communicated to the farmers, its adherence is monitored and progress of the overall program is reported.

The ALP National Coordinator, ALP Regional Coordinators, Regional Managers and Area Coordinators, have the general responsibility of ensuring that the ALP program is implemented according to the set goals at farm level and providing leadership and guidance as required. All the fore mentioned personnel have ALP Key Performance Indicators (KPIs) included in their performance assessments. For FTs, the ALP KPIs are included in the performance assessments incorporated under the MobiLeaf data collection system. LLTC is working towards having the ALP KPIs being included in separate performance evaluations for FTs outside of Mobileaf by 18th October, 2019.

### 2.3.2 FTs training and knowledge of ALP

LLTC has a Modular Training Program (MTP) in which all field staff are trained on ALP. FTs training is continuous with formal training happening at least twice a year. This is to ensure they are equipped with the right knowledge and skills to enable them discharge their duties effectively. After training, assessments are conducted on knowledge as well as practical application. For the ALP Step Change approach, training will concentrate on the key priority areas mentioned above.

LLTC will continue to ensure FTs are continuously trained on all ALP principles and systematic farm monitoring with more focus on practical assessments by the ALP Coordinators on how information is communicated to farmers on the ground.

During the CY 2018 LLTC engaged Centre for Youth and Development (CYD) to train 48 FTs as trainer of trainers on systematic farm monitoring and probing and triangulation skills. The 48 FTs then trained the remaining 62 FTs. This was in October, 2018.

In July 2019, during the MTP training, FTs were trained on the ALP principles, farm monitoring, ALP Step Change approach which included the four key priority areas, a due diligence process and the discipline matrix.

## 2.4 Communication of the ALP code requirements to farmers

### 2.4.1 Training Methods

There are several methods that LLTC uses to train and engage farmers and the community. These include:

- Radio: radio messages target communities and the nation as a whole as the audience is wider than just LLTC contracted farmers. LLTC uses Zodiak Radio Station (ZBS), which has broad urban as well as rural listenership.<sup>28</sup>

28. The results of a survey conducted in 2016 by Malawi Communications Regulatory Authority indicated that ZBS is at 81.1% in terms of the proportion of individuals listening to a national radio station by geographical and regional location.

- Group meetings with FTs, farmers, farmer spouses and workers.
- Through local ALP Committees: these are community based and target contracted farmers, farmer wives, workers, tenants and children.
- Leaflets and Cartoons: these are distributed directly to contracted farmers.

#### **2.4.2 Farmers Responsibilities**

As part of ensuring farmer adherence to the ALP code requirements and participation in relevant communication initiatives and trainings, LLTC has included ALP related contractual obligations in the supply contract. Farmers' Obligations under ALP include without limitation attending training organized by FTs, training workers and family members on ALP principles and implementing labour practices as required under the Code. From CY 2020 LLTC will terminate farmer contracts for recurrence of ALP breaches. This will be based on the implementation of a "Discipline Matrix" (See 2.6.3).

#### **2.5 Internal Monitoring: Data collection**

Internal monitoring is done in many ways but mostly through farm visits by FTs, data collection and surveys as and when necessary. LLTC's data collection is through Mobileaf and targeted surveys. Mobileaf is a digital farm/farmer data collection tool. LLTC fully implemented Mobileaf in the CY 2016. Since then, Mobileaf has been the primary data collection tool for LLTC's farmer base.

Data collected in Mobileaf for farm profiles includes farmer general information, farmer living conditions, number of adults on the farm (workers and family members), children on the farm (their relationship to the farmer, school enrollment, age and tasks performed by children), workers living and working conditions, categories of workers, assets on the farm, type of land ownership, farm size, other economic activities on the farm, food crops grown, ALP incidences, and field operations (crop stages).

LLTC also conducts surveys when initiating new projects to ensure actions target issues on the ground. Information collected depend on the project to be initiated. As mentioned above, in 2018 a survey was conducted on accommodation and minimum wage for the ALP Step Change Approach. Farmers and workers were involved.

##### **2.5.1 Farm Profile Data Collection**

On an annual basis, LLTC collects farm profile data to enable a clear understanding of the situation on the farm, which then helps the FTs to identify red flags (warning signals for potential ALP breaches) and discuss and advise the farmer on any required changes. Refer to 2.5 above for the type of data collected for farm profiles.

LLTC will through the MTP trainers and ALP Coordinators conduct farm profile data verification from November to February 2020 on 5% of the farms.

##### **2.5.2 Prompt Actions**

During the assessment the majority (67%) had a correct understanding of the meaning of Prompt Actions, but three (33%) described it as any situation not meeting the standard. Two of the farms visited by CU had a reported Prompt Action. Both Prompt Actions were related to workers' accommodation and had not yet been closed, because the issues were not easy to fix. One of the two farmers was unaware of the raised Prompt Action.

In addition, the assessment found that situations not meeting the standard were not monitored or documented in a systematic way (there was no procedure for this in the Mobileaf system). The FT only had to file a report when they observed a Prompt Action.

All FT's have been re-trained on Prompt Actions and its guidelines. A written assessment was also conducted to assess FTs understanding of the guidelines. FTs were further advised to ensure that farmers are of situations identified on their farms even in their absence.

LLTC has development a booklet to be used by FTs to record systematic farm assessment findings. The FTs will be required to leave a copy of the booklet with findings on the farm as proof of issues identified. The booklet will contain the following information: name of person conducting the visit, documents reviewed on the farm, tool box used and whether the farmer is meeting the standards, if yes, why and if not why (5 whys analysis). If a Prompt Action is identified, the FT will be required to record in Mobileaf as well for the Prompt Action processes to follow.

ALP Booklets have been developed and distributed to all FTs. These will enable FTs record findings of issues on the farm and leave copy with the farmer as a record. Farmers will acknowledge the findings by signing and agree on action plans with the FTs.

## **2.6 Addressing Systemic Issues**

### **2.6.1 Coordination and Remediation**

As part of the ALP Step Change approach, LLTC will be addressing the root causes of ALP issues that are commonly identified on farms. To address these issues LLTC is planning to engage a third party for the coordination and remediation initiative under the ALP Step Change approach. Under this initiative, the third party identified will be specialized and will provide social support where required.

FTs will conduct farm visits and report on issues as is required of them and when issues on child labour and no payment of minimum wage are identified, these will be forwarded to the third party. The third party will be required to establish the root cause and then address the root causes by linking the affected farms with relevant support services.

### **2.6.2 Due Diligence**

During the farmer registration period, LLTC will be assessing farmer's ability to meet standards expected under the ALP Step Change approach. The FT will sensitise the farmer on the said 4 key priority areas and review the number of children on the farm, the farmer's financial status as regards engagement of labour, status of accommodation for workers and required PPE for a safe working environment. When gaps are identified, the FT will make appropriate recommendations to enable the farmer to meet the required standards. If the assessment reveals that even with appropriate measures, the farmer will not meet the standards, the farmer will not be contracted for the season.

When satisfied that the farmer can meet the expected standards, LLTC will ensure that farmers are reminded of their contractual obligations regarding the ALP code and specifically: not to use child labour, to pay at least minimum wage to their workers, to ensure that PPE is being used and to provide accommodation of the required standard to their workers. Farmers will also be sensitized on the discipline matrix mentioned above and warned of the consequences of noncompliance. Farmers will be required to disclose any risk areas or areas for potential breach to enable FTs to provide the required support beforehand. Farmers will

be required to assess workload requirements based on farm size to ensure they employ the appropriate number of employees. For the number of children found on the farm, the FTs will review the farmer's adherence and commitment to sending those that are of school going age to school.

### 2.6.3 Implementation of the Discipline Matrix

LLTC will implement the discipline matrix for non-compliant farmers. LLTC has informed all farmers regarding implementation of the discipline matrix at registration stage. This has also been included in the Farmers contracts. The following is a discipline matrix.

Priority	1st Prompt Action	2nd Prompt Action	3rd Prompt Action
<b>Child Labour:</b>  <b>No under 18 performing hazardous tobacco work</b>	<ul style="list-style-type: none"> <li>Labour Officer Farm Inspection</li> <li>Incident Report to Tobacco Commission</li> </ul>	<ul style="list-style-type: none"> <li>Contract Termination</li> <li>Non-renewal of Contract</li> </ul>	
<b>Income &amp; Work Hours:</b>  <b>Workers receiving the minimum wage</b>	<ul style="list-style-type: none"> <li>Labour Officer Farm Inspection</li> <li>Incident Report to Tobacco Commission</li> </ul>	<ul style="list-style-type: none"> <li>Written Warning</li> </ul>	<ul style="list-style-type: none"> <li>Contract Termination</li> <li>Non-renewal of Contract</li> </ul>
<b>Safe Working Environment:</b>  <b>PPE for CPA &amp; GTS</b>	<ul style="list-style-type: none"> <li>ALP Coordinator</li> <li>Follow Up &amp; Action Plan</li> </ul>	<ul style="list-style-type: none"> <li>Written Warning</li> </ul>	<ul style="list-style-type: none"> <li>Non-renewal of Contract</li> </ul>

## 3. FARM-LEVEL ASSESSMENT OF WORKING CONDITIONS REGARDING THE ALP CODE STANDARDS

### 3.1 PRINCIPLE 1: CHILD LABOUR

#### 3.1.1 Main challenges identified during the 2019 CU Assessment

CU reported that at 3 (10%) of the farms visited, children below 18 were involved in tobacco production. Details being:

- 5 Children (3 boys, 2 girls) aged 11-16 were helping with carrying and stringing tobacco.
- 3 children of tenants aged 10, 11 and 13 were helping in stringing and carrying tobacco
- A 17-year-old wife of a worker was helping her husband with stringing and carrying tobacco and she was unpaid for the work. (Note that LLTCs ALP training provides for no work for under 18s in tobacco).



### 3.1.2 Root Causes

From the analysis, below are root causes identified by LLTC giving rise to occurrences of child labour:

1. Farmers want to train their children in tobacco production.
2. Lack of enforcement by Government of laws and standards at community and farm level.
3. Lack of cash during the season to employ adults.
4. Idleness that occurs when the children knock off from school and have nothing to do
5. Children abscond from school as they do not have money for meals when they attend school.
6. Lack of resources for secondary and college tuition fees.
7. Proximity/distances walking to school. Some areas do not have schools nearby and children at times walk up to 5 - 7 km to get to the nearest school.
8. Children (6 to 17 yrs. old) help with taking care of their siblings (2 to 5 yrs. old) since there is no formal government provision for pre schooling. In the area where the assessment was done there are 25 zones and only 4 zones have child care centers representing 16%.
9. Student/Teacher ratio is very high in some of the zones. Within the assessment area the Student/Teacher ratio is as high as 1:109.

### 3.1.3 Action Plan going Forward

Prior to the assessment, LLTC undertook the below initiatives to address child labour in tobacco fields:

1. LLTC set 18 yrs. as the minimum age for any work in tobacco as it easier to enforce and monitor.
2. 100% of contracted farmers were trained through one on one sessions with an FT, group meetings, use of comics and leaflets and radio skits.

Target Audience - CY 2019	Target	Trained
Farmers	9,332	9265
Farmer wives	4000	4368
Children	6000	8401
Workers	25983	16554

3. A minimum of 5 farm visits conducted by FTs per season where all visits required child labour incident identification and reporting. In CY 2019, LLTC through the FTs visited 9,332 farmers representing 100% of targeted visits. It is mandatory that during each visit the FT monitors ALP issues. This provides FTs an opportunity to train the farmers and other people on the farm when gaps are identified or breaches observed.
4. Establishment and support of 3 Community Based Child Care Centers (CBCCs) in Dowa, Lilongwe and Ntcheu. Care givers at the CBCCs are provided with training. The Centre is provided stationery for use

and food for the pupils. There are over 330 children at the 3 CBCCs. For the Dowa CCBC, LLTC has constructed a structure that will accommodate 150 children going forward. There are also plans of expanding the Centre to cater for after school youth activities. LLTC has budgeted for construction of another CBCC in CY 2020.

5. School awareness training program for pupils. In the past two years, LLTC has trained 11,501 children on child labour. Specific topics include tobacco hazardous tasks (all work in tobacco is hazardous) and the importance of education.
6. For the past 3 years, LLTC has implemented Corporate Social Responsibility Projects that have continued to complement and support ALP initiatives. Below are details of some of the projects:
  - LLTC has for the past 3 decades been supporting a sports tournament for primary schools in Lilongwe district of the central region. The tournament involves football and netball games for under 12s and under 15s. Currently, LLTC is purchasing sports equipment (football, netball, tennis, hockey, basketball and volleyball balls) for after school activities at Mbalame and Majiga Primary Schools. This will be distributed to the school before end of October 2019.
  - Provision of teaching and learning materials to 3 schools: Majiga, Bolero and Kabwafu primary schools.
  - Provision of toys, reading books, crayons, coloring books and pencils, balls, white boards, chairs to a CBCC in Dowa.
  - To ensure that girls are not absent from school LLTC has supplied re-usable sanitary pads to 6 schools namely Santhe, Chigumba, Mbalame, Mwachundi and Majiga Primary Schools for pupils in upper grades. LLTC will be distributing more sanitary pads before the end of the financial year to 3 other Primary schools.
  - Renovated and constructed staff toilets at Mwachundi Primary School. LLTC had previously constructed 4 classrooms at the same school.
  - Donated 180 previously used tablets to Namitete Secondary School.
  - Constructed libraries at Kanjoka and Mwachundi Primary schools. Currently working on collecting books and installing solar lighting for both libraries.
  - Constructed 2 classrooms and a staffroom at Chikazima Primary School. A playground for pupils will be added before December this year at the school.
  - LLTC is sponsoring 10 students at various Universities in Malawi. The students were selected from communities where LLTC contracts with farmers. These students were selected to go to university but were struggling to get tuition fees. LLTC believes that educating farmer children up to University level will motivate other pupils to go to school and to aim high. Once the beneficiaries graduate, it is hoped that they will also make a difference in their communities and bring in more awareness on the importance of education
  - Renovated water system at Chatata Primary School in Kanengo
  - Donated desks for all classrooms that have been constructed.
7. Establishment and support of 218 Village Savings and Loan Associations (VSLA) with a membership of 4,468 women. Established over 5 years ago, LLTC provides the VSLAs with training and materials to support VSLA operations. VSLA members are requested to make a “no child labor pledge’ as part of

Limbe Leafs initiatives to directly involve the community in the implementation of the ALP Program. LLTC conducted an assessment involving members of 5% of the VSLAs to assess the social economic impact of the VSLAs. The following were listed as some of the benefits of being a member of a VSLA:

- 13% were able to improve their accommodation by building and roofing houses with iron sheets
- 18% were able to buy livestock for an alternative source of income
- 21% said they were financially independent
- 30% were able to employ temporary labour during tobacco peak periods
- 38% had benefited from the financial literacy training and were now able to plan and budget their finances
- 59% were able to purchase farm inputs for food crops
- 59% were able to adopt a savings culture which is not common in their communities
- 79% were able to pay school fees and provide school materials for their children.

This positive feedback confirms that VSLAs go a long way in providing a complementary source of income for tobacco farming families and enabling families to afford paid labour rather than relying on children to assist on farms.

