

Working conditions of flower packers and coffee pickers in Colombia

Results of field research on the impact of
sustainability certification

Colophon

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Results of field research (2015) on the impact of sustainability certification
July 2016 (updated September 2018)

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1. Introduction

1.1. Context of the study

There is a growing market for sustainability certification and an increasing reliance on certification to address sustainability issues in the primary production of tropical agricultural commodities such as coffee and cut flowers. This makes it increasingly important to assess the effectiveness of certification initiatives in practice. However, there is scant literature with a specific focus on the impact of sustainability certification on working conditions generally, and even less on working conditions in developing countries in large-scale agricultural production for export.

This report is written as part of a wider research project initiated by the Centre for Research on Multinational Corporations (SOMO) that aims to help understand the impact of sustainability certification on working conditions in the large-scale production of food and agricultural commodities in developing countries. Over the last few years, SOMO and partner organisations have been conducting research into the impacts of sustainability certification initiatives in the flower, coffee, tea, and fruit and vegetable sectors in Kenya, Indonesia, India and Peru.¹ The goal of this research project is to support policy-makers in governments, civil society, companies and sustainability certification initiatives to help secure decent working conditions for workers in the agricultural sector.

1.2. Objectives & methodology

The current report presents the results of a field study in Colombia into the cut-flower and coffee sectors. The objective of the study was to assess and compare labour conditions in relation to key International Labour Organization (ILO) labour rights on both certified and non-certified large-scale farms. Public records published by sustainability certification initiatives with a presence in these sectors were consulted to help identify specific certified farms to include in the sample. However, at the start of the field research in the coffee sector, it turned out that the information in these lists was often not specific enough to locate the selected companies for sampling. Another problem was that it was not exactly known when workers were working where due to the specificities of the coffee sector (especially its informality and geographical dispersion).

In the flower sector, the key problem researchers encountered was problems speaking with workers outside flower farms and in their places of residence. On two occasions, in Antioquia region, flower firms even called the police, who also harassed the researchers when they were conducting interviews in the residential areas of flower workers. These methodological challenges meant that changes to the original research approach were necessary, which affected the research results and design.

The field studies were carried out between March and October 2015 by the Colombian research institute Escuela Nacional Sindical (ENS), in close collaboration with SOMO. In both surveys, workers were interviewed about their perception of the working conditions in the workplace. To

¹ See, for example: SOMO, Certified Unilever Tea – Small Cup, Big Difference?, October 2011, <<https://www.somo.nl/certified-unilever-tea/>> (28 August 2018); SOMO, Goodness guaranteed: Assessing the impact of sustainability certification on the labour conditions of farm workers, May 2015, <<https://www.somo.nl/goodness-guaranteed-2/>> (28 August 2018).

ensure that workers could speak freely and without having to fear losing their job, interviews with workers were held outside the workplace and without employers being aware of these interviews or the research in general.

For the cut-flower survey, a total of 171 semi-structured interviews were carried out with flower workers, who worked on 81 different farms. Additionally, the research team conducted in-depth interviews with experts in the cut-flower sector. For the coffee survey, a total of 142 semi-structured interviews were carried out with coffee workers, who – at the time of the interviews – worked on 131 different coffee farms.² In addition, in-depth interviews were carried out with six workers, focusing on child and young adolescent labour because the field survey did not lead to conclusive data on this topic. Other data and information were gathered from interviews with 15 experts in the coffee sector.

Because of the low ratio of interviewed workers by company, this new methodological approach meant that the findings cannot confidently be considered to describe the situation at particular companies. As a result, specific farms/companies from the sample, whether certified or not, are not mentioned. Public lists of certified flower and coffee companies (which were not very specific, as mentioned above) were consulted to establish or confirm that certified farms were among the farms that employed the workers interviewed. This information could only be ascertained for 10 flower companies and four coffee companies. The lack of robust information on the representation of certified farms in the total sample, coupled with the low number of respondents from each farm, meant that reliable assessments of workplace conditions specifically at certified companies were not possible either. Consequently, the results primarily reflect conditions for workers on large- and medium-sized farms in these sectors in Colombia generally.

In Colombia, at least 40 per cent of the flower farms and at most 22 per cent of all coffee production is certified to a sustainability standard scheme.³ These considerable production market penetration levels are likely to apply to this study's farm sample as well. Hence, it is reasonable to assume that the reported workplace experiences are indicative of conditions on certified farm conditions as well. Therefore, we highly recommend that sustainability certifications and their stakeholders take these findings into account.

1.3. Review procedure

SOMO has guidelines for review procedures stipulating that all companies or organisations mentioned in a research report should be given the opportunity to review, respond to and comment on draft passages of research reports that directly relate to the company in question. This opportunity to respond is intended to avoid publishing inaccuracies and is, as such, an essential element of ensuring high-quality research. However, it is important to note that, even if a draft research report is reviewed by a company or by an organisation, the authors of the report remain solely responsible for the contents of the report.

For this report, the SOMO review procedures were followed. The review process consisted of sharing a draft of the report with the sustainability certification initiatives being studied. These included Rainforest Alliance, Utz and Florverde. Where relevant, the companies' comments were included in the final version of the report.

² According to the interviewed workers: 44 per cent of the farms were large (20 hectares or more), 32 per cent were medium sized (6 and 19 hectares) and 24 per cent were small (up to 5 hectares).

³ For more information on these calculations, see sections 2.1 and 3.1

On 26 May 2016, SOMO invited sustainability certification initiatives, companies, trade unions and non-governmental organisations (NGOs) to discuss the preliminary results of the study from Peru as well as studies from Colombia and India. PLADES (from Peru) and ENS (Escuela Nacional Sindical from Colombia) and ICN⁴ (India Committee of the Netherlands) presented the results of their field studies. A panel discussion took place with representatives from sustainability certifications (Rainforest Alliance), companies (Nature's Pride), trade unions (FNV Mondiaal) and civil society (SOMO). Relevant insights from the meeting have also been included in this report. The authors are very grateful to all the workers and other people who gave their time and shared their expertise for this study.

1.4. Structure of the report

The report is structured as follows: in Chapter 2, the main findings of the cut-flower survey are described, followed in Chapter 3 by the findings of the coffee survey. This is followed in Chapter 4 by a number of recommendations for sustainability certification initiatives.

⁴ ICN presented research on Rainforest Alliance certified tea producers in India.

2. Main findings of the cut-flower survey

“No one aspires to finish up working in a flower firm, yet nearly everyone has been there, at one time or another, personally, or they’ve seen someone in their family head off to a flower firm.”

24 year-old male flower worker with five years’ experience in the local flower industry⁵

2.1. Context: The cut-flower sector in Colombia

In the 1980s and 1990s, a shift took place in Colombia. The initial reliance on the small-scale, peasant-based coffee industry during the 20th century changed during this period towards the large-scale farming of agricultural products, including palm oil, banana, cocoa, commercial forestry and flowers. In fact, the cut-flower industry rapidly became one of the fastest growing export sectors in Colombia. The most important factor was low labour costs, which made it a very attractive location for the production of flowers, especially for the US market. From the first shipments, exported in 1968 for the total sum of US\$20,000, cut-flower exports exponentially increased over the following decades amounting to US\$700 million by 2005.⁶ This gradual rise continued over the intervening years and, in 2015, the cut-flower sector in Colombia exported goods worth US\$1.29 billion.⁷ In 2009, it was reported that around 95 per cent of total production was destined for exports. In the same year, the cut-flower sector provided around 99,000 direct jobs and 84,000 indirect jobs; an estimated 1 million Colombians depend on the sector.⁸

In the cut-flower survey, the two certification systems investigated were Florverde Sustainable Flowers⁹ and Rainforest Alliance.¹⁰ As far as we could ascertain, no other certification systems are operating in Colombia’s cut-flower industry. There has been a significant growth in certified firms under the Florverde certification system. In the late 1990s, Florverde had certified 28 flower firms, whereas by 2008, 132 cut-flower farms were certified for a total area of 2,832 hectares, employing as many as 43,000 labourers. This represents around 40 per cent of the total flower production area in Colombia.¹¹ In 2015, 40 per cent of total exports of flowers in Colombia had Florverde certification.¹² According to the Sustainable Agriculture Network (SAN) website, which includes a SAN Public Certificate Search database, a total of 45 flower farms or groups have been certified

⁵ Flower worker, May-June 2015, interviewed by the author.

