HUMAN RIGHTS IN ASSAM TEA ESTATES

THE LONG VIEW
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LITERATURE REVIEWED

Green Gold: The Empire of Tea
Alan and Iris Macfarlane, 2003
Buy book

Sustainability Issues in the Tea Sector
SOMO, 2008
Read report

A Bitter Cup
War on Want, 2010
Read report

Understanding Wage Issues in the Tea Industry
Oxfam and ETP, 2013
Read report

The More Things Change
Columbia Law School, 2014
Read report

A Life Without Dignity
Global Network, 2016
Read report

The Estate They’re In
Traidcraft, 2019
Read report

Addressing The Human Cost of Assam Tea
Oxfam, 2019
Read report

Links to all documents reviewed are also available at www.THIRST.international/south-asia/#India

ABOUT THIRST

THIRST is The International Roundtable for Sustainable Tea. It is a platform for civil society organisations concerned with the rights and wellbeing of tea workers and farmers. Through THIRST they can share their knowledge and expertise, and – based on this – develop a strong and consistent call for change to the tea industry and relevant governments.

www.THIRST.international
This literature review covers eight documents spanning 15 years of the Assam tea industry; they were written by leading NGOs including SOMO, War on Want, Traidcraft and Oxfam; and by Columbia Law School, the Global Network for the Right to Food and Nutrition - and a first-hand account from Iris MacFarlane, the wife of a 1955 Assam tea planter.

They draw on primary research and/or wider literature reviews including local academic studies and historical documents. Some reference documents dating as far back as 1866. Taken together, the reports reveal that many of the same problems experienced by tea plantation workers have been reported consistently for decades.

They also offer a number of recommendations. Instead of investing further resources and energy into reiterating these well-documented problems, perhaps all those concerned with the rights and wellbeing of tea estate workers could now invest in working together to find solutions and put them into action.
1. Rising costs of production (P22)
- Despite wages having shifted very little over the decades, estates are experiencing rising costs of production including fuel and labour costs.

2. Falling tea prices (P23)
- The real price paid for fresh tea leaves has fallen steadily or at least failed to keep up with rising costs.

3. Oligopsony of buyers (P24)
- A small group of powerful companies control the profitable packaging and marketing end of the value chain, and are also suspected of using their influence to suppress the price of fresh tea leaves.

4. The Plantations Labour Act (P25)
- The archaic law, now nearly 70 years old and perpetuating a century-old system, places the responsibility for providing basic services for tea workers on their employers. This leads to excessive dependency and poor quality services. It is also intricately combined with the issue of low wages as explained above. The law is routinely flouted with impunity.

5. Unequal share of value (P27)
- Tea remains a profitable commodity once packaged, yet producer companies get a disproportionately small share of the end consumer price – leaving little value for workers.

6. Ineffective worker representation (P28)
- Workers are not aware of the role of trade unions, have not elected representatives, have no choice of unions to join, fees are deducted automatically and yet unions side with management and have failed to negotiate living wages or better conditions.
RECOMMENDATIONS

The recommendations that these organisations make to resolve the problems and tackle their root causes are more varied, but this review attempts to pull out some common recommendations, and those that are strongest and most relevant to the current context:

1. For Governments (P30)
   - Act to protect human rights in UK company supply chains
   - Enforce and improve monitoring of labour laws
   - Abide by international agreements

2. For Retailers (P31)
   - Take responsibility for wellbeing of workers in supply chain
   - Pay higher prices that enable producers to ensure decent pay and conditions
   - Be transparent - publish supplier lists

3. For Brands, Traders & Packers (P32)
   - Pay higher prices that enable producers to ensure decent pay and conditions
   - Publish suppliers plus information on wages/share of consumer prices

4. For Producers (P33)
   - Obey laws on PLA and minimum wage
   - Allow external access to estates - particularly civil society
   - Enable rather than prevent workers’ ability to negotiate a living wage
   - Protect vulnerable workers - especially women

5. For Unions (P35)
   - Ensure genuine worker representation
   - Contribute to discussions on the PLA

6. For Consumers (P36)
   - Don’t boycott Assam tea, but buy from responsible sources
   - Lobby retailers to improve policies that respect human rights in tea supply chains

7. For Certification bodies (P37)
   - Improve monitoring and benchmarking processes
   - Strengthen governance structures

8. For NGOs (P38)
   - Encourage tea companies (producers and traders) to implement effective and meaningful CSR policies and standards
   - Press for harmonization of CSR and quality standards
   - Monitor the implementation of CSR policies and standards in tea producing countries
   - Raise awareness on critical issues in the tea sector
   - Support and empower civil society groups in tea-producing countries that raise awareness of and address critical issues in the tea sector at the national level
   - Advocate for the rights of the workers and raise awareness among workers of their rights
The purpose of this review is to highlight that the problems currently being reported are – despite the protestations of the tea industry whenever such reports emerge – neither new nor isolated. These issues are in fact “the norm” (as referenced below) – longstanding, deeply embedded in the Indian tea industry, and well known to the government and the industry. And yet they are ignored. It presents a picture of the systemic disempowerment of workers, victims of a vast, sophisticated and global mechanism designed from its inception to maximise profits by traders, brands and retailers.

