



THE SOCIAL IMPACT OF CODES OF PRACTICE IN THE CUT FLOWER INDUSTRY IN KENYA

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LIST OF ACRONYMS

ACP	African Caribbean and Pacific Countries
AEA	Agricultural Employers' Association
BGI	German Import Organization for Cut Flowers
CBA	Collective Bargaining Agreement
CBOs	Community Based Organizations
CFI	Cut Flower Industry
COLEACP	Europe-Africa-Caribbean-Pacific Liaison Committee
CoP	Codes of Practice
COTU	Central Organization of Trade Unions
CSR	Corporate Social Responsibility
DFID	Department for International Development
EPC	Export Promotion Council
ETI	Ethical Trade Initiative
EU	European Union
FIAN	Food First Information Action Network
FKE	Federation of Kenya Employers
FLP	Flower Label Programme
FPEAK	Fresh Produce Exporters Association of Kenya
GTZ	German Society for Technical Co-operation
HCDA	Horticultural Crops Development Authority
HEBI	Horticultural Ethical Business Initiative
ICC	International Code of Conduct
ILO	International Labour Organization
IPC	Investment Promotion Centre
IUF	International Union of Food Workers
KEBS	Kenyan Bureau of Standards.
KEPHIS	Kenya Plant Health Inspectorate Services
KEWVO	Kenya Women Workers' Organization
KFC	Kenya Flower Council
KHRC	Kenya Human Rights Commission
KPAWU	Kenya Planters and Allied Workers Union
Ksh	Kenya Shillings; approximately 78 Ksh = 1\$US during the study period.
KSUP	Kenya Safe Use Project
LNGG	Lake Naivasha Growers Group
LNRAP	Lake Naivasha Riparian Association and Propagators
MPS	Milieu Project Sierteelt
MRLs	Minimum Residue Levels
NGOs	Non-Governmental Organizations
NHIF	National Hospital Insurance Fund
NSSF	National Social Security Fund
PCPB	Pests Control Products Board
RNE	Royal Netherlands Embassy
SSC	Stakeholders Steering Committee
UK	United Kingdom
UN	United Nations
USAID	US Agency for International Development
WRW	Workers Rights Watch
WTO	World Trade Organisation

EXECUTIVE SUMMARY

Kenya's flower industry is the oldest and largest in Africa. The industry is a source of direct employment for over 100,000 people and indirectly for another 2 million through auxiliary industries and related economic activities. More than 90% of Kenya's cut flowers are exported to Europe and they account for 8% of the country's total export earnings. Most of these flowers end up in the Holland auction while the rest is shipped to Germany, UK and France.

In response to various pressures in Europe, such as the Food Act, Kenyan growers and exporters started subscribing to codes of practice. These codes are intended to help employers critique themselves and to ensure that the conditions under which the cut flowers are produced are environmentally and socially sound. The codes provide a guarantee that the practices of a given company comply with best practices or minimum standards regarding workers' health, safety, employment terms and conditions and environmental safety. Some of the emerging questions therefore revolve around the impact of these codes on workers in the cut flower industry.

The main purpose of this study was to measure the social impact of the adoption of codes of practice (COP) on the cut flower industry in Kenya. This involved assessing the impact of codes of practice on workers, employers and to some extent the local communities. The study findings will be used, among other things, to inform policy makers, donors and other key stakeholders with regard to the role of codes of practice in development planning and poverty alleviation in particular.

The study takes a comparative longitudinal approach between code adopting and non-code adopting farms and the changes that exist and those that occur over time. A total of 12 farms, equally distributed between code adopting and non-adopting, were visited and workers and managers were interviewed. Actual selection of farms was based on acreage under flowers, ownership, type of workforce, and to a limited extent, the location of the farm.

This summary presents the key study findings, focusing on the comparative analysis of code adopting and non-code adopting farms and identifying changes over the monitoring cycle. This summary ends with an overview of the study's key recommendations.

A Comparison of Code Adopting and Non-Code Adopting Farms

- The majority of the code-adopting farms were owned by Kenyans while most non-adopting farms were owned by foreign investors. The largest market for both code and non-adopting farms is the Holland auction. Code adopting farms also export to other European countries directly, while non-adopting companies export to Europe indirectly via sister companies, or to non European markets.
- An increase in the size of farms was witnessed in both the code adopting and non-code adopting farms over the course of the study, but the increases were more evident in the non-adopting farms.
- The labour force on adopting farms was mainly local, while non-adopting farms had a majority of migrant labourers as they were located in areas of low population. The majority of workers in code-adopting farms were permanent, while most workers in non-adopting farms were temporary.
- The labour force in both code adopting and non-adopting farms was aged 18 years and above; an indication that the farms had complied with child labour regulations. The labour force in code-adopting farms was generally older on average.
- Female workers were the majority employees in both categories of farms with a higher majority of female workers being employed by the non-adopting farms.

- In non code-adopting farms, the proportion of workers who were single increased over the two phases, while in code adopting farms, it was the proportion of married workers that increased.
- More workers in code adopting farms had been educated up to secondary school level education, while the majority of workers in non-adopting farms had attained primary school education only. Education trends were similar in both code adopting and non-adopting farms.
- More workers in adopting farms were housed on the farms; the rest lived in rented accommodation. In both types of farms, the majority of workers lived in permanent houses (stone/bricks, cement floors, iron sheet or tile roofing). In code-adopting farms, the number of workers housed decreased, while in non-adopting farms the number of workers housed remained the same. On non-adopting farms there was an increase in the proportion of workers living in one-roomed houses without a separate cooking area. In both types of farms, the most commonly used source of cooking energy were the kerosene stove and charcoal. There was no change by year 3.
- A larger proportion of workers in code-adopting farms had a water supply on their house plot compared to those in non-adopting farms. The basin was the most commonly used bathing facility for workers in both adopting and non-adopting farms. More workers in non-adopting farms used pit latrines than in adopting farms. Over time, the number of adopting and non-adopting farm workers provided with water in their houses went down. The number of workers using showers for bathing in both adopting and non-adopting farms increased.
- More workers in code-adopting farms walked to their places of work compared to those in non-adopting farms. The number of workers who walked to their places of work decreased in both types of farms. However, the percentage of those who walked remained high in adopting farms because more workers are housed at the farm.
- Concerning the provision of facilities on the farm, more workers had access to good quality drinking water on code adopting farms as compared with non-adopting farms. This remained the same in Year 3. Similar toilet facilities were provided in the code adopting and non-code adopting farms. However, a higher proportion of workers had access to pit latrines in non-adopting farms. These facilities were seen to be adequately clean with hand-washing facilities appropriately positioned. Over the time, both code adopting and non-adopting farms constructed more pit latrines and flush toilets.
- Both code adopting and non-adopting farms adhered to the recommended working hours of 8 hours a day, however, this was more prevalent in the code-adopting farms. An increase in the proportion of workers on non-adopting farms working the recommended 8 hours was realized in Year 3.
- The majority of workers earned a monthly salary of between Kshs 2000 and 4000. However, the average salary was higher on adopting farms. There was no variation in wages earned by male and female workers. Over time there was an improvement in monthly wage computation with the greatest improvement being witnessed in non-adopting farms. The non-adopting farms continued to give more workers paid weekly rest than the code adopting farms.
- Code adopting farms continued to offer a higher proportion of their workers paid annual leave compared to the non-adopting farms. The number of workers that were not entitled to annual leave in non-adopting companies remained high
- A higher proportion of workers continued to enjoy the benefits of paid sick-leave in code adopting farms as opposed to the non-adopting farms. This emanates from the fact that the code adopting farms continue engaging a higher majority of their workers on permanent terms.

- Most workers in code adopting farms were entitled to paid compassionate leave in Year 2 but this declined in Year 3.
- A higher proportion of workers in code adopting farms continued to enjoy paid maternity leave than those in non-adopting farms.
- More workers in code adopting farms were assured of their employment through out the year as compared to those in non-adopting farms.
- There was no great difference in workers' ability to afford their basic needs between code adopting and non-adopting farms. Although the workers in both categories of farms were paid above the minimum recommended wage on average, they all lived from hand-to-mouth, barely affording their basic needs. There were very low levels of saving and investment by these workers.
- Health and safety issues were generally taken more seriously in code adopting farms compared to non-adopting farms. Most code adopting farms had a health and safety officer on site as well as a health and safety committee. Only a few non-adopting farms had either a health and safety officer on site or a health and safety committee. Workers in both adopting and non-adopting farms were provided with protective clothing although fewer workers in non-adopting companies were given safety goggles. Few workers on either type of farm had been trained in health and safety issues or HIV/AIDS awareness.
- A larger majority of workers in code-adopting farms were provided with medical care for themselves. While more than half the workers were provided with medical care for their family members, only very few workers were provided the same for their family members in non-adopting farms. The frequency of medical check-up for workers was very low in both code adopting and non-adopting farms with very few workers going for the check-up.
- There were very low levels of harassment and physical abuse in both categories of farms. Very few workers reported cases of threats from the owners of the farms, managers, supervisors and fellow workers. Physical abuse was negligible.
- Freedom of association among the workers was more enhanced in the code adopting farms than in non-adopting farms. The majority of workers in code adopting farms said there was a welfare association to which they belonged, while below half the workers in non-adopting farms belonged to a social welfare association.
- There was very low trade union membership in both code adopting and non-code adopting farms. The passage of time did not improve this situation as only very few workers reported that they belonged to a trade union in Year 3. Hence they lack avenues for collective bargaining or defence in case of unfair dismissal. In the past, workers' unions have been criticized and accused of inciting workers to strike and demand higher salaries and better conditions of work. Therefore, many farm owners have been reluctant to let their employees associate or register with the unions.
- Managers of three of the non adopting companies did not see any extra benefit accruing from the codes because their markets do not demand that they adopt any of the codes. Their clients send their own auditors to verify whether good ethical practices exist on the farm.
- Other non adopting managers cited the expense associated with introducing codes of practice, especially as there are different codes for different markets. They also criticised the amount of documentation required which makes the process of certification and adoption very cumbersome.
- By year 3, three of the six adopting farms had subscribed to new codes of practice, while one farm had updated to the latest edition. Despite some negative comments from farm managers, four of the six non-adopting farms were on waiting lists to subscribe to codes.

- Workers' welfare in code adopting farms was generally better than that of workers in non-adopting farms. But, it is important to note that improvement in working conditions of workers cannot be attributed to codes alone. Other factors include, management's disposition, the need or demand for better conditions by workers, or changes made on humanitarian grounds. This is evidenced by the fact that some non-adopting farms had better worker welfare policies than some adopting farms.

Recommendations

- To encourage many flower farms to subscribe to codes, there is need for harmonization of all the codes operating in the cut flower industry into a single comprehensive national code with international recognition. This would require negotiation and agreements between code holders in the major markets to ensure that the concerns of different code holders are taken into account.
- The majority of adopting farms are owned by local investors, while the majority of the non-adopting farms have foreign ownership. The lower rates of code membership among European-owned companies suggest that some are able to access markets without subscribing to codes, by exporting their produce via their sister farms in their home country. Policy measures are required to ensure that cut-flower export licenses are only issued to those adhering to a national code of practice.
- To bring this about, promotion of the need for a change in the policy governing the cut flower industry is required. This could be taken forward through sensitisation of the stakeholders and the workers' unions in particular.
- Instead of setting a minimum wage, the law should be amended to require that wages of workers be based on the minimum expenditure patterns taking into consideration the basic human needs, inflation and the cost of living, thus making the concept of living wages a reality. Initial steps could include individual unions taking the debate forward by emphasising the importance of a living wage and arguing for flexibility to move away from the set minimum level. Also, firms can be encouraged to compete at the level of how well they pay. The markets too could play a role by including a living wage in their assessment of a 'good' firm.
- No single initiative may effectively and efficiently resolve the problems experienced in the cut flower industry in terms of worker welfare, health and rights in Kenya. More organization and education and training of workers will need to be done in order to empower the workers to assert their rights without permanently being reliant on outsiders to fight on their behalf. Workers require training in labour laws that govern the conditions of the provision of their labour. A number of workers are already mobilised into unions. Knowledge of their rights begins with general civic information about governance in the country which could be provided by some of the specialised groups working at farm level. However, this is a challenge as employers do not encourage it. In addition, complementary strengthening of government organisations responsible for enforcing national labour laws, through training of officers, could also contribute to this effort.

1. CONTEXTUAL ANALYSIS

1.1 Introduction

Kenya's flower industry is the oldest and largest in Africa. More than 90% of the country's cut flowers are exported to Europe and over the years, Kenya has established itself among the most important flower exporting countries, ranking fourth after Holland, Colombia and Israel (Opondo, 2002; FIAN, 2003). The industry accounts for 8% of Kenya's total export earnings and the majority of the Kenyan flowers end up in the Holland auction and the remainder is shipped to Germany, UK and France. The most important production areas in Kenya are located around Lake Naivasha, Thika, Limuru, Athi River, North Kinangop, Kericho and Eldoret. Many big farms are dominated by European investments, while a large number of small-scale farms are owned by indigenous Kenyans, and are engaged in contract growing for big farms.

Until recently, flowers have not been held to the same ecological or health standards that pertain to edible agricultural products where Minimum Residue Levels (MRLs) have been set. However, following the flower campaigns in Switzerland and Germany in the 1990s, environmental awareness and the ethical concerns of consumers in developed countries grew. Consumers recognized the potential health risks and human rights violation that workers in the flower industry are exposed to and on account of which, they along with trade unions, started putting pressure on the global floriculture industry to develop and conform to codes of conduct for workers' health and safety as well as compensation of workers' efforts. In pursuit of these concerns, a multitude of codes of practice have been developed in the cut flower industry. In Kenya, the codes include the following: Milieu Project Sieteelt (MPS); Fresh Produce Exporters Association of Kenya (FPEAK); Kenya Flower Council (KFC); Flower Label Programme (FLP); and Max Havelaar (see appendix 6 for a comparison of the code provisions).

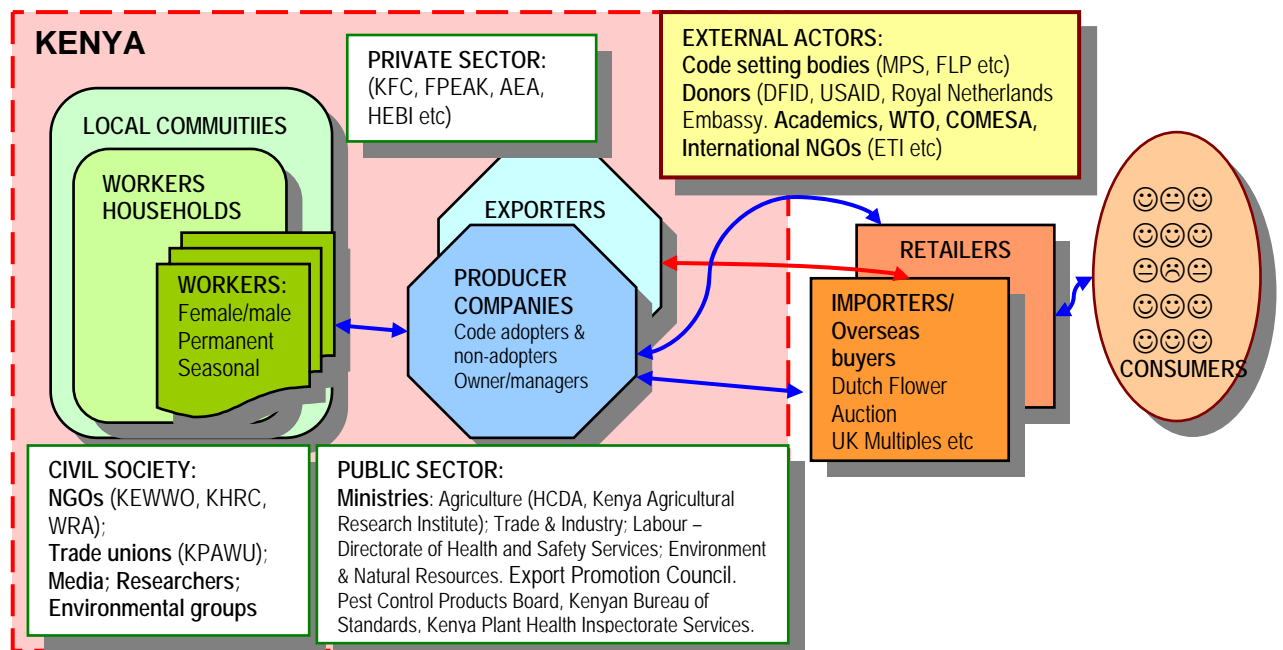
The main purpose of this study was to measure the social impact of the adoption of codes of practice (COP) on the cut flower industry in Kenya. This involved assessing the impact of codes of practice on workers, employers and to some extent the local communities. The project aimed at identifying the positive and negative impacts of the codes using the views of different stakeholder groups. The study adopted a comparative and longitudinal design in that it compares the differences between workers on farms adopting codes of practice and those on non-adopting farms, at the start of the study and the changes over time. The fact that amongst exporting farms the Kenya cut flower industry has roughly equal numbers of code adopting and non-adopting farms makes it an interesting case study for assessing whether the adoption of these codes delivers a favourable impact on workers' welfare and/or whether there are negative impacts. A total of 12 farms, equally distributed between code adopting and non-adopting were visited and interviewed. Issues covered include the characteristics of the farms, what may have changed over time and a comparative analysis of code adopting and non-code adopting farms. The study findings will be used, among other things, to inform policy makers, donors and other key stakeholders with regard to the role of codes of practice in development planning and poverty alleviation in particular.

According to a 2003 listing of cut flower growing and exporting farms undertaken by Setup Training Institute, most of the flower farms are located in Nakuru (43%) and to some extent Kiambu (12%) and Thika (10%). The remaining areas include Kijiado, Muranga, Machakos, Nyandarua, Uasin Gishu and Timau. The majority of the growers are small and medium scale with an area under flowers ranging between 0 and 4 hectares (14%), 5 and 10 hectares (28%) or 11 and 20 hectares (23%). Only about 9% of the growers have between 21 and 35 hectares of land under cut flower and a further 16% exceed the 35 hectares mark. In general therefore, cut flower farms can be categorised into small, medium, large, and extra-large. The labour-force consists of men and women and they have varied terms of employment. While some of the workers are permanent, others are temporary or seasonal. The workers are both local and migrant depending on where the flower farm is located, among other factors.

1.2 Stakeholders in the Cut Flower Industry

The Cut Flower Industry in Kenya involves several players, drawn from both the public and private sphere, including associations and other voluntary organisations. The specific obligations and functions of each of these stakeholders provides for the necessary opportunities for the industry to grow. However, in cases where there are contradictions or a failure to enforce, this has led to spirited campaigns, many of them aimed at making the working and living conditions of workers consistent with internationally agreed upon requirements. In this section, therefore, we look at some of the key stakeholders in the cut flower industry and their primary responsibilities, with the aim of using this information to understand the possible social impact of adopted codes of practice.

Figure 1-1 Main Stakeholders in the Kenyan Cut Flower Industry



The Kenya Agricultural Research Institute is the research arm and the station responsible for horticultural crops. The Kenya Plant Health Inspectorate Services (KEPHIS) is responsible for seed and plant health testing and the phyto-sanitary inspection of agricultural materials leaving or entering the country. The Pests Control Products Board (PCPB) regulates the import, export, manufacture, distribution and use of pest control products.

The Kenya Plant Health Inspectorate Services (KEPHIS) co-ordinates all matters related to plant health. It is the government regulatory body charged with ensuring quality agricultural inputs and produce at points of entry, outlets, bulking and manufacturing. It is involved in the seed and plant health testing and sanitary inspection. KEPHIS analyses pesticide formulations and residues in a wide range of agricultural produce, soil, and water and animal tissues. The body is important in the detection and correction of environmental contamination. Exporters of agricultural produce to overseas markets utilize KEPHIS to ensure compliance with importing countries' maximum residue levels (MRLs).

The Pests Control Products Board (PCPB) regulates the importation, exportation, manufacturing, distribution and use of pest control products. The board is crucial in stopping the use of hazardous materials that could affect the welfare of workers. The Kenya Safe Use Project established under this board trains flower farmers on the safe use of chemicals.

The Ministry of Agriculture is responsible for the coordination of matters concerning the cut flower industry in Kenya through its horticulture division. The Horticultural Crops Development

Authority (HCDA) is the policy implementation arm of the Ministry. However, other government ministries and institutions are also involved with cut flowers.

The Ministry of Labour has a stake with regard to workers' health and safety, employment conditions and industrial relations. It is the legislative organ of the government in matters relating to labour laws. Through the Regulation of Wages Act Cap 229 and the Employment Act Cap 226, the Ministry aims to ensure that all employees are treated fairly.

The Ministry of Trade and Industry is responsible for all trade matters, including policies relating to the cut flower industry. The ministry does market intelligence surveys through desk research to identify markets. Through trade missions both in and outside the country, the ministry brings the business community together to facilitate business contacts. It also organizes trade exhibitions and participates in trade negotiations with bodies such as COMESA, WTO and ACPU.

The Export Promotion Council (EPC) seeks to improve the trade environment in order to facilitate the production of export goods and services and hence has a stake in the CFI. The Investment Promotion Council (IPC) is involved in promoting investments in the industry. On the other hand, the Ministry of Environment and Natural resources deals with all the environmental issues arising out of the cut flower industry by enforcing the national environmental legislation regarding the use of agro-chemicals thus minimizing pollution.

The Kenya Bureau of Standards (KEBS) under Cap 496 of the laws of Kenya, is mandated to develop and implement national standards as well as carry out inspection to ensure that these standards are maintained. The bureau is in charge of the National code of practice that was developed in 2002 in collaboration with Kenya Flower Council and Fresh Produce Exporters Association of Kenya.

In the (larger) private sector there are various actors. These include the local Codes of Practice (COP): the Kenya Flower Council (KFC), the Fresh Produce Exporters Association of Kenya (FPEAK), the recently constituted Horticultural Ethical Business Initiative (HEBI), the Agricultural Employers Association of Kenya (AEA), trade unions as well as the civil society bodies.

Kenya Flower Council (KFC) is a voluntary organization that was formed in 1996 by some leading growers who had the vision that, if Kenya was to become and remain an international player, then the farms had to comply with international standards. The current membership of KFC represents between 60-70% of the flowers exported out of the country. KFC formulated a code of practice to ensure that growers comply with standards relating to social, environmental and technical issues. The code of practice has three levels: Non-certified, silver and Gold. KFC works closely with FPEAK and MPS to liaise, on behalf of members, with government and development agencies, media, trade bodies, unions and other non-governmental organizations.

The Fresh Produce Exporters Association of Kenya (FPEAK) is Kenya's oldest private sector association in the horticultural industry having been established in 1975. It represents fruits and vegetable as well as some flower growers. FPEAK has two categories of membership: ordinary membership consisting of the growers and exporters, and affiliate members consisting of firms and/or people who serve the industry including airlines, consultants, input suppliers and clearing and forwarding firms. Thus, it is less specific to cut flowers and has wider representation of the horticultural industry. The association represents up to 45% of flower growers and exporters in Kenya. FPEAK is involved in lobbying for favourable trade conditions with other world trade partners. The association offers technical support to members through its code of practice that was formulated in the mid 1990s and it represents the horticultural industry in WTO negotiations.

The Horticultural Ethical Business Initiative (HEBI) was incorporated in 2003 as an independent non-profit making organization to promote ethical social behaviour in the horticultural and

floriculture industry. HEBI was born out of a concern that social ethical business practices were not being fully followed in the flower industry despite there being voluntary systems of self-regulation by way of audits. Stakeholders and development partners initiated a process to establish the extent to which the claims of social irresponsibility in the flower industry were true. It was after the completion of this process that HEBI formulated its social code of practice. HEBI's board of directors is drawn from umbrella bodies representing growers of flowers and other horticultural crops, government departments, human and workers rights organizations and the trade unions. With funding from ETI, DFID and RNE a secretariat was established.

The Kenya Women Workers' Organisation (KEWWO) is a Non-Governmental Organization that was formed in 1990 and registered in 1997 with the objective of improving conditions of women workers so as to empower them to participate in decision-making. KEWWO is involved in training workers on the codes of practice in the cut flower industry as well as labour relations. The organization also lobbies with Government for policy changes and has participated in the formulation of the new Labour Relations Bill.

Other stakeholders in the cut flower industry include the Stakeholder Steering Committee (SSC), Milieu Project Sierteelt (MPS), Flower Label Programme (FLP), Max Havelaar, Ethical Trading Initiative (ETI), workers' associations and trade unions such as the Central Organisation of Trade Unions, Kenya Planters and Agricultural Workers Union (KPAWU), the Agricultural Employers' Association (AEA), and the Federation of Kenya Employers (FKE). Others are civil society organizations such as the Kenya Human Rights Commission (KHRC), Community Based Organisations (CBOs) and researchers. Flower farms/growers are also interested parties. Others include Kenya Safe Use Project (KSUP), Lake Naivasha Growers Association, Lake Naivasha Riparian Association and Propagators (LNRAP) (Blowfield et al 1998).

At the farm level, the main stakeholders in the cut flower industry include farm owners and managers on the one hand, and workers and their families who have a direct stake in the industry, and adjacent non-participating households, who may benefit or lose from economic and environmental spill-over.

1.3 Social Codes of Practice

There has been adverse publicity regarding the social and environmental impact of the flower trade in different parts of the world. In the recent past in Kenya, press reports have focused on the health implications for workers and the importance of ecologically-sensitive agro-chemicals. This, combined with close trading relations with European buyers, and the lack of comprehensive and enforceable national legislation have made it necessary for the industry to reassure buyers through the development of codes of practice. Over the last few years, the industry has been beset by allegations of poor labour practices and environmentally damaging production processes. In light of this, codes of conduct that establish guidelines for responsible production have been developed in order to improve these conditions. The Kenya cut flower producers have been at the forefront of embracing these codes, both through the development of their own codes and the adoption of overseas buyer codes which give guidelines on how cut flowers are to be produced. In this way, the codes ensure that every flower producer embraces the corporate social responsibility philosophy by minding the welfare of their workers and the environment.

In this section, we look at some of the key features of the social codes of practice that are in operation in the country (see also appendix 6). The aim is to understand the varied environment that each code presents and in particular the opportunities that each of the codes present to workers and their families. The codes can be broadly categorised into two: local and international.

Milieu Project Sieteelt (MPS), one of the earliest certification programmes, was developed in 1993 in an effort to reduce the environmental impact of floriculture. Although it was initially limited to inspections of horticulture in the Netherlands, it spread to other countries including Kenya.

Flower Label Programme (FLP): This code was developed in 1996 as a business-to-business code between a German importer's association (BGI) and the Association of Flower Producers and Exporters of Ecuador (EXPOFLORES). Standards initially focussed on the environmental conditions associated with flower production, but were later expanded to include social and labour conditions when the International Code of Conduct (ICC) standards were incorporated into the FLP in 1999.

The ICC was proposed in August 1998 by the International Union of Food Workers (IUF), unions and NGOs in Germany and Holland. The Code emphasizes employers' respect for labour rights such as freedom of association, collective bargaining, equal treatment, living wages, reasonable working hours, compliance with health and safety standards, employment security, no child or forced labour, as well as environmental protection and limited pesticide and chemical use.

Max Havelaar. In April 2001, the Swiss based Max Havelaar began to award its label to ICC-certified cut flowers from Ecuador, Kenya, Tanzania, Zambia and Zimbabwe. The Max Havelaar Foundation certifies agricultural products that are produced and sold in accordance with the international criteria of fair trade. Exporters selling with the Max Havelaar label receive a higher price for their goods.

Fresh Produce Exporters Association of Kenya (FPEAK): This association was established in 1975 to promote the export horticultural industry through the provision of market information, business planning support, technical assistance and training for small growers. In 1996, FPEAK formulated the first edition of its code of practice which was to be implemented by all the members.

Kenya Flower Council: In 1994, six of the largest flower producers in Kenya formed a consortium called the Kenya Flower Council. In collaboration with Kenya's Ministry of Agriculture, Ministry of Labour, the Horticulture Crops Development Authority and the Pest Control Products Board, KFC developed a code of practice with both labour and environmental standards. This code is well respected in Europe, although locally it is perceived to represent 'a club for the rich'.

The social codes of practice focus on workers' conditions of living and employment and in particular, they aim to improve the worker's welfare and that of their families and neighbouring communities. All the codes have provision against child labour, although there is some variation in the minimum age and the extent to which assistance is provided when phasing out child labour. They also stipulate that no persons under the age of 18 years shall be employed in work which may jeopardise health. Forced labour is prohibited by the codes and workers should not be required to lodge "deposits" or their identity papers with their employers.

On health and safety issues, the codes cover the requirement for employers to provide a safe and healthy working environment. All employees should have access to drinking water, clean toilets or pit latrines. The codes require either a senior management representative or a safety officer, to be responsible for health and safety; that all personnel – especially new employees, receive health and safety training. Emphasis is put on having systems and procedures in place for working safely. Some codes make provision for worker housing or give housing allowances in addition to wages, (MPS, FPEAK) but in all cases where housing is provided, it should be of adequate standard. Adequate medical services should be available for workers and members of their families, either through ensuring adequate access to local public facilities or by provision of facilities on site. The codes also contain provision for use, handling and storage of pesticides, including worker training on these issues. Some codes, e.g. FPEAK are explicit in their stipulations aimed at controlling and reducing environmental degradation resulting from agro-chemical use.

The codes support the rights of workers to union membership and collective bargaining and state that employees should not be discriminated against with respect to their employment because of union membership. Some codes make provision for the election of worker welfare committees.

All the codes contain provision against discrimination on the basis of race, colour, sex, religion, political opinion, nationality or social origin. They do not allow physical harassment in the work place or psychological oppression, particularly of women workers. Management in co-operation with the workers' representatives, is required to establish, implement and communicate a policy with regard to disciplinary and grievance procedures. Some codes stipulate there should be no wage deductions as disciplinary measure and no corporal punishment.

The codes contain provisions on working hours, limiting the number of hours worked in a week to 48 hours (some codes 46 hours), specifying rest days and requiring overtime to be paid at normal or higher rates. The codes require that all employees be employed on the basis of an employment contract, which is legally binding. The wages shall, at least, meet legal or industry minimum standards and should be sufficient to meet basic needs and provide some discretionary income. The codes contain provision for paid annual leave, sick leave and maternity leave. They cover the conditions for dismissal and redundancy. With respect to the particular situation of women, the codes protect against discrimination on the grounds of pregnancy and prevent the deployment of pregnant women on pesticide related tasks.

A further feature of the codes is the emphasis on record keeping of all the above dimensions.

Integrating ethics into all aspects of a corporation's activity is intended to deliver benefits in terms of worker welfare. However, this assumption has not been explored in a rigorous manner. For instance, to what extent are workers' terms and conditions improved by these codes of practice? Are workers empowered by the codes of practice? Is it only workers who are affected by the policies and practices of business or are there other stakeholders at the local level whose impact has not been systematically assessed? From a developmental perspective, it is therefore important to ask how far codes of practice can bring about real improvements in the material wealth, social well-being and empowerment of workers and other local stakeholders, and whether codes themselves have negative or unexpected impacts.

1.4 Sampling, Data Collection and Analysis

This study on the social impact of the codes of practice was planned to cover three phases. Phase 1 entailed carrying out a baseline survey intended to compare code adopting and non-code adopting flower exporting farms in Kenya. These farms were to be monitored for changes in phases 2 and 3. Data analysis was designed to take place at three levels - a descriptive presentation of what was, followed by an analytical account of what is different between code adopting and non-adopting farms, and thirdly, what has changed over time. The study used both qualitative and quantitative data gathering techniques.

However, two main problems were confronted in the planning for phase 1; the absence of an accurate list of flower farms which could constitute a sample frame, and the difficulties of securing agreement to participate from farm managers and owners (on both code adopting and non adopting farms). This led to the tactic of convenience sampling of those companies which were willing to enter the study.

In preparation for phases 2 and 3, the problem of the sampling frame was addressed by commissioning work from the Setup Training Institute to generate a listing of flower export farms, details of the enterprise and their code status. The farms in the first phase were reviewed in the light of this list to check on their representativeness.

The non-adopting farms from the first phase were very small family farms with minimum hired labour and hence unrepresentative of the wider industry. A new sample of non-adopting farms for phase 2 was therefore drawn from the sampling frame list. Two of the code adopting farms

that had participated in Year 1 declined to continue during the monitoring cycle and replacements were sought from amongst farms that had taken part in the mobilisation stage when study indicators were being developed.

In the light of the details on farms contained in the sampling list, it was also decided that further categorisation in terms of farm size, was necessary. Five categories of farm sizes were therefore applied to guide the selection of the two code adopting farm replacements and the selection of non-adopting farms. These were: very small (0-5ha); small (6-10ha); medium I (11-15ha), Medium II (16-20ha); large (21-50ha); and extra-large (51ha+).

The sample size was fixed at a total of 12 farms, equally distributed between code adopting and non-adopting. The actual selection of farms to be interviewed was thereafter based on acreage under flowers, ownership, type of workforce, and to a limited extent, the location of the farm.

At the farm level, selection of workers to be interviewed was, to the extent possible, random. Special attention was paid to distribution across sexes; employment status; position; and period worked. On arrival at a sampled farm, the management assisted by providing a listing of its workers with details such as terms of employment, sex, the section where they worked and the year they joined. A total of 20 workers were interviewed per farm and their distribution was dependent on the nature and completeness of the list provided. In subsequent visits, all attempts were made to revisit the same respondents.