In addition to the initiatives highlighted, LLTC will be implementing a number of initiatives under the ALP Step Change approach targeting root causes of child labour in tobacco farms. The following are the actions:

**1. Engagement with District Labour Office (DLO) through the Ministry of Labour to follow up on reported issues on child labour.**

- **Findings Addressed**
  - 5 Children (3 boys, 2 girls) aged 11-16 were helping with carrying and stringing tobacco
  - 3 children (10,11 and 13) of tenants were helping in stringing and carrying tobacco
  - A 17-year-old wife of a worker was helping her husband with stringing and carrying tobacco and she was unpaid for the work.
- **Actions:**
  - The DLOs will conduct unannounced farm inspections in order to enforce compliance.
  - DLO engagement will also include conducting community awareness sessions so that workers and other people in the community benefit from their presentations.
- **Expected Outcomes:** 100% farmers complying with the Child Labour measurable standards by 2022
- **Timelines:** Implementation to start by October 2019
- **Targets:** All farmers with Prompt Actions

## 2. Implementation of the Discipline Matrix

- **Findings Addressed**
  - 5 Children (3 boys, 2 girls) aged 11-16 were helping with carrying and stringing tobacco
  - 3 children (10,11 and 13) of tenants were helping in stringing and carrying tobacco
- **Action:** Termination of contracts for recurrences of child labour incidents on farms through the implementation of the Discipline Matrix.
- **Expected Outcomes:** Termination of contracts for farmers not complying with the Child Labour measurable standards.
- **Timelines:** Implementation to start in CY 2020
- **Targets:** Targeting all farmers with reoccurring incidences.

## 3. A pilot School feeding program at Chulu Primary School in Dowa (Central Region)

- **Findings Addressed**
  - 5 Children (3 boys, 2 girls) aged 11-16 were helping with carrying and stringing tobacco
  - 3 children (10,11 and 13) of tenants were helping in stringing and carrying tobacco
- **Action**
  - Children will be provided with a meal when they report for school.
  - LLTC will require the community to provide land where the school will grow corn and groundnuts for the meal to be provided.
  - LLTC will engage a third party to assist in implementing the initiative. An assessment will be made after the pilot period on whether the model is self-sustaining for the community.
- **Expected Outcomes**
  - Reduced Child Labour Prompt Actions
  - Increased school attendance from 94% to 97% in the zone where initiatives will be implemented. This will cover 1 school.
  - Evaluation of effectiveness to help decide on extension of the project.
- **Timelines:** Implementation to start in October 2019
- **Target:** 1 school

## 4. Implementation of a pilot after school activities at Chulu Primary School in Dowa

- **Findings Addressed**
  - 5 Children (3 boys, 2 girls) aged 11-16 were helping with carrying and stringing tobacco
  - 3 children (10,11 and 13) of tenants were helping in stringing and carrying tobacco

- **Action:** LLTC will provide the selected school with sports materials for Football and Netball games and other play materials. Trainings will also be organized for teachers on coordination of physical education and other activities.
- **Expected Outcome**
  - Reduced idle time of children on farms around the area thereby protecting the children from child labour
  - Reduced Child Labour Prompt Actions
  - Increased school attendance from 94% to 97% in the zones where initiatives will be implemented.
  - Evaluation of effectiveness to help decide on the extension of projects
- **Timelines:** Implementation will start in September 2019
- **Targets:** 1 school

## 5. Child Labour Comic Amendment

- **Finding Addressed**
  - Comic does not show mandated minimum working age
- **Action**
  - Amend Child Labour comic with the minimum legal working age of 18 years old.
  - Child labour comic distributed to all farmers.
- **Expected Outcome**
  - Minimum age of 18 working in tobacco included in the child labour comic.
  - 100% Farmers and workers aware of the legal minimum working age.
- **Timelines:** LLTC amended the comic in July 2019.
- **Targets:** Amend the Child Labour comic

## 3.2 PRINCIPLE 2: INCOME AND WORK HOURS

### 3.2.1 Main findings and challenges identified during the 2019 CU Assessment

There were some positive findings identified on income and working hours during the assessment. For instance, it was noted that at 3 farms curing was paid at a premium and that there was no evidence that workers were not receiving a day of rest per week. There were also challenges identified. Some of which are:

1. On 5 farms (17%) workers were not paid the minimum wage
2. Five farmers (17%) and workers at eleven farms (37%) did not know the legal minimum wage of MK962 per day. In addition, knowledge on overtime regulations was limited.
3. At 26 farms, workers were also involved in curing

4. At 8 farms, overtime hours were not voluntary
5. At only 10 farms (33%) workers would get a day off on public holidays
6. At all farms workers were paid at the end of the season.

### 3.2.2 Root causes

Below are root causes identified as giving rise to non-adherence to standards on Income and Working Hours on some farms:

1. Lack of financial resources as farmer's lack a savings culture.
2. Farmers lack business planning skills.
3. Farmers do not account for days worked and how much a worker will get.
4. Lack of government enforcement on payment of minimum wage.
5. Workers preference to receive end of season lump sum.

### 3.2.3 Action Plan going forward

Prior to the CU assessment, LLTC had embarked on a number of initiatives to ensure that farmers are paying at least the minimum wage. The VSLAs highlighted under 3.3 (vii) above is one of the initiatives. Others Include:

1. All FTs were trained in basic Financial literacy and in turn trained 4035 farmers in the same.
2. Provision of bridging finance during the peak period (January to April) to enable farmers pay for temporary labour.
3. Distributed sample contracts for farmers and workers with details of minimum wage per day and calculations for monthly rates.

In order to address the gaps identified by the assessment, the following actions will be implemented by LLTC:

#### 1. Training on Financial Literacy and Overtime and Minimum Wage calculations.

- **Findings Addressed**

- Workers at 11 farms (37%) were not aware of the correct legal minimum wage.
- At 8 farms, overtime hours were not voluntary
- At only 10 farms (33%) workers would get a day off on public holidays

- **Actions**

- LLTC has planned for the FTs and farmers to attend a training course on Financial Literacy and Business Planning which will equip them with skills and knowledge on business planning

and savings. The FTs will be able to deliver relevant financial information to the other farmers. Knowledge of finances will assist farmers to deal with issues on Income and Working Hours in general terms.

- Training farmers on calculation of minimum wage and overtime to be emphasized at the beginning of the growing season.

- **Expected Outcomes**

- 100% FTs and farmers trained on Financial Literacy and Business Planning
- 100% farms with labour able to calculate overtime and minimum wage
- 100% farms with labour able to pay for overtime and minimum wage

- **Time Lines**

- Training on financial literacy, minimum wage and overtime calculation to be finalized by November 2019
- 110 FTs and 1,219 farmers to be trained by November 2019

- **Targets**

- 110 FTs
- 1,219 farmers

## 2. District Labour Office Engagement

- **Findings Addressed:**

- Workers at 11 farms (37%) were not aware of the correct legal minimum wage.
- At 8 farms, overtime hours were not voluntary

- **Action:** Engagement with DLO will ensure enforcement of standards on Income and Work Hours. Being a government institution mandated to deal with labour law breaches, DLO will ensure that all workers are paid at least the minimum wage and all agreements and negotiations are according to the laws of the country.

- **Expected Outcomes:** 100% farmers comply to the Income and Work Hours measurable

- **Timelines:** Implementation to start by October 2019

- **Targets:** 100% Prompt Actions to be followed up and 5% of contracted farms to be inspected per FT

## 3. Enhancement of VSLAs

- **Finding Addressed:** On 5 farms (17%) workers were not paid the minimum wage

- **Action:** Enhance VSLAs to enable farmers to pay minimum wage regularly to replace end of season payments. From field assessments and focus group discussions conducted with the VSLAs, it was identified that VSLA members are only able to borrow small loans and manage small scale businesses i.e. selling tomatoes, fish, fat cakes and vegetables. Such businesses are small and do not make significant impact in their livelihoods. From this an opportunity was identified to support the VSLAs to become more entrepreneurial by supporting them with access to capital through a partnership with a microfinance institutions and linking them with meaningful business opportunities. Through

this initiative, the VSLAs will be able to scale up their businesses and use their returns to improve livelihoods of their households and address the identified root causes

- **Expected Outcomes:** 100% farmers linked to VSLAs able and paying the minimum wage
- **Timelines**
  - Members of VSLAs to be trained by November 2019.
  - Loan disbursements to enhance working capital to be processed by December 2019 with a third party.
- **Targets:** 100% VSLAs trained and accessed loans.

#### 4. Cash Advances

- **Findings Addressed**
  - On 5 farms (17%) workers did not earn at least the legal minimum wage (before deductions)
  - At all farms workers were paid at the end of the season
- **Action:** LLTC will enhance the bridging finance payments to farmers from December to April and ensure that the money paid is sufficient for the farmer to afford paid labour for the farmers' land size holding.
- **Expected Outcomes:** 100% farms employing labour able to pay minimum wage
- **Timelines:** Advances to be done by April 2020
- **Targets:** 100% farmers employing labour.

#### 5. Farmers and workers' sensitization on minimum wage and Public holidays

- **Findings Addressed:**
  - On 5 farms (17%) workers were not paid the minimum wage
  - Workers at 11 farms (37%) were not aware of the correct legal minimum wage
  - At 10 farms (33%) workers would get a day off on public holidays
- **Actions:**
  - Continue to sensitize farmers on the need for workers to have a day off on a public holiday and a day off once a week as a resting day.
  - Inclusion of workers or worker representatives during farmer meetings to ensure awareness of the minimum wage by the workers. This will be for the period September to December 2019 and scheduled on a need be basis thereafter.
- **Expected Outcomes:**
  - 100% Workers aware of the minimum wage and calculation to empower them to negotiate with farmers.
  - All farmers aware and able to provide the required day off on a public holiday to their workers.



- **Timelines:**
  - Awareness training to be complete by November 2019
- **Targets:** 100% farmers and workers

### 3.3 PRINCIPLE 3: FAIR TREATMENT

#### 3.3.1. Main findings and challenges identified during the 2019 Control Union Assessment

The CU assessment found that there was no evidence of sexual or physical abuse, of discriminatory practices or of farmers not being available to workers. The assessment however, noted the following challenges.

1. At 1 farm (3%), a worker reported verbal abuse by the farmer after mistakes and the threat to lose his job for bad performance.
2. Lack of awareness by the farmers of the ALP Committee support mechanism. At 20 of the farms (67%) farmers mentioned that they were not aware of the grievance function of the ALP committee. The farmers were of the view that the Committee is only there for training and monitoring. Often also confused with Zone Committees.<sup>29</sup>
3. Only one of the farmers (3%) had used the Committee as a grievance mechanism support function.

#### 3.3.2. Root causes

From the analysis, below are the root causes identified giving rise to non-adherence to standards on Fair Treatment on some of the farms:

1. Farmers are not aware that threatening workers that they will lose their job and verbal abuse is a poor labour practice.
2. Lack of awareness on the available grievance mechanism at community level for some farmers and workers i.e. ALP Committees
3. Lack of awareness of the roles and responsibilities of the ALP Committees

#### 3.3.3 Action Plan going forward

Prior to the CU assessment, LLTC implemented the following initiatives to ensure fair labour practices on farms.

1. Established the ALP Committees at community level in all areas where LLTC operates.
2. Supported and trained 208 ALP Committees
3. Trained farmers on fair treatment
4. Aired 40 radio skits on fair treatment

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29. A Zone Committee is a structure put in place by LLTC to assist farmers on agronomic issues in the absence of a FT. These will normally have cellphones and are able to communicate farmer needs to FTs and arrange farmers for training when FTs schedule training.

In order to cover the gaps identified by the assessment under fair treatment, the following actions will be implemented by LLTC.

## 1. DLO inspections to include checking of fair treatment related measurable standards

- **Finding Addressed:**
  - At 1 farm (3%), a worker reported verbal abuse after mistakes and the threat to lose his job for bad performance
- **Actions:**
  - The DLOs will conduct unannounced farm inspections in order to enforce compliance.
  - DLO engagement will also include conducting community awareness sessions so that workers and other people in the community can benefit from their presentations.
- **Expected Outcomes:** 100% of farmers complying with the 'no verbal abuse' measurable.
- **Timelines:** Implementation to start by October 2019
- **Targets:** 5% of farmers allocated to each FT to be covered in the inspection

## 2. ALP Committee Engagement

- **Findings Addressed**
  - Lack of awareness on the ALP Committee Support mechanism
  - At 20 farms (67%) farmers were not aware of the grievance function of the ALP Committee, just training and monitoring (often also confused with Zone Committees)
- **Action:**
  - Farmers and workers to be informed of the roles and responsibilities of ALP Committees at the beginning of the season. ALP Committees to be more empowered through provision of resources and more training
  - LLTC will empower ALP Committees through more trainings and with resources such as hardcovers, pens and rulers to ensure they are able to provide grievance mechanism support
- **Expected Outcomes:**
  - 100% of farmers and workers aware of the roles and responsibilities of the ALP Committees
  - 100% of ALP Committees empowered.
- **Timelines:**
  - Awareness training to be complete by November 2019
  - 100% of committees to be provided with materials by November 2019
- **Targets:** 100% of farmers and workers informed.

### 3.4 PRINCIPLE 4: FORCED LABOUR AND HUMAN TRAFFICKING

#### 3.4.1 Main findings and challenges identified during the 2019 CU Assessment

There were no direct cases of forced labour or human trafficking found during the assessment however, one challenge was identified that could pose a risk of forced labour.

- At 6 farms (20%) women were helping their employed husbands without separate pay and without contracts.

#### 3.4.2 Root causes

The root cause identified was that migrant and local workers migrate with their families and some of the family members end up assisting on the farms. It was also noted that farmers did not advise their workers that only those employed on the farm were supposed to work.

#### 3.4.3 Action plans going forward

Prior to the CU assessment, LLTC implemented the following initiatives to deal with risks arising from practices that could lead to forced labour or human trafficking.

1. Tenant Minimum Standards (TMS) developed by the Tobacco Processors Association in 2015 for farmers who engage tenants. These were approved by the Ministry of Labour, Skills and Innovation. A total of 3,597 farmers were trained and provided with copies of the TMS.
2. Since CY 2018 farmers were encouraged to migrate from using tenant labour to waged labour using a cost based analysis.
3. Distributed contract templates to farmers to formalize engagement conditions between the farmer and the tenants.
4. Inclusion of adherence to TMS as a requirement for farmers under the Supply Contracts with LLTC.
5. FTs identified farmers who use tenants in April 2019 for ease of monitoring and traceability. This was to aid LLTC monitor implementation of the TMS.

LLTC has now changed its policy towards the use of tenant labour by contracted farmers. LLTC will no longer contract with farmers using tenant labour and will therefore not enforce the TMS. It will be easier to monitor regular payment of wages than to monitor tenant labour.