⁶ A. María Arbeláez, M. Meléndez & N. León. “El sector floricultor colombiano: Un caso de descubrimiento exitoso”. Banco Interamericano de Desarrollo (BID). January 2007, Powerpoint presentation, p.15.

⁷ “Las exportaciones de flores colombianas cayeron 5,7%”, Portafolio, Business, 21 February 2016, <<http://www.portafolio.co/negocios/exportaciones-flores-colombianas-febrero-2016-491086>> (28 August 2018).

⁸ Asociación Colombiana de Exportadores de Flores (Asocolflores), Florverde logrando una floricultura competitiva y sostenible con Responsabilidad Social, <docplayer.es/8330606-Florverde-logrando-una-floricultura-competitiva-y-sostenible-con-responsabilidad-social.html> (28 August 2018).

⁹ Florverde started in 1996 when the Association of Colombian Flower Exporters (Asocolflores) created a code of conduct for the flower sector, which led to the creation of the Florverde standards in 2002. In 2011, Florverde was renamed Florverde Sustainable Flowers. It has since then become a complete and independent product certification scheme. See Florverde website, <<https://florverde.org/history-1>> (28 August 2018).

¹⁰ Rainforest Alliance, established in 1987, is a certification scheme working under the auspices of the Sustainable Agriculture Network (SAN), which promotes productive and efficient agricultural systems, biodiversity conservation and sustainable human development through the application of its Sustainable Agriculture Standards. See Rainforest Alliance website, About, <<https://www.rainforest-alliance.org/about>> (28 August 2018).

¹¹ Asociación Colombiana de Exportadores de Flores (Asocolflores).

¹² A. Franco, Florverde, email 30 November 2015.

through Naturacert in Colombia.¹³ Based on the above figures, we can conclude – assuming that on average certified producers are similar in size to non-certified producers – that the total number of flower producers in Colombia in 2015 amounted to approximately 330 farms.¹⁴ This means that the sample taken for our survey represents approximately 25 per cent of all companies in the sector.¹⁵ From these figures it can be estimated that at least 32 farms in our sample have some sort of sustainability certification.¹⁶

2.2. Findings of the study

Colombia's agricultural sector faces several problems related to labour rights, especially due to the informality of the sector. Earlier studies have also reported on the precariousness of working conditions for the predominantly female workforce in the Colombian flower industry. These studies have highlighted how workers are often obliged to exceed the legal maximum daily or weekly average working hours, often without compensation for the extra hours worked, while also suffering serious health hazards because of the high use of chemical products. Claims of discrimination against pregnant women are also often made. Last but not least, freedom of association is not respected, despite Colombian legislation and international labour norms.¹⁷

The survey was conducted in the two principal regions of Colombia's cut-flower industry:

- 1) East Antioquia (Rionegro, La Ceja and Llanogrande, near the department's capital, Medellín);
- 2) Facatativá, one of the key municipalities of the industry in the plains of Bogotá.

Together, these regions include 97 per cent of the country's total cut-flower production¹⁸ (see Figure 1 on the next page).

There are a number of occupational categories in the cut-flower industry. The survey respondents had diverse jobs within their respective flower firms, and not one single occupation stood out:

- 29 per cent of the surveyed workers undertook multiple tasks (including cold room, planting, garden-bed maintenance, maintenance of the greenhouse)
- 11 per cent worked as flower cutters
- Other occupations of surveyed workers included (all less than 10 per cent): workers charged with storage, packers, administrative assistants, plant production, supervisors, planting assistants, growing assistants, assortment and assemblers of bouquets, classification, quality control, unbuttoning, weeding, dispatch, monitors of the management of pests and plant illness (MIPE), fumigation and irrigation, flower carrier (*garruchero*), area supervisors, laboratory supervisors, post-harvest leader, supervisor of cultivation, electrical and mechanical maintenance, general maintenance, messenger, transporter, security.

¹³ Rainforest Alliance website, For Business, Agriculture Certification, "Certificate Search and Public Summaries", <<https://www.rainforest-alliance.org/business/sas/certificate-search-public-summaries/>> (28 August 2018).

¹⁴ If 132 firms represent 40% of total production, the total number of firms is calculated as follows: $(132/40) * 100 = 330$.

¹⁵ This is calculated as follows: $81/330=25\%$ (based on an estimated total of 330 flower farms, see section 2.1).

¹⁶ Calculated as follows: $81*40\%=32.4$ farms. "At least" refers to the share that SAN/RA certified farms without Florverde certification may add to the equation.

¹⁷ O. Sanmiguel-Valderrama, "The feminization and racialization of labour in the Colombian fresh-cut flower industry". *Journal of Developing Societies*. 2007, Vol. 23 N°1-2, pp.71-88; and O. Sanmiguel-Valderrama, "Community Mothers and Flower Workers in Colombia: The Transnationalization of Social Reproduction and Production for the Global Market". *Journal of the Motherhood Initiative*, 2011, Vol. 2 N°2.

¹⁸ Asocolflores, Boletín Estadístico 2015. Dirección Económica y Logística.



Figure 1: Location of the two most important cut-flower producing zones in Colombia

The majority of flower workers surveyed (52 per cent) are younger than 39 years old. This highlights what was mentioned in various interviews during the fieldwork: flower firms prefer younger workers. This is because often the physical stress associated with the industry leads, over time, to injuries and illness, which, from the employers' viewpoint, leads to lower worker productivity.

As mentioned in section 1.2, the flower survey included 171 flower workers at 81 different flower firms. Out of these 171 workers, 150 confirmed that the firms where they worked had some type of sustainability certification. To verify which firms were actually certified under which sustainability certification scheme, a web search was carried out of the international sustainable flower certification labels (Rainforest Alliance and Florverde), as well as the authorised auditing firms they contract to undertake the actual certification process (Naturacert, SGS, Icontec). Based on this information, certification could only be confirmed for 10 flower firms.

The authors can only speculate on the wide gap between workers' perceptions of the sustainability certification status of their workplace and the status noted in public records. In most cases, it seems that the workers do not know exactly whether their farm is certified or not, and that they appear to be confused about what sustainability certification entails. Public information available on the Rainforest Alliance and Florverde websites concerning the farms that are certified is often not detailed enough to be able to ascertain whether a specific farm from the sample is certified or not.¹⁹

¹⁹ In some cases, the only information included is the name of the department (province) where the flower farm is located,

It should be noted that, in the case of three firms that are formally listed as certified, a number of workers were not aware of their workplace certification either.

2.2.1. Freedom of association and right to collective bargaining

The fundamental right to freedom of association and collective bargaining is laid down in ILO conventions 87 and 98. Colombia has ratified both conventions. Earlier studies have concluded that this right is not fully respected in the cut-flower industry.²⁰ There is a lack of trade unions in the cut-flower sector, while in collective bargaining there is an extremely low rate of coverage of workers. In 2015, the British newspaper, *The Guardian*, reported that attempts to mobilise flower workers are hampered by Colombia's historic hostility towards trade unions.²¹ "No guarantee of rights" is the International Trade Union Confederation's succinct assessment of the situation. This is further compounded by the increasing use of temporary contractual workers in the Colombian flower industry, most of whom are non-unionised. While some flower producers allow for freedom of association, few workers' groups are independent.²²

According to one of the few independent flower trade unions, Organización Nacional de los Trabajadores Obreros de la Floricultura Colombiana (ONOF),²³ measures taken to strengthen labour inspection (as part of the Labor Action Plan Obama-Santos 2011)²⁴ did not lead to tangible results in the cut-flower sector. As part of the plan, 100 new labour inspectors were promised to focus on illegal labour outsourcing in five sectors, including the cut-flower industry. However, as of 2015, no progress had been made in the flower production region of Facatativá.²⁵

During the fieldwork, researchers found some small firm-based unions that collaborated with the needs of their employers. However, in the plains of Bogotá, the flower industry has also been associated with a relatively high number of collective pacts,²⁶ which are signed by firms as a means of reducing the power of workers' unions.

While collective bargaining is almost non-existent in this sector, the use of collective pacts (*pactos colectivos*) is quite widespread and effective as a tool to weaken union presence and cripple union activity. The use of collective pacts has grown significantly in recent times. According to the ENS database, Siscon, for 2015 there were 29 valid collective pacts. Together, these offered benefits to at least 7,432 cut-flower non-unionised workers,²⁷ which is more than eight times the number of

but this does not include information about the municipality or the name of the rural lane leading to the farm. Given that various flower farms share similar names across and within regions, this ambiguity leads to confusion.

