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Consent. Just consent. Then you can come to work.”



Risk factors for Gender-Based Violence and Harrassment in the Tea Sector

A briefing paper by THIRST and Women Working Worldwide
July 2023



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Executive Summary

When the BBC Panorama exposé, *Sex for Work: The True Cost of our Tea* aired in February 2023, many who had been working on these issues for many years – decades even – felt deeply frustrated. Good work that had been done to reduce the risk of Gender-Based Violence and Harassment (GBVH) on tea estates had clearly not been sustained.

Tea is not alone. There are many drivers of GBVH in the wider agriculture sector. But THIRST and Women Working Worldwide, along with tea sustainability expert Michael Pennant-Jones, realised that we could provide the tea industry with insights into the way that enablers of gender based violence and harassment manifest in the tea sector, which may support it in identifying where changes can and should be made to reduce the risk of GBVH for women, who are at highest risk.

We set the scene with a case study of James Finlay Kenya – one of the companies featured in the documentary. Two of the authors of this paper had been closely involved in developing and evaluating the gender policies that were now failing to protect women on the named tea estates. We outline James Finlay’s journey to developing those policies and the additional actions it took to embed the protection of women workers into its way of working. In order to explore why these exemplary policies in the end failed the women they were intended to protect, we then look closely at the particular characteristics of the tea sector that keep women in positions of risk, first outlining the generic gender dynamics in the tea sector as a whole.

A fundamental issue is the low wages for women in the tea sector; this leads to malnutrition, indebtedness and risky survival strategies, such as transactional sex. The different ways that women and men are paid is another key factor in reducing women’s power and thus increasing their risk level; women workers tend to be allocated work in plucking and weeding and mostly have to rely on piece-rated plucking to make up their wage.

Even if they live on the estate, this makes their earnings precarious. In addition, in many tea origins, increasing mechanisation of harvesting is making thousands of women tea pluckers redundant. Women tea workers - especially in East Africa - often have sole responsibility for their families, combining unpaid domestic care work with their paid jobs which makes it difficult, if not impossible, for them to leave their jobs even if they are being abused.

There are very few women in management roles in the tea sector and, as far as we are aware, none of these are from the local workforce (although in East Africa they may be from local tribes). While efforts by some companies to appoint women estate managers have been successful, others have floundered for various reasons; in South Asia, women recruited from outside the area leave when they marry to follow their husbands’ jobs; and in East Africa the roles have not been adapted to the needs of pregnant women. Tea trade unions tend to be male-dominated, although some have won equal pay for women and others are striving to become more inclusive. Women in smallholder farms are often barred from land ownership, are poorly represented in smallholder organisations and lack access to cash and credit.

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We then look at the risk factors that are endemic to the estate sector. These include the cradle-to-grave dependency of the tea workforce in remotely located closed communities and the rigidly hierarchical structure of tea estates. As the Panorama programme showed, the violence, repression and exploitation of colonial times have echoes in the sector to this day. The hierarchy, from the all-powerful Estate Manager, to Assistant Manager, to Supervisor and Leaf Clerk is structured in such a way that women workers have few, if any, avenues for complaint or redress as, when they are abused, their abusers are often either from these ranks, or support each other.

At numerous points in their world of work, women tea workers are at risk of sexual exploitation beginning, as Panorama's undercover reporter showed, at the recruitment stage. The increase in the use of casual workers and machine harvesting has made jobs for women in the East African tea sector much harder to get and retain, which increases the power that recruiters have over job applicants. Supervisors also have power over the women whose tasks they allocate - allowing them to give easier jobs to those who acquiesce to their demands and punishing those who don't with harder work. Weighing and evaluating the quality of plucked leaves is another point of leverage for supervisors and leaf clerks. Another potential area for coercion is discipline; women may be fined or disciplined for being late to work (which can happen due to her unpaid domestic care work, the long journeys to work etc) or let off in return for sexual favours. The checks and balances that should be in place to prevent GBVH are missing. Living and working in the closed community of the estate means that they may have no safe space to go to; with few, if any, alternative employment options they are also unlikely to be able to leave altogether.

Much more research is required into GBVH in the smallholder sector; female members of farming families are often invisible and at risk of abuse behind closed doors as well as being unpaid labour on the family farm. Smallholder organisations such as Kenya Tea Development Agency (KTDA) are structured in such a way that women are better represented at different levels of the organisations. But risks remain, particularly at the farm level where there is little knowledge of women's roles and condition and at leaf buying centres, to which women travel long distances bringing their green leaf and then often have to wait until late at night for it to be collected.

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The tea industry is changing. But there are new risks emerging; private investment firms have started taking over tea companies, possibly increasing the risk that the drive for shareholder profit will further diminish investment into women's wellbeing and safety¹. New employment models such as subcontracting and the 'revenue share' model under which estate workers are essentially tenant farmers place greater economic risk on workers. The rise in independent factories is weakening the link between workers and the market, reducing buyers' oversight of conditions on farms. Mechanisation of harvesting will almost inevitably continue increasing, making women's plucking work ever more precarious. The market for tea is shifting to countries that may not prioritise human rights and GBVH to the extent that traditional markets in the global North and West do - because those markets have been unwilling to pay the price required to secure them. Certification is often used by buyers as a way of ensuring human rights are respected, but it cannot achieve this on its own. And finally, the growing impacts of the climate emergency will increase the precariousness of women's work.

While there have been efforts to tackle GBVH in the tea sector, notably the multistakeholder Women's Safety Accelerator Fund in North India and the efforts of Camellia Plc and its Malawi suppliers to address recent cases of GBVH, more needs to be done at a systemic level to empower women workers, reduce their risk of GBVH and ensure that when it does occur they are protected, have access to remedy and their abusers are punished and prevented from continuing the abuse. To achieve this, the industry needs to recognise GBVH as a salient human rights issue, there needs to be more research, more transparency, greater collaboration between tea companies and with other stakeholders and the industry needs to lobby governments of tea producing countries to ratify ILO's Convention 190 against violence and harassment in the world of work - because women, the “backbone” of the tea industry are currently at risk of violence and harassment in almost every part of their world of work.

Note on the Authors

Caroline Downey, Michael Pennant-Jones and Sabita Banerji are the lead authors of this report, with additional material by Women Working Worldwide (WWW)² Trustee and founder of The Outcome Gap, Kate Robinson and WWW Trustee, researcher and educator, Linda Shaw. Advice and insights were also provided by labour rights expert, Stirling Smith, who has extensive experience in the Indian tea sector and industrial relations, and is also a Trustee of THIRST – The International Roundtable for Sustainable Tea³.

The authors of this report are particularly well qualified to offer the insights below:

From 2005-2018, Michael was Group Head of Sustainability for James Finlay⁴, and Sustainability Manager for Finlays' owner, John Swire & Son. He was also, as Director, responsible for leading the Impactt team working with Lujeri tea estates on their response to GBVH allegations in 2021.

Caroline is Director of WWW, which has extensive experience of working on women's rights issues in global supply chains, including Kenyan tea and flower supply chains.

Sabita (who was born and brought up on a Finlays tea estate) is founder and CEO of THIRST. She has a background of working on human rights in global supply chains, and is leading on THIRST's Human Rights Impact Assessment into the root causes of human rights abuses across the tea sector.

In 2016, in a former role at the Ethical Trading Initiative, Sabita led on a Gender Analysis of a group of companies, including Finlays, during Michael's tenure there. Caroline carried out the analysis on Finlays, on behalf of WWW.

Methodology

In this paper, the authors draw on their many years of personal and professional experience in the tea sector and in gender and human rights in global supply chains. This has been supplemented with extracts from THIRST's literature review, Human Rights in the Tea Sector – The Big Picture. We also reference a small number of studies relevant to gender-based violence and harassment in the tea sector.

We focus in this paper on the countries of which we have the greatest knowledge and expertise; India, Kenya, Malawi and Sri Lanka – but the structures, systems, cultures and behaviours that we describe are highly likely to exist in most other tea origins and this paper should therefore be seen as having sector-wide significance.





What is Gender Based Violence and Harassment?

Gender Based Violence and Harassment (GBVH) refers to any harmful act perpetrated against individuals based on their gender, which includes violence and harassment. GBVH can occur in various forms such as physical, sexual, psychological, or economic abuse. It disproportionately affects women and girls but can also affect individuals of any gender. Harassment, in this context, refers to unwanted and unwelcome behaviours, including verbal, non-verbal, or physical acts, that create a hostile or intimidating environment based on gender.⁵

SEAH: Sexual Exploitation, Abuse and Harassment SEAH is a newer definition used to describe a range of harmful behaviours related to sexual exploitation, abuse and harassment. It encompasses various forms of sexual misconduct, including but not limited to, sexual abuse, exploitation, assault, coercion and harassment. SEAH can occur in different settings, such as workplaces, schools, communities and humanitarian or conflict-affected contexts. It is crucial to address and prevent SEAH to ensure the safety, dignity and well-being of individuals.

While the acronym SEAH is increasingly being used to describe acts of sexual violence, in this paper we use GBVH which we feel incorporates sexual exploitation, abuse and harassment.

Disclaimer

The risk factors outlined in this paper are generic and hypothetical. The authors recognise that the vast majority of men in the tea sector, at whatever level they work, are not guilty of sexual exploitation of their female colleagues and employees. We do not assign any of the risk factors to any particular individual but describe them as generic issues for the industry to consider. We also recognise that many men in the industry are striving hard to prevent GBVH and hope that this paper provides some insights that may support them in these efforts.

Introduction

On February 20th 2023, the BBC's Panorama programme aired a documentary called *Sex for Work: the True Cost of Our Tea*⁶. The joint investigative journalism of BBC Africa Eye and Panorama uncovered "widespread sexual abuse on farms which supply some of the UK's most popular tea brands including PG Tips, Lipton and Sainsbury's Red Label".

It shared disturbing footage of an undercover reporter being subjected to attempted coercion into sex in return for a job. The programme reported that of the 100 women tea workers interviewed more than 70 had been abused by their managers or employment contractors at plantations operated for many years by two British-owned companies; Unilever and James Finlay Kenya (JFK, a subsidiary of James Finlay Plc). The title of this paper quotes one of the perpetrators who was caught red-handed on camera.