Table 1. List of selected farms (Years 2 & 3)

No.	Size	Ownership	Labour	Location	Social Code
1	Small	Asian	Migrant	Kajiado	Adopting
2	Medium I	Kenyan	Local	Kiambu	Adopting
3	Medium II	Kenyan	Local	Kiambu	Adopting
4	Large	Kenyan	Local	Nyandarua	Adopting
5	Large	Kenyan/Asian	Local	Thika	Adopting
6	X-Large	European/Dutch	Migrant	Nakuru	Adopting
7	Small-Small	Dutch	Migrant	Nakuru	Non-adopting
8	Small	Lebanese	Local	Thika	Non-adopting
9	Medium I	Scottish	Migrant	Nakuru	Non-adopting
10	Medium II	Dutch	Migrant	Nakuru	Non-adopting
11	Large	Kenyan	Local	Thika	Non-adopting
12	X-Large	Israeli	Migrant	Nakuru	Non-adopting

Data collection among the workers entailed the use of a structured questionnaire with both closed and open-ended questions, open discussions and case history accounts. The survey questionnaire and the case history guide questions were largely developed in Year 1 of the project, using a participatory approach with workers to establish indicators. However, prior to embarking on revisits (for code adopting farms) and the first baseline for non-code adopting farms in Year 2, these data collection instruments were re-visited and revised, but only to a limited extent to take care of lessons learned in Year 1. The workers' questionnaire focused on living conditions, conditions of work, wage levels, capacity and rate of asset acquisition, among other key issues. Differentiation between questionnaires for the baseline survey and the monitoring cycle was at the level of introduction and frame of reference. Everything else remained the same for ease of comparison.

In addition, a different set of questions were used to guide discussions with management and key stakeholders in the flower industry. Most of the issues covered focused on the perceived importance of codes of practice and organisational structure.

Two approaches to data analysis have been employed. Information derived through the survey questionnaire was coded and analysed using the SPSS program. On the other hand, information gathered through discussions and case histories has been analysed qualitatively.

The rest of this report gives an account of the impact of social codes of practice on the flower industry in Kenya. This is presented in three main parts: code adopting farms; non-adopting farms; a comparison of the two, and conclusions and recommendations. Each of the sections begins with a descriptive account of the study population, followed by a comparative analysis of the findings and a discussion of the emerging issues.

1.5 Field Problems and Study Limitations

Some of the flower farms in the sampling frame had no telephone number or a precise physical address. Moreover, some of the flower farms that were listed in the sampling frame as adopting turned out to be non-code adopting, and vice versa. Again, this was a reason for re-sampling so as to replace these farms as appropriate.

The CFI in Kenya remains a closed sector. There is a lot of secrecy based on fear of certain information getting to competitors. Consequently, the owners and managers of flower farms are generally reluctant to grant access to their precincts and workers; it therefore took repeated requests, making of trips to physically seek appointments, and seeking the intervention of government ministries or close associates of some of the farms.

The most confounding and methodologically constraining cases were those of the flower farms which had been included in Phase 1 of this study and were therefore required during the monitoring phase. Generally, code adopting farms were the most difficult to access and many of the ones that had participated in Year 1 were not particularly keen on re-visits, two times over. Two farms from Year 1 totally declined to be re-visited. Therefore, re-sampling for replacement of the two farms was only done after several unproductive attempts to secure appointments. Even in cases where re-visits were allowed, this access was only realized after several visits for appointment. Interestingly, some of the non-code adopting flower farms were generally more accessible than code-adopting farms, probably because they did not feel like they were being subjected to scrutiny as compared to those that had adopted and therefore got the feeling that this may be an audit rather than an impact assessment.

Due to the unpredictability of securing appointments, planning was greatly disrupted, making it necessary for the researchers to keep adjusting their plans. The difficulty of securing visits to the flower farms stretched both the time and financial resources that had been allocated for this phase. The initial expectation that the study could take a couple of weeks foundered on the inaccessibility and long-winded procedures for securing appointments. In response to these constraints, the researchers met severally to review the sample and strategize on accessing the flower farms.

To monitor the capacity and rate of asset acquisition and progression, as opposed to what existed irrespective of when it was acquired, required that the study dealt with the same sample throughout the three phases. However, the absence of base data on the identity of the workers who were sampled in Year 1 was methodologically and substantively constraining. This study sought to sample some of the workers who were in Year 1, but ran into logistical difficulties due to the fact that the managers in the sampled flower farms had no information on the identities of the workers sampled in Year 1. This study, therefore, stratified and randomly sampled the workers and resolved to establish a base data on their identities for the purpose of Year 3. However, this too had its challenges. Although the necessary details for all the workers interviewed were secured in Year 2, some of them were absent during the revisits on account of change of season, being on leave or because they had since left employment. The only alternative was to re-place the workers who were absent with others of similar characteristics.

2. CODE ADOPTING FARMS

This section is based on information gathered from the six code adopting farms that were interviewed in Years 2 and 3. The discussions cover a general overview of the farms before making a presentation of workers' profiles and experiences. The aim is first, to demonstrate who these code adopting farms are before moving on to analyse, through a comparison of data from Years 2 and 3, what may have changed over time. The purpose in each case is to assess the impact of the codes of practice on code adopting farms.

2.1 Characteristics of the Six Code Adopting Farms

Workers and managers on a total of six code adopting farms were interviewed in Year 2. The six farms were of varied sizes. The smallest farm was 8 acres in size while the largest was 150 acres. The selected farms are located in Kiambu, Thika, Nyandarua, Nakuru and Kajiado districts. Three of the farms are owned by Kenyan Africans and another two by Kenyans of Asian origin. Only just one farm among those interviewed under the code adopting category was owned by a foreigner (Dutch).

Table 2: Characteristics of the farms interviewed by size

Classification	Location	Acreage	Ownership
Small	Kajiado	8	Kenyan/Asian
Medium I	Kiambu	13	African/Kenyan
Medium II	Kiambu	16	African/Kenyan
Large I	Nyandarua	27.5	African/Kenyan
Large II	Thika	29.5	Kenyan/Asian
Extra large	Nakuru	150	European/Dutch

The size and composition of the labour force varied from one farm to another. Generally, the size of the labour force was directly proportional to the size of the farm. Almost all the farms (83%) had engaged temporary or seasonal labour. However, the majority of the workers in all farms visited were permanent employees. Over half of the workers (57%) were male. Larger farms particularly seem to have employed a significant number of male workers, probably because in a number of these farms, there was construction work going on. Notably though, farms that engaged seasonal labour had more female workers in this category, partly because seasonal labour is employed during peak harvest seasons and many farms prefer women harvesters and packers because they were considered to be more careful in handling the flowers.

Table 3: Labour force distribution by category

Farm	Permanent		Temporary		Seasonal		Total
	Male	Female	Male	Female	Male	Female	
Small	82	63	0	0	0	0	145
Medium I	152	113	23	13	0	0	301
Medium II	202	304	0	60	0	0	566
Large I	335	380	0	0	75	125	915
Large II	206	310	40	0	84	126	766
Extra large	3031	1590	20	0	0	0	4641
Total	4,008	2,760	83	73	159	251	7,334

The fact that the majority of the workers are permanently employed, implies that many code adopting farms are complying with the COP requirement that all workers be employed on the basis of a contract which is legally binding and which entitles them to benefits such as annual leave, social security, housing or house allowance and related benefits as stipulated in the codes. It is, however, also apparent that women remain disadvantaged largely because whenever they join the labour force, it is, for a majority of them, just for a season and this does not then entitle them to benefits.

Only two of the six code adopting farms interviewed sold some of their produce to the domestic market and this ranged between one and eight percent. The actual destinations in Europe vary from one flower farm to another, although some of the farms seem to concentrate on specified markets.

Table 4: Proportion exported to specified markets by farm size

Farm	Exported	Buyers
Small	25%	Marks & Spencer
	50%	Southern Green House Produce
	25%	World Flowers
Medium I	70%	UK, Holland, Germany
	10%	USA
	12%	Vancouver
Medium II	99%	Holland, Switzerland, UK, France, Germany
Large I	100%	Holland auction
Large II	100%	Holland auction
Extra Large	60%	UK
	20%	Holland
	20%	Switzerland

All the farms interviewed had adopted more than one code and in each case, one of the ones adopted was a local code. The Kenya Flower Council (KFC) code was the most common, having been adopted by five of the six farms interviewed. Two of the farms had taken up to four different codes.

Table 5: Codes adopted by farm size

Category of Farm	Codes Adopted
Small	KFC, HEBI (ETI)
Medium I	FLP, FPEAK
Medium II	KFC, FLP, Max Havelaar, MPS
Large I	KFC, MPS
Large II	KFC, MPS
Extra Large	KFC, Max Havelaar, Fair Trade Label, MPS

Generally, the type and number of codes adopted is determined by what the market dictates. For example, if a farm exports their flowers to Germany they have to subscribe to the FLP, a German code. If they export to Holland, they subscribe to MPS (or KFC which works in partnership with MPS) and if their market is in Switzerland they have to subscribe to the Max Havelaar, the Swiss code. Other considerations include the cost of subscription and implementation of the code, the expected benefits and the orientation of the farm owner.

2.2 Managers' views.

According to the farm managers that were interviewed, the codes have had far-reaching benefits both to the enterprise and to the workers. They cited improvement in salaries and general working conditions; provision of housing as a policy decision; putting up of recreational and sanitary facilities; provision of break-time refreshments to workers; use of protective clothing and fumigation of workers' houses; promotion on merit; a health scheme that includes the worker's immediate family and provision of maternity leave; routine maintenance of workers' houses; and use of less toxic chemicals. Some managers reported that codes have encouraged interaction between managers and workers, both directly and through committees appointed or elected by the workers.

Some improvements were driven by the codes, while others were said to be related more to workers' needs, company policy or owners' disposition, or are already part of national labour, health and safety legislation.

Managers identified some negative aspects to the codes; for example, that they are aimed at regulating accessibility to external markets to the detriment of African businesses; that actual implementation is cumbersome because of the requirement to keep records; they require the use of specialised personnel; audits which are critical of efforts made, and the cost of implementation which has impacted on the cost of production and thus made the flowers less competitive. The main costs involve training and training materials; payments for maternity leave; buying and replacement of worn-out protective clothing; maintenance of housing; maintenance of machinery; time taken by the audits and the cost of subscription. Nevertheless, none of the farms has considered de-listing from the adopted codes. The question, therefore, is what does the worker think?

The remaining parts of this section focus on the impact of codes of practice on workers' welfare. The central aim is to demonstrate the extent to which these codes have impacted on the welfare of workers. The discussion begins with an overview of the characteristics of the farm workers before moving in to look at their living and working conditions and the extent to which they feel empowered.

2.3 Socio-Economic and Demographic Characteristics

A total of 120 workers from code adopting farms were sampled and interviewed. Over one half of these workers were men (52%) and the remaining 48% were women. The workforce is generally youthful with about 20% of the workers aged between 18 and 23 years, 46% aged between 24 and 29 years and another 23% aged between 30 and 35 years. Only about 12% of the workers sampled were aged 36 years or more and the oldest person was 48 years old. A sizeable proportion of the workers in code adopting flower farms are single (43%) and over one half (53%) are married. The rest are either separated/divorced or widowed.

Over one third of the workers (67%) were residing with someone, largely family members consisting of parents, siblings and children. Over four fifths of the households indicated that their composition had not changed over time. However, the remaining 20% of the workers indicated that their household composition had changed because members left or joined in. These persons consisted of spouses, children or workmates.

2.4 Housing and Living Conditions

In the six farms, over 62% of the workers were provided with housing and the remaining 38% lived either in rented houses or in their own homes or with their parents. There were several reasons given for living off the farms; the insufficient number of houses at the farm; some of the workers were not allowed to stay at the farm because they had families/children, others opted to rent houses off-farm instead of having to share single rooms with other workers at the farm; and for some, this was because their homes were nearby.

2.4.1 Type and size of Houses

Permanent houses in this study were those made of stone/brick, had cemented floors, iron sheet or tile roofing and ceiling boards. Semi-permanent houses were defined as those built from timber with cement floors and ceiling. About 48% of the workers lived in permanent houses and another 39% lived in semi-permanent houses. However, 13% of the workers lived in temporary structures built from timber, mud and paper. The majority of the houses were single rooms and on most farms, these were shared between two or three workers. Some of the workers who rented houses outside the farm had similar sharing arrangements so as to save on costs.

About three quarters (73%) of the houses did not have a kitchen or separate area for cooking. In most cases, the workers keep their belongings packed in boxes/cartons at all times to create the

required space. Many use their beds as chairs when having meals or relaxing. Only 27% of the farms interviewed provided small common cooking areas where workers bring out their stoves/charcoal burners to prepare meals.

Though the illustrations in Box 2-1 and Box 2-2 are not typical of all farms, almost all workers expressed concern that the houses are very small and yet they have to be shared by two to three workers. This might be because the codes do not specify the minimum requirements for type and size of house, a decision that left to the discretion of the management.

Box 2-1 Type and Size of House.

I am a single female aged twenty-six years old. I attended school up to primary level. I was employed in this farm in February 2002 as a casual worker in the grading section. I earned a salary of Kshs. 2,860 per month. In 2004, I was permanently employed and my salary increased to Kshs. 3,655. This includes NHIF contribution of Kshs. 80 and NSSF contribution of Kshs. 175. I am not entitled to a house allowance since I am housed on the farm.

The house is a single room made of iron sheets. It is, however, cemented. I share the house with a colleague. There is no separate area for cooking. We have divided the house with a curtain to separate the bed-room and the living area/kitchen. We have very few cutlery/kitchen dishes and no furniture because there is no space to put them. We sit on the bed while we cook and eat. Married workers are not allowed to live on the farm.

Box 2-2 Housing and Living Conditions

I am a 27-year-old female. I was employed in this farm as a casual labourer in 1995. I started with uprooting trees and preparing the farm for flower planting. Then I was transferred to the grading house. I worked there for 5 years, till 2000 when I was again transferred to crop husbandry due to chest problems; grading rooms are very cold. I got permanently employed in 1997.

I do not live in the farm. I have rented a single-room house in a nearby town and walk to work. I pay a house rent of Kshs. 700 per month. I get a house allowance of Kshs.800 and a monthly salary of Kshs. 3,900. Even though I make a little saving out of the house allowance, the money is still not enough as the salary is too little to meet all my needs. I have a lot of experience with flowers from this farm; I can leave if I got a job that pays better elsewhere.

I have sub-divided my house into two with a piece of cloth so that I have a bedroom and a sitting room where I also cook. I can only fit a small table and two stools in the sitting room because it is very small. I also have very few utensils partly because I cannot afford to buy many and also because there is no space to store them if I bought. Water is easily accessible, as the landlord has provided water for all the tenants living in his plot.

The study also aimed at finding out whether there had been any changes made to the houses in the previous year before the interviews. Changes here included painting of the houses, fixing any leaking roofs or broken doors/windows, and providing other relevant services such as water and electricity. About 28% of the workers stated that there had been change, while 67% noted that there had not been any change. This notwithstanding, some workers reported that the houses were in dire need of repair.

2.4.2 Housing Allowance

About four fifths of the workers not housed on farm received a monthly housing allowance and this ranged between Kshs. 400 and Kshs. 2,656 a month, with most workers receiving about Kshs. 800 per month as housing allowance. Again, because the codes only require that employers pay a housing allowance in cases where workers are not housed, this leaves the employer to

decide how much to pay as housing allowance. Partly in an attempt to cope with the amounts provided as housing allowance, the workers' rent ranged between Kshs. 200 and Kshs. 1500 per month.

The amount of money paid as rent varied with the location of the farm. Rent was more expensive for workers engaged by farms located near towns. Some of the workers rented very small single roomed houses so that they could make some savings from money received as housing allowance. Others were, however, forced to pay more than they received in allowances and in some instances, this necessitated that they pool resources with work-mates or friends.

2.4.3 Water and sanitation

Only about 23% of the workers had piped water in their houses. Instead, the majority of the workers obtained water from within the plot (70%), vendors (15%), rivers (5%), or boreholes (3%).

The most prevalent toilet facility available to the workers was the pit latrine (69%). Pit latrines are easy to construct and manage as compared to flush toilets, which require a constant flow of water. Nevertheless, 23% of the workers used flush toilets and another 8% had both flush toilets and pit latrines.

Close to 70% of the workers used a basin to hold water for bathing. About 11% had showers while 19% had both basin and shower. Use of basins for bathing was particularly common in company-owned housing, largely because fixing bathrooms with showers is an added cost to the farm.

2.4.4 Sources of Energy

This study also aimed at finding out the sources of energy that were available to workers for cooking, lighting, heating and warming water and the affordability of the same.

The most common source of energy for cooking is the kerosene stove (42%) or a combination of a charcoal stove and a kerosene stove (30%). Only 9% of the workers used a charcoal stove alone and the remaining few used a combination of firewood and kerosene (3%), gas (3%) or firewood (2%).

Similarly, the majority of the workers (62%) used the kerosene lamp for lighting. Only 38% had access to electricity. Where the employer has supplied the workers with electricity in their houses, it was fitted with gadgets that ensure that it is used for lighting only and not heating or ironing, as a means of avoiding high electricity costs.

The kerosene stove was the most commonly used item for warming water (28%) followed closely by charcoal (25%). Others used a combination of kerosene stove, firewood and charcoal to warm the water. Only a mere 2% used gas for warming water. Some workers noted that they did not use warm water at all either because they could not afford to pay for the energy cost or out of choice. Most workers prefer the kerosene stove because it is cheaper and manageable. It takes less time to light than the charcoal burner. The stove also takes up less space in the house, given that most of them are single rooms. The LPG gas was found to be unaffordable while firewood is too demanding because it requires time to fetch and make a fire.

2.5 Conditions of Employment

The majority (89%) of the workers interviewed in code adopting farms were permanently employed and had written contracts. Only 8% were temporary employees and another 3% were employed on a seasonal basis.

When asked how they had obtained employment in their respective farms, many of the workers (48%) said that they were introduced by friends or relatives to the farm management. However,

about 38% introduced themselves while 14% went through a formal interview following an application. Less than 1% of the workers joined employment through the invitation of the farm owner.

The longest serving worker had been in employment for 13 years while the shortest was only of three weeks duration. Most workers reported that they had had no problems with the management or fellow workers (71%). However, one quarter of the workers (25%) did not feel assured of a job throughout the year, and another 3% did not know whether they were assured of a job or not.

2.5.1 Working Hours and leave entitlements

One of the main code requirements is that employees shall not be required to work in excess of 48 hours per week on a regular basis. Study findings show that almost all the workers put in eight hours of work (96%) per day. Some workers, however, reported that they worked for between nine and twelve hours (3%).

In addition, more than one half of the workers (56%) worked overtime, especially those engaged in harvesting and packaging. Workers in other departments were also required to work overtime, mainly during peak seasons such as Valentine's Day, Mother's Day, Easter and Christmas holidays.

Payment for extra hours worked was either in kind or in cash. For those who received cash payment, this ranged from Kshs. 11 to Kshs. 105 per hour. However, some of the workers expressed concern that they did not know how the overtime payment was computed and even felt that they were not fairly compensated for all the overtime hours worked. Others were paid a total sum at the end of the month making it difficult for them to understand the rate at which the payments were calculated.

For those workers who were paid in kind, two thirds of them reported that they were given hours off as compensation while the rest had to work until the extra hours consolidated to a full working day after which they would get a day off as compensation. On the other hand, about 61% of the workers received bonus payments, usually in cash. This payment was made mainly to workers in green houses (or open fields) and pack houses, whenever an individual went beyond the minimum set number of stems which they should harvest or pack in a day. The bonus is paid per stem harvested or per bundle of flowers packed. This is aimed at ensuring that workers in those departments work even harder than they normally would so that they can earn extra money through bonuses.

Box 2-3 History of Employment

I am a single female aged 27 years old. I studied up to secondary school level. I was employed in this farm in April 1997 as a casual worker. My job was to harvest flowers and maintain the green houses. I earned Kshs.2, 100 per month. In March 1998 I was interviewed for a permanent job. The management required someone with agriculture or biology discipline background, good communication skills and capable of interacting well with people. I got the job and was promoted to a charge hand to supervise one green house. I was rewarded for improving the production of flowers from 3,000 to 10,000 stems from the green house per day. My salary rose to Kshs.4, 200.

In 1999 I was again promoted to a supervisor in charge of 3 green houses, and earned Kshs.7,990. In 2001 I was again promoted to a senior supervisor in charge of 5 green houses. I was in charge of other supervisors, charge hands, workers, making budgets for flower production, and managing the crop. I earned Kshs. 12, 000 per month. In 2003 I became the company's assistant manager in production with a salary of Ksh. 15, 000.

Almost all the workers (97%) indicated that they had a day off per week. Of these, two thirds were paid weekly rest. In some farms, only permanent employees or those on temporary contracts are entitled to a weekly rest. Similarly, almost all employees (94%) were entitled to paid annual leave. The number of annual leave days ranged from 21 to 30 with most workers noting that they had a 21-day annual leave.

More than four fifths of the workers (90%) reported that they were entitled to paid sick-leave days. The rest were entitled to unpaid sick-leave days (5%) or none at all (3%). About 3% of the workers did not know whether they were entitled to sick leave or not. The number of sick leave days varied with the type of sickness and the number of days recommended for rest by the doctor/nurse.

However, only 44% of the workers were entitled to paid compassionate leave; 33% were entitled to unpaid compassionate leave, but close to one fifth of the workers (18%) were not entitled to compassionate leave. The number of compassionate leave days varied from farm to farm but generally ranged between two and seven days.

Over 91% of the workers interviewed were entitled to paid maternity leave, while 3% were entitled to unpaid maternity leave and another 3% did not receive maternity leave. The number of maternity leave days varied between 90 and 120 days, depending on whether the worker was a permanent employee or a temporary worker.

Box 2-4 Weekly Rest, Sick leave and Annual /Compassionate Leave

I am a twenty-six year old married man with one child. I have up to secondary level education. I was employed in this farm in February 2001 as a general casual worker earning Kshs. 2,600 per month. In 2002, my salary increased to Kshs. 2,800. In 2003, I was promoted to the post of quality controller and my salary increased to Kshs. 3,500. In July 2004, my salary increased again to Kshs. 4,800. Out of this salary, I contribute Kshs. 200 to NSSF (National Social Security Fund) and Kshs. 100 to the NHIF (National Hospital Insurance Fund).

I work for eight hours a day from Monday to Friday. On Saturdays, the normal working hours are six but we work for eight hours. The extra two hours are paid as overtime. I am entitled to a one paid day-off per week and an annual leave of twenty five days excluding Sundays and national holidays. The actual annual leave days are twenty-one but I also get the four days off in a month to make a total of twenty five.

Any sick worker is granted sick leave provided the doctor makes that recommendation. I can also get compassionate leave so long as there is good reason for that. The number of days depends on the reason for the compassionate leave. However, the days are deducted from one's annual leave. This means that a worker gets fewer annual leave days if they take compassionate leave.

Maternity leave for pregnant mothers is ninety days. The days include actual 60 days maternity leave and a one-month annual leave.

2.5.2 Travel to work

An attempt was made to find out how the workers travelled to their places of work. A considerable percentage (87%) walked to their place of work. This is because many of them live on the farm or rented houses near the farm. Some of the workers used public transport (6%) while others cycled to work (7%). In one of the farms, the research team found that even for workers who lived on the farm, transport was available to take them to their various sections of work, especially those who worked in the green house/harvesting departments. This is because some of these farms cover an extensive area and the green houses are located at a considerable distance.

2.6 Occupational Health and Safety at Work

Over 96% of the workers reported that they had access to quality drinking water. Only 3% felt that the available water was not very safe for drinking, but the farm owners had gone ahead to buy them clean drinking water.

All farms had provided toilet facilities and over two thirds of the farms (67%) provided pit latrines. 14% relied on flush toilets alone, while 19% had both flush toilets and pit latrines. Most of the workers indicated that these facilities were adequately clean.

Over four fifths of the farms (84%) had tap facilities for washing hands after visiting toilets and many of the workers felt that the facilities were adequate and conveniently positioned. The taps were near the toilets and thus made it possible to wash hands immediately. In some farms, the research team noticed that the taps were located right outside the toilet while in others they were a few metres away.

Less than half (43%) of the workers interviewed had received training on health and safety issues and more than two thirds of them had received training in the last seven months prior to the interview. For the rest, the training had taken place sometime during the thirty-six months prior to the date of the interview. The content of the training included: first aid; HIV/AIDS awareness; emergency and casualty procedures; aids counselling; cleanliness and sanitation; material and chemical safety; and proper usage and storage of tools.

Approximately 96% of the workers reported that their employer provided medical care for them. However, only in about two thirds of the cases did this medical care include family members. Interestingly, some workers did not know whether medical care was extended to their families or not, because nobody had informed them about it. The type of care provided included out-patient (57%); in- and out-patient (15%); out-patient and first aid (14%); in-patient (9%); and a combination of in- and out-patient, plus first aid.

Most of the outpatient treatment was received from the company facility. However, in some cases, the employers paid for medical services in public health facilities because the company did not have a health facility. A small number of workers reported that they received medical care from private or mission facilities.

Over 90% of the workers reported that they were contributing towards the National Hospital Insurance Fund (NHIF) which caters for part of the in-patient cost for health care. A few were not contributing, either because they had spouses who contributed or they were casual labourers. A small number of workers did not know whether they contributed or not.

Box 2-5 Provision of Medical Care by the Farm

I am a female aged twenty seven years old. I am a permanent employee in this farm and I earn Kshs. 3,900 per month.

The company has a clinic in the farm. We have a company nurse who is always at the clinic and a doctor who comes every Thursday. When a worker falls ill, he/she first goes to the clinic for treatment and the company pays for the cost. If the worker is referred to a hospital for further treatment, the company pays for the cost of treatment but deducts the money from the worker's salary.

If one is admitted to hospital, NHIF helps to meet he bill if one is a contributor and the company pays for the rest of the medical bill and deducts from the worker's salary in monthly instalments until the full amount is recovered.

About 58% of the workers reported that there was a health and safety officer on the farm and their work was to make sure that the environment was kept clean, and that workers received proper medical care. However, only 49% of the farms had a health and safety committee in place. This committee is charged with ensuring that the working environment is clean and also that the health concerns of workers are addressed. This committee works together with other committees such as the welfare and workers' representative committees and has regular meetings with the management to discuss matters affecting the health and safety of employees.

Of the 120 workers interviewed, 34% work in the chemical department, namely stores, mixing up chemicals, or spraying flowers. An attempt was therefore made to find out which items were given to them as part of protective clothing.

Table 6: Protective clothing provided to Chemical Handlers

Facility	Yes		No		Total	
	No.	%	No.	%	No.	%
Respirators	37	84.1	7	15.9	44	100
Overalls	44	97.8	1	2.2	45	100
Impermeable gloves	42	93.3	3	6.7	45	100
Safety goggles	31	72.1	12	27.9	43	100
Rubber boots	44	100	-	-	44	100

As clearly seen from the Table, many farms do provide protective gear to their workers. Almost all workers in the chemical departments had been provided with rubber boots (100%), respirators (84%), overalls (98%), and impermeable gloves (93%). Slightly more than 72% had safety goggles. This is in line with the code requirement that all sprayers should have protective clothing and equipment provided by the employer. Nonetheless, some managers reported that some of the changes were as a result of company policy and/or need/demand by employees, more than a code requirement.

Less than half of the workers reported that they had received some training in the use and handling of chemicals. Fifty percent had been trained in working safely, 31% in correct application of chemicals, 8% in use of protective clothing, 25% in storage of chemicals and 22% in record keeping. Generally therefore, this depicts very low levels of training especially in the use of protective clothing.

Box 2-6 Use and Handling of Chemicals

Every worker gets protective clothing whether they directly handle chemicals or not. This includes a dustcoat, gumboots or shoes and headgear for women. Those who work in the spraying department get overalls, gas masks, gumboots, and goggles in order to protect themselves from chemicals. When the clothing is worn out, the management replaces it. The employees cannot, however, leave the farm with the protective gear when they resign or are dismissed. I think that it is a health regulation that all workers should wear the protective clothes

The sprayers also have medical check-up every three months and those who may be affected by the chemicals are transferred to different departments.

Every worker receives training on health and safety. I received training on safety in the farm in June 2003. This was about handling of chemicals and other farm equipment. Other workers have been trained on health (AIDS) but I was on leave so I missed the training. The company brings in experts to train workers. Sometimes, a selected group of workers attend training outside the farm and trains the rest.

The majority of the workers had been trained between 2003 and 2004, although some were last trained in 1996 and others could not remember when they had last been trained. This calls for

refresher training so that the workers are kept up to date on matters regarding their own safety at work. Training is needed in areas touching on working safely on the farms, as this seems to have received minimal attention.

All the farms visited provided washing and changing facilities for the workers who are spraying. After spraying the flowers, the workers wash themselves and sometimes their clothing at the facilities provided. However, the frequency of medical check-ups for sprayers was varied. The majority reported that they received these check-ups on a quarterly basis (81%). Although others were as frequent as weekly or monthly (8%) some had not received check-ups in the last year. A few of the workers (4%) reported that the check-ups were unscheduled.

2.7 Social Empowerment of Workers

Empowerment is about people taking control of their lives, setting their own agenda, gaining skills, increasing self-confidence, solving problems and developing self-reliance. It is both a process and an outcome (ILO, 1998). This is a term is generally used to describe the process by which powerless people become conscious of their own situation and organize to gain greater access to public services or to the benefits of economic growth (ODA, 1994).

Only about 13% of the farms provided educational support to workers' children. This support was largely in the form of a day care facility for the non-school-going children at the farm. The crèches are meant to reduce the time taken by mothers going home to breastfeed their babies while at the same time making sure that the babies were breastfed since they were within easy reach in the farm. The staff at the crèche is employed by the farm owners and serve as baby sitters thus ensuring that the children's mothers did not spend their meagre salaries on house helps and were thus able to save the money for other uses.

A majority of the workers interviewed (71%) were members of welfare associations in the farm. The members of the welfare associations enjoy various benefits from these associations. The benefits are both economic and social. Members are able to access small loans from the associations in cases of emergencies like death of a family member. When they have grievances they present them to the welfare committee for onward presentation to the management. Conflicts amongst the workers and between the workers and the managers are resolved through the welfare committees. Through monthly contributions to the welfare associations, the members make savings that are later used to advance loans to them. The welfare associations also organize training especially on HIV/AIDS management.

The 29% who did not belong to a welfare association explained that this is because they lacked joining fee; they were newly employed; they had no interest; the association was not open to all; they live off-farm and find the logistics difficult; or because they felt that the association was part of the management.

Managers interviewed in all six code adopting farms stated that they had informed their workers about implementing the codes of practice on the farm through meetings to inform them of the requirements of the codes or through various workers' representatives or committees. However, many of the workers interviewed said they had not heard about codes of practice. More than half (54%) of the workers on the six farms did not know about the codes. Of those who reported that they were aware of the codes, only 25% could name at least one code of practice. Nevertheless, they had some knowledge of the issues addressed by the codes such as protective clothing, medical care and provision of housing and annual leave.

Only about 17% of the workers interviewed were members of a trade union, mainly the Kenya Plantation and Agriculture Workers Union (KPAWU), an affiliate of the Central Organisation of Trade Unions (COTU). However, the majority of the workers did not know whether there was a signed Collective Bargaining Agreement (CBA) to ensure that their rights were respected.

Since only a minority of workers were members of the trade union movement, the workers have very limited bargaining power, especially where the welfare associations are not strong, or they are manipulated by the management.

Only a very small number of workers reported that they had been threatened, mainly by their supervisors (10%). Workers do not usually come face to face with the owners except during meetings where all employees are asked to attend. Meetings are often between the workers committee and the management and workers do not get the chance to meet with the owners of the farms. Workers reported that the supervisor might threaten to transfer the worker to other departments or to report them to the managers if they do not put more effort into their work.

When an employee commits an offence, the matter is first reported to the supervisor who then may report to the manager depending on the seriousness of the offence or when the worker has already been warned severally. Some of the workers reported that fellow workers had physically abused them. But, one worker reported that fights amongst workers may not necessarily start from their work place. Some may be due to misunderstanding at their place of residence due to theft, relationships or failure to reimburse money lent to them.

Box 2-7 Grievances and Disciplinary Handling Procedure

Disciplinary measures are taken, for example, where one is persistently late for work. The supervisor in charge of the worker warns the worker against getting late. If this continues, he/she is made to sign a warning sheet, which is attached to the worker's contract. If the worker is made to sign this for the third time for continuously repeating the same mistake, the supervisor discusses the worker's behaviour with the production manager and Director. These are the people who decide the fate of the workers. They will either dismiss the worker or give a final warning after which the worker is laid off for repeating the same mistake.

Summary dismissal takes place in cases of sexual harassment or theft of company property. In such situations, the worker does not get any warnings but is asked to leave the farm immediately. However, only the director can sack an employee. Nonetheless, he/she has to clear with the company. This includes returning all protective clothing and paying for the stolen item/s and any company property he/she may have lost. After this, the worker gets his/her dues and is given a day to vacate the farmhouse if he/she was living on the farm.