²⁰ Sanmiguel-Valderrama, 2007; Sanmiguel-Valderrama 2011.

²¹ "The women suffering for your Valentine's Day flowers", *The Guardian*, 12 February 2015, <<https://www.theguardian.com/sustainable-business/2015/feb/12/the-women-suffering-for-your-valentines-day-flowers>> (29 August 2018).

²² Ibid.

²³ ONOS (Workers of the Colombian Cut-flower Industry) has its principal office in Facatativá, Bogotá and regional offices in Madrid, Bogotá and an out-reach post in Cauca in the south west of Colombia.

²⁴ This plan, signed by the US and Colombian Presidents in April 2011, included 37 measures related to the improvement, respect for and protection of specific labour and union rights that have been structurally violated by many firms in Colombia and that were unregulated (or improperly regulated) by the Colombian government. This included the eradication of Associative Work Cooperatives (CTAS) that undertook illegal labour intermediation across five key economic sectors: ports, palm oil, sugar, mining and the cut-flower industry. It also included measures to strengthen labour inspection in these five sectors to ensure that workers did not continue to suffer the violation of their labour rights, especially through illegal labour outsourcing and anti-union practices. Pers. comm. ENS, December 2015.

²⁵ B. F. Pérez, union leader of ONOF, Facatativá, 12 June 2015, interview by author.

²⁶ In Colombia collective pacts are collective agreements negotiated and signed by non-union worker representatives and employers and they offer benefits to non-unionised workers.

²⁷ Three of the collective pacts filed with the Colombian Ministry of Labour did not specify the number of workers who benefitted from signing.

workers covered by a collective bargaining agreement (CBA). And while the Ministry of Labour includes collective pacts as collective covenants (together with the even more controversial *contratos sindicales*), internationally this practice is renowned for its effectiveness in curtailing union freedoms. Indeed, the report of the 2011 High-Level Mission of the Commission of Experts of the ILO to Colombia reiterated this point, calling on the Colombian government to eradicate the use of collective pacts whenever a union exists. Based on a total number of approximately 99,000 flower workers (see section 2.1), an estimated 8 per cent of all workers are covered by a collective pact.²⁸

According to our survey, the majority of workers surveyed (76 per cent) indicated that they would not join a union if one existed at their workplace, compared to 22 per cent who would become a member (2 per cent did not respond). There are some regional differences between Antioquia and Facatativá (plains of Bogotá). However, overall there is a very low willingness to join a union.

The main reasons why workers did not want to join a union were as follows:

- fear that a union would lead to firm bankruptcy and a loss of work
- fear of being fired and the stigma attached to unions
- apathy of unions, corruption among union leaders
- lack of knowledge about unions
- too much time and responsibility required as union member, and the lack of compensation
- no need for a union because there is confidence between employers and employees and labour conditions are good
- the belief that unions do not help to improve labour relations.

The reasons given in terms of why workers did want to become members of a union are as follows:

- expectation that a union would improve work conditions and help against worker exploitation
- expectation that a union would improve work conditions and help against worker exploitation
- expectation that a union would help workers resolve their problems (permits, sickness benefits, etc.) and that it would improve worker unity, employer treatment of workers, improve wages, and working schedules and shifts
- feeling that many firms ignore things that are legally binding.

Next, workers were asked why there are no, or very few, trade unions at their firm and in the industry in general. Most respondents (42 per cent) stated that unions were not necessary because they considered their working conditions to be satisfactory. On the other hand, a significant number of workers (20 per cent) declared that flower firms actively sought to ensure that unions are not created in their farms, and that, if they exist, the flower firms try and pressure them until they disappear. Many unions have filed legal demands against firms for unlawful firing and general anti-union discrimination. Other reasons mentioned include a lack of worker unity (15 per cent), a lack of leadership regarding this topic (14 per cent), and a lack of interest from employers in creating unions (12 per cent). Finally, a small number of respondents (6 per cent) mentioned the fact that the complex chains of labour outsourcing effectively inhibit any attempts to unionise workers. In practice, hiring workers on contracts for less than one year, often through sham firms, essentially ensures that workers – at least those who wish to remain in this sector – would think long and hard about joining

²⁸ Calculated as follows: $7,432/99,000 = 8\%$.

a union, as they would have reason to believe that, once their contract ends, they would not be asked back.

In conclusion, unions are small, dispersed and often persecuted in the Colombian cut-flower sector. At the same time, a large majority of workers indicated that they would not join a union if one existed at their workplace, due to various reasons, including fear of being fired and the stigma attached to unions. Also, some workers stated that flower firms actively oppose the creation and activity of unions in their farms. Many unions have filed legal demands against firms for unlawful firing and general anti-union discrimination. This has included a refusal to negotiate collective bargaining agreements with unions, and obstruction of other union freedoms, especially via the practice of promoting collective pacts. According to interviewed workers, there is continuous evidence of illegal labour subcontracting (termed 'intermediation' in Colombian law), especially in the Bogotá region. This not only reduces employment stability and income but also implicitly denies workers of their fundamental right to join a union and collectively bargain with the flower firms where they work. Based on our survey, it appears that illegal labour subcontracting may also take place at farms that have been certified, which would indicate a serious breach of the certification standards.

According to PASO Internacional²⁹ – a labour rights' advocacy organisation that has undertaken work in the Colombian cut-flower industry – the issue of freedom of association is indeed a structural problem at certified flower farms. The organisation states that certification standards do not help to solve this issue. PASO claims that there are serious concerns about the lack of formal guidelines and monitoring processes to ensure that auditors are operating in line with the Rainforest Alliance code of conduct.³⁰ Furthermore, according to PASO, there are no mechanisms in place for workers to file complaints with the certification standard when violations of the Rainforest Alliance code of conduct do take place.³¹

The main question is whether the two sustainable certification standards investigated during the survey were aware of the manner in which collective pacts limit collective bargaining by unions and constrain union activity. When examining the presence of collective pacts in the 10 certified farms mentioned in this study, four of them were found to have pacts in place. These four farms are certified by Rainforest Alliance. Based on the manner in which these pacts have hindered the freedom of association of Colombian union members generally, their use by Rainforest Alliance certified farms should be seen as a serious breach of the certification standards. Therefore, we recommend that Rainforest Alliance should make sure its auditing companies include a checklist for the use of collective pacts, especially focusing on their compliance with both Colombian law and ILO Conventions, as a means of ensuring that such instruments do not explicitly or implicitly hinder the free exercise of union activity. This would be an appropriate means of moving closer to the objectives of the Rainforest Alliance in ensuring that certified flower farms comply with the recent decision to upgrade the protection of freedom of association and collective bargaining to the level of critical requirement.

²⁹ B. Miller, Programme Director of PASO Internacional, September 2015, interview by author.

³⁰ According to PASO, when Rainforest Alliance was approached by PASO to comment on whether or not its contracting firm (Naturacert) undertook rigorous inspections regarding the issue of freedom of association and collective bargaining, Rainforest Alliance responded that they had no formal guidelines or monitoring process in place to ensure that Naturacert's auditing was directly in line with the Rainforest Alliance code of conduct.

³¹ In response to a draft version of this report, Rainforest Alliance responded by stating that: "SAN requested that NaturaCert, the local certification body, meet with PASO representatives to discuss recent alleged labor problems on flower farms. PASO never requested from SAN or NaturaCert any of the multiple policies, procedures, regulations or requirements that govern complaints management and auditor practices. NaturaCert is ISO 17065 accredited and as such is required to have internal policies and procedures that govern audit practices."; M. Willems, Rainforest Alliance, Email 22 May 2016.

2.2.2. Elimination of forced labour

ILO Conventions 29 and 105 prohibit all forms of forced or compulsory labour. These two conventions have been ratified by Colombia and legislation is in line with its content. During the fieldwork and in the literature review of the cut-flower industry in Colombia, there was no mention made of forced labour and the research team did not observe this phenomenon on any occasion. However, as described under Overtime (section 3.2.6), problems were observed with workers' capacity for voluntarily deciding whether or not they agreed to work extra hours, which is often achieved via the implicit threat or reminder of their company debts. This could potentially point to practices of forced labour. However, more research is needed to confirm the prevalence of this kind of practice.