Numerous reports have been written – and continue to be written – on the problems experienced by Assam’s tea workers. This literature review of a selection of the key reports from the past century (and more) shows that the problems and underlying causes have been unchanging for decades.

INTRODUCTION

It is also intended to demonstrate that civil society, trade unions and activists have been calling for change for almost as long as the industry has existed, and that amongst their many recommendations to the industry, to plantation owners, to governments and to consumers, there is a common thread – a small number of urgent and high priority changes that could transform the industry and ensure that all within it enjoy decent lives and have their human rights and labour rights respected. In so doing, it could also save the Indian tea industry from the current crisis it is facing.
From the earliest days of the tea industry in Assam, there have been reports on the poor living and working conditions of workers on the plantations. For example, the Chief Commissioner of Assam from 1896-1902, Henry Cotton, wrote of tea workers there:

"Not only were their lives worse than that of American Slaves but their living and working conditions were also deplorable... Their wages remained frozen at the rate of Rs 5 per month for men and Rs 4 for women established by a statute in 1865."

His reports and concerns were suppressed by the British authorities who were bent on perpetuating a profitable tea industry, even if it meant turning a blind eye to the oppression and exploitation of workers.

Iris MacFarlane, the wife of a tea estate manager in 1955 wrote of similarly appalling housing conditions, ill-equipped hospitals with untrained doctors who did not speak the local language and, most chillingly, the deliberate withholding of education and family planning to ensure a plentiful, cheap and pliable workforce.

"Not only were their lives worse than that of American Slaves but their living and working conditions were also deplorable... Their wages remained frozen at the rate of Rs 5 per month for men and Rs 4 for women established by a statute in 1865."

Of the numerous reports since then by academics, media, NGOs and trade unions from within India and beyond, we have selected eight key documents published between 2003 and 2019 by leading authorities and NGOs (See Appendix) – many of which draw on wider literature reviews (including local academic studies and historical documents) and on primary research.

we have used these to establish which are the most commonly raised issues, the common factors identified as the root causes of these issues, and the common recommendations made to overcome them.

A wide range of egregious issues is raised in these reports, many of which still need to be addressed, but the issues listed here are limited to those that have been most commonly raised, and are therefore likely to be the highest priority and longest standing problems reported by tea plantation workers; wages, housing, sanitation and health.

This assumption would need to be verified by tea workers themselves, as there is a risk that the findings are skewed to some extent by the social and cultural preconceptions of external researchers and of the current reviewer.
1. LOW WAGES

Low wages, below living wage and – due to inclusion of benefits-in-kind in wage calculation – below minimum wage. Ineffective worker representation to negotiate better pay. Reported in:

Echoing Henry Cotton’s 1900 concerns about wages, War on Want reports in 2010 that “the children of tea workers in Assam suffer due to their parents’ low wages and miserable living conditions, as evidenced by the high prevalence of malnutrition.” Oxfam, writing three years later says;

“In Assam (India),... Estimating in-kind benefits as having almost equal value to cash wages, total compensation falls just above the World Bank poverty line extrapolated for an average household. In relative terms, pluckers’ wages are around 40 per cent of the Indian average income level (calculated as Gross National Income per head of working population).”

Following feedback from local activists on the inclusion of in-kind benefits in the minimum wage calculation Oxfam’s subsequent report on human rights in Assam tea has looked solely at the cash wage, which, of course, is even less adequate to meet workers’ needs.

Columbia Law School, in 2014, is one of many who raise the issue of deductions from already low wages: “Wages on plantations have remained intractably low. But even incremental changes have been offset by increasing task rates and higher deductions for any benefits and services provided to workers.” This issue was also raised by Henry Cotton one hundred and thirteen years earlier; “In some instances only a few annas (or pence) found their way into the hands of a coolie as wages in the course of a whole year, the managers having deemed that they were justified in making deductions right and left so long as they kept their labourers in good condition like their horses and their cattle.”

The Global Network for the Right to Food and Nutrition (GNRTFN)’s report from a fact-finding mission to Bengal and Assam in 2016 describes how such management practices force workers into indebtedness and malnutrition: “Alleged management malpractices (e.g. wage payment on the basis of task work, alleged weight deduction of the leaves plucked) lead to additional wage deductions, delay and under-payment of wages thus further undermining the capacities of the workers to sustain their livelihood. Most tea workers therefore turn to money lenders and subsequently find themselves highly indebted. Poverty wages and a cycle of indebtedness have a detrimental impact on tea workers’ [right to food and nutrition].”