When a worker wants to resign, all they have to do is write a letter of resignation to the Directors. Thereafter, they are free to go. No notice of resignation is required.

Seemingly, many farms maintain a cordial relationship between the management and the workers. In some of the farms visited, the research team noticed that the owners and managers were in the fields working and supervising their workers with whom they exchanged friendly words.

2.8 Economic Empowerment of Workers

The salaries paid ranged between Kshs. 2,370 and Kshs. 16,000 with an average monthly salary of Kshs. 4,487. About 54% of the workers earned a monthly salary of between Kshs. 2,000 and Kshs. 3,999. Another 31% earned between Kshs.4000 and Kshs.5999. Only 14% earned a salary of more than Kshs.6,000.

Although the figures suggest that the workers are well remunerated, as their average pay is beyond the highest recommended wage. The codes of practice themselves do not specify salary minimums but require that employers meet the legal minimum wage levels.

Indeed, information on the ability of the workers to meet their daily needs showed that most of them were able to pay for their utilities. Almost all were able to buy their food (95%). Similarly,

94%, 53% and 71% were able to pay for clothing, school fees and health care respectively over the year. Over 68% of the workers were able to pay their monthly house rent.

Of the workers who had loan repayments to make, about 57% were unable to make the repayments. However, 55% of the workers were able to make savings or investments. Most of the investments made were either in land or livestock in the rural areas where the workers came from.

Some of the workers were indebted. About 8% were indebted to the employer. The rest were indebted to the farm shop (28%); friends and colleagues (36%); family members (15%); town shops (20%); and other credit agencies (21%). In other words, some workers earn just enough to be able to afford their needs without going into debt. It could also mean that they do not have enough to borrow against. The workers were mostly indebted to their colleagues possibly because they were in close contact or they understood each other's difficulties more easily.

The majority of workers owned items that were necessary for daily use. Over 80% owned a stove, jiko (charcoal burner), tables/chairs/stools, beds, dishes/cutlery and a radio. Only 19%, 30% and 29% owned a television set, sofa set seats and bicycle respectively. An even smaller number owned an electric/gas cooker, refrigerator, VCR or sewing/knitting machine. None of the workers owned either a motor cycle/scooter or a motor vehicle.

These results show that the workers purchased items that were necessary for their daily use. Other assets such as television set, VCR, refrigerator, electric/gas cooker, motor cycle/scooter and motor vehicles were beyond the reach of most workers and are considered luxuries.

Although a majority of the workers were able to make savings in the last year, only 16% made investments such as buying land or livestock. This suggests that were they to rely entirely on their current employment, these workers may not have a fall back in case of losing their job or becoming incapacitated.

2.9 A Comparison of Code-Adopting Farms Over time

This section is a comparison of findings from Years 2 and 3. The aim is to find out what changed over time and therefore the progress that code adopting farms make with the passage of time. In order to make this possible, the research team made re-visits to the same farms.

2.9.1 Characteristics of 6 adopting farms

Some changes were noted at the farm level. Acreage under flowers changed for two of the six farms. Acreage for the small farm moved from 8 to 10 acres while that for one of the medium sized farms dropped from 13 to about 10 acres.

Similarly, two of the six farms had identified new markets. One farm was now doing trial marketing of flowers to America and Japan while the other was sending about 10% of its flowers to the Tesco supermarket chain in the UK.

2.9.2 Managers' view

Interestingly, by year 3, three of the six farms had subscribed to *additional* codes of practice. One of these farms had brought on board the Kenya Flower Council code, on account of being a more representative body. Those who took up MPS, Eurep GAP and MPS-A, did so with the aim of penetrating their respective markets overseas. Again, the question is what changed for the worker? The remaining part of this section, therefore, makes a comparison of data from Year 2 with that of year 3.

2.9.3 Socio-Economic and Demographic Characteristics

The composition of the sample changed. The number of female respondents increased from 48% to 54% in Year 3 (Appendix 2.1). However, the disparities do not necessarily reflect a

change in gender composition. This was largely because of the replacements that took place in Year 3 for various reasons.

Similarly, there was, as would be expected, a change in age but not just at the level of increase. In Year 3, the size of respondents in the age category of 18-23 years decreased while the size in almost all other categories increased. The proportion of respondents aged 42 years and above also decreased substantially (Appendix 2.2).

The workers interviewed in Year 3 were comparatively of a lower level of education. Most of them were concentrated in the primary and secondary level of education categories with marked reduction in the proportion of those with post-secondary education, mainly certificate, diploma and degree courses (Appendix 2.3).

Generally therefore, the socio-economic characteristics of workers in code adopting farms varied between Years 2 and 3, largely because of expected demographic changes. Some of the variation was due to the replacements that took place, including in some cases, bringing new farms on board.

2.9.4 Housing and Living Conditions

The proportion of workers living in company housing decreased in Year 3, although only slightly (Appendix 2.4). This shift may in some cases be workers' choice, but the research team encountered information on a farm that had given its workers notice to vacate company housing.

There was also a shift in the quality of housing in Year 3. Comparatively, there were more workers living in temporary housing. A similar pattern was observed with regard to the proportion of workers living in permanent structures. Several reasons can be advanced. One of the farms had built more permanent houses for workers, thus more workers were now living in permanent houses (Appendix 2.5).

On average, both house allowance and rents went up in Year 3 (Appendix 2.6).

The percentage of workers with water on the plot rose, but that of workers with water in the house fell substantially (Appendix 2.7). In Year 3, the proportion of workers using a basin or shower for bathing increased while that of workers with both facilities decreased (Appendix 2.8). However, there were no major differences in type of toilet facilities used. The number of workers with pit latrines rose negligibly while that of those with flush toilet declined. The proportion of workers with both pit latrine and flush toilets increased but negligibly. The toilet facilities used remained almost the same in both phases with most workers having access to pit latrines only (Appendix 2.9).

In both phases of the study, the most common sources of energy for cooking, lighting, heating and warming water remained the same. However, there were divergences in the number of workers who were using each type of energy in Year 3. Workers using the kerosene stove for cooking declined as did the percentage of those using electricity for lighting. There was a significant increase in the number of workers using both charcoal and kerosene stove for cooking (Appendix 2.10).

2.9.5 Conditions of Employment

In Year 3, the percentage of permanent workers fell while that of temporary workers rose significantly. The proportion of seasonal workers remained about the same (Appendix 2.11). The percentage of farm workers putting in eight hours a day remained almost the same in Year 3. However, the number of workers engaged for more than eight hours a day decreased as did the percentage of workers who put in less than eight hours a day (Appendix 2.12).

In Year 3, there was an increase in the proportion of workers entitled to paid weekly rest and a corresponding reduction in the proportion of workers who were only entitled to unpaid weekly rest. However, the percentage of workers not at all entitled to rest remained constant (Appendix 2.14).

In Year 3, the number of workers entitled to paid annual leave decreased, although only slightly, giving a corresponding increase in the proportion of workers not entitled to paid annual leave (Appendix 2.15). Similarly, there was an increase in the number of workers not entitled to annual leave at all (Appendix 2.16).

The percentage of workers entitled to paid sick-leave rose while that of workers who did not receive paid sick-leave remained about the same in Year 3. However, the percentage of workers entitled to paid compassionate leave fell with a corresponding effect on the number of workers entitled to unpaid compassionate leave (Appendix 2.17).

In Year 3, all the workers reported that they were entitled to maternity leave and there was a notable increase in the number of workers entitled to paid maternity leave (Appendix 2.18). The perceptions of workers with regard to job security remained the same over time. This suggests that no major changes had taken place over the year (Appendix 2.19).

2.9.6 Occupational Health and Safety at Work

The proportion of workers with access to quality drinking water remained the same in Year 3. While this shows that farms are consistent, it is also an indication that the situation for the few workers without access to safe drinking water did not change over the one year period (Appendix 2.20).

Surprisingly, in Year 3, the proportion of workers with access to pit latrines fell and the same applied to workers using flush toilets. However, over the same period, the proportion of workers using both pit latrines and flush toilets rose (Appendix 2.21).

In Year 3, there was an increase in the number of workers provided with tap water for washing hands after toilet use (Appendix 2.22). Although the proportion of workers with a health and safety officer reduced marginally, there was a notable improvement in the number of workers who had health and safety committees (Appendix 2.23).

In Year 3, the provision of medical care for workers went down significantly (Appendix 2.24). Similarly, medical care provision for workers' families reduced. The sharp decline in provision of medical care may be attributed to substitution of workers. In many farms, only permanent workers and their families are entitled to free medical care (Appendix 2.25).

In Year 3, the percentage of workers with respirators rose and the same applied to the number of workers with safety goggles. However, the number of workers with rubber boots decreased while the number with overalls and permeable gloves remained almost the same over time (Appendix 2.26).

Similarly, the proportion of workers who undergo medical check-ups every three months remained the same while the number of workers who had never had any medical check-up increased. This suggests that there have been no major efforts to make sure that all workers and especially those dealing with chemicals, receive medical check-ups to ensure that they are not subjected to health risks due to chemical residues that may be deposited in the body.

However, in Year 3, there were considerable changes in the number of workers who had received training in the areas of HIV/AIDS; record keeping; storage of chemicals; and correct application of chemicals. But, the percentage of workers who were trained in the use of protective clothing and those trained in working safely fell (Appendix 2.27).

2.9.7 *Social Empowerment of Workers*

In Year 3, the number of workers whose children were provided with education and day care dropped. This suggests that code adopting farms had not improved in providing education or increasing day care facilities for workers' children (Appendix 2.28). However, the number of recreational facilities almost doubled, although actual amenities such as access to a television dropped (Appendix 2.29).

During the same period, there was also a decrease in the number of workers with membership in social welfare associations at their places of work. This, therefore, suggests that some of the associations may have been disbanded (Appendix 2.30).

However, the number of workers who are members of a trade union rose in Year 3, thus suggesting that the levels of consciousness and the freedom to associate were on the increase (Appendix 2.31). Although generally low, there was an increase in the number of workers who said they had been threatened by their seniors/managers or fellow workers (Appendix 2.32 & Appendix 2.33).

2.9.8 *Economic Empowerment of Workers*

There was a general increase in wages in Year 3. The lowest paid worker rose from Kshs. 2,000 in Year 2 to Kshs. 2,370 in Year 3. There were changes in the mode of payment. The proportion of workers receiving their monthly salary in cash increased while that of workers paid for overtime in kind decreased (Appendix 2.13).

The number of workers able to pay for utilities, food, and rent went up in Year 3 (Appendix 2.35). Similarly, there was a significant rise in the asset acquisition scheme, largely through provision of loans. Some of the assets acquired or improved upon in Year 3 included sofa sets and kitchenware (Appendices 2.36; 2.37a & b). In Year 3, there was a considerable increase in the number of workers that were indebted to their employer, family, friends and colleagues. However, the number of workers indebted to shops reduced over the same period (Appendix 2.38).

2.10 **Conclusions**

This study has shown that the majority of the workers in code adopting farms are permanently employed; and almost all employees work for eight hours a day as per the code of practice requirements. Those who work overtime are compensated. However, though codes require that overtime be paid using the normal payment rates, some workers noted that they did not understand how the overtime payment was computed. Similarly, although the codes require that workers be granted paid weekly rest, not all farms are doing this.

Although most workers live in permanent houses, the houses are far below the expectation of a permanent house. Many are small single rooms shared between two or three workers. This poses a challenge to space and privacy in the house. Most farms provide safe drinking water, adequate toilet facilities and hand washing facilities in line with codes of practice conditions.

Almost all farms provide medical care (out-patient) either for the workers only or including their families. Some farms even pay for in-patient medical cost for their workers. All farms provide protective clothing to workers as per the code requirements. The spray operators are provided with all necessary protective clothing to prevent coming into contact with chemicals. In addition, there are facilities for washing and changing for the sprayers.

The majority of the workers belong to a welfare association in the farm. Thus, there is a high level of freedom of association amongst the workers within the farm. However, only very few workers belong to a trade union. This is due to lack of information about trade unionism or because farms do not allow workers to join trade union groups.

However, the social codes of practice are weak in certain areas. They have not addressed women's issues, especially their representation in the workers' committees. The industrial relations condition is vague and the codes are only interested in whether the workers are registered with trade unions, but not how the unions relate with the workers. In case of the demise of an employee, the codes do not specify what role a farm should play.

The changes overtime are not clear cut, nor can these be attributed to the codes alone. Some improvements were said to be driven by the codes, while others were related more to workers' needs, company policy or owners' disposition, or were already part of national labour, health and safety legislation. Changes directly relating to the content of the codes (if not directly attributed to them) were the increases in maternity leave; provision of housing allowances; and improved occupational health and safety.

Some managers reported that code adoption and positive auditing helps to secure direct market access and maintain the reputation of their farm. However, it is not clear whether the converse is the case; that lack of codes or negative reports would actually have a detrimental effect on their ability to access markets. Further investigation would be needed to establish how codes impact on buyers' decision making and prices.

3. CODE NON-ADOPTING FARMS

This section looks at the six code non-adopting farms interviewed in Years 2 and 3. These farms are considered as non-adopting because they do not subscribe to, or are not members of a certification organisation. The discussions begin with an overview of key features of non-code adopting farms, before moving on to present, from the workers' point of view, the living and working conditions of workers in non-code adopting farms. The section concludes with a discussion on what changed over time, comparing data gathered from Years 2 and 3. The aim of these discussions is to provide background information necessary before embarking on analysis of differences between code adopting and non-code adopting farms.

3.1 Characteristics of the Six Non-Code Adopting Farms

Four of the six farms sampled were located in the Naivasha area of Nakuru District while two were located in Thika District. The farms covered a range of sizes (Appendix 3.1). Three of the farms are owned by European investors while two others are owned by investors from the Middle East. Only one out of the six non-code adopting farms is owned by a Kenyan investor.

Table 7 Ownership and Classification of the Farms

Size	Ownership	Location
Small-Small	European	Nakuru
Small	Middle East	Thika
Medium	European	Nakuru
Medium	European	Nakuru
Large	Kenyan	Thika
X-Large	Middle East	Nakuru

The surveyed farms have a total workforce of 1,837, about 36% of who were on permanent terms of employment. The rest of the workers were either seasonal (22%) or temporary (42%). Nearly two thirds (64%) of the employees in the surveyed non-code adopting farms were women. The majority (67%) of the farms employ migrant workers.

Over 66% of the farms grow roses for export while about 17% grow *Solidago* and another 17% grow *Hypericum*. All the flowers grown are exported to various destinations, mainly the Holland auction.

Table 8 Markets for Kenyan Cut Flowers

Farm	Export Market %	Specific Buyer
Small-Small	100	Holland Auction
Small	100	Holland Auction
Medium I	80	Germany-Kenya Flowers
	15	South Africa
	5	Australia
Medium II	100	Holland Auction
Large	100	Holland Auction
Extra Large	100	Holland Auction

3.2 Managers' views

Interestingly, all the managers of surveyed non-code adopting farms were aware of one or more of the codes of practice in the flower industry and what the likely implications are for non-compliance. However, managers in three of the six non-code adopting farms interviewed did not see any extra benefit accruing from the codes because their markets do not demand that they adopt any of the codes. Instead, their clients send their own auditors to verify whether good ethical practices exist on the farm. The rest of the farms stated that the codes are too expensive to adopt, especially because there is a code for each market and hence a company may be

required to adopt all the codes if it intends to send its flowers to more than one market destination. They also criticised the amount of documentation required which makes the process of certification and adoption very cumbersome. They also felt that the codes were too oriented to the worker, forgetting the investor objectives.

Some of the non-adopting farms are affiliated with companies in Europe (sister companies). The flowers are sent to these companies to be sold as part of their production. Others send flowers to the auction instead of to direct markets, since the auction does not require a farm to adopt any code of practice. Some of the farms have diversified markets including exploring new markets, for example, in Asia, Middle East and America.

According to the managers, the predominance of migrant, female labour on the farms was because the farms were situated in areas where local labour was not available (due to low population; cultural preference; competition from urban employment etc).

3.3 Socio-Economic and Demographic Characteristics of Workers

Slightly more than half (53%) of the workers interviewed were women, while men were about 47% of the sample. The majority of workers in non-code adopting farms were aged below 30 years. 33% of the workers were aged between 18 and 23 years while another 47% were aged between 24 and 29 years. The rest were aged between 30 and 35 years (15%) and between 36 and 41 years (4%). Less than 3% of the workers in non-code adopting farms were aged 41 years or more (Appendix 3.2).

A significant proportion (47%) of the workers in non-code adopting farms were single. About 51% were married and less than 3% were either separated or divorced. Generally, a larger proportion of the married workers were men. On the other hand, women constituted a larger proportion of single workers and only female workers fell in the category of the separated or divorced (Appendix 3.3).

About 52% of the workers in non-adopting farms had attained primary school level of education. Another 46% had attended school up to secondary school level. However, only about 3% of the workers in non-code adopting farms had attained a post-secondary level of education.

An analysis of the total number of people residing with the workers interviewed revealed that about 86% of workers reside with between 1 and 9 other household members, including parents, siblings and children of varying ages (Appendix 3.4 & 3.5).

3.4 Housing and Living Conditions

Only 24% of the workers in the non-code adopting farms were provided with housing. Instead, more than four-fifths of the workers who were not housed were paid a housing allowance, which they use to rent accommodation in nearby settlements.

3.4.1 Type and size of Houses

Most (65%) of the workers interviewed were living in permanent houses made of brick or stone walls, with a cement floor and roofed either with iron sheets or brick tiles and a ceiling board. Another 19% lived in semi-permanent houses with walls made of timber or iron sheets. A small proportion (15.8%), lived in temporary structures with earth floors and mud walls and roof (Appendix 3.6). The size of the houses varied between one and six rooms. About 63% of the workers did not have separate cooking areas and a similar proportion lived in single rooms, with as many as nine household persons. It appears that the majority of workers live in crowded conditions, which has implications for family privacy. The majority of the workers stated that the conditions of their houses had not changed in the last year, including attending to recommended repairs or general improvements (Appendix 3.7).

3.4.2 Housing Allowance

More than three quarters of the workers in non-code adopting farms are not housed on-farm and they, therefore, receive a housing allowance. The housing allowance ranged between Kshs.200 and Kshs.1200 or more a month. About one half of the workers (49%) received only between Kshs.200 and Kshs.599 a month as housing allowance. Another 49% received between Kshs.600 and Kshs.999 a month as housing allowance. Less than 2% of the workers received a housing allowance of Kshs.1000 or more.

Workers living in rented premises pay a monthly housing rent of between Kshs.200 and Kshs.3000. Over 54% of the workers pay between Kshs.500 and Kshs.999 monthly and another 29% pay between Kshs.1000 and Kshs.1499 per month. The rest pay between Kshs.1500 and Kshs.3000 a month as rent (Appendix 3.8).

3.4.3 Water and Sanitation

Over 80% of the houses do not have piped water indoors. Instead, most of them accessed water on the plot, at the market or from nearby institutions. The workers spend an average of eight minutes to access the water from these sources, suggesting that availability of water is not a major problem for them. The only issue with their water could be whether it is of good quality, especially for those whose source is the market place. About 92% of the workers use water from a basin for bathing and nearly 8% use both basin and shower (Appendix 3.9: 3.10).

The most prevalent toilet facility available for the workers is the pit latrine (89%). Only 10% of the workers have access to flush toilet facilities and less than 1% had access to both pit latrines and flush toilets. This suggests that the farms are located in areas that are not connected to any sewer reticulation, necessitating the emptying of the pit latrines once they get filled up (Appendix 3.11).

3.4.4 Sources of Energy

Most of the workers use kerosene (39%) or both charcoal and kerosene (37%) for cooking. The rest use either firewood (6%), charcoal (8%), electricity (1%), a combination of firewood, charcoal and kerosene (3%), kerosene and gas (1%), firewood and charcoal (3%), a combination of charcoal, kerosene stove, gas and electricity (1%), charcoal and gas (1%), or a combination of firewood, charcoal and gas (1%) (Appendix 3.12).

The greatest source of energy for lighting is kerosene (61%). The rest use electricity (38%) or solar energy (1%). Over four fifths of these workers paid the full cost of their lighting energy consumption. The remaining workers were subsidised by the farm (Appendix 3.13).

About 62% of the workers use charcoal for heating; close to 3% use electricity, 2% use kerosene and another 2% use both firewood and charcoal. Less than 1% of the workers use firewood for heating. Again, an even higher proportion of the workers (97%) were responsible for the full cost of the energy used for heating their houses (Appendix 3.14, 3.15).

3.5 Conditions of Employment

It is a common practice in the cut flower industry for workers seeking employment to assemble at the farm gate every morning in search of a job. The manager or representative of the manager would then come and hand-pick the number of workers he or she requires for the day. The persons picked will then be employed under temporary terms and with time may either become seasonal or permanent, depending on the satisfaction of the management with the worker's performance. It may also result in the loss of the job if management considers the new employee's work unsatisfactory. In the non-code adopting farms visited, about 63% of the workers had introduced themselves at the farm gate to acquire their job. Another way of accessing employment is through an introduction from a relative or friend. 28% were introduced in this way, while the remaining 10% had responded to an advertisement and were invited for an interview.

Most of the workers in the farms were either on temporary terms with contract (28%) or temporary without contract (35%) terms of employment. Only about 27% of the workers were permanent and hence entitled to the benefits of drawing a pension allowance after reaching retirement age. These workers had a signed letter of acceptance of the terms and conditions of employment under this category which acted as their contractual agreement with the employer. A small proportion of the workers were either on seasonal with contract (4%) or seasonal without contract (2%) employment. The rest of the workers (5%) did not know under what terms they were employed, largely because they may not have signed any contract with the employer and they had not been informed of their terms (Appendix 3.17).

Box 3-1: Employment conditions in Non-Code Adopting Farms

I am 29 years old and married with two children. I was employed in this farm in July 2001 as a casual labourer preparing the farm for planting flowers. After 3 months I was promoted to a scout position where my job was to check whether the flowers had any infections. In 2003, I was promoted to a supervisor. I work from 7 am to 4.30 pm with tea and lunch breaks at 10-10.30 am and 1-2 pm respectively.

As a casual labourer my salary was Kshs.100 per day. When I became a scout my salary was increased to Kshs. 130 per day. Currently as a supervisor I earn a monthly salary of Ksh. 5,200 which translates to Kshs. 180 per day. I am entitled to an advance payment of Kshs. 1,000 as a permanent employee.

In addition to my salary, I am paid a house allowance of Kshs. 1,000. The company provides me with transport to and from my home. I am picked up and dropped at a central location and then I walk home. Thus I do not incur any transport cost to work.

From my salary I contribute to the NHIF an amount of Kshs.200 a month and Kshs.180 per month to the NSSF.

The workers were distributed in various sections or departments of the farm. Such segments include harvesting, grading, packing and tending flowers in the green houses. The most labour intensive were the production (35% of workers) and pack-house/grading (23% workers) sections of the farm.

Table 9 Distribution of Workers in each Section by Gender

Section of Work	Percentage of Workers	
	Male	Female
Production	10.8	56.6
Packhouse/Grading	19.5	26.4
Spraying	28.3	-
Irrigation/Fertigation	19.5	1.9
Maintenance	19.6	1.9
Harvesting	-	7.5
Office	2.3	1.9
Trial/experimental	-	1.9
Kitchen/Welfare	-	1.9
Total	99	100

Most of the female workers were in the production and harvesting section of the farm (57%) and about 26% were in the pack-house/grading section. The rest were distributed in irrigation and

fertigation (2%), maintenance (2%), harvesting (8%), office (2%), trials and experiment (2%) and kitchen and welfare (2%). Men are mainly involved in the spraying, irrigation and maintenance sections of the production process. About one quarter of the male workers were in the spraying section (28%). The rest were almost equally distributed in the pack-house/grading (20%), maintenance (20%) and irrigation/fertigation (20%) sections. Only 2% of the male workers were office clerks.

The above pattern is consistent with the division of labour at the family level, where women are concentrated in the segments of production that are most labour intensive. Moreover, most of the activities in flower production require precision and commitment which is often thought to be more pronounced in women than in men.

3.5.1 Working Hours and leave entitlements

The majority (79%) of the workers interviewed work 8 hours a day. About 11% work 9 hours a day and another 5 % work for as many as 10 hours a day. Nearly one half of the workers indicated that they work overtime and this is compensated either in cash or in the form of time-off. In case of the latter, every eight hours worked are consolidated into one day and the worker is given a day off. Generally, only the workers who were compensated for extra hours worked considered that they worked overtime. Those not compensated saw the extra hours as normal working hours (Appendix 3.19).

About 89 % of the workers interviewed reported that they are entitled to paid-weekly rest days. However, 7% are entitled to unpaid weekly rest days and another 4% are not entitled to any rest days. A majority of those allowed weekly rest days are entitled to one day every week. The rest are entitled to between 1.5 and 2 days per week (Appendix 3.20).

Over 64 % of the workers were entitled to annual leave, but only some of them receive pay during this period. The rest are entitled to unpaid leave or no leave at all (34%). Interestingly, almost one in every ten workers had no idea whether they were entitled to the annual leave or not. The number of leave days that the workers were entitled to ranged between 21 and 28 and averaged about 22 days (Appendix 3.21).

Box 3-2: Leave entitlement in Non-Code adopting Flower Farms

I am a 40-year-old married man with 4 children. I joined this farm in 1993 as a casual worker earning Kshs. 47 per day. After two years I was permanently employed and made a charge-hand (rank immediately below supervisor) earning Kshs. 1,700. In 1995, I was promoted to a supervisor and earned Ksh 2100. My salary continued to increase and now I earn Kshs. 5300. Out of the salary I contribute Kshs.200 to NSSF and Kshs.100 to NHIF.

My job as a supervisor includes crop management, harvesting, checking for any infections in the flowers, supervising the workers, and talking to the management on behalf of the workers.

I work overtime which is paid in kind. Once my overtime hours accumulate to 8 hours (regular working hours) I get an extra day off. Like all permanent workers, I am entitled to annual leave of 21 days during the low season. I am given Kshs.110 as a transport allowance to proceed on leave. I am entitled to a paid weekly day off as all other workers except the casuals who are not paid for the day off. Sick leave is only granted when the doctor and not the nurse from a government health facility recommends it. There is fear that an employee can persuade medical staff from a private health facility to give them a sick leave note. We are not entitled to compassionate leave, but one can take unpaid leave depending on the need for the same.

The wages earned by migrant labourers are critical as they support livelihoods in distant places. It also implies that once every so often the workers have to travel to their homes. None of the workers reported that they received any leave allowances to enable them travel back to their places of origin during leave time

Over four fifths of the workers were entitled to sick leave. However, only about half of them received pay when on sick-leave. The remaining 18% were either not entitled to sick leave or they were not aware of whether they were entitled or not, suggesting therefore that a considerable proportion of workers stand the risk of losing their job in case of sickness (Appendix 3.22).

Only 25 % of the workers were entitled to paid compassionate leave. The rest were entitled to unpaid compassionate leave (46%) or none at all (21%). The number of leave days varied and were largely dependent on individual requests (Appendix 3.23).

About 76% of the workers were entitled to maternity leave with pay and a further 3% was entitled to maternity leave without pay. However, 8% of the workers were not entitled to maternity leave and a further 13% did not know whether they were entitled to maternity leave or not. Those entitled to maternity leave received between 25 and 90 days, although the majority were entitled to 60 days, in line with the legal requirement.

About 59% of the workers had a written contract while 41% were employed under verbal contracts. This means that the latter category of workers has no job security.

3.5.2 Transport to work

The majority of the workers either walk to work (40%) or they are transported by their employers (40%). About 17% of the workers use public transport, while 3% cycle to work. Most workers who walk to work are those housed on the farm, while those that are transported mainly have rented houses in nearby town centres (Appendix 3.16).

3.6 Occupational Health and Safety at Work

About 73% of the workers in non-code adopting farms had access to quality drinking water on the farm provided by the employer. Workers who did not have access to quality drinking water either got water directly from the rivers, or from reservoir dams used to store irrigation water on the farm. Others fetched drinking water from taps on the farm that were connected directly to the reservoir dams (Appendix 3.24).

About 78% of the workers reported that the farm provided them with pit latrines, while 13% had access to flush toilets and another 9% had access to both pit latrines and flush toilets. Most workers found these facilities to be adequately clean. However, over one quarter of the workers felt that more needed to be done to make the facilities more hygienically clean and hence usable (Appendix 3.25).

In 83% of the cases, there were taps provided for washing hands after visiting toilets. In 3% of the cases, buckets were provided. However, 14% of the workers had no facilities for washing hands after visiting toilets. A majority of the workers interviewed found the washing facilities adequate and conveniently positioned. In most cases a tap or bucket is positioned next to the toilet facility (Appendix 3.26).

The majority of the workers had never been trained in health and safety (85%). Of the 15% that had been trained in health and safety on the farm, a significant proportion had been trained on material and chemical safety. Others were trained in First Aid, emergency and casualty procedures, and hygiene in the kitchen (Appendix 3.27).

Over a third of the workers interviewed were provided with medical care for themselves and another one tenth was provided with medical care that included members of their families. A large proportion of these workers were provided with outpatient care or first aid. Only a few of the workers were provided with both outpatient and inpatient medical services and first aid services (Appendix 3.28).

To enhance their medical coverage, a majority of the workers (54%) were contributors to the National Hospital Insurance Fund, which enables the workers to settle part of their inpatient hospital bills through the NHIF scheme.

More than 83% of the workers had never been for medical check-ups, suggesting therefore that there is no monitoring of the risks posed by exposure to toxic substances. Only 23% of the workers in non-code adopting farms had a health and safety officer who was in charge of keeping the environment clean and making sure workers were safe as they worked in the farm (Appendix 3.29). Similarly, only 7% of the farms reported the existence of a health and safety committee. This scenario is worrisome given the fact that only a very small proportion of the workers had been trained in health and safety and awareness of the dangers they may be exposed to in the course of their work (Appendix 3.30).

Only 17% of the workers interviewed directly use and handle chemicals ranging from pesticides, herbicides and fertilizers. However, all workers are exposed to chemicals as they handle plants or are in close proximity to plants on which the chemicals have been used. Thus proper use and handling, as well as storage of all chemical materials on the farm are important to protect the workers from any injurious effects.

Box 3-3: Protection of Workers while on the Farm in Non-code Adopting Farms

I am a single mother of 2 children, aged 40 years. I joined the farm in 1989. Then there were no flowers, but coffee and horticultural crops. We started growing flowers in 1990. I helped to water the flowers. In the same year I became a supervisor.

Initially I earned Kshs. 29 per day but this increased to Kshs. 2,700 per month in 1993 when the flower units were started. As the acreage under flowers increased, my salary also increased and today I earn Kshs. 6,500. As a supervisor, my salary is sent to my bank account and this is a disadvantage because of the bank charges and also I have to spend a bus fare to go to the bank. Out of my salary, I contribute Kshs. 200 to NSSF and Kshs. 140 to NHIF.

I have been provided with protective clothing because I am a supervisor. Other workers are not provided and even for those who are provided they are not adequate. For example, even though I work in the green house harvesting flowers that have thorns, I have no gloves. But over time, our hands get used to it because we need the money.

I feel that we are not well protected against chemicals in the farm. Flowers in the green houses are sprayed as the workers are working and this has for a long time affected us. For example, some workers' stomachs and eyes swell. The management transfers the very affected workers to grading where there are no chemicals, but the supervisors have to continue working under the same conditions.

I take care of my own medical expenses. I am allowed to take an advance to pay for the treatment from the farm, but this is deducted from my salary at the end of the month. If I am injured while working, the farm will pay for the medical expenses, but will not compensate me for any long-term effect of the injury. I do not think that the management treats the employees well, I do not understand why they don't listen to our problems yet we are working for them.

A majority of the workers handling chemicals were provided with respirators (57%), overalls (80%), impermeable gloves (63%) and rubber boots (80%). However, only 37% of workers interviewed were provided with impermeable goggles. This means that the majority of workers are exposed to possible eye injury from the chemicals (Appendix 3.31).

Over the last year only a small proportion of workers had been trained on various issues of health and safety on the farm. This was distributed as follows: working safely (15%); correct

chemical application (17%); use of protective clothing (17%); chemical storage (11%); and record keeping (13%) (Appendix 3.32).

These results imply that the workers are not fully aware of how to handle the chemicals they use and the risks involved in handling these chemicals. The workers are thus at risk of being exposed to the chemicals hence affecting their health. It is thus important to instruct and train the workers, especially the spray operators, on the safe application and risks of pesticides and chemicals.

3.7 Social Empowerment of Workers

This section looks at the levels of social empowerment among workers in non-code adopting farms. Social empowerment is assessed by levels of education and training, freedom of association, especially in trade unions and welfare groups at the farm, as well as the provision of social welfare infrastructure including employees' children's education, day care and recreational facilities.

Box 3-4: Social Welfare of a Worker in a Non-Code Adopting Farm

I am a 33 year old married man with one child. I started working in this farm as a casual worker in July 2001. Before that I was doing business. I was among the first group of people to be employed here. At the time we were just 7 of us. We prepared the farm (100 acres) for planting flowers, planted 96 beds of flowers and later increased the acreage to 130. After one year I got permanently employed. Since then, many more people have been employed here and the acreage has increased.

I started with a salary of Kshs. 100 per day in 2001 and this has since increased to Kshs. 6,000 per month translating to Kshs.200 per day. I am entitled to an advance payment of Kshs.1000. Out of the salary I contribute Kshs.100 to NHIF and another Kshs.200 to NSSF. I also get a house allowance of Kshs.800.