2.2.3. Abolition of child labour

According to the ILO's Minimum Age Convention, the minimum age for employment is 15 years and, according to the Convention on the Worst Forms of Child Labour, the minimum age for hazardous work is 18 years. Colombia has ratified both conventions and attempted to prohibit the worst forms of child labour while also regulating work undertaken by adolescents between the ages of 15-17.³² However, in recent years there has not been a marked decrease in the number of children and young adolescents undertaking productive work. In 2014, there were over 1 million child workers (between 5 and 17 years) in Colombia.³³

During the fieldwork undertaken for this survey, the research team did not identify any work being undertaken by children at any of the large, formalised flower firms (including certified farms) in the main flower producing regions covered by the research (Antioquia and Facatativá, Bogotá). However, the research team did observe adolescents (aged between 15 and 17) working in some of the small-scale, informal flower farms that cultivate hydrangeas for both the local and export markets but not on other farms. These farms were not certified.

2.2.4. Non-discrimination

The ILO Conventions on equal remuneration and on non-discrimination are part of the ILO's four fundamental principles and rights at work and have been ratified by Colombia. In terms of workplace discrimination, the majority of the surveyed workers (92 per cent) responded that they never experienced any form of discrimination, while 8 per cent responded that discrimination existed in their workplace. This included discrimination against female employees based on pregnancies, a form of discrimination that takes place due to economic reasons, as employers attempt to avoid the costs associated with maternity leave for employees who give birth. By hiring workers through temporary agencies, flower firms systematically avail themselves of such "risks" while also avoiding being labelled as explicitly discriminating against women. For cut-flower firms in Antioquia, most of which hire employees directly (instead of through temporary agencies), the tables are turned as they prefer hiring men to women. This could be related to the fact that they want to avoid maternity-leave payments (even while by law they are obliged to offer paternity leave).

³² In line with Colombia's Code for Infants and Adolescents (Law 1098 of 2006), in article 35, the minimum working age is stipulated at 15 years. However, adolescents between the ages of 15 and 17 are required to receive the respective authorisation from the local labour inspectors before they can begin paid labour.

³³ According to the National Department for Statistics (DANE), the rate of working children (between 5 and 17 years) decreased slightly from 10.2 per cent in 2012 to 9.3 per cent in 2014, totalling 1,039,000 child workers in the country. "Hay un millón de niños trabajando en Colombia", *El Tiempo*, 11 June 2015, <<http://www.eltiempo.com/estilo-de-vida/gente/trabajo-infantil-en-colombia/15938616>> (12 December 2015).

2.2.5. Wages (minimum wage and living wage)

According to the Universal Declaration of Human Rights everyone who works has the right to a living wage.³⁴ There is no official living wage set in Colombia, although a commonly used method to determine the living wage is the extent to which a legal monthly salary can meet basic life demands depending on its relation to the cost associated with purchasing the items included in the basic food basket for an average-sized Colombian family. In Colombian jurisprudence, the Constitutional Court has argued of the need to ensure that citizens can attain a “vital minimum”,³⁵ but this has not been incorporated into legislation or national policy. At the time of the survey, in 2015, the legal monthly minimum wage amounted to 644,000 Colombian pesos (equivalent to US\$ 271).³⁶

Of the respondents surveyed, 98 per cent were paid fortnightly, as is the general case for employees in Colombia. Another finding was that 50 per cent of the respondents received a monthly income equivalent to the monthly minimum wage (645,000 Colombia pesos, or US\$194).³⁷ Forty-five per cent responded that their average monthly earnings were equivalent to one-and-a-half times the minimum wage (US\$267), because they worked many extra hours; a small minority (4 per cent) stated that they earned up to twice the minimum wage (between US\$301 and US\$452).

In terms of worker satisfaction, it appears that a majority were satisfied about their income level: of all respondents, most were satisfied (67 per cent) or very satisfied (9 per cent). The remaining surveyed workers replied that they were either slightly satisfied (20 per cent) or not at all satisfied (4 per cent) with their income levels. Indeed, many workers expressed that they believed they should earn more but that, since it was the government that sets the minimum wage,³⁸ the decision was effectively “out of their employer’s hands”. In other words, it seemed to be a general perception that employers were forced to pay the minimum wage rather than offering wages that would allow workers to meet their daily needs without having to work so many extra hours. This is an important argument to the earlier conclusion that workers need to be educated/empowered regarding collective bargaining.

In conclusion, workers were generally paid at least the minimum wage, both in certified and non-certified firms. The majority of workers were satisfied with their wages. However, a minority of workers were not satisfied with their pay and the perception of workers was that companies stick to the minimum wage without considering whether this is sufficient to make ends meet.

³⁴ In the UN Declaration, it is stated that everyone who works has the right to “just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection”. UN, Universal Declaration of Human Rights, 1948, <http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf> (28 September 2018).

³⁵ R. Arango, “El mínimo vital como índice de justicia entre particulares”, *Revista Tutela, Acciones Populares y de Cumplimiento* 5, (2000).

³⁶ “Colombia raises minimum wage 4.6 pct for 2015”, Reuters, 30 December 2014, <<http://lta.reuters.com/article/idLTAL1N0UE13K20141230>> (28 September 2018). It should be noted that, in 2017, the legal minimum wage increased to 738,000 Colombian pesos per month (equivalent to about US\$246). “Colombia raises minimum wage by 7 percent for 2017”, Reuters, 30 December 2016 <<http://www.reuters.com/article/us-colombia-economy-idUSKBN14J1U4>> (28 September 2018).

³⁷ Exchange rate of 12 December 2015: 1US\$ = 3,319.83 Colombia peso. XE website, <<http://www.xe.com/currencyconverter/convert/?Amount=644%2C350.000&From=COP&To=USD>> (12 December 2015).

³⁸ The minimum wage is negotiated at the end of each year in the Permanent Commission of Discussion on Wage and Labor Policies (CPCPSL), which has representatives from the National Employers’ Association, the Colombian trade union confederations and the Ministry of Labour. If agreement is not reached, the Government decides the minimum wage by decree.

2.2.6. Overtime

According to the Universal Declaration of Human Rights “everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay”. In Colombia the labour law stipulates that a full-time working week comprises 48 hours of work. Employees and workers are permitted to work a maximum of 12 extra hours, which must be paid. This means that workers are allowed to work a maximum of 9.6 hours per day under normal circumstances, and in case of overtime, a maximum of 12 hours per day.

In response to the question about how many days per week they work, around 90 per cent of the respondents stated that they worked six days per week, while 6 per cent said they worked seven days. On average, 85 per cent of all respondents worked eight hours per day, while 15 per cent usually worked overtime, sometimes up to four hours extra per day. Of the 139 workers who stated that they worked overtime, 87 per cent said this overtime was paid in money, while 13 per cent mentioned that the employer recognised overtime by offering paid leave in periods of low production.

The majority of respondents were satisfied with the rest times allocated by their employer, with 81 per cent either satisfied or very satisfied on this front; 13 per cent were slightly satisfied, while 5 per cent were not at all satisfied. The same goes for the time they can spend with their family, with 77 per cent either satisfied or very satisfied; 16 per cent were only slightly satisfied, while 4 per cent were not at all satisfied. The reasons stated for not being satisfied were the high demand for overtime, especially during high season periods, which means that often they were implicitly denied the time required to attend to household chores and the general care of their children and family.

The increased demands placed on flower workers are illustrated by one of the interviewed female flower workers.³⁹ According to her, the topic of extra hours – a recurring issue of controversy in the flower industry – is one where the higher demands placed on workers become obvious. During the first few years of working at the flower farm 10 years ago, she said that deciding whether or not one stayed to work extra hours was an entirely voluntary decision. Over time, however, as logistical demands have become more acute, workers face more pressure when it comes to “saying yes” to requests to work extra hours. While Colombian law stipulates that the maximum number of weekly extra hours permitted is 12, especially during high season in the flower industry, this law is ignored or sidestepped with relative ease. Workers are often reminded of the company debts when asked to work extra hours.”

2.2.7. Health and safety

The cut-flower industry has a particularly high incidence of both workplace injuries and illness compared to other sectors. This is due to the manner in which this industry mixes highly tailored production methods with highly repetitive actions in a demanding environment in which workers must meet individual production quotas.