Traidcraft and Oxfam point out in 2019 that these low wages are not in line with other agricultural wages; Traidcraft reports that “women working on tea estates are paid significantly less than those working in other areas of agriculture, for what is difficult and skilled work.” And Oxfam reports that official recognition of tea workers’ poverty is evidenced by the fact that “half of households interviewed receive government ‘Below Poverty Line’ ration cards.”
2. HOUSING

Poor housing stock, insufficient space for growing families, excessive delays in repairs leading to dilapidation. Linking of housing provision to work on estates leading to excessive dependency. Reported in:

- Iris MacFarlane writing of her life in Assam in 1955 describes workers’ “lines” or accommodation as “…rows of thatched hovels sharing a communal tap.” By the time War on Want reports in 2010, the situation is not much better; despite the Plantations Labour Act (PLA)’s housing requirements; “Whilst housing is provided, it is of poor quality and in need of maintenance.”

- Columbia Law School’s 2014 report also describes how workers still “live crowded together in cramped quarters with cracked walls and broken roofs.” And the problem persists in 2019 when Traidcraft reports that “Houses are often extremely old and leaky and the management appears unwilling or unable to make the necessary repairs” and Oxfam’s research reinforces this, finding that “workers reported that leaking roofs have meant their families had to use umbrellas inside the house during the rainy season.”

- Yet workers are prevented from making their own repairs when management failed to respond to complaints. Columbia Law School found that “On some plantations, they were able to do so without incident; on others the workers faced severe disciplinary measures, including indefinite suspension without pay.

- Columbia Law School also reports that these breaches of the PLA are known by the government whose statistics show that “plantations in Assam management had provided only 80.70% of the worker housing necessary in 2008.”

- In 2016 GNRTFN is among those that highlight another serious aspect of housing for tea workers; how insecure land tenure disempowers workers and deprives them of their freedom to choose employment; “with workers having no legal tenure right, any management staff has the power to evict any worker currently out of work... The workers therefore continue to work in a state of bondage, at times discouraged to organize and fight for better working conditions, as protests can mean eviction from their homes.”
War on Want reported in 2010 that on Indian tea estates “access to safe drinking water is an acute problem,” and goes on to cite a major study that interviewed 920 families in 25% of the tea gardens in Assam that found “the same regrettable conditions were the norm rather than the exception.” (emphasis added). Again, not much has changed since 1955, when Iris MacFarlane saw that several households in the lines had to share a single tap, and suggested that it was “No wonder the servants suffered from boils and colds.”

Traidcraft’s 2019 assertion that “The lack of proper toilets throughout estates is a major threat to good hygiene standards” is echoed by the findings of Oxfam, GNRTFN and Columbia Law School. The latter’s 2014 report describes how “The failure to maintain latrines has turned some living areas into a network of cesspools...” Government statistics reported by Columbia Law School reveal official acknowledgement that in 2009, “plantations in Assam lack nearly one third of the latrines required”. Yet, as War on Want, among others, points out, “Because of the Plantation Labour Act, the conditions found at the Indian estate directly violate Indian law.”

“despite doctors’ warnings they have no choice but to drink the contaminated water, so diseases such as jaundice, cholera and typhoid are common.”

GNRTFN, Oxfam and others describe lack of access to safe drinking water for tea plantation workers and their families; water that is discoloured and contains visible contaminants, tainted by the dirty, rusty containers it is delivered in. Most concerning of all is the resulting danger of cholera and other water-borne diseases reported by both organisations; as Oxfam puts it “despite doctors’ warnings they have no choice but to drink the contaminated water, so diseases such as jaundice, cholera and typhoid are common.” This is further corroborated by a study reported in the Indian Journal of Medical Research that “showed high prevalence of cholera in rural areas (6.7%) followed by the tea gardens (5.06%) of Assam.”
4. HEALTHCARE

Too few doctors, medical personnel not adequately trained, unable to communicate with workers; common conditions include anaemia, malnutrition, respiratory problems from spraying without PPE and injuries from factory and field accidents. Reported in:

A letter from an Assam tea plantation manager in 1866 describes how he is responsible for 450 people, including acting as their doctor. “I have a large store of medicines here,” he writes, “and... every morning I have to administer oil of castor to a lot of them. I have splendid receipt for spleen and have cured a lot of chaps, and dysentery too, two of them are dead but they die here very easily so they don’t think much of that.”