The 'revelations' came as no surprise to many of us that have been working in or with the tea industry for many years. Neither should it have come as a surprise to anyone in the industry itself, especially given the fact that in the two preceding years British-owned tea companies operating in Malawi had been subjected to legal claims by women working on their tea plantations that they had also been subjected to sexual abuse, including rape.⁷

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Civil society organisations had tried to warn the industry that these were not likely to be isolated cases and reminded them of similar exposés ten years previously. Because the fact is that, while sexual exploitation is endemic in many industries, the tea sector has certain specific characteristics which enable the perpetration of sexual crimes against women workers and allows them to go unpunished.

This paper aims to outline those characteristics so that the industry and its stakeholders can focus their efforts on the right areas so that they can significantly reduce the risk of sexual exploitation of women tea workers and ensure that where it does occur (because it would be naïve to assume that it could ever be completely eliminated) the perpetrators are punished and the survivors are protected and given remedy.

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What did come as a surprise to many of us was the failure to adequately respond in a timely manner to these incidents both by the authorities in Kenya and by the two companies who had previously made the most progress on developing gender policies, strategies and practices. While we understand that the companies are responding to the allegations and undertaking a full investigation there are short-term actions that could have been put in place based on the existing policies and guidance.

We therefore begin the paper with an outline of the efforts made by one of those companies, James Finlay Kenya.



Case study: James Finlay Kenya

In order to properly explore what went wrong, we first explore James Finlay Kenya (JFK) and their gender equity journey for clues as to how such good intentions could, in the end, have allowed the egregious crimes portrayed in the Panorama programme to occur.

Adapting gender lessons from flowers to tea

JFK's gender journey started back in 2002 when Women Working Worldwide (WWW) and Kenya Women Workers Organisation (KEWWO) circulated a report on the poor conditions on flower farms in Kenya, one of which was a flower farm owned by Finlays.

Many of the strategies in JFK's response to this report – setting up gender committees, prioritising worker voice, implementing policies and training etc in its flower farms -- were transferred into the tea estates. Finlays and JFK also appointed senior managers to drive this agenda forward across the company, engaged in multi stakeholder and industry bodies and appointed external consultants such as Forum for the Future, Leeds University and Women Working Worldwide to advise on gender issues.

Ensuring the company kept to its gender programme was, in part, helped by continuing scrutiny from local women's rights organisations and NGOs, some of whom were also working with the company on collaborative projects. Exposés in national and international press when standards fell also kept the pressure on the company to sustain its gender equity work.

Developing a corporate sustainability strategy and sector-wide roadmap

In 2008 Forum for the Future⁸, a sustainability non-profit, worked with Finlays' key stakeholders to develop a sustainability strategy with a detailed road map for its operations for the subsequent 15 years.⁹

Beginning in 2013, Finlays also took part in Forum for the Future's Tea 2030,¹⁰ a global collaboration of companies, NGOs, trade associations and academics to help build a successful and sustainable global tea sector, focusing on issues such as climate change and market volatility which were intended to strengthen the tea industry as a whole. Although this was not an explicit goal of the initiative, this could have created an enabling environment for greater gender equity. However, the initiative closed in 2019 having failed to secure sufficient commitment from across the sector.

Commissioning a detailed gender review

In 2014, JFK engaged Dr Mina Said-Allsopp, a gender specialist from Leeds University, to review its Kenyan operations in relation to gender. This wide-ranging and in-depth research highlighted key areas both within and outside the company that challenged gender equality and identified a range of limiting factors preventing forward progression of women. These included the "patriarchal" culture within which JFK had developed; persistent gender stereotyping; direct and indirect discrimination; the triple role carried out by women (reproductive, productive and community roles) and the lack of gender quotas for women.

Rising to the challenge: implementing change

James Finlay Kenya rose to these challenges and, working closely with all employees, developed women's skills training, apprenticeships, leadership programmes. The company was open in its determination to increase the 24% women in its supervisory and management positions to 30%, with a 50% aspirational long-term future target.

In addition, they appointed a Gender Empowerment Manager, developed a comprehensive gender strategy, strengthened their Gender Committees, introduced programmes to link welfare and gender equity and developed a range of policies to underpin their strategy.

The role of the Gender Empowerment Manager was to collect, monitor and evaluate data as well as provide leadership on the gender equality work. She also worked closely with the Welfare Manager and her team to cover issues in the community such as gender based violence, grievance counselling, knowing your rights and child welfare.

Michael reflects on what made this response possible; *“At the time we started the gender work at Finlays, we had full support from the Managing Director (MD) to effectively “lift the carpet” and look unflinchingly at what was underneath. This created a culture where you could identify and discuss problems such as GBVH. There was no blame, management would be supported and action taken to resolve. For such a difficult and sensitive subject MD and senior Board support was essential, creating an enabling culture.”*

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Cross-sector collaboration

Finlays was also one of the founding companies of the Gender Empowerment Platform¹¹ (GEP) initiated by IDH (The Sustainable Trade Initiative) set up as a five-year project in 2016. It aimed to bring companies together to address gender and gender based violence issues in the Kenyan tea industry. This was to be done through the development of a practical roadmap for plantation companies, sharing best practices and driving a joint agenda on safe spaces beyond plantations.

A 2021 evaluation¹² showed that the GEP had been successful in a range of deliverables including developing the first Roadmap on how to spot GBVH on tea estates¹³ and a Common Training Manual to address GBVH in the Kenyan Tea Industry¹⁴ in addition to a 28.7% reduction in reported GBVH incidences. However, lessons learned included the need for “a broader variety of stakeholders bringing additional technical knowledge and experiences”, the challenges of attempting to address such a complex issue as GBVH within five years and issues related to the feasibility and long-term sustainability of delivering safe spaces.

ETI Gender Analysis

In 2017, WWW supported Finlays to review and evaluate its gender equality work on its tea estates in Kericho, Kenya¹⁵. The company was in year two of their new strategy and the overall impression, at the time, was of a company doing well to address the issues of gender equality.

The review (part of a wider gender analysis of Ethical Trading Initiative (ETI) member companies’ gender work¹⁶); highlighted areas where Finlays was succeeding such as their Gender Equality and Diversity Policy and the development of a Gender Strategy with the aim of gender equality as a business and cultural norm. Areas for improvement included the need to carry out more research into the barriers women face (and sometimes create) in taking up traditionally ‘male’ roles; and the need to investigate the positive feedback loops from JFK’s work in linking wider community issues such as health, welfare, land tenure and sexual violence to gender equality within the workplace and demonstrate how these add value to this work and the business.

Certification

Like most global buyers of tea, Finlays had adopted a due diligence approach to the identification and mitigation of human rights risk in their supply chain, including GBVH. This typically involves adopting policies with objectives and targets clearly stated, management systems to identify risk at different tiers of production, undertaking action to mitigate or remedy any risk and reporting on that process to consumers and investors. This process is in line with global frameworks such as the UN Guiding Principles for Business and Human Rights and the OECD Principles for Due Diligence and reporting standards such as GRI.

In 2007, Unilever embarked on an ambitious drive towards certification, requiring all its Kenyan tea suppliers to become Rainforest Alliance certified. This led to a 3200% increase in RA certification in Kenya and now it is estimated that 85% of tea exported from Kenya is produced under RA certified conditions, including the estates featured in the Panorama exposé.

They were doing everything right. So, what went wrong?

In brief, Finlays was doing all the right things a forward thinking company should be doing to address gender equity and equality. Compared to many other companies they had all the right policies in place and had implemented a very good and supportive gender strategy.

Yet, the fact that the women interviewed in the Panorama programme stated that sexually predatory behaviour had been going on for years showed that their efforts had not sufficiently enabled them to address the root causes of GBVH. Even more worryingly, what is likely to be happening in companies who do not have those policies in place?

We are still awaiting the findings of investigations by the companies involved and other stakeholders as to what exactly went wrong in this particular case. However, it is clear from the Panorama programme that there was a catalogue of failures that fatally undermined this promising strategy with clear targets.

The male managers followed in the programme did not did not behave appropriately and uphold the company policies or national and international laws. Senior managers did not take action when behaviours fell below agreed company standards and legal requirements. It appears that JFK did not continue to improve its gender data collection and identify and tackle areas of concern. The company did not engage with and listen to the women in its employment on their experience of sexual harassment. The company did not ensure that women were able to report wrongdoing safely (i.e. without fear of further exploitation or of redundancy) and confident of remediation. The company did not protect the survivors and punish the perpetrators. The embedding of the gender strategy into company culture seemed to lose senior management support due to changes in management.

While there can be no doubt that there were failures within Finlays (and Unilever) themselves, others in the supply chain also need to recognise the role they play in enabling these situations to continue. Retailers should have ensured due diligence of their supply chains and helped their suppliers to go 'beyond audit'. The certification and audit bodies should have addressed gender equality in more depth in their

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audit processes and ensured their auditors were appropriately trained. The industry bodies set up to make the industry more ethical and sustainable should have put greater emphasis on helping companies to collectively stamp out GBVH.

What is not clear at this point is WHY each of these stakeholders failed to deliver on the initial promise of Finlays' exemplary gender strategy.

Pending the outcome of the company's investigation, the authors speculate that:

- The resources produced by the GEP were overly heavy and therefore daunting for HR staff to deliver without support.
- That the corporate policies that were developed were not couched in the language of the women and men they were designed to speak to and protect and not seen to be implemented fairly.
- That barriers to women moving into more prestigious and better paid jobs (ie traditionally 'male' jobs) were not sufficiently investigated or removed.
- That the vigilance of local organisations – or their funding or their access to women working in tea estates – waned over time.
- That the news cycle had moved on and stopped publicising the continuing problem.
- That GBVH was demoted or considered to have been satisfactorily completed by new management with new priorities.
- That the tea industry as a whole was not sufficiently committed to sustaining change (as indicated by the premature closure of the Tea 2030 programme and of the GEP).
- That buying companies relied too heavily on certifications, which

were not the most effective tools for detecting or preventing GBVH.

Gender-based violence and harassment is not something that can be addressed in one-off projects, or even, as the GEP found, in a five-year strategy. It is a continual piece of work, requiring continual vigilance at every level from senior management to grass roots organisations, lawmakers and enforcement bodies and even the wider public.

In Kenya the #MeToo movement is gaining ground¹⁷ although like many other countries, openly talking about sexual assault and rape is very difficult for women, especially if they are accusing those in positions of power and their very survival depends on keeping quiet. A number of women in the Panorama programme told the reporter that because work is so scarce, they were left with no choice but to give in to the sexual demands of their bosses or face having no income.