I love working here because I am treated well. The company assists in paying hospital bills; we are served with tea and bread during the 10.00am break and githeri (boiled maize and beans) for lunch. The company also provides me with transport to and from the farm as well as a uniform and protective clothing for free. I am very free with the managers and they take time to listen to us. In case there is death of one of us, the company contributes towards the transportation of the body to its final resting place. I am happy when the farm expands because other people get jobs. At first, I had fears about my job because I thought that the farm would not last for long. Now I can work with no fears at all since the farm is expanding.

Given the low salaries, most workers cannot afford to hire house help to look after their children while they work. Provision of crèches for non-school going children, thus becomes important to mothers since they are assured that the children are well taken care of and are therefore able to concentrate on their work. Moreover, mothers are able to check on their children during work breaks and breast-feed the babies. However, none of the farms had a day care facility for non-school going children and babies. Mothers arranged either for other siblings to take care of smaller children, or they leave them with neighbours. None of the workers was helped in paying for the education of their children.

Recreational facilities are important to the workers because they help them to relax and socialize after work. However, only a small number of workers were provided with recreational facilities such as playgrounds (13%) and social halls with television sets for entertainment (3%). The rest did not have any recreational facility at the farm.

Close to 48% of the workers interviewed had their employer contributing towards their retirement, while for 40% there was no contribution. Another 12% did not have information on whether the employer was making the contributions. This implies that majority (60%) of the

workers do not have retirement benefits. This makes the majority of workers very vulnerable at old age as livelihood after retirement is not assured.

About 42% of the workers belonged to a welfare association at their farms. These workers reported that they had received specific benefits from their membership, such as being able to borrow money from the association after saving a specific amount, or the association helped them save money through monthly or weekly contributions, or they could borrow money in emergencies such as death or illness. The majority had joined because the association could lend them money to meet emergency needs. Other than being an indicator of the freedom of association, thus socially empowering the workers, the associations enable workers to make savings, which can be used in future to take loans and make investments or meet other needs. The associations thus also serve the purpose of economically empowering the workers.

However, close to 58% of workers did not belong to any association for various reasons; because they lacked the membership fee and weekly/monthly contributions; had no time to participate in association activities; were newly employed; the association was new; they did not understand conditions for membership; there was no association; or they did not see the benefits of becoming a member. This, however, means that those who are not members of any welfare group have no opportunity to borrow from the welfare's kitty in time of need or to save with the association.

Box 3-5: Welfare Association and TU membership in Non-Adopting Farms

I am 22-year old single man. I have been working on this flower farm since 2001 as a general worker. I was employed at a salary scale of Kshs. 3,000. This increased to Kshs. 4,500 in 2001 and Kshs. 6,000 from July 2004. With the little salary, I still have to support my siblings back in Nyanza.

I live in a rented house in the town where I pay Kshs.700 per month. My employer provides me with transport to work, but I have to walk over 10 kilometres back home after work.

In spite of being in possession of a signed letter of appointment, I do not feel secure in my job because workers in this farm are prone to being sacked without any transparent process. The farm management has prohibited workers from accessing and joining any union. On some occasions, the management has barred union officials from speaking to the workers. There isn't any workers' welfare association or committee. Thus in case of unfair termination of a job there is no redress.

It is interesting to note that even though the farms were not adopting any of the existing codes, about 34% of the workers were aware of the existence of codes of practice. However, this awareness was more at the level of the requirements of the codes rather than the names of the particular codes. Some of the requirements they were aware of include provision of protective clothing, medical care, annual leave and housing. Only a small minority named codes such as Max Havelaar (3%), FPEAK (3%) and MPS (3%) by name.

Box 3-6 Awareness of Codes of Practice

I have heard about Max Havelaar. They say that profits from the sale of flowers should benefit workers, for example, by putting up a nursery for children, or a farm shop.

I have been trained on AIDS and Family Planning, given protective clothing and maternity leave has increased from two to three months. I was the first person to get a three-month maternity leave in 1996. In 1997, after the El Nino rains, we got gumboots and dustcoats, although we asked for them. We have also been trained on diseases affecting flowers. I think all these have come about because somebody told the owner of the farm to do so.

Only 16% of workers in non-adopting farms belonged to a trade union. Of these, only some of them knew the name of the union, Kenya Planters and Allied Workers Union (KPAWU). An even smaller proportion of workers knew whether their union had signed a Collective Bargaining Agreement (CBA) with their employer. Among the 84% of the workers interviewed who did not belong to any trade union, the reasons given were; that they had never heard of a trade union at the farm; the management does not allow the workers to join any union and does not give them any information on unions; they had no information about the existence of workers' union; they were newly employed and intended to join the union in the future; they could not raise the membership fee required by the union as a pre-condition for membership; they did not know the procedure followed to become a member of a union; they were not interested in being a member of a trade union; they were away the last time the union recruited, they do not know the benefits of being a member, or they do not trust unions.

It is pertinent to note that in the past, workers' unions have been criticized and accused of inciting workers to strike and demand for higher salaries and better conditions of work. Therefore, many farm owners have been reluctant to let their employees associate or register with the unions. Some farm owners and managers do not allow union representatives into their farms for fear that this may result in workers' unrest. However, the fact that an overwhelming majority of workers are not in unions implies that they lack avenues for collective bargaining or someone to defend them in case they are dismissed unfairly.

Threats and abuses could be used to intimidate workers into succumbing to demands they would otherwise not succumb to in normal circumstances. Some cases of threats were reported with 22% of these coming from supervisors, 16% from managers; and 8% from farm owners. Only 4% of the workers felt threatened by fellow workers. However, there was no physical abuse.

3.8 Economic Empowerment of Workers

Economic empowerment was assessed through the workers' incomes, savings, assets and investments. Monthly wages for workers in the non-code adopting farms ranged from Kshs.1,475 to Kshs.15,000 with a mean of Kshs. 3,789 per month. However, over three quarters (77%) of workers earn below Kshs. 4,000 per month and another 18% earn between Kshs. 4,000 and Kshs. 5,999 a month. Less than 6% of the workers earned between Kshs.6000 and Kshs.10000 or more, per month. For some of them this goes as high as Kshs. 10,000 per month or more.

The workers were asked whether they are able to meet their daily needs such as paying rent, paying for utilities, buying food among others. Over 72% stated that they had no problem in paying rent, 95% were able to buy food, and 89% were able to purchase clothing for themselves and their children, while 76% were able to take care of their medical needs (Appendix 3.33).

However, over half of the workers (52%) could not afford to pay school fees, while only 31% were in a position to make any savings out of their incomes. A significant majority of the workers were neither able to repay their loans, nor make any investments (86% and 89% respectively).

Data shows that almost all were not indebted to any credit agency, employers or managers. However, some were indebted to friends and colleagues at work (36%), family members (22%), shops in town (26%), or the farm shop (11%). This shows that the majority of the workers are more apt to ask friends at work rather than family members, to lend them money. Workers are reluctant to borrow money from credit agencies or from their employers possibly due to conditions of repayment (interests, collateral requirement, deadlines, set amounts of instalments in which to repay). They also seem reluctant to buy goods on credit at the farm shop, and would rather do so in other shops in town. Generally, many workers had no debts/ loans to repay (Appendix 3.34).

Ownership of assets such as cutlery, beds, cookers, pieces of land, television set, and radio and others is an important indicator of economic empowerment. Over 77% of the workers either

owned a stove, table/chair/stool, bed, mattress, dishes/cutlery or a radio. Some workers owned a television set (15%), sofa set (29%), and a bicycle (30%). Very few workers owned an electric cooker (4%), a VCR (3%) or a piece of land (4%). None of the workers owned a vehicle and hardly any of them (1%) owned a motorcycle (Appendix 3.35).

The statistics above depict that the workers are only able to purchase items of necessity to them such as a bed, mattress, cutlery and chairs or stools. The rest are considered a luxury and, moreover, are unaffordable given the incomes of the workers. Nevertheless, the radio is an important item in the house for entertainment and news. It partly serves the same purpose as the TV and VCR and is relatively cheap compared to the other two.

About 45% of the workers had acquired these items in the last one year while the remaining 55% had owned the items for more than a year prior to the interview. Only one worker had lost or disposed off some assets in the last year before the interview. The workers expressed concern over the condition of some of these assets. For example, in some farms the workers noted that the bed, chairs/stools/table were an improvisation since they could not afford to purchase the real items from the shops. The fact that only a minority of the workers own bicycles, TVs, pieces of land, and sofa sets reflects the un-affordability of these items to them.

Box 3-7 Ability to own assets and invest

I am 50 years old and married with 5 children. I have worked in this farm since 1997. During this period, my earnings have increased from Kshs. 60 in 1997 through Kshs.85 in 2000 to Kshs.105 in 2004. However, my earnings from overtime have been scrapped over the years.

Although I have worked on this flower farm for seven years, I have not been able to make any capital investments, nor to invest in purchase of plot or construction of a permanent house. Apart from being able to painstakingly pay the fees of my children through the cooperative, I have not been able to own much over the years. My only household assets are a stove, a jiko (charcoal burner), one bed, two seats, and some bedding.

The low purchasing power and the inability to save or invest in any project, business, buildings or piece of land is attributed to their low incomes which are not even enough to meet their daily needs. The majority of the workers noted that they would like to save and invest for the future and also assist their immediate and extended families who look up to them, but this would only happen if their salaries were increased.

In all the farms visited, the workers expressed dissatisfaction with their remuneration. The income was not adequate to cater for their basic needs such as food, good shelter, clothing, education for their children and medical care. Even though the salaries are higher than the minimum wage set for farm labourers, they are still too low to meet their essential needs. Salaries have been the main cause of unrest in many flower farms in the recent past, especially in the years 2002/2003.

3.9 A Comparison of Non-Adopting Farms over Time

3.9.1 Characteristics of non adopting farms

There was a general increase in the size of farms in phase III thus moving farms that had earlier been classified as very small and small, to the medium category. Two other farms increased in size, but remained in the same category. These results indicate growth in the cut flower industry thus necessitating expansion of acreage under cut flowers (Appendix 3.1).

3.9.2 Managers' views

Two of the farms had found new additional markets; one farm would not disclose the name of its new market, while the other had started sending flowers to Japan. The search for new markets was said to be in response to the stringent market regulations in the European market where

most of the farms sell their flowers. All the other farms continued to send their cut flowers to their established markets. Four of the six non-adopting farms were on waiting lists to subscribe to codes.

3.9.3 Socio-Economic and Demographic Characteristics

In Year 3, the gender distribution of the study sample showed a general increase in the ratio of females to males. However, there was little variation in the age of workers, although there was a slight increase in the percentage of workers aged between 18 and 23 years and those aged 41 years or more (Appendix 3.2).

In Year 3, the proportion of single workers increased and this trend was similarly observed among workers that were widowed. The proportion of married workers decreased (Appendix 3.3), but, the number of household members living with workers increased, with some of the workers being joined by spouses (Appendix 3.4). However, the proportion of workers joined by children decreased (Appendix 3.5). On the other hand, some spouses also left but none of the children did so.

3.9.4 Housing and Living Conditions

In Year 3, there was a decrease in the number of workers living in company housing and hence an increase in the proportion of workers receiving a housing allowance for living off-farm. The levels of house allowance also improved. In Year 3, there was a general reduction in the quality of housing. The proportion of workers living in permanent and temporary houses declined, while the proportion of workers living in semi-permanent houses increased (Appendix 3.6). In Year 3, there was also an increase in the number of workers living in single roomed housing (Appendix 3.7) and in the proportion of workers paying more money for rent (Appendix 3.8).

There was no major difference in the sources of domestic water for the workers in Year 3 (Appendix 3.9). Some slight changes occurred in the type of bathing facilities with an increase in the use of showers in Year 3, thus indicating a general improvement in bathing facilities (Appendix 3.10). In Year 3, there was a marginal improvement in the type of toilet facilities available to the workers with a decline in the proportion of workers using pit latrines and an increase in the percentage of those using flush toilets (Appendix 3.11).

The combination of charcoal and kerosene remained the most important sources of energy for cooking in Year 3 with a corresponding decrease in the number of workers using all other sources of energy for cooking (Appendix 3.12). Electricity became a more important source of energy for lighting the workers' houses in Year 3 (Appendix 3.13). However, there were no workers using solar as a source of lighting in Year 3 (Appendix 3.14). Not as many workers heated their houses during the cold season in Year 3 (Appendix 3.15).

3.9.5 Conditions of Employment

There was a general improvement in the terms of employment in Year 3 with an increase in the number of workers on permanent terms or those with on temporary and seasonal terms with written contracts. (Appendix 3.17).

For about three quarters of the workers (73%), their jobs had not changed in the last year. However, about 28% of the workers indicated that their job had changed in the form of departmental transfer, promotion, salary increment, improved working conditions, or a reduction in the workload. The reduction in workload resulted from more people being employed or because the worker moved to a less demanding job (Appendix 3.18). In Year 3, more workers kept to the recommended 8 hours of work per day (Appendix 3.19).

In Year 3, many more workers were entitled to paid-annual leave and there was a substantial increase in the number of workers entitled to paid sick-leave. A similar increase was observed in the proportion of workers entitled to unpaid compassionate leave and paid maternity leave. The

proportion of workers with a written contract rose in Year 3 (Appendix 3.20; 3.21; 3.22 & 3.23). However, there was a slight reduction in the proportion of workers entitled to weekly rest in Year 3.

Phase III of the study saw an improvement in the provision of transport to work by the employers (Appendix 3.16).

3.9.6 Occupational Health and Safety

There was a general deterioration in provision of quality drinking water in Year 3 (Appendix 3.24) and also a reduction on the proportion of workers with access to washing facilities in Year 3 (Appendix 3.26). Fewer workers in Year 3 felt that hand washing facilities were adequately and conveniently positioned.

In Year 3, there was an improvement in the number of workers who had received training on Health and Safety (Appendix 3.27). More workers had access to medical facilities in Year 3 (Appendix 3.28).

The proportion of workers contributing towards the National Hospital Insurance Fund (NHIF) slightly improved in Year 3. There was also a marginal increase in the proportion of workers that went for medical check up in Year 3. However, there was a decline in Year 3 in the proportion of workers who said there was a health and safety officer in the farm.

The percentage of workers who knew of the existence of a health and safety committee increased in Year 3 and there was improvement in the provision of protective clothing to the workers.

3.9.7 Social Welfare and Empowerment

There was a marginal improvement in the number of workers provided with children's educational benefits in Year 3 and there was a slight improvement in provision of recreation facilities. There was a drop in the proportion of workers that were aware of codes of practice in the cut flower industry, although trade union membership increased. There was a small reduction in the threats from the owners and supervisors while threats emanating from the managers and fellow workers increased.

3.9.8 Economic Empowerment

There was a slight increase in monthly wages in Year 3. However, there was a drop in the average wage paid. There was a general increase in the number of workers able to meet the costs of their house rent, utilities, food, clothing and repayment of loans in Year 3 (Appendix 3.33). Similarly, there was an increase in the level of indebtedness to the employer or manager, farm shop, friends and colleagues and family members in Year 3 (Appendix 3.34). At the same time, there was a general increase in the level of ownership of assets in Year 3 (Appendix 3.35).

3.10 Conclusions

This study showed that the majority of the workers in non adopting farms are employed on temporary terms. When asked why, most managers responded that workers can be legally employed on temporary terms due to the seasonality of production. However, the strategy of employing temporary labour enables employers to avoid paying certain benefits that are legally required for permanent workers. Nevertheless, over time there was a general improvement whereby more workers were employed on permanent and pensionable terms.

As on the adopting farms, the majority of workers interviewed worked 8 hours a day, as provided for by the law. Only a small proportion of the workers employed are housed on the farms, mostly in permanent houses. Access to drinking water and provision of toilet and bathing facilities did not significantly improve. Along with an increase in the proportion of workers directly handling chemicals, there was a general improvement in the provision of protective clothing for the

workers by Year 3 and a marginal improvement in the proportion of workers that had been trained in health and safety.

Very few workers were provided with medical cover for themselves and their families. Less than half the workers were contributing towards their National Social Security Fund. None of the farms surveyed had a day care centre for the non-school going children, neither were workers provided with school fees assistance for the school-going children.

The majority of the workers were not members of a trade union due to the reluctance of their employers to have them register with any union, fearing incitement of the workers into strikes. Less than half of the workers were members of workers' welfare associations.

The wages of the majority of the workers remained below the current recommended minimum wage of Kshs. 4,420, thus making investments and savings difficult for the workers. Almost all the workers had been unable to make any savings and only a small percentage was able to purchase items other than basic necessities in the house, for example, a TV, radio and bicycle.

While managers of the non-adopting farms visited were not opposed to the adoption of codes of practice, they did raise issues about their reluctance to enlist. Nevertheless, a number of the non-code adopting farms were in the process of enlisting themselves so as to comply with the requirements of most international market destinations.

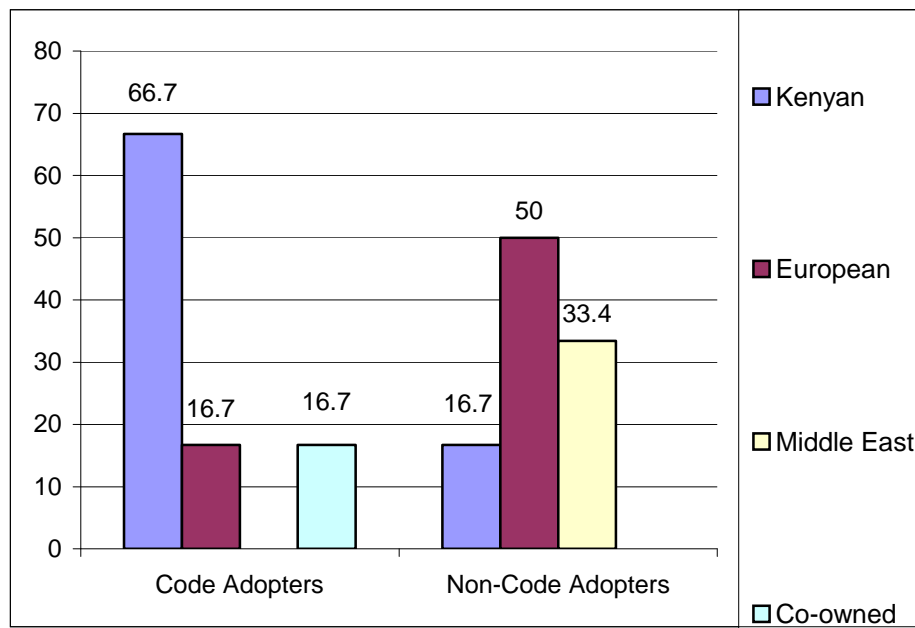
4. CODE ADOPTING VERSUS NON- ADOPTING FARMS

This section looks at the differences between code adopting and non-adopting farms and some of the changes, if any, that could be attributed to the passage of time. The main focus is to establish whether there are disparities in worker welfare between the code adopting and non-adopting farms with respect to their socio-economic characteristics, housing and living conditions, conditions of employment including occupational health and safety. This discussion begins with an overview of possible variations in the background of these two types of farms.

4.1. Ownership, Markets and Employment Status

The majority of the code-adopting farms are owned by Kenyans (67%). On the other hand, the majority of the farms in the non-adopting category are owned by foreign investors, mainly, Europeans (50%), and people from the Middle East (33%).

Figure 4-1: Farm ownership

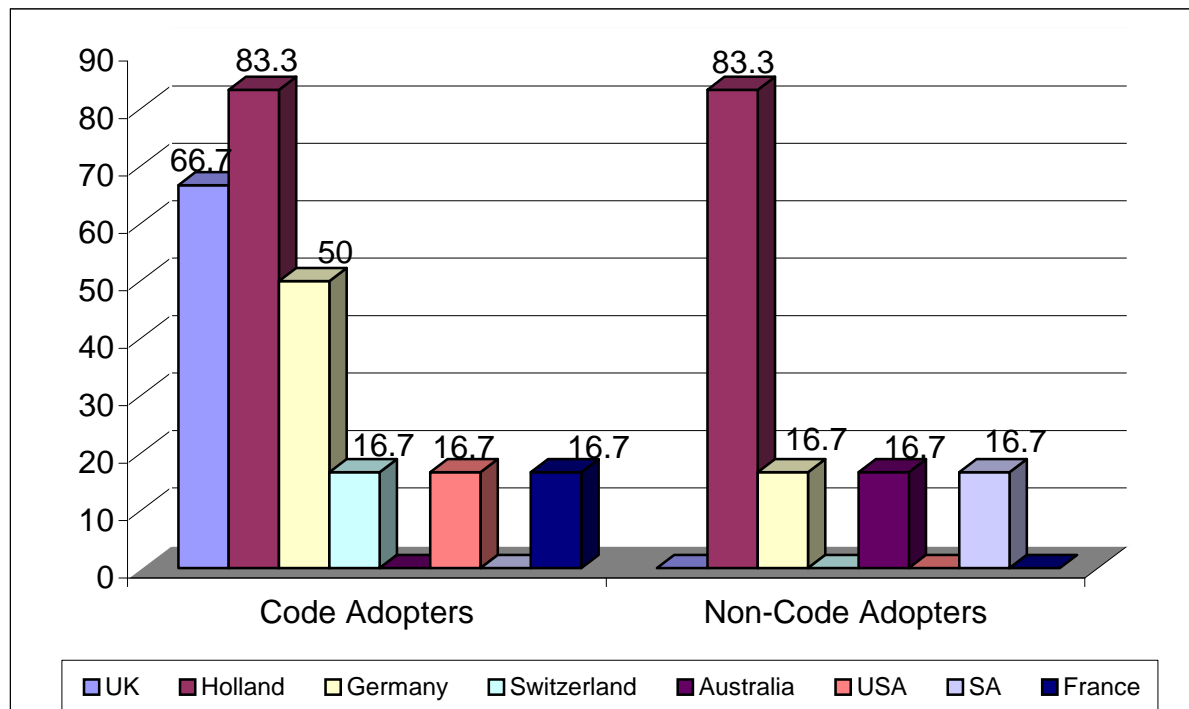


The reason why many non-code adopting farms have foreign ownership is likely to be because the foreign investors can access markets more easily than local investors. Some have sister farms in their countries of origin to which they ship their flowers for sale. In contrast, the local investors are obliged to subscribe to and comply with code requirements in order to access and retain markets.

The largest market for both code and non-code adopting farms is the Holland auction (83%). About two thirds (67%) of code adopting farms send their flowers to the United Kingdom whereas none of the non-adopting farms sells flowers to the UK. Half (50%) of adopting farms send flowers to the German markets compared to only 17% of non-adopting farms. Other markets are as shown below in figure 4.2.

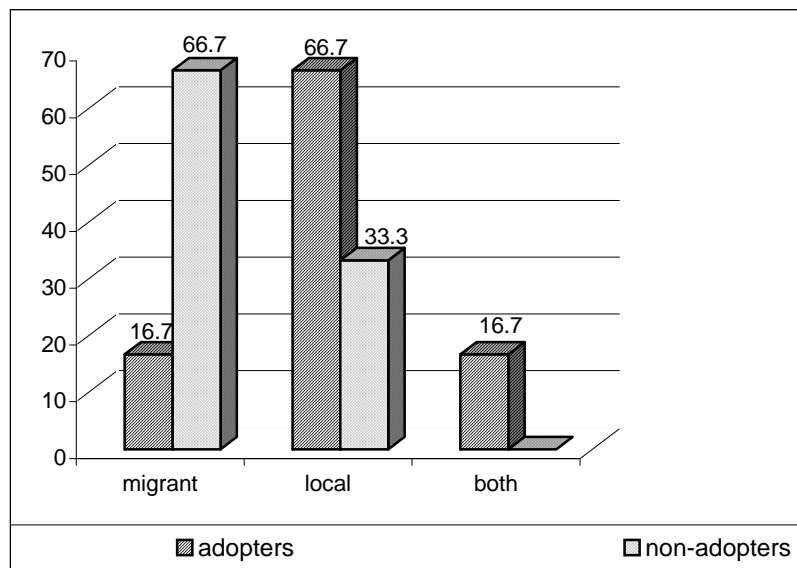
The Holland auction does not require that a company adopt any code. That is why even the non-adopters can send most of their produce there. Nonetheless, only adopting farms can sell flowers to the UK markets, mainly supermarket chains, because these specify what codes the farms should comply with.

Figure 4-2: Markets



67% of code adopting farms have a predominantly local labour force, while only one third has majority of migrant labour. In contrast, about two thirds of non-adopting farms have a majority of migrant labour and only a third has a majority local labour force. This can be explained by the fact that, many code adopting farms are owned by local investors and thus employ local labour from their communities. On the other hand, foreign investors own the majority of non-adopting farms. The foreigners sometimes buy land in settlement schemes and consequently, workers migrate to those schemes in search for employment.

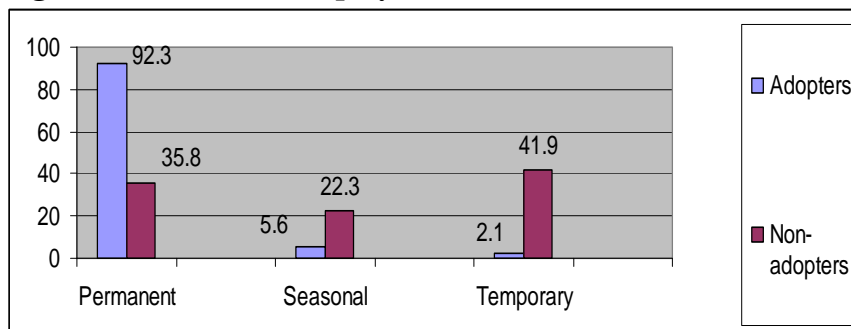
Figure 4-3: Type of Labour



In terms of employment status, about 92% of the workers in code-adopting farms are permanent compared to about 36% in non-code adopting farms. Only 6% and 2% of the labour force in adopting farms are seasonal and temporary employees, respectively, in comparison with 22% and 42% in non-adopting farms.

The sharp differences in the employment statuses of the workers could be rightly attributed to the codes. Some codes (e.g. FLP) require that at least 70% of the total workforce is permanently employed. For non-adopting farms, employing workers on seasonal and/or temporary terms means that they do not spend large amounts of money on workers' salaries and fringe benefits such as house allowances, medical care, paid maternity or annual leave and weekly or sick leave.

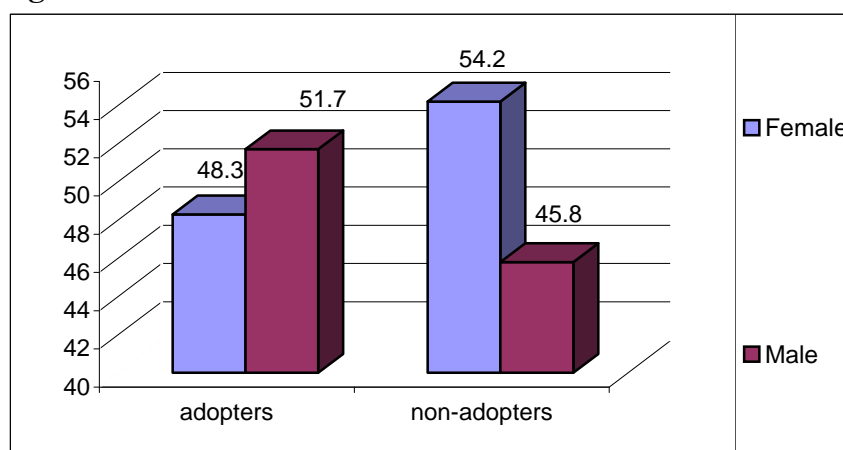
Figure 4-4: Worker's Employment Status



4.2 Socio-Economic and Demographic Characteristics of Workers

Of the workers sampled for this study, code adopting farms had more men workers (52%) as compared to non-adopting farms where the majority of the workers were women (54%).

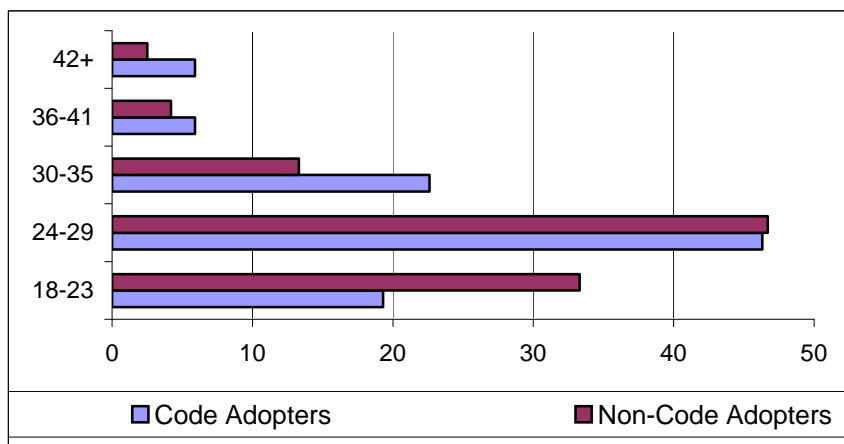
Figure 4-5: Sex of Workers Interviewed



Generally, there is variation in the age bracket of workers engaged in adopting versus non-adopting farms. Over 33% of workers on non-adopting farms are aged 18-23 years as compared to only 19% among code adopting farms. Although workers aged 24-29 years balance out between adopting and non-adopting farms, the trend is that the labour force in adopting farms is generally older.

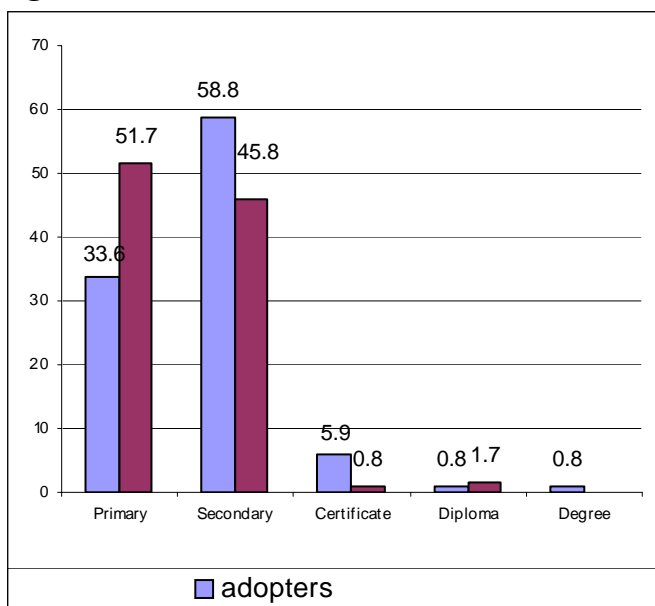
The statistics show that the majority of workers in both types of farms are aged between 18 and 35 years. Nonetheless, none of the farms has employed workers below 18 years of age, suggesting therefore, that both types of flower farms have complied with the fight against child labour.

Figure 4-6: Age of the Workers



More workers in code adopting farms have attained education beyond primary school level (67%) compared to non-adopting farms (49%). Notable is the fact that, of the workers sampled, a slightly higher number (2%) from non-adopting farms have diplomas, whilst this is the case for only about 1% in adopting farms. Nonetheless, though insignificant, close to 1% of workers in adopting farms have a university degree while there is none on non-adopting farms.

Figure 4-7: Final Level of Education of the Workers

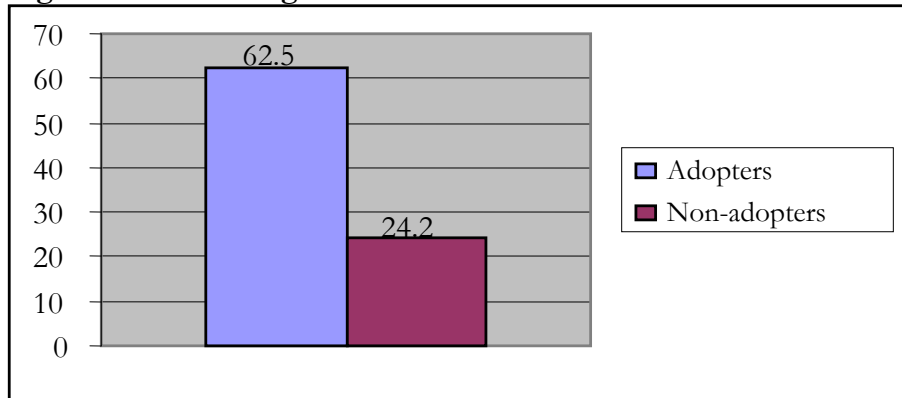


The codes do not specify academic qualifications that should be considered when recruiting labour. This is left to the discretion of farms. However, it might be inferred from the statistics that adopting farms employ more people with higher academic qualifications than non-adopting farms. Those with diplomas and degrees work in managerial positions.

4.3 Housing and Living Conditions

About 63% of workers in adopting farms are housed in the farms compared to only 24% of workers in non-adopting farms. The difference may be because codes advocate for provision of housing on the farm and where housing is not provided, a house allowance. On the other hand, many non-adopters view housing as an added cost to the farm and hence would rather pay workers a house allowance than provide housing.