While there may now be many dedicated medical professionals on the estates, this casual approach to the health and wellbeing of tea plantation workers in Assam sets the scene for the years to come. By 1955 Iris MacFarlane describes the cramped condition of the estate hospital and the fact that “The Doctor Babu, who was trained in Bengali and didn’t speak any of the patients’ languages, told me that anaemia was a big problem. He gave injections while they were still in hospital but when they returned to their houses and their work they deteriorated.”

Columbia Law School also reported that on APPL estates “Medical staff are poorly trained and frequently absent.” Five years later, Oxfam reported that “researchers found a shortage of trained health personnel in most of the estates visited... Most of the estates visited did not have doctors at all; at some, doctors visited infrequently.” Traidcraft concurred, saying that estate hospitals they’d visited “often lack vital medicines and staff,” quoting a worker who explains; “If you go to the hospital here, they say there is no doctor, we can’t treat you. Now we have to go to these other hospitals, wherever you go, they are far.”

In 2008 SOMO reported on the health threats to tea workers: “Pesticides are often applied without proper protection. Back pains, fractures from falling and respiratory illnesses are common, while medical care is not always adequate.”

Other reports that comment on the absence of personal protective equipment for workers handling dangerous pesticides include War on Want in 2010; “Indian tea estates provide inappropriate or poor quality protective equipment such as coats, shoes and masks which are not suitable for use in a tropical climate. Workers at the Indian estate were seen using pesticide spraying equipment without any protective gear whatsoever.”

SOMO also raises the serious issue of life-threatening malnutrition; “...malnutrition on tea estates is still a big problem which leads to all kinds of medical problems including in some cases infant death and starvation.”

And GNRTFN points out the particular health hazards of tea plantation work for women, who predominantly carry out the heavy work of plucking and carrying fresh leaves. It reports that “pre-term birth and stillbirth have been observed among residents of plantation areas. Moreover, maternal mortality is higher among the plantation workers. An academic from Dibrugargh Medical College in Assam told GNRTFN that “Out of 10 maternal mortality cases, 8 of them are from tea plantations.”
1. RISING COSTS OF PRODUCTION

Despite wages having shifted very little over the decades, estates are experiencing rising costs of production including fuel and labour costs. Reported in:

In 2008, SOMO reported that “Producers, smallholders and other stakeholders in the tea sector… indicated that the costs of production have been clearly rising. They pointed to higher costs for labour, fuel and electricity… [and] serious climate changes that had reduced tea production, dilapidated infrastructure leading to an increase in costs of production including transportation, and unreliable energy supplies resulting in high costs.” The report adds that “the cost of production is also increasing as a result of mismanagement, age of the bushes, high overhead costs and bad agricultural practices.”

It goes on to point out that in India “the impact of social benefits on the large estates works out at about 5-8 per cent of the total costs. Overall, labour costs comprise around 60% of total costs in this country” costs that cannot – because of the price pressure they are under - be passed downstream to buyers.

In 2019, Oxfam echoes this concern, saying that price pressure from buyers “…combined with rising costs and the impacts of the climate crisis, […] is also contributing to a severe economic crisis for the entire Indian tea industry – with several tea estates in West Bengal and Assam either closing or facing the threat of closure.”
2. FALLING TEA PRICES

The real price paid for fresh tea leaves has fallen steadily or at least failed to keep up with rising costs. Reported in:

According to SOMO there are indications that the “handful of companies [that] dominate trade and retail sales... have been influential in keeping world market prices low. As auction prices are reference prices for private sales, lower auction prices result in lower prices in private/direct sales.” This point is expanded on under “oligopsony” below.

In 2010 the decline in tea prices for tea producing countries is again referenced by War on Want, and this is ascribed to “global supply exceeding demand,” and in 2014 Columbia Law School ascribes Tata’s decision to withdraw from plantation operations as taking place “against a backdrop of a precipitous drop in producer prices for processed leaf, which led to the closure of plantations and the starvation deaths of workers and their families.”

Oxfam refers in 2019 to prices in the UK and the Netherlands where, “supermarkets sell black tea at very low prices on average, highlighting the possibility that the product is a ‘loss leader’ – where goods on the retail shelf are priced below the cost of sustainable production.”

As alluded to above, SOMO reports that “in India there is consensus among various stakeholders, including buyers, that there is a high degree of collusion that prevails in auctions in order to keep the price down.” SOMO explains that these companies control the most profitable end of the tea value chain – the blending, packing and marketing ready-to-drink tea, and “as a result can considerably influence world prices.”

War on Want concurs in 2010, saying “[t]he buying and packing side of the tea supply chain is very concentrated, which gives the companies involved a high level of power over the prices paid to producers.” And Oxfam provides the following statistics to quantify the high market concentration of tea buyers: “About 45% of Indian tea production is channelled through the auction system where only a small number of brokers – such as J. Thomas & Co Pvt Ltd (which handles 37% of tea auctioned in India), Eastern Tea and Contemporary Brokers – are important players.” And “Just seven companies – Finlays, Ostfriesische Tee Gesellschaft, Tata Tetley, Twinings, Teekanne, Unilever and Van Rees – were estimated to account for 90% of tea traded into European and North American consumer markets in 2006.”

