

4 – 12 Paisley road  
Southerton, Harare  
Zimbabwe

www.riftvalley.com



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23<sup>rd</sup> August 2017

The Associate Director  
Children's Rights Division  
Human Rights Watch  
34<sup>th</sup> Floor  
350 Fifth Avenue  
New York  
NY10118 – 3299  
**UNITED STATES OF AMERICA**

**Attention: Ms. Jane Buchanan**

Dear Ms. Buchanan

#### **HUMAN RIGHTS WATCH RESEARCH ON TOBACCO FARMS**

Thank you for your letter dated 16<sup>th</sup> August 2017 with your preliminary findings with respect to the above. We take this very seriously and will endeavor to work together to provide both the information requested and address any alleged issues as necessary. We understand the sensitivities around confidentiality but would ask if further details could be provided on precise locations of the alleged incidents to facilitate our ability to investigate further and/or put any necessary actions in place.

We recognize the impacts and risks associated with agricultural supply chains and tobacco growing on farmers, their families and local communities. As of 2017, 80% of our tobacco volume is provided by Commercial Growers and 20% by small-scale farmers. The information we have provided covers both groups.

We are responding as Northern Tobacco (Private) Limited (NT) and the processes we follow and cannot speak for the other tobacco companies operating Zimbabwe.

This letter provides an overview of the sector wide Sustainable Tobacco Programme (STP) and supporting policies and practices. It then addresses the questions you have asked specifically, including the provision of a range of supporting documentation.

*Directors: R. W. J. Strong; P.W. West*

## **SUSTAINABLE TOBACCO PROGRAMME**

NT follows the requirements of the STP which supports the production of tobacco using good agricultural practices; good environmental practices and good labour practices. The STP is divided into the Crop Pillar, the Environment Pillar, the Facilities Pillar and the People Pillar. Each pillar sets out criteria that either the grower or NT or both has to be compliant with. The concerns raised are covered by the criteria of the STP programme. We are required to monitor on-going compliance from the data gathered, to complete an on-line assessment in November each year; and then once every three years we are independently audited. This process is similar to the previous Social Responsibility in Tobacco Production (SRTP).

We are provided with a guide to the STP requirements which details the criteria, guidance notes and the indicators. A copy of the STP Guide (Annexure "A") is attached. We have provided every Commercial grower with an electronic copy as well as a hard copy of the STP Guide. We have visited all the Commercial growers to discuss and provide an overview of the STP requirements an overview of the Best Practices and Agricultural Labour Best Practices Booklet and associated Monitoring processes. After each discussion the grower signs an acknowledgement confirming that the matters were discussed and that they understand the requirements. A copy of the acknowledgement (Annexure "B") is attached.

For the Small-Scale growers, we do not think that an electronic version is necessarily the most appropriate method to communicate and we have undertaken more focused training sessions. In our training sessions, small scale growers were provided with an overview of the STP and copies of the training material. 500 small scale farmers have received training so far (Copies of the Training Reports are attached) (Annexure "C").

## **SUSTAINABLE TOBACCO PROGRAMME POLICY DOCUMENT**

One of the requirements of the STP is a Company Policy document. We have prepared a STP Policy Document that are placed throughout the NT offices. This makes reference to NT's commitment to the production of quality tobacco in Zimbabwe and recognizes that its operations have an impact on the local communities and environment at all levels. The document makes reference to elimination of child labour and health and safety issues. A copy of the Policy Document (Annexure "D") is attached.

## **BEST PRACTICES AND AGRICULTURAL LABOUR PRACTICES.**

There are twenty-one (21) criteria in the STP that requires Best Practices. We have prepared a booklet called the Best Practices and Agricultural Labour Practices Booklet. The labour practices are in line with the requirements of the Labour Act of Zimbabwe and the National Employment Council for the Agricultural Sector Collective Bargaining requirements. The Commercial growers received an electronic copy and a hard copy which they are required to sign that they have read and understood the requirements during our visits.

Although a large number of our small-scale growers do speak English (and have been provided a copy of the Booklet that has been discussed during the training sessions

mentioned earlier); we recognize the need to improve communications in local languages and the booklet is being translated into Shona (vernacular) for distribution to the Small-Scale growers by 18<sup>th</sup> September 2017.

A copy of the booklet (Annexure "E") is attached.