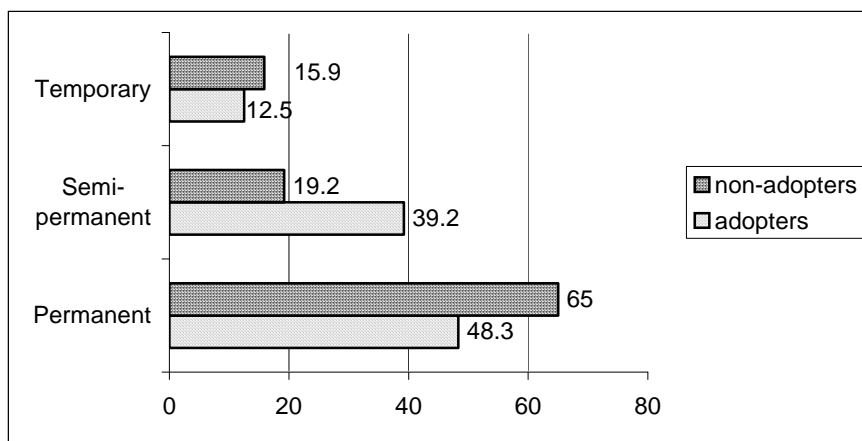
Figure 4-8: Percentage of Workers Housed



4.3.1 Type and size of houses

In both types of farms, the majority of workers live in permanent houses (stone/bricks, cement floors, iron sheet or tile roofing). However, workers in non-adopting farms who live in permanent houses are more (65%) than those in the adopting farms (48%). About 39% of workers in the code-adopting farms live in semi-permanent houses (timber, cement floor and ceiling) compared to 19% in non-adopting farms. The chart below summarizes the information on type of housing.

Figure 4-9: Type of House



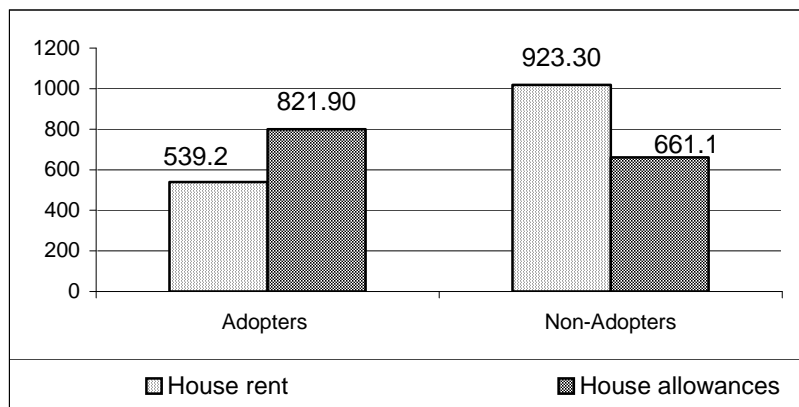
Although codes require that farms house their workers (or pay them a house allowance), many workers in non-adopting farms rent houses since very few of them are housed on the farm. Many of these rental houses are permanent though they may not have a ceiling. This explains why there are more workers in non-adopting farms living in permanent houses compared to those in adopting farms.

4.3.2 Housing allowance

In both types of farms, over 80% of workers receive a house allowance. The average allowance for workers in adopting farms was Kshs.822 compared to Kshs.661 for those in non-adopting farms. Average house rents paid by workers who do not live on the farm are Kshs.539 and Kshs.923 in adopting and non-adopting farms, respectively.

The figure shows that adopting farms pay higher house allowances than non-adopting farms. This could be attributed to the codes, which specify that workers should receive a house allowance if not housed in the farm. Statistics on house rents imply that workers in the non-code adopting farms pay more than those in adopting farms. It is worth noting here that house rents are dependent on the locality of farms.

Figure 4-10: House Allowance and Rent

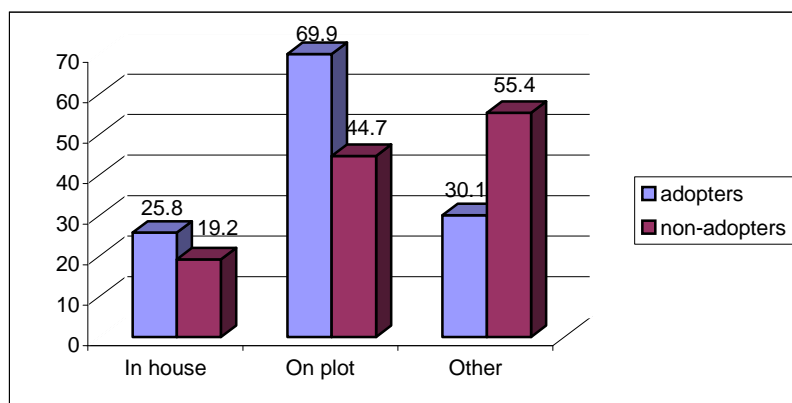


For non-adopting farms, average house allowances are less than average house rents. This means that many workers in non-adopting farms pay more for housing than they receive as house allowances. Many workers recommended that their employer needed to increase their allowances to at least match the amounts they pay as rent.

4.3.3 Water and Sanitation

The majority of workers in code-adopting farms have water on their plot (70%) or in their houses (26%) compared to 45% and 19% in non-adopting farms respectively. Only about 30% of workers in adopting farms purchase water from vendors or fetch from the river compared to 55% of those in non-adopting farms.

Figure 4-11: Sources of water for domestic use

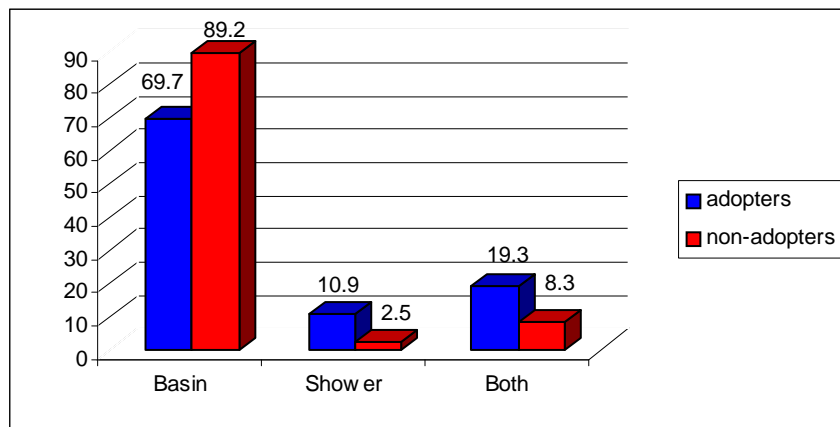


From the statistics, it seems that workers in the code-adopting farms have easier access to water than those in non-adopting farms. Nonetheless, the codes make no requirement on the provision of water to employees, especially those not living on the farm.

The basin is the most commonly used bathing facility for both adopting (70%) and non-adopting (89%) farms. A larger number of workers in adopting farms also use showers (11%) or both basin and shower (19%) compared to their counterparts in non-adopting farms, 3% and 8% respectively.

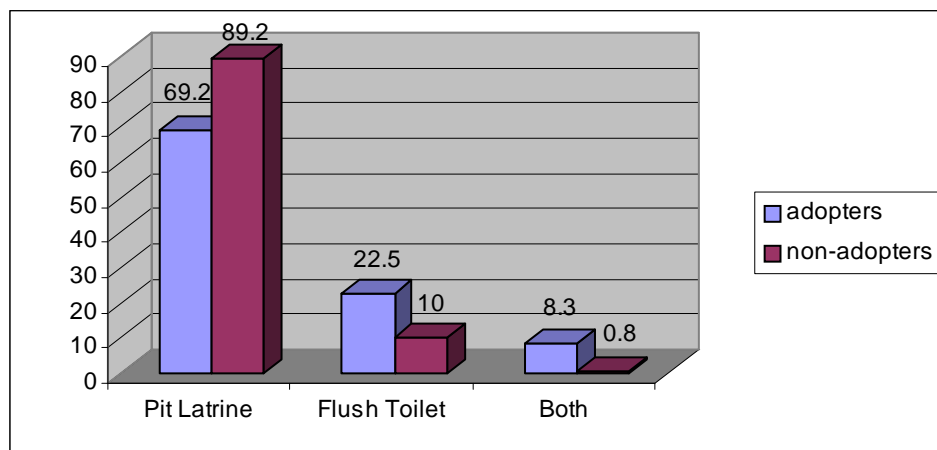
Although not a code requirement, some houses in flower farms have showers in the bathrooms and the workers may either choose to use the showers or carry water in a basin. However, as noted earlier, many workers in non-adopting farms live outside the farm in rented houses, the majority of which have no showers. Water has to be carried in a basin into the bathroom. This explains why more workers in non-adopting farms use the basin.

Figure 4-12: Bathing facilities



More workers in non-adopting farms (89%) use pit latrines compared to 69% of workers in the adopting farms. About 23% of workers in adopting farms have flush toilets as opposed to 10% in non-adopting farms.

Figure 4-13: Toilet facilities



The statistics show that workers in adopting farms use more flush toilets and fewer pit latrines than their counterparts in non-adopting farms. However, though there are significant differences between the two, the type of toilet facility depends on the management's disposition rather than codes.

4.3.4 Sources of Energy

In both types of farms, the most commonly used source of energy for cooking is the kerosene stove. About 42% of workers in code adopting and 39% in non-code adopting farms use kerosene. Approximately, 30% and 37% of workers in code adopting and non-code adopting farms use both charcoal and kerosene, respectively. There are thus, no significant differences in the energy used for cooking.

Regarding lighting, there are also inconsequential differences in the energy used. About 62% and 61% of the workers in code-adopting and non-adopting farms, respectively use the kerosene lamp. However, slightly more (62%) workers in non-code adopting farms use charcoal for heating in contrast with workers in adopting farms (58%).

The most common source of energy for warming water is the kerosene stove. Close to 29% and 33% of workers in adopting and non-adopting farms, in that order, use the stove. Also, more workers (31%) use charcoal for warming water in non-adopting farms as opposed to adopting

farms (25%). There seem to be no major divergences in the sources of energy used by workers in both types of farms. Very few workers can afford to use gas for either cooking or warming water, as it is very expensive.

Table 10: Sources of Energy

Source	Most Common	Percentage of Workers	
		Adopters	Non-adopters
Cooking	Kerosene Stove	41.7	39.2
	Charcoal and kerosene	30.0	36.7
Lighting	Kerosene Lamp	61.7	61.3
	Electricity	38.3	37.8
Heating	Charcoal	56.7	61.9
Warming Water	Kerosene Stove	28.6	32.5
	Charcoal	25.2	30.8
	Charcoal & Kerosene	15.1	10.0

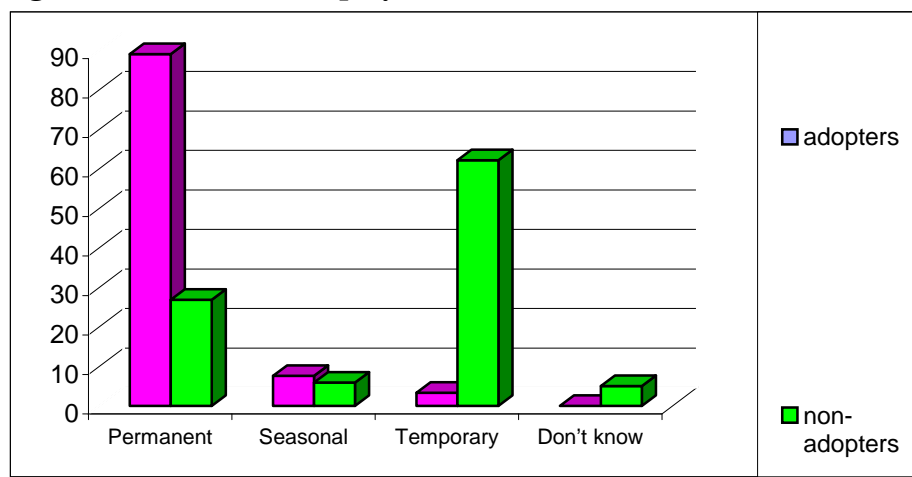
Where workers are provided with electricity, it is fixed in such a way that it can only be used for lighting to avoid high electricity bills, which are paid for by the farm. This explains why electricity is a common source of energy for lighting but not cooking, heating or warming water.

4.4 Conditions of Employment

The ILO conventions and the Kenyan Labour Laws recognize that workers should be employed on a regular basis. Temporary terms of employment are discouraged due to the associated limitations to various benefits for the workers. The study revealed that there were differences in the terms of employment between the code adopting and non-adopting farms.

In code-adopting farms, the majority (89%) of the workers were employed on permanent terms. About 8% were on temporary terms and 3% were on seasonal terms. On the other hand, 62% of workers in the non-adopting farms were employed on temporary terms and only 27% were on permanent terms. About 6% were on seasonal terms and the remaining 5 % did not know their terms.

Figure 4-14: Terms of employment



About 87% of workers in the code adopting farms had a copy of written contract which they had signed, while only about 51% of the workers in non-code adopting farms had a copy of written contract.

It could be assumed that the differences in the terms of employment in code adopting and non-adopting farms is occasioned by the adoption of codes of practice as the codes require that all

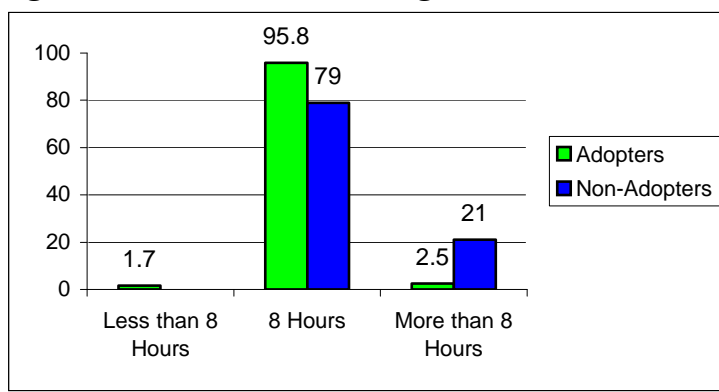
employees be employed on the basis of an employment contract which is legally binding. However, this requirement is not fully complied with, even in the code adopting farms.

4.4.1 Working Hours

The majority (96%) of workers in code adopting farms are engaged for 8 hours of work a day with only 3% working more that 8 hours a day and about 2% working less than 8 hours a day. Though a majority (79%) in non-adopting farms is engaged for 8 hours a day, a significant proportion (21%) works beyond the normal 8 working hours.

On average, workers interviewed in the code adopting farms work for 8 hours while those in the non-code adopting farms work 8.5 per day. Although this could be attributed to the adoption of codes of practice, caution should be exercised as the workers working beyond 8 hours could either be the ones on overtime or supervisors who are considered to be in management and hence could work more hours without direct compensation.

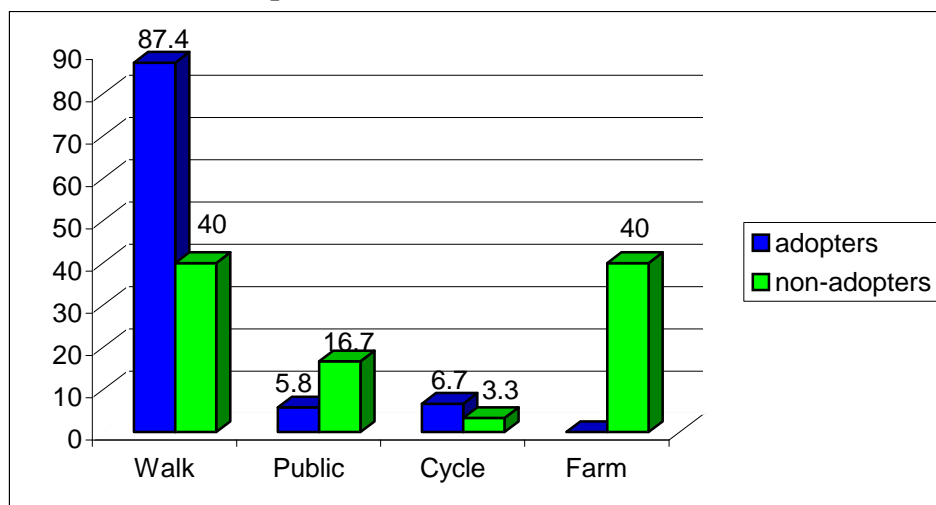
Figure 4-15: Number of working Hours



4.4.2 Mode of Transport to Work

There are noteworthy differences in the mode of transport used by the workers to their work places. Over 85% of workers in code-adopting farms walk to their places of work compared to 40% in non-adopting farms. Of those workers who did not live in the farm, 40% of the non-adopting farm workers are provided transport by the farm compared to none in the adopting category. About 17% and 6% in non-adopting and adopting farms respectively, use public transport to get to their workplaces.

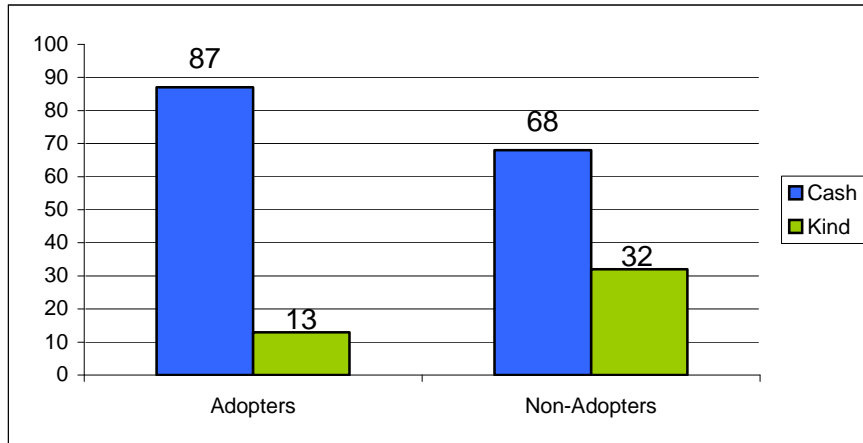
Figure 4-16: Mode of Transport to work



The reason why many adopting farm workers walk to their work places is largely because the majority of them are housed on the farm. The majority of workers in non-adopting farms live outside the farm. Therefore, in addition to walking, they also use other means of transport.

Over half of the workers (56%) in code adopting farms said they worked overtime. In non-adopting farms, 48% of workers worked overtime. The overtime worked is either paid in cash or kind. The majority (87%) of workers in code adopting farms are compensated in cash while the rest are compensated in kind or accumulated hours of work are converted into a day of rest. On the other hand, only 68% of the workers in non-code adopting farms are compensated for overtime in cash.

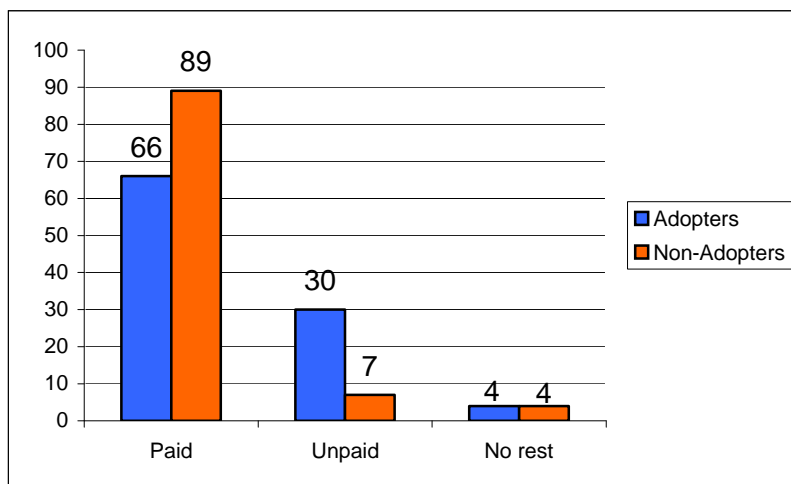
Figure 4-17: Mode of payment for overtime



The workers are also given bonus as an incentive to work hard. About 61% of the workers in code adopting farms are paid bonuses after hard work, while only 24% of workers in non-code adopting farms are paid these bonuses. Although the codes do not stipulate the level of remuneration, they tend to create better working conditions for the workers.

About 66 % of workers in code adopting farms are entitled to paid weekly rest and another 30% are entitled to unpaid weekly rest. On the contrary, a higher majority (89%) of workers in the non-adopting farms are entitled to paid weekly rest while only 7% are given the weekly rest without pay. An equal percentage of workers in both code and non-code adopting farms is not, however, entitled to weekly rest.

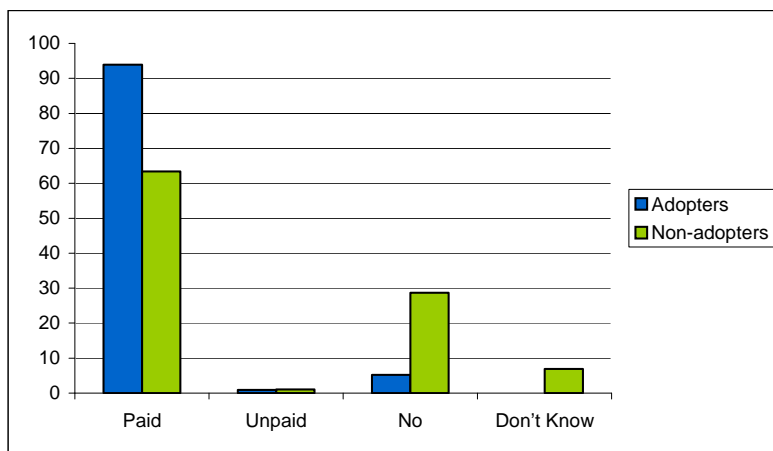
Figure 4-18: Weekly Rest in code and non-code adopting farms



These results seem to suggest that the non-adopting farms are more sensitive to the labour requirements of the country as they relate to weekly rest. According to the Kenyan law, every worker is entitled to a day's rest after 6 consecutive days of work. Hence, adoption of codes of practice does not seem to emphasize the importance of the weekly day's rest for the workers.

In terms of annual leave, about 94% of workers in code adopting farms are entitled to paid annual leave. Another 1% is entitled to unpaid annual leave while about 5% of workers in code-adopting farms are not entitled to any annual leave. In comparison, about 63% of workers in non-adopting farms are entitled to paid annual leave, 1% to unpaid annual leave and about 28% are not entitled to any leave. Another 7% do not know whether they are entitled to annual leave at all, possibly because they are temporary and hence have no signed contract with their employer.

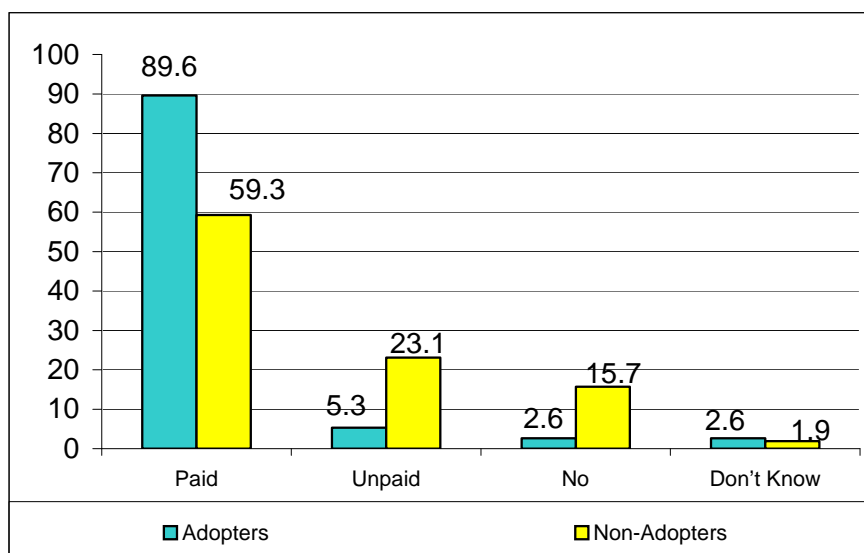
Figure 4-19 Annual Leave Entitlement in Code adopting & Non-Adopting Farms



These results stem from the fact that a higher majority (89%) of workers in code adopting farms is employed on permanent basis while only about 27% of the workers in non-code adopting farms are employed on permanent basis.

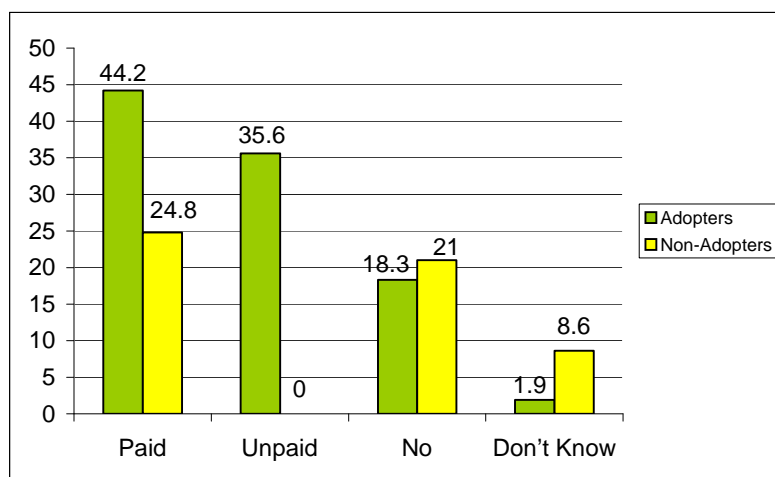
A majority (90%) of workers in code adopting farms are entitled to paid sick leave. Another 5% are entitled to unpaid sick leave, while 3% are not entitled to sick leave and another 3% do not know their entitlement. In the non-adopting farms only, about 59% of the workers are entitled to paid sick leave. The rest of the workers are entitled to unpaid sick leave. (23%) or they are not at all entitled to sick leave (21%). The results show that a higher percentage of workers in code adopting farms are paid sick leave as compared to those in non-code adopting farms.

Figure 4-20: Sick Leave Entitlement in Code adopting and Non-adopting farms



About 44% of workers in code adopting farms were entitled to paid-compassionate leave while 36% get unpaid compassionate leave. Another 18% of the workers are not entitled to any compassionate leave and close to 2% do not know their entitlement. In the non-adopting farms about 46% of the workers get unpaid compassionate leave while only 25% get paid compassionate leave. About 9% of them do not know their entitlement while 20% are not entitled to this leave. The results suggest there is more humane treatment in the code-adopting farms as compared to the non-adopting farms. This could be associated with the adoption of the codes, which advocate humane treatment of workers.

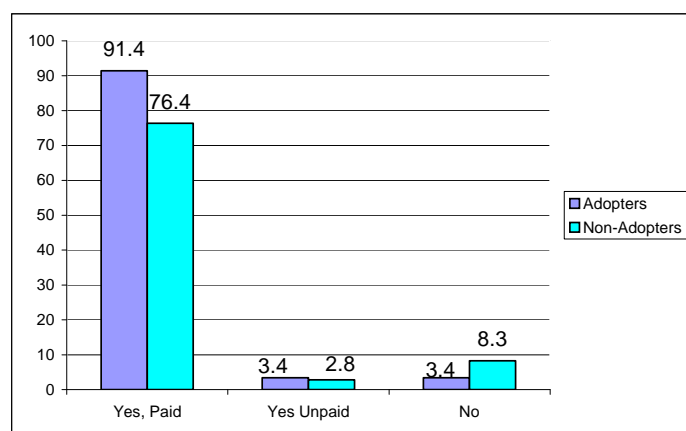
Figure 4-21: Entitlement to Compassionate Leave (% workers)



The ILO Convention on maternity rights as well as the Kenyan law (Regulation of wages Act) stipulates that female employees are entitled to maternity leave on full pay. The employee is not supposed to incur any loss of privileges for reason of being on such leave. The ILO convention recommends that the female employees be entitled to maternity leave of at least three months.

The great majority (92%) of workers in code adopting farms is entitled to paid maternity leave. Only 3% of the workers are entitled to unpaid maternity leave while another 3% are not entitled to the leave. About 2% of them do not know their entitlement. On the other hand, about 76% of workers in non-adopting farms are entitled to paid-maternity leave while 3% get unpaid maternity leave. About 13% do not know their entitlement and 8% are not entitled to this leave.

Figure 4-22 Maternity Leave Entitlements

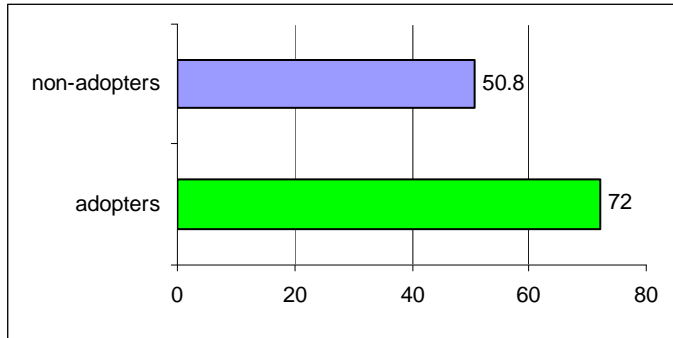


The percentage of workers entitled to paid-maternity leave is lower in the non-code adopting farms due to the fact that a majority of interviewed workers in these farms were employed on temporary terms. Those employed on seasonal or temporary contract are only entitled to unpaid

maternity leave whilst those on verbal seasonal or temporary contract are not entitled to the leave at all.

There is a higher feeling of job security in the code adopting farms as compared to the non-code adopting farms. A majority (72%) of the workers in code adopting farms said they were assured of their job throughout the year while only less than 51% in the non-code adopting farms had feelings of job assurance.

Figure 4-23 Job assurance throughout the Year



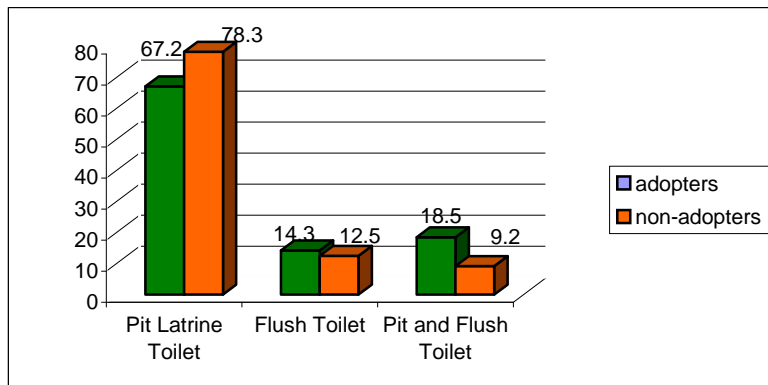
However most (94%) workers in non-adopting farms said they would continue working in the company even if their spouse or children lost their jobs on the farm as compared to 72 % of the workers in code adopting farms.

4.5 Occupational Health and Safety at work

Close to 97% of the workers interviewed in code adopting farms reported that they had access to quality drinking water on the farm as compared to only 73% of the workers in non-adopting farms. The main source of drinking water for the workers with no access is the dam water that is used for irrigation. This implies that more workers in the non-adopting farms are potentially exposed to water-born diseases than their counterparts in code adopting farms.

Similar toilet facilities were provided in both code adopting and non-adopting farms. Close to 67% of the workers in code adopting farms said they are provided with pit latrines and 14% have flush toilets. The rest are provided with both facilities. A higher proportion of workers (78%) in the non-code adopting farms are provided with pit latrines and 13% have flush toilets provided to them. Only 9% have both facilities. For about 91% of workers interviewed in code adopting farms, the toilet facilities were adequately clean while only about 72% felt the same way in non-code adopting farms.

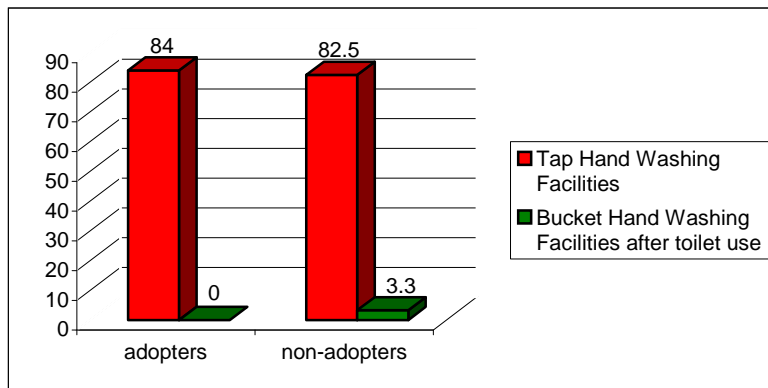
Figure 4-24 Toilets Facilities in Code Adopting and Non-Code Adopting Farms



There is not much difference in the provision of toilet facilities between code adopting and non-adopting farms. They all provided toilets in one form or the other as shown above. However, pit latrines were more predominant in the non-code adopting farms

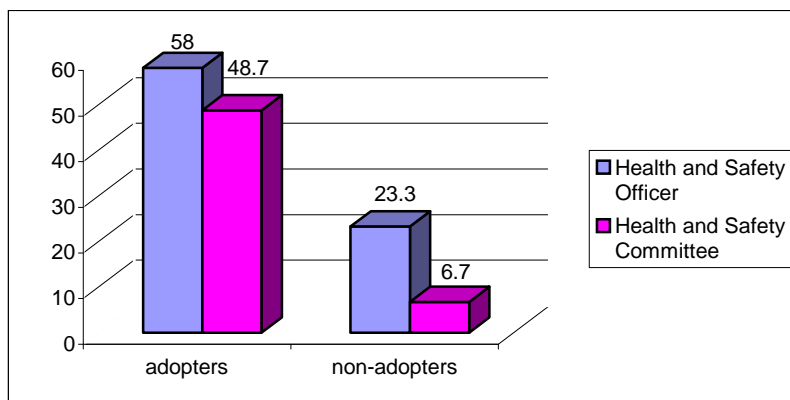
To maintain good hygiene, it is necessary to provide facilities for workers to wash their hands after visiting the toilets. In terms of provision, not much difference was noticed between code adopting and non-code adopting farms. The majority (84% in code adopting and 83% in non-code adopting farms) of the workers were provided with taps that were adequately positioned next to the toilets. However, a small percentage (16% in code adopting and 14% in non-code adopting farms) was not provided with hand washing facilities.