But there are likely to be an even wider range of root causes of GBVH deep within the structures, systems, behaviours and other characteristics of the global tea sector beyond the individual companies named in the Panorama programme that are likely to be at the root of these failures.

THIRST and Women Working Worldwide believe that it is time to take a deep and thorough look at the tea industry as a whole and examine whether – through its deeply embedded structures and systems - it may unintentionally be enabling abusers, failing to detect them when abuse occurs and failing to punish them and support the survivors of their abuse when they are detected. It is also time to identify where there is potential for change. We believe that this will help not only to serve as an input to risk assessment and due diligence for corporate actors but further to provide a unifying framework within which the

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Why focus on gender-based violence in the tea sector?

Tea is not alone. There are many drivers of gender based violence and harassment (GBVH) in the wider agriculture sector.

These may be briefly summarised as follows:

- Restrictive institutional, commercial and societal norms
- Fewer opportunities and greater unpaid care responsibilities
- Labour intensive, lower-skilled role
- Seasonal, informal, part-time, temporary ‘contracts’; subcontracting arrangements
- Financial and employment precariousness
- Power dynamics and hierarchies
- Under-representation in leadership and union roles
- Remote workplaces, accommodation on-site
- Implications of value chain dynamics and commercial decisions
- Issues are often ignored and invisible, failure to identify, inadequate response of codes/standards, lack of or ineffective grievance mechanisms.

We are focusing in this paper on the specific characteristics of the tea sector which create enabling conditions for sexual predators, allowing the abuse to continue and which enable abusers to go unpunished.

While the more generic drivers of GBVH have already been extensively covered elsewhere, we feel it is important to focus on the specific way that they manifest within the tea industry and the ways in which particular characteristics of the tea industry exacerbate or intensify them.

When faced with these generic drivers, some companies assume that the underlying causes of gender based violence harassment and discrimination are somehow unconnected with their businesses and are therefore beyond their sphere of influence. Yet, the international tea industry has existed now for up to two hundred years and the hierarchies, relationships and behaviours within it, as we will explore in this paper, have developed into a culture in their own right, overlaid onto and potentially distorting the existing local culture – or in some cases even exploiting it for the industry’s own use. Hence the causes and the actions required are very much within the industries sphere of influence.

By focusing specifically on the way that enablers of gender based violence and harassment manifest in the tea sector, we hope to support the industry in identifying where changes can and should be made to reduce the risk of GBVH – which is particularly high for women in the sector. The smallholder sector is more challenging, but tea estates, with their system of significant management control over the workforce, have the potential to adapt systems and structures and to influence behaviour of their workforce in such a way that supersedes harmful cultural norms.

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The economic consequences of violence against women

“...an increase in the share of women subject to violence by 1 percentage point can reduce economic activities (as proxied by nightlights) by up to 8 percent. This economic cost results from a significant drop in female employment. Our results also show that violence against women is more detrimental to economic development in countries without protective laws against domestic violence, in natural resource rich countries, in countries where women are deprived of decision-making power and during economic downturns. Beyond the moral imperative, the findings highlight the importance of combating violence against women from an economic standpoint, particularly by reinforcing laws against domestic violence and strengthening women’s decision-making power.”

International Monetary Fund, 2021 - The Heavy Economic Toll of Gender-based Violence: Evidence from Sub-Saharan Africa



Tea Supply Chain Overview

The tea industry traces its origins back to China, where it was drunk by Han Dynasty emperors as early as the 2nd century BC.

In the 1820s, the British East India Company began large-scale production of tea in Assam to break the Chinese monopoly in the tea trade and Britain was soon selling it across its global empire. British tea plantations were established in India, Sri Lanka and East Africa and tea cultivation eventually spread across the world. The resources required to clear land on plantation scale, prepare fields and plant tea (requiring 3-5 years to become commercially viable) meant that many estates in developing countries were owned by foreign companies - and in many cases, still are.

Tea was arguably the first globally traded commodity. It is now grown in over 50 countries and consumed worldwide; despite strong competition from other beverages, including coffee and cold drinks, tea is still the world's most popular drink after water. Having originally been a delicacy only affordable for the very rich, it is also now among the cheapest and low prices are one of the main contributing factors to low wages. Its popularity in traditional markets such as the UK is being overtaken by countries like Turkey and Pakistan and by domestic consumption in tea-producing countries such as China and India.

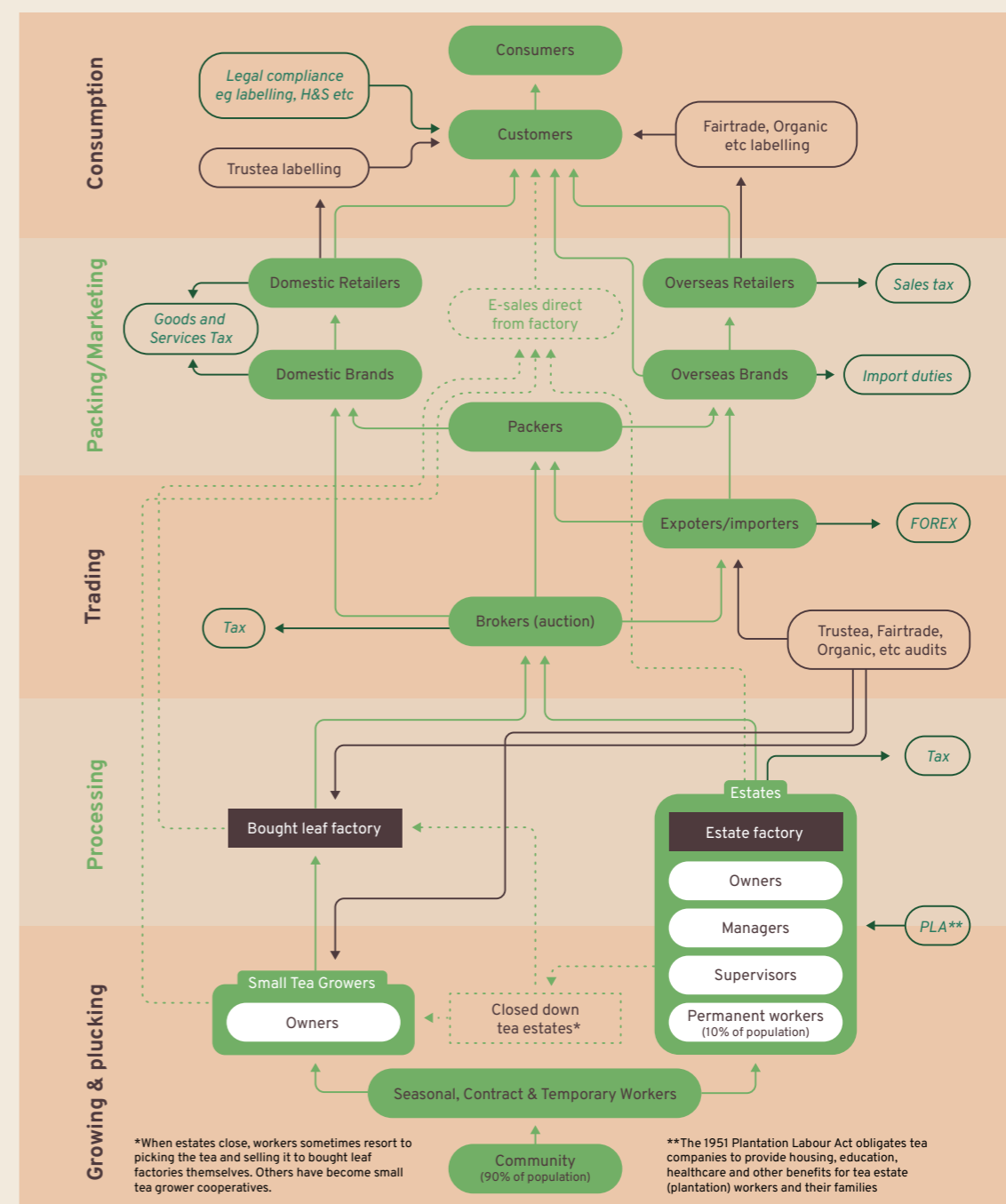
Tea can be grown almost anywhere, but, to achieve cultivation on a commercial scale, a tropical/subtropical climate is required. This means that the majority of tea is grown in some of the world's least developed countries; the main tea growing countries - with the exception of Argentina and China - all rank below 100 on the Human Development Index.

Tea production employs an estimated 13 million people, nine million of whom are smallholder farmers, while the remainder work in tea estates.

In China, Sri Lanka and Kenya, which together account for half of the world's tea production, the majority of tea is produced by smallholder farmers. Millions more are employed in or dependent on tea processing, transporting, trading and retailing.

The diagram below shows the various elements of a typical tea supply chain from growing and harvesting through to processing, trading, packaging, branding and retailing.

○ = Standards and certification ○ = Government Involvement ⚙️ = Occasional



Source: THIRST

Most global buyers of tea have adopted a due diligence approach to the identification and mitigation of human rights risk in their supply chain. This typically involves adopting policies with objectives and targets clearly stated, management systems to identify risk at different tiers of production, undertaking action to mitigate or remedy any risk and reporting on that process to consumers and investors. This process is in line with global frameworks such as the UN Guiding Principles for Business and Human Rights and the OECD Principles for Due Diligence and reporting standards such as the Global Reporting Index (GRI).

Similar to other commodity supply chains, many actors in the tea sector have adopted sustainability certification standards as a means of providing a basic level of assurance of the social and environmental conditions of production. The two most common are Rainforest Alliance and Fairtrade. The ITC estimates that in the latest figures (2019), 14-25% of global tea production is certified – the range allows for duplication of certification. Rainforest Alliance certification alone covers approximately 12% of the global land dedicated to tea production.

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Outside of certification standards, tea may also be assessed under second party audits whereby brands directly commission reviews of producers but this does not lead to a consumer-facing label of assurance.

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Gender dynamics in the tea sector

Tea production, like many other agricultural activities, traditionally has been very gendered not just in the allocation of roles but also in terms of how the crop is viewed. Not only are women seen as having very specific roles in tea production but their access to management and supervisory positions is also very limited, bound by how tea is seen by men and women in the community.