Going forwards, LLTC will implement the following:

1. **LLTC will advise farmers to engage spouses independently and to pay them directly as any other farm worker**
  - **Finding Addressed:** At 6 farms (20%) women were helping their employed husbands without separate pay and without contracts.
  - **Action:** LLTC will advise farmers that only direct employees should be responsible for work on the farm.
  - **Expected Outcomes:** Only direct employees of the farmer work on the farm

- **Timelines:** Awareness by November 2019
- **Targets:** 100% farmers hiring labour

### 3.5 PRINCIPLE 5: SAFE WORKING ENVIRONMENT

#### 3.5.1 Main findings and challenges identified during the 2019 CU Assessment

CU reported that all persons found applying chemicals mentioned that they had been trained in CPA handling. However, there were a number of challenges identified on safe work environment. These are:

1. At 9 farms (30%) CPA was not stored in a safe and locked storage
2. None of the farmers visited, correctly followed LLTC's instructions on disposal of empty CPA containers
3. None of the farmers had sanitary facilities at their fields. Most of the work, especially stringing and curing, was done at the farmer's house or curing barn. Basic sanitary facilities were available in the living areas in all cases.
4. 5 farmers did not store equipment and tools safely
5. At 6 farms (20%) at least one person handling green tobacco was not trained on avoidance of GTS
6. No one at any of the farms visited that were handling green tobacco were wearing the full set of PPE for all tasks
7. On 27 farms (90%) there was evidence of farmers not using all PPE for chemical application
8. At 10 farms (33%) evidence found persons applying fertilizers without gloves
9. 10 farmers (33%) did not know the correct re-entry period after CPA application
10. None of the farmers had a warning sign to put up after application of chemicals
11. At 5 farms (17%) housing was considered unsafe and not meeting the basic needs of the workers

#### 3.5.2 Root Causes

From the analysis, below are root causes identified for non-adherence to standards on Safe Work Environment:

1. Inadequate monitoring on CPA storage by FTs
2. Lack of awareness and verification that farmers are implementing the best practice on puncturing empty CPA containers
3. Farmers assume they will not spend much time in the field therefore they do not find it reasonable to carry portable water to their field
4. Negligence of farmers in separating chemicals and utensils
5. Farmers do not share information with temporary labour and some family members
6. Some FTs training does not emphasize use of foot wear and long pants when reaping tobacco
7. Most farmers consider what is provided to them as the only required PPE

8. Some farmers do not consider fertilizer application and stringing as hazardous even after several training sessions.
9. Some FTs did not clearly communicate the reentry period to farmers and hence farmers to workers
10. Farmers are unable to construct required standard accommodation due to high cost of building materials.

### 3.5.3 Action Plan going forward

Prior to the CU assessment, LLTC implemented measures to promote Safe Work Environment on farms:

1. Distributed 3000 comics on CPA handling
2. Distributed the following to all farms: GTS gloves (193,256), PPE for CPA application that included gloves, googles, face masks, and aprons (73,736 sets) and containers for storage of CPAs
3. Provided training and systematic monitoring on safe working environment on all farms through FTs
4. Aired 40 radio skits through ZBS.

In addition to the efforts above, LLTC will be implementing a number of initiatives under the ALP Step Change approach targeting root causes.

#### 1. Worker accommodation improvements on farms with labour that do not meet the required standard.

- **Findings Addressed:**

- At 5 farms (17%) housing was considered unsafe and not meeting the basic needs of the workers.
- None of the farmers had sanitary facilities at the field.

- **Action:** LLTC will support the farmers not meeting the standard with cement, Iron sheets and other materials in order to improve the workers' accommodation.

As mentioned above, LLTC conducted a baseline survey to understand the situation on farms that employ labour. One of the areas that was assessed was workers' accommodation.

The Tobacco Processors Association (TPA) minimum standard for accommodation includes a 2 roomed house, a kitchen, a bathroom and toilet. Under the survey, 47% of farms where the farmer was providing accommodation had accommodation that was not meeting the minimum standards as some of the houses were not well ventilated had one room, were made of poor building materials, had leaking roofs and had no proper doors. A root cause analysis revealed that farmers were unable to provide standard accommodation to their workers because they cannot afford to buy building materials. A random sample survey was conducted to determine what the farmers would be able to contribute and what they would need in order to construct accommodation that meets the standard. Results revealed that most farmers will be able to provide unskilled labour in order to improve the worker's accommodation.

- **Expected Outcomes:** 100% farms with labour living on the farm provide safe and clean worker accommodation
- **Timelines:** Improve worker's accommodation by CY 2020
- **Targets:** The plan is for construction of 700 houses in CY 2019 and 692 houses in CY 2020

## 2. Ensure 100% Awareness, PPE availability and usage.

- **Findings Addressed:**

- At 9 farms (30%) CPA was not stored in a safe and locked storage
- 10 farmers (33%) did not know the correct reentry period after CPA application
- On 27 farms (90%) evidence of farmers not using all PPE for chemical application.
- At 10 farms (33%) evidence found persons applying fertilizers without gloves
- None of the farmer had a warning sign to put up after application of chemicals
- At 6 farms (20%) at least one person handling green tobacco was not trained on avoidance of GTS.
- No one at any of the farms visited handling green tobacco wore the full set of PPE for all related tasks.

- **Actions:**

- Enhanced training and monitoring to emphasize GTS symptoms, prevention, CPA handling and use of full PPE.
- Further distribution of comics on GTS, CPA storage and PPE usage to all farms.
- Farmers to be trained and encouraged to keep tools and equipment safely
- Training on rinsing and puncture of CPA containers by FTs, MTP trainers and GAP Coordinators.

- **Expected Outcomes:**

- 100% of farmers trained and monitored on CPA handling, storage and the use of PPEs.
- 100% of farmers and workers know about GTS symptoms, prevention and the use of GTS gloves and other PPEs
- 100% of farmers receive comics on GTS, CPA storage and PPE usage
- 100% of permanent workers to be trained by April 2020.

- **Timelines:**

- Training and monitoring to be done by June 2020
- Safe storage of equipment by 2020.

- **Targets**

- PPE availability and usage targeting 100% farmers and workers
- Training targeting 100% of farmers and workers
- Safe storage of equipment by 50%

## 3. Data validation by ALP Coordinators and MTP Trainers

- **Findings Addressed**

- At 9 farms (30%) CPA was not stored in a safe and locked storage
- 10 farmers (33%) did not know the correct reentry period after CPA application
- On 27 farms (90%) evidence of farmers not using all PPE for chemical application.
- At 10 farms (33%) evidence found persons applying fertilizers without gloves

- None of the farmer had a warning sign to put up after application of chemicals
- At 6 farms (20%) at least one person handling green tobacco was not trained on avoidance of GTS.
- No one at any of the farms visited handling green tobacco wore the full set of PPE for all related tasks.
- **Action:** ALP Coordinators and MTP trainers to validate FTs monitoring data on PPE usage, storage of chemicals and tools by March 2020.
- **Expected Outcomes:** 5% farms validated.
- **Timelines:** Validation to be done by March 2020.
- **Target:** 5% farmers assessed

### 3.6 PRINCIPLE 6: FREEDOM OF ASSOCIATION

#### 3.6.1 Main findings and challenges identified during the 2019 Control Union Assessment

CU stated that there was no evidence found of farmers disrespecting workers' rights to Freedom of Association. However, they observed that there was low awareness among farmers and workers on Freedom of Association.

#### 3.6.2 Root causes

LLTC noted that the main cause for low awareness among farmers and workers on Freedom of Association was the lack of labour unions in the communities. Even though the FTs trained farmers on the principle, the reality on the ground did not afford the workers the opportunity to understand the principle of Freedom of Association.

#### 3.6.3 Action Plan going forward

Irrespective of the lack of unions in the communities, LLTC ensured that farmers and workers are trained on Freedom of Association and this was done through the distribution of leaflets to all farmers and also airing of skits on Freedom of Association on ZBS. Going forward LLTC will implement the following actions:

##### 1. Awareness

- **Finding Addressed:** Low awareness among farmers and workers on Freedom of Association
- **Actions**
  - Continued training and monitoring by FTs to emphasize the standards on Freedom of Association.
  - LLTC will distribute leaflets to all farms in CY 2019 where Freedom Association measurable standards are stipulated.
  - FTS will ensure inclusion of worker or worker representatives during training sessions or sensitization meetings with farmers. This will ensure that workers are equally sensitized to the messages on Freedom of Association.
- **Expected Outcomes:** 100% of farmers and workers aware of the Freedom of Association

- **Timelines:**
  - Training of farmers employing labour by March 2020
  - Distribution of leaflets to be done by September, 2019
  - Skits to be aired on ZBS in November 2019
- **Targets:** 100% farmers trained and have leaflets

### **3.7 PRINCIPLE 7: TERMS OF EMPLOYMENT**

#### **3.7.1 Main findings and challenges identified during the 2019 CU Assessment**

During the assessment, it was observed that 13 farmers (21%) used the labour contract template provided by LLTC which included basic legal information on employment terms. However, the following gaps were also noted:

1. None of the farmers interviewed fully informed their workers about their legal rights
2. Lack of awareness on the legal rights and employment conditions relating to legal benefits, minimum wage and legal minimum rate of pay for overtime.
3. Farmers reported not to have received a contract template on time
4. At 8 farms (27%) workers did not have a written statement
5. At 4 farms (13%) workers did not receive a copy of their contract

#### **3.7.2 Root causes**

Below are the root causes identified for non-adherence to standards of Terms of Employment on some of the farms

1. Farmers reported not to have received the contract templates on time
2. Farmers mentioned that it was difficult to agree on a wage with workers if they do not know how much they will get from the tobacco sales.

#### **3.7.3 Action Plans going forward**

Prior to the CU assessment, LLTC implemented the following:

1. Distributed 46,000 contract templates to all farms with labour
2. Conducted farm monitoring visits to verify labour conditions
3. Aired radio skits on Terms of Employment

Going forward, LLTC will be implementing the following:

#### **1. Early distribution of contract templates at the onset of the season**

- **Finding addressed**
  - Farmers reported not to have received a contract template in time
  - At 8 farms (27%) workers did not have a written statement



- **Actions:** Early distribution of contract templates at the onset of the season, this will ensure that farmers sign contracts at the beginning of their agreement.
- **Expected Outcomes:** 100% of farmers with labour receive the worker contract templates
- **Timelines:** Contract templates distributed by September 2019
- **Targets:** 100% of farmers hiring labour

## 2. ALP Coordinators and MTP trainers to validate FTs information

- **Findings Addressed**
  - At 8 farms (27%) workers did not have a written statement
  - At 4 farms (13%) workers did not receive a copy of their contract
- **Actions**
  - FTs and ALP Coordinators monitor employment conditions
  - FTs to check during visits the usage of the templates.
- **Expected Outcomes:** 5% validation done by ALP Coordinators and MTP Trainers
- **Timelines:** By March, 2020
- **Targets:** 5% of farmers

## 3. Farmer and workers training

- **Findings Addressed**
  - At 8 farms (27%) workers did not have a written statement
  - At 4 farms (13%) workers did not receive a copy of their contract
- **Actions:** Training farmers and workers on terms of employment measurable standards
- **Expected Outcomes:** 100% farmers and workers trained on their legal rights
- **Timelines:** By March, 2020
- **Targets:** 100% farmers and workers

## 4 CONCLUSION

LLTC has been committed to the ALP program since its introduction in 2011, initially focusing on training and identification of key issues and in the second phase focusing on identification of individual farm action plans. Going forward, LLTC is focusing more on behavior change and enforcement of the labour laws through implementation of the discipline matrix, the recognition and empowerment of community structures like the ALP committee and continuous monitoring.

The farmer's full commitment is key to the fulfilment of this process and Limbe Leaf will continue to implement programs that provide the farmers the necessary support to enable them meet the ALP requirements.

## Appendix II – Scope and methodology

### Assessment team

The team responsible for conducting this assessment consisted of three auditors (one from Kenya, two from Mozambique), three translators to the local languages Chichewa and Tumbuka, and two CU coordinators (one from Germany, one from the Netherlands).<sup>30</sup> The auditors, with help of the translators, conducted farm assessments and interviewed field technicians. The two coordinators interviewed the LLTC management. The auditors as well as the coordinators were trained by Verité and Control Union.<sup>31</sup> This qualification process consisted of the following stages:

- Selection of candidates by CU;
- Webinars organized by CU to verify suitability of candidates;
- Completion of online training provided by Verité;
- Full week classroom training conducted by Verité with CU;
- Two-day refresher training by the CU coordinator prior to starting the field visits; and
- Shadowing during farm visits by CU coordinators.

### Desk review

Prior to this assessment LLTC was requested to send documentation to CU to give the assessment team a better idea about the market characteristics and the management systems that were in place. Philip Morris provided the legal information that was relevant to the ALP Code (See Appendix III for more detailed legal information). This was important to ensure a thorough preparation of the assessment.

### Opening meeting

On 14 February 2019, CU started the assessment with a meeting at LLTC's head office in Lilongwe, Malawi. This meeting was attended by LLTC's local and Universal's regional management team, as well as PMI Regional. CU presented the objectives and approach of the assessment, while LLTC provided an overview of the market and company background, as well as milestones in ALP implementation.

### Methodology for ALP implementation system review

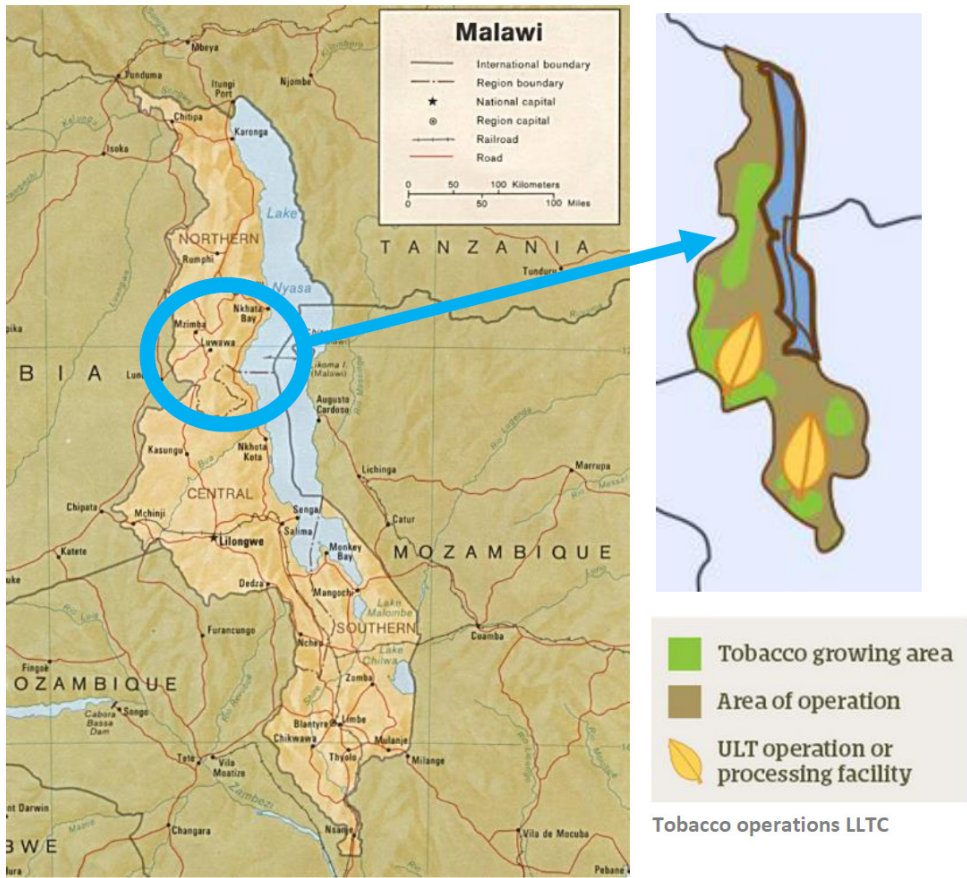
The methodology used for evaluating LLTC's implementation of the ALP Program was based on the widely used PDCA<sup>32</sup> cycle, which is a management method for the continuous improvement of processes and products. As part of this evaluation, CU spent two days (14 and 15 February 2019) at LLTC's head office. CU interviewed management staff, analyzed documentation and evaluated LLTC's systems, to better understand how the implementation of the ALP Program was organized. In total, CU interviewed eleven management personnel and eleven field personnel (including two MTP trainers). All interviews were conducted individually, so that interviewees felt comfortable to speak freely and raise any issues.