Figure 4-25: Hand washing facilities



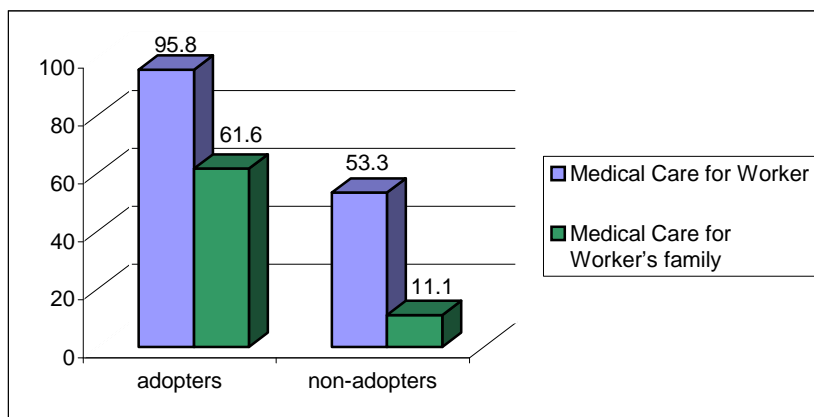
More than half (58%) of the code-adopting workers interviewed affirmed that there was a health and safety officer on site while 49% said there was a health and safety committee in the farm. On the other hand, only 23% of the workers interviewed on non-code adopting farms, confirmed that there was a health and safety officer and about 7% said there was a health and safety committee. It is thus clear that efforts to maintain health and safety on farms are higher in the code-adopting farms as compared to the non-adopting farms.

Figure 4-26: Presence of Health Safety officer/committee on the farm



The majority (96%) of the respondents in code adopting farms are provided with medical care for themselves while 62% of them are also provided with medical care for their families. Only slightly more than half (53%) of respondents in non-adopting farms said that they were provided with medical care. An even smaller proportion of workers (11%) in non-adopting farms is provided with medical care for their families.

Figure 4-27: Medical care



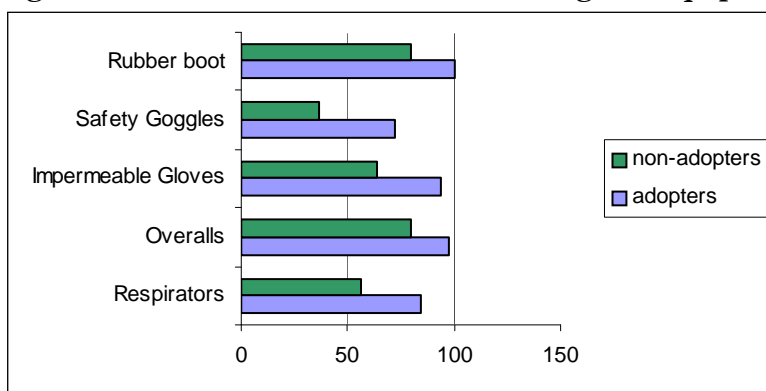
The type of medical care received ranged from first aid through out-patient and in-patient. As shown in Table 11, there was significant difference in the type of medical care offered to workers in the code adopting and non-adopting farms.

Table 11 Comparison of Medical Care in Code Adopting & Non-Adopting Farms

Service provided	Code Adopting	Non-code Adopting
In-patient	8.7	12.8
Out-patient	56.7	46.2
First Aid	0.0	20.5
Both in-patient and out-patient	15.4	17.9
Both out-patient and first aid	13.5	2.6
In-patient, out-patient and first aid	4.8	0.0
Don't Know	1.0	0.0
Total	100	100

Only a small proportion of workers interviewed in both categories of farms said they were involved in handling chemicals. In code adopting farms only 34% said that they handled chemicals compared to the 26% in non-code adopting farms that handled chemicals. The chart below shows that not all workers in both code adopting and non-code adopting farms have access to protective gear.

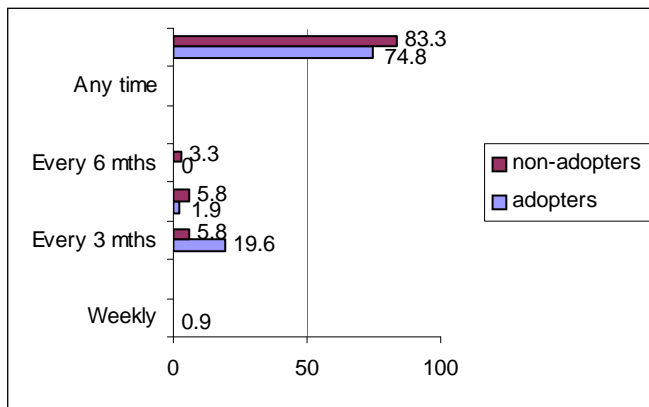
Figure 4-28: Provision of Protective clothing and equipment



Generally speaking, both the code adopting and non-adopting farms provide their workers with respirators, overalls, gloves and rubber boots. However, non-adopting farms are weaker in the provision of protective clothing than code adopting. The importance of medical check up for workers coming into contact with chemicals cannot be overemphasized. The majority (75%) of

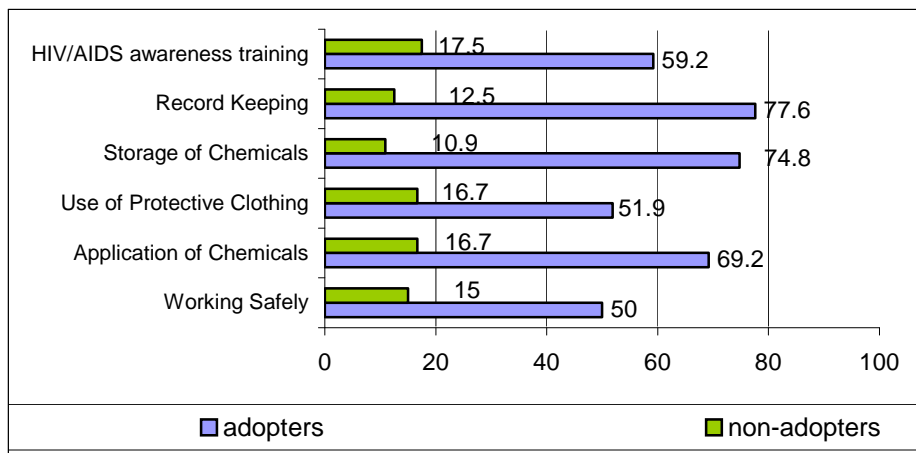
workers in code adopting farms do not go for any medical check-up. Similarly, the majority (83%) of workers in non-adopting farms do not go for medical check-up.

Figure 4-29: Frequency of medical check-ups



Only 43% of workers in code adopting farms had received training on health and safety on the farm. This figure was even lower at 15% among the non-adopting farms. However, the numbers of those trained between adopting and non-adopting farms varied with the specific training area. Generally, a much lower proportion of workers in non-adopting farms had been trained in the various issues of health and safety as compared to those in the code adopting farms. Nevertheless, the level of training in both categories of farms is wanting.

Figure 4-30: Training in health and safety

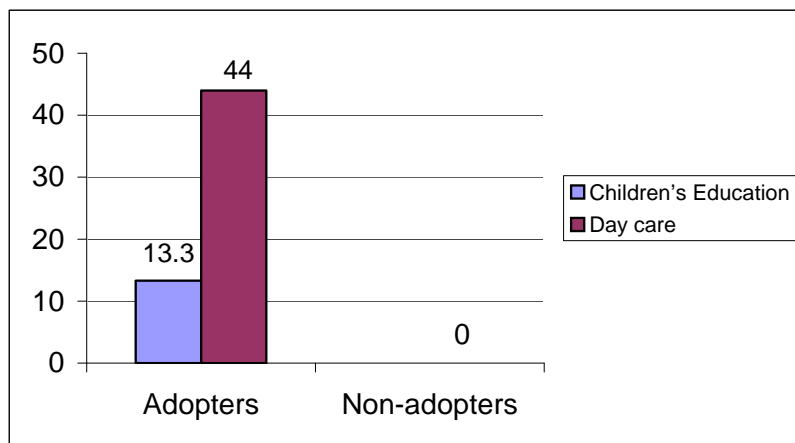


4.6 Social Empowerment of Workers

About 13% of the workers in code adopting farms are provided with educational support for their school-age children. A further 44% are provided with day-care facilities for their non-school-going children. On the other hand, workers in non-code adopting farms are not provided with educational support or day-care facilities.

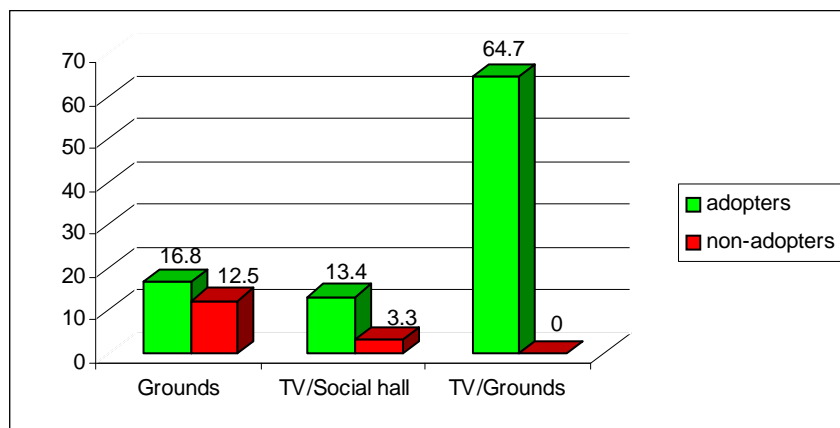
This shows that code adopting farms have put in place some mechanism to enhance the social welfare of the workers through extending support to their families.

Figure 4-31: Provision of Workers Children’s Education and Day Care



Moreover, most code adopting farms provide facilities for recreation including television sets/grounds (65%), grounds (17%), or television/social hall (13%). In comparison only 13% of the non-adopting farms or less provide recreational facilities.

Figure 4-32: Type of recreational facilities available



Close to 84% of workers in the code adopting farms reported that there is a workers social welfare association compared to less than 42% among non-adopting farms. Similarly, about 72% of workers in code adopting were members of this association as compared to 59% of workers in non-adopting farms.

Figure 4-33: Presence of social welfare association

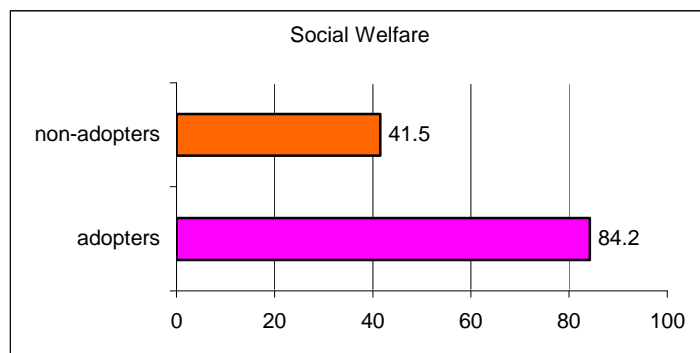
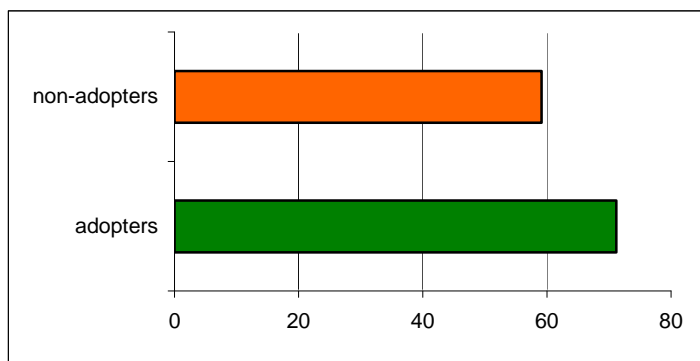
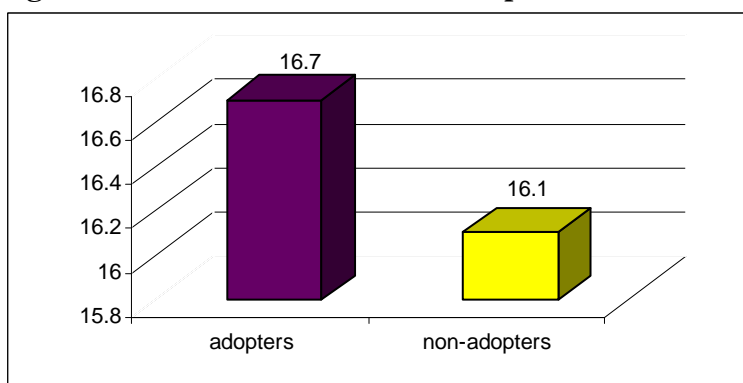


Figure 4-34: Membership of a social welfare association



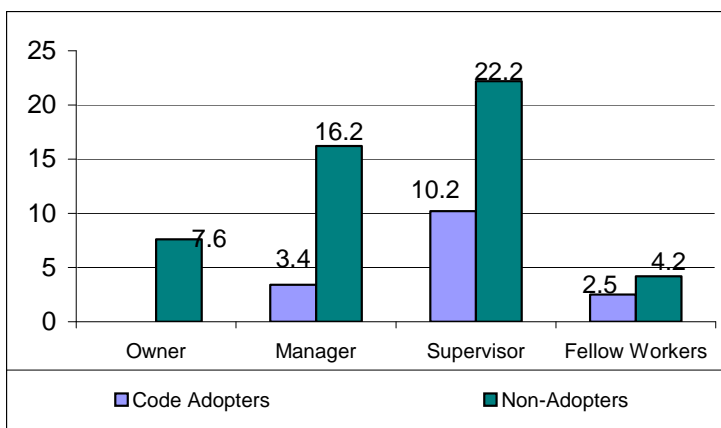
Trade union membership in both the code adopting and non-adopting farms was very low. Only about 17% of workers in code adopting farms belonged to any trade union and this was the case for 16% of workers in non-adopting farms. The low level of membership was associated with low level of awareness of the existence of the trade union movement. Most workers were not aware of the trade union movement or even the procedures for becoming a member of a union. Other workers said the subscription fee was too high for them since they earned very little.

Figure 4-35: Trade Union Membership



Harassment on the farms is low as evidenced by the few reported cases of threats and physical abuse. This is, however, generally more common in non-adopting farms as compared to the code adopting ones as demonstrated below.

Figure 4-36: Threat to Workers



The few cases where workers were threatened by the owners could be attributed to the fact that some of the owners were also involved in the day-to-day running of the farms. Physical abuse was uncommon in both types of farm.

4.7 Economic empowerment of Workers

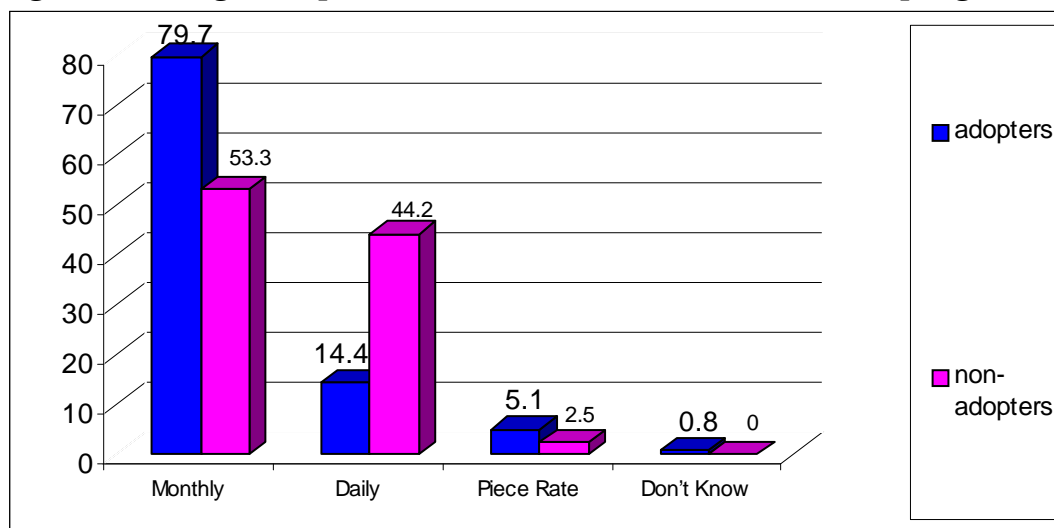
About 54% of the workers interviewed in code adopting farms earn between Kshs. 2,000 and Kshs. 3,999. Another 31% earn between Kshs. 4,000 and Kshs. 5,999. The remaining 15% earn Kshs. 6,000 or more. On the other hand, 76% of workers in the non-code adopting farms earn between Kshs. 2,000 and Kshs. 3,999 and 18% earn between Kshs. 4,000 and Kshs. 5,999. Only 6% earn Kshs. 6,000 and above, while 1% earn below Kshs. 1,999.

The average basic pay in code adopting farms is Kshs. 4,487, while that in non-adopting farms is Kshs. 3,789.30. This shows that both the code adopting and non-adopting farms pay their workers beyond the required minimum pay of Kshs. 3,780. The level of wages may not, however, wholly be attributed to the adoption of codes of practice. Most of the flower farms that are members of the Agricultural Employers Association have signed a collective bargaining agreement with the workers union (KPAWU) and all farms base their remuneration on the agreed rates.

The wage in both adopting and non-adopting farms is computed either on a daily, monthly, or piece rate basis. A higher proportion (80%) of workers wages on code adopting farms are computed on a monthly basis. The wage for another 14% of the workers is computed on a daily basis and for 5% of the workers it is computed on piece rate basis. However, about 1% do not know how their pay is computed. In comparison, 53% of the workers in non-adopting farms have their wages computed on a monthly basis. For a significant proportion of workers (44%), the pay is computed on a daily basis while the wage for 3% of the workers is computed on piece rate.

This could be explained by the fact that the bulk of workers (62%) interviewed in the non-code adopting farms were employed on temporary terms while only about 8% of workers interviewed in the code adopting farms were employed on temporary terms.

Figure 4-37: Wage Computation Basis in Code and Non-Code Adopting Farms



There is no difference in the services that workers can afford in both the code adopting and non-adopting farms. However, except for utilities and rent, workers in code adopting farms are relatively better off with respect to ability to pay for or make investments. Indeed, workers in code adopting farms have done relatively well when it comes to making investments, or holding shares.

Figure 4-38: Ability to pay for/undertake Various Activities

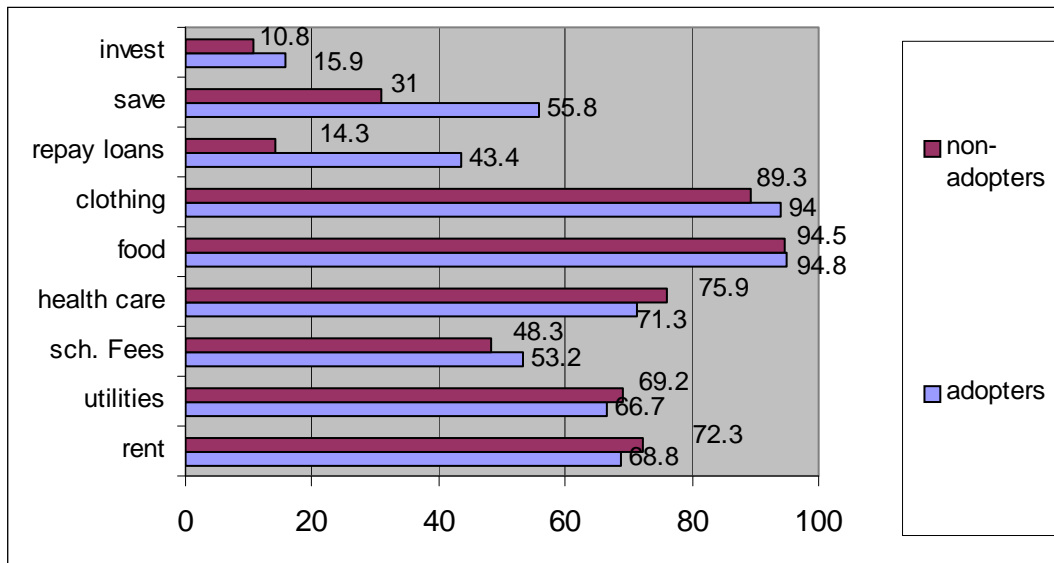


Figure 4-39: Presence of an Asset Acquisition Scheme

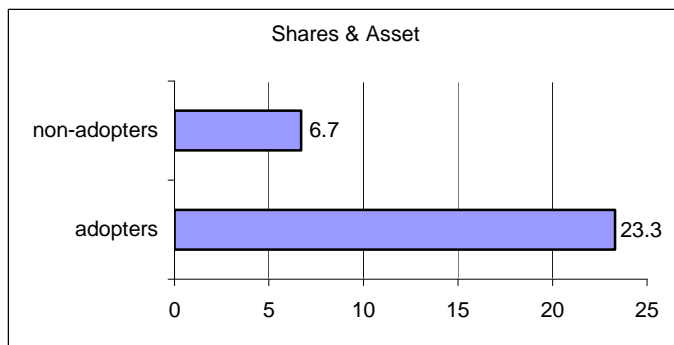


Figure 4-40: Membership of a Share and Asset Acquisition Scheme

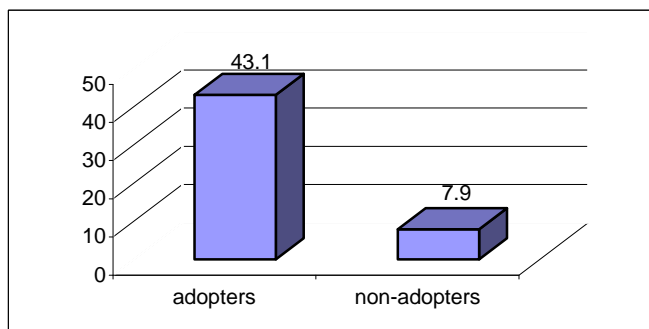
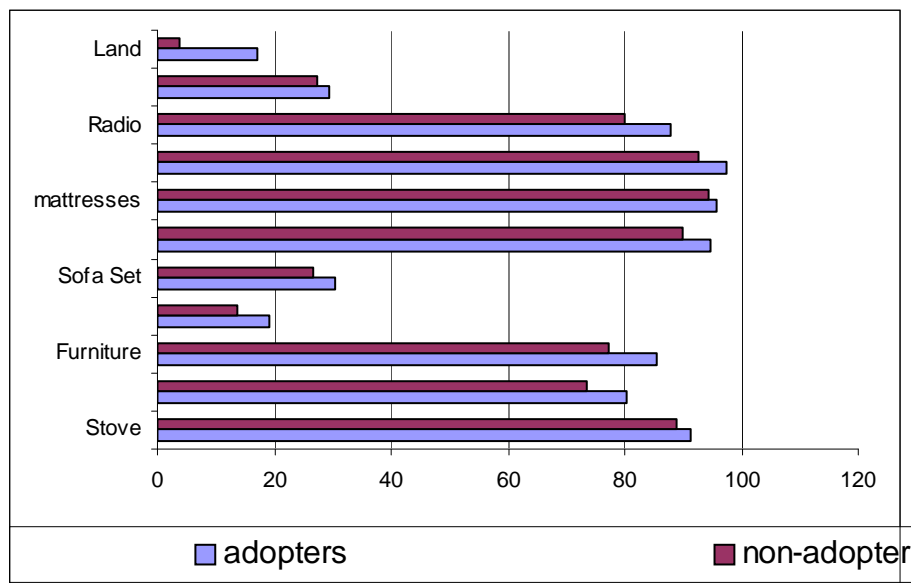


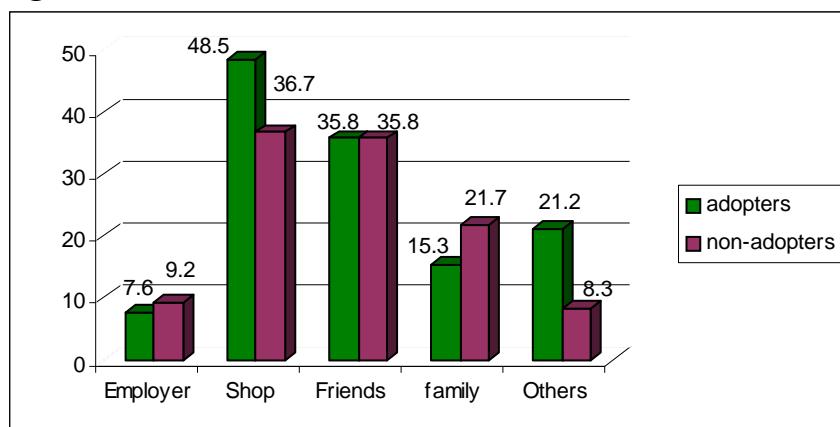
Figure 4-41: Asset Ownership



Generally, however, most workers in both the code adopting and non-adopting farms own only those items that were necessary for daily use. Similarly, in both code adopting and non-adopting farms, the workers were indebted to each other rather than their employer or managers. Few were indebted to farm shops as well as shops in town. The trend of indebtedness was in both the code adopting and non-adopting farms showing that the expenditure patterns were similar.

The low level of indebtedness implies that the workers do not have enough to borrow against. It is worth noting that the workers were mostly indebted to their colleagues, possibly because they were in close contact or they understood each other's difficulties more easily.

Figure 4-42: Level of Indebtedness



4.8 Conclusions

Most code adopting farms are owned by local investors while the majority of the non-adopting farms have foreign ownership.

Over 90% of the labour force in code-adopting farms is permanently employed, compared to only about 36% in the non-adopting farms. The labour force in both code adopting and non-adopting farms is aged 18 years and above; an indication that the farms have complied with child labour regulations.

Code adopting farms house most of their workers as compared to non-adopting farms, mainly due to the fact that codes call for provision of housing. More workers in adopting farms have water in their plots or in their houses compared to non-adopting farms. The most commonly used source of energy for cooking, lighting and warming water is kerosene. However, in some farms, especially adopting farms, workers are provided with electricity though it is rationed and can only be used for lighting to avoid high electricity bills.

The code adopting farms were found to provide quality drinking water to their workers more than the non-adopting farms.

Both code adopting and non-adopting farms adhere to the recommended working hours of 8 hours a day.

Although the workers in both categories of farms are paid above the minimum recommended wage, on average, they live from hand-to-mouth, barely affording their basic needs. There is very low saving and investment done by these workers.

More workers in code adopting farms are entitled to paid annual leave, sick leave, compassionate leave and maternity leave compared to their counterparts in non-adopting farms.

Health and safety issues are taken more seriously in code adopting farms compared to non-adopting farms. Most code adopting farms had a health and safety officer on site as well as a health and safety committee. Only a few non-adopting farms had either a health and safety officer on site or a health and safety committee.

Most workers in code adopting and non-adopting farms are provided with protective clothing. However, training in health and safety issues as well as HIV/AIDS awareness, was found wanting in both the code adopting farms and non-adopting farms.

More workers in code adopting farms are provided with medical care for themselves and their families as compared to non-adopting farms. However, medical check up for the majority of workers in both categories of farms was neglected.

Freedom of association among the workers is more enhanced in the code adopting farms (where the majority of workers belong to a workers' social welfare association) than in non-adopting farms. However, there is very low trade union membership in both code adopting and non-adopting farms.

There is very low level of harassment and physical abuse in both categories of farms. Very few workers reported cases of threats from the owners of the farms, managers, supervisors and fellow workers. Physical abuse was negligible.

Workers' welfare in code adopting farms generally seems better than that of workers in non-adopting farms. But, it is important to note that improvement in working conditions of workers cannot be attributed to codes alone. Other factors include, management's disposition, need or demand for better conditions by workers, or changes made on humanitarian grounds. This is evidenced by the fact that some non-adopting farms have better worker welfare policies than some adopting farms.

4.9 Recommendations

- To encourage many flower farms subscribe to codes, there is need for a harmonization of all the codes operating in the cut flower industry into a single comprehensive national code with international recognition. This would require negotiation and agreements between code

holders in the major markets to ensure that the concerns of different code holders are taken into account.

- The majority of adopting farms are owned by local investors, while the majority of the non-adopting farms have foreign ownership. The lower rates of code membership among European-owned companies suggest that some are able to access markets without subscribing to codes, by exporting their produce via their sister farms in their home country. Policy measures are required to ensure that cut-flower export licenses are only issued to those adhering to a national code of practice.
- To bring this about, promotion of the need for a change in the policy governing the cut flower industry is required. This could be taken forward through sensitisation of the stakeholders and the workers' unions in particular.
- Instead of setting a minimum wage, the law should be amended to require that wages of workers be based on the minimum expenditure patterns taking into consideration the basic human needs, inflation and the cost of living, thus making the concept of living wages a reality. Initial steps could include individual unions taking the debate forward by emphasising the importance of a living wage and arguing for flexibility to move away from the set minimum level. Also, firms can be encouraged to compete at the level of how well they pay. The markets too could play a role by including a living wage in their assessment of a 'good' firm.
- No single initiative may effectively and efficiently resolve the problems experienced in the cut flower industry in terms of worker welfare, health and rights in Kenya. More organization and education and training of workers will need to be done in order to empower the workers to assert their rights without permanently being reliant on outsiders to fight on their behalf. Workers require training in labour laws that govern the conditions of the provision of their labour. A number of workers are already mobilised into unions. Knowledge of their rights begins with general civic information about governance in the country which could be provided by some of the specialised groups working at farm level. However, this is a challenge as employers do not encourage it. In addition, complementary strengthening of organisations responsible for enforcing national labour laws, through training of officers, could also contribute to this effort.