## **BIODIVERSITY STUDY**

One of the requirements of the STP is that we carry out a Biodiversity Survey to assess the impact of tobacco production on biodiversity. This survey was carried out between May and July in the following areas:

Guruve (Mashonaland Central)  
Nyazura/Odzi (Manicaland)  
Marondera (Mashonaland East)  
Karoi (Mashonaland West)  
Beatrice/Goromonzi (Harare South)

This is a multi-stakeholder exercise and we engaged with Commercial and Small Scale growers, schools, hospitals and clinics, NT Assessors, the Environmental Management Agency, District Councils etc. This includes topics of relevance to your research, such as child labour, chemical storage, use and disposal, personal protective equipment, etc.

The purpose of the survey is to collect data on the impact of tobacco on the biodiversity and develop and implement an action plan to mitigate the risks and monitor progress. Having collected the baseline data, we have started identifying the key risks with the view to develop a plan for implementation by 1<sup>st</sup> October 2017.

A Copy of the Biodiversity Survey (Annexure "F") is attached.

## **TRAINING**

We have provided training to the NT Agronomists on the understanding of the STP and part of their role is to provide training to their Commercial growers. and assist them should they require help with any of the STP criteria and Best Practice requirements.

We also have a training programme that applies specifically to the Small-Scale growers. Phase 1 has identified approximately 500 growers that have received training to facilitate the understanding of the STP and associated best practice requirements. This involved provision of materials in Shona (vernacular), and discussion of topics such as child labour, use and storage of chemicals, disposal of chemical containers, personal protection equipment, etc. Copies of the training material on the Implementation of the STP (Annexure "G"), the Phase One Monitoring (Annexure "H") and Certificates of Attendance (Annexure "I") are attached.

In addition to the training above, we have identified other training such as Occupational Health & Safety, First Aid and Wealth Management Courses to small scale farmers and attendance Registers are kept,

## **MONITORING**

Monitoring of the STP is carried out in four phases throughout the season i.e. seedbeds, transplanting, reaping and curing, grading and presentation. Before each phase we provide training to the Commercial Growers in respect of the requirements of each phase. Each phase questionnaire will include questions on labour that encompasses the issues raised by your research. A copy of the Phase One Monitoring Questionnaire (“J”) is attached.

Small scale farmers STP monitoring is done vis the Field Technicians that visit the small-scale farmers at least 4 times a year.

## **CONTRACT GROWER AGREEMENTS**

Both the Commercial and Small Scale Contract Grower Agreement (CGA) make provision for the compliance with the criteria of the STP as follows:

- a) The NT Sustainable Tobacco Programme Guidelines have been made available to me;
- b) I have read the NT Sustainable Tobacco Programme Guidelines and understand how they apply to me and are committed to abide by the Criteria of the Programme;
- c) I authorise NT to undertake periodic assessments of our compliance with the criteria of the Sustainable Tobacco Programme using NT personnel or nominated third parties.

## **STANDARDS OF BUSINESS PRACTICE**

We have a document which we require suppliers of goods and services to NT sign which make provision for human rights issues, child labour, health and safety etc. A copy of the Standards of Business Practice (Annexure “K”) is attached.

## **AGROCHEMICAL POSTERS**

Agrochemical posters have been designed, printed and distributed amongst Commercial and small scale growers. A copy of the poster (Annexure “L”) is attached.

## **FORMS**

We have designed the following forms for use by Commercial and small scale growers:

- Chemical Application Record
- Fertilizer Application Record
- PPE Issue Record

Copies of the Chemical Application Form (Annexure “M”), Fertilizer Application Form (Annexure “N”) and PPE Issue Record (Annexure “O”) are attached.

## REQUEST FOR INFORMATION (further answer to questions)

### Tobacco Leaf Purchasing and Sales

Please note that we believe that the majority of information requested for under Tobacco Leaf Purchasing and Sales (q1-6) to be commercially sensitive in nature. As stated previously all our Commercial and Small Scale farmers have a contract and sign that they have read and understood the requirements of STP. We can provide blank copies of contracts if required (completed contracts would require further permission). All our tobacco comes from Zimbabwe and only a small proportion is via auction.

Table 1 (below) outlines the number of farmers, broken down by region:

Table 1.

	2015	2016	2017
Harare	1	2	3
Mash West	1113	765	805
Mash Central	317	97	116
Mash East	387	128	191

### Child Labour

#### 7. What is Rift Valley Corporation's policy regarding child labour in the supply chain? What specific tasks are children under the age of 18 permitted to perform, and at what ages? How does the Rift Valley Corporation define "hazardous work?"