3. OLIGOPSONY OF BUYERS

A small group of powerful companies control the profitable packaging and marketing end of the value chain, and are also suspected of using their influence to suppress the price of fresh tea leaves. Reported in:
4. THE PLANTATIONS LABOUR ACT (PLA)*

The archaic law, now nearly 70 years old and perpetuating a century-old convention, places the responsibility for providing basic services for tea workers on their employers. This leads to excessive dependency and poor quality services. It is also intricately combined with the issue of low wages as explained above. The law is routinely flouted with impunity. Reported in:

Oxfam reports plantation owners’ concerns “that laws making them responsible for housing, healthcare and education of workers and their dependents are challenging to implement – and therefore not effectively executed.” It explains that “The PLA requires management to provide housing of a certain standard to all workers employed for more than six months, and to ‘rectify … with the least possible delay … any defects in the condition of a house which make it dangerous to the health and safety of the worker.” But reveals that the reality is “Workers reported either receiving no help at all from management in improving their housing, or delays of up to four years in carrying out repairs.”

“When the PLA was first passed the Indian government was seen as unable to provide basic services to its citizens working in Assam. But the then-wealthy tea industry did have the money to provide services to their workforce, many of whom they had dislocated from their original homes” says Traidcraft.

Columbia Law School also locates the PLA in its historical context; “The main features of the colonial compensation scheme – including a low sector-wide wage supplemented by “social benefits” have been maintained through the continuing failure to implement a statutory minimum wage and the progressive, though paternalistic operation of the Plantations Labour Act.” It goes on to explain how “Employers’ associations treat the costs of compliance with the PLA as costs to be factored into the wage calculation, to offset the cash wage. Meanwhile, calculations of social costs are highly contentious… Finally, as some advocates and scholars note, the benefits ultimately reinforce the dependency of the workers: even if the law were fully enforced, the workers would still never be in a position to own their own houses or land, or accumulate savings with which to leave the plantation.”

Traidcraft acknowledges that “Recognising that times have changed the Indian Government is currently reviewing the PLA” but reminds us that “In the meantime workers living on tea estates remain dependent on the estate for their most vital services.”

*At the time of writing, there are media reports that the Indian Government is planning to repeal the PLA and bring in a new labour code covering wages, occupational health and safety and working conditions. Civil society observers are closely monitoring how this is likely to impact tea workers.
5. Unequal Share of Value

Tea remains a profitable commodity once packaged, yet producer companies get a disproportionately small share of the end consumer price – leaving little value for workers. Reported in:

Columbia Law School notes in 2014 that “The crisis in tea leaf, as it is known, never reached the retail level. In fact, the price paid by consumers for “made tea” - packaged blends and bags – not only held steady, but rose consistently throughout this period, both in India and abroad.”

But even in 1955, when tea was a more profitable crop, Iris MacFarlane highlights the stark imbalance between corporate profit and the workers’ lived experience: “I saw the labour living in dirty shacks, the women anaemic, the children uneducated. I saw the hospital as a lot of beds, no nurses, no sustaining diet, fortnightly visit from a doctor who couldn’t even ask the patients how they were feeling. The only school was just four walls and a roof, featureless and unequipped... wasn’t the Company making huge profits, why was nothing ploughed back...?”

SOMO explains in 2008 that because tea is exported at an early stage of production, “the most lucrative part of the tea trade, is mostly carried out by the tea companies in buyer countries. The largest proportion of the profits therefore do not accrue to the tea-producing countries, but are made abroad.”

This is echoed by War on Want in 2010: “Very little of the profits included in the retail price of a box of tea goes to the tea-producing country. Instead, whilst multinational corporations reap large rewards, tea workers are condemned to a life of penury. A tea picker makes just 1p for each £1.60 box of tea bags sold in a British supermarket.”

And this is again reinforced by Oxfam in 2019: “Our analysis shows that supermarkets take a significant amount of the end price of a pack of tea bought by consumers, with very small amounts for labour costs to pay workers.” It goes on to provide examples from Germany, the Netherlands, the United Kingdom and the United States in which supermarkets and tea brands receive between 66.8% and 93.8% of the end consumer price of tea, while labour costs to pay workers represent between just 0.8% and 4% of the final price.

6. Ineffective Worker Representation

Workers are not aware of the role of trade unions, have not elected representatives and have no choice of unions to join. Fees are deducted automatically and yet unions side with management and have failed to negotiate living wages or better conditions. Reported in:

In 2014 Columbia Law School writes: “One of the major complaints of workers across all APPL estates in Assam is the absence of meaningful worker representation.... According to workers, the Assam Chah Mazdoor Sangha (ACMS), the monopoly union in Assam, functions as a part of management. At best, the ACMS performs a human resources function; at worst, it insulates management from workers’ complaints and concerns.”