APPENDIX 1 REFERENCES

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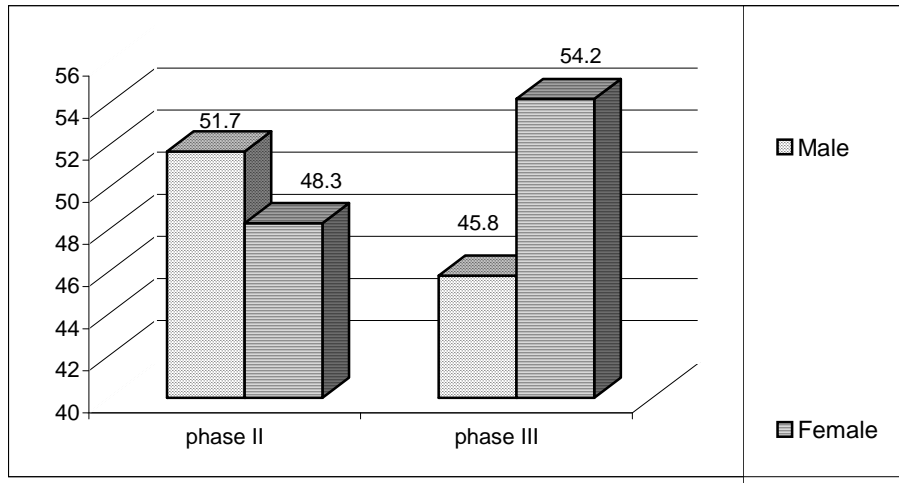
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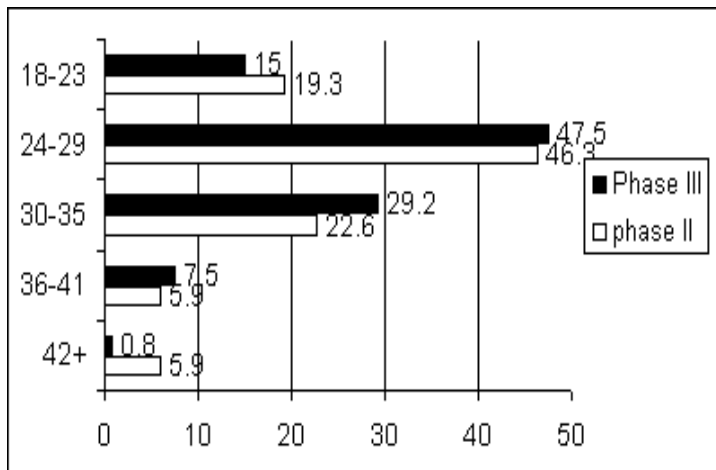
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APPENDIX 2: CODE ADOPTING FARMS

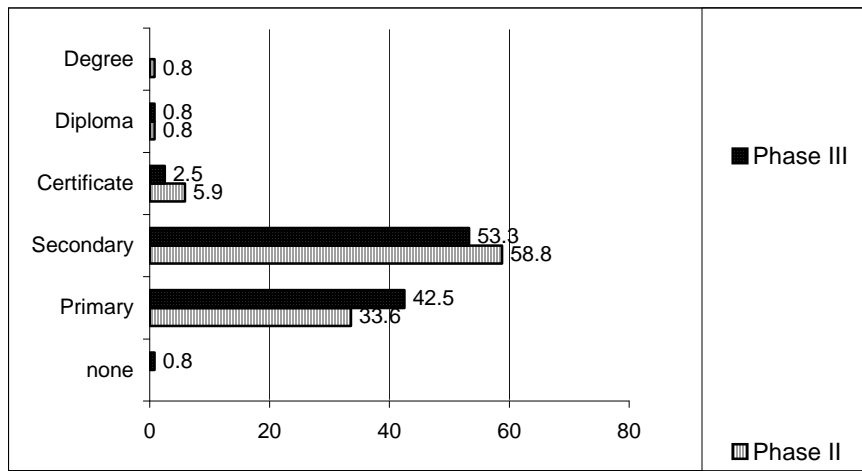
2.1: Sex of Workers Interviewed



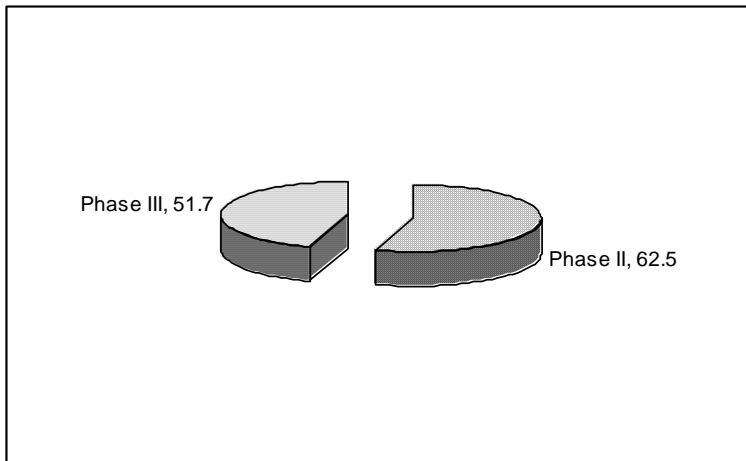
2.2: Workers' Age



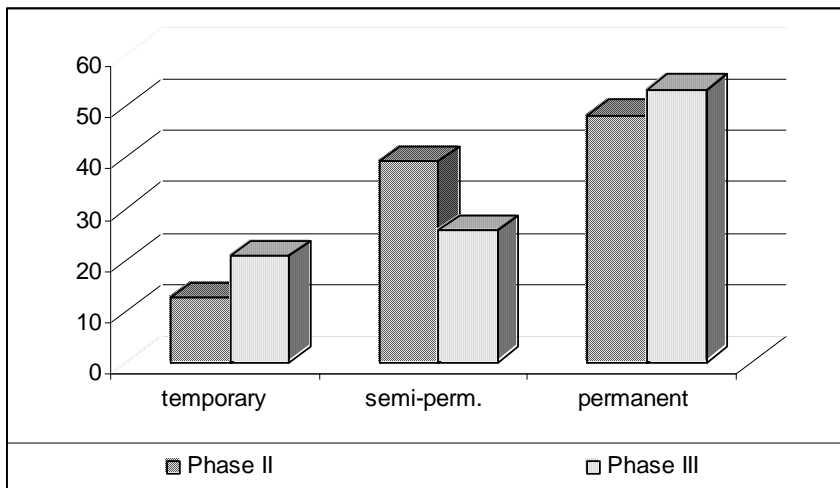
2.3: Level of Education of Workers – Code Adopting



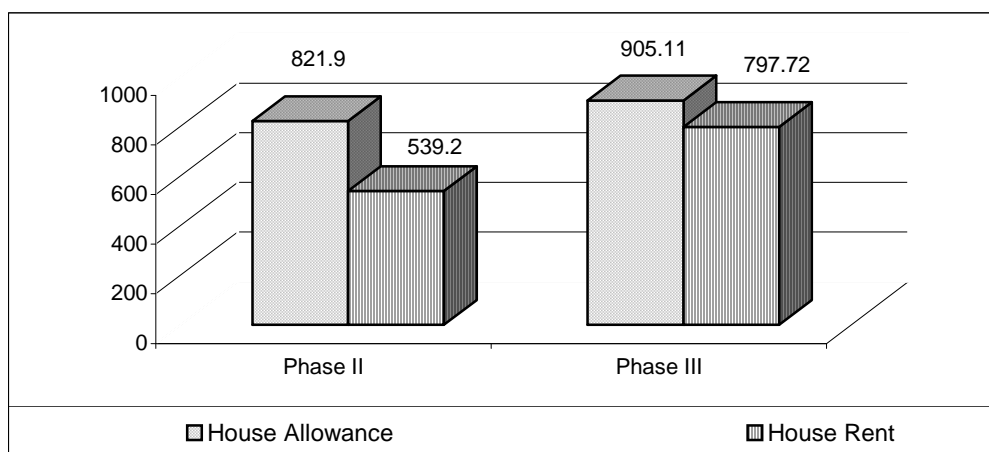
2.4: Percentage of Workers Housed in Code Adopting farms



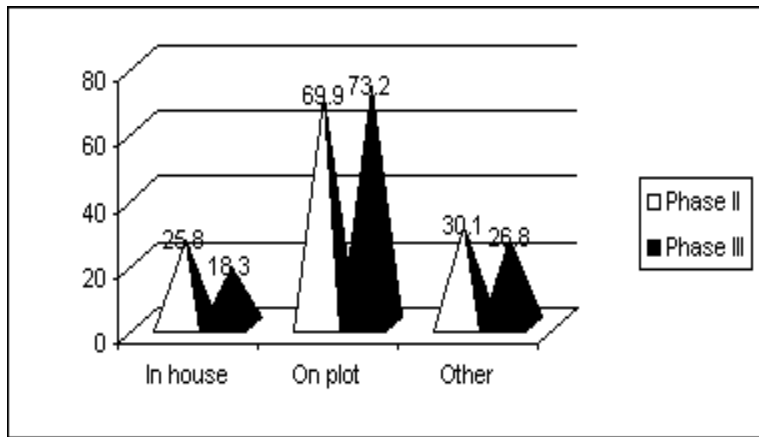
2.5: Type of House



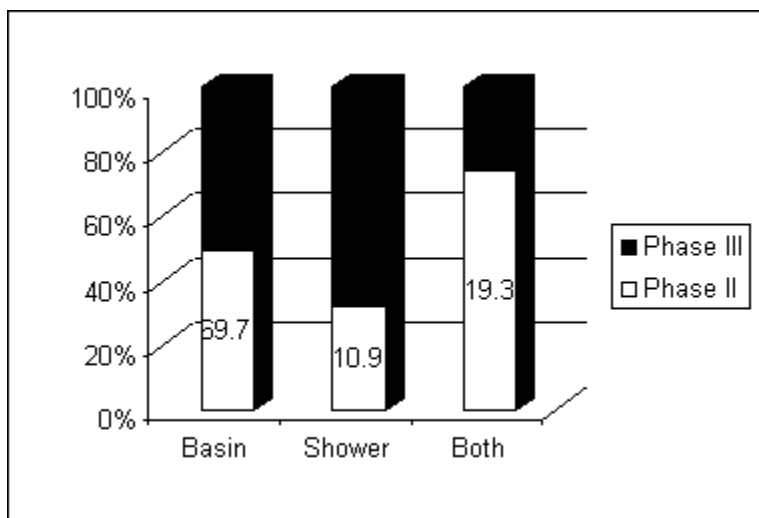
2.6: Average House Allowances and Rents (Kshs.)



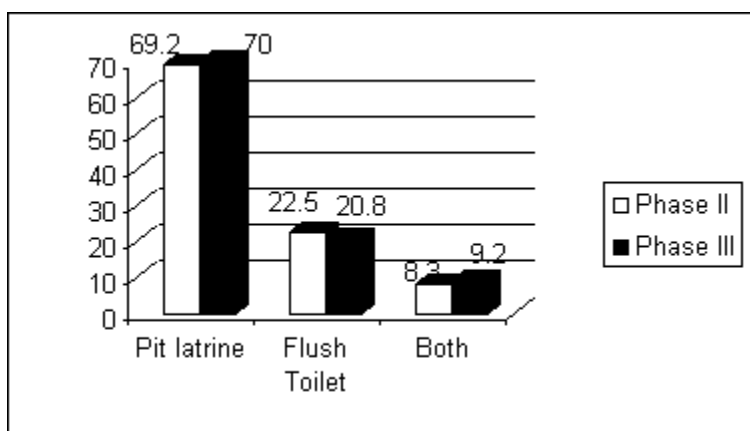
2.7: The proportion of people that use the various water points



2.8: The proportion of workers that use the specified bathing facilities



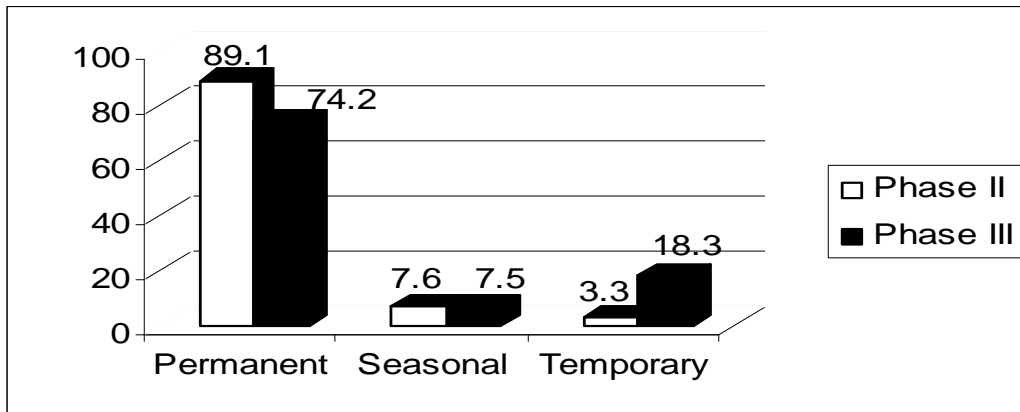
2.9: Toilet Facilities in the Houses of Workers



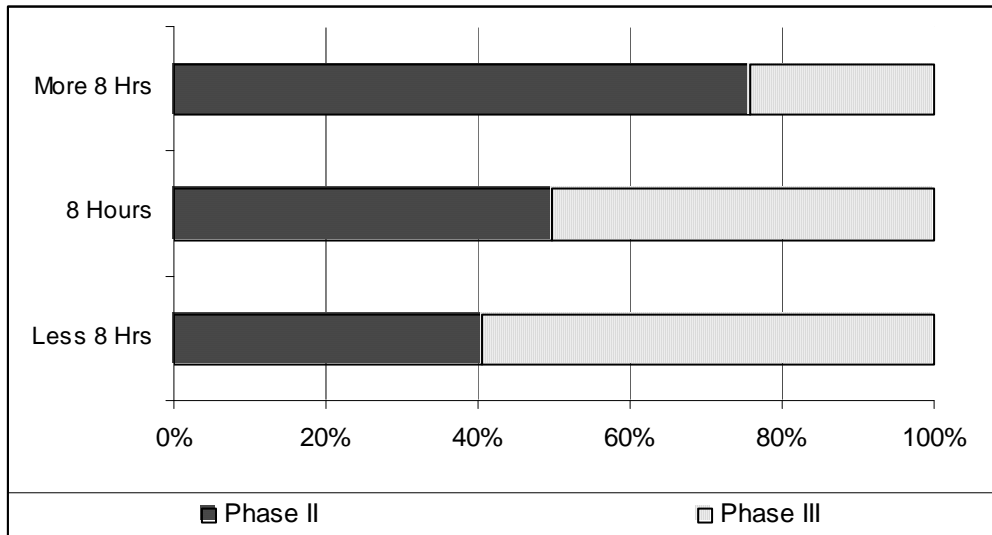
2.10: Sources of Energy

Source of Energy	Most Common Source	Percentage of Workers	
		Year 2	Year 3
Cooking	Kerosene stove	41.7	28.3
	Charcoal and kerosene	30	45.8
Lighting	Kerosene lamp	61.7	67.5
	Electricity	38.3	30
Heating	Charcoal	56.7	61.7
Warming Water	Kerosene stove	28.6	30
	Charcoal	25.2	30.8

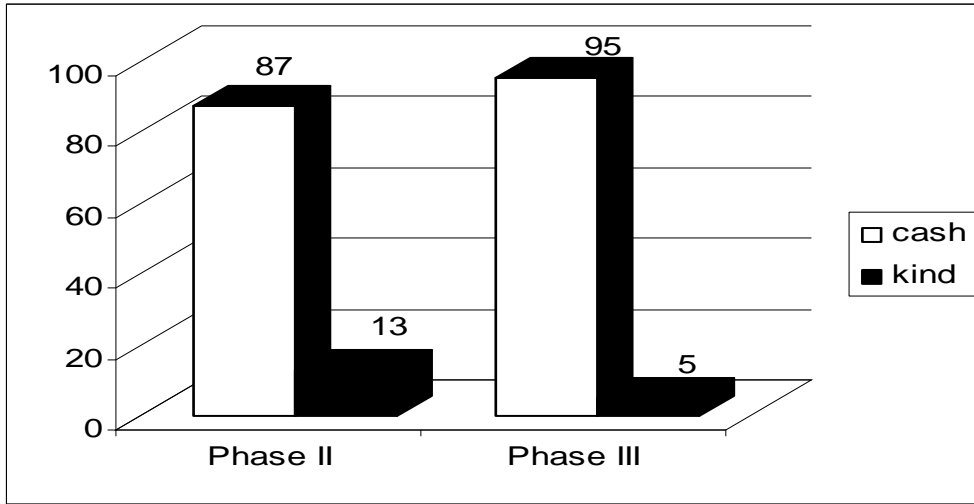
2.11: Terms of Employment



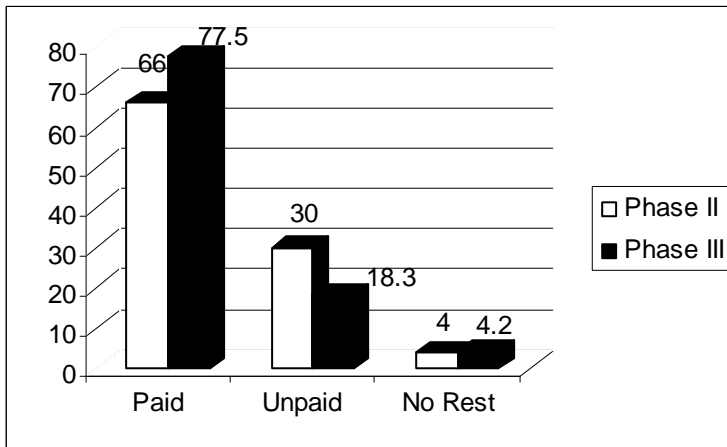
2.12: Working Hours



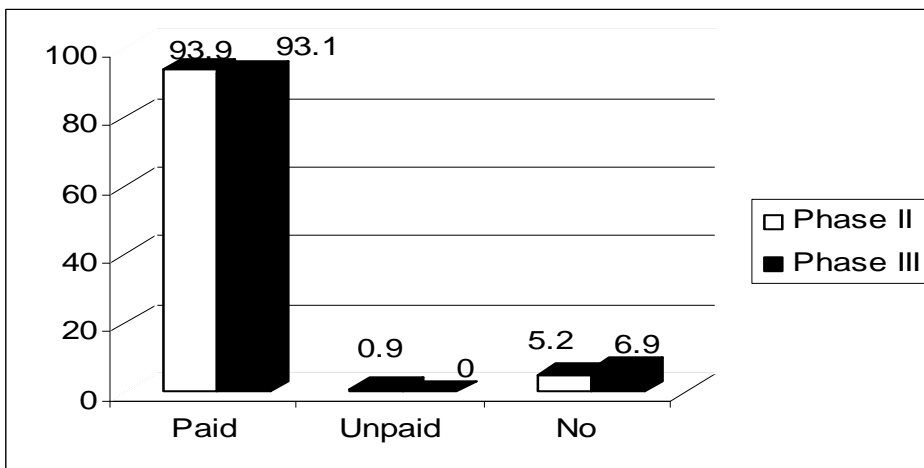
2.13: Mode of Payment for Overtime



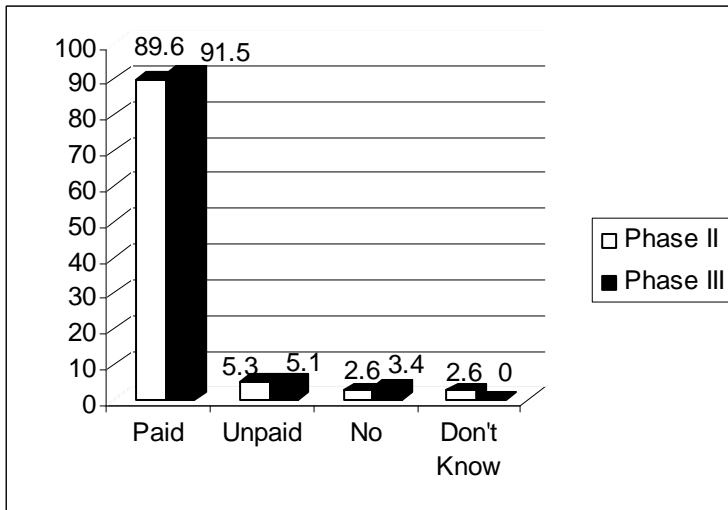
2.14: Weekly Rest Entitlement



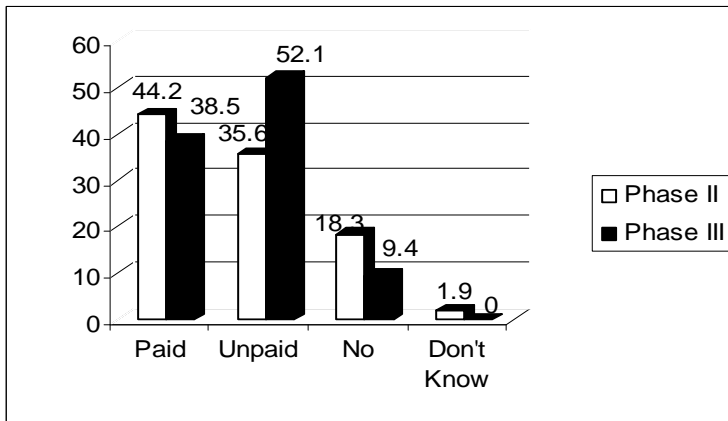
2.15: Annual Leave Entitlement



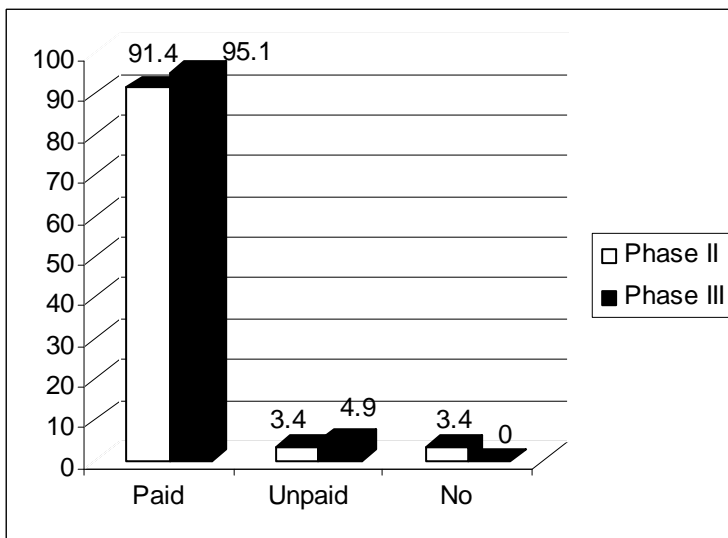
2.16: Sick-leave Entitlement



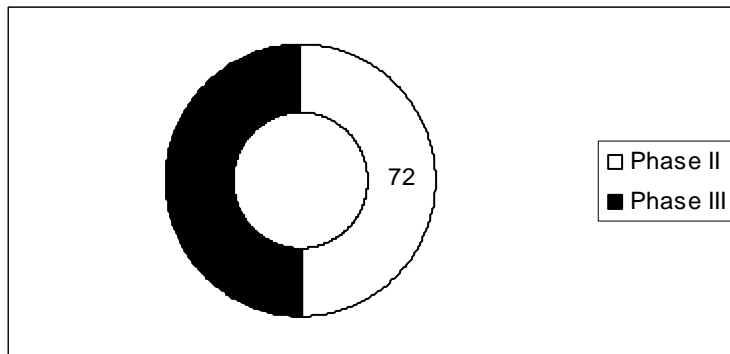
2.17: Compassionate Leave Entitlement



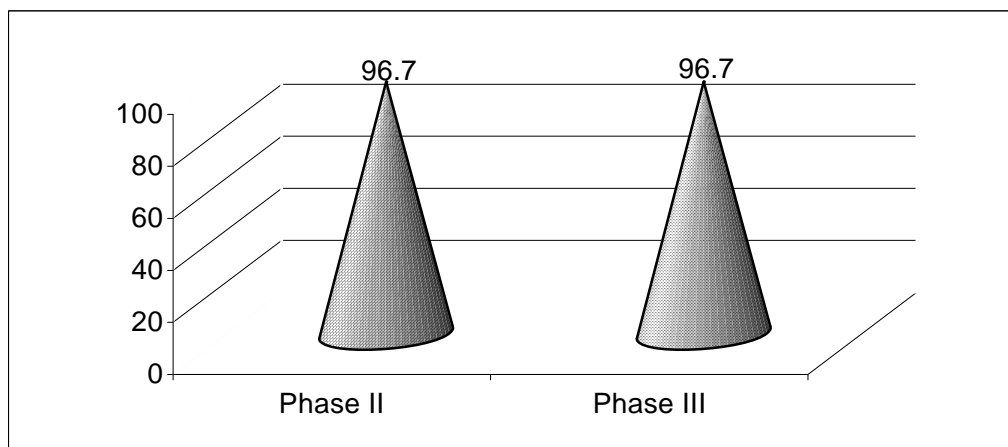
2.18: Maternity Leave Entitlement



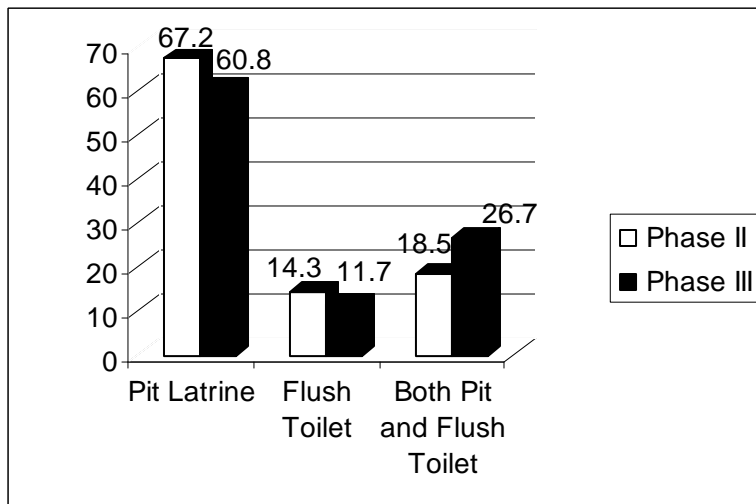
2.19: Job Assurance throughout the Year



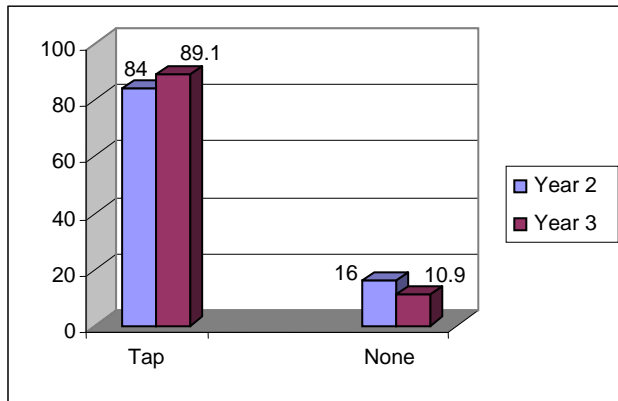
2.20: Provision of quality drinking water



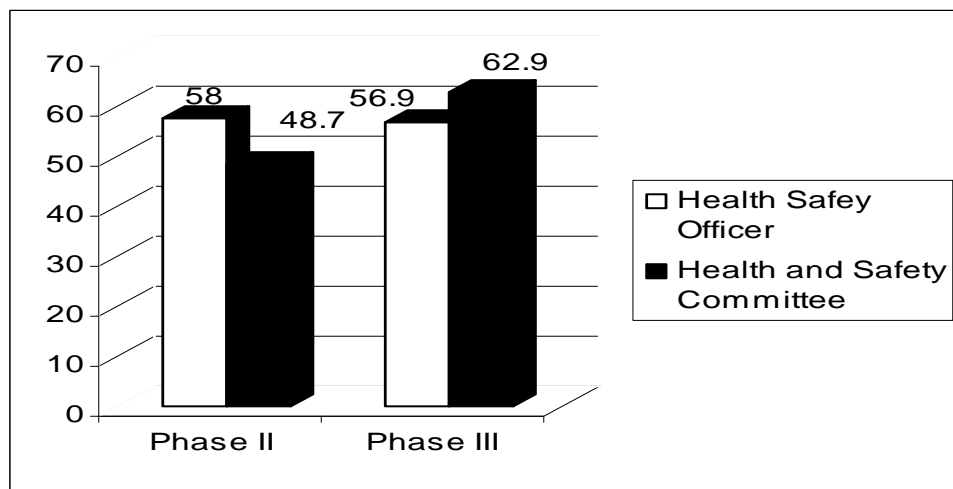
2.21: Toilet Facilities in the Farm



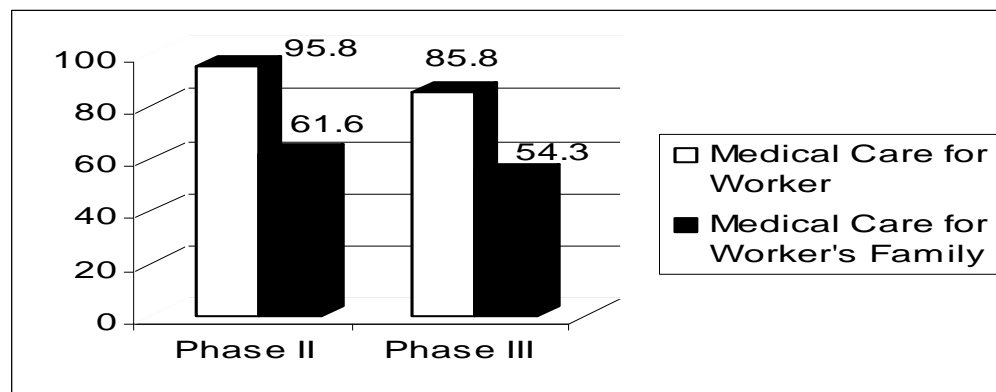
2.22: Hand-washing facilities



2.23: Presence of Health Safety Officer/Committee on the Farm



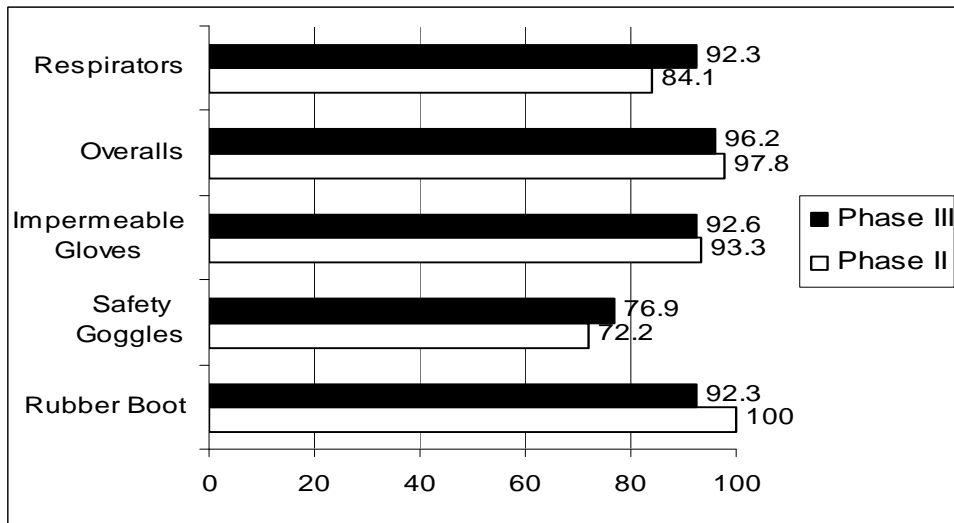
2.24: Provision of Medical Care



2.25: Type of Medical Care Provided

Type of care provided	% of Workers	
	Year 2	Year 3
In-patient	8.7	17.4
Out-patient	56.7	40.7
First Aid	0.0	1.2
Both in-patient and out-patient	15.4	23.3
Both out-patient and first aid	13.5	10.5
In-patient, out-patient and first aid	4.8	7
Don't Know	1.0	0

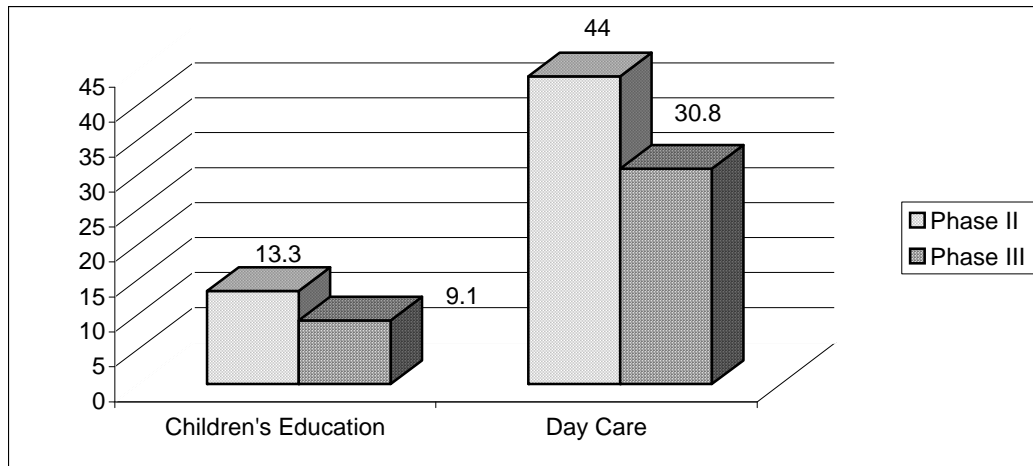
2.26: Provision of Protective Clothing



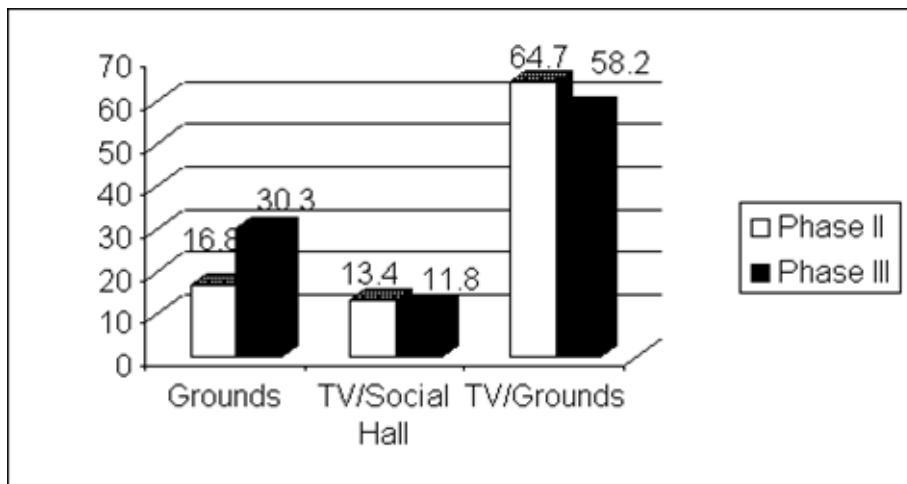
2.27: Aspects Covered in Training

Type of Training	Year 2	Year 3
HIV/AIDS awareness	59.2	63.3
Record keeping	77.6	87.4
Storage of chemicals	74.8	78.2
Use of protective clothing	51.9	44.5
Correct application of chemicals	69.2	75.6
Working safely	50	44.5

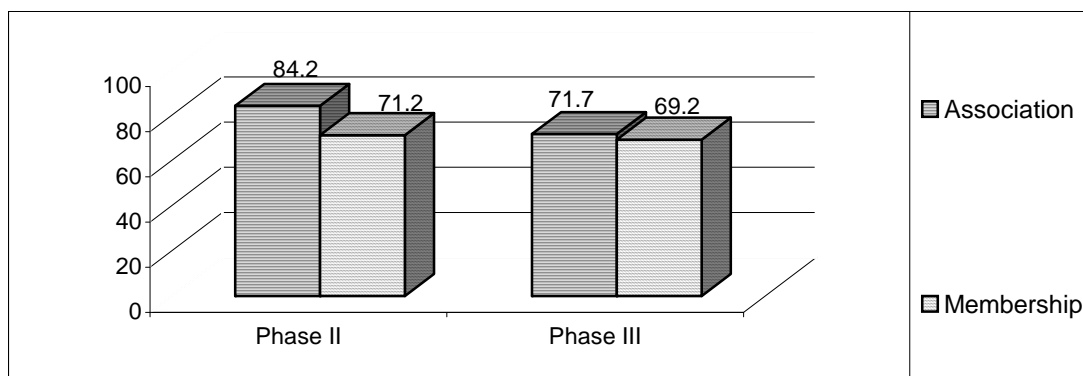
2.28: Workers' Children's Education and Day Care Provision