Gendered impacts of pay issues

Low wages

THIRST's literature review found that across tea producing regions, low wages in the tea sector are leading to malnutrition, indebtedness and risky survival strategies, such as transactional sex (in Malawi) leaving many women workers infected with HIV. The Kenyan women featured in the BBC Africa/Panorama programme were also left with little choice but to engage in transactional sex as they were desperate for employment or feared losing their jobs. The Collective Bargaining Agreements in place are often based on piece rates and should the picking rate fall below the agreed level workers earn less than a living wage. In addition, Leigh Day, in their report on Malawi, explained that, because of their extreme poverty, the women "often submit to the sexual harassment for fear of losing their employment."

The Kenyan women...were also left with little choice but to engage in transactional sex as they were desperate for employment or feared losing their jobs.

Gender pay gap

There were reports of a significant gender pay gap in the tea sectors of India, Vietnam and Indonesia; “[t]he majority of females working on [Sri Lankan] smallholdings were unpaid family workers;” and in Indonesia “female unpaid family workers... experience earnings equal to zero” (Pinedo, 2020). It is a similar situation in Africa and other tea producing countries.

Piece-rate payments for women

In many of the focus countries in THIRST’s literature review¹⁸, male tea workers tend to be paid according to the time worked, while women’s pay – since they are primarily engaged as pluckers – is piece-rated, which means that “women cannot expect to progress to higher wage levels and remain pluckers drawing standard piece-rated wages for the duration of their engagement as workers.”¹⁹

Precarious work

Despite permanent women workers on tea estates being tied to employment through housing dependency, their income is dependent on the season and on the amount of tea they can pluck. In Kenya increasing mechanisation of tea harvesting has resulted in job losses, heavily impacting women workers who had relied on tea plucking for their livelihoods.²⁰

In the organised tea sector of the majority of tea producing countries, there is a disproportionately high number of female casual workers in the tea sector compared to males (eg. FIAN et al, 2016). A “union-negotiated wage and the package of employment privileges” are not offered to temporary workers; they “are hired on insecure terms” and “are typically employed on short contracts, sometimes for as little as a few days. This renders them ineligible for union membership and most earn less than half the daily salary of a company employee. If they are unable to work due to sickness, they will not be paid”²¹. It also greatly increases their risk of being subject to sexual exploitation.

The precariousness of men’s work also impacts on women; the fact that men on estates have little or no regular work leads to problems such as drug abuse and alcoholism (Debdulal et al, 2019), which in turn are drivers of domestic violence.

Indebtedness

Research in India uncovered “a coherent pattern of labour exploitation including forced labour at the base of global tea [...] supply chains” due in part to workers’ indebtedness to their employers and “...because female tea workers often combine paid work within the tea industry with unpaid care work for their families and risk losing the entire family’s housing if they were to leave her job, women are further tied to the estates.” (LeBaron, 2018).

Gendered roles in tea estates

Labour roles

In South Asia tasks are assigned to teams of workers according to gender, with men undertaking pruning, uprooting, replanting, ditch cutting and latterly chemical spraying, transport and anything mechanical including machine harvesting. Women are allocated work in tea plucking and weeding which is lower paid. For example, Sri Lankan “...women have to work twice as long as men to earn the minimal wage by plucking tea leaves.”

Men predominate in the better paid factory and administrative roles, such as factory machine operators, leaf clerks, payroll and estate office positions. More educated women may find jobs as creche workers, teachers or welfare officers.

“...women have to work twice as long as men to earn the minimal wage by plucking tea leaves.”

Today in South Asia hand tea plucking is still exclusively the role of women, with few women in administrative positions or mechanical operations. Machine harvesting is now increasingly being introduced and social provision scaled back, so the prospects and opportunities for women are being significantly reduced.

Management roles

Most management and supervisory positions in the tea sector are held by men. Cultural norms that view women's place in the workplace and genderised roles of labour in both South Asia and East Africa are reinforced by corporate employment practices, with the result that successful female supervisors and managers are few and far between.

In Kenya, companies like Eastern Produce, Finlays and KTDA have taken the lead in recruiting and promoting women. These companies tend to take an affirmative approach to recruitment and provide on-going support to the women which is essential to enable them to succeed in a very male dominated industry.

However, these initiatives can be undermined through lack of understanding of issues that impact on women, such as needs during pregnancy. For instance, in East Africa one woman manager reported that she was unable to travel out to the estates by motorbike whilst pregnant, resulting in her male counterparts thinking she could not really do the job.

Cultural norms that view women's place in the workplace and genderised roles of labour in both South Asia and East Africa are reinforced by corporate employment practices

The conditions for working as a tea estate manager are particularly uncondusive to married women as in both South Asia and East Africa (in common with many other parts of the world) women are expected to move with their husbands' jobs, meaning that women are often forced to choose between their marriage and their job. One of the authors is aware of a case in Kenya of a woman agreeing to a divorce rather than lose her tea management job.

Being an estate manager also requires extensive travel, which can create challenges in certain cultures. For example, in Finlays Sri Lanka, any female manager from head office was required to have a chaperone to protect her reputation when visiting estates, regardless of the length of time she was due to spend on the estates – which could be considerable.

Tea company managers in South Asia have confided in one of the authors that they have tried to recruit women managers, but they are unwilling to come and work in such remote areas. They say that in the rare cases when they have succeeded in recruiting a female manager, she has left again after a short time to move to where her husband works. The idea of training and promoting local women among the existing workforce to management level is simply not entertained, amid claims that this would create difficulties and jealousies among the labourers and that in any case, they are not educated enough.

Male dominated trade unions

In many tea producing countries, trade unions tend to be male-dominated so women workers' voices often go unheard. A 2017 study in Assam found that "women are strategically left out from the political and economic domain of the Workers' Union."²²

There were reports that in Sri Lanka, trade unions have become political vehicles for leaders and parties seeking to build their future. In Kerala, India trade union leaders were reported to be unrepresentative of workers; they tend to be "caste Hindus or Christians, all male and largely Malayalis [ie from Kerala]"²³, while workers are mostly Dalit (lower caste) Tamils from the neighbouring state. When a group of women established a new women's trade union, Pempilai Orumai, the established trade unions were reported to have tried to undermine it²⁴.

However, unions did succeed in negotiating for equal pay for women workers in India and in Malawi, the Plantation and Agricultural Workers Union has worked with Oxfam to help it to become more accessible to women workers, although we are not aware of the extent to which this has succeeded.

The idea of training and promoting local women among the existing workforce to management level is simply not entertained, amid claims that this would create difficulties and jealousies among the labourers and that in any case, they are not educated enough.

Gendered roles in smallholder farms

Barriers to land ownership

Smallholders account for 60 percent of global tea production; many of them are women, described by the Director-General of the FAO as the “backbone” of the sector. However, this backbone is under considerable strain. As with other smallholder crops, women are less likely to own the land they farm on or to have access to credit; THIRST’s 2022 literature review of human rights in the global tea sector²⁵ found that in countries such as Tanzania, where women are traditionally barred from land ownership, they are entirely dependent on the male relative who owns the land – even though they do the majority of the physical labour on the farm.

Poor representation in smallholder organisations

Women farmers, or female members of farming families are often poorly represented in smallholder organisations. There are multiple types of smallholder organisations across the world. Typically these are member-based organisations with democratic structures that allow members/shareholders to control the operation of their organisation.

But evidence indicates that women continue to remain underrepresented within most existing smallholder organisations and benefit less than men. Membership eligibility is often linked to land ownership and, as stated above, women are far less likely to own land.

Where membership is automatically granted to the head of the household, this is often male. Few women therefore are formally registered as members of smallholder organisations and even fewer take up leadership positions. Where a woman is head of household, the gender-related limitations on access to equal representation, credit and technical assistance potentially puts them at risk given the need for external support.

Women farmers, or female members of farming families are often poorly represented in smallholder organisations.

They may also be poorly represented at a governance level; for example, in Malawi “Women form a significant part of growers but the [National] Steering Committee [of Smallholder Tea Growers] did not have representation from women.”²⁶ BSR’s background research for a study on Empowering Women in Kenya’s Tea Sector²⁷ found that “[i]n some countries, women face widespread restrictions in access to basic resources for production including land, productivity enhancing inputs like fertiliser, technical assistance, credit and more... many smallholders also face significant challenges in meeting personal health, nutrition and other basic needs.”

Where a woman is head of household, the gender-related limitations on access to equal representation, credit and technical assistance potentially puts them at risk given the need for external support.

Lack of access to cash and credit

In many countries, women farmers and female members of farming families do not have access to income from the tea crop or to credit. For example, in Kenya, tea, a low maintenance cash crop, is considered a ‘male’ crop; with money earned from the crop into their bank accounts. On the other hand, vegetables that require high levels of maintenance are managed by women and often sold at the local market.

A requirement for farmers to produce a ‘tea delivery number’ in order to open a bank account prevented many women from having accounts since men controlled the tea sales. KTDA successfully lobbied to have this rule changed, leading to a significant increase in the number of women opening their own bank accounts.

In many countries, women farmers and female members of farming families do not have access to income from the tea crop or to credit.

Gender-Based Violence and Harassment Risk Points for Women Tea Workers



Workers on smallholder farms:
risk of abuse due to invisibility and non-coverage by labour laws

Smallholders:
risk of abuse due to isolation and lack of visibility

Weightment:
risk of abuse due to clerk and/or supervisor power imbalance

Scheme plucking:
risk of abuse due to isolation

Toilet blocks:
risk of abuse and increased risk of abuse if no segregation

Open toilets:
risk of abuse due to isolation

SMALLHOLDING

Informal sector and contract recruitment:
risk of abuse due to recruiter power imbalance

Factory:
risk of abuse through task, shift and working hours allocation

Task allocation:
risk of abuse due to manager and supervisor power imbalance

TEA FACTORY

TEA ESTATE

Community housing:
risk of domestic violence

Journey to and from work:
risk of abuse due to isolation

Head Office:
risk of abuse during direct recruitment

Green leaf collection point:
risk of abuse due to collector power imbalance

Journey to and from work:
risk of abuse due to isolation

Lines housing:
risks of domestic violence, abuse in housing allocation and from security

Endemic risk factors in the estate sector

Cradle-to-grave dependency in remotely located closed communities

Tropical estate agriculture of tea, rubber (and now palm oil) etc are set-up on essentially the same basic model of management since they were established in the late 19th century or into the 20th century by European colonists. Because of the soil and temperature conditions required to grow tea, very often tea estates are situated in remote rural areas, a long way from population centres.

