

Towards *Participatory Workplace Appraisal*: Report from a Focus Group of Women Banana Workers.

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wholeheartedly. I sincerely hope that we can have this report translated into Spanish so that we can re-join them and their fellow workers in the ongoing discussions about workplace standards and appraisals, and so move toward more 'participatory workplace appraisal'.

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Section 1: Introduction

In response to increasing concern, during the past 5 years many companies have begun assessing the working conditions in the factories or plantations that supply the goods they retail. Some companies have done this work internally, using existing quality assurance staff, while some have worked with other companies, non-governmental organisations (NGOs) and trade unions in projects such as the Fair Labor Association (FLA) and the Ethical Trading Initiative (ETI) to explore ways of auditing and/or improving working conditions. Some companies have sought to obtain independent certification of suppliers, through systems such as SA8000 of Social Accountability International (SAI).

Participants in the different initiatives disagree on various aspects of how to monitor and verify working conditions. In addition, they disagree on the role of such monitoring and verification in improving working conditions. These debates are particularly pertinent in the banana sector, where SAI recently recognised the certification of a banana plantation in the Philippines and where the ETI has established a 'Banana Pilot Project' in Costa Rica, to study the approach of commercial auditing firms to monitoring and verifying working conditions, using its Base Code of acceptable practices.

From doctoral research on banana plantations in Costa Rica, I had identified concerns about how well certain stakeholders were being (under)-represented within initiatives to improve the social and environmental aspects of banana cultivation. One of these stakeholder groups were women banana workers. Therefore, I organised a focus group to examine the concerns, views and priorities of women workers. In addition, given that ETI and SAI are leading initiatives within the ethical trading arena, and had become involved in banana production issues, I decided to compare the views of women banana workers with the issues outlined in the ETI base code and SA8000 Standard (as well as with Costa Rican labour law and the conventions of the International Labour Organisation (ILO)).

The focus group reported here took place on February 29th 2000, at Finca 6, San Alberto, Siquirres, Costa Rica, which is owned and managed by COBAL, the Costa Rican subsidiary of Chiquita Brands International. This report summarises the process of organising the focus group, the sentiments expressed by participants in the group, and points inferred from the group discussions, including a fundamental critique of current social auditing practices. The report is divided into 3 main sections.

In Section 1, I provide background information on the development of 'social auditing', as well as describing some of the social issues relating to banana production in Costa Rica, and setting out the focus group method. In Section 2, I present a detailed analysis of the discussions during the focus group, analysing them with the standards specified by the ETI and SAI. In addition, I present those issues that were raised but which are not covered by those standards.

In Section 3 I discuss, first, the advantages of using a focus group to assess workplace practices, and second, the wider implications of the focus group, in the context of my broader experience and research on issues of ethical trading and social auditing. I argue that even the best social auditing practices are dominated by outmoded understandings of knowledge and research that are being promoted by commercial interests. I identify the issue of worker empowerment as key and, drawing upon development studies literature, argue that social auditing must become more participatory in nature. I propose that people involved in the fields of ethical trading and social auditing attempt to pioneer new forms of Participatory Workplace Appraisal (PWA).

In advocating for more participatory and empowering forms of social auditing, I draw upon and ally with the emerging community of action researchers who are advancing a new way of looking at knowledge, power and social inquiry (see Reason and Bradbury, 2000). This form of "participatory research implies the necessity for further investigation of reality, in order to change it, not simply to reflect the reality of the moment" (Gaventa and Cornwall, 2000).

This report is being published by the New Academy of Business, in part to build awareness of its ongoing work on Gender and Corporate Social Responsibility (CSR), including analysis of corporate codes of conduct and social auditing during the year 2001, funded by the UK Department for International Development (DfID). This paper, as well results from our research in Nicaragua will form the basis of a forthcoming seminar (see Appendix D).

1.1 An Archaeology of Social Auditing

'Social auditing' is a term that means a number of different things to different people. I first came across its use in relation to environmental auditing, in 1996. 'Environmental audits' are assessments of a company's or a specific project's impact on the environment. These are now distinguished from 'environmental impact assessments' (EIA) which are used to assess the potential impact of proposed projects. Therefore I came across 'social auditing' as a term that referred to the growing interest in assessing a company's impact on specific communities or society at large. Variants of this form of 'social auditing' were developed, some focusing on the documenting of stakeholder views on a company, such as those developed by the New Economics Foundation (NEF) and The Body Shop. This variant of 'social auditing' has evolved into 'stakeholder accountability auditing,' and is now championed by the Institute of Social and Ethical Accountability (ISEA). These approaches are distinguished from the emerging area of 'social impact assessments' which, like their environmental equivalent, look at the potential impact of proposed projects.

Around the same time, 1996, another definition of 'social auditing' grew out of a collaboration between the global inspection firm SGS and the US NGO Council on Economic Priorities (CEP). They convened a group of companies to discuss developing a set of standards for a responsible corporation that could then be independently audited. The group therefore talked about systems for 'social auditing,' as described above, and some pushed for more of a focus on the auditing of a company's accountability to stakeholders and therefore talked of 'social accountability.' However, over time, because of the complexity of the issues, the pressing concern over workers rights in the South, and the desire of SGS to help hatch a workable inspection standard, they decided to focus on labour standards in particular. The result of this process was the "Council on Economic Priorities Accreditation Agency (CEPAA)" which managed the new standard "Social Accountability (SA)8000". Thus 'social auditing' was now also being used to describe the auditing of labour standards, and the term 'social accountability' being used to distinguish this variant from others, even though the standard was about labour practices and not about accountability to stakeholders. In 2000 the renaming of CEPAA as Social Accountability International (SAI) institutionalised what is a rather awkward terminology for the inspection, monitoring and verification of workplace policies and practices against various specified labour standards¹.

Further complicating the discourse in this field was the birth of the "*Ethical Trading Initiative*." The ETI "is an alliance of companies, non-governmental organisations (NGOs) and trade unions organisations [in the UK,] committed to working together to identify and promote good practice in the implementation of codes of labour practice, including the monitoring and verification of the observance of code provisions." (ETI, 1998, p. 1). This initiative grew out of, primarily, the work of the Monitoring and Verification Working Group of UK development NGOs. These NGOs were concerned with the way corporate codes of conduct on labour standards were being implemented, monitored and verified. A number of research collaborations on this issue were taking place in 1996, such as between the Fairtrade Foundation (FF) and J Sainsbury's supermarket, and so NEF's Simon Zadek and FF's Phil Wells approached the Department for International Development (DfID) to fund a collaborative initiative of businesses, NGOs and unions to work on promoting effective labour monitoring in the supply chains of UK companies. Until this point the word "ethical" had been used to refer to all aspects of corporate responsibility, as illustrated by the Body Shop who incorporated environmental, social and animal rights issues under the heading "ethical audit." However, the new group chose the name 'Ethical Trading Initiative' (ETI) to refer to trading that respected decent workplace practices. Members of the ETI also increasingly use the term 'social auditing' to refer to workplace appraisals.

There are now numerous standards, types and providers of workplace appraisals. Some standards are developed by individual companies, others by groups of companies, others in consultation with stakeholders, and still others are developed by stakeholders themselves. Some companies assess themselves – so-called 'first party' audits – some companies assess their suppliers – so-called 'second party' audits – and some companies

¹ In 1998 a floor speaker at the first ETI conference expressed concern at CEPAA using the term 'social auditing,' to which Alice Tepper-Marlin, director of CEPAA, replied "that's why we talk of *Social Accountability* 8000." However, the standard does not concern the accountability of a company or organisation to society, and therefore 'social accountability' is an equally awkward name. The standard was originally going to be called SA2000, given the aspirational association with the millennium at the time, but when that was found to be registered already, SA8000 was chosen

contract an inspection company to do the auditing for them – so called ‘third party’ audits. Systems of accreditation have been developed by SAI and FLA in an attempt to guarantee the independence of inspection companies carrying out third party audits.

For example, SAI has accredited companies such as SGS and Bureau Veritas. Although these are major multinationals, there are specialist non-profit NGOs like Verite, which was the first to be accredited by the Fair Labor Association (FLA). There are also local NGOs such as GMIES in El Salvador, and networks of NGOs like the Conservation Agriculture Network (CAN) who have experience in environmental auditing and are developing skills on labour practice issues. Meanwhile the inspectors for the Fairtrade Labelling Organisation (FLO) do a form of workplace appraisal with additional requirements and more of a focus on capacity building.

There is now a lucrative social auditing industry. PriceWaterhouseCoopers (PwC) alone has completed about 6000 workplace appraisals. There has been growing controversy around the efficacy of the practices of this industry, an example being a Panorama BBC TV documentary criticising the poor quality of PwC’s audits of Nike suppliers. Dara O’Rourke, Assistant Professor at the Massachusetts Institute of Technology, witnessed a number of PwC audits and argued that that “PwC’s monitoring methods are significantly flawed” (O’Rourke, 2000, p.1). He suggested that social auditing “can play a positive role in improving factory conditions, but only if it is much more transparent and accountable, includes workers more fully, and can be verified by local NGOs and workers themselves” (2000, p.1). Consequently he calls on those who require assurances of decent workplace practices in their supply chains to demand better from social auditors.

O’Rourke’s (2000) analysis was of apparel and textile factories in Asia. Whether the standards of ETI and SA8000 can be successfully applied in agriculture in the tropics is currently being considered. ETI are researching the issue in the wine lands of South Africa, the horticultural fields of Zimbabwe and the banana plantations of Costa Rica. SAI are working with FLO, CAN and the organic group IFOAM on a research project on the appraisal of agricultural workplaces, which is being coordinated by the new International Social and Environmental Accreditation and Labelling Alliance (ISEAL).

1.2 Costa Rican Banana Production and Workplace Issues.

Costa Rica is the second largest exporter of bananas in the world after Ecuador, and as *The Americas Review* notes, “bananas are extremely important to the Costa Rican economy and account for a quarter of its exports” (Hill, H. 1997). In 1999 total exports were 116.2 million 40-pound boxes of bananas, earning about US\$648 million (*The Tico Times*, 2000b), a slight fall from US\$663 million in 1998. (*The Tico Times* (1999b). Every year, Europeans were consuming about ten thousand kilometres of these banana boxes, as Costa Rica had a 25 percent of quota for the European market until the end of 2000. During the mid-1990s, the banana industry was a major employer, with an estimated 40,000 directly employed and 50,000 indirectly employed (*The Tico Times*, 2000b), and a total of 140, 000 jobs generated from the sector (*The Tico Times* (1999b).

Costa Rica has ratified most of the International Labour Organisation (ILO) conventions that have been identified by the International Confederation of Free Trade Unions (ICFTU), ETI and SAI as pertinent to social auditing. The exception is convention 155 on occupational health and safety, although they have ratified other relevant conventions and the former director of the ILO office in Costa Rica believed that there had been progress in this area (Chambers, 2000, pers com).² Certain labour rights issues of concern in less-industrialised countries are not of such concern in Costa Rica, such as forced labour and inhumane disciplinary practices. Child labour is also not as bad in Costa Rica as in its Latin American neighbours, although in some sectors, such as prostitution, it is a growing concern³. There are some more intractable problems, relating to,

² Other relevant ratified conventions include no. 14 on weekly rest, no 89 on night work (women), no. 90 on night work of young persons, no. 120 on hygiene (commerce and offices), no 148 on working environment (air pollution, noise, and vibration), and no. 130 on medical care and sickness benefits. Given that convention 155 has not been ratified, clearly complaints about adherence to that convention cannot be made to the ILO. However, complaints and observations have been made with regard to other OH&S relevant conventions. ILO committee observations have been made with regard to conventions 89 (1995), 90 (1995, 1996, 1997), 130 (1992) and 149 (1991, 1992, 1993, 1994, 1996) (Bendell, 2000b).