30. The coordinator from the Netherlands did not stay for the entire assessment, but only for the management assessment.

31. All three auditors had been trained by Verité in November 2017

32. Plan, Do, Check, Act

Scope and farm sampling



Tobacco production in Malawi is concentrated mainly in the central and northern region. To ensure a manageable sample size, the present assessment focused on LLTC contracted farmers growing FCV tobacco in Kabwafu and Mzimba South in the northern region.

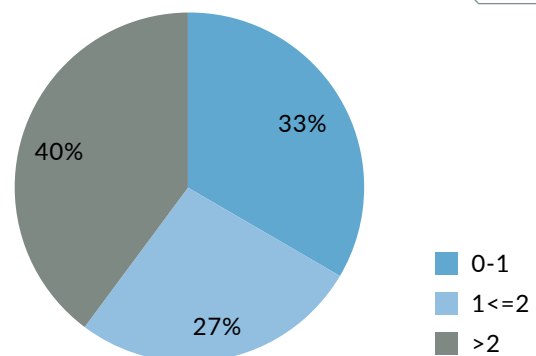
The majority of the farmers in the scope of this assessment (60%) grew tobacco on an area of less than two hectares. The majority of the farmers (93%) owned the land they farmed.

In 2019, LLTC had contracts with 9,446 farmers across Malawi. These farmers were supported by a total of 320 employees in the agronomy department, including one national ALP Coordinator, three regional ALP Coordinators, nine Area Coordinators and 110 field technicians.

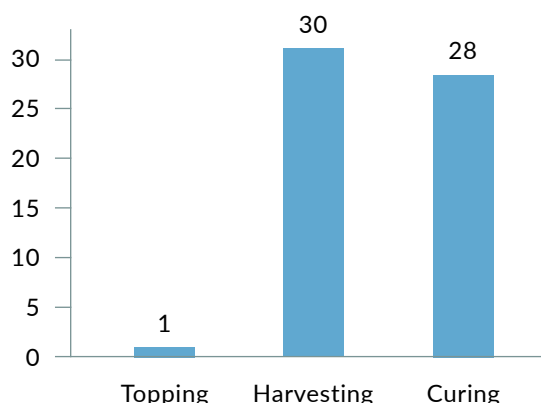
To constitute a meaningful sample, CU needed to visit at least 30 farms, the square root of the total number of contracted FCV farmers within the scope (Kabwafu and Mzimba South) as reported by LLTC

prior to the assessment. In total, CU visited 30 farmers, which were sampled randomly or selected based on geographical spread. Over a period of one week CU visited 9-12 farms per day, where each field day was followed by a reporting day. The graphs below provide demographic information about the farms visited per assessed region.

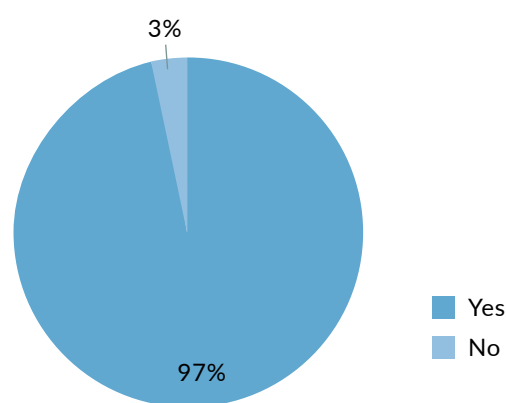
**Farm size (ha contracted by LLTC) (N=30)**



**Stage of tobacco production (n=30)**



**Previously contracted by LLTC (n=30)**



**Type of farm (n=30)**



All farmers were hiring workers at some point during the tobacco season, hence none of the farms were only family farms (even though LLTC had classified some as such, see Chapter 1.4.1).

Thanks to the openness and collaboration of LLTC, CU managed to conduct 29 (97%) of the farm visits unannounced. This meant that the farmers had not been informed about the visit and its objectives prior to CU's arrival. LLTC did inform farmers in the weeks before the assessment that a visit could take place within a certain period but said nothing in the days prior to the visits. For logistical reasons CU informed LLTC about the names of the selected field technicians the day before they were to join the visits. The field technicians were informed of the names of the farmers to be visited on the day of the visit itself, while in the car, and only for the next farmer to be visited that day. The reason for

this is that CU wanted to obtain a realistic picture of the farm practices, which was most likely to be seen when arriving unannounced.

**Methodology for ALP farm practices review**

The methodology used during the farm visits was based on triangulation of information. Auditors were instructed to seek at least two, preferably three, sources of information. They used their findings to draw conclusions about whether farm practices were meeting the standard of the ALP Code. These sources could be interviews with farmers, family members, or workers. Sources could also include documentation and visual observation of the farm area, field, storage facility, and curing barns. This methodology was also used to investigate the underlying factors that increase the risk of not meeting the standard. In

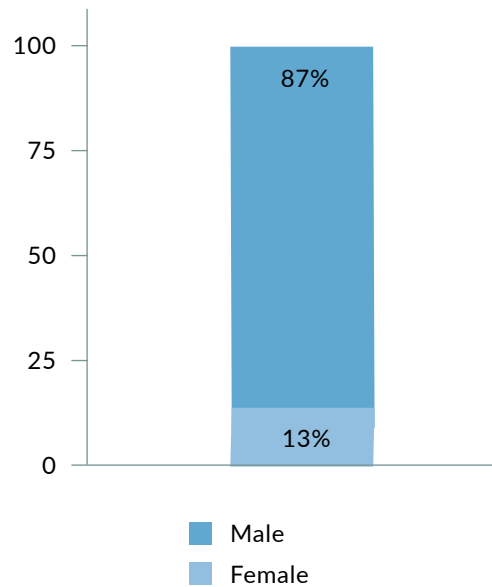
In addition to information triangulation CU also used the “Five Whys” methodology, a commonly used technique to obtain an understanding of problems, to investigate the reasons behind certain issues. Before every interview CU explained the objective of the assessment and assured interviewees that all information would be kept completely anonymous. Next to assessing labor practices, CU also verified the impact of LLTC management systems and the ALP Program, to see how this was perceived by field technicians, farmers, family members, and workers.

**People interviewed**

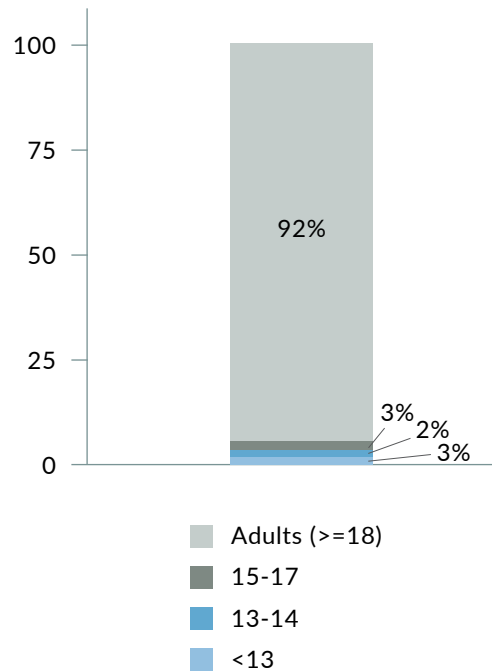
Whenever possible, interviews with workers and family members were conducted individually and without the farmer, to avoid undue bias. For the same reason, all interviews with farmers were conducted without the field technicians. In total, 92 persons were interviewed by CU (30 farmers, 10 family members and 52 external workers).

Demographic information on the 62 family members and external workers interviewed:

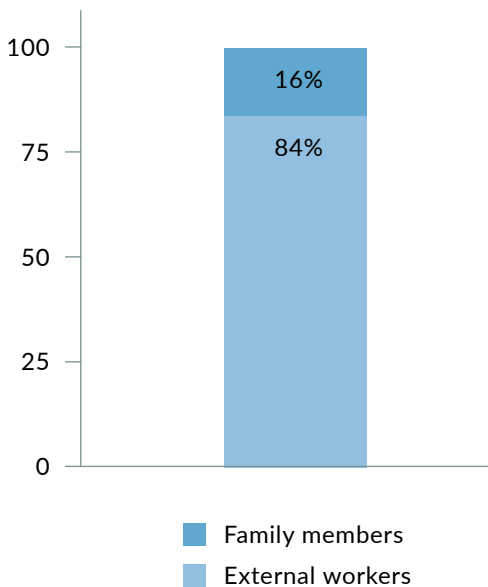
**Gender (N=62)**



**Age (N=62)**



**Type of interviewee (N=62)**



The number of interviewees below 18 only shows how many children were interviewed; this does not necessarily mean that they were working.

### Closing meeting

On 11 April 2019 a closing meeting was held at AOTM's head office in Lilongwe, Malawi. Similar to the opening meeting, this meeting was attended by AOTM's management team and PMI Regional. After CU presented their initial findings, AOTM requested clarification of some items, which was followed by a constructive discussion on several topics. Overall, CU's findings were considered a useful base for taking action to improve AOTM's implementation of the ALP Program.

### Reporting procedure

During the assessment, auditors reported after each field day to the coordinator. This person monitored the auditors' findings and provided feedback whenever necessary. The coordinator compiled all findings and combined these with the findings from the management assessment. Public release of CU's assessment report demonstrates PMI's commitment to transparency, which is an important component of the ALP Program. CU authored the final report, which was evaluated by Verité. PMI reviewed the report to ensure consistency of the presentation of CU's findings worldwide. Finally, AOTM reviewed the report to verify that all the information was correct, and to finalize their action plan based on this report.<sup>33</sup>

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33. Leaf tobacco suppliers can start drafting their action plans after the closing meeting, as initial findings usually do not differ much from the final report.

## Appendix III – Legal information

Author: PFI Partnerships – Local Suppliers Legal Team – PMI OC

Date of Original Analysis: Q1 2017

Date of Updated Analysis: December 24th, 2018

### Principle 1 – Child Labor

#### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
Minimum age for admission to work is not less than age for completion of mandatory schooling	Malawi matches with the minimum age of 14 <sup>34</sup> , excepted for developing countries under the ILO Convention 138.			Except in the conduct of domestic work, Employment Act prohibits engagement of children aged below 14 in child labor. ILO Convention 138 refers to a minimum age of 15 for employment, Malawi is, pursuant to the derogation available to the developing countries, allowed to adopt the age of 14. Malawi ratified Convention 138 in 1999, making use of this derogation.
In any case, minimum age for admission to work is not less than 15 years OR the minimum age provided by law, whichever offers greater protection	Malawi matches with the minimum age of 14 <sup>35</sup> , accepted for developing countries under the ILO Convention 138.			
No person under 18 involved in hazardous work				Employment Act <sup>36</sup> prohibits for any child aged below 18 in hazardous work. Paragraph 6(1) of the Ministerial Order <sup>37</sup> prohibits a person under the age of 18 from carrying out hazardous work set out in the Schedule to the Order. Paragraph 6(2) of the Order states that such work shall not be prohibited where: (a) the person is aged between 16 and 18; (b) health and safety of that person is fully protected; and (c) the person has received adequate training in performing the activities.

34. Section 21 of the Employment Act.

35. Section 21 of the Employment Act.

36. Section 22 of the Employment Act.

37. Employment (Prohibition of Hazardous Work for Children) Order, 2012 [Gazette No. 1 of 2012] (“2012 Order”).

<p>A child may only help on the family farm if it is light work AND if the child is between 13-15 years OR between 12 and 14 for light work in terms of the ALP, which ever affords greater protection</p>	<p>The farmers' own or dependent children may help on house hold chores within their home.</p>			
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### Applicable laws

- Constitution of Malawi.
- Employment Act [Cap. 55:01 of the Laws of Malawi].

### Minimum age for employment (in tobacco)

- There is not a specific rule in tobacco.
- It is prohibited to engage any child aged below 14 in any child labour, including work in public or private agricultural undertaking, unless it is work done at home or at a vocational school or technical training.<sup>38</sup>

### Age (or ages) limits for compulsory schooling

- The Constitution encompasses the right to education, but it does not prescribe age limit for citizens to start attending school.
- Other than the Constitution, there are not specific references on the laws about this matter.
- Under s.13 of the Education Act of 2013, provision of primary education in government schools is compulsory for every child below eighteen (18) years of age.

### Definitions of hazardous work (incl. agricultural activities that constitute hazardous work) as well as any tasks that workers under 18 are specifically prohibited from participating in by law

- It is prohibited the engagement of any person aged between 14 years and 18 years in any occupation or activity that is likely to be harmful to the health, safety, education, morals or development of such person or likely to be prejudicial to his/her attendance at school or any other vocational or training program i.e. hazardous work.<sup>39</sup> The Employment Act does not specify the type of activities prohibited under the Act. However, the Schedule to the 2012 Order includes the following on the list of hazardous work in the tobacco sector: topping and suckering activities or handling tobacco leaves in the harvesting process; handling or grading tobacco leaves in damp conditions or conditions of poor lightning or ventilation; and any other work involving tobacco in commercial tobacco estates or commercial tobacco farms.<sup>40</sup>

38. Section 21 of the Employment Act.

39. Section 22 of the Employment Act.

40. Schedule 1 (c) (iii) of the 2012 Order. According to local leaf supplier and following its further consultations with the Ministry of Labor, the hazardous list of the Order needs to be reviewed, as the Ministry of Labor agrees that the listing of hazardous work in the schedule ending with an overall clause that makes all work hazardous is confusing and needs to be corrected. Local supplier and regional PMI team is following up this matter.



- The Labor Minister is empowered, in consultation with relevant organizations of employers and employees, to specify, by notice published in the Gazette, occupations or activities which, in his opinion, are likely to be a hazardous task/activity.<sup>41</sup>
- The Labour Minister promulgated the 2012 Order pursuant to section 22 (2) of the Employment Act. This 2012 Order<sup>42</sup> prohibits all children aged below 18 from being engaged in hazardous work.<sup>43</sup> However, a person aged 16 to 18 may be engaged in hazardous work in all sectors, including the agricultural sector, provided that<sup>44</sup>:
  - i. The health and safety of such a person is fully protected from the hazardous work, and
  - ii. Such person has received adequate training to perform such hazardous work.
- As already provided above, the Schedule to the 2012 Order includes the following on the list of hazardous work in the tobacco sector: topping and suckering activities or handling tobacco leaves in the harvesting process; handling or grading tobacco leaves in damp conditions or conditions of poor lightning or ventilation; and any other work involving tobacco in commercial tobacco estates or commercial tobacco farms.<sup>45</sup>
- In addition, the 2012 Order also includes the following on the list of hazardous work for the entire agriculture sector (including the tobacco sector): handling or applying agricultural chemicals, veterinary drugs, pesticides/insecticides in an agricultural undertaking; handling plants or soil immediately after the application of agricultural chemicals or during any other period specified in chemical labels; curing or processing agricultural products where there is exposure to temperatures or working at heights hazardous to safety, health and well-being of persons; and any other activity involving dangerous machinery, dangerous equipment or dangerous tools.
- It is an offence and subject to a fine and/or imprisonment on conviction with a maximum sentence of three years for any employer who fails to comply with any of the requirements of the 2012 Order.<sup>46</sup>

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Requirements applying to farmers' own children or other family members such as nieces and nephews helping on the farmers

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- There are not specific references on the laws about this matter. By implication, Section 21 of the Employment allows labor by the farmers' own or dependent children if the children are helping on agricultural activities within their home.