The indigenous population of the locations where tea was first commercially cultivated outside China often did not want to work on the estates. Tea companies therefore had to bring in the entire workforce - often indentured, transported from a poorer region or country. Whole communities or families were promised land, money or opportunity to escape from their impoverished lives if they came to work on the tea estates. Out of necessity, the estates had to offer housing, schools, medical centres and even social facilities to these workers.

This resulted in a unique plantation culture cut off from the outside world with their own tight communities (similar to a small town), run by an expatriate manager, who would then act as judge and jury, in a cradle-to-grave employment model, where workers lived their entire lives on the tea estate.

While much has changed since colonial times, today for many, a tea estate is still not just a place of work, but in essence a community like a town, it provides jobs, education and health care and importantly community. The dependency model is still strong both under law and formal agreements but also culturally, with many workers still believing that it is the company's responsibility to take care of them.

Because they live in the estates where they work, there is no safe place for a woman at risk of sexual exploitation or abuse to go to - they are at risk on the way to and from work, in the workplace and at home.²⁸ Estates often strongly discourage civil society organisations from entering and engaging with workers and trade unions are often male dominated and drawn from political cadres. Far from the eyes and reach of the majority population and centres of law-making and law enforcement, the risk of exploitation of workers, whether it be sexual exploitation or in other forms is greatly heightened.

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Hierarchical structure of tea estates

Tea estates are traditionally organised in a hierarchical structure from a single senior manager responsible for field and factory down through a number of levels to the temporary workers, or contract workers i.e. those recruited for a specific task only.

The hierarchical nature of tea estates results in limited checks and balances; the most senior manager holds the ultimate responsibility, day to day, week to week. Some estate groups provide supporting Human Rights, Social and Welfare, however this role is often seen as advisory, with policy directed through circulars from Head Office for managers to apply on their estates as directed. The degree to which they can overrule a senior manager or interfere in the processes depends on the company.

The law firm, Leigh Day, while investigating allegations by women tea workers in Malawi, described "a systemic problem of male workers at estates abusing their positions of power in relation to the women working under their supervision with rape, sexual assault, sexual harassment, sexual coercion and discriminatory behaviour." (Leigh Day website)

While much has changed on estates from colonial times the basic ethos of this model still remains, the manager is still often “king” of the estate, nearly always male, from different socioeconomic groups, educationally, religion, caste and tribe from workers. Systems of appeal and redress are limited and primarily within the existing hierarchy, supported by a culture of keeping ‘problems’ within the community.

This dynamic of a single, all-powerful male ‘ruler’ from what was then a ruling nation, wielding complete power over a weakened, dependent migrant workforce with no alternative options or avenues for redress or escape, is associated with a history of coercion and violence; an article documenting the origins of Assam’s tea sector recounts that in the mid to late nineteenth century, “Rapes, flogging, confinement and other brutalities were committed against the “coolie” women.” While thankfully such extreme practices are no longer present, as the Panorama programme and recent court cases reveal, echoes of it sadly remain within the sector.

Management characteristics

Tea estate management in the late 19th century when tea estates were first being established were male expatriates largely from Britain (for estates in South Asia and Africa) and the Netherlands (Indonesia).

In South Asia most managers are from private schools, often ex-military and often with family links in the tea industry management. In East Africa, the distinction follows a more meritocratic path, with white African²⁹ managers no longer predominant.

The social division between managers and workers goes beyond education. For example, in Kenya, generally, the local tribe dominates management positions. Some companies monitor tribal balance in management to ensure that management remains outside of tribal politics and balanced in its management team. In India, managers are more likely to be from the upper castes, while workers are either tribal people or from the lower castes or casteless (Dalits).

Effectively in most tea origins there is a barrier to children of tea workers entering into management, even if they are educated. An exception being KDHP³⁰ in South India, where bright children of tea workers can get places at the same school as managers’ children and some are now going on to become office and factory managers.

Estate Manager

On an estate, the senior-most manager is accountable for all areas of the estate from agronomy to the recruitment and day to day management of labour including disciplinary, social and welfare provision. In other words, Estate Managers control all aspects of estate life.

Assistant Manager

Assistant Managers support the Estate Manager and are responsible for a specific area of the estate called divisions. They are usually bachelors at the start of their careers, learning how to run an estate.

Their career progression depends on positive endorsement from their boss, so they tend to echo the management style of the Estate Manager.

Supervisors

Responsibility for carrying out day-to-day work in the fields falls on the Supervisors. They are mostly seen by field workers as an extension of the Estate Manager’s authority, even when they are from the same social group as workers themselves.

Supervisors tend to have significant power over the employees and often adopt the styles modelled by the Estate and Assistant Manager.

On some estates, Supervisors are often responsible for day-to-day management of social issues within housing. They are responsible for enforcement of disciplinary actions including adherence to quality, timeliness and attendance. They also take roll (attendance) calls, allocate tasks including plucking areas, oversee quality monitoring and set levels of required tasks.

In the Panorama programme, this power to allocate areas of work, tasks and geographical areas of work emerged as a powerful weapon for sexual predators.

Efforts by Estate Managers and Assistant Managers to influence workers often requires tacit or overt support from the Supervisors.

Additionally, any abuse by a Supervisor is less likely to be reported given the control they have over the workers and the perceived extension of management authority that they convey.

Where Managers have been accused or found to have committed abuse, Supervisors and Administrators often back the Managers' actions, knowing that this will be looked upon favourably. This means that survivors of sexual exploitation or any other kind of abuse, have no effective channel to report the crimes committed against them or to expect protection or compensation.

In 2011, WFW offered a successful training programme to workers in the flower sector³². The Ethical Trading Initiative also piloted a Supervisor Training programme in the Kenyan flower sector. It aimed to raise the awareness of both supervisors and women workers about their rights and about the importance of treating each other with respect. This was adapted to the South Africa fruit and wine sectors and has the potential to be effectively used in the tea sector.

Leaf Clerks

Wherever traditional (analogue) scales are used to weigh the green leaf plucked by workers and the weight is recorded by the Leaf Clerk. Payment to the worker is determined by the quantity and quality of leaf that they pluck. This makes Leaf Clerks very powerful individuals, with limited checks and balances on their power. They can use this power to deduct weight from some workers and transfer weight to others and hold this as leverage over workers that they seek to exploit.

Workers

As mentioned above, most tea workers and their families moved – or were forced to move – into the tea sector to escape poverty. Many were migrants and many from landless agricultural communities. This large-scale movement of workers necessitated tea estates to provide housing, schooling, medical provision and other amenities that were not otherwise available.

They plant, prune, weed, spray and pluck the green tea leaves and feed and operate the factory machinery that processes it. Most tea pluckers – among the lowest paid workers in the industry – are women, ostensibly because they have the nimble fingers required to pluck the two leaves and a bud³¹ that produces the best tea, but more likely because they are easier to control. The pioneers of tea plantations were also mindful that these women would also effectively provide them with future generations of workers.

Tea estate workers in most origins, are often treated as having low social status compared to the mainstream population. This is based as much on the fact that they 'belong' to tea estates as on their tribal and/or lower caste and migrant natures.

Migration of tea workers

In Kenya, workers travelled from other regions to work in Kericho, however, in recent decades this has changed. Poverty is one of the factors driving communal violence between tribes, resulting in many migrant families leaving the region and local people taking up work on the estates. To gain even a temporary position is highly coveted.

In Malawi, most workers are from the local community, the lack of alternative formal paid employment makes work in tea essential for the poorest in the region to earn sufficient to look after their families. The seasonal nature of work in Malawi often results in workers having to reapply for work every year, increasing the poverty focused insecurity around employment.

In South Asia, workers were brought in by the British authorities over 100 years ago, many of their descendents remaining there to this day. For example in India, for Assam they came from Orissa and Bihar, for Darjeeling from Nepal, while for Sri Lanka they came from Tamil Nadu in South India.



Specific risks for estate workers

Lack of mobility

Workers tend to remain in their distinct communities on the tea estates, they do not transfer for employment between estates except by marriage. Few other communities come and work in the tea sector and the temporary workforce is made up of other family members during peak crop.

Options for workers to leave and gain employment elsewhere are not just limited by social status and community, but also because it will require the entire family to move, find new housing and schooling outside of the estate. In South Asia moving to another estate company with better standards is very difficult and largely unheard of and requires the permission of both estates management. In East Africa, the scarcity of formal long-term employment, especially employment with social provision of housing, health and schooling, means that workers often will put up with anything to continue in employment.

Workers on an estate can be faced with multiple points that put them 'at risk'. Whilst the list below is not exhaustive it is indicative. Given the closed nature of estates and the control estate management has over both work and home life, the line between what happens in work and outside work can often be blurred. Overlaid onto this are many additional cultural and societal 'norms' that place women as second class citizens and increase their exposure to risk.

Recruitment

Permanent tea estate workers tend to be from different generations of the same family, represented by unions and, traditionally, there is low worker turn-over. However, this is changing as more machine harvesting is brought in where one machine can replace up to fifty workers, increasing insecurity of employment, especially for women shear- and hand-pluckers.

Tea is a permanent crop that can usually be harvested all year round. However it does have peak seasons with additional labour requirements. These are met by temporary workers, who often return every year. Estate offices decide on the numbers required and whether to employ temporary workers directly or through a labour contractor.

Temporary workers will often be handled by administration staff at the estate office with few checks on who is recruited and why. Although in distinct communities in Assam or Sri Lanka they tend to be the family of permanent labour, this is less true in Malawi and Kenya, where workers are recruited from outside the estates. The entire recruitment process is often controlled by men at each level from Estate Manager, to Supervisor and Clerks and, if used, to Subcontractors.

The allocation of contracts for specific tasks such as pruning or drain-digging, is even more unregulated. When subcontractors are used, who they are and how they hire is an area very rarely monitored or assessed. (This does not apply to Assam where this work is done by permanent workers in the cold season and for whom trade unions have negotiated the ability to object to tasks and maintain a workforce at 1970 levels leaving subcontracting virtually unknown).

The increasing use of subcontractors, who are often male ex-Assistant Managers or ex-Supervisors, for even key functions such as plucking, pose potential areas of risk for those being employed. One of the perpetrators of sexual exploitation featured in the Panorama exposé was a labour subcontractor.