³ A survey was completed by UNICEF, in 1995, of child labour in Costa Rica. 0.2 % of 5 to 11 year olds worked (0.4 % male, 0.0% female), without education, and 4.1% worked and studied (6.3% male, 1.6% female).

first, freedom of association, collective bargaining, and worker representation, second, discrimination, and third, environmental health.⁴

There are problems with freedom of association in the banana sector. One reason for the industrial relations problems is the post-colonial history of conflict between the labour movement and foreign multinational companies, which has resulted in strikes, violent repression, and widespread company closures at various times over the past 20 years. Another reason appears to be the relatively recent rise to prominence of 'solidarista' organisations⁵. "Following the pullout of United Fruit from Costa Rica in the mid-'80s because of militant union problems, banana companies turned to Solidarismo, a unique Costa Rican system, to try to resolve industrial disputes through dialogue" explained *The Tico Times* (1999a). (A more detailed discussion of this is available in the endnotes). Because of this a number of the complaints made to the ILO have been by banana unions, and the ILO has made specific references to practices on plantations. In 1999 the ILO Committee on Freedom of Association concluded that

the risk for dismissals remained very significant for trade unionists, in particular in the banana plantations and in the nine export processing zones. Cases where trade union leaders and their families were subjected to death threats were even more serious (ILO 1999a).

Another issue of concern is with regard to discrimination – against women and foreign workers. First, there is the problem of the estimated 400,000 Nicaraguans working in agricultural areas and in informal jobs such as housekeeping, and the lack of protection they received from the government (*The Tico Times*, 2000a)⁶. Second, is the active and passive sexual discrimination that appears to be an extension of certain contested cultural norms in the country, evidence of which arose in the focus group (see below). In addition, the Central American office of the ILO has expressed concern about the lack of female representation in the country's trade unions. In their research into conditions of women in Costa Rican export processing zones, known as maquilas, they found that most women were not interested in joining unions because of the fear of reprisals, but also because the male dominated unions would not respond to them (Chambers, 2000, pers com)⁷.

The third key issue are the environmental health and safety issues associated with banana production. Banana plantations are highly sensitive to pests, which are then fought with high levels of agrochemicals. Pesticides are sometimes applied by hand held nozzles, by aerial spraying and by use of pesticide lined plastic bags put around the racemes. Aerial spraying is a particular concern given the inaccuracy of application that results, and the fact that plantations are working environments (they often have people in them) and close to human settlements. Studies have shown that repeated exposure to pesticides can lead to chronic poisoning of the cardiovascular and nervous systems, as well as of kidneys and liver. Short-term exposure is linked to health problems such as skin inflammations, eye injuries, allergies, congenital diseases, sterility and miscarriages (Wesseling, 2000, pers com). The incidence of workers suffering pesticide intoxication is estimated to be 6.6 % in the Atlantic banana

5.6% of 12 to 14 year olds worked (or 8.4% male, 2.6% female), without education, and 11.0% worked and studied (17.1% male, 4.5% female) [Figures from Lidia Torrico, El Trueque virtuoso: educacion por trabajo infantil].

⁴ My analysis that these are the three main issues of concern in the field of labour rights in Costa Rica is not supported by the industry, who see the issue of working hours as the one which needs to be resolved - before they would satisfy the requirements of the SA8000 standard, for example.

⁵ The Spanish words *solidarista* and *solidarismo* are derived from the word *solidaridad*, which means solidarity. *Solidarista* can therefore be translated as 'solidarist', believing in solidarity, and *solidarismo* as 'solidarism', the belief in solidarity.

⁶ Although Ordinance 24432, 26/7/1995, Article 5 states that "all employers that hire migrant employees will be obliged to include them in the systems of Costa Rican Social Security... and pay the minimum wages", employers may only decide to contact the authorities when they want someone removed under Article 12, which states that "foreigners that might be working in the country illegally and who didn't take refuge under the dispositions of the present regulation will be deported according to the General Law of Migration" (in Bendell, 2000b).

⁷ Their report of on the lack of women representation engendered a bad reaction from union bosses, who wrote critical letters to the ILO. The former director of the ILO office told me that many of the female union officials who had signed the letters of complaint later phoned up to say they did not agree with their union but were made to sign the letters (Chambers, 2000, pers com).

region of the country (Hernandez and Witter, 1996). The post-harvest fungicides applied to prevent rotting in transit have been linked to miscarriages and birth defects such as hypospadias (Rojas, pers com, 1999).

Because of rising concern about these problems, the multinational banana companies Chiquita, Dole and Del Monte, have been pursuing various voluntary social and environmental programmes, to a lesser or greater extent, over the last 8 years. Chiquita has been working with Rainforest Alliance on the environmental certification scheme called the Better Banana Project, or Eco-OK, and since 1999 has been working with the ISO14001 standard. Chiquita, Dole and Del Monte have also been looking again at labour standards over the last 3 years, participating in an ETI pilot project. Dole has committed to working toward SA8000 for its operations, and in 2001 received the first SA8000 banana certification for a plantation in the Philippines. Chiquita has changed its approach to stakeholders dramatically in the last 3 years, opening up to discuss social and environmental issues, and it signed an agreement with the IUF in 2001, to work with that union federation to uphold labour rights in its plantations. The fact that the focus group was permitted and this report published is testament to their new approach.

In 2001 all the companies remain in an unfavourable financial situation with the crash in banana prices internationally.

1.3 The Focus Group Method

I decided to investigate the situation of women banana workers as well as the practicalities of conducting workplace appraisals by organising a focus group. Focus groups have been mentioned by groups such as SAI and FLA as one of a variety of techniques open to those assessing workplace practices. Focus groups are relatively new in being considered a research method for the social sciences. Powell et al (1996) define a focus group as “a group of individuals selected and assembled by researchers to discuss and comment on from personal experience, the topic that is the subject of the research” (p. 499). The method is different from that of group interviewing as focus groups rely on “interaction within the group based on topics that are supplied by the researcher” (Morgan, 1997, p. 12). Describing focus groups as “organised discussion with a selected group of individuals”, Anita Gibbs (1998, p. 1) summarises the benefits of focus groups for identifying:

- “several perspectives about the same topic”;
- “insights into people’s shared understandings”;
- “the ways in which individuals are influenced by others in a group situation” (p. 1).

This particular focus group consisted of 10 women banana workers. The objectives of this focus group were to:

- access the thinking of women workers in a banana plantation about
 - their work and working environment
 - workplace issues identified by international organisations
- stimulate the thinking of women workers in a banana plantation about their work and working environment
- gain experience of the focus group as a method for use in a ‘social audit’

The way focus groups are organised and conducted is crucial in shaping the kind of results obtained, and therefore the way they will be perceived by different observers. For example, some question whether the data generated from on-site focus groups can produce credible results, and therefore recommend off-site focus groups instead. The way this on-site focus group was organised is set out in detail in Appendix A.

In the following section I discuss the findings from the focus group and set out some of the discussions that took place, with the implications for assessing workplace practices against the SA8000 standard and ETI Base Code. If this focus group had been part of a social audit, then the facilitator could have sought to cover all criteria specified in the SA8000 standard or ETI Base Code. In this case, however, the facilitator was advised not to impose a full programme of topics for discussion. The reason for this was to explore what was important to the participants, and hear their own positive and negative thoughts about their work and workplace. The decision to conduct the group in this way was based on initial conclusions from previous research, which had raised questions about the level of empowerment of certain stakeholder groups in the development and implementation of codes of conduct, auditing and certification in the social and environmental fields (Bendell, 2001).

In Section 3 I reflect on the use of the focus group as a method of workplace appraisal, and then compare this experience with the way social audits are meant to be conducted by commercial auditing companies. You can skip Section 2 if you want to go straight to this discussion, or study the detailed analysis in Section 2 in order to make your own conclusions.

Section 2: The Focus Group Discussions

The focus group produced information that does not confirm either the banana companies' presentation of the situation on farms, *or* the impression given by the critics of the banana companies. Instead the problems were found to be more complex and subtle than some people in companies, NGOs and unions had described to me. Below, I set out in detail the discussion and the implications in terms of the standards defined by SAI and ETI, as well as other relevant benchmarks (Appendix B). First, I summarise some of the main findings.

The women were concerned with some of the practical difficulties of their work, such as poor transportation, poor lighting in the evenings, not enough time with their families, not enough break times and so on.

They did not volunteer opinions about other issues without prompting. This is partly because they were not aware that certain practices were 'issues', because they didn't know their rights. There is evidence that women suffer sexual harassment, experience discrimination (and auto-discrimination, see below) in representation on workers committees, in accessing promotions, and in the allocation of housing (a double blow given that many must take care of children). There is also a possibility that they may be discriminated against if they are pregnant. There was no evidence of the company undermining unions, yet effective freedom of association does not exist on the plantation because of a combination of suspicion of what unions do and fear about what the repercussions for themselves and the farm would be if they joined a union.

Therefore the focus group showed that the issues of concern to women on this banana plantation are more or less covered by standards defined by the secretariats of SAI and ETI as of importance in workplaces globally. A key issue not covered by the secretariats is the question of job insecurity because of macro-economic processes (i.e. the collapse in the banana prices); as the ETI and SA8000 focus on individual production units they have nothing to offer on this matter, which is crucial in determining both the concerns and aspirations of workers.

The focus group also showed that even if the issues of concern to women workers are covered by the standards of the ETI and SAI, the 'social auditing' of a company using these standards may do very little address these issues. This issue is returned to in Section 3. The summary that follows is based on transcripts provided by Miriam Miranda and Portia Taylor, as well as a two-hour conversation with them immediately after the focus group, and subsequent discussion with Portia after the transcript was completed.

The following discussions are presented within the context of the relevant parts of the SA8000 Standard and ETI Base Code, and inferences are made about workplace practices in light of those standards. In addition, discussions that covered other labour rights and welfare issues are presented, as well the women's own perspectives on the major advantages and disadvantages of working on the plantation. Excerpts from the transcript written by Portia Taylor are included (the key is shown below). Some of the information is cross-referenced with a review of company records, which I undertook on the same day, as well as the benchmarks for acceptable labour practice, summarised in Appendix B. These cross-references are shown in boxes.

Key for excerpts from transcript:

| | |
|-----|--|
| MM | Miriam Miranda |
| --- | mentioned at a different time |
| [] | observations from the transcriber |
| ☞ | voice of one subject |
| ☞☞ | two to five people expressing common sentiment |
| ☞☞☞ | six or more expressing common sentiment |

2.1 Compensation/Remuneration (ETI 5, SA8000 8)

The rates of pay were identified by some as a key attraction of working in the banana plantation:

♫ I feel good working where you can earn a good salary. It is good for those of us who don't have much education.
♫ What I like is that there is support to help us work. [MM – What kind of support?] Like books for our kids and payment of costs for our kids to go to college, and for our transport to work.

MM – *Are you satisfied with your salaries?*

♫ Yes

MM – *Would you like to earn more?*

♫ Yes, it would be nice to have more money because I have many kids.

♫ Because of the way things work, sometimes we work very hard and we receive the same pay.

MM – *You are paid for all the hours you work?*

♫ We work by contract so ... yes we are paid for all the work we do.

INFORMATION NOTE:

Remuneration of work: The women, like all packing station workers, are paid by the number of boxes they produce in a day. The total number of boxes is multiplied by a specified figure (Costa Rican currency) and divided by the number of people working in the packing station that day. [Moya, pers com, 2000]

Implications for a Workplace Appraisal

Because employees work something like 66 hours a week (see below), the auditor would need to check the payroll and work out what they would earn if they were to only work a hypothetical 48 hours and then make the following two comparisons, relating to 'minimum wages' and 'living wages'. First, they would need to compare this to the national minimum wage established by the Costa Rican Ministry of Labour (it works out higher than the minimum wage). Second they would need to work out what a 'living wage' would be and compare it to this. There are various mechanisms for working out a living wage, which means that "wages earned for regular hours worked (i.e. no more than 48 hours) are sufficient for the worker and his/her dependents to feed, clothe and house themselves. Overtime should not be needed to generate a subsistence wage." (SAI, GD98-IV p. 35). A key issue would be to work out the average number of dependents. There is currently discussion in the secretariats about whether calculating a living wage is really a very useful exercise, giving the abstract nature of various formulas used, and the greater importance of workers being able to negotiate their wages, through collective bargaining, for example.