From our survey it appears that nearly 50 per cent of surveyed workers have suffered some form of work-related illness, including the following illnesses: carpal tunnel syndrome; respiratory problems due to working in refrigerated sections (cold rooms); migraines; allergies; lumbago; back-related injuries; rhinitis; tonsillitis; poisoning; psychological pathologies derived from excessive stress; muscle aches due to excessively long time in awkward positions; gastritis; and rotator cuff disease. In addition, 42 per cent of all respondents stated that they had suffered accidents. The most common

³⁹ Flower worker (age 40), April-May 2015, interview by author.

accidents mentioned were: cuts; falls; poisoning and burns from chemical substances; electrocutions.

However, the majority of respondents (83 per cent) stated that they were satisfied with the medical attention offered for accidents at work, while 92 per cent were satisfied with the tools and protective equipment supplied. Only a small percentage of workers stated they were not at all satisfied with medical care (2 per cent) and disposition of personal protective equipment (PPE) (3 per cent).

2.2.8. Security of employment

The Colombian legislation protecting employment security was reduced via the labour reform law 789 of 2002, which dismantled some of the worker protections for unfair dismissal. Additionally, while the *cesantías* system offers protection (a form of accrued savings) for workers who become either unemployed or whose contract ends or is terminated, its coverage is very low and only applies to employees with a written labour contract.

Of all the workers surveyed, the majority (57 per cent) had an indefinite, permanent work contract with the flower company, while 42 per cent were hired under a fixed-period, temporary contract. However, this general finding should be broken down for the different regions. When we compare Antioquia to Facatativá, it appears that in La Ceja and surrounding municipalities (Antioquia region), 79 per cent of flower workers who responded to the survey had indefinite work contracts, while in Facatativá, only 39 per cent had such a contract, with the majority being hired for short-term periods.

What has changed dramatically over the past 10-15 years, in the opinion of flower workers interviewed, is the form of hiring flower workers. For example, despite working for five years in the flower sector, a 24-year old flower worker explained that he had never been hired directly by a flower firm.⁴⁰ He was always hired via an outsourcing firm, many of which set up and close offices from one day to the next. However, in La Ceja region direct hiring by the flower firm still appears to be the norm. In the plains of Bogotá, anywhere upwards of 70 per cent of workers are hired through an array of outsourcing firms, the great majority of which do nothing other than act as go-betweens; they do not supervise workers, they do not assign uniforms, they do not establish the working hours expected or assign workers to a specific area of production. In other words, the flower firms of the region promote the creation of sham firms as a means of freeing themselves from the hassles of hiring workers directly and covering holiday periods, sick leave, possible maternity leave, legal bonuses, and the possibility that these workers might organise in a trade union, thereby fomenting illegal labour intermediation.

It is therefore not surprising to find that, just as the majority of surveyed workers in Antioquia are hired on indefinite contracts, they are also much more likely to have worked for a longer period for the same flower company. Indeed, approximately 47 per cent of the surveyed workers in Antioquia have worked for longer than six years at the same flower company. For the respondents in Facatativá, on the other hand, only 23 per cent of workers had worked for the same firm for at least six years, while 47 per cent of that same population had spent less than 11 months working at the flower firm where they were currently employed.

The lack of job stability in the cut-flower industry is especially high in the plains of Bogotá. Out of the 45 respondents who were hired via some form of labour outsourcing firm, 31 had been working at their current place of employment for less than one year. In legal terms it was actually even more

⁴⁰ Flower worker (age 24), April-May 2015, interview by author.

alarming that the remaining 14 outsourced workers confirmed that they had been working for longer than a year at the same firm. Indeed, seven of these workers had been working for more than three years at the same firm without being hired directly.

Most of the findings indicate infringement of Colombian labour law, which states that only temporary service firms are legally entitled to engage in labour outsourcing of core business activities. However, even then they have strict limitations and specifications, related to the hiring of temporary labour for seasonal or holiday-based peaks in production, to replace sick workers or workers on maternity leave (as well as a few other minor exceptions).⁴¹ In addition, a worker can only be hired by a temporary service firm to work in the establishment of a client firm for a maximum one-year period followed by an extra year extension contract. Afterwards, the client firm is legally obliged to directly hire that same worker. Our survey found that 61 per cent of all respondents had worked in the cut-flower industry for at least six years; for 90 per cent it was the only sector that they had ever worked in.

In conclusion, security of employment is an issue of concern in the cut-flower industry, especially in the plains of Bogotá. Outsourcing of regular work and serial temporary contracts are violations of national law. While this problem may also affect farms with sustainability certification, the details of the field research did not allow researchers to ascertain whether this was indeed the case. However, the Rainforest Alliance/SAN criteria are more stringent in this respect than those from Florverde, as they explicitly state that a certified farm must “directly hire its workforce” except when contractors can provide specialised or temporary services. The Florverde code does not explicitly call for the direct hiring of workers. Instead, it seeks to regulate the type of outsourcing that is permitted on certified farms.

2.3. Conclusions

This section summarises and discusses the results of our survey on labour conditions in the Colombian cut-flower sector.

For five key labour rights, no major problems were reported by the workers interviewed. This includes the elimination of forced labour, abolition of child labour, wages, overtime and health and safety. However, the survey showed that cut-flower firms are still a long way from complying with some other important labour rights. Indeed for the following three key labour rights serious problems were reported:

1. Freedom of association and collective bargaining:

The right to freedom of association and collective bargaining remains extremely precarious in the Colombian cut-flower sector. This is further compounded by the increasing use of temporary contractual workers in the Colombian flower industry, most of whom are non-unionised. While some flower producers allow for freedom of association, few workers' groups are independent. For an estimated 8 per cent of flower workers, collective pacts have been signed by firms as a means of reducing the power of workers' unions. Interviewed workers stated that flower firms are actively opposing the creation of unions in their farms, and that existing trade unions are under pressure from companies. Many unions have filed complaints with the Ministry of Work against flower firms for unlawful firing and general anti-union discrimination. There is evidence of non-compliance (violations of rights) and active interference/discrimination against trade unions and its members. Based on our survey with

⁴¹ For a more detailed overview of the legal specifications under which a temporary service firm can undertake labour outsourcing in Colombia, see Decree 4369 of 2006, as well as Decree 2025 of 2011.

workers and interviews with trade unions this also pertains to farms that have been certified, which indicates a violation of the certification standards.

2. Non-discrimination:

There are concerns about worker discrimination. Even though a majority (92 per cent) of surveyed workers stated that they had not experienced discrimination at work, a small but nevertheless considerable number of surveyed workers (8 per cent) responded that they had been discriminated against at some time, for various reasons. The reasons for discrimination were the following: workers' gender (as females); pregnancy; sexual orientation; physical disability; social activism; refusal to work extra hours; discrimination against outsourced workers (in many firms, outsourced workers are not given subsidised food, in contrast to workers who are employed directly); or due to sickness.

3. Security of employment:

One of the key problems facing cut-flower farms across the Bogotá plains is that workers are employed increasingly via temporary agencies as a means of diminishing the costs of hiring workers directly. This practice places all the pressures and costs of "business flexibility" on the workers' shoulders, to the benefit of the flower companies. This practice of continuously contracting workers for long periods (sometimes over two years) via temporary agency firms or SAS (*Sociedades por Acción Simplificada*) to undertake core business activities is in violation of Law 50 of 1990 and of the specific labour reforms as part of the 2011 Labor Action Plan. Furthermore, such practices violate ILO principles regarding job stability, considered to be a fundamental part of decent work.

3. Main findings of the coffee survey

“There are times when you are happy doing this job, but there are others when you get tired of it, even desperate, because what you make is too little and not enough to provide for your family. This is hard work; you have to carry heavy loads from 6am to 6pm under rain or shine while trying to do well at work in order to pick 120 kilos a day in the normal harvests or 250 kilos in the good ones so you can save some money.”

28 year-old coffee picker with 18 years' experience⁴²

3.1. Context: The coffee sector in Colombia

Colombia has been historically associated with coffee. Coffee production was the main socio-economic engine of the country throughout most of the twentieth century. During this century Colombia has generally ranked as the third biggest coffee producer in the world each year, behind Brazil (number 1) and Vietnam (number 2).⁴³ Unlike Colombia's other main agricultural export-based crops – such as palm oil and cut-flowers – coffee production has traditionally been dominated by small landholders. The coffee sector is still the most significant source of employment in the rural sector.⁴⁴ In 2012, the coffee sector generated an estimated 717,000 direct jobs and helped to support around 560,000 families in the country.⁴⁵

In Colombia, a significant number of coffee farms comply with sustainability standards, in particular Fairtrade, UTZ Certified, Rainforest Alliance and Organic.⁴⁶ According to data in a review of sustainability initiatives published in 2014, standard-compliant production as a percentage of total national coffee production is higher than 60 per cent across Colombia, which is higher than any other coffee producing country.⁴⁷ However, it should be noted that this figure includes significant volumes of double- and multiple-certified production, and non-certified coffee.⁴⁸ When corrected for these factors, it is estimated that at most 22 per cent of Colombian coffee production is certified.⁴⁹

⁴² Flower worker (age 28), April-May 2015, interview by author.