At each stage of the recruitment there are limited checks and balances on use or abuse of power and any complaints or referral will end up within the existing estate hierarchy. Given the high demand for employment positions and the low wages, women are at greater risk of GBVH during the entire recruitment process.

Temporary or contracted work is by its nature short-term and tenuous and on a tea estate is usually based on completion of daily tasks and performance. Meaning that in order to continue being re-employed a worker needs to be seen to be willing and complacent and if they raise concerns they would be regarded as 'difficult' and are unlikely to be re-employed.

This means that individuals at all levels of management are enabled to subject workers, especially young women, to discrimination and GBVH.

Job and task allocation

For all field tasks, getting to and from the area of the work often requires walking long distances early in the morning and in the afternoon. The more remote the area allocated the increased opportunity for harassment and/or attack and increased impact on home life and childcare.

If they are plucking tea, once they have reached the work area, they may be instructed to take one of two approaches to plucking; the 'line' or 'gang' approach and the 'scheme' approach. With line or gang plucking a group of pluckers work in one line across a field. While productivity and quality can be lower with this method, workers usually prefer it as it allows them to chat and socialise while working, alleviating the monotony of the work.

Under the scheme plucking approach, each worker is allocated an area to pluck and maintain over the course of the year or season. Some areas have lower productivity than others, can be further away from collecting areas and are essentially remote harvesting, sometimes out of sight of others which puts them at greater risk of GBVH.

The risk of favouritism and isolating women is much greater with scheme plucking and, as in the incident reported in the Panorama programme, supervisors tend to give their favourites productive areas to work, while those they wish favours from or those who refuse advances get remote and/or poorer areas.

Performance measurement

The wages of most permanent and temporary workers are dependent on their performance each day (they are 'daily rated'). Payment for tasks is set either through a collective bargaining agreement (CBA), adjusted when crop is low and/or with trade union agreement at the time, or it may be lowered at the managers discretion, for example if the field is in a poor yielding area or the crop is poor.

Supervisors tend to give their favourites productive areas to work, while those they wish favours from or those who refuse advances get remote and/or poorer areas.

In the field, each role often has a quality and quantity measure. Quality is often subjective and is up to the discretion of Supervisors, leaf clerks etc. While 'two leaves and a bud' might be seen as a standard, there are multiple variations within individual companies. Within a basket of leaf a certain amount can fail as long as a certain percentage target deemed of sufficient quality is met. For some estates it is leaf length, for others soft leaf and within that various percentages.

Given that most workers are daily-rated, employment is tenuous and based on ability to match the set task, quality can be used as a form of leverage. Failure to meet quality targets can result in employment being terminated. This presents a potential for abuse of power, with any appeal to quality being handled within the hierarchical structure. In any task the judgement of quality or completeness can lead to workers especially women being put 'at risk' from those in power, losing income. For temporary workers it could also lead to them being sacked.

Discipline

All estates are run according to set timetables. Each morning field workers report to 'muster' (military terminology and practices are not uncommon on tea estates) at a specific time – sometimes signalled by the use of a siren. For women who have childcare responsibilities, the timing of creche opening and travelling to reach the muster area can present challenges. If they are late the worker is at risk of punishment by the Supervisor, this could be a warning or more stringent disciplinary measures.

At a tea estate in Kenya there have been anecdotal reports that some Managers allowed certain workers to start work late, leave early and not complete tasks in return for sexual favours. To do this the Managers would require Supervisor support.

In East Africa not completing a task, or not completing it to a certain standard can result in disciplinary action and can ultimately result not just in loss of employment, but housing, schooling facilities and other social benefits. For workers who are entirely dependent on jobs on the estates for their survival – given that there are few income generation alternatives - these repercussions are particularly severe and puts them at heightened risk of sexual exploitation.

Endemic risk factors in the smallholder sector

It is estimated that in the four major producing countries (China, India, Kenya and Sri Lanka), around 9 million tea farmers are smallholders and the smallholder tea sector is expanding rapidly across the globe. Despite this, there has been very little research into their situation, particularly in relation to GBVH.

More research is urgently required in order to properly understand both the risks to women and girls in smallholder tea farms – as well as men and boys who may be at risk – and the most effective ways of ensuring their protection.

Unlike tea estates, there is not one single model for smallholder production, some are highly organised enterprises others are completely informal. In looking at systemic enablers of GBVH we must understand that the term smallholders cover a myriad of different models including farmer producer organisations (FPOs) and cooperatives.

Female Farmers

In the more formalised smallholder organisations, women are often the farmers and shareholders of the organisation. Although the type of organisation has important effects on the participation and leadership that women seek to achieve – for example, cooperatives often have a better gender power balance than other forms of organisation – there is no specific type of entity that guarantees women's empowerment and thus their capacity to stand up against GBVH.

Family labour

When everybody in the family is expected to contribute to the work of the farm, there is a heightened risk of children being kept out of school and of women and children effectively being unpaid labour since it is more often than not the male head of the household that has control of the money. It is not possible to regulate what goes on behind the closed doors of smallholder farm houses, which further increases the risk of GBVH and domestic abuse continuing with impunity.

Smallholder labour

There is a widely held misconception that smallholders exclusively use family labour. This is sometimes the case, but smallholders themselves often employ others as well, whether as casual labour hired on an ad hoc basis, or with more organised systems of labour management labour. Hired labour on smallholder farms are largely invisible to regulators, authorities and the end buyers of tea and are thought to be paid as little as one third of their equivalents on tea estates. Unlike estate workers, they are unlikely to be provided with housing or other amenities and do not own or have access to land on which they can grow food or build houses.

In Kenya hired labour can be rotated among farmers, allowing regular employment but often living in tied housing. The informality of this arrangement, the lack of structures of support and remedy and tenuous nature of employment indicates that women in this area are at risk of GBVH.

Hired labour on smallholder farms are largely invisible to regulators, authorities and the end buyers of tea and are thought to be paid as little as one third of their equivalents on tea estates.

Larger farms also escape the requirements of the formal sector operating effectively as large out-growers (but classified as smallholders) despite employing significant numbers of workers, many of them women who thus remain unprotected even in principle by labour regulations.

Smallholder organisations

The Kenya Tea Development Agency

The best-known and most established smallholder organisation is the Kenya Tea Development Agency (KTDA). Previously an Authority set up in 1964 to promote and foster the development of tea for the small-scale tea growers within specifically scheduled tea growing areas, it was privatised in 2000 and now produces the bulk of Kenyan tea.

The organisation is based on ownership of 54 tea processing factories by over 600,000 individual farmer members who elect representatives first through leaf buying centres that supply the factories, then at the factory Board level and then within the KTDA hierarchy itself. It is essentially a democratic organisation, with built-in oversight and controls. In other words, the Agency is appointed by the farmers themselves to run and manage operations on their behalf with oversight through these elected representative members.

The Agency itself has historically employed significant numbers of women in management positions including running factories and there is female representation at each factory and buying centre. These structures should enable oversight of the experience of women and the implementation of changes and programmes that benefit women. However, there are areas of risk that could enable GBVH.

The Agency itself has historically employed significant numbers of women in management positions including running factories and there is female representation at each factory and buying centre.

Risks on farms

At farm level, the lack of knowledge about who plucks the tea and under what conditions they are employed, or employment arrangements are made. In East Africa the lack of formal employment opportunities places those seeking work, especially women, at risk of GBVH.

Risks at leaf buying centres

It is usually women who take the leaf they have plucked to the buying centres. These are often a considerable distance from home and they may have to wait long hours for the collection (often into the night). When the buying clerks arrive they weigh and check the quality of their leaf (the leaf quality will deteriorate the longer the wait). In these circumstances, buying centre clerks hold great power which is open to abuse.

Risks in the factory

While security issues in tea processing factories are similar to most agricultural factories, the more informal structures in tea and the rise of the bought leaf operations create limited visibility of women workers' wellbeing (see Bought leaf section in Emerging and External Risk Factors below).

Much more research into the smallholder sector is needed

During the development of this paper, the authors identified the following specific areas for research;

- The extent and numbers of casual or seasonal workers employed by smallholders, as well as their conditions of employment
- The lived experience of women smallholder farmers in relation to GBVH and the extent to which disempowerment and isolation have increased their risk from GBVH
- The use of both in-country and cross-border migrant labour
- Structures that enable visibility of the risks to women workers and systems through which to mitigate and seek remedy

External and emerging risk factors

Knowledge of the factors that have created the ecosystem of GBVH in the tea industry is not new. In 2014 a report³³ commissioned by the tea industry identified over seventy interconnected factors that could impact on its future, with several potential outcome scenarios. The major challenges highlighted in the report included weak international leadership, overproduction, low prices, new more informal production models, lack of transparency and outdated laws and CBAs.

It stressed that those at the source of the value chain are impacted the hardest by the failure to tackle these macro level issues – and that the impact on women is even more severe given that they are already among the lowest paid and least empowered. All of these challenges are still pertinent and there are new, emerging factors that are likely to increase – or at least to change the nature of – the risk of GBVH in the tea sector.

These are primarily driven by the economic pressures on the tea sector, with rising costs (driven in part by increasing overproduction) and stagnant or falling prices since the 1980's leading to reduced profits. Retail practices such as offering tea as a 'loss leader' – i.e. selling popular products at a heavily reduced price in order to attract new customers – are further starving the value chain of resources, with the impact felt most keenly by those at its source; the women and men who grow and pluck the tea.

Changing ownership models

The traditional model of tea estate production has been under significant economic pressure for the last thirty years, resulting in a general trend away from formal, large-scale producers and owner-engaged organised sector to one that is increasingly informal, fragmented, diverse and – critically – less engaged with the wider value chain.

Reduced profits combined with the reputational risks and cost of supporting large, dependent communities has driven traditional investors out of tea production. Those that remain, are making significant reductions in investments in labour and benefits such as housing, health and schooling to reduce costs.

In the early 1980's, Finlays was the largest commercial tea producer in the world; today it has just a small number of properties in Argentina. Other companies such as Williamson, McLeod Russel, Tata and Unilever have in the last thirty years significantly reduced or withdrawn from tea production, some focusing instead on the more lucrative blending and packaging market.

Today the industry is a mix of mainly locally-owned small estate companies, private equity investors and a booming informal smallholder sector. They lack the capacity of larger companies to resource efforts to identify the ever increasing social and environmental requirements of the sector and to invest in and enact the necessary sectoral change.