2.2 Working Hours (ETI 6, SA8000 7)

Women work from 6.00am to about 5.00pm. The hours can increase or decrease depending on the productivity of the fruit. The women had mixed feelings about the hours they had to work, as they liked to start early but didn't like having to do so many hours, feeling too tired to do anything else after work.

MM – *How many hours do you work per day?*

☞ *From six in the morning to five at night.*

☞ *But sometimes the fruit doesn't produce as much and the hours go down. Or sometimes they go up, and you have to work more.*

MM – *What do you do after work?*

☞ *After work, I simply go home and by the time I go to bed I am very tired. I don't even think about going out. I never go out in the evenings.*

MM – *Do you find the hours to be excessive?*

[pause]

☞ *No, because we like to get up early.*

MM – *How do you feel about the amount you work?*

☞ *It's good because if we start early we can get off early.*

☞ *Sometimes we get off before five, we leave sometime in the afternoon.*

MM – *How often do you leave in the afternoon?*

☞ *It depends on the fruit. Some times you have to work until 6:30 and other times you work less.*

☞ *The other problem is that the buses don't pass regularly. If you get off at four, you have to wait until six o'clock for the bus.*

☞ *this kind of work... is too hard for women. It is very heavy, hard work. I leave my house at 4:30 in the morning and I get home at eight at night.*

MM – *what are the work requirements here?*

☞ *That you don't fail to show up for work.*

MM – *But what happens if you are sick? People get ill... it happens.*

[pause]

☞ *Mostly, you have to work.*

MM – *Are you happy with your boss with regards to allowing you to take time off if you are sick?*

[pause]

MM - *Do you feel comfortable to go to your boss if you're having a problem related to work?*

☞ *Yes, because the boss will listen...If you are really sick, you can get permission from your boss to go to the hospital.*

Implications for a Workplace Appraisal

The hours worked in most forms of agriculture in the South poses a major problem for social auditors. Both ETI and SA8000 state that employees should not be required to work in excess of 48 hours per week. The women on this plantation are required to work longer than this. In addition both ETI and SA8000 state that overtime should not exceed 12 hours a week. These women exceed this total of 60 hours on a regular basis. The social auditor couldn't pass the company on this issue. It should be noted that secretariats are looking again at this issue.

2.2.1 Time Off and Overtime

The problem with the natural-commercial realities of agriculture is that sometimes even more intensive periods of work are required. The women indicated that at times they do not have their one day off a week.

☞ We work from Monday to Saturday and sometimes Sunday, depending on the fruit.

MM – *But if you work Sunday, you get paid double?*

☞ Yes, we get double pay.

Implications for a Workplace Appraisal

SA8000 states “workers are given at least one day off for every seven-day period or more when stipulated by national or local law.” (p. 33 GD98-IV). The auditor would need to check national legislation on this issue, and if it confirmed the one day break, then the auditor would need to look at the payroll to check how regularly 7 day weeks were required, and make a judgement on this.

2.2.2 Breaks

☞ sometimes, you want to sit down and you can't. Sometimes you want to take a break and you can't.

☞ You can't take breaks

☞ We have coffee breaks at eight o'clock and two o'clock.

Implications for a Workplace Appraisal

SA8000 states that “employees are given breaks in compliance with labor law” (p. 33 GD98-IV). Therefore an auditor would need to examine the legislation and see what it said on this matter.

2.3 Freedom of Association and the Right to Collective Bargaining are Respected (ETI 2, SA8000 4)

Most of the women did not associate in any formal way, not being members of Solidarista organisations, or community groups or unions.

MM – *Do you belong to any community groups?*

☞ No.

Most of the women did not know what freedom of association means. None of them said that they were members of a union. Those who voiced an opinion had a negative view of unions, and there was some discussion of the situation in the south of the country where they said the banana companies pulled out because of the strikes organised by unions. There was also some fear expressed about what would happen to them if they joined a union:

MM – *How many have ever belonged to a union?*

[none indicated that they were]

MM – *Why?*

There have been many fights associated with unions...

☞ The opinion of unions is not good.

MM – *Are you afraid to join a union? [pause] Or you're not interested?*

[looks exchanged, pause]

☞ Unions fight and fight and don't accomplish much.

☞ No, it's not a good idea

☞ No, because we're afraid to join a union

☞ Yeah

MM – *Why? Because your company has what's called 'free association'. Do you know what that is?*

☞ No.

MM *[explains] It means you can join a union or solidarismo if you like.... Or are you afraid of being fired.?*

☞ Yes.

MM – *So am I correct in understanding that on the one hand there's a lack of awareness and on the other hand there is fear.*

☞ Yes.

Implications for a Workplace Appraisal

Two issues here would be of immediate concern to the social auditor. First, is the lack of knowledge of what freedom of association means. The SA8000 Guidance Document (GD98-IV) does not specify that workers must be aware of what freedom of association means, which is arguably an oversight. A lack of awareness amongst staff is not currently defined as a company failing within SA8000 and ETI, but would mean the diligent auditor would investigate this issue more closely.

Second, is the fear expressed by some workers about what might happen if they joined a union, as SA8000 states “the company shall ensure [union] representatives... are not the subject of discrimination” (4.3 GD98-IV, p. 25). However, SA8000 doesn't specify that there should be an absence of fear, but an absence of evidence that management are acting in ways to create that fear (and ETI doesn't go into sufficient detail). Therefore the diligent auditor would need to investigate further, in more private situations, to see if there is evidence of this fear being based on actions by management or not. The evidence from this focus group would suggest that the diligent auditor should contact external groups about freedom of association on this plantation. However this would contravene the confidentiality required under most audits, for example under the SA8000 system, where the company can require the auditor not to divulge the name of the company it is auditing, until certification: “auditors should not identify the applicant facility. This is in order to respect the confidential nature of the audit...” (SAI, GD98-IV). Given that this restricts the auditors' ability to investigate this matter, they would be sensible to raise this confidentiality issue with the client and the relevant secretariat.

The social auditor would also have to grapple with the issue of whether to pass or fail the company on an issue such as this when there is insufficient or inconclusive information. At the moment this is left to the discretion of the auditors, which I will discuss further below.

Broader issues relating to whether the absence of company efforts at undermining freedom of association mean that there is *effective* freedom of association could not be considered by the auditor as these are broader issues that need to be debated at the secretariat level.

2.3.1 Worker Representation

The ETI and SA8000 do not distinguish worker representation issues clearly from freedom of association and collective bargaining, yet they are separate in ILO thinking. Representation is about systems for communication between management and employees being open and unbiased, rather than freedom of association which is about the ability of employees to self-organise in order to petition the management, or collective bargaining, which is about management being required to negotiate with a union – and respect the agreement - when the union has a certain percentage of the workforce affiliated.

Informal communication seemed to be fairly open between employees and their supervisors:

MM – *What would happen if you wanted a part of your work changed? Could you go to your boss and would he listen to you?*

☞ *Yeab, I would go talk to him and he would listen.*

There was some discussion about the role of Solidarista organisations as a savings fund, or as organisations that were involved in worker representation.

MM – *So Las solidaristas are to help with financial issues. Do they defend your rights in any way?*

☞ *No, no*

☞ *It's only for money.*

MM – *do you need to be a member of a solidarista in order to be a member of the permanent committee?*

☞ *No.*

☞ *Yes.*

☞ *No, because they're two different things.*

There was little interest in serving on a permanent committee of employees, and none of the women had done so, and only one knew of a woman who had served in the past.

♣ They offered me a position on a permanent committee a while back and I turned it down.

MM – *So for work problems you would go to the permanent committee.*

♣ Yes.

MM – *Would you like to be on a permanent committee?*

♣ Yes, but it is mostly men who belong to those.

♣ No because it is a lot of responsibility.

♣ No, because it is a lot of responsibility, you have to make decisions and they have consequences for many people.

MM – *So you think women should have more responsibility?*

♣ Yes.

MM – *Why?*

[pause, no answer]

MM – *No women would want to be on a permanent committee?*

[none indicated that they wanted to be]

Information note:

COBAL Human Resources manager Oldemar Espinoza told me that the elections to permanent committees were administered by an external person, as required by law. He said this person was often from a Solidarista organisation.

Implications for a Workplace Appraisal

There is a problem here as ETI and SA8000 are not entirely clear on this issue. In this case the auditor would need to raise the issue with the appropriate secretariats. The new horticultural code of COLEACP is clear on this issue, however. It states that in acceptable companies “The composition of the worker representatives reflect all categories of workers on the farm/pack-house, including seasonal and casual employees and working children” (COLEACP, 2000, Requirement 4. 13.2). It would be an issue to flag with management and to follow up in future audits, depending on the response from the secretariats.

2.4 Discrimination (ETI 7, SA8000 5)

The focus group covered a number of issues of discrimination including access to promotion, sexual harassment, questions about pregnancy, remuneration and benefits, and representation (see section on freedom of association).

2.4.1 Opportunities for promotion

There is a sexual division of labour on plantations, with men working both in the fields and packing stations, and women working in packing stations, mostly washing bananas, spraying pre-packing fungicide, sticking on labels, packing boxes and cleaning. None of the women had ever heard of a female supervisor of a packing station.

MM - *Do you have any female bosses?*

[all indicate no].

♣ Men are the inspectors. You have to drive a car to be an inspector.

MM – *So women have very little access to these positions?*

[all indicate yes].

MM – *Let’s say there’s a position that you qualify for, would be likely to get it?*

[pause, no answer]

MM – *Why are there no women in higher-up positions? You have been working in the industry for twenty years and you haven’t advanced.*

♣ Women don’t have the support for that.

Implications for a Workplace Appraisal

There is ongoing discussion in secretariats about whether marked sexual divisions of labour in audited companies are the result of discriminatory practices in the company or a result of cultural practices beyond the control of the company. At this stage the auditor would need to focus on whether the sexual division of labour was being actively enforced in application procedures, or whether it was a result of the culture so women did not attempt to access these higher positions. This is a difficult issue, discussed below.

2.4.2 Sexual harassment

At first the women said that they did not suffer sexual harassment. After some more discussion, it was revealed that they didn't see the abuse they received as *harassment*, as it was 'normal' for men to behave in that way. Once it had been suggested just because it was normal didn't mean it wasn't harassment then they agreed that yes, they suffered sexual harassment. One woman told a story of how a boss at another place has harassed her once and she ended up leaving.

MM – *What happens if you have a conflict with a male friend. How does your boss deal with that? Do the men get more support in these situations?*

☞ *If I am having a fight with a man I will go to my boss and tell him and he listens to both sides and then punishes the one who is in the wrong by sending them away.*

MM – *Do you know what sexual harassment is?*

☞ *Yes.*

MM – *Have you suffered it or do you know of anyone who has?*

[*pause*]

☞ *No*

MM – *What about the ones who have been in the industry for a long time?*

☞ *Yes, I have seen cases.*

☞ *Well, no, not really me, because men don't really look at me, you know because I am older. [laughter]*

MM – *What about you because you're so young?*

☞ [*pause*] *No [v. uncomfortable] But I get the usual comments*

MM – *What kind of comments do you get*

☞ *Comments as you pass. ['rica' 'mamacita' etc.]*

MM – *Do you feel comfortable to complain about harassment to your boss?*

[*no answer*]

MM – *Does it bother you when men make comments?*

☞ *No*

☞ *yes*

MM – *Do you understand the difference between a joke and harassment?*

☞ *Yes, yes.*

MM – *Sexual harassment is a problem faced by women in all parts of the world, not just a specific group. It's really a women's issue.*

[*nodding*] ☞ *Yes.*

☞ *Well sometimes I wonder if it is harassment or not because men just act a certain way, you know.*

MM – *But you believe sexual harassment is a problem?*

☞ *Yes.*

☞ *Here, you always have to [put up with] men.*

Implications for a Workplace Appraisal

Both ETI and SA8000 say that the company should not “allow behaviour, including gestures, language, and physical contact, that is sexually coercive, abusive or exploitative” (SA8000 5.3 GD98-IV p. 28). SA8000 goes on to suggest that procedures should be in place for the prevention of harassment and the hearing of such cases if they arise (ibid). The auditor would therefore need to explore this issue with the management to see if they had such a procedure.