As mentioned above, the following documentation all refer to child labour:

- The STP Guide provides criteria relating to child labour
- The NT STP Policy Document,
- The Best Practices and Agricultural Best Practices Booklet, and
- The Standards of Business Practice

Insofar as tasks that children under the age of 18 are permitted to perform, the Best Practices and Agricultural Best Practices Booklet details as follows:

*"In terms of Section 11 of the Labour Act [Chapter 28:01], no employer shall cause any person under the age of 18 years to **perform any work which is likely to jeopardise that person's health, safety or morals** such as:*

- *Exposure to physical, psychological or sexual abuse;*
- *Working underground, under water, at dangerous heights or in confined spaces;*
- *Working with dangerous machinery, equipment and tools or which involves the manual handling or transport of heavy loads;*
- *Working in unhealthy environments which may expose them to hazardous substances, agents or processes or temperatures, noise levels or vibrations, which may damage their health;*

- *Working under particularly difficult conditions such as working for long hours or during the night or where they are unreasonably confined to the premises of the employer or parent;*
- *Having physical contact with wet green tobacco.”*

Hazardous work is defined as **“any work which is likely to jeopardise that person’s health, safety or morals”**, which is in line with hazardous child labour is defined by Article 3 (d) of ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) as:

*(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.*

**8. How does Rift Valley Corporation communicate its standards and expectations regarding child labour to growers and supplier, including growers who may be selling tobacco leaf to Northern Tobacco on auction floors.**

As mentioned above, Commercial growers are provided with an electronic copy of the STP Guide and the Best Practices and Agricultural Labour Practices. For the Small-Scale growers are concerned, we do not think that an electronic version is necessarily the most appropriate method to communicate and have focused upon training sessions. In our training sessions, small scale growers were provided with an overview of the STP and copies of the training material. 500 number of small scale farmers have received training so far (see Annexure “C”).

Small Scale Growers will also receive a copy of the Best Practices and Agricultural Best Practices Booklet translated into Shona (vernacular).

**9. Has Rift Valley Corporation identified or received reports of child labour on tobacco farms supplying tobacco to Northern Tobacco in Zimbabwe in 2015, 2016 or 2017? If so what actions has Rift Valley Corporation taken?**

To our knowledge we have not received any reports of child labour via STP or other on-going monitoring processes such as the Biodiversity Survey or via Field Technicians.

**10. We would welcome any additional information Rift Valley Corporation would like to provide to Human Rights Watch regarding its policies and practices toward eliminating child labour in tobacco farming in Zimbabwe**

- Contract Grower Agreements for Commercial and small scale growers refer to the compliance by growers of the criteria of the Sustainable Tobacco Programme.
- The STP Agronomy Guide detailing the criteria for the elimination of child labour is provided to Commercial Growers both electronically and in hard copy.
- The NT Best Practices and Agricultural Labour Practices Booklet is provided to Commercial growers both electronically and in hard copy and an acknowledgement of receipt is obtained from the grower. The booklet is currently being translated into Shona (vernacular) for distribution to Small Scale Growers.
- The NT Sustainable Tobacco Programme Policy document is displayed in the NT Offices and is reviewed annually.

- NT suppliers are required to sign the Standards of Business Conduct document which makes provision for Human Rights, and child labour issues.
- The biodiversity survey included discussions on child labour.

## **Labour Rights**

**11. What is Rift Valley Corporation's Policy regarding working hours, pay, overtime work and breaks for hired workers on tobacco farms in the supply chain? How Does Rift Valley Corporation communicate its standards and expectations regarding labour rights to growers and suppliers, including growers who may be selling tobacco leaf to Northern Tobacco on auction floors?**

- The STP Guide;
- The Best Practices and Agricultural Labour Practices; and
- The Labour Act and the Collective Bargaining Agreement for the Agricultural Sector,

all make provision for working hours, pay, overtime work and breaks for workers on farms. Insofar as Zimbabwe is concerned, the Labour Act and the Collective Bargaining Agreement for the Agricultural Sector are what the growers and their workers abide by.

The NT STP Policy documents refers to the compliance of all local and national laws and regulations relevant to its activities and the activities of its growers.

These requirements are also contained within the contracts with the Commercial Growers and Small scale farmers. (Annexure "P" and "Q" in respect of Annex One of the Contracts)

**12. What is Rift Valley Corporation's policy on freedom of association and collective bargaining rights for workers?**

- The Labour Act;
- The Collective Bargaining Agreement for the Agricultural Sector;
- The Best Practices and Agricultural Labour Practices;

provides for freedom of association and collective bargaining rights.

As far as collective bargaining rights are concerned, most if not all commercial grower workers are members of the National Employment Council for the Agricultural Sector who bargain on behalf of the workers.