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41. Subsection 22(2) of the Employment Act.

42. The Labor Minister published the Employment (Prohibition of Hazardous Work for Children) Order, 2012 [Gazette No. 1 of 2012] (The 2012 Order).

43. Pursuant to section 22 of the Employment Act.

44. Paragraph 6 and Schedule of the 2012 Order.

45. Schedule 1 (c) (iii) of the 2012 Order. According to local leaf supplier and following its further consultations with the Ministry of Labor, the hazardous list of the Order needs to be reviewed, as the Ministry of Labor agrees that the listing of hazardous work in the schedule ending with an overall clause that makes all work hazardous is confusing and needs to be corrected. Local supplier and regional PMI team is following up this matter.

46. Paragraph 9 of the 2012 Order.

Other restrictions or requirements on the employment of workers under 18 years (e.g. limit on work hours, work permits, etc.)

- It is prohibited that a person aged between 14 and 18 work for more than 40 hours a week.<sup>47</sup>
- These are the maximum working hours for a person under the age of 18, who is enrolled in school: (a) 20 hours in a week during the school term; (b) 40 hours in any week that falls entirely within the school holidays; (c) three hours on any school day which is followed by another school day; or (d) four hours on any school day followed by a non-school day, such as a Friday or the last day of a school term.<sup>48</sup>
- It is prohibited that a person aged below 18 from working in an environment involving extreme temperatures below 6° C or above 30° C due to their potential to jeopardize the safety, health, welfare and comfort of persons below the age of 18: (a) unless the cold or hot temperatures are a result of natural climate conditions and adequate measure are taken to protect the person including – (i) adequate protective clothing is provided to maintain optimum body temperature; (ii) presence in such environment shall not exceed one hour of continuous work; (iii) adequate water breaks are taken at reasonable intervals taking into account individual susceptibility; (iv) adequate potable water or any beverage is made available and is conveniently accessible to all persons; and (v) the persons are acclimatized to such working environment; and that work does not exceed four hours every day.<sup>49</sup>
- It is permitted for a person under the age of 18 to only lift weight which is substantially less than lifted by adult workers of the same sex and, in any case, must be reasonable so as not to jeopardize the safety, health and well-being of that person.<sup>50</sup>
- Finally, it is required that the distance and weights which a person under the age of 18 may travel and carry respectively to be practically reasonable so as not jeopardize the safety, health and well-being of that person.<sup>51</sup>

47. Paragraph 3(1) of the 2012 Order.

48. Paragraph 3(2) of the 2012 Order.

49. Paragraph 5 of the 2012 Order.

50. Paragraph 7 of the 2012 Order.

51. Paragraph 8 of the 2012 Order.

## Principle 2 – INCOME AND WORK HOURS

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
Wages of all workers meet, at minimum, national legal standards or agricultural benchmark standards.	Minimum wage for all workers is at K962.00 per day.			<p>Effective 1st July 2017, the minimum wage, including agricultural workers, is K962 per day (equivalent to US\$1.20). The minimum daily wage relates to the normal 8 hour working day. If a worker is required to work outside the normal 8 working hours, overtime is payable. Overtime is payable at the rate of 1½ outside the working hours on each business day and at the twice a rate for non-business day.</p> <p>Please note that there is no sectorial minimum wage in Malawi by the date of this update.</p>
Wages of all workers are paid regularly, at a minimum, in accordance with the country's laws.	Yes, but workers can also be paid at the end of the season provided it is agreed by the worker.			<p>Law does not control the periods for paying wages, provided that the wages are not paid less often than once a week in the case of an employee whose wages are fixed by the hour, day or week, and not less than a month in the case of a permanent employee whose wages are fixed on a monthly or yearly basis. Seasonal workers and/or tenants can be paid on a monthly or weekly basis if it is agreed between the employer and the seasonal worker or tenant. The law does not provide a legal minimum payment frequency for tenants.</p>
Work hours are in compliance with the country's laws.				<p>The regular maximum working hours are 8 hours in a day for 6-day week<sup>52</sup>. Where an employee is asked to work more than eight hours a day, he/she would be entitled to overtime.</p> <p>If a worker is employed for part-time, but would be staying at the farm for the whole season, such as a tenant, this would be deemed to be full-time employment, depending on the terms of the respective employment contract.</p>
Excluding overtime, work hours do not exceed, on a regular basis, 48 hours per week.	Employment Act <sup>53</sup> sets the maximum working hours for an employee at 48 hours a week, excluding overtime.			

52. Section 36 of the Employment Act.

53. Section 36 of the Employment Act.

Overtime work hours are voluntary.	Yes <sup>54</sup> , overtime work hours are voluntary.			The regular maximum working hours are 8 hours in a day for 6-day week <sup>55</sup> . Where an employee is asked to work more than eight hours a day, he/she would be entitled to overtime.
Overtime wages are paid at a premium as required by the country's laws or by any applicable collective agreement.	Yes, overtime paid at a premium as prescribed under Employment Act <sup>56</sup> .			See below the answer on the section 'Requirements that employers must meet to request overtime from workers...'
All workers are provided with the benefits, holidays, and leave to which they are entitled by the country's laws.	Yes, these are provided under Employment Act <sup>57</sup> .			See below the answer on the section 'Laws on basic entitlements or benefits...'

### Applicable laws

- Employment Act [Cap. 55:01].
- Workers Compensation Act [Cap. 55:03].
- Pension Act [No. 6 of 2011].
- Immigration Act [Cap. 15:03].
- Employment (Prohibition of Hazardous Work for Children) Order.

Laws on regular and overtime wages including laws on in kind payment (e.g. minimum wages, minimum wages agreed with unions, agricultural wage benchmark standards). If a minimum monthly wage is referenced, please indicate how many hours this wage represents

- The Minister of Labor has the authority, in consultation with responsible bodies of workers and employers, to fix scales of minimum wages.<sup>58</sup> Pursuant to this statutory provision, the Minister has effective 1st July 2017 set the minimum wage of workers, including in the agriculture sector, at K962.00 per day (equivalent to US\$1.20) [Gazette of 2017].
- Section 50 (4) of the Employment Act provides for payment in-kind where it is customary to do so. The Act does not prescribe a maximum amount of the salary being paid in kind, but the expectations are that payment in kind would comprise partial payment of the salary and not payment of the whole salary in kind. In the agriculture sector, it is customary to sell to the workers food rations, particularly maize, value of which is deducted from the salary payable to the workers. The law does not provide guidance on how to determine the value of the in-kind payment. Generally, the value would be an accepted market price for commodities that are sold (i.e. paid in kind) by farmers to workers e.g. maize.

54. Section 39 of the Employment Act.

55. Section 36 of the Employment Act.

56. Section 39 of the Employment Act.

57. Section 44 of the Employment Act.

58. Section 54 of the Employment Act.

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### Wage and hours laws specific to piece rate workers, seasonal workers, and migrant workers

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- The same as the previous answer K962.00 per day (equivalent to US\$1.20).
  - Workers can be paid at the end of the season provided it is agreed by the worker.
- 

### Other specific rules applicable to migrant workers including any legal requirements to ensure they are legally permitted to work

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- Laws require every migrant worker to apply and obtain an appropriate permit in order to stay and work legally in Malawi. Permit applications are required to include proof that the employer has not succeeded to find a duly qualified person within Malawi to fill up the required position to be taken by a migrant worker.<sup>59</sup>
  - In addition, migrant workers are prohibited from changing employers within Malawi without the written approval of the Director General of the Department of Immigration and Citizenship Services.<sup>60</sup>
  - Be also aware that migrants may also be internal migrants, i.e. cross districts/cross regions. In these cases permits are not required.
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### Laws on payment of wages relevant to the frequency of payment in agriculture, for example, laws on whether end of season one-time payments are permissible

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- The Employment Act does not control the periods for paying wages (provided that the wages are not paid less often than once a week in the case of an employee whose wages are fixed by the hour, day or week and not less than a month in the case of an employee whose wages are fixed on a monthly or yearly basis).
  - Law requires employers to inform employees at the time of their appointment the intervals at which remuneration would be paid.<sup>61</sup>
- 

### Laws on regular and overtime hours (e.g. maximum work hours, requirements for overtime hours to be voluntary)

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- It is allowed that parties agree in the employment contract the employee's working hours, and the law sets the maximum working hours for an employee at 48 hours a week, excluding overtime.<sup>62</sup>
- The regular maximum working hours are 8 hours in a day for 6-day week. Where an employee is asked to work more than eight hours a day, he/she would be entitled to overtime.<sup>63</sup>
- The Employment Act requires employers to ensure that employees do not work for more than 6 consecutive days without a period of rest, comprising at least 24 consecutive hours. There is no legal option for farmers/workers to waive the right of the 24-hour break after six consecutive working days.

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59. Sections 21 and 25 of the Immigration Act.

60. Section 25 of the Immigration Act.

61. Subsection 27(3) (d) of the Employment Act.

62. Section 36 of the Employment Act.

63. Section 36 of the Employment Act.

Employers are also required to ensure that shift workers working six days a week do not work for more than 8 hours a day and shift workers working five days a week do not work for more than 12 hours a day.<sup>64</sup>

- If a worker is employed for part-time, but would be staying at the farm for the whole season, this would be deemed to be full-time employment, again depending on the specific terms of the respective employment contract.

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#### Requirements that employers must meet to request overtime from workers

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- The Employment Act provides for three classes of overtime wages: (i) Ordinary overtime i.e. time worked on a working day in excess of the hours normally worked by the employee. Ordinary overtime is paid at an hourly rate of not less than one and half (1½) wage for one hour; (ii) Day off overtime i.e. time worked by an employee on a day on which he would otherwise be off duty. Day off overtime is paid at a rate of not less than twice the normal hourly rate; and, (iii) Holiday overtime i.e. time worked on a public holiday. Holiday overtime is paid at a rate of not less than twice the normal hourly rate.<sup>65</sup>
- The Minister of Labor has the authority, in consultation with responsible bodies of workers and employers, to fix scales of minimum wages.<sup>66</sup>

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#### Laws on basic entitlements or benefits to be paid to workers (e.g. social security, health care, holidays, other leave entitlements etc.)

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- Employees are entitled to a period of annual leave with pay (i.e. commensurate to their usual monthly pay) of not less than: (a) 18 working days if the employee works six days a week; and (b) 15 working days if the employee works five days a week.<sup>67</sup>
- Employees are also entitled, upon completing 12 months of continuous service, to at least four weeks sick leave on full pay and eight weeks sick leave on half pay during each year payable at the normal rate of wages.<sup>68</sup>
- Every female employee is entitled to at least eight weeks maternity leave on full pay every three years.<sup>69</sup>
- Law provides for mandatory compensation to workers injured in the course of employment.<sup>70</sup>
- Law requires every employer employing more than five employees to provide for pension.<sup>71</sup>
- Law sets the minimum statutory contributory rates at 10% and 5% for the employer and the employee respectively.<sup>72</sup>
- The Pension Act exempts the following categories of employees/employers from Pension contributions: seasonal employees; tenants, holders of work permits, members of Parliament and domestic workers.

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64. Section 36 of the Employment Act.

65. Section 39 of the Employment Act.

66. Section 54 of the Employment Act.

67. Section 44 of the Employment Act.

68. Section 46 of the Employment Act.

69. Section 47 of the Employment Act.

70. The Workers Compensation Act [Cap. 55:03 of the laws of Malawi].

71. Section 9 of the Pension Act [No. 6 of 2011 of the laws of Malawi].

72. Section 12 of the Pension Act.

## Principle 3 – FAIR TREATMENT

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
No physical abuse, threat of physical abuse, or physical contact with the intent to injure or intimidate	Gender Equality Act <sup>73</sup> protects any person from any form of physical abuse.			
No sexual abuse or harassment	Gender Equality Act <sup>74</sup> protects any person from any form of sexual abuse.			
No verbal abuse or harassment	Gender Equality Act <sup>75</sup> protects any person from any form of verbal abuse.			
No discrimination on the basis of race, color, caste, gender, religion, political affiliation, union membership, status as a worker representative, ethnicity, pregnancy, social origin, disability, sexual orientation, citizenship, or nationality	Gender Equality Act <sup>76</sup> protects any person from any form of discrimination.			
Worker access to fair, transparent and anonymous grievance mechanism	Both the Constitution & Employment Act <sup>77</sup> provides these rights.			

### Applicable laws

- Constitution of Malawi.
- Gender Equality Act [No. 3 of 2013].
- Disability Act [No. 8 of 2012].
- Employment Act [Cap. 55:01].

### Laws defining and prohibiting physical, sexual, or verbal threats, abuse, contact, or harassment

- Constitution grants every person: (i) the right to fair and safe labor practices and to fair remuneration; (ii) the right to form and join trade unions or not to form or join trade unions; and (iii) the right to fair wages and equal remuneration for work of equal value without distinction or discrimination of any

73. Section 5 of the Gender Equality Act.

74. Section 5 of the Gender Equality Act.

75. Section 5 of the Gender Equality Act.

76. Section 20 of the Constitution, section 5 of the Employment and section 13 of the Gender Equality Act.

77. Section 31 of the Constitution and section 4 of the Constitution.

kind, in particular on basis of gender, disability or race. Local courts have given examples of conduct that may be termed as unfair labor practices. Examples include: physical punishment or verbal abuse of the workers.<sup>78</sup>

- Law prohibits any person from committing, engaging in, subjecting a person to, or encouraging the commission of any harmful practice.<sup>79</sup>
- Harmful practice is defined by the Law as meaning a social, cultural or religious practice which, on account of sex, gender or marital status, does or is likely to undermine the dignity, health or liberty of any person or result in physical, sexual, emotional or psychological harm of any person.<sup>80</sup> Any person who contravenes section 5 is liable to a fine of K1,000,000.00 and/or imprisonment with a maximum period of five (5) years.
- Section 13 of the Disability Act [No. 8 of 2012] prohibits discrimination in any form of employment. Any person who contravenes this section is liable to a fine of K1,000,000.00 and/or imprisonment for 12 (twelve) month maximum period.

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#### Laws defining and prohibiting discrimination

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- Section 20 of the Constitution and section 5 of the Employment Act prohibit the discrimination of persons in any form; and all persons are, under any law, guaranteed equal and effective protection against discrimination on grounds of race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth or other status.

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#### Protection of workers from discrimination (workers' rights and employers' obligations)

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- Subsection 31(3) of the Constitution entitles every person to fair wages and equal remuneration for work of equal value without distinction or discrimination of any kind, in particular on basis of gender, disability or race.
- Section 5 of the Employment Act prohibits any discrimination on the grounds of race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status or family responsibilities in respect of recruitment, training, promotion, terms and conditions of employment or other related matters. Any person who contravenes this section is liable to a fine of K10,000.00 and/or imprisonment for two years.
- Section 6 of the Employment Act requires every employer to pay employees equal remuneration for work of equal value without distinction or discrimination of any kind, in particular, on basis of race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status or family responsibilities.