2.4.3 Pregnancy and hiring

The women said that they were not asked on the application form whether they were pregnant, but some said they were asked during the interview.

MM – *What happens to a pregnant woman in the company?*

☞ *She continues working. They could put bags on the bananas, because it is the easiest job to do.*

MM – *do they ask you if you're pregnant when you are hired?*

☞ *Yes*

☞ *No*

☞ *Yes, they ask, but it's not on the application form*

Implications for a Workplace Appraisal

Management inquiring about pregnancy is a delicate issue for the social auditor. This is because pregnancy is a situation only women experience and therefore any discrimination based on pregnancy is sexual discrimination (the management might want to avoid paying benefits). However, the management would want to know whether a woman is pregnant because certain jobs should be avoided in this case, for example the application of post harvest fungicides. The auditor would therefore need to make a judgement about this – a diligent auditor would probably decide that the most acceptable approach would be for management to make clear that the women should tell them if they ever become pregnant, but not ask if they are pregnant at the interview. This raises the problem of to what extent an auditor can give advice about procedures, discussed below.

2.4.4 Remuneration

There are number of aspects to remuneration which came up in the focus group. First there is the question of wages. The women said that they believed they earned the same as men. Second there is the issue of benefits. There were two aspects that need to be considered here. First, is the question of additional financial benefits paid by over and above wages. Companies match or better the 3% that workers put into Solidarista savings funds. In a surprising finding, given the popularity of these associations in Costa Rica, this group of women seemed to think that this scheme is not for them:

MM – *Do you belong to a Solidarista?*

☞ *No.*

MM – *Why?*

☞ *Because it's all men.*

MM – *Why?*

☞ *I don't know.*

☞ *I don't know.*

MM – *How many people belong to an Asociación Solidarista?*

[3 belonged]

Another aspect of remuneration are benefits such as housing. There is a lot of housing on the plantation, with shops, a school and church. Most of the women however, did not live on the plantation.

MM – *There's a school here. Why not just live here?*

☞ *Because women can't live in the company housing.*

☞ *Also, the relatives we take care of cannot stay in the housing.*

Male employees are allowed to have dependent relatives with them on the plantation. Unlike men, women are not permitted to live independently in housing on the plantation. They must be married to, a partner of, or a relative of, a man who has a job with the company:

MM – *And the housing is only for couples and men?*

☞ *Yes.*

MM – *Why?*

[pause]

☞ I don't know exactly.

☞ Women can live with men who work on the farm.

MM – *What happens if you're fighting?*

☞ My husband and I were fighting and we were going to separate so the company asked me to leave. I said 'No'. I need to work I am from away and I am on my own. They kicked me out of the house like a dog.

Many women have long journey times to and from work because of not being able to live on the plantation.

Implications for a Workplace Appraisal

The ETI and SA8000 base code mention ILO convention 100 with regard to discrimination. The SA8000 guidance document (p. 28-30 GD98-IV) does not elaborate on what counts as “compensation” i.e. forms of remuneration. However, ILO convention 100 on Equal Remuneration (1951)ⁱⁱ states in article 1 that the term remuneration “includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment”. Accommodation is a payment in kind, arising out of the workers employment. The corresponding recommendation 111 makes this clear, stating that discrimination should be avoided in: “conditions of work including... social security measures and welfare facilities and benefits provided in connection with employment.” Therefore the issue of accommodation would need to be raised by the social auditor.

The question of lower levels of solidarista membership by women would need to be investigated further. The issue would be a very delicate one, because of the disputed role of solidarista organisations over and above their role as a savings fund.

2.5 Regular Employment (ETI 8, not mentioned in SA8000)

All the women had worked at the plantation for more than a year, with an average period of employment of almost 8 years (but a median of 4 years). Years of employment, per person were: 19, 2, 20, 2, 1, 4, 6, 16, 3, and 4. Four of the women had only worked on this plantation.

The women said that they would prefer more security and worried about being fired, which could happen if they missed two days of work. The other reason would be ‘problems of conduct’.

MM – *Do you feel secure working here? [Do you feel that your job is secure?]*

☞ I would like a bit more security. I don't want to have to think I might be fired at some point.

☞ Some people move from farm to farm often.

Many felt their jobs were insecure because of the threat of redundancies in banana production due to the price slump:

MM – *Do you feel that banana work is secure?*

☞ No, because there are many factors that affect the workers. You could be fired. For example, there is sometimes talk that they are going to fire workers and you get scared. Often there is talk that a farm might be liquidated and all those decisions are made based on larger factors, so it is not really secure.

MM – *And how does that lack of certainty affect your personal life? Or does it?*

☞ Yes, it affects me. Because both my husband and I work on the farm and we depend on the income.

Some of this sense of insecurity is also because of the strict requirements at work. Women reported that they can be fired if they: miss two days of work without permission, show “problems with conduct”, are responsible for a decrease in output. This is discussed in the section on discipline, below.

Implications for a Workplace Appraisal

Although there was a feeling of insecurity, this was not because of the practices of this company but because of the situation in the industry generally. The women have been receiving regular work, but the auditor would

nevertheless need to check that their work was on a permanent contract (which David McLaughlin reports they were (2001, pers com)). For SA8000 this would not be needed.

2.6 Discipline (ETI 9, SA8000 6)

The women appeared happy with the way their supervisors managed the packing stations they worked in and none of them talked about unfair disciplinary practices. One of the women said that you should be careful not to become “entre ojos” (crossed eyed), and be obliged to do the least desirable jobs because your boss doesn’t like you.

MM – *What happens when you get a task you don’t like?*

☞ *Oh that one knows about that! [Points to youngest of the group]*

☞ *Yeab, I always have to Panllar.*

MM – *Why?*

☞ *Because I am the one with the least amount of time working here and it is the easiest job to learn how to do.*

☞ *The easiest to learn and the hardest to do! [laughter]*

MM – *How many of you panllar?*

[only the one does regularly, the oldest does it occasionally]

☞ *But you can usually get out of doing it by complaining that we are sick or saying ‘Oh I have a pain in my back I can’t do it.’*

☞ *Yes. But when you’re given a job, usually you like it.*

MM – *But saying you’re tired will always work to get you out of doing a certain job?*

☞ *Yes*

☞ *But it’s true on many farms if they don’t like you they will put you in a job you don’t like. And with the work that women do this happens more.*

Some of the women said that they feared being fired for disciplinary reasons, due to poor attendance.

MM – *What are the conditions for being fired?*

☞ *Also, if there is a decrease in output. You are required to do your work well.*

☞ *You have to be responsible at work. You can’t miss a day.*

Implications for a Workplace Appraisal

SA8000 Guidance document states that “Non-arbitrary and effective procedures are defined for giving written/formal warnings regarding an employee’s performance and job security and for dispensing disciplinary practices.” (P. 31, GD-1V). An auditor would need to confirm what was stated in work contracts about the procedure for being fired, and see records of written warnings, as well as asking more questions of employees about this issue. Perhaps even asking management to identify someone who has received a written warning.

Information Note:

David McLaughlin (2001, pers com) confirms that it is within Costa Rican law to be fired for 2 days unexcused absence. He says people can miss work if they have a properly documented reason, such as sickness or a death in the family.

2.7 Health and Safety (ETI 3, SA8000 3)

There are many very detailed health and safety issues on banana plantations, and as we were not experts, and that these issues are covered by the ISO14001 and BBP management systems and certifications, we decided not to explore these issues in detail. The women did not bring up these issues themselves, perhaps as a result of the fact that the key health and safety problems for women in packing stations are “invisible,” involving fungicides. However the following issues did arise:

☞ *A glass of water is one hundred colones.*

MM - *Do you have a dining room?*

∅ No, not really. There are just little tables. No, there's no big table to sit down together.

Implications for a Workplace Appraisal

Given that we did not explore this issue in detail, I can't draw many implications for a social audit. However, SA8000 states that "The company shall provide... access to potable water" (requirement 3.5, p. 21 GD98-IV). The social auditor would therefore need to follow up this issue. In addition, Costa Rican law states: "When the employee must eat in the place of work, they will have appropriate premises designated for that purpose. The dining room will be kept clean, and be sufficiently illuminated, ventilated and screened; they will be furnished in order to keep and reheat foods and wash utensils." (ORDINANCE Not. 1, 4/5/1970, ARTICLE 97, [non-legal translation by Jem Bendell])

Information Note:

David McLaughlin (2001 pers com) confirms that all farms have potable water and the cafeterias sell bottled water, which might be what this lady meant.

2.8 General discussions

Although I have written this report with reference to the standards set out by ETI and SAI, the focus group was intended to explore the ideas and issues identified by the women themselves. Therefore they were asked about what they liked least and most about the working on banana farms before Miriem began focusing on some of the issues raised and introducing issues covered by ETI and SA8000. Some of the women identified poor transportation, lack of enough days off, monotony of work and slowness of being paid, a feeling of job insecurity, and a lack of sufficient break times as problems. Some identified the chance to earn a wage, work together with other women, get support for their children, work with a good supervisor, and have a better situation than most other banana farms as the benefits of working there:

∅ I feel good working here because of the working environment

∅ I feel good working where you can earn a good salary. It is good for those of us who don't have much education.

∅ What I like is that there is support to help us work. [MM – What kind of support?] Like books for our kids and payment of costs for our kids to go to college, and for our transport to work.

∅ We can earn a little money and I like my boss. My boss is really excellent.

MM – *What does an excellent boss mean?*

[brief pause]

∅ Someone who understands us. And has fair requirements.

MM - *What do you dislike most about working in banananera? Before we talked about what you liked the best, now I want to know what you like the least:*

[long silence]

∅ I don't know.

∅ Transportation system to field should be more frequent.

∅ Work form Monday to Friday. To have Saturday free.

∅ Rotation of tasks so that work is less

∅ To be paid earlier. We get paid by cheques and it takes time

MM – *What do you consider ideal working conditions? What does there need to be more of?*

[very long pause]

∅ More security [job]

∅ Better equipment

∅ Longer time for breakfast and lunch. Now we only have fifteen minutes for breakfast and thirty minutes for lunch. Which means you have to choose between brushing your teeth and going to the bathroom.

MM - *So more job security would be nice?*

[pause]

∅ Everything is good for me.