## **Health and Safety**

**13. What steps does the Rift Valley Corporation take to protect tobacco farmers, their families and hired workers in its supply chain from nicotine poisoning or Green Tobacco Sickness? How does Rift Valley Corporation ensure workers in the supply chain are informed about risks of nicotine poisoning or Green Tobacco Sickness?**

The Best Practices and Agricultural Labour Practices booklet make provision as follows:

*“Green Tobacco Sickness (GTS) is a potential risk to those working with the green tobacco plant. GTS is a form of nicotine poisoning that may be contracted by handling wet green tobacco leaves. The nicotine from the plant mixes with the moisture on the leaves and upon contact, the nicotine is absorbed through the skin, causing acute nicotine poisoning and its associated symptoms.*

*Given the potential risk of GTS, pregnant or breastfeeding woman must not be involved in reaping tobacco. Growers should train and inform workers about GTS preventative measures specifically:*

- *Informing workers about the causes and symptoms of GTS;*
- *Ensuring workers wear long-sleeved shirts, gloves and/or raingear to minimise skin exposure to the green plant;*
- *Advising workers to periodically change wet or tobacco-soaked clothes;*
- *Limit harvesting work to less than seven hours a day, where possible;*
- *When possible, restrict work to cooler, drier conditions and avoid fieldwork until leaves have dried after rain;*
- *Allow workers to take breaks periodically;*
- *Ensuring the workers wash their hands and body with warm soapy water after working with green tobacco;*
- *Keep updated training records confirming that the workers involved in topping, reaping and loading barns have received appropriate training on GTS.”*

Managing the risk associated with GTS and implementation of policies is part of the monitoring process in line with the STP or as an unannounced visit and also forms parts of the role of field technicians when they are visiting the farms.

**14. What does the Rift Valley Corporation have in place regarding the handling and applying pesticides, disposal of pesticides containers as well as the proximity of workers on tobacco farms in its supply chain to active spraying of pesticides and other hazardous chemicals? How does Rift Valley Corporation monitor the implementation of these policies. How does Rift Valley Corporation ensure that workers in the supply chain are informed about the risks of pesticide exposure?**

- The STP Agronomy Guide
- The NT Best Practices and Agricultural Labour Booklet
- The Rift Valley Corporation Health and Safety Policy.

The Best Practices and Agricultural Labour Practices Booklet make provision as follows:

- *No person under the age of 18, pregnant woman or nursing mothers can handle or apply CPAs;*
- *Appropriate Personal Protective Equipment (PPE) must be provided to all workers involved in the handling, storage and use of CPAs and they are trained on how to use it appropriately;*
- *CPAs should only be used in accordance with the manufacturer’s written instructions and applicable regulations;*
- *Only trained workers using PPE should handle or apply CPAs or other hazardous substances. Training should include:*

- *The appropriate use of CPAs with respect to dosage, time of application, application method, re-entry, and pre-harvest intervals;*
  - *Safe storage and handling of CPAs.*
- *Spraying equipment should be regularly checked and maintained in good condition. Leaking handheld or knapsack sprayers should not be used to apply CPAs.*
  - *Safety training records for handling and use of CPAs should be kept up-to-date;*
  - *Records should be kept for all CPA applications, confirming those who carried out the work.*

The implementation of the policies is monitored by visits to growers either as part of the monitoring process in line with the STP or as an unannounced visit where physical examination of the chemical storage facilities is carried out. In the case of Small Scale growers as a result of our biodiversity survey, we identified that most growers do not have adequate facilities to store and lock chemicals away. We are therefore in the process of having lockable containers made for this purpose.

In addition, we review the chemical application records, which we have designed for use by the growers. We have also had posters for the use and storage of agrochemicals made for distribution among both Commercial and small scale growers.

**15. What is the Rift Valley Corporation's Policy concerning provision of personal protective equipment (PPE) to tobacco growers and workers.**

- The STP Agronomy Guide
- The NT Best Practices and Agricultural Labour Booklet
- The Rift Valley Corporation Health and Safety Policy.

The Best Practices and Agricultural Labour Practices Booklet makes provision as follows:

*"Appropriate Personal Protective Equipment (PPE) must be provided to all workers involved in the handling, storage and use of CPAs and they are trained on how to use it appropriately;"*

*"Only trained workers using PPE should handle or apply CPAs or other hazardous substances."*

During the STP monitoring process the grower will be asked to present training records to confirm that training on the use, storage etc. of chemicals. The implementation of the policies is monitored by visits to growers either as part of the monitoring process in line with the STP or as an unannounced visit.