⁴³ Worldatlas website, Top Coffee Producing Countries, <<https://www.worldatlas.com/articles/top-coffee-producing-countries.html>> (28 August 2018).

⁴⁴ R. Ricardo García, 2014, “Coffee Informality: Characteristics, Determinants and Policy Proposals”. Document 418; Economic Files. DNP. p.5.

⁴⁵ R. Ricardo García, 2014, p.10; Estimate of number of coffee families is provided by the Colombian Coffee Growers Federation (FNC).

⁴⁶ In addition, an even larger number of farmers comply with 4C standards, but this was not taken into account in our study, as 4C does not issue certificates.

⁴⁷ International Institute for Sustainable Development (IISD) and International Institute for Environment and Development (IIED), 2014, The State of Sustainability Initiatives Review 2014, <http://www.iisd.org/sites/default/files/pdf/2014/ssi_2014.pdf> p.157.

⁴⁸ Especially 4C is an important standard for coffee (in Colombia). However, 4C compliant farmers have not been taken into account here as 4C is not a certification system.

⁴⁹ Calculation by author, based on a correction of the figures published by IISD and IIED. Fairtrade has the highest volume certified in Colombia, which was estimated to be 23.4% of national production. However, Fairtrade only certifies smallholder coffee farms. Next in line are UTZ (17.1%) and Rainforest Alliance (6.4%) that certify both smallholders and larger farms. There is, however, a 72% overlap between UTZ and Rainforest Alliance certified farms. When corrected for this overlap, at most 22% ($17.1 + (17.1 * (100 - 72\%))$) of all large farms are certified by UTZ and/or Rainforest Alliance. Source: IISD and IIED, 2014.

3.2. Findings of the study

In general, Colombia's agricultural sector faces several problems related to labour rights, especially due to the informality of the sector. Earlier studies have shown that precarious working conditions prevail, including a lack of basic protection, low incomes (often below the minimum wage), job insecurity, lack of access to basic social security schemes and pension systems and, in most cases, the inability of workers to exercise their fundamental labour rights, particularly the right to association and the right to collective bargaining.⁵⁰

The survey was conducted in the four main coffee-producing zones of Colombia (see Figure 2):

- 1) Andes and Jardín (Antioquia)
- 2) Pitalito and its rural township, Bruselas (Huila)
- 3) Ibagué (Tolima)
- 4) Chinchina (Caldas).

The survey respondents live in 15 municipalities of the four departments that were considered, including Betania, Ciudad Bolívar, Hispania, Heliconia, Chaparral, Acevedo, Arauca and Palestina.

Figure 2: Location of the main coffee-growing regions in Colombia



In the coffee sector, pickers represent the bulk of the labour force. They are responsible for picking ripe coffee berries during harvest time. These workers are not protected by formal labour relations and they must sell their labour to the highest bidder through verbal and informal agreements. In most cases, these contracts are not even established with the owners of the farms but with other

⁵⁰ D. Hawkins, "Precarious Working Conditions in Colombia in the Twenty-First Century", in *Precarious Working Conditions in Colombia: Chronicles and Articles*. (Bogotá: Friedrich Ebert Stiftung and Escuela Nacional Sindical (ENS), 2014); DANE (Departamento Administrativo Nacional de Estadística) is the National Administrative Department of Statistics of Colombia; Portafolio. 'The agricultural sector urgently requires a special labor regime'.

workers who serve as forepersons, supervisors or assistants. Although this is a temporary/seasonal type of work, exclusively carried out during the harvest time and over the course of five to six weeks per harvest, it is arguably a permanent occupation. Many pickers are constantly on the move, following the coffee harvests across the country, which vary depending on the different rain cycles, altitude of the coffee plantations and the median temperatures in the different coffee-producing regions.

In addition to coffee pickers, there are also all-round labourers. At harvest time these people are engaged in coffee harvesting or processing (washing, de-pulping, drying), but the rest of the year they have other responsibilities such as planting, de-weeding, spraying, maintenance and renovation of the coffee crops as their experience in the sector gives them great versatility. There are also farmers with their own coffee plots, who are hired by larger-scale farms to meet the demands of production during the harvest seasons; this extra work represents the only way they can make a living in the country as the sole income from their work as small-scale producers is not enough to meet the basic needs of their families. Finally, some workers are involved in other activities, such as spraying, weeding, planting, harvest supervision, security, management, forepersons and trading.

During the survey, it emerged that most workers were not aware whether the farms where they worked were certified or not. Out of the 142 interviewed coffee workers, only 19 per cent of the respondents stated that the farm where they currently worked had some type of coffee certification. This aligns with the estimated share (22 per cent) of certified coffee farms in our sample (see section 3.1). When they were asked about the type of certification in place, the majority of respondents could not respond. Most of them confused sustainable coffee labels and their certification systems with local coffee grower organisations or with types of coffee, such as “specialty coffees”. Because of this limitation, the research team attempted to verify whether any of these farms appeared in the certification standards or auditing firms’ lists of the two most common certification systems for large-scale coffee farms in Colombia, Rainforest Alliance⁵¹ and UTZ.⁵² However, it appeared very difficult to establish this link because of the limited level of detail about the certified farms.⁵³ The comparison of the publicly available lists of auditing firms and the list of 131 farms covered in our survey allowed researchers to identify four companies only, all of them in the Andes region.

3.2.1. Freedom of association and right to collective bargaining

Based on our research, it can be concluded that there are no workers’ unions of any significance in the coffee sector in Colombia. Neither the workers nor the coffee experts interviewed knew of the existence of organisations of coffee workers responsible for the improvement of working conditions, and there is no collective bargaining system. The government and the coffee sector have focused their efforts on supporting the organisation of the coffee producers under various associative concepts (cooperatives, associations, local committees of the National Coffee Growers’ Federation).

Workers in the coffee sector questioned in this survey mentioned several obstacles that explain the absence of labour organisations. The most significant impediments to workers are the lack of unity among workers due to their constant mobility (according to 43 per cent of the respondents) and the

⁵¹ See: SAN, List of certified farms and operations, 31 January 2015, <<http://san.ag/web/wp-content/uploads/2015/02/List-of-certified-farms-and-operations-January-31st-2015.pdf>> (12 December 2015) and Naturacert, Empresas fincas certificadas, <<http://naturacert.org/index.php/empresas-fincas-certificadas>> (12 December 2015).

⁵² See: <http://www.biotropico.com/web/download/Listado%20de%20operadores%20certificados%20UTZ%20Certified.pdf>.

⁵³ For instance, the lists of the certification systems mention a number of coffee farms with the same name in the same department/municipality, so it is impossible to know if the farms visited actually match the ones on the lists.

lack of interest from the Colombian government to support these processes (27 per cent of respondents). Another reason mentioned by some respondents is the risk that involves the demand for better conditions in rural areas, due to violence-related issues.

When workers were asked if they would join an organisation of coffee workers, if it existed, half of the respondents answered affirmatively. There was no evidence in the research of active repression of this right by companies. Instead the main impediment to the creation and strengthening of workers' unions or associations seems to be the fact that most coffee workers are working in semi-informal, or (more often) totally informal circumstances.

3.2.2. Elimination of forced labour

Based on our research, it can be concluded that in the Colombian coffee sector there is no evidence of the occurrence of forced labour.

3.2.3. Abolition of child labour

*“(Child labour) shouldn’t occur. Children should study and develop themselves in other things; otherwise they won’t have a better future. It’s bad for them to be tied to a working schedule/life such as the one I face because I never had the chance to study.”*⁵⁴

Coffee picker

Regarding child labour in the Colombian coffee industry, no national, disaggregated data are available. Nonetheless, various articles testify to its existence and indeed prevalence.⁵⁵ During the fieldwork undertaken for this report, no direct evidence of child labour was found. However, in numerous interviews with coffee pickers and producers, people testified of its continued existence although they also mentioned a notable reduction in recent years. In one of the expert interviews, a female certified coffee producer⁵⁶ spoke of how, several years ago, during the harvesting seasons whole families would arrive at the farm to help with coffee collection. However, due to the standards set in place by certification schemes, as well as by the National Coffee Growers' Federation (FNC) and the local coffee producer cooperative, the coffee producer expressed that this does not occur nowadays. She explained this by the fact that, to obtain work in certified farms, pickers must show their national identity cards, which are only available once a person turns 18.