And this is again reinforced by Oxfam in 2019: “It was found that the Workers’ Union is primarily dominated by men. Based on the responses, the study found that women are strategically left out from the political and economic domain of the Workers’ Union.”

In 2019, Oxfam’s research highlighted that union fees are deducted from workers’ wages, most workers are unaware of the role of trade unions.” It also raises the issue of inadequate representation of women, quoting a 2017 research report by Dibrugarh University’s Centre for Women’s Studies that said: “It was found that the Workers’ Union is primarily dominated by men. Based on the responses, the study found that women are strategically left out from the political and economic domain of the Workers’ Union. This reflects the historical process of keeping women out of the decision-making bodies.”
While the same problems are repeatedly reported by these various organisations over the decades, the recommendations they make are more varied. Civil society organisations and trade unions could draw on the key recommendations here to inform and develop a clear and consistent message to industry and government to help resolve these long-standing problems.

1. FOR GOVERNMENTS

Act to protect human rights in UK company supply chains
War on Want in 2010 called for the establishment of a Commission for Business, Human Rights & Environment “enabling overseas workers to seek justice in the UK when they suffer from exploitative buying practices”. A year later the UN Guiding Principles on Business and Human Rights were endorsed, and in 2015 the UK government passed the Modern Slavery Act. Backed by these instruments, Oxfam recommended in 2019 that governments in producer and consumer countries “Make human rights due diligence mandatory for companies with international supply chains.”

Abide by international agreements
GNRTFN calls on the Indian Government to “Take immediate actions to guarantee all human rights of tea workers, especially the RTFN (Right to Food and Nutrition), housing, water, sanitation and education for tea workers and their families, in line with international and national law, upon close consultation with the concerned workers.” It also calls for compliance with ILO Conventions, international human rights law and CEDAW.

Enforce and improve monitoring of labour laws
Oxfam recommends that “Auditing procedures should be adapted to include assessment of quality and take-up of benefits, including child-care.” As part of a comprehensive list of recommendations that the government ensures that workers’ specific human and labour rights are respected, GNRTFN calls on the government to “enforce the PLA and prosecute tea garden owners who fail to comply, also ensure adequate remedy for workers affected by non-compliance.” And to “Provide adequate resources for a well-trained, properly resourced state labour inspection service, including gender training of inspectors.”

The Government of India is proposing to replace the PLA and similar laws with new legislation; in 2019, Oxfam, called on the Indian government to ensure that “the PLA provisions in the Occupational Safety, Health and Working Conditions Code further the realization of workers’ rights and human rights.” It also calls on the governments of India and of Assam respectively to “Enforce exclusion of in-kind benefits from minimum wage calculations on tea plantations. Implement a recommended minimum wage level of INR 351 per day ($5.39),” and “Ensure that laws designed to protect women workers, such as the 2013 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, are implemented.”
2. FOR RETAILERS

Take responsibility for wellbeing of workers in the supply chain

War on Want suggests customers “demand that supermarkets take responsibility for all workers employed by their businesses in their supply chains – wherever they work – by signing Unite’s Minimum Standards Agreement, which includes ending workplace discrimination; eliminating harassment or bullying of workers; ceasing the practice of suppliers using contract labour to effectively deny workers basic rights; giving temporary and agency workers the same benefits as permanent workers; and affording workers engaged on temporary contracts full employment protection rights.

Meanwhile, Oxfam calls on retailers and brands to “Enable implementation of PLA requirements by working with suppliers, government and civil society to improve producers’ ability to provide decent housing, healthcare, water, sanitation and education through improved trading practices and external support.” GNRTFN says they must “take measures to ensure the human rights of vulnerable workers are not violated, and in particular, protect women workers.”

Pay higher prices for fresh tea

GNRTFN recommends that “Tea packing companies and retailers must pay a fair price for their tea which allows decent working conditions and living wages, while Oxfam calls for them to “Work with supply chain stakeholders to ensure that workers are paid a living wage,” and suggests that “This can be supported through paying higher prices for fresh tea leaves and excluding the costs of labour from price negotiations” as well as ensuring “that tea is priced sustainably and that the Unfair Trading Practice of selling tea as a loss leader is avoided.”

Be transparent - publish supplier lists

Oxfam calls for retailers to “Publish the country and region of origin clearly on tea packaging. Publish supply chain information for tea – including all tiers of suppliers – and the distribution of the end consumer price at each stage.”