2.8.1 Aspirations

One device we discussed beforehand was to ask, about half way through the focus group when many of the topics had already been covered and a rapport had been established, whether the women would like their daughters to work on a banana plantation. This was because I anticipated that their own self-esteem might be such that they would be resigned to their situation, and their aspirations channelled towards their children, as many parents do. It turned out that this question was something that had been discussed by many of the women in their own households and they had strong feelings about it. This the transcript of what was said, which relates back to many of the issues covered above:

MM – *Would you like for your daughters – those of you who have them – to work on a bananera?*

‡ *No, no, no!*

MM – *Why?*

‡ *I would like my daughters to study, to have more opportunities.*

‡ *I have a daughter of 12 and we are fighting because she wants to work her I don't want her to. I work so hard so she can have something more and she wants to do banana work.*

‡ *My daughter went away to study and then she came back to work. I want to her to have better. I am poor because I am Nicaraguan and I came here to support my kids. I want my kids to have what I can't.*

‡ *I wouldn't want my daughter to do this kind of work because it is too hard for women. It is very heavy, hard work. I leave my house at 4:30 in the morning and I get home at eight at night.*

‡ *Yes, because a woman always wants what is best for her kids, right? Here, you always have to [put up with] men.*

‡ *It would be nice not to have to lift boxes and things but it can't be any better because they're already treating us better here than on any other farm. But sometimes, you want to sit down and you can't. Sometimes you want to take a break and you can't.*

MM – *What are the social problems for women working on bananeras?*

‡ *Very hard work all day long.*

‡ *The family: you never get to see them.*

‡ *You can't take breaks*

‡ *We work from Monday to Saturday and sometimes Sunday, depending on the fruit.*

MM – *But if you work Sunday, you get paid double?*

‡ *Yes, we get double pay.*

MM – *Are your meals good here? Do they have any kind of coffee service or a place to get water like we have here?*

‡ *No, no.*

‡ *We have coffee breaks at eight o'clock and two o'clock. A glass of water is one hundred colones. (?)*

MM – *What type of support is there for your kids from the company?*

‡ *Nothing.*

MM – *You are all Costa Ricans... except you, right?*

[*only one Nicaraguan*]

MM – *So we can assume that no one here would want their daughter to work in a bananera?*

‡ *Yes*

‡ *I have one daughter and she is already learning English.*

Miriam asked about their own aspirations for themselves, suggesting studying as an example. However, the opportunities offered by the company could only be taken up by the women who don't work, as they themselves didn't have enough time or energy.

MM – *Would you like to study if you had the opportunity?*

‡ *Yes, yes.*

MM – *What would you like to study if you could?*

‡ *If I could study, I would like to learn sewing.*

‡ *I would learn how to sew.*

‡ *Me, too.*

‡ *Me, too.*

MM – *Sometimes the company offers courses for, right? Do you take advantage of this?*

‡ *No, the women who [live on but] don't work on the bananera take those courses. But if you work, you don't have time to take the courses because you are just so tired after work.*

2.8.2 Imparting Knowledge of Recent Developments

After consulting with stakeholders, we decided to include at the end of the focus group a short introduction to emerging initiatives to assure that their welfare and rights were being looked after.

MM – In Europe – because that’s where most of the bananas go, right – consumers have a fair amount of power. Many of them are concerned with issues like work conditions, sexual harassment, etc. So if they know that these conditions exist on a farm, they won’t buy the bananas. This doesn’t mean the company will go out of business, it is just a way to show that you care about these things. This is called certification.

[writes SA 8000 and ETI on flip chart] Have you heard about these?

☞ No.

MM – Have you heard about ISO 14 000?

☞ Yes.

MM – Well, these ones are the same thing except for social conditions. They want to improve the conditions for people working on the farm....

Miriem then went on to outline the various issues covered by the ETI and SA8000.

Section 3: Conclusions about Workplace Appraisals

In this section I discuss, first, the advantages of using a focus group to assess workplace practices, and second, the wider implications of the focus group, in the context of my broader experience and research on issues of ethical trading and social auditing. I argue that even the best social auditing practices are dominated by outmoded understandings of knowledge and research that are being perpetuated by commercial interests. I identify the issue of worker empowerment as key and propose that people involved in the fields of ethical trading and social auditing attempt to pioneer new forms of Participatory Workplace Appraisal (PWA).

3.1 The Focus Group as a Method for Assessing Workplaces

The focus group proved to be a valuable method in generating information to assess the workplace. If organised properly, the method has advantages over one-to-one worker interviews and surveys because of the *group process* involved. This means that workers can explore issues together and interact with each other in ways that remind each other of different events and opinions. The focus group can also be a more comfortable environment for workers than an interview, as they don’t have to speak until they are ready, and the feeling of being interrogated is reduced. Therefore answers can be explored more, rather than them having to be definitive statements. These aspects of the group process were highlighted by the way that women explored the issue of sexual harassment together and came to realise that they did in fact experience sexual harassment, when at first they assumed that they didn’t.

However the group process can cause problems. The moderator must be careful to ensure that the selection of workers is random so that no one person can be ‘planted’ to influence discussions. Second, the moderator must be careful to not let one person dominate the discussion. Beforehand, Miriemi and I talked about this possibility arising and that she might have to ask someone to leave. Fortunately this did not arise. In addition the group dynamic can keep some people quiet. For example, if this had been a mixed gender group some of the issues about discrimination would not have arisen in the way they did. The fact that the group was all-women, and that the moderator was a local who could create a sense of solidarity with the women was essential.

Therefore it is essential for developing a good group process that the moderator to be a local native speaker, that women have a chance to meet alone, and that strict procedures are followed in choosing participants and moderating the group.

It is also helpful for the moderator to work with someone who isn’t a local and can bring another perspective to the process. For example, Miriemi said in the focus group that the situation in Costa Rica wasn’t as bad as in other countries. Most people would take this to mean the bordering countries of Panama and Nicaragua. There are many Nicaraguans working on plantations in Costa Rica and if this group had included more Nicaraguans then Miriemi’s statement would have affected the response from the group, by creating the sense that they should be grateful to be working in Costa Rica. This also means that a ‘local’ moderator is not always de facto

an appropriate moderator, as it is the racial, gender and linguistic similarity to the group being facilitated that needs to be considered.

This focus group began as an unstructured discussion. In an audit of a set of prescribed standards there would be more issues to work through in the time available and so less time could be spent on exploring issues and discussing their own priorities. In a social audit this type of focus group would be helpful at the beginning of the audit, as it raised issues that would need to be investigated further with other methods.

This research, however, does not help us to understand whether on-site focus groups are sufficient forms of data gathering/production, or whether they need to be complemented by off-site methods. Some would argue that the women would have been more expressive about their thoughts if the focus group had taken place outside the plantation. Moreover, although an on-site focus group may have produced useful information in this case, this does not mean that on-site focus groups will always produce helpful information. For example, some plantations may have worse labour situations than that on Finca 6, leading to workers being less forthcoming about their concerns when asked while on-site. In addition, it was clear to participants in this focus group that we were not being paid by their employer, which may have made them more forthcoming than if they were approached by company-paid auditors. I had planned follow-up with the participants of the focus group after the day, outside the plantation, in or to explore these issues with them. Regrettably this did not happen, so I am not able to comment on this issue, which requires further research⁸.

3.2 From (Anti-)Social Auditing to Participatory Workplace Appraisal (PWA)

The experience of organising this focus group, and the results generated by it, suggest that there are problems with the way even the best social auditing is currently being practiced. In this section I use the insights from the focus group to consider how well the SA8000 Standard can be audited by commercial auditing firms. I do this because SA8000 is currently the most rigorous labour standards certification scheme operable globally, and commercial auditing firms are beginning to apply the same methodology to audit the ETI Base Code, among others. Therefore this is not meant as a critique specifically of SA8000, but by raising questions about current 'best' practice, questions should be raised about all initiatives, including the Fair Labor Association (FLA) and the Worldwide Responsible Apparel Production (WRAP) Alliance.

The problems with current social auditing best practices by commercial auditing firms relate to:

- Time pressure, Complexity and Language
- Confidentiality
- Auditor discretion
- Neutral Testing

3.2.1 Time Pressure, Complexity and Language

Most commercial social auditing companies aim to do their audits in 2 to 3 days, with a team of 2 to 3 people. It should be noted that this does not always mean that they have 2 to 3 days at the workplace. In this time they have to cover a range of issues as described above. To illustrate the size of the task, the SA8000 Guidance Document on how to do a social audit, which gives very general information, is 67 pages long (GD98-IV). To do a *thorough* investigation of all issues with on- and off-site interviews, focus groups, surveys, documentary

⁸ I requested Miriem and Portia to take down the names and telephone numbers of the women who participated so we could contact them afterwards; about 6 had telephone numbers. After the focus group I had to return to the UK. I asked Miriem or Portia to phone the women in a week to find out:

- what was the reaction to them after they returned to the packing station?
- would they have said anything differently if they had been off-site?
- what has the effect of the focus group process been on their own awareness and thinking?

However, I did not stipulate this in Miriems' work contract, and had no contract with Portia. I paid them when I left, and after this they never followed up with the women (even after reminders). The lesson is that the follow up process needs to be more than an afterthought, dependent on people having the time and commitment. Instead, the follow up processes need to be specified at the outset and budgeted for. I still feel upset about the fact the women who gave up their time have not been contacted again about this work, and hope that others don't make this mistake in future.

analysis, *in ways that respond to results as they arise*, is an impossible task. People who argue that is possible either don't know the complexity of the issues, have a very different understanding of the word 'thorough', or have a commercial interest in saying so.

Many inspection companies have been using translators while doing social audits. The SGS tutor of an SA8000 Lead Auditor course thought that doing a focus group with a translator can actually make things quite fun, rather than being a problem (Anon, pers com, 1999). This shows a misunderstanding of the methodology of focus groups, and an approach to social auditing shaped more by the need to gain economies of scale, than do an effective job. The rapport you need, and the subtlety of understanding you need can not be gained through an interpreter.

3.2.2 Confidentiality

In the earlier discussion of the implications for a social audit of the findings on freedom of association, the issue of confidentiality arose. The evidence from the focus group would suggest that the diligent auditor should contact external groups about freedom of association on this plantation. However this conflicts with the confidentiality required under most audits, for example under the SA8000 system, where the company can require the auditor not to divulge the name of the specific workplace being audited, until certification: "auditors should not identify the applicant facility. This is in order to respect the confidential nature of the audit..." (SAI, GD98-IV). Even after successful audits, only summary results are made available.

This concern for confidentiality is because a company being assessed may not want stakeholders to know that is being assessed, because it might fail the audit. Another reason that has been suggested to me is that if they knew about an audit, external activists might try to affect its outcome. Yet this is a negative view of activists, who can play a role in raising standards. Workplace appraisals need to be transparent and accountable. As Dara O'Rourke argues, "the confidential nature of [audits means that they] cannot be verified by other researchers or NGOs, and fail to support broader public efforts to improve factory conditions" (2000, p.7).

Therefore Caroline Quinteros, of the El Salvadorean human rights NGO GMIES, which does workplace appraisals of GAP suppliers, explains that "we want the true situation to be told, not just kept by the companies" (2001, pers com). Although GMIES gives some time for companies to make improvements, they always publish their final report. Ms Quinteros explains that Liz Claibourne and Gap have already accepted their approach (2001, pers com).

3.2.3 Auditor discretion

There are twin myths within the social auditing community. The first is the myth of "objective evidence" and the second is the myth of the "objective auditor". This is based on the idea that there is an objective reality that can be neutrally observed. This 'positivist' approach has been challenged within the social scientific community in the last 20 years, given our growing understanding of how the social realm is socially constructed. Karl Popper (1969) argued that "the belief that we can start with pure observations alone, without anything in the nature of theory is absurd." (quoted in Hollis, 1996, p. 35). "Evidence" is never objective as the person viewing it is involved in deciding what it means and whether it counts as evidence in the first place. One auditor's "evidence" is another auditor's clutter. Auditors participate in a subject-subject relationship with the auditee, not a subject-object relationship.

The procedures for social auditing will never be defined enough to exclude auditor discretion in deciding what evidence is important, what it indicates and what the implication of it should be for the audit report. Therefore the auditors' *predisposition* is critical to the outcome of the audit. I will use the example of sexual harassment to illustrate.

- 1) In our focus group evidence of 'sexual harassment' was *produced* by us as a team of researchers helping the women explore the issue. Other auditors may not have decided to pursue this issue, and been happy to ask a yes/no question "do you suffer sexual harassment", and ticked the "no" box accordingly. That "objective" evidence of the absence of sexual harassment would have been *produced* by the auditors' use of 'foreign' terminology and consequent lack of communication with the workers.