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#### Laws on resources for victimized workers including any access to grievance mechanisms

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- There are not specific references on the laws about this matter, but there are general rules regarding disputes and complaints procedures under the Employment Law.<sup>81</sup>

78. Subsection 31(1) of the Constitution.

79. Section 5 of the Gender Equality Act [No. 3 of 2013].

80. Section 3 of the Gender Equality Act.

81. See s64 of the Employment Act about Disputes and Complaints Procedures.



## Principle 4 – FORCED LABOR AND HUMAN TRAFFICKING

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
No work under bond, debt or threat	The Constitution <sup>82</sup> prohibits any forced labor.			
Workers must receive wages directly from the employer.			The Employment Act entitles an employee to directly receive wages or to nominate another person as a recipient of their wages <sup>83</sup> .	This is a loophole in the law which gives a worker an option to nominate another person, such as a spouse. Spouses can compel each other to surrender wages by nomination of payment. This statutory requirement provides the minimum which must be complied with by the employer.
Workers are free to leave their employment at any time with reasonable notice, without threat or penalty	Workers are free to leave employment at any time with reasonable notice <sup>84</sup> .			
Workers are not required to make financial deposits with farmers, labor contractors, or any other third party at the time of recruitment or at any point during employment	Workers are not required to make financial deposits with farmers, labor contractors or any other third party.			
Workers are not charged recruitment fees or other related fees for their employment by labor contractors	Workers are not charged recruitment fees or other related fees for their employment by labor contractors.			
Wages or income from crops and work done are not withheld beyond the legal and agreed payment conditions.	Subject to rights under the law, wages or income from crops and work done are not withheld.			
Farmers do not retain the original identity documents of any worker	Farmers are not allowed to retain the worker's original identity documents.			In practice, this may be abused as farmers tend to retain the documents as security.

82. Section 31 of the Constitution.

83. Section 50(3) of the Employment Act.

84. Section 29 of the Employment Act.

Where farmers are legally required to retain the original identity documents of workers, they provide secure storage protected from unauthorized access and ensure workers have access to their documents upon end of employment	The law does not require a farmer to retain the original documents.			
Where labor contractors are used, farmers verify their labor practices and ensure they are in line with the ALP standards	Malawi labour laws are silent.			
No employment of prison or compulsory labor	This is prohibited by the Constitution <sup>85</sup> .			

### Applicable laws

- Constitution of Malawi.
- Employment Act.

### Legislation on forced labor (including any regulation on identity document retention or wage withholding)

- Section 27 of the Constitution prohibits any form of Slavery, servitude and forced labor.
- Section 51(1) and (2) of the Employment Act entitles every employee in the public or private agricultural sector to receive with each payment of wages an accurate itemized statement from the employer in writing in a form which sets out: the employee's gross wages due at the end of the pay period; the amount of every deduction from his wages during the pay period and the purpose for which each deduction was made; and the employee's net wages payable at the end of the pay period.

### Legislation relating to limits or prohibitions on recruitment fees and deposits workers may be required to pay

- There is not express legislation on this. However, this would be caught up by common law under the principles of illegality.<sup>86</sup>

### Legislation regulating the operation of labor brokers and other third-party recruiters

- There is not express legislation on this.

### Laws on prison labor

- Section 27 of the Constitution prohibits any form of Slavery, servitude and forced labor.

85. Section 27 of the Constitution

86. See s52 (1) (c) of the Employment Act.

## Principle 5 – SAFE WORK ENVIRONMENT

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
Farmers provide a safe and sanitary working environment	The Occupational Safety, Health and Welfare Act <sup>87</sup> requires Employers to provide safe & sanitary working environment.			
Farmers take all reasonable measures to prevent accidents, injury and exposure to health risks.	The Occupational Safety, Health and Welfare Act <sup>88</sup> requires Employers to prevent accidents, injury & exposure to health risks.			
No person is permitted to top or harvest tobacco, or to load barns unless they have been trained on avoidance of green tobacco sickness.				The Hazardous List prevents harvesting of tobacco leaves in damp conditions. <sup>89</sup> In addition, and by construction, this may be covered under the Occupational Safety, Health and Welfare Act. <sup>90</sup>
No person is permitted to use, handle or apply crop protection agents (CPA) or other hazardous substances such as fertilizers, without having first received adequate training.	The law does not directly address the issue on fertilizers. By construction, this is covered under the Occupational Safety, Health and Welfare Act <sup>91</sup> .			
No person is permitted to use, handle or apply crop protection agents (CPA) or other hazardous substances such as fertilizers, without using the required personal protection equipment.	The law does not directly address the issue on CPAs. By construction, this is covered under the Occupational Safety, Health and Welfare Act <sup>92</sup> .			

87. Section 13 of the Occupational Safety, Health & Welfare Act.

88. Section 13 of the Occupational Safety, Health & Welfare Act.

89. 2012 Order, s1 (c) (ii).

90. Part VI of the Occupational Safety, Health & Welfare Act.

91. Part VI of the Occupational Safety, Health & Welfare Act.

92. Part VI of the Occupational Safety, Health & Welfare Act.

Persons under the age of 18, pregnant women, and nursing mothers must not handle or apply CPA.				Employment Act <sup>93</sup> prohibits for any child aged below 18 in hazardous work. Paragraph 6(1) of the Ministerial Order <sup>94</sup> prohibits a person under the age of 18 from carrying out hazardous work set out in the Schedule to the Order. Paragraph 6(2) of the Order states that such work shall not be prohibited where: (a) the person is aged between 16 and 18; (b) health and safety of that person is fully protected; and (c) the person has received adequate training in performing the activities. <sup>95</sup>
No person do not enter a field where CPA have been applied unless and until it is safe to do so.	The law does not directly address the issue on CPAs. By construction, this is covered under the Occupational Safety, Health and Welfare Act <sup>96</sup> .			
Every person has access to clean drinking and washing water close to where they work and live.	This is provided <sup>97</sup> under the Occupational Safety, Health & Welfare Act.			
Accommodation, where provided, is clean, safe, meets the basic needs of workers, and conforms to the country's laws.	This is provided <sup>98</sup> under the Occupational Safety, Health & Welfare Act.			

### Applicable laws

- The Occupational Safety, Health and Welfare Act.

### Requirements for provision of medical protection (availability of first aid kit, health & safety training etc.)

- Section 13 of The Occupational Safety, Health and Welfare Act requires -in general- Employers to provide safe & sanitary working environment.
- Section 33 of the Occupational Safety, Health and Welfare Act requires every occupier of a workplace to provide and maintain a first aid box or cupboard of the prescribed standard which is readily accessible.
- Section 65 of The Occupational Safety, Health and Welfare Act provides for training and information of potential hazards to which one may be exposed to in the work place.

93. Section 22 of the Employment Act.

94. Employment (Prohibition of Hazardous Work for Children) Order, 2012 [Gazette No. 1 of 2012] ("2012 Order").

95. 2012 Order.

96. Part VI of the Occupational Safety, Health & Welfare Act.

97. Sections 28 and 29 of the Occupational Safety, Health & Welfare Act

98. Part VI of the Occupational Safety, Health & Welfare Act

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### Requirements to report accidents and injuries

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- Section 66 of the Occupational Safety, Health & Welfare Act requires written notice of accident, in prescribed form and accompanied by prescribed particulars, to be reported to the Director of Occupational Health, Safety and Welfare where any accident occurs in a workplace that: (a) causes loss of life to a person employed in that workplace; or (b) disables or is capable of disabling any person from carrying out normal duties at which he is employed. Provided that in the case of death or serious injury, the written notice shall, where practicable, be preceded by phone notification or any fastest means of communication available to facilitate immediate investigation.

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### Requirements for green tobacco sickness training or awareness

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- The law does not directly address the issue about green tobacco sickness. By construction, this is covered under Part VI of the Occupational Safety, Health and Welfare Act.

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### Requirements for PPE needed for using, handling, storing, or disposing of crop protection agents (CPA). This may vary depending on the CPA in question.

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- The Hazardous List prevents harvesting of tobacco leaves in damp conditions.<sup>99</sup> By construction, this is covered under Part VI of the Occupational Safety, Health and Welfare Act.
- Section 59 of the Occupational Safety, Health and Welfare Act provides for general requirements for use, handling, storing or disposing of dust, fumes and other impurity of such a character and to such extent as to be likely to be injurious or offensive to the persons employed or any substantial quantity of dust of any kind.
- Section 65 of the Occupational Safety, Health and Welfare Act requires employers to provide employees sufficient information and training on hazardous substances used at workplaces.

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### Restrictions on CPA use, handling, storing, or disposing (e.g. restrictions on vulnerable population such as under 18s, pregnant women, nursing mothers interacting with CPA)

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- The Hazardous List prevents those aged between 16 -18 to handle tobacco activities unless trained and their safety is covered.<sup>100</sup> In addition and by construction, this is covered under Part VI of the Occupational Safety, Health and Welfare Act.
- Section 59 further provides that all practicable measures, including the supply of breathing masks, shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent it entering the air of any workroom.

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99. 2012 Order.

100. 2012 Order.

Other legislation related to CPA, (e.g. where they may be stored or transported, explicit restrictions on specific CPAs, weather conditions under which CPA application may or may not occur, other restrictions limiting contact or exposure with CPA)

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- The law does not directly address the issue about green tobacco sickness. By construction, this is covered under Part VI of the Occupational Safety, Health and Welfare Act.
  - Section 51 of the Occupational Safety, Health and Welfare Act provides for general requirements for personal protective equipment needed for using, handling, storing or disposing of hazardous substances. This Act defines hazardous substances to include agricultural or crop protection agents (CPA).
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Requirements related to providing drinking water and safe housing

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- Section 29 of the Occupational Safety, Health and Welfare Act requires every occupier shall provide at a workplace an adequate supply of clean and potable drinking water, maintained at suitable points conveniently accessible to all persons employed.
  - In effect, employers are required in terms of the Occupational Safety, Health and Welfare Act to provide adequate supply of clean and potable drinking water to employees at a workplace maintained at suitable points conveniently accessible to all employees.
  - Also, every supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the water and vessels from contamination; and a drinking water supply whether laid on or not, shall be clearly marked "DRINKING WATER" in English and in such vernacular languages as the Director of Occupational Health, Safety and Welfare may specify.
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Requirements for worker accommodation if provided

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- Section 27 of the Occupational Safety, Health and Welfare Act requires every occupier to provide sufficient and suitable sanitary conveniences for persons employed in the workplace, which must be maintained and kept clean, and effective provision must be made for lighting the conveniences and, where persons of both sexes are or are intended to be employed (except in the case of workplaces where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation with a distinct approach for persons of each sex.
  - Section 30 of the Occupational Safety, Health and Welfare Act requires every occupier to provide, for the use of employees at a workplace, adequate and suitable accommodation for hanging or stowing personal clothing not worn during working hours.
  - Besides the above there are not further legal references to workers accommodation and in practice leaf suppliers may apply their own internal guidance, i.e. houses with at least 2 rooms.
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Restrictions on farm equipment (e.g. maintenance and licensing for operators)

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- Section 40 of the Occupational Safety, Health and Welfare Act restricts the operation of lifting machines except by a person trained and competent to operate that machine.

- Also, it is permissible for such machine to be operated by a person who is under the direct supervision of a qualified person for the purpose of training.
- Additionally, section 40 prohibits a person under eighteen (18) years of age shall be employed to operate any lifting machine driven by mechanical power or to give signals to the operator of any such machine.<sup>101</sup> For purposes of section 40, the term 'lifting machine' includes crane, crab, winch, toggle, pulley block, gin wheel, transporter or runway.

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101. See also S.2 (g) of the 2012 Order.

## Principle 6 – FREEDOM OF ASSOCIATION

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
Farmers do not interfere with workers' right to freedom of association.	The Constitution <sup>102</sup> and the Labor Relations Act <sup>103</sup> guarantee the workers' right to freedom of association.			
Workers are free to join or form organizations and unions of their own choosing.	The Constitution <sup>104</sup> and the Labor Relations Act <sup>105</sup> guarantee the workers' right to freedom of association.			
Workers are free to bargain collectively.	The Constitution <sup>106</sup> and the Labor. Relations Act <sup>107</sup> provides rights for workers to bargain collectively.			
Worker representatives are not discriminated against.	The Constitution <sup>108</sup> and the Labor Relations Act <sup>109</sup> protects workers' representatives against discrimination			
Worker representatives have access to carry out their representative functions in the workplace.				

### Applicable laws

- The Constitution of Malawi.
- Labour Relations Act [Cap. 54:01 of the Laws of Malawi].

Laws on organizing unions and their operation (e.g. protections in place for freedom of association, protection against employer interference)

- Subsection 31 (2) of the Constitution provides every person with the right to form or join trade unions. Subsection 32 (1) of the Constitution provides every person with the right to freedom of association, which shall include the freedom to form associations.

102. Section 32(1) of the Constitution.

103. Part II of the Labor Relations Act.

104. Sections 31 (2) and 32(1) of the Constitution.

105. Part II of the Labor Relations Act.

106. Section 31 (2) of the Constitution.

107. Part II of the Labor Relations Act.

108. Section 31(1) of the Constitution.

109. Part II of the Labor Relations Act.



- Section 4 of the Labour Relations Act gives every person the right to freedom of association, which includes the freedom to establish and join organizations of his or her own choice.
- Section 6 of the Labour Relations Act protects employees (or any person seeking employment) from being prevented from joining associations or from being dismissed or prejudiced because of trade union membership or participation in the formation or the lawful activities of a trade union.
- Subsection 7(1) of the Labour Relations Act protects membership of an employee in a trade union as long as the employee complies with the rules of the union.
- Subsection 7(2) of the Labour Relations Act (2) prohibits any trade union or similar organization from discriminating in its constitution, rules or through its actions against any person on the grounds of race, color, nationality, ethnic or social origin, national extraction, religion, political opinion, language, sex, marital status, family responsibilities, age, disability, property or birth.

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#### Laws or requirements for collective bargaining

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- Section 25 of the Labour Relations Act contains requirements for enterprise-level bargaining.
- Section 26 of the Labour Relations Act contains requirements for sectorial-level bargaining.

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#### Laws related to worker representatives (e.g. requirements for representatives to be in place, protection from discrimination, access to carry out functions in workplace)

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- Subsection 11(1) of the Labor Relations Act requires every worker representative organization to be registered in terms of the provisions of this Act. The rights and benefits conferred by this Act upon organizations may be exercised only if those organizations are registered in accordance with the Labor Relations Act.
- Subsection 11(2) of the Labor Relations Act provides that any seven or more members of an unregistered trade union, or two or more members of an unregistered employers' organization, any of whom may be officers of the organization, may apply to the Registrar for registration in the prescribed form. The application for registration is required to be accompanied by: (a) two certified copies of the organization's rules; and (b) the prescribed fee.

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#### Other prohibitions on union discrimination and employer interference

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- In addition to the above statutory rights and prohibitions, the employee would be entitled to common law remedies.