We have designed a form for growers to use when issuing PPE to their workers. During the training of the Small Scale growers the issue of storage and used of chemicals as well as the issue of PPE was discussed and the training records are available.

## Monitoring and Human Rights Diligence

- 16. How does Rift Valley Corporation monitor for child labour, labour rights abuses, health and safety violations, or other human rights problems in the tobacco supply chain?**

There are 85 criteria within the STP that requires monitoring. The process is divided into four phases with the first one being seedbed production, the second being transplanting and crop development, the third being reaping and curing and the fourth being grading and presentation. All four phases have a labour element so during each phase the labour criteria are monitored during each phase. The growers are asked specific questions as contained in the questionnaire and where positive responses are given evidence is required to support the response.

As stated previously, the STP process requires completion of an annual self-assessment, where the results are collated and entered into the on-line assessment, which is externally validated. There is a full external audit every 3 years, that includes field visits and evidence review. The next external audit is due April 2018. However, given the seriousness of your research we will consider with our partners whether this is sufficient.

In addition to the STP process there are visits by field technicians and unannounced visits which cover these issues.

- 17. What due diligence policies and procedures does Rift Valley Corporation have in place to identify, prevent, mitigate and account for possible impacts of your company or your suppliers on human rights, including child labour and labour rights?**

See above

- Monitoring process
- Unannounced visits
- Risk assessments on each criteria within the STP
- Biodiversity survey

- 18. How does Rift Valley Corporation publish in comprehensive and verifiable ways the results of its human rights monitoring, a key component of effective human rights due diligence, as detailed in the United Nations Guiding Principles on Business and Human Rights?**

Rift Valley Corporation publishes a Sustainability Report alongside its Annual Report each year. The purpose of this report is to consider the material economic, environmental and social impacts and opportunities of our business, and to explore the main ways in which our agricultural and energy footprint is contributing to transforming lives and sustainable living where we operate.

The report focuses on 3 sustainability pillars that best reflect how we manage our business:

- 1 Our operating standards and efficiencies
- 2 Our innovation and developmental ambition
- 3 Our value to society

Pillar 1 describes the following, which relates directly to our human rights monitoring and evaluation:

- a Human Rights
- b Good governance
- c Our people
- d Health & Safety performance
- e Environmental performance
- f Sustainable operations
- g Certification & standards

Reporting chapter a. (Human Rights), covers:

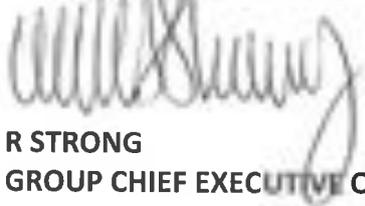
- I Grievance resolution
- II Discrimination
- III Preventing child labour
- IV Stakeholder engagement
- V Indigenous people's rights

Data to verify the above reporting is collected from business operations by means of our Environmental and Social Management System (ESMS), which closely follows the International Finance Corporation's performance standards. Our ESMS toolkit is applied to businesses as a means of monitoring and evaluation on a continual basis. Human Rights performance is therefore embedded in this process.

We trust we have answered your questions satisfactorily and should you require further information, please do not hesitate to contact us.

Yours sincerely

for **RIFT VALLEY SERVICES**



**R STRONG**  
**GROUP CHIEF EXECUTIVE OFFICER**

## APPENDICES

ANNEXURE "A"	Sustainable Tobacco Programme Guide
ANNEXURE "B"	Acknowledgement of Receipt From Grower
ANNEXURE "C"	Small Scale Grower Training Report
ANNEXURE "D"	Sustainable Tobacco Programme Policy Document
ANNEXURE "E"	Best Practices and Agricultural Labour Practices Booklet
ANNEXURE "F"	Biodiversity Survey Report
ANNEXURE "G"	Training Material on Implementation of STP
ANNEXURE "H"	Training Material on Phase One Monitoring
ANNEXURE "I"	Attendance Certificate
ANNEXURE "J"	Phase One Monitoring Questionnaire
ANNEXURE "K"	Standards of Business Practice
ANNEXURE "L"	Agrochemical Posters
ANNEXURE "M"	Chemical Application Record
ANNEXURE "N"	Fertilizer Application Record
ANNEXURE "O"	PPE Issues Record
ANNEXURE "P"	Blank Copy of ANNEX 1 of Contract Grower Agreement (Commercial)
ANNEXURE "Q"	Blank Copy of ANNEX 1 of Contract Grower Agreement (Small Scale)