- 2) For one auditor the evidence that there is sexual harassment is not evidence that the company turns a blind to it, but for another auditor this would be evidence of a failure of company policy. It depends on the auditors *predisposition* to this issue.
- 3) An auditor might decide to explore further whether management has a procedure for reducing sexual harassment and dealing with complaints. What is a “procedure”? Moreover what is an “adequate procedure”? How active would the procedure have to be, to be considered adequate? Again, it depends on the auditor’s *predisposition*.

This relates to the problem of where the auditor believes the burden of proof lies. My SGS SA8000 Lead Auditor course tutor said that for performance issues, rather than management systems issues, they often take the approach of “innocent until proven guilty, while always looking for the incriminating evidence” (Anon, pers com 2000). Therefore if, at the end of the audit there were insufficient or inconclusive evidence of a failing or an abuse, this SGS auditor would not necessarily register a non-conformance with SA8000. This is different from the predisposition of auditors working for the El Salvadorean NGO GMIES, for example. Caroline Quinteros who conducts audits of GAP suppliers with GMIES told me that she always presumes that the companies are ‘guilty’ before doing an audit, as her experience over the years has shown this to be the case (2001, pers com). Therefore she requires the company to provide more proof if there is any evidence of *symptoms* of company non-conformancies. Therefore audits by SGS and GMIES would produce completely different results, *even if using the same set of standards for workplace practices*.

The other area of discretion relates to the grading of an auditee. In the SA8000 system the auditors have to decide whether non-conformancies require ‘minor corrective actions’ or ‘major corrective actions’. A major corrective action is defined as one which would prevent certification, but little more information is provided in the guidance document, except that it could be “life-threatening or in some way could be dangerous or present a risk to workers” (GD98-IV, p. 54). Other parts of the document suggest that a corrective action request can be minor, rather than major, if the company has a “well-defined plan” for addressing the problem (GD98-IV, p. 39). This scope for auditor discretion led to different students in my SA8000 lead auditor course identifying the same non-conformancies as requiring minor or major corrective action requests.

Despite the rhetoric of professional independence, all auditing decisions are discretionary, at every moment of the audit process, from choosing who to talk to, what to ask, how to ask, what to follow up, what to recommend and so on. Therefore *who* does the audit is essential and the next question to consider is what factors affect the predisposition of the auditor.

One factor in the auditors’ disposition is probably their personal and professional background. Dara O’Rourke (2000) noted that most of the PwC auditors were financial accountants with limited social auditing training. A financial training would lead to a certain view that would influence the audit in a very different way to a sociological or organisational training, for example. Another factor affecting the predisposition of the auditor must be the commercial interests of their employer, which will in turn affect their level of training, the time they have for the audit, and the expectations of reasonableness in audit findings. This issue is explored further below.

3.2. 4 Neutral Testing

The emerging social auditing profession is currently being developed and marketed as a *neutral test* of labour conditions. Companies pass or fail audits; officially, neither management gets help from auditors on how to improve their compliance, nor workers get help on how to improve their situation. As the SA8000 Guidance Document states, “certified auditors cannot make recommendations, as this is regarded as consulting” (GD98-IV, p. 54). What this means is that if auditors gave advice then they would end up certifying their own advice, which is considered unprofessional by the inspection industry, as codified in ISO 62. However, this restriction on auditor advice is rooted in the practice of systems auditing not performance standards auditing. In a performance standard looking at social relations, the idea of a neutral test is both illogical and undesirable. The pregnancy issue, which came up in the focus group, is a useful example here. There were two ways an auditor might view this - possible management discrimination against women or, alternatively, possible responsible management by protecting the health and safety of the women. If the auditor was able to identify that the most acceptable approach would be for management to make clear women should tell them if they ever became pregnant, but not ask if they were pregnant during an interview, then the best action would be to advise the

management of this. However, they are officially not permitted to do this under the SA8000 system; a n unfortunate situation given that the objective is to improve workplace standards. Workplace appraisals should be about change, not about more bureaucracy.

The stipulation against giving advice is also rooted in the inspection industry's history of 'things' like light bulbs, and not people and social relations. People's representations of their situation can not be treated as concrete immovable "facts." Let's take the example of discrimination again. The women had internalised the prejudiced views that supervisory roles were beyond them, that serving on workers' committees was man's responsibility, that accommodation was a man's privilege, and that sexually abusive language was a man's natural way. They were experiencing 'auto-discrimination'. As John Gaventa and Andrea Cornwall (2000) of the Institute of Development Studies (IDS) note, "relatively powerless groups may simply speak in a way that 'echoes' the voices of the powerful, either as a conscious way of appearing to comply with the more powerful parties wishes, or as a result of the internalization of dominant views and values."

There are even more subtle issues of passive discrimination that the neutral test hypothesis would lead us to overlook. Lets take the issue of transportation that arose in the focus group. It was a particularly important issue for women due to the discrimination in the allocation of housing, and there were complaints that "the buses don't pass regularly. If you get off at four, you have to wait until six o'clock for the bus." Now the bus timetable can't easily be identified as an issue of sexual discrimination and as a failure of management (unless the buses were told only to come then in order to keep the women from hurrying home). *However*, if men were dependent on the buses and experienced these problems would they remain unresolved? The reason women don't tackle the inappropriate bus timetable might be because of a combination of their lack of self-esteem, poor communication channels with each other and with the management, and other people's general lack of interest in women's welfare.

The neutral test hypothesis makes social auditing incapable of dealing with passive and auto-discrimination issues. As Gaventa and Cornwall note, "treating situated representations as if they were empirical facts maintains the dislocation of knowledge from the agents and contexts of its production." By trying to be neutral, auditors may reinforce the power relations that exist in a workplace, and therefore their actions will in consequence be far from neutral. Therefore workplace appraisals should *never* try and be neutral, but try and help managers and workers explore their realities and thereby improve them.

There are other ways of doing workplace appraisal. Caroline Quinteros says of GMIES's auditing work: "we're different, our work should help people to organise to solve problems. We do the auditing because we want to see change" (pers com, 2001). Yet her organisation is small and receives as much in a year for its auditing work (\$2500) as PwC earns in a few days. Why are these inappropriate forms of workplace appraisal being perpetuated?

3.3 Why is this form of Social Auditing Promoted?

The Maquila Solidarity Network (MSN, 2000) have criticised the FLA and WRAP for "subcontracting responsibility" for labour standards, and avoiding the critical issue of what buyers demand from suppliers, and how much they pay them. Retailers "are not required to take responsibility financially or otherwise for the conditions which been fostered by their own subcontracting strategy" (MSN, 2000). They argue that this avoidance of the root causes of poor workplace practices is a result of the commercial interests of the powerful participants in the process, who don't want to pay more for better working conditions in supplier factories. They also argue that these schemes adopt weak inspection regimes because of these commercial interests.

I would add to this critique that the form of social auditing in even the most rigorous inspection regimes, such as SA8000, has also been shaped by commercial interests - this time not by retailers seeking to avoid cost, but by service providers seeking to secure profits. In his analysis of PwC's auditing practices Dara O'Rourke (2000) noted that "PwC is leading the development of corporate monitoring systems" (p.1) and therefore "PwC is setting the standard for what corporate monitors will do, how they will do it, and how much they will charge" (ibid, p. 1). PwC are not the only commercial players helping to define the way social audits are practiced - SA8000 has its roots in the efforts of SGS to create a workable auditing product to sell to its clients. Commercial firms like PwC and SGS are naturally focused on the economies of scale - turning an activity into a standardised mass product that can be marketed and sold around the world. Auditing companies' commercial

interests are responsible for the time pressure, the ignoring of complexity, the use of translators, the pro-employer disposition of auditors, the confidentiality, and the spuriously neutral stance. Commercial firms are not naturally inclined to explore the socially constructed realities of workers and seek to empower people for change - it might upset their clients.

3.4 Questions of Empowerment and Participation

Dara O'Rourke (2000) notes that "workers are almost always closest to problems in a factory. They should thus play a central role in analyzing and reporting on working conditions"(p. 8). That's the 'pragmatic' reason for workers being more involved in workplace appraisals; there is also an aspirational reason why they should be involved, which relates to the issue of empowerment. In considering this we can learn from the decades of experience in international development work.

"Social Auditing" as it is being carried out now bears some resemblance to "Rapid Rural Appraisal" (RRA), which is a method used in international development work. RRA is a means of rapid data collection about poverty in developing countries in order to inform the planning of development projects. The 'rapid' aspect is not the only similarity. As with social auditing, the data collection is done by 'outsiders' – i.e. researchers and/or practitioners who are not members of the community or group with whom they interact - through the use of methods that include observation and semi-structured interviews (Chambers, 1997).

The reason I draw this parallel is because RRA has been heavily criticised, among other things, for its lack of responsiveness and depth of analysis, and its treatment of people as passive recipients of help rather than co-creators of their situation. Criticism grew as more people working in development started considering issues of power and seeking to *empower* poor communities. RRA has therefore been largely replaced by something called Participatory Rural Appraisal (PRA). This can be seen as a family of approaches and methods that enable people to both express and analyse the realities of their lives and conditions, and to plan, monitor and evaluate their own situation. In PRA 'outsiders' are meant to act as guides and catalysts for local people to decide what to do with the information and analysis they co-generate. As Robert Chambers (1997) sums up "PRA seeks to empower losers – women, minorities, the poor, the weak, and the vulnerable to make power reversals real" (p. 106). PRA is now a widely used method, being required by the World Bank as part of its debt cancellation programme.

The term "appraisal" is also more appropriate than terms like audit or inspection as it implies a more subjective and less static analysis of a situation. Therefore, perhaps it is time to move away from rapid social auditing, towards more empowering forms of Participatory *Workplace* Appraisal (PWA)? In considering this, the questions people involved in ethical trading and social auditing work need to ask themselves, once again, why they are working on this, and whether 'ethical trade', 'fair labor' or 'social auditing' is really about empowering workers.

Not everyone with an opinion sees this work as helping to empower workers. In her blast at codes of conduct, Naomi Klein (2000) states that "the subtext of codes of conduct is a settled hostility toward the idea that citizens can – through unions, laws and international treaties – take control of their own labor conditions..." (p. 436). The idea is that companies are using codes of conduct and social auditing as a means of protecting their position of power after criticism from civil society. However, I see these codes and their auditing, not as a 'settled hostility', but as an unsettled compromise with citizens' concerns. Business needs to do what it must in the area of ethical trade in order to satisfy its clients, their clients customers, protect reputation, avoid future litigation, promote good relations with regulators and attend to the various other aspects of the business case for corporate responsibility. So the question then is not why the companies are doing this but why all these other stakeholders want companies to pursue ethical trading and social auditing? If it is because we want companies to let citizens "take control of their own labor conditions" then lets start talking about it.

The ETI secretariat has intimated that it takes a rights-based approach to codes of conduct and their auditing (ETI, 2000, p. 19), yet this is not a view that is widely expressed or completely understood at present. It's certainly not well understood by auditors themselves. In my SGS SA8000 training course the question was put "why is freedom of association important?" I answered "for empowerment". The tutor said "well I don't know about that, we see it as an issue of communication" (Anon (SGS), pers com, 1999). So the dual question remains whether companies are ready for empowering their workforce, and whether the civil society actors

involved in social auditing are sufficiently aware of the importance of empowerment, or stuck in a paternalistic aid-agency mentality, of “lets help these poor people out a bit.”

3.4.1 Doing PWA: Some ways of checking on and creating the space for empowerment

If ‘workforce empowerment’ is what the ethical trading, social auditing and fair labor communities decide to work toward, what are the implications for the assessment of workplaces? Or rather, how can you empower workers through workplace appraisals? Writing in 2001 this is early days. However, by drawing on my study of social auditing and readings on PRA, I can at this stage identify two key ways of empowering the workforce through workplace appraisals. First, by focusing the appraisal on *checking* that the space for empowerment exists in the workplace, and second, by *creating* the space for empowerment through the conduct of the appraisal itself. Both involve the issue of worker participation.