Among the coffee pickers interviewed with working experience on both certified and non-certified farms, it was reported that child labour only occurs in non-certified farms. However, two pickers stated that, while certified farms generally do not hire workers under 18 years old as day labourers, they often hire pickers aged 15-16 years, who would be paid according to the number of kilos picked rather than a daily rate. For example, in one farm where one of the respondents recently worked, there were approximately 130 pickers and of these about five to six were under 18 years of age.⁵⁷ We could not ascertain whether this farm was certified.

In conclusion, there are some indications that child labour is still occurring in the Colombian coffee sector, although it is clearly less prevalent than in the past.

⁵⁴ Coffee picker, 4 November 2015, telephone call by author.

⁵⁵ See, for example: “El café no es un cuento de niños”, *Crónica del Quindío*, 18 May 2015, <http://www.cronicadelquindio.com/noticia-completa-titulo-el_caf_no_es_un_cuento_de_nios-seccion-la_general-nota-88155.htm> (12 December 2015).

⁵⁶ Female coffee producer, Andes, Antioquia, 17 April 2015, interview by author.

⁵⁷ Coffee picker, 4 November 2015, telephone call with author.

3.2.4. Non-discrimination

Discrimination stills occurs in the coffee sector, although it is not very widespread. The survey results show that 20 per cent of all respondents stated that they had experienced some type of job discrimination. The reasons mentioned included discrimination because of their advanced age, their medical condition affecting labour performance, being poor or due to the region of origin. It should be noted that the majority (78 per cent of all respondents) indicated that they never experienced any type of job discrimination.⁵⁸

3.2.5. Wages (minimum wage and living wage)

For Colombian coffee workers, wages vary according to the annual production cycles, and are based on the amount of kilos harvested. While piece rates per kilo vary depending on the region, they generally vary anywhere from between 350 and 500 Colombian pesos per kilo of berries (equivalent to US\$ 0.11-0.16). In our survey, we differentiated between the three major seasons:

- In the major harvest period, 36 per cent of the respondents received a wage that was less than the legal monthly minimum wage in 2015 (645,000 Colombian pesos); 55 per cent earned between one and two times the monthly minimum wages; and 9 per cent made more than twice the monthly minimum wage per month.
- During the mid-season harvesting period (commonly known as *Mitaca* or *traviesa*). During this period, 68 per cent of the respondents earned less than the monthly minimum wage, 31 per cent earned between one and two times the monthly minimum wages and only 1 per cent of respondents earned more than twice the monthly minimum wage per month.
- During the non-harvesting season, of the 50 workers who responded to this question, only three earned, on average, the monthly minimum wage.

The survey results show that wages vary significantly depending on the time of the year, mainly because of the fact that coffee pickers (who constitute the majority of workers in the coffee sector) are paid on the basis of the number of kilos of coffee beans harvested. The interviews showed that, on average, workers make less than the minimum wage but also that levels fluctuate widely, depending on the time of year, the coffee region and the quality of the harvest. Certification standards acknowledge that this is a major problem.

In response to a draft version of this report, UTZ Certified indicated that “it seems that the issue that especially temporary workers face is rather the scarcity of employment during non-harvesting season but not the rate level they received. The issue of the seasonality of the crop and linked fluctuation of the income of those workers is hard to influence through our certification program”.⁵⁹ It was not possible to confirm or challenge this perspective from the certification standards based on the information from the interviews.

3.2.6. Overtime

The results of the survey showed that overtime is an issue of concern in the coffee sector. Depending on the time of the year, harvesting work is usually performed between five days (49 per

⁵⁸ The remaining 2 per cent of workers interviewed did not respond to this question.

⁵⁹ UTZ Certified, email 22 May 2016.

cent of all respondents) and six days (45 per cent) a week.⁶⁰ For most respondents, work begins early in the morning, at around 5am or 6am. A large majority of respondents indicated that they worked more than the acceptable number of hours, according to international standards: 18 per cent of the respondents stated they worked eight hours or less per day; 23 per cent worked nine hours per day; 41 per cent worked ten hours a day; while 18 per cent worked more than 11 hours per day. In other words, based on the interviews, many coffee workers work, on average, more than ten-hour shifts. Calculated as a weekly shift (generally six days per week), this would push them close to the legal weekly limits.

3.2.7. Health and safety

“Some of the things I dislike most about my job as a coffee picker, are the overcrowded and poor sanitary conditions of the camping houses, along with the bad food provided by some of the farms, the lack of healthcare protection, the loneliness and the distance from my loved ones.”⁶¹

Coffee picker, 19

On the issue of safety at work, 51 per cent of all respondents stated that they were not provided with PPE (personal protective equipment), and 4 per cent stated that they were provided only partially with PPE, in spite of being exposed to changing temperatures, chemical and ergonomic risk-related factors. Additionally, they were not equipped with boots, gloves, hats, aprons, raincoats, spraying and lifting equipment, among many other things. This finding is actually confirmed by UTZ Certified, who – in response to the draft report – commented that “wearing PPE is one of the most common (issues of) non conformity that is detected through the auditing process. This means that it is a point where there is difficulty to comply with the standards (at certified coffee farms).”⁶² A note of special concern relates to the situation for sprayers. Although they carry out high-risk work in which they are exposed to chemicals and toxins on a daily basis, one third of the sprayers (4 out of 12 sprayers included in our survey) were not provided with protective elements.

Regarding health issues, 37 per cent of all respondents stated that they, or someone they worked with, had suffered from a work-related illness. Also, 20 per cent of workers had been involved or had witnessed accidents in their work places over the course of the previous year. Some of the most frequently mentioned accidents included poisoning, cuts, falls and snake bites. The most common diseases were constant colds due to exposure to difficult and changing weather conditions, headaches and nosebleeds caused by high temperatures, allergies and fungal infection caused by the coffee pulp. In conclusion, there appear to be several serious problems in relation to health and safety in the coffee sector.

3.2.8. Security of employment

“What I regret most about my occupation is the instability that leads to a lack of security and social benefits. Despite my age, I have never contributed to a pension fund. Despite making occasionally good money during the harvest time, eventually I always run out of money.”⁶³

Coffee picker, 48

⁶⁰ 2% of the respondents work 4 days per week, while 3.5% work 7 days per week.

⁶¹ Coffee picker (age 19), April-May 2015 interview by author.

⁶² Email by UTZ Certified, 22 May 2016.

⁶³ Coffee picker (age 48), April-May 2015 interview by author.

According to the survey, 95 per cent of all respondents had no written employment contract, since most of the people interviewed were temporary workers. This reflects the high levels of informality and precariousness of workers in the Colombian coffee sector. In response to the draft report, UTZ Certified commented that “it is appreciated that the informality of this sector is acknowledged in the study. Written contracts in such an informal setting are not common and are not an UTZ requirement (only mandatory for employment for 3 months and longer).”⁶⁴

Of the respondents, 59 per cent had fixed-term agreements, either per day (34 per cent), per week (20 per cent), or per month/year (3 per cent). The remaining 41 per cent did not answer the question as the duration of the hiring was not stipulated by their employer, even verbally. These informal accords are understood as agreements to work until one of the parties (the worker, the farm foreperson or the farmer) considers it convenient to terminate the agreement. From the perspective of the workers, the decision to continue working with any given farm was dependent on the treatment they received from the supervisors or the farm owner, the conditions of the camp, the quality of the food, the work environment, the relationships with workmates, the ground conditions, the density and the lifetime of the crops, the coffee varieties and the quantity of coffee at the moment of the harvest.

From this research, it can be concluded that there is no or very little security of employment in the coffee sector in Colombia.