3. FOR BRANDS, TRADERS AND PACKERS

Pay higher prices for fresh tea that enable producers to pay living wages

SOMO called on brands to “Enable and facilitate sustainable tea production by paying higher prices and engaging in long-term buying commitments with producers that produce tea sustainably and offer technical and advice where needed” and Oxfam recommends that tea brands “Ensure that the costs of labour are excluded from price negotiations with fresh tea producers and/or that prices enable a living income for small tea growers” and to “Work with producers to enable wages to increase to the living wage level, as determined by workers and their representatives (ensuring that those representatives are allowing the voice of women to be heard).”

Publish suppliers plus information on wages and share of consumer prices

Traidcraft urges brands to “Start by being transparent about which tea estates and tea factories you buy from. Publishing your list of suppliers would help open up the secretive world of tea-buying. It would shine a light on exploitation and mean that consumers – and more importantly workers in Assam – could hold tea estates to account. The names and addresses of tea factories and estates that you purchase from should be published in a single place, easily accessible on your website and updated at least once per year. Where possible additional information should be included too: the daily minimum wage on the tea estate and your assessment of what a living wage should be.

This would show whether workers are being paid a living wage and, if not, what the wage gap is.” Oxfam seconds this, as for retailers, calling for them to “Publish the country and region of origin clearly on tea packaging. Publish supply chain information for tea – including all tiers of suppliers – and the distribution of the end consumer price at each stage,” and to “Favour suppliers who implement PLA requirements and incentivize and enable others to do so. Engage with national and state governments to find practical solutions to challenges to implementing them.”
4. FOR PRODUCERS AND TEA ESTATES

Obey laws on PLA, minimum wage

GNRTFN simply states that “Tea garden owners must at a very minimum comply with the PLA,” and Oxfam qualifies this by urging them to “Implement PLA requirements to an adequate standard to ensure decent living and working conditions for Assam tea workers and their families.” Columbia Law School specifically recommends that APPL (a tea production company) ends “The discriminatory denial of benefits to plantation workers and their dependents” adding that “Temporary workers, the dependents of female workers, and the parents of all workers entitled to these benefits by law and should receive them.”

Allow external access to estates - particularly civil society

Oxfam calls on estate owners to “Allow civil society organizations to access tea estates and workers’ living quarters to assess conditions.” Traidcraft puts it to them that “If you are to thrive in the future you will need to change the way you do business. Tea estates should not be closed spaces cut off from the normal rules of accountability. Civil society groups, journalists and auditors should have free and unimpeded access to the estates and their workforce.” Columbia Law School reminds estate owners that “The law guarantees public access to the “labour lines” and this must be respected. This applies not only to workers’ friends and family seeking to visit them, but also more generally: anyone should be able to enter the labor lines, and enter workers’ homes if workers invite them to do so, without having to notify management.” SOMO recommends that they “Allow for multi-stakeholder monitoring and verification of the social, economical and environmental standards adopted.”

Enable rather than prevent workers’ ability to negotiate a living wage

Columbia Law School calls for an end to the “Erosion of wages through unfair deductions and high task rates,” adding that “Among the many factors that contribute to the impoverishment of workers at APPL, there are two that should be corrected immediately: electricity costs, and high task rates that require workers to perform unpaid overtime and/or share their wage with helpers. In the immediate term, the plantations must ensure that workers do not have to pay industrial rates for residential electricity connections, and should place no obstacles in the way of workers seeking to obtain subsidized “Below Poverty Line” electricity connections through government.” Oxfam recommends that tea producers “Ensure that workers’ needs are genuinely represented in tripartite negotiations, such that they are able to earn enough to cover basic needs without depending on in-kind benefits from the company. Provide payslips with clear and transparent information and ensure that workers understand them.”

Protect vulnerable workers - especially women

GNRTFN recommends that “Tea garden owners must take measures to protect vulnerable workers (scheduled castes and communities on tea gardens, especially women)” and Oxfam urges them to “Sign up to the United Nations’ Women’s Empowerment Principles. Develop effective gender policies based on gender analysis and sex-disaggregated data on work roles, wages and representation. Support more effective representation of women tea workers through training for trade union representatives, and the setting up of women’s committees.”
5. FOR TRADE UNIONS

Ensure genuine worker representation

Oxfam’s call to tea producers to “Ensure that workers’ needs are genuinely represented in tripartite negotiations, such that they are able to earn enough to cover basic needs without depending on in-kind benefits from the company” applies equally to the trade union partners in these negotiations. Columbia Law School focuses on the “Restrictions on workers’ right to form and join a union of their choice,” recommending that “Management must allow workers to be represented by the union of their choice in any negotiation or dispute, and must end the practice of deducting dues from all workers at source to give to ACMS.” GNRTFN backs this by saying that “The IUF should seek to ensure that tea workers are free to join democratic and independent unions of their choice and should train women tea workers to participate fully and at all levels of their unions,” and that “The IUF should continue to work with tea workers to build a global engagement with the transnational companies that control the tea trade and to ensure tea workers’ concerns are heard and to ensure tea workers’ representation in identifying and resolving human rights violations and potential risks for human rights violations in the supply chains of these companies.”