First then, we need more research and debate on how workplace appraisals could check that the space for empowerment exists. There are some obvious indicators such as democratic workers committees that reflect the ethnic, age and gender mix of the workplace, the existence of active trade unions and other means of workers associating and talking about their issues. Other indicators might be good working relationships between the company and local NGOs concerned with issues such as women's health, literacy, alcoholism and so on. We need to think about indicators of effective worker participation.

Second, and perhaps more controversially, we need more research and debate on how workplace appraisals can create the space for empowerment. There are a number of ways this could be done. For example, merely establishing people on the same footing in a focus group to discuss issues can challenge existing power relations. This may then lead them to continue to challenge those power relations and think and act in different ways after the PWA (see Jones, 2000). In addition, as we saw in the focus group above, these events can catalyse the thinking of workers. Remember, that at first the women said that they did not suffer sexual harassment. Once it had been suggested that ‘normal’ abuse might be harassment then they said that yes, they suffered sexual harassment.

We also need to look at how workers can participate in defining what should be appraised and how. Workplace appraisal needs to be a more bottom-up process that is owned by the workers, rather than being an import from New York or London. However, there will be many challenges with such an approach, as workers may have internalised prejudices and not know their rights. Therefore we need to look at the possible role of education during PWA. As Caroline Quinteros says, workplace appraisals help can change things because they “can give the tools to help people change the situation. Knowledge is important” (pers com, 2001).

Drawing on Michel Foucault's understanding of power as something which is always ephemeral and needing to be continually rehearsed, Mike Kesby (1999, p. 10) argues that empowerment is not “a linear process of enlightenment, but... [a] repetitive performance” and so one-off PRA ‘events’ are of limited use in empowering people. From this, we can see that a PWA assessor would need to consider with the workers how to create sustainable and sustaining spaces in their everyday lives in which their empowered thinking and acting could continue to take place. This is important as PWAs will be isolated and intermittent events, where certain uncommon assertions such as ‘your participation is valued’, will produce an uncommon and potentially ephemeral situation.

Once the nature of these sustainable and sustaining spaces are co-defined, then the assessor would need to check that these were understood, respected and if need be, facilitated by management. In other words, the PWA assessor would need to adopt a participatory approach to co-defining a participatory workplace and then incorporating this into future PWAs of that company. Therefore PWA would involve both checking for indicators of worker participation in their workplace – a ‘*participatory workplace*’ appraisal – and enabling workers to participate in the appraisal of their workplace – a participatory ‘*workplace appraisal*.’

Finally we need to think some more about what empowerment really means, how it occurs and where it will lead us. Its interesting to note that feminist geographer Janet Townsend believes that empowerment of others can't happen, and we can only *enable* others to self-empowerment (Townsend, et al 1999). This view of self-empowerment suggests that we as privileged outsiders be prepared at some stage to ‘let go of the reigns’ and so workers can shape their own futures.

3.5 Considering the Arguments against developing PWA

A key argument that may be made against PWA is that the appraisals or audits would be too expensive. This criticism is completely misguided, for two reasons. First, GMIES have been auditing GAP factories in El Salvador since 1997, for a total annual cost of approximately US\$2,500, paid by Business for Social Responsibility (BSR) in the United States. This auditing involved visits by GMIES assessors nearly every week—that's about \$50 a day. The fact that this annual fee would not cover more than 3 days of an auditor's time from SGS or PwC means that these companies are not currently suitable to do PWA, rather than making PWA too expensive. In fact, there could be a reverse correlation between a service provider's ability to do a good job and the fees they charge. This is because many of the costs that bump up fees, such as airfares and high salaries, are costs that would not be incurred by local assessors who would be much better at doing PWA, with some initial training.

One reason for the high price of audits from commercial firms could be a lack of competition. In the case of SA8000 there is a specific cause for this. SAI sought to gain credibility with the commercial auditors by adhering to International Organisation for Standardisation (ISO) guidelines on what an accreditation agency can and can't do, namely, that it can't treat accredited certifiers any differently. Therefore any NGO, even ones getting paid US\$2500 a year will need to find the \$15,000 accreditation application fee, plus accreditator costs of about \$5000. The SAI accreditors would then have a problem with the methodology of NGOs such as GMIES, as they use ISO62 guidelines, which require accredited certifiers to uphold the inappropriate notions of neutral testing and objectivity. Both the growing commercial backing in the United States for SA8000 and the calls for more consolidation of codes and verification systems at the SAI 2001 conference must be tempered with an awareness of the barriers to accreditation for small NGOs, and the imposition of inappropriate appraisal methodologies.

There is one area of cost that could prove prohibitive. If we start embracing PWA we don't know where this will lead in terms of the costs of production for suppliers. The problem with all voluntary ethical codes and forms of workplace appraisal are that they focus on individual companies rather than the macro economics of the industry. As the situation of the banana industry illustrates, the women in this focus group could soon be out of a job because of the masses of cheap exports coming out of Ecuador. Because of the associated costs, effective PWA might make this situation more likely, *unless* sufficient markets committed to *only* buying from companies with PWA. The question is whether retailers are prepared to make such a *definite* commitment. If they don't, all of the above is mere wishful thinking. This echoes the arguments of the Maquila Solidarity Network (MSN) that retailers must look at their own practices and realise that improving workplace practices will cost them money (while this may be offset by financial gains from better supplies and from enhanced brand reputation).

The arguments in this paper may not be welcomed by the growing social auditing industry. My suggestion to professionals in that industry is that there may be a valid role for international auditing firms, but not in the way they are currently operating. Moreover, their appropriate role needs to be determined by the representatives of millions of people working in the South and not by people seeking to profit from consumer concern for those workers.

This work is to be continued by Jem Bendell and Gill Coleman of the New Academy of Business, with Marina Prieto of the Central American Women's Network. Please refer to Appendix D for more information.

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Appendix A: Preparing the Focus Group

Given the highly disputed reality of living and working conditions on banana plantations in Costa Rica and elsewhere, and concerns about external researchers or auditors not being able or willing to obtain valid information, the process by which we carried out the focus group needs to be documented. This will also help those who may be interested in using the focus group method for their own investigations into labour rights issues, or even as part of a social audit. The process is summarised in four parts:

- Financing and staffing
- Choosing and approaching Chiquita
- Stakeholder consultation
- Preparatory meeting
- On the day

In addition, the payments-in-kind received from Chiquita Brands International are stated.

Financing and staffing

The costs of organising the focus group were covered by a grant from the Aspen Institute to Jem Bendell. Associate Professor Miriem Miranda of CINPE at the National University, in Heredia, Costa Rica, was contracted to help organise the group, facilitate the discussions, and write a short memorandum on those discussions. Ms Miranda worked with Jem Bendell previously on a project commissioned by the International NGO Training and Research Centre (INTRAC), which examined the Better Banana Project (BBP) of the Conservation Agriculture Network (CAN), which has certified Chiquita farms across Latin America. A Canadian student researching for her Masters dissertation at the time, Ms Portia Taylor, was invited to volunteer to take notes and write a transcript from the recording.

Approaching Chiquita

The organisers of the focus group, Jem Bendell and Miriem Miranda, had good working relations with Chiquita's Latin American office, having interviewed their staff a number of times, observed independent inspections of COBAL farms, and organised a multi-stakeholder seminar in San Jose, to discuss developments with codes of conduct and social auditing. By our estimation, Chiquita Brands International was more open towards external researchers at the time and therefore more likely to accept a proposal than the other major banana producers. Consequently a letter was written to David McLaughlin, head of Chiquita's Latin American Office, requesting the opportunity to organise a focus group in the coming months. The objectives were identified as:

- access the thinking of women workers in a banana plantation about
 - their work and working environment
 - workplace issues identified by international organisations
- gain experience of the focus group as a method for use in a social audit

One of the objectives mentioned previously, to “stimulate the thinking of women workers in a banana plantation about their work and working environment”, was only identified after the focus group had been agreed and came about as a result of consultations with stakeholders about the planned focus group. David McLaughlin instructed COBAL's head of human resources, Oldemar Espinoza, to arrange a meeting with us to discuss the preparation of the focus group.

Stakeholder Consultation

Before the meeting with COBAL's director of Human Resources took place, I contacted an active member of the European Network of NGOs working on banana worker issues, and director of BananaLink, Alistair Smith, to request feedback on our proposals. Key points from this consultation were:

- scepticism about why Chiquita was allowing us to organise this group, countered by hope that it might help give more women workers a voice,
- concern that women workers would not feel comfortable expressing themselves in a focus group being conducted on the plantation, by outsiders,
- a variety of concerns about the way the women would be chosen to participate.

Miriam Miranda was requested to contact Anna Victoria Naranjo of the Costa Rican labour rights NGO Aseprola to discuss the focus group. Ms Miranda reported that Ms Naranjo was interested and wanted to be involved, which we were reluctant to agree to, as this might have complicated matters with Chiquita. In addition, we wanted the process to be regarded as independent of both corporate and union interests. In addition, Ms Miranda arranged to meet Doris Calvo of the banana union SITRAP, in Siquirres, but Ms Calvo did not keep that appointment.

Dominique Gangneux, then with the auditing company BVQI, which conducts social audits to the SA8000 standard of the CEP Accreditation Agency, and is involved in the ETI Banana Pilot in Costa Rica, was also consulted about the focus group. He advised that we look at means by which we could feedback the results of the focus group to both stakeholders and the participants themselves.

In the period leading up to the focus group I provided Miriam Miranda with materials about SA8000 and ETI, and then spent some time going through the principles and what they might mean in a banana plantation. She had already been sensitized to these issues through several months of research work with me in the previous year, as mentioned above.

Preparatory meeting

The planning meeting with Oldemar Espinoza took place a couple of weeks before the day of the focus group. At that meeting we agreed:

- the date of the focus group [*our suggestion being February 29th*]
- the plantation on which the focus group would take place [*a couple of plantations were suggested by Mr Espinoza and we agreed on Finca 6, as it has a number of separate packing stations from which we could choose, on the day*]
- the venue for the focus group [*we felt that it was important to be a place far enough away from the packing stations for the participants to feel comfortable, out of sight of managers and supervisors, and also a place that the women would have been in before - for training, for example. The meeting room of the main administrative building in Finca 6 was suggested by Mr Espinoza*]
- the timing and duration of the focus group, ie. during the working day and for a period of two hours [*we wanted to choose a time when employees wouldn't be losing their break-time, and we decided that two hours would be enough time to explore a number of issues*]
- that Mr Espinoza would ensure a poster explaining who we were and what we intend to do would be placed visibly in each of the packing stations, a week in advance [*Ms Miranda sent an A4 poster which translates as: "Attention women: there will be a focus group on social auditing organised by the National University of Costa Rica next week. Your participation would be voluntary. You will not lose pay if you attend. Refreshments will be provided."*]
- that ten women would participate and that none should be discouraged from participating, or certain women encouraged to participate [*we were concerned that a supervisor might want to prevent certain people who might have particular views or experiences, from participating, or try to 'plant' a participant in the focus group to influence the discussions*].
- that Ms Miranda would make a short presentation at the packing stations in the morning of the focus group, before returning later to select the participants [*we wanted the employees to be clear about who we were and why we were there, and give them time to consider whether they wanted to participate.*]

- that the selection process for participants would be on a random basis, and those chosen would not have to participate if they didn't want to [*again, this was because we wanted to avoid supervisors influencing who participated in the focus group.*]
- that we would contact a few key stakeholders to discuss our plans beforehand, which might lead to us requesting slight changes to the procedure [*we wanted to ensure that we were sensitised to certain issues that might arise in the discussions, as well as ensure that we avoided certain practices that might reduce the provenance of the findings in the eyes of some stakeholders*]
- that only women would be present during the focus group, with facilitation by Professor Miriem Miranda of the National University and note taking by a Ms Portia Taylor [*we wanted to create a situation where there would be potential for the type of atmosphere created in solely female gatherings, in order to encourage openness. It was also considered essential that the facilitator be a Costa Rican.*]
- that we would use our own transportation during the entire time at the plantation [*we did not want to arrive at the packing stations in vehicles owned by Chiquita, as we wanted to avoid any possible confusion amongst employees about who we were working for.*]
- that refreshments would be provided [*we were willing to pay but Chiquita provided these free of charge*]
- that Mr Espinoza would instruct the manager of the plantation, Jorge Moya, to help us on the day to organise and conduct the focus group in accordance with the points agreed above and that we would meet together with Mr Moya and Mr Espinoza, in the Guapiles offices of Chiquita, the day before the focus group [*we were keen to avoid any last minute hitches due to communication problems, that might reduce the validity of the results, and we wanted to ensure that the constructiveness at the corporate level translated into support from staff in the plantation. We stayed the night prior to the focus group in Chiquita's guest houses in Guapiles, provided by the company free of charge.*]
- the report of the focus group would be made public [*we believed this process could be valuable for all stakeholders if it was distributed more widely than as part of a PhD thesis. Full transparency about the process of organising the group was considered essential for avoiding scepticism about the results of the group*]

On the day

We arrived at Finca 6, San Alberto around 7am and were met by Mr Moya at the main administrative building. That day two of the four packing stations had people working in them. We drove Mr Moya to the first, which was in full operation, work was stopped and the supervisor asked the women to gather around. Ms Miranda pointed to the poster on the notice board and explained what we were there to do. It was explained clearly that the research was for the PhD of Mr Bendell. She asked people to number-off and Ms Taylor randomly picked numbers. It was explained to those chosen that they need not participate if they did not want to. Otherwise we would expect them at the main administrative building at 10am. Then we drove to the second packing station, where a team of women was cleaning. We did the same procedure at this second place, to make the numbers up to ten in total.