3.2.9. General perception of working conditions

As part of the survey, workers were asked a more general question about their perception of the current situation compared to five years ago. It should be noted that 40 per cent of the respondents (out of a total of 142) did not respond to this question, stating that they could not make a comparison – either because they had worked less than five years in this sector or because they couldn’t remember exactly the conditions five years ago. Out of the 60 per cent who did respond, the following responses were given:

- 31 per cent of the respondents stated that working conditions were worse than five years ago. This deterioration was mostly due to a reduction in income, which meant that the income derived from their work on coffee farms was insufficient to cover family expenditure.
- 18 per cent stated that conditions were more or less the same.
- 11 per cent stated that conditions had improved. They mentioned the following areas of improvement: farm camp installations (both in terms of quality, quantity and access to these camps); and more possibilities of finding work on coffee farms due to the increased demand for workers

Although the results are not unambiguous, it is striking that almost half of the survey respondents felt that their situation had not improved over the years and, in some cases, had even deteriorated.

Workers were also asked to prioritise themes in terms of their importance for improving their working situation.⁶⁵ The priority areas mentioned were: wages (57 per cent), health coverage and social security (44 per cent), better food provision (44 per cent), more job stability (20 per cent), holidays and rest time (10 per cent) and finally, better facilities in the coffee farm workers’ camps (9 per cent).

⁶⁴ UTZ Certified, email 22 May 2016.

⁶⁵ The responses could be multiple which is why the total is more than 100 per cent.

The highest levels of dissatisfaction for the workers (in order of importance) regarding labour-related themes were the following: poor treatment by their bosses and supervisors; poor healthcare attention in case of accidents; low-quality food provided at coffee farm kitchens; low wages; bad quality worker sleeping sites; lack of leisure time available to enjoy with one's family; and type of contract. The highest levels of satisfaction with current jobs included the following: tools and equipment, working hours and break times from work.

Another general issue that came out of the survey was a lack of information and awareness regarding sustainability certification among workers on coffee farms. This may relate to the structural instability and informality that prevail in the coffee sector. When workers go from farm to farm, only staying for short periods, it is likely that they are not sufficiently acquainted with the type of certification at specific farms. Clearly, under such conditions, raising awareness of the specifics of certification and especially training and education is daunting.

Both certification standards mentioned in this coffee study (UTZ and Rainforest Alliance) acknowledge the challenges of improving labour conditions due to the informality of the coffee sector. However Rainforest Alliance has stated that they do require auditing firms to include temporary workers in the audits as well.⁶⁶ It also became clear during the field work that information concerning the environmental criteria of certification standards is often displayed, via posters, at coffee farms. However, the research team did not see any brochures or posters concerning the criteria related to socio-labour standards on certified coffee farms. This lack of information, and particularly the significance for the fulfillment of labour rights, is an issue of concern and it is recommended to all parties involved to make an effort to improve this.⁶⁷

3.3. Conclusions

This section summarises the results of our survey on labour conditions in the Colombian coffee sector.

First of all, it should be noted that the conclusions of our research provide a general assessment of the labour conditions in the coffee sector in Colombia, and do not provide information about the problems associated with labour rights on particular certified or non-certified coffee farms. However, with an estimated share of one out of five farms in our sample being sustainability certified,⁶⁸ it is likely that the most prevalent problems this research has revealed also affect these farms to some extent. This is even more clearly the case for workers with no contracts. The following conclusions can be drawn from the field survey, backed up by information from secondary sources:

- The majority of workers interviewed are coffee pickers, who make up one of the key occupations within the Colombian coffee sector; their role is essential to ensure that the coffee actually gets from the coffee plant to the final point of sale. Although this is a temporary type of work, exclusively carried out during the harvest time and over the

⁶⁶ M. Willems, Rainforest Alliance, Roundtable on certification and working conditions, Amsterdam, 26 May 2016.

⁶⁷ UTZ commented, "this is indeed a very relevant finding, and an important issue to take up." UTZ Certified, email 22 May 2016.

⁶⁸ Out of the 142 interviewed coffee workers, only 19 per cent of the respondents stated that the farm where they currently worked had some type of coffee certification. This aligns with the estimated penetration rate of certified coffee producers of 22 per cent for Colombia as a whole.

course of five to six weeks per harvest per region/farm, for them it is a permanent occupation. Many pickers are constantly on the move, following the coffee harvests across the country. The evasive nature and informality of working relations contribute to problematic working conditions in this sector.

- More specifically, out of eight key labour rights considered in the research framework, it can be concluded that the following rights were not, or not always, respected:
 - i. Freedom of association and right to collective bargaining: There are no trade unions or worker-based associations for coffee workers who toil in the primary stage of production in the Colombian coffee industry. Hence, while this research found no evidence of coffee firms and farms actively obstructing workers from forming and joining a union, freedom of association and collective bargaining clearly are rights that are not effectively enabled in this sector. Nonetheless, the survey shows that at least half of the workers would be willing to join a trade union if they had the chance to do so, but could not because of the lack of trade unions.
 - ii. Abolition of child labour: There are some indications that child labour is still occurring in the coffee sector, although it is clearly less prevalent than in the past.
 - iii. Minimum wages and living wage: Wages varied significantly depending on the time of the year, but generally speaking a significant portion of the coffee workers received a salary below the minimum wage.
 - iv. Overtime: Overtime is an issue of concern in the coffee sector. Many coffee workers work, on average, more than ten-hour shifts, which, calculated as a weekly shift (generally six days per week), would push them close to the legal weekly limits.
 - v. Health and safety: During the fieldwork many workers spoke of the health-related impacts of working in the coffee sector. Most importantly, more than half of all respondents stated that they were not provided with PPE (personal protective equipment). A note of special concern relates to the situation of sprayers: one third of the sprayers included in our survey were not provided with protective elements, despite the high health risks involved.
 - vi. Security of employment: According to the survey, 95 per cent of respondents (the majority of whom are coffee pickers) had no written employment contract. Clearly empowerment through formalisation of temporary working relationships between farms and workers in written contracts is not taking place

4. Recommendations

Based on the findings of the research on the cut-flower sector, the following recommendations are made to flower certification standards in general, and Rainforest Alliance and Florverde in particular:

- Certification systems must ensure that the auditing firms that verify compliance with their standards are more stringent in their monitoring of the measures employers often take to discourage union membership, such as the use of collective pacts, while also pressuring firms to display visible signs and conduct workshops to raise awareness of workers' rights and particularly trade union rights. Such actions would presumably encourage firms to more actively respect and guarantee the fundamental right of their employees to form and join a trade union of their choice and for this union to initiate collective bargaining processes.
- Also, the theme of worker subcontracting should be more stringently reviewed and monitored by sustainable flower certification labels if they truly want to guarantee that consumers who buy these products can be assured that they are produced in accordance with the socio-labour standards stated in these brands' codes of conduct.
- Sustainability certifications should include information on the municipality and the name of the rural lane leading to the farm in the lists of certified farms they disclose on their websites.⁶⁹ Indeed, it would be preferable if these firms could provide GPS coordinates for the farms that have received their certification. This would lead to an improvement in terms of the transparency and traceability of the certification process for researchers and other stakeholders.

Based on the outcomes of the coffee survey, the following recommendations are made to coffee certification standards in general, and Rainforest Alliance and UTZ in particular:

- In Colombia, freedom of association and collective bargaining are problematic. UTZ's recently updated code of conduct states that management has the duty to inform workers of their right to organise and to bargain collectively. Rainforest Alliance, for its part, has made respect of freedom of association and collective bargaining mandatory for producers. While both changes are steps in the right direction they are not enough for Colombian coffee workers to benefit from their right to associate freely and bargain collectively. This is because the sector lacks trade unions and collective bargaining altogether. To promote fulfilment of these and other fundamental labour rights, we recommend that certification programmes should develop or support dedicated improvement programmes. These should, as a minimum, include elements of awareness raising and education about fundamental labour rights. They should also be rolled out at a regional or even national/sectoral level because of the seasonal/temporary labour relations in this sector.

⁶⁹ Rainforest Alliance stated, "We acknowledge it could be helpful to add more detailed address references in the farm list and we will look into this. A list of certified farms can be found on www.san.ag", M. Willems, Rainforest Alliance, email 22 May 2016.

- It is advised that certification standards seek collaboration with the National Coffee Growers' Federation (FNC) and involvement of trade unions that are active in other agricultural sectors for these programmes. Other elements that could be needed are research into the feasibility of various options for improving labour conditions including multi-stakeholder advocacy with public authorities, and strategy workshops with workers and other stakeholders such as trade unions.

- As noted above for the flower sector, sustainability certifications should be more specific about the locations of certified farms on their websites.