They are also less accessible to activists, trade unions and supply chain partners, more distant and more diverse, making monitoring and evaluating their operations and human rights delivery much more difficult. The rise in the number of private investment firms taking over tea companies (including Unilever's tea business, Typhoo and Finlay's estates in Sri Lanka and Kenya) is particularly concerning as these companies are in theory even more focused on maximising shareholder profit to the exclusion of all other considerations than traditional tea companies.

These new models could be putting workers at greater risk of human rights abuses, including GBVH, by increasing job insecurity and removing checks, balances and protection systems and easing supply chain pressure on standards.

Changing employment models

The quest for lower costs has led to the increasing use of sub-contracting in core functions such as plucking. This is an attractive financial and management option for estates as it reduces the number of permanent workers they have to employ and means that they do not have to provide housing and other benefits. Most of the subcontractors' employees are former employees, many of whom have been displaced by mechanisation.

Sub-contractors are not subject to any form of ethical due diligence and do not provide systems to support workers. They are often ex-managers or other men from the local area and well connected. For many women, especially in East Africa, sub-contracting reduces transparency and the limited protection they may have had during recruitment and employment through more traditional channels.

Another cost reduction measure that is being considered in Sri Lanka is the 'revenue share' model in which areas of the estate are allocated to workers, who would manage them and their own plucking time and essentially become tenant farmers.

While this may enable some workers to earn more money through choosing to pluck greater volumes and may give them more freedom of movement and flexibility of working hours, the move would also put them at risk of earning much less, since they would not have the safety net of a daily wage (supplemented by piece-rates). It would also remove a layer of current social protection systems and controls, which would in turn increase the risk of GBVH and other human rights abuses.

Increasing mechanisation of harvesting

"The impact of mechanisation on tea-growing communities could have severe implications and more thought is needed within the sector... who will be affected and what happens to those left behind. Tea needs to be produced in ways that empower producers (both farmers and workers) This especially needs to include women, who make up the majority of the tea labour force." (Forum for the Future, 2014)

Mechanisation of tea harvesting has been accelerating since 2014 when that prediction was made. Although in parts of South Asia, mechanisation is compensating for increasing labour shortages, in

East Africa, where alternative jobs are scarce, its introduction is indeed having severe implications for women who are heavily reliant on employment in the tea sector.

The introduction of machine harvesting is driven by cost implications and is far from gender sensitive. The most common type of harvesting machine is operated by two men as they require significant strength both to operate and to collect the leaf bags. This means that they are almost exclusively operated by a much smaller number of young men, excluding all women and many men from the workforce and thus reducing theirs and their families' access to social provision.

One exception to this is the Eastern Produce company in Kenya which employs female teams to operate wheeled harvesting machines. As well as securing their employment, it brings back a level of group protection as women work in teams. Other innovations are lighter 'butterfly' machines which can be operated by women. However, even these machines mean that there are fewer jobs overall available to women who were once employed in large numbers as hand tea pluckers.

The introduction of Argentine type harvesters - (like combine harvesters) into East Africa poses an even greater social risk to local communities as production will replace thousands of workers with only a handful. The resulting large scale job losses will have a significant negative impact on the local economy that relied on tea workers' wages. This in turn exacerbates the risk to women workers of being forced to submit to GBVH as a condition for continuing to earn a living and support their families.

Shifting market focus

Selling to markets such as the UK incur increased costs due to demands for audit and compliance, programme management and overall cost of doing business, without providing extra return. This leads some producers to shift their focus to other markets such as Egypt and Pakistan which may not prioritise social or environmental issues to the extent that UK, European and American markets do. As we understand more of the drivers of gender inequality and look to make changes there will be reduced commercial levers for the responsible industry to apply on producers.

Rise in independent or 'Bought Leaf' factories

Recent years have seen the emergence of many independent or 'bought leaf' factories across South Asia and East Africa. These are not tied to a particular estate, but buy leaf from surrounding smallholder farmers as required, often through middlemen.

In this model, investors operate on a much lower cost basis, as they are supporting neither an estate with all its associated costs, nor a formalised smallholder operation. Neither are they subject to sector level regulation such as India's Plantation Labour Act or sector CBAs. Most bought leaf factories are not farmer owned and do not have formal systems like KTDA. They are therefore able to buy green leaf at higher prices and are also having the effect of undermining the more formal sector.

Most bought leaf operations do not export tea or sell into the more developed market and they often lie outside any certification schemes. For women in this sector not only is employment in the factories often only temporary, but there is little scrutiny on employment practices. In the supplying smallholders, there is even more invisibility given that traceability is often limited, with little or no outreach, no systems in place.

With continued low prices and increased global supply, the bought leaf model remains the most cost-effective way to produce tea. Yet it is also the highest risk model for GBVH since they lack both visibility of worker or farmer welfare and systems to manage any welfare issues that may arise – including GBVH.

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Limitations of certification

Most of the companies sourcing their tea from the estates featured in the Panorama programme, rely on certification to detect and resolve human rights and labour rights issues on the estates, including GBVH. Consumers also rely on certification as assurance that the tea they are buying is ethically produced.

However, certification was only ever intended to be just one tool among many, not the sole solution to supply chain human rights problems. There are several limitations to its use for identifying and tackling GBVH. The first is the assumption that social audit detects serious issues such as these. There are known and well-researched methodological flaws in the identification of less visible labour issues, including GBVH. In the case of GBVH, most notably, assurance systems fail because women are unlikely to share information about a frightening and humiliating experience with a stranger who is present for a short period of time. They are also likely to have been intimidated by their abusers into staying silent. It requires time, patience and appropriate skills to develop the trust required for such issues to be reported.

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The supplier is often left to resolve 'non-conformances' alone, incentivised to do so under threat of losing business. While there are notable exceptions, the system as a whole does not lend itself to partnering and different supply chain actors taking on mutual responsibility for resolution. With an issue as complex and sensitive as GBVH, such partnering both within supply chains and with local experts is vital.

Assurance systems operate privately, audit agencies and data houses collect and store the information about suppliers, who own their own data. Brands only see a limited portion of this data. It is not publicly available and is pay-walled at every step. Certification bodies are prevented by client confidentiality from sharing the aggregate data they own, even though it may hold vital information that could be used by a range of other stakeholders to identify and address enabling factors of GBVH and other human rights abuses.

All of this means issues are either detected, closed and repeated, or more likely remain undetected and repeated. And in spite of the efforts made to improve the detection of issues such as GBVH, over-reliance on the current system cannot effectively provide buyers or consumers with the requisite assurance of sound working conditions, nor does it empower workers or employers to take appropriate action.

All of this means issues are either detected, closed and repeated, or more likely remain undetected and repeated...nor does it empower workers or employers to take appropriate action.

Furthermore, while the system described above has its weaknesses, the vast majority of tea production falls outside of any assurance or certification scheme at all. Demand for certification tends to come from the European markets and while the volume of certified tea rose 30% between 2015-2019, there is far more certified tea than is sold (e.g. 85% Fairtrade tea is not sold as Fairtrade and therefore does not generate the Fairtrade premium).

Climate emergency

Employment vulnerability – and with it the risk of GBVH as women compete for limited work opportunities – is likely to be increasing with labour market shifts linked to the climate emergency and secure agricultural jobs becoming more scarce. More research needs to be done in this area. This is already being seen in East Africa in particular where tea farmers are being forced to move to other crops.

What has the industry done so far to address GBVH?

The tea industry has over the years taken a range of measures to try to address GBVH and other human rights issues in a range of specific tea origins. Below are two examples of good practice, one undertaken by a company and one multi stakeholder initiative, that could set a precedent for part of a wider industry response. While we are yet to see evidence of their impact, they are taking a holistic and participatory approach which could be scaled up and replicated across the industry.

An example of a company response

Tea company responses to the GBVH cases that have come to light in recent years in Malawi and Kenya have focused on the individual production companies where the allegations were made. In the case of Camellia Plc, whose tea suppliers in Malawi, EPM, faced claims of multiple rapes of women workers, a settlement was made that included “compensation for the Claimants and the establishment of a number of measures designed to improve the safety and security of EPM’s female employees and improve conditions for women in the wider community.” This included a “Women’s Empowerment Initiative” designed to “improve the skills, employment opportunities and educational attainment of women and girls in and around EPM’s operations.”

It also instigated a leadership training programme to support women's progression into more senior roles at EPM; funded education programmes on Sexual Harassment and Gender Equality for the local community; and establishing Victim Support Units at local police stations. EPM engaged a consultant to monitor the effectiveness of these measures.³⁴

An example of a multistakeholder response

The IDH-led multistakeholder initiative, Women's Safety Acceleration Fund whose goal is "to accelerate the scale of the UN Women 'Global Women's Safety Framework in Rural Spaces' and ensure that 'all women and girls are socially, economically and politically empowered in rural spaces that are free from sexual harassment and other forms of violence.'" The initiative, a collaboration with Ethical Tea Partnership, Taylors of Harrogate, Tesco, Twinings and Unilever, started implementation in the tea sector in Assam and West Bengal in 2021, partnering with tea producers, workers, civil society, local communities, governments and service providers. It aims to "tackle harmful social norms, such as patriarchal attitudes, as well as lack of access to information and knowledge."³⁵

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The need for systemic change

Laudable though current and past efforts are, they do not so far appear to have gained traction in creating a truly robust system for minimising the risk of GBVH in the sector, detecting incidences that inevitably occur, dealing effectively with the perpetrators and providing adequate protection, compensation and post-trauma care to survivors.

Sadly, this means that rampant sexual exploitation continues with impunity throughout the industry. This may be because these responses tend to focus exclusively on what women and men in tea production should be doing differently. What is missing is what the industry will do differently. What will it do to ensure women in tea have sufficient job security and remuneration and are sufficiently empowered to significantly reduce the systemic drivers of GBVH in the tea industry? This would mean women workers being on permanent contracts and being paid a living cash wage (ie not one that includes in-kind benefits of questionable quality such as dilapidated housing and sub-par healthcare). It would mean tea buyers paying prices for tea that enable producers to provide this and it would require an industry-wide effort involving the full gamut of tea stakeholders from government through the value chain to the women, men and children at its source. Above all, it would involve genuinely listening to the women and men of the communities where tea is grown and allowing them to play a lead role in the process of finding solutions to the age-old problem of GBVH.

What is missing is what the industry will do differently. What will it do to ensure women in tea have sufficient job security and remuneration and are sufficiently empowered to significantly reduce the systemic drivers of GBVH in the tea industry?