There appeared to be some disappointment from one or two of those who were not picked. None of the women asked not to be considered. As we drove away from one of the packing stations, the supervisor began questioning one of the women who had been chosen to participate.

We went to check the room to be used for the group, and our sound-recording equipment.

One of the supervisors picked up all the women and they arrived on time. All the original ten women selected turned up. One said that her boyfriend – a fellow worker in the packing station - had asked her not to attend, but she ignored him. Ms Miranda asked if it was acceptable to record the session, stressing that the conversations would be confidential and used only for research by Mr Bendell, and they all indicated that was fine. At that stage I excused myself and the meeting began.

At regular intervals I returned to outside the meeting room to check that the group was not being disturbed and that people were not listening in.

Declaration of payments in kind from Chiquita Brands International

The following was the total of 'payments-in-kind' received from COBAL:

- 3 persons staying 1 night in a guest house on the Chiquita estate in Guapiles (28th February).
- 3 evening meals at the restaurant on the Chiquita estate in Guapiles (28th February).
- Refreshments provided to the focus group participants (29th February).

Appendix B: Relevant Benchmarks for Labour Practices

A number of benchmarks for acceptable and non-acceptable labour practices are referred to in the summary of focus group discussions. These are:

- Costa Rican Labour Law:
 - Labour Code
 - Political Constitution
 - Specific Regulations
- ILO Conventions
- Civil society codes
 - SA8000
 - ETI Base Code

Costa Rican Labour Law

The Labour Code of Costa Rica (Codigo de Trabajo) is a widely available document, which contains the labour law for the country and is updated regularly. The Political Constitution of Costa Rica also contains a number of stipulations, which relate to aspects of labour practice, such as the right to freedom of association. These two documents are supplemented by specific regulations for different industries and workplace concerns, which are passed by the national assembly on an ongoing basis (Bendell, 2000).

ILO Conventions

Responsibility for setting international labour standards is given by the international community to the International Labour Organisation (ILO) which was established for this purpose. The tripartite structure of the ILO, involving both employers' and workers' representatives as well as governments, together with the technical expertise of this organisation in all matters relating to the world of work, make the ILO an authoritative and legitimate source of international labour standards.

ILO standards are set in Conventions, having the force of international law and binding for states that have ratified them and in Recommendations which provide additional guidance to governments. ILO member states must provide regular reports on the application of ratified Conventions to the ILO. The findings of ILO supervisory bodies form ILO jurisprudence.

With the adoption in June 1998 of the ILO Declaration on Fundamental Principles and Rights at Work all 174 ILO member states have an obligation, regardless of ratification, to respect, promote and realise the principles contained in the core ILO Conventions.

These core Conventions and their accompanying Recommendations comprise:

- ILO Conventions 29 and 105 & Recommendation 35 (Forced and Bonded Labour)
- ILO Convention 87 (Freedom of Association)
- ILO Convention 98 (Right to Organise and Collective Bargaining)
- ILO Conventions 100 and 111 & Recommendations 90 and 111 (Equal Remuneration for male and female workers for work of equal value; Discrimination in employment and occupation)
- ILO Convention 138 & Recommendation 146 (Minimum Age).

Costa Rica has ratified these conventions and most of those that have been identified by the Ethical Trading Initiative (ETI) and Social Accountability International (SAI) as pertinent to corporate codes of conduct and social auditing (see the following section on Civil Society codes). The exception is convention 155 on

occupational health and safety, although there are a number of other conventions relevant to this area, which are not currently specified by ETI or SAI. 25 complaints concerning Costa Rica's adherence to all of these conventions had been put to relevant committees of the ILO, and those committees had made 35 observations on Costa Rica by March 2000 (Bendell, 2000)

Civil society codes

The SAI standard, Social Accountability 8000 (SA8000) has nine core areas (SAI, 2000):

1. Child Labor
2. Forced Labor
3. Health and Safety
4. Compensation
5. Working Hours
6. Discrimination
7. Discipline
8. Free Association and Collective Bargaining
9. Management Systems

The ETI has developed a code of labour practice – the Base Code – that reflects “the most relevant international standards with respect to labour practices which will be used as the basis of its work.” (p. 2) The ETI base code specifies the following criteria for acceptable working places (ETI, 1998, p. 5-8):

1. Employment is Freely Chosen
2. Freedom of Association and the Right to Collective Bargaining are Respected
3. Working Conditions are Safe and Hygienic
4. Child Labour Shall not be Used
5. Living Wages are Paid
6. Working Hours are not Excessive
7. No Discrimination is Practiced
8. Regular Employment is Provided
9. No Harsh or Inhumane Treatment is Allowed

This differs from the SA8000 standard in that it mentions ‘regular employment’ as a key criterion, and deals with management systems in different documentation. In addition it does not specify a methodology for conducting audits of the code. Due to previous research, undertaken over a period of 10 months, certain of the SA8000 and ETI criteria were not considered key to the focus group discussions. These were 1 and 4 of the ETI base code and 1 and 2 of the SA8000 standard.

Appendix C: About the Author

Jem Bendell is an associate of the New Academy of Business, and founder of LifeWorth.com. He is a trained social auditor (SA8000) and a member of the Institute of Social and Ethical Accountability (ISEA). He has worked on issues of social and environmental auditing and certification for six years, working on forest certification while at the World Wide Fund for Nature (WWF), where he helped originate the concept for the Marine Stewardship Council (MSC). He served on INTRAC's steering committee for their NGO-Business partnerships project. He has consulted for the auditing company Bureau Veritas and the International Labour Organisation (ILO). He is a member of the FAO Ad Hoc Working Group on Responsible Banana Production and Trade. As well writing a chapter analysing the Better Banana Project (BBP) certification scheme, he has published two books on corporate social responsibility, including *Terms for Endearment: Business, NGOs and Sustainable Development*. His latest work appeared in *The Earthscan Reader on Business and Sustainable Development* (Starkey and Welford, 2001). In 2001 he was an Aspen Institute Scholar was awarded the Mitchell Young Environmental Scholars Award. More information, including links to publications is available at www.jembendell.com

Appendix D: About the New Academy of Business Project on Gender, Codes of Conduct and Social Auditing.

Codes of Conduct as Tools to Improve the Situation of Women in Southern Workplaces: Learning from Case Studies of Agriculture and Textiles in Central America. Funded by the Department for International Development, UK.

Codes of conduct for socially responsible business practice have moved into the mainstream of the international development community in recent years. How effectively these corporate codes respond to the needs of marginalised stakeholders, such as women workers in the South, has been questioned and there is a need for more gender-oriented research on the auditing of codes of conduct. This research project of the New Academy of Business, an independent and progressive business educational organisation, will move forward understanding about how codes of conduct — and their auditing — currently respond to the needs of women, and where improvements can be made. The research will be useful to women workers themselves and to those working to enhance the capacity of various user groups to meaningfully engage in debates about the role of codes of conduct in advancing the situation of women, to aid in their effective implementation, and to design complementary activities.

Two related case studies will be undertaken: the production of textiles and banana in Nicaragua. Semi-structured interviews will be conducted in person and by phone with representatives in stakeholder groups, and focus groups will be conducted with women workers and their representatives in Nicaragua. In addition documents from key organisations and initiatives will be analysed. The intention is to investigate the following specific questions:

- a) How can the current criteria of codes be interpreted from a gender perspective, theoretically and in-the-field? How are they being operationalised in the auditing process at present?
- b) What women's issues are absent from codes, which could be covered?
- c) What women's issues can not be covered effectively by a code, and what are the complementary activities that can take place to advance the situation of women?
- d) What options are there for enabling women workers to use codes for advancing their situation, and supporting the work of women's groups to do this?
- e) What options are there for educating codes of conduct practitioners about the gender dimensions to codes and their importance in an ethical purchasing policy?
- f) What are the perspectives of the various stakeholder groups on possible answers to questions a) to e) and what other questions do they identify as important?

The research team brings together a unique combination of expertise. An expert on gender and organisational management, Gill Coleman is director of the New Academy of Business. Jem Bendell is a published expert on codes of conduct, qualified social auditor, and a consultant for certification programmes, while Marina Prieto

has experience of working both for the private and voluntary sector and is a director of the Central America Womens Network (CAWN). The research team is complemented in Nicaragua by Julia Vargas, Movimiento Maria Elena Cuadra (MEC) and Amalia Chamorro (Independent Consultant).

The initial findings of the project will be presented in the November 2001, at a seminar in the UK. If you would like to participate in that seminar please email veronica.towler@new-academy.ac.uk If you would like to find out more about the project, including forthcoming reports, please email marina.prieto@bristol.ac.uk

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ⁱ Solidarismo is based on a savings plan into which workers contribute a minimum of 3 percent of their monthly salaries, which their employers then match or betterⁱ. Most Solidaristas save between 5 percent and 8.33 percent of their wages to their employer's equal contribution (*The Tico Times*, 1998). The combined savings are invested and profits paid yearly, according to each worker's total contribution. Although Solidarismo is hugely successful and delivering benefits to workers, its existence undermines freedom of association in a number of ways. In enshrining the principle of freedom of association, Article 68 of the Costa Rican Constitution states that "there will not be discrimination concerning the wage, advantages or conditions of work between Costa Ricans... regarding employees' group affiliation" (in Bendell, 2000). Therefore if a company pays a contribution if you join Solidarismo but not another organisation such as a free trade union, then this *can be argued* to be an infringement of freedom of association. The counter-argument has been made that Solidarismo is merely a savings plan and doesn't seek to help workers to associate and represent themselves to employers. Yet this is a re-presentation of organisations whose purpose has been widely stated and applauded as creating harmony in the workplace. In addition there are numerous cases where Solidarista organisations have negotiated pay and conditions on behalf of the workers, thereby assuming a role that is in breach of Costa Rican law and international convention, *because companies solely fund them and not other groups*. Moreover, there are reports of Solidarista members and officials actively discouraging workers from joining trade unions, which is also an infringement of freedom of association, again because companies solely fund them and not other groups. Finally there is influence of Solidarista organisations in other processes of worker representation, through overseeing elections to the permanent committees of employees, for example.

ⁱⁱ This has been ratified by Costa Rica as well as being included as a core convention by the ILO's declaration on the fundamental principles and rights at work.