## Principle 7 – TERMS OF EMPLOYMENT

### Summary

ALP MEASURABLE STANDARDS	MARKET LEGAL STANDARDS			COMMENTS
	MATCHES	EXCEEDS	OPPOSES	
At the time of hire, farmers inform workers of their legal rights	It's difficult to ensure that farmers are complying with this.			<p>To ensure that farmers are complying, it may be necessary to incorporate the terms in the Employment Contract.</p> <p>It is also part of the Buyer/ Grower Integrated Production System (IPS) contracts for the farmer to adhere to and communicate ALP principles to their workers.</p>
At the time of hire, farmers inform workers of the essential aspects of the work relationship and work place safety such as work to be performed, working hours, wages paid, period of hire, and all legally mandated benefits	These are included in the Employment Contract.			The Employment Act defines type of contracts and provides what nature of information should be included in those contracts. <sup>110</sup>
Farmers and workers have entered into written employment contracts when required by a country's laws and workers receive a copy of the contract.	There is need to ensure that this done.			Random interview of the workers should reveal if this is done or not.
Terms and conditions of employment contracts do not contravene the country's laws.				The terms of the employment contracts comply with the applicable laws.

### Applicable laws

- The Employment Act.

#### Legal requirements to constitute labor/employment relation

- There is need of contract of employment. The contract can be written or oral.
- What is required is that there is a request/offer by the employer for the workers' services for pay/ consideration and the worker agrees/accepts to provide those services. Either offer or acceptance can be express or implied from the dealings between the employer and the worker.
- In practice, leaf suppliers encourage the written labor agreements, which will normally include: (i) worker names (ii) working hours; and (iii) wages.

110. Sections 25 (2) and 27 (3) of the Employment Act.

Laws and regulations on employment contracts (incl. necessity for written employment contracts, and if is not what are the grounds to consider the existence of a verbal employment agreement)

- There is no written employment contract for workers as such. However, section 27 of the Employment Act requires every employer to give to each employee a written statement of particulars of employment. In *Chasowa v Ibrahim Cash 'n Carry [2008] MLLR 385 (IRC)*, the Industrial Relations Court held that it was a duty of an employer in terms of section 27 of the Employment Act to draw up terms of the employment, even where the parties did not draw up a written contract, and give them to an employee.
- In general, there is not a legal limitation to agree on a 'part-time work contract'<sup>111</sup> for a specific period of time -i.e. from Oct. to Feb.-, and for non-exclusive obligations, thus this would fall under the contract for a specified period of time as envisaged in the Employment Act. The labor laws set for the following type of labor contracts: (a) a contract for an unspecified period of time; (b) a contract for a specified period of time; and (c) a contract for a specific task<sup>112</sup>. In addition, the Employment Act recognizes 'share croppers tenant' as employees<sup>113</sup>. However, the Employment Act does not develop any further the characteristics of the 'sharecropping tenant' agreement.
- All share cropper tenant agreements are subject to Malawi labour laws, particularly the Employment Act. In the circumstances, it is always prudent for the farmers to ensure that the share cropper tenant are provided with the minim requirements as set out under the Employment Act. Conceptually it may be possible commercial tenants' agreements. However, it is very rarely and or difficult to really find commercial tenants in Malawi in the tobacco fields. In addition, it will be a challenge on the ground to identify when you will face a 'sharecropping tenant' agreement versus a landing and/or commercial tenant agreement, which is not subject to the labor rules. In particular, because the basis of both agreements may be similar, so both types of tenants will receive a piece of land and will agree to produce an X volume of tobacco to be delivered a Y price at the end of a season. Now, in the case of facing this situation, a basic answer/approach to help you to differentiate among these tenants will be the independency and autonomy characteristics present on a commercial tenant versus the lack of it by the tenant worker. That said, the commercial tenant should have his/her own financial capabilities, although the landowner would provide him/her the land and some inputs. To the contrary, a tenant worker does not have the financial capability and will depend fully of the landowner. So, the landowner will provide -in addition to the land and crop inputs- food, housing, medicines/personal cleaning stuff (i.e. soap). These additional inputs may be deducted from the payments to tenant worker.
- As said before, the tenant worker agreement is a not exclusive agreement if not made to be exclusive by the contracting parties (the employer and the worker). A tenant worker, including a tenant share cropper, could do other activities as far as comply on-time with the activities agreed with the landowner in terms of their employment contract.<sup>114</sup>

111. We refer here a "part time work contract" as an agreement with the following characteristics: (i) a specific duration, i.e. 10 months; and (ii) an agreement on the total amount to be paid to the worker, agreed before starting the work, and calculated, for example, using the potential number of days to be worked by the worker.

112. Section 25 of the Employment Act.

113. Section 3 of the Employment Act.

114. Three additional comments on the tenant workers situations: (i) their payment is a price of the tobacco agreed beforehand with the landowner. This price is influenced by the guidance provided, in some crop seasons, by the Tobacco Control Commission (TCC) in coordination with Farmer Associations (FA), and, this price guidance takes into account cost of production. Cost of Production takes into account the per day minimum legal wage (Further references, see ARET - <http://www.aret.org.mw/> - as the key stakeholder involved in coming up with government minimum prices for tobacco in Malawi). (ii) It is possible to add during the "Z" duration of the contract some additional days of work or additional activities to do, and the additional tobacco delivered shall be paid at the price effective in the market or indicated by the guidance set by the TCC/FA.

- According to the information provided by the leaf supplier, in practice the landowner is the ‘farmer’ for the purpose of the production agreement, and the one executing this agreement with the company.

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#### Required content for written employment contracts

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- Written employment contract is required to include the following particulars:
  - a. the names of the employee and of the employer;
  - b. the date of commencement of the contract;
  - c. the rate of remuneration and the method of calculating remuneration;
  - d. the intervals at which remuneration is paid;
  - e. the nature of the work to be performed;
  - f. normal hours of work;
  - g. any provision for termination of the contract other than those provided by this Act;
  - h. any disciplinary rule applicable to the employee.

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#### Deadline for contract conclusion (e.g. on date of hire or within 30 days of hire etc.)

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- The labor agreements can be verbal/oral or written. In case of written agreements, the employer has up to 1 month –counted from the date of hiring and reporting to work- to provide the worker with a written statement with the terms of employment.<sup>115</sup>

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#### Requirements for various types of contract (indefinite term, definite term, temporary workers, and probationary workers)

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- Section 25 of the Employment Act provides that an employment contract can be in any one of the following forms: (a) a contract for an unspecified period of time; (b) a contract for a specified period of time; and (c) a contract for a specific task. Therefore, this would be constructed as a way to differentiate permanent and temporary contracts and piece-rate agreements.
- Where the purpose or effect of a contract is for the filling of a lasting basis of a post connected with the normal and permanent activity of an undertaking, the contract shall be deemed to be a contract of employment for an unspecified period of time.
- In a contract of employment in respect of a skilled worker, section 26 of the Employment Act provides that parties may agree on the duration of the probationary period provided that the period cannot, in any event, exceed twelve months. During a probationary period, a contract of employment may be terminated at any time by either party without notice.

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115. Section 27 of the Employment Act.

Requirements for termination of employment (termination with or without cause, wrongful dismissal, notice periods required to end employment etc.)

- Section 57 of the Employment Act prohibits termination of contract employment by an employer without cause or justification. Section 57 requires that there must be a valid reason for termination connected with the capacity or conduct of the employee or based on the operational requirements of the undertaking. Where the reasons of termination relate to the capacity or conduct of the employee, the employment shall not be terminated before the employee is provided an opportunity to defend himself against the allegations made (unless the employer cannot reasonably be expected to provide such an opportunity).
- It is clear from the preceding paragraph that a combination of substantive and procedural justice would always amount to fair dismissal. If one of them is missing or if both of them are missing, the result leads to unfair dismissal.
- It is also clear that the law identifies the causes of termination as emanating from issues of conduct, capacity or operational requirements.
- Courts have found the following to be some of the causes for termination: dishonesty, fraud, habitual absenteeism, late reporting for duties, refusal to take lawful orders, refusal to go on transfer, offering unauthorised credit facility, undermining authority, driving without authority, careless driving, refusal to write a disciplinary report, failure to follow regulations, carrying unauthorised passengers on an official motor vehicle, abuse of company facilities, damaging company property, assault, sleeping on duty, breaking national laws, violent threats against superiors, failure to meet deadlines, unlawful divulging of information, failure to account for stock, lack of commitment to duty and negligence.
- The Employment Act sets out the minimum notice period for termination of employment. Notwithstanding this, an employer and an employee may agree on a longer notice period.
- A contract of employment for a specified period of time shall automatically terminate on the date specified for its termination and, unless it is expressly or impliedly renewed or prolonged, no notice shall be required for its termination.
- A contract of employment for an unspecified period of time may be terminated by either party upon giving the other the following minimum period of written notice:
  - a. where the contract is to pay wages at a monthly rate, one month's notice;
  - b. where the contract is to pay wages at a fortnightly rate -
    - (i) one fortnight's notice where the employee has been employed for less than five years; and
    - (ii) one month's notice where the employee has been continuously employed for at least five years;
  - c. where the contract is to pay wages at a weekly rate -
    - (i) one week's notice where the employee has been employed for less than two years;
    - (ii) one fortnight's notice where the employee has been continuously employed for a period of not less than two years but not exceeding five years; and
    - (iii) one month's notice where the employee has been continuously employed for at least five years;
  - d. where the contract is to pay wages at a daily or hourly rate -
    - (i) one day's notice where the employee has been employed for less than six months;
    - (ii) one week's notice where the employee has been continuously employed for a period of not less than six months but not exceeding two years;

- (iii) one fortnight's notice where the employee has been continuously employed for a period of not less than two years but less than five years; and
  - (iv) one month's notice where the employee has been continuously employed for a period of at least five years.
- Although the Employment Act provides that both the employer and the employee can terminate the contract of employment by giving notice under sections 28 and 29, in reality, the right to terminate a contract by mere notice is only available to the employee. The employer, must, in addition to the notice, also comply with provisions of section 57(1) and 57(2) of the Employment Act, which require that before any unilateral termination of a contract by an employer, the employee must be furnished with valid reasons, and in cases of misconduct or incapacity, the employee must be afforded an opportunity to be heard.
  - Finally, it is worthy to mention that it is possible to terminate the labor agreement based on a breach of the ALP/GAP program, as far as in the labor agreement is set that worker shall comply with it. Keep in mind that the labor agreements may be verbal, therefore it would be challenging if the agreement is verbal to evidence the potential transgression.

Options for farmers to obtain legal assistance about their obligations (e.g. government departments, local labor offices, farmer associations etc.)

- Depending on the relevance of the legal issue to the respective institution, farmers may obtain legal assistance from different institutions, including the following:
  - a. Tobacco Association of Malawi (TAMA);
  - b. National Smallholders Farmers Association of Malawi (NASFAM);
  - c. Ministry of Agriculture (advice obtained from the Ministry of Justice);
  - d. Ministry of Labour;
  - e. District Labour Offices;
  - f. Local legal counsel of choice; or
  - g. Directorate of Legal Aid (Ministry of Justice and Constitutional Affairs).

Specific requirements for leaf growing contracts (e.g. government-imposed templates, government approval of contracts, freedom to choose terms of contract)

- The integrated production system (IPS), which was introduced in Malawi in October 2011 and adopted fully by May 2012, is gaining more ground in the country. There is a template for IPS in Malawi, and also the Tobacco Control Commission (TCC) IPS template, and also the possibility that leaf buyers have set up tailor-made contract documents to enter into contract farming under the IPS scheme.
- The Tobacco Association of Malawi (TAMA) acts as a link between leaf buyers and tobacco growers.<sup>116</sup> It therefore ensures that the signed contracts are discharged by all parties in a fairest manner. The Tobacco Control Commission approves contracts under the IPS.
- Some leaf buyers say that evidence shows that the IPS has proven to be the best system of producing and marketing tobacco in Malawi as IPS is believed to offer sustainability for Malawi's tobacco industry.

116. In addition to TAMA, there are several Grower Associations in Malawi, for example: NASFAM, PHINDU etc.

**Appendix IV – Materials provided to the farmers**

**Communication material**

Child labor - English



Child labor - Chechiwa



GTS - English

## GREEN TOBACCO CONDITION (GTC)

**GTC CAN BE CAUSED BY THE HANDLING OF WET TOBACCO WITHOUT WEARING PROTECTIVE CLOTHING**

**ABSORPTION OF NICOTINE THROUGH THE SKIN**

**WORK IN COOLER CONDITIONS**

**WAIT TO HARVEST UNTIL TOBACCO LEAVES ARE DRY**

**NO HANDLING GREEN TOBACCO WITH CHILD ON BACK !!**

**DO NOT WORK IN FIELD IF PREGNANT**

**WEAR PROTECTIVE CLOTHING**

**TAKE REGULAR BREAKS**

**AVOIDANCE OF GTC**

**WASH SKIN WITH WARM SOAPY WATER**

**DRINK PLENTY OF WATER !!**

**SYMPTOMS !!**

- \* Vomiting
- \* Nausea
- \* Headache
- \* Dizziness
- \* FLUCTUATIONS IN BLOOD PRESSURE AND HEART RATE
- \* ABNORMAL CRAMPING
- \* DIFFICULTY BREATHING
- \* INCREASED SWEATING

GTS - Chechiwa

## CHIKONGA

**CHIKONGA CHIMAYAMBWA NUNTHU AKAGWIRA FODYA WAMUNISI NOI WAMADZI POPANDA ZOBYALA ZODZITETEZERA**

**CHIKONGA CHIMALOWA MTHUPI KUZERA PA KHUNGU**

**GWIRANI NTCHITO YA FODYA KUNJA KUSANATENTHE**

**THYOLANI FODYA AKACHOKA MAME KAPENA MADZI**

**OSAGWIRA FODYA WAMUNISI MWANA ALI KUMBUNYO**

**OSAGWIRA NTCHITO ZA FODYA MULO OYEMBEKEZERA**

**BYALANI ZODZITETEZERA**

**PUMULIRANI PAFUPI-PAFUPI MUKAMATHYOLA FODYA**

**KAPEMEDWE KA CHIKONGA**

**SAMBANI MADZI OFUNDA NOI SORO MUKATHA KUTHYOLA KAPENA KUGWIRA FODYA WAMUNISI**

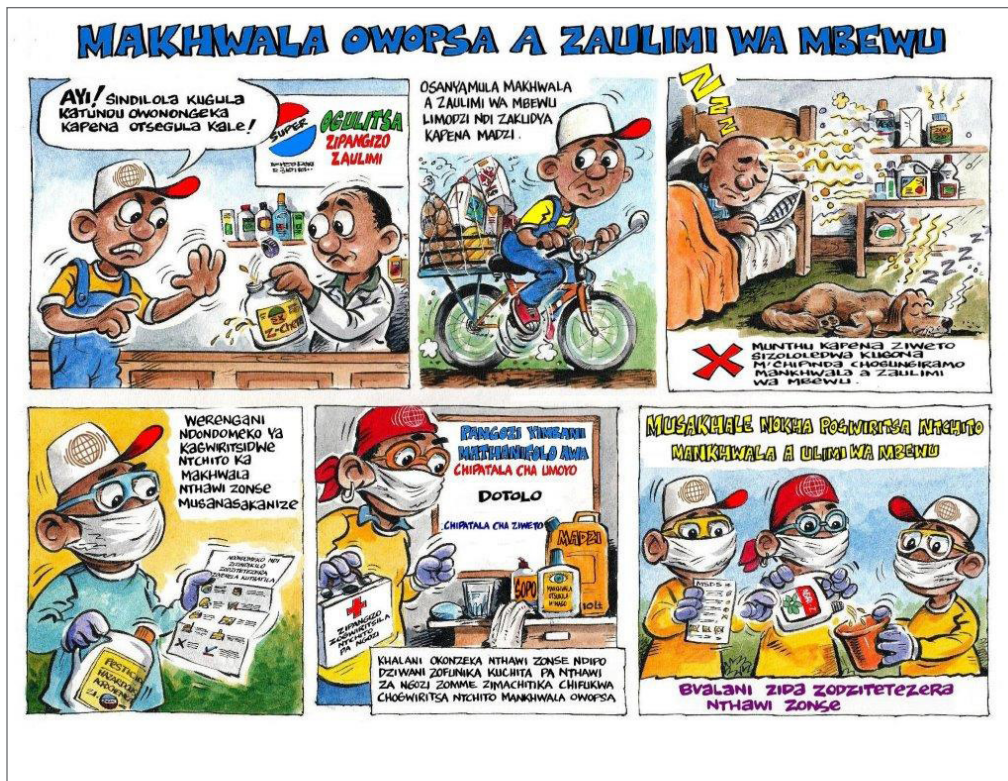
**IMWANI MADZI AMBIRI**

**ZIZINDIKIRO ZAKE !!**

- \* Kusanza
- \* Nselu
- \* LITSIPA
- \* CHIZUMBA ZUMBA
- \* KUTHAMANGA KWA MAGAZI NDI MTIMA
- \* KUKUNGIKA KWA MIMBA
- \* KUBANIKA
- \* KUTULUKA THUKUTA KWAMBIRI