Contribute to discussions on the Plantations Labour Act

GNRTFN further calls on the IUF to “ensure that tea workers in India contribute fully to the discussion on the future of the PLA. This should include ensuring that the PLA guarantees freedom of association and the right to collective bargaining as defined in ILO Conventions and Recommendations and does not constrain or undermine these rights in any way.”

6. FOR CONSUMERS

Don’t boycott Assam tea, but buy from responsible sources

Traidcraft’s advice to consumers is “Don’t stop buying or drinking tea from Assam but do ask questions; A boycott of tea from Assam at this point will not help the women who pick it. On the contrary it would be likely to push workers further into poverty as estates struggle to find buyers for their tea” instead it suggests they “Do ask the big brands to use their power to improve the lives of women working in Assam. As a first step ask them to publish the names and addresses of the tea estates they buy from.” SOMO further suggests that they “Give preference to tea from socially, environmentally and economically friendly production and trade.”

Lobby retailers to improve policies that respect human rights in tea supply chains

War on Want asks consumers to write to British supermarkets and “Demand that supermarkets take responsibility for all workers employed by their businesses in their supply chains – wherever they work – by signing Unite’s Minimum Standards Agreement” (see Retailers above for details). Oxfam invites consumers to lobby supermarkets to improve their policies and practices so that the human rights of workers, including Assam tea, are respected.
7. FOR CERTIFICATION BODIES

Improve monitoring and benchmarking processes

In 2013, Oxfam recommends that “Assessment and auditing organisations need to review their approaches to wage assessment in situations where minimum wages are not reliable indicators of households’ basic needs. Benchmarks of basic needs will be required which will vary according to the context. Auditing procedures should be adapted to include assessment of quality and take-up of benefits, including child-care.” In 2019, Oxfam similarly encourages them to “Ensure that only estates that can prove that they respect these rights in practice receive certification,” and urges them to “Actively promote workers’ human rights, including living wages, decent working conditions (such as healthy working hours and occupational health and safety), fair employment conditions (such as proper contracts and clear explanation of wages and deductions) and decent housing, healthcare, sanitation and education.”

Strengthen governance structures

Oxfam also suggests that certification bodies “Include tea workers in governance structures to ensure their meaningful engagement and contribution to change” and also asks them to “Require retailers carrying the certification label to disclose country and region of origin on their packaging.”

8. FOR NGOs

SOMO was the only organisation in this selection of reports to make recommendations to NGOs. They are included here as they align well with THIRST’s proposed approach.

- Encourage tea companies (producers and traders) to implement effective and meaningful CSR policies and standards that are adapted to realities in tea producing countries.
- Press for harmonization of CSR and quality standards
- Monitor the implementation of CSR policies and standards in tea producing countries
- Raise awareness on critical issues in the tea sector
- Support and empower civil society groups in tea-producing countries that raise awareness of and address critical issues in the tea sector at the national level
- Advocate for the rights of the workers and raise awareness among workers of their rights
Each time a new report emerges detailing the problems faced by tea workers in Assam – as in other parts of India and the tea-growing world – the tea industry issues stringent denials, claims that these are isolated incidents, or both. This literature review demonstrates that there is very little likelihood that these claims by multiple respected organisations over several decades are either false or isolated. It’s time for the tea industry to acknowledge the problems and to work with civil society, trade unions and governments to overcome them. This is particularly important and urgent at a time when the tea industry in general and the Assam tea industry in particular are facing unprecedented economic and environmental challenges. By accepting that there are indeed human rights abuses historically built in to the tea system and agreeing to work to find ways to overcome them, the tea industry will be demonstrating a courage, honesty and humanity that will be much more effective in protecting them from reputational damage than denials and threats. More importantly, it will be much more effective in bringing to an end the poverty and suffering of millions of workers and their families, making Assam tea not only one of the most valued and high quality in the world, but also the most ethically produced.

This document may be used as the basis for discussion by civil society organisations to agree – in consultation with tea workers and their representatives – a common set of recommendations to the tea industry and relevant governments, calling for change that will defend the rights of tea workers in Assam.
REFERENCES

5 Amalgamated Plantations Private ltd – a group of tea estates part owned by Tata Global Beverages, and part worker-owned. APPL is the subject of a complaint by local civil society actors against Tata Global Beverages and the World Bank for financing the sale of shares to workers who continue to live in poverty. For more information see www.business-humanrights.org/en/india-cao-investigation-report-low-wages-poor-working-conditions-at-tata-world-bank-plantations