Closing thoughts

The authors of this paper are driven by frustration at the fact that the ‘revelations’ made in the 2023 Panorama programme, ‘Sex for work’ were far from new, that issues that some of us had worked on decades ago were re-emerging and in exactly the same companies that had done so much to address them a decade ago. We were frustrated by the fact that the industry appeared unable to act on the warnings that we and others had made that these issues were endemic to the tea sector and likely to be prevalent almost anywhere that tea is grown commercially.

But we are heartened by the fact that the industry and wider stakeholders are beginning to take the issue of GBVH in the tea sector very seriously and looking at it at a systemic level and considering how to work together to address it. WSAF is a great example of companies moving beyond due diligence audits, actively acknowledging the presence of GBVH and working to address it.

We hope that this paper has demonstrated that GBVH should be acknowledged by all companies in the tea value chain as a **salient human rights issue**. Companies should assume it’s there; if your monitoring systems are telling you that GBVH does not exist, it is more likely that the monitoring system isn’t working than that there really is no GBVH.

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We encourage companies to observe the ‘**Do No Harm principle**’ in GBVH and take a focused approach involving all stakeholders on remediation counselling and health services and action against perpetrators.

We hope that the paper has demonstrated why GBVH in the tea sector is not something you fix and then move on – but that it is an **on-going issue** enabled by structures, systems and behaviours in the industry. It is an issue that is constantly changing - so the approach and work to tackle it needs also to constantly evolve. The development of local solutions needs to be led by local women – and involve local men. And all solutions need to be constantly and effectively **monitored** ideally by independent, **local women-led rights organisations** - if there isn’t one, help to set one up and support it.

The development of local solutions needs to be led by local women – and involve local men. And all solutions need to be constantly and effectively monitored ideally by independent, local women-led rights organisations

We urge the industry to do more **research** into the root causes of GBVH – not just at community level, but in the way that the industry itself is structured and operates. Some companies are frustrated by the idea of ‘yet more research’ and are keen to leap into action. But this can lead to knee-jerk reactions and solutions that may not have lasting and meaningful impact. There are significant gaps in current knowledge about GBVH in specific countries (notably in East Asia) and in the exponentially growing smallholder sector, where unpaid women workers, child labour and unregulated day labourers will be at risk. Research could also help understand how particular business models contributes or perpetuates power dynamics that enable GBVH

We encourage tea companies, certification bodies and other tea stakeholders to be more **transparent**; to consider how to make relevant data on risk factors and levels of exploitation more visible so that they can be more effectively tackled.

We have focused in this paper on the tea industry itself. But of course, we acknowledge the industry does not operate in a vacuum; that there are many other factors and players that impact on the risk of GBVH in the sector, including local cultural norms, government legislation and law enforcement, investor priorities and consumers preferences. But we have focused on the areas that we know best and offered what we feel is a vitally important in-depth look at some of the most relevant, practical – and in many cases fixable – aspects of an industry that thrives on the backs of millions of women and that we believe is strong enough to protect them.

We back the many calls for the tea industry to work in **collaboration** with each other and with other stakeholders to sustain the fight against GBVH. One of the most fundamental prerequisites to addressing gender-based violence and harassment in tea or any other supply chain would be to call for tea producing and buying countries to ratify ratification of ILO's **Convention 190** against violence and harassment in the world of work - because, as our infographic on page 34-35 tragically illustrates women, the “backbone” of the tea industry are currently at risk of violence and harassment in almost every part of their world of work.

Further reading

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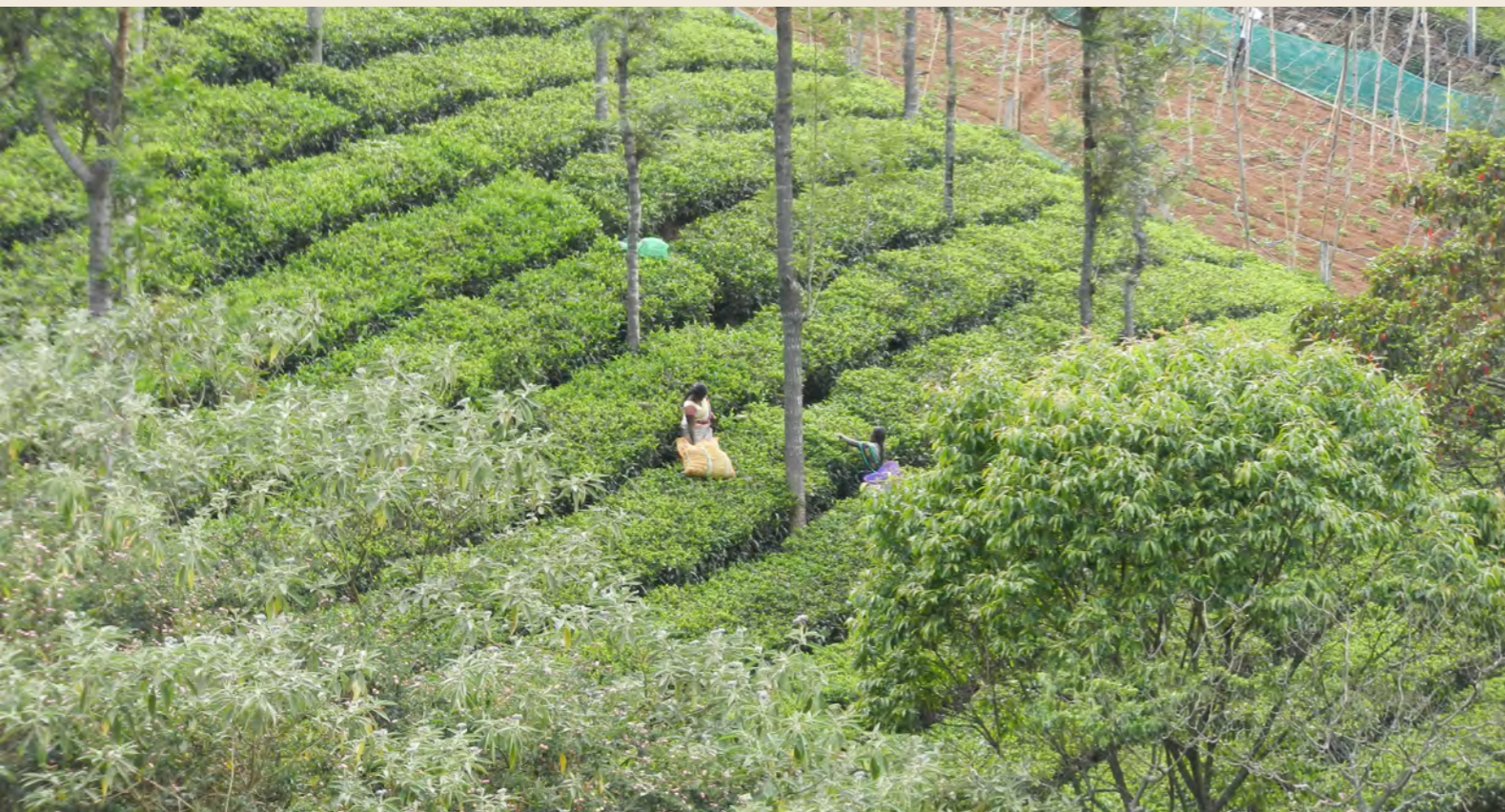
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A wide range of resources on gender and other human rights issues in the tea sector, as well as environmental issues, is available on **THIRST's Knowledge Hub**.

www.THIRST.international/knowledge-hub/



Endnotes

- 1 For example, see Yara Van Heugten, Follow the Money, May 2023. Takeover of Unilever's tea division makes living wage for tea pickers unlikely.
<https://www.ftm.eu/articles/takeover-of-unilevers-tea-division-deprives-poor-tea-pickers?>
- 2 <https://www.women-ww.org/>
- 3 <https://thirst.international/>
- 4 <https://www.finlays.net/>
- 5 For further definitions and explanation see Women's Empowerment Principles: Gender-Based Violence And Harassment At Work – Policy Template
https://www.weps.org/sites/default/files/2021-03/POLICY_TEMPLATE_Gender_based_violence.pdf
- 6 <https://youtu.be/1wMdnCx6eUc>
- 7 Leigh Day website, 2021. Women claim systemic sex abuse on tea plantations owned by British brand suppliers
<https://www.leighday.co.uk/news/news/2021-news/women-claim-systemic-sex-abuse-on-tea-plantations-owned-by-british-brand-suppliers/>
- 8 <https://www.forumforthefuture.org/>
- 9 These were updated in 2018 and expanded to six pillars: Integrated Landscapes, Low Impact Operations, Land Stewardship, Empowered Communities, Our People, Sustainable Supply, as outlined in its latest Sustainability Report <https://www.finlays.net/wp-content/uploads/2023/06/Finlays-Sustainability-Report-2022.pdf>
- 10 Tea 2030 | Forum for the Future
- 11 <https://www.idhsustainabletrade.com/gender-empowerment-platform/>
- 12 [Gender-Empowerment-Platform-Achievements-and-Reflections.pdf \(idhsustainabletrade.com\)](https://www.idhsustainabletrade.com/uploads/2017/04/GBV-Common-Training-Manual_April-2017.pdf)
- 13 [Kenya-Roadmap-2018-final.pdf \(idhsustainabletrade.com\)](https://www.idhsustainabletrade.com/uploads/2017/04/GBV-Common-Training-Manual_April-2017.pdf)
- 14 https://www.idhsustainabletrade.com/uploads/2017/04/GBV-Common-Training-Manual_April-2017.pdf
- 15 James Finlays Kenya has now been bought by the Browns Group. A full investigation into the allegations raised in the Panorama programme are ongoing. It is hoped that the industry is able to share these findings in the very near future.
- 16 'Gender Inequality in International Supply Chains: Snap Shot analysis'
[WJ3589 ETI Gender Analysis Report LOWRES.pdf \(ethicaltrade.org\)](https://www.ethicaltrade.org/WJ3589_ETI_Gender_Analysis_Report_LOWRES.pdf)
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http://ras.org.in/restructuring_the_economy_of_women%E2%80%99s_work_on_the_assam_dooars_tea_plantations
- 20 Reported extensively in media, for example:
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https://www.women-ww.org/files/ugd/4111d6_a1ba147069bc422a81bfd241916ff6f7.pdf
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