Hazardous Chemicals - Chechiwa



ALP Leaflet Chichewa

AGRICULTURAL LABOUR PRACTICES

**NDONDOMEKO ZINAYI ZOTSOGOLERA (4 Key priority areas)**

1. Kuthetsa mchitidwe ogwiritsa ntchito ana poonetsetsa kuti ana ochepera zaka 18 sakulembedwa ndi kugwiritsidwa ntchito kumunda wa fodya.
2. Kuonetsetsa kuti antchito aku munda ya fodya akulipiridwa malipiro oyenera malingana ndi malamulo a dziko.
3. Kuonetsetsa kuti onse ogwira ntchito ku munda ya fodya ndi ophunzitsidwa za mankhwala komanso chikonga (GTS) ndipo akuvala zodzitetezera.
4. Kuonetsetsa kuti antchito apatsidwe malo ogona oyenera, abwino ndi otetezeka.

*Nyumba yogona antchito ikhale yosachepera Magawo awiri, pakhale chimbudzi, bafa komanso madzi akumwa pafupi.*



**AGRICULTURAL LABOUR PRACTICES CODE OF CONDUCT.**






**NSANAMILA ZISANU NDI ZIWIRI ZA ALP**

1. Osagwiritsa ntchito ana
2. Malipiro ndi Maola oyenera
3. Chilungamo kwa anthu antchito
4. Osagwiritsa ntchito mokakamiza
5. Chitetezo pa malo ogwira ntchito
6. Ufulu okhala m'magulu
7. Kutsatila malamulo

*Limbe Leaf Tobacco Company Limited  
P.O. Box 40044,  
Kanengo  
Lilongwe 4  
MALAWI.*



**EDITION 3 – November, 2018**

Limbe Leaf Tobacco Company	AGRICULTURAL LABOUR PRACTICES	Limbe Leaf Tobacco Company
<p>NSANAMILA ZISANU NDI ZIWIRI (7) ZOFUNIKA KUTSATIRA PA ZAKAGWIRIDWE KA NTCHITO PA ULIMI.</p> <p><b>1. Kugwiritsa Ntchito Ana (Child Labour)</b> Mchitidwewu uyenera kutheratu.</p> <p>a. Aliyense wochepera zaka 18 asagwire ntchito zolemetsa, zoononga moyo, zoopsa ndi zonse zosayenera msinkhu wake.</p> <p><b>2. Malipiro ndi Maola oyenera (Income and Work Hours)</b></p> <p>a. Malipiro a antchito onse akhale okhawa oomelezeka ndi malamulo a dziko. (Malipiro asachepele K962.00 patsiku)</p> <p>b. Malipiro alipiridwe kwa antchito pa masiku ogwirizana komanso molondola malamulo a dziko.</p> <p>c. Maola ogwirira Ntchito asadutse 48 pa sabata</p> <p>d. Anthu agwire maora oonjezera mwakufuna kwao osati mokakamizidwa.</p> <p>e. Antchito onse alandire zonse zoyenera pa moyo wawo monga thandizo la ku chipatala, malo ogona oyenera, kuphatikiza masiku a tchuthi monga mwa malamulo a dziko.</p>	<p>f. Malipiro kwa ogwira maora opitilira akhale owo-merezeke potsatira malamulo a dziko. (Malipiro oonjezela asachepera milingo umodzi ndi theka wa ola lirilonse lowonjezera, malipiro osachepera milingo iwiri ya ola lirilonse lowonjezera pa tsiku lopuma, malipiro osachepera milingo iwiri ya ola lirilonse lowonjezera pa tsiku la tchuthi.)</p> <p><b>3. Chilungamo kwa Antchito. (Fair Treatment)</b> <b>Mwini munda asamalire antchito bwino asazunzidwe, asasalidwe ndiponso asachitiridwe nkhanza iliyonse</b></p> <p>a. Antchito asachitiridwe nkhanza ina iliyonse</p> <p>b. Pasakhale mchitidwe wokakamizana kuchita zachiwerepere kapena kugwiririra akazi ndi ana.</p> <p>c. Ogwira ntchito asanyozedwe kapena kulalalidwa.</p> <p>d. Pantchito pasakhale kusanikhana.</p> <p>e. Antchito apatsidwe njira yoperekera madandaulo awo mwaufulu ndi mossopsezedwa.</p> <p><b>4. Kugwira ntchito mokakamizidwa (Forced Labour &amp; Human Trafficking)</b> <b>Anthu asakamizidwe kugwira Ntchito.</b></p> <p>a. Antchito agwire mwakufuna kwawo, asakamizidwe, kapena kuopsezedwa.</p> <p>b. Antchito akhale ndi ufulu woleka ntchito nthawi iliyonse.</p> <p>c. Antchito asakamizidwe kupatsa abwana/kapitawo ndalama.</p> <p>d. Olemba ntchito asachedwetse malipiro mopitilira nthawi yomwe ili mu mgwirizano.</p> <p>e. Antchito asalandidwe zitupa kapena katundu wawo.</p> <p>f. Mlimi asagwiritse ntchito akaidi kapena anthu ongowatola panjira.</p>	<p><b>5. Kuteteza antchito kungozi (Safe Work Environment)</b> Alimi akhazikitse njira zotetezera moyo wa antchito awo pamene akugwira Ntchito kuti asavulale kapena kuika moyo wawo pachiswe.</p> <p>a. Malo ogwirira Ntchito akhale a chitetezo chokwanira.</p> <p>b. Munthu aliyense ndi osalolekwa kutchola, kutchisa ndi kusanikha fodya pokhapokha atalandila maphunziro ndi kuvala zovala zodzitetezera</p> <p>c. Munthu aliyense sakulolekwa kugwira ndi kuthira mankhwala opanda kulandila maphunziro ndi kuvala zodzitetezera.</p> <p>d. Antchito osaphunzitsidwa, ana ochepera zaka 18 ndi amayi oyembekezera ndi oyamwitsa sakulolekwa kugwira mankhwala amufodya.</p> <p>e. Antchito akhale ndi madzi komanso malo ogona aukhondo.</p> <p>f. Antchito apatsidwe nthawi yopuma pogwira ntchito.</p> <p><b>6. Ufulu Okhala M'magulu (Freedom of Association)</b></p> <p>a. Alimi asawaphwanyire antchito ufulu olowa mmabungwe azantchito kapena osonkhana mmagulu ndi kukambirana za mavuto apantchito yawo.</p> <p>b. Antchito oyimira anzawo mmabungwe kapena mmagulu asasalidwe kapena kuopsezedwa.</p> <p><b>7. Kutsatila Malamulo (Terms of Employment)</b></p> <p>a. Antchito adziwitsidwe za ufulu wawo wa pa ntchito komanso ndondomeko zapanthito molingana ndi malamulo.</p> <p>b. Alimi ndi antchito asayinirane bwino lomwe mgwirizano wa pa ntchito motsatira malamulo a dziko ndipo antchito apatsidwe ndi kusungu chikalata chawo cha mgwirizano.</p> <p>c. Mgwirizano udzikhalala olondola motsatila malamulo a dziko.</p>

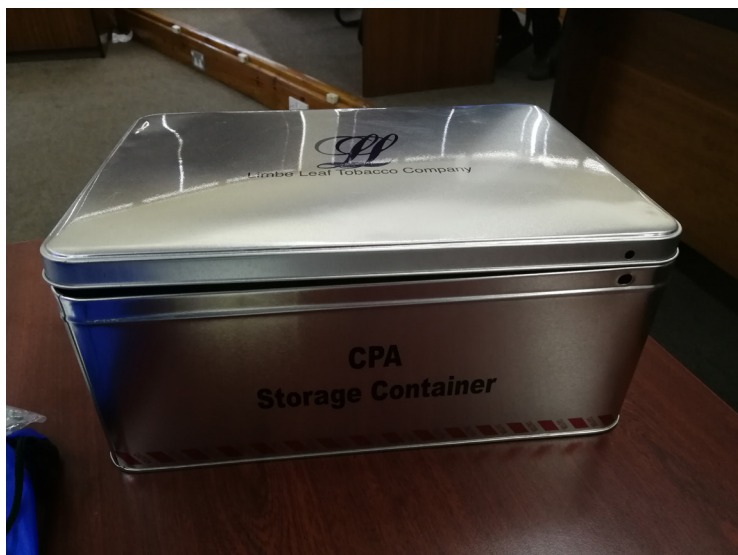
Gloves for handling green tobacco



PPE for CPA application

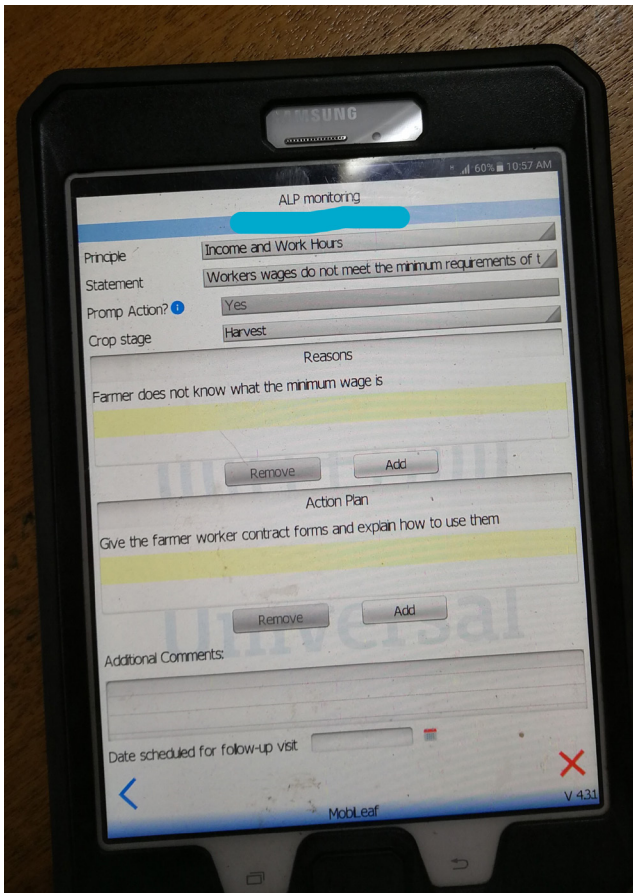


CPA storage box

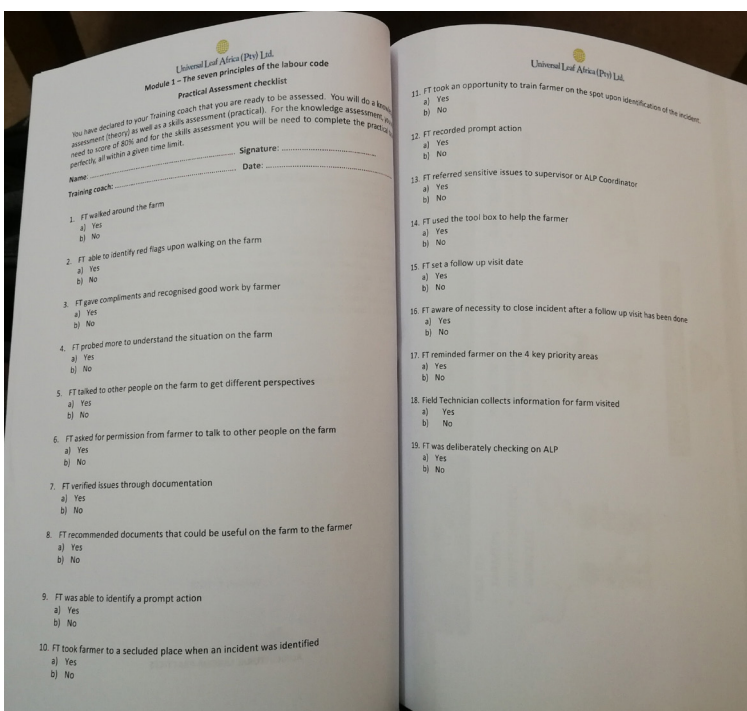


## Appendix V – Templates provided to field technicians

### Mobileaf digital system (example page)



### Checklist for practical exams of field technicians



## Appendix VI – Glossary

ALP	Agricultural Labor Practices
ALP Code Principle	Short statements that set expectations of how the farmer should manage labor on his/her farm in seven focus areas
ALP Code	PMI’s Agricultural Labor Practices Code
ALP Program	Agricultural Labor Practices Program
AOTM	Alliance One Tobacco Malawi Ltd
CPA	Crop Protection Agents
CU	Control Union
GAP	Good Agricultural Practices
GTS	Green Tobacco Sickness
KPI	Key Performance Indicator
Leaf tobacco supplier	Company that has a contract with PMI to supply tobacco but is not a farmer
LLTC	Limbe Leaf Tobacco Company
Measurable Standard	A Measurable Standard defines a good labor practice on a tobacco farm and helps determining to what extent the labor conditions and practices on a tobacco farm are in line with the ALP Code Principles
MTP	Modular Training Program (LLTC had trained selected field technicians as MTP trainers to support regional ALP Coordinators in training other field technicians)
MWK	Malawi Kwacha (Malawian currency)
NGO	Non-Governmental Organization
PMI	Philip Morris International, Inc. or any of its direct or indirect subsidiaries
PPE	Personal Protection Equipment
Prompt Action	A situation in which workers’ physical or mental well-being might be at risk, children or a vulnerable group – pregnant women, the elderly - are in danger, or workers might not be free to leave their job
STP	Sustainable Tobacco Production