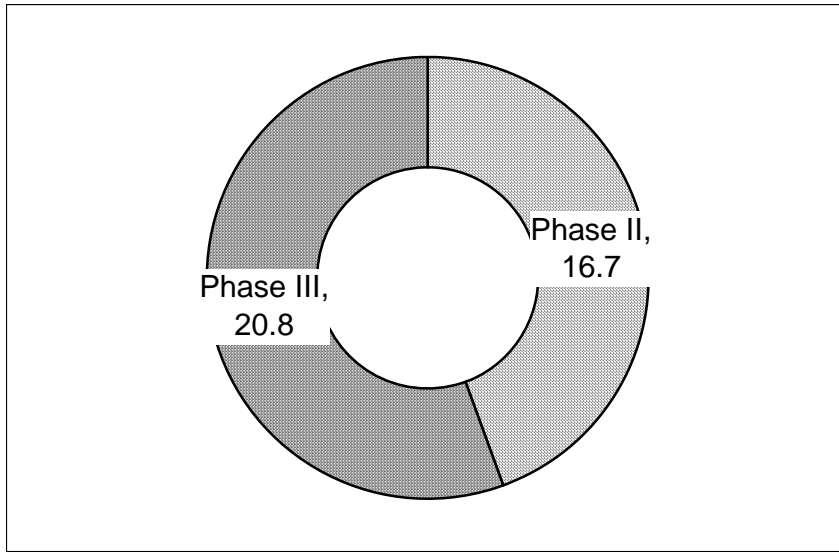
2.29: Type of Recreational Facilities Available



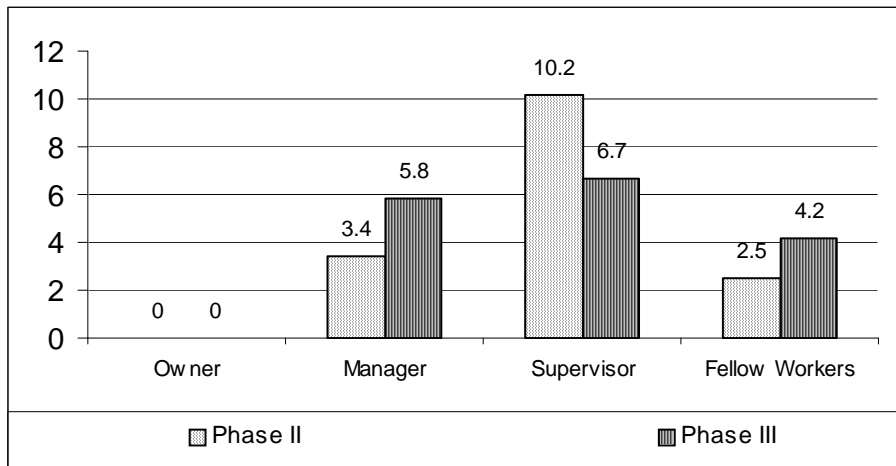
2.30: Presence of Social Welfare Association



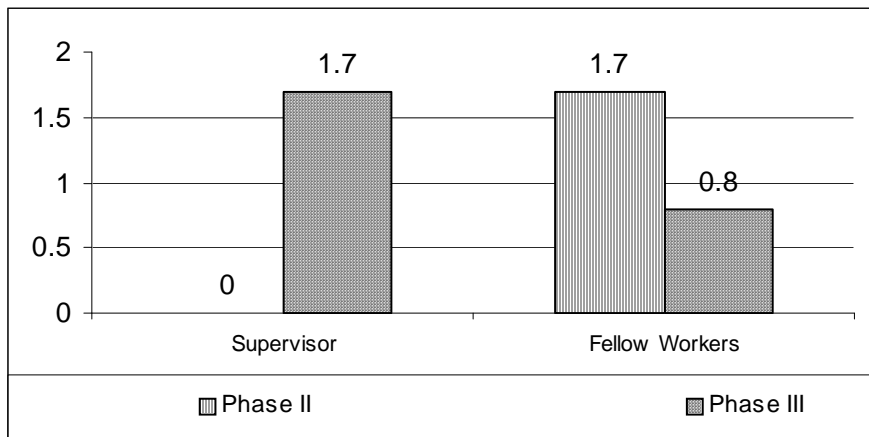
2.31: Trade union Membership



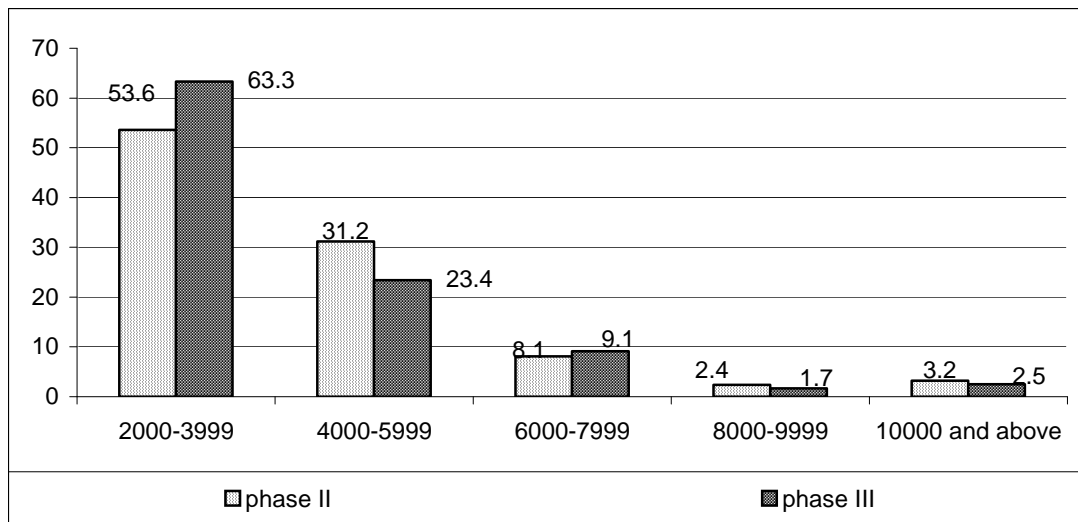
2.32: Threat to Workers



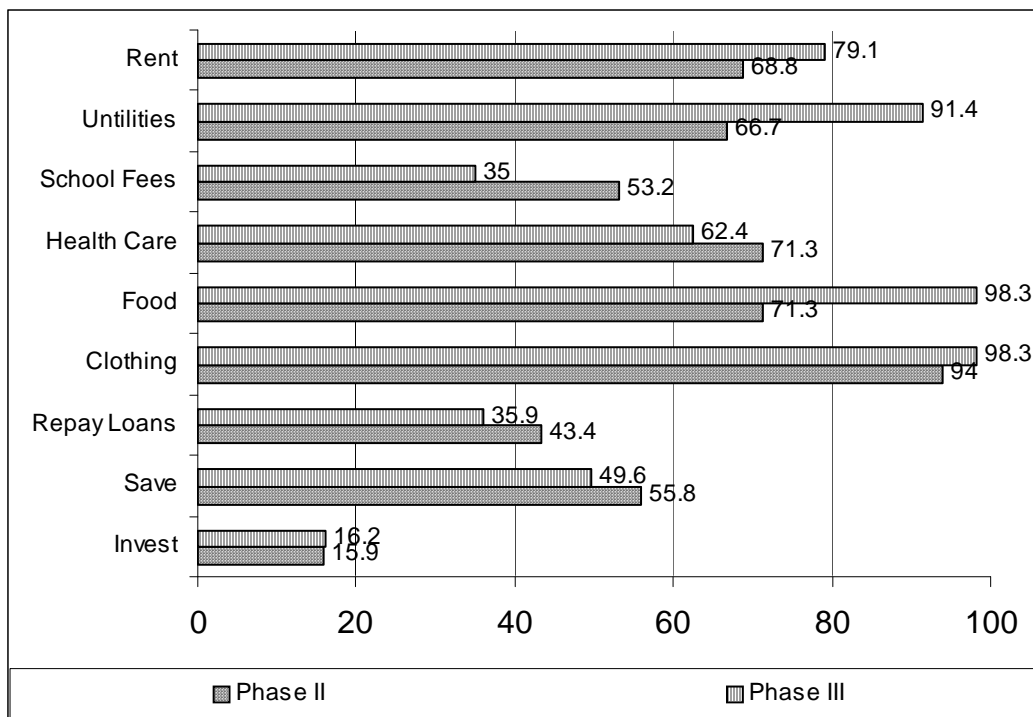
2.33: Physical abuse to Workers



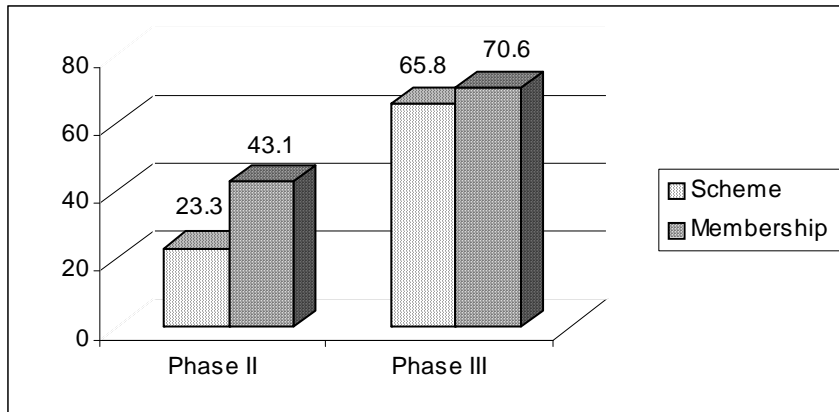
2.34: Workers' Monthly Incomes (Kshs.)



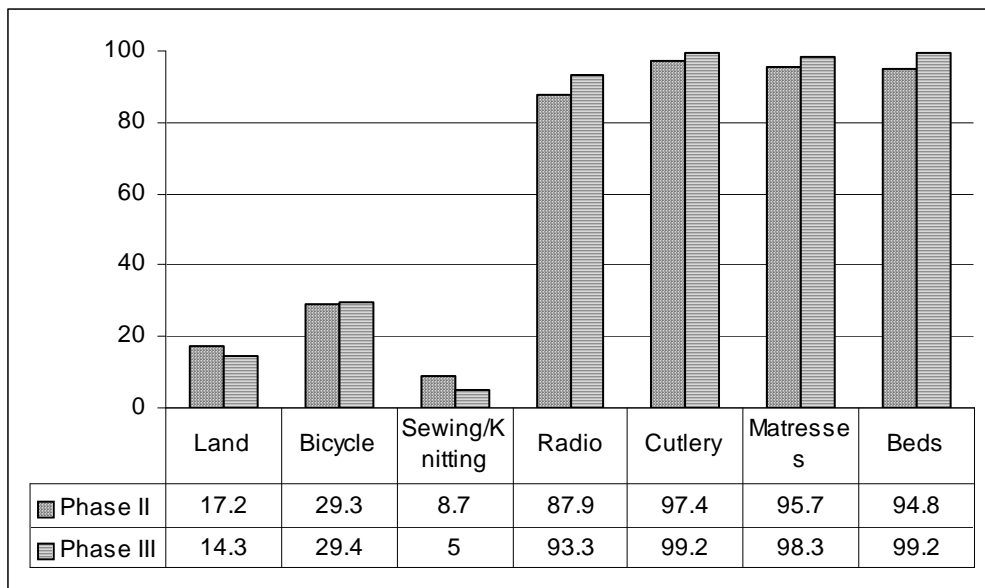
2.35: Affordability of services and ability to invest



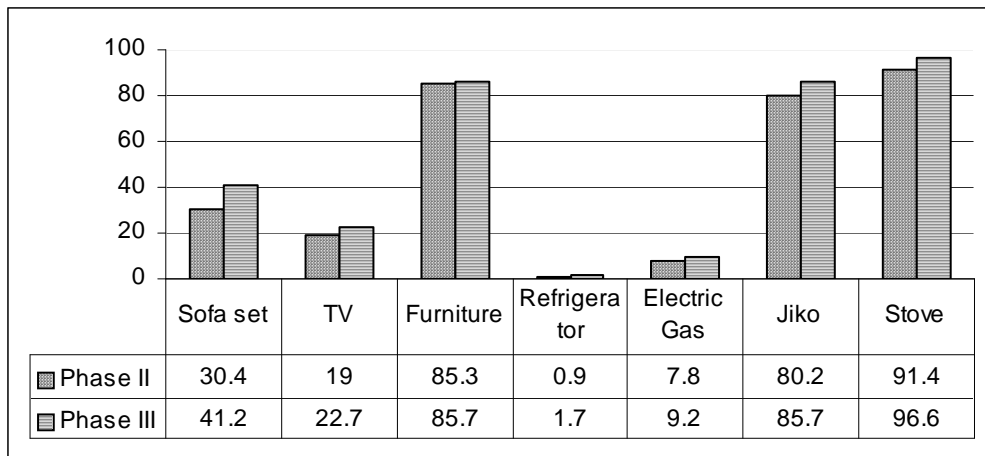
2.36: Asset Acquisition Scheme and Membership to the Scheme



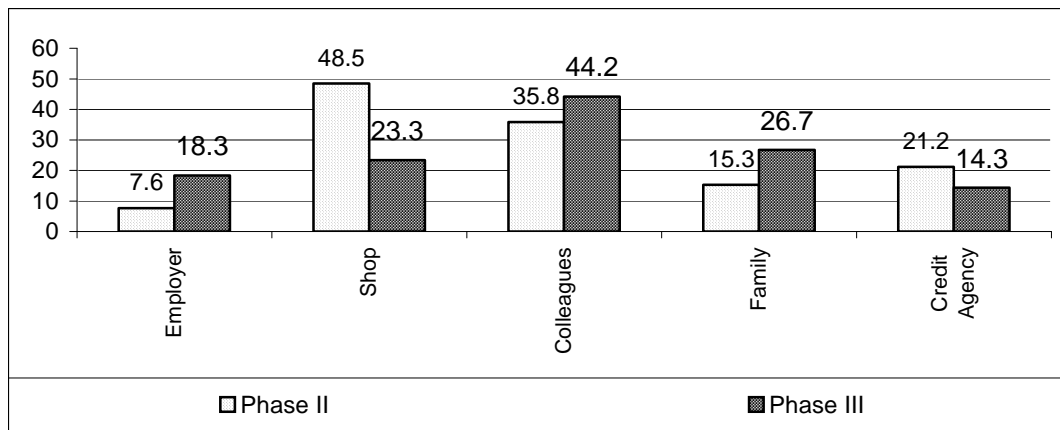
2.37(a): Asset Ownership



2.37(b): Asset Ownership



2.38: Indebtedness

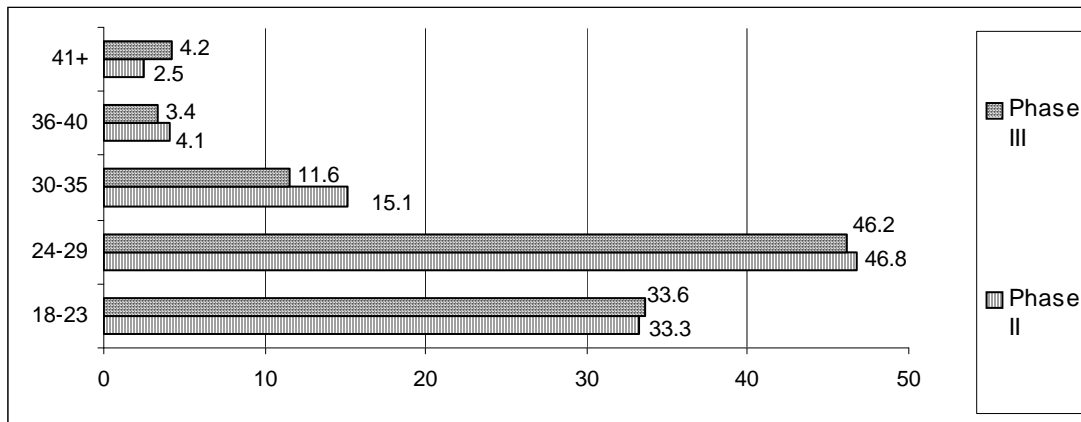


APPENDIX 3: CODE NON-ADOPTING FARMS

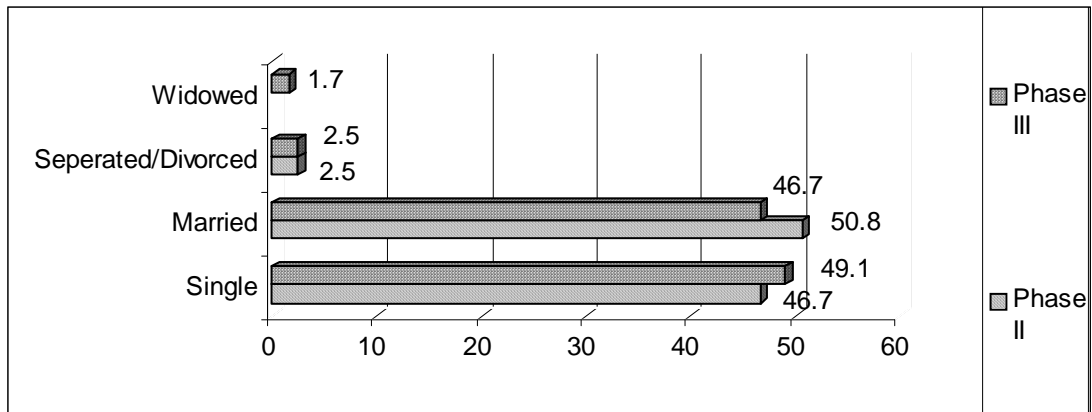
3.1: Size and Classification of the Farms

Phase II		Phase III	
Farm	Acreage	Farm	Acreage
Small-Small	5	Medium I	12
Small	10	Medium I	13
Medium I	12	Medium I	12
Medium II	20	Medium II	20
Large	26	Large	30
Extra Large	52	Extra Large	80

3.2: Distribution of Workers by Age



3.3: Marital Status of Workers Desegregated by Gender



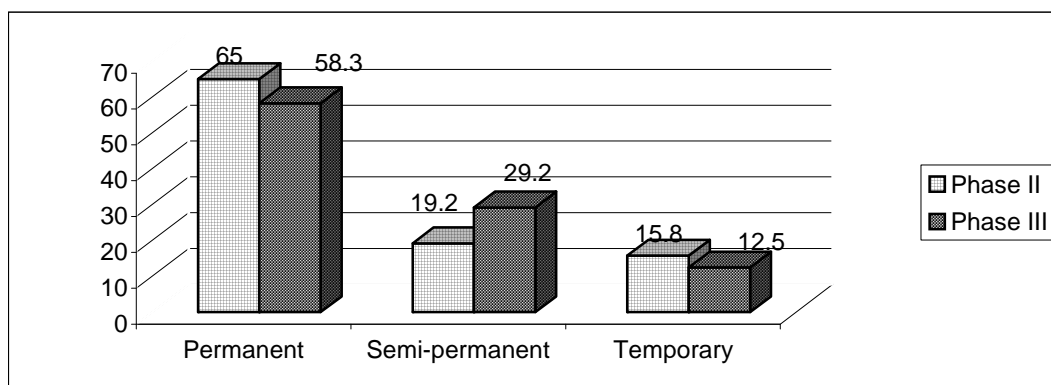
3.4: Number of extra household members

Number	% households Phase II	% households Phase III
0	11.7	25.0
1	30.0	20.0
2	19.2	28.3
3	20.8	13.3
4	9.2	5.0
5	5.0	5.8
6	3.3	0.8
7	0	0.8
9	0.8	0.8
Total	100	100

3.5: Percentage of Workers who joined the Household in Phase II and III

Who joined?	Phase II	Phase III
Spouse	22.2	40
Children	50.0	13
Relative	22.2	20
Workmate	5.6	26
Total	100	100

3.6: Type of Housing



3.7: Number of Rooms in the Workers Houses

Number of rooms	Phase II	Phase III
1	65	69.2
2	21.7	20.0
3	8.3	8.3
4	1.7	2.5
5	2.5	0
6	0.8	0
Total	100	100

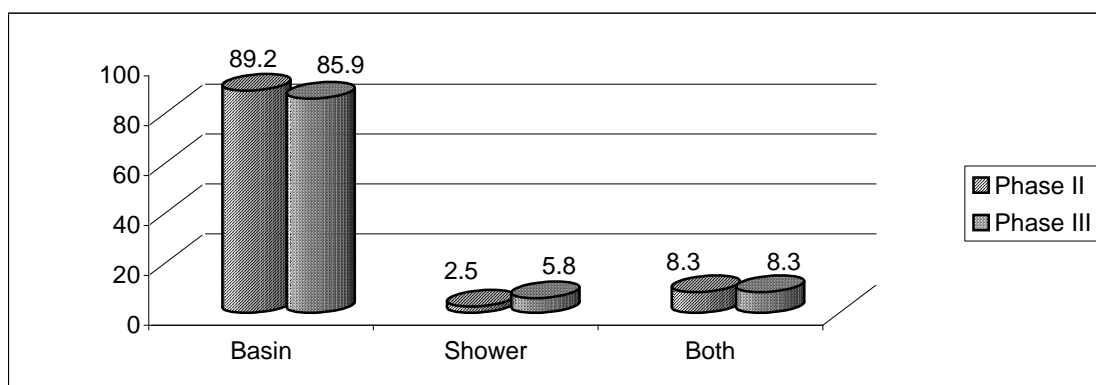
3.8: House Rent Paid by Workers (Kshs.)

Amount paid	Phase II (N=86)	Phase III (N=91)
200-499	14.0	13.2
500-999	40.7	36.3
1000-1499	29.1	40.7
1500-1999	11.6	5.5
2000-2499	3.5	2.2
2500-2999	0.0	2.2
3000 and above	1.2	0
Total	100	100

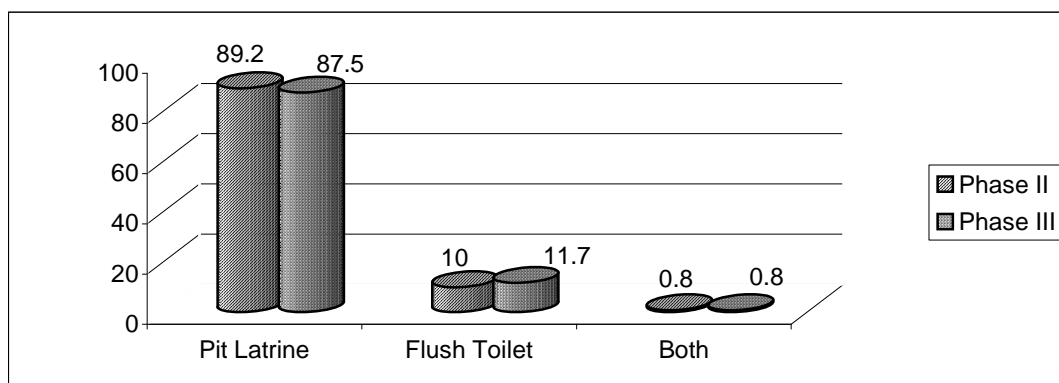
3.9: Source of Water for Domestic Use

Source	Phase II	Phase III
Piped Water on Plot	44.7	44.7
Market	30.1	33.0
Borehole	14.6	10.7
Water Vendor	7.8	9.7
River	1.9	1.9
Nearby Institutions	0.9	0
Total	100	100

3.10: Type of Bathing Facilities



3.11: Type of Toilet Facilities



3.12: Sources of Energy for cooking

Energy Source	Phase II	Phase III
Kerosene	39.2	33.3
Charcoal	8.3	7.5
Firewood	5.8	2.5
Charcoal and Kerosene	36.7	47.5
Firewood and Charcoal	3.3	3.3
Others (gas, electricity)	6.7	5.9
Total	100	100

3.13: Sources of Energy for Lighting

Source	Phase II	Phase III
Kerosene	61.4	58.3
Electricity	37.8	41.7
Solar	0.8	0
Total	100	100

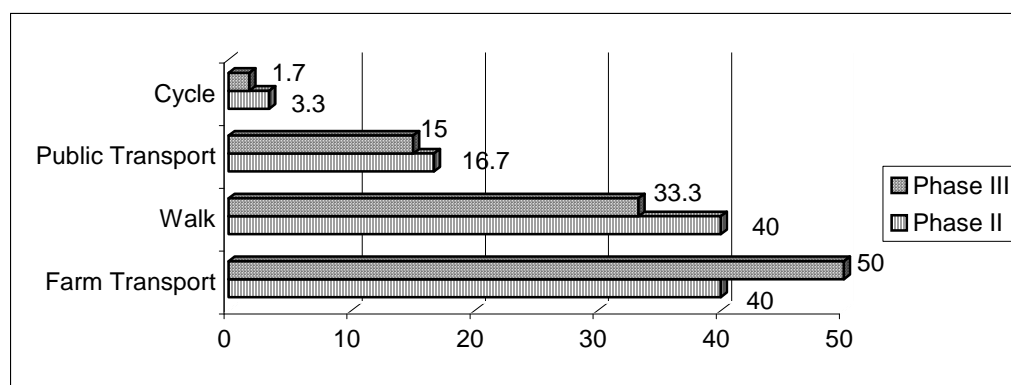
3.14: Sources of Energy for Heating

Source	Phase II	Phase III
Charcoal	61.9	54.2
Firewood	0.8	0.8
Firewood and Charcoal	1.7	1.7
Kerosene	3.4	0.8
Electricity	1.7	0.8
No Heating	30.5	41.7
Total	100	100

3.15: Sources of Energy for Warming Water

Source	Phase II	Phase III
Kerosene	32.5	34.2
Charcoal	30.8	35.0
Firewood	5.8	4.2
Electricity	4.2	4.2
Combinations	15	15.7
No Warming	11.8	6.7
Total	100	100

3.16: Mode of Transport to Work



3.17: Employment terms of workers

Type of employment	Phase II	Phase III
Permanent and Pensionable	26.9	35.8
Temporary With Contract	27.7	28.3
Temporary Without Contract	34.5	26.7
Seasonal With Contract	4.2	6.7
Seasonal Without Contract	1.7	2.5
Don't Know	5.0	0
Total	100	100

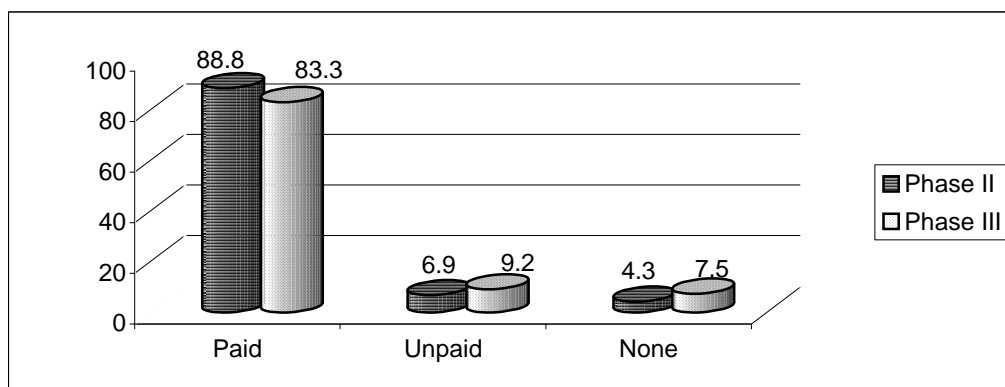
3.18: Changes in the Job of Workers

Changes experienced	Phase II	Phase III
Departmental Transfer	54.8	36.7
Promotion and salary increase	25.8	26.6
Salary increase	9.7	20.0
Improved working Conditions	3.2	16.7
Increased house allowance	3.2	0
Reduced workload	3.2	0
Total	100	100

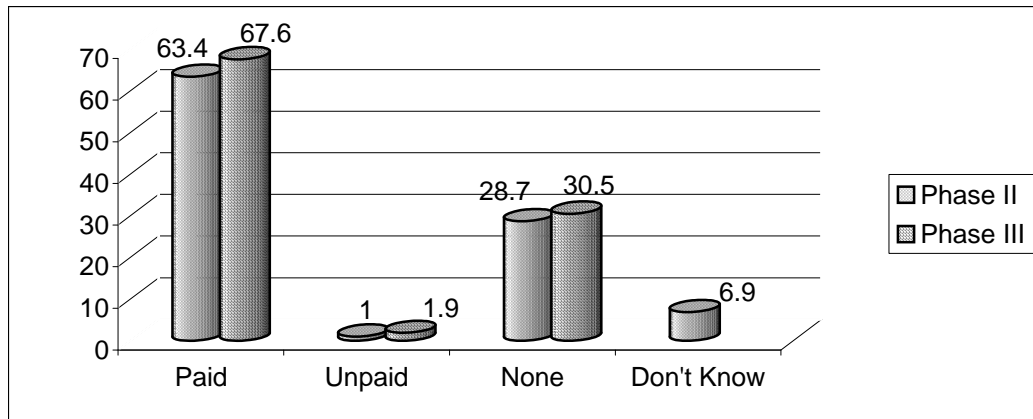
3.19: Number of Hours Worked Per day

Hours worked	Phase II	Phase III
8.00	79.0	82.5
8.50	2.5	0
9.00	10.9	11.7
9.50	1.7	1.7
10.00	5.0	3.3
10.5	0	0.8
12.00	0.8	0
Total	100	100

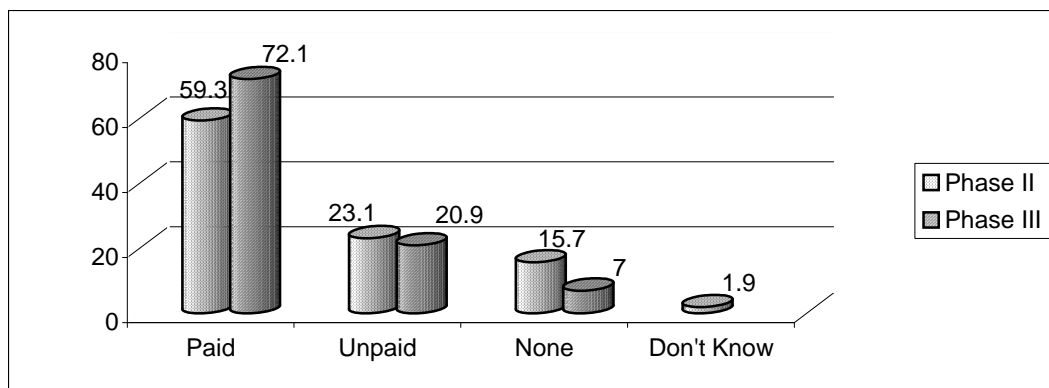
3.20: Weekly Rest Entitlement



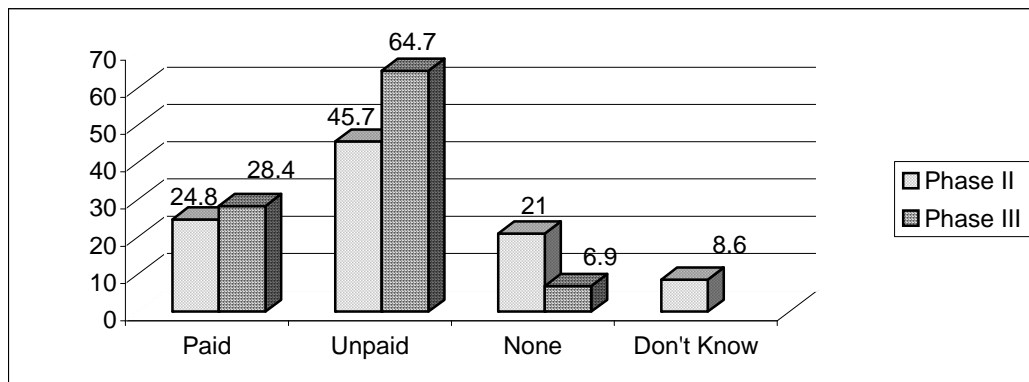
3.21: Annual Leave Entitlement



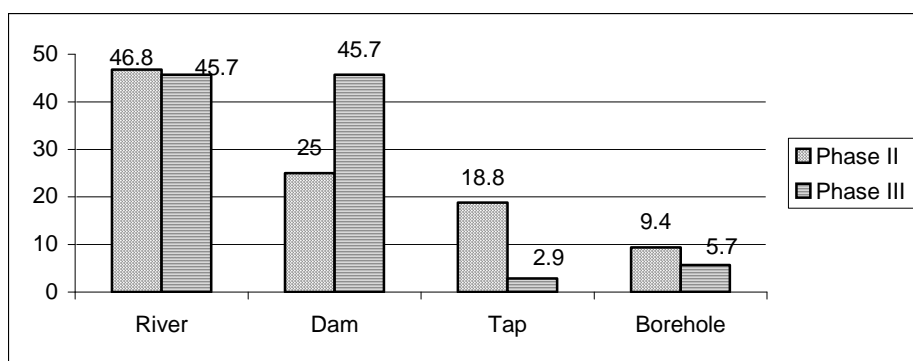
3.22: Sick-Leave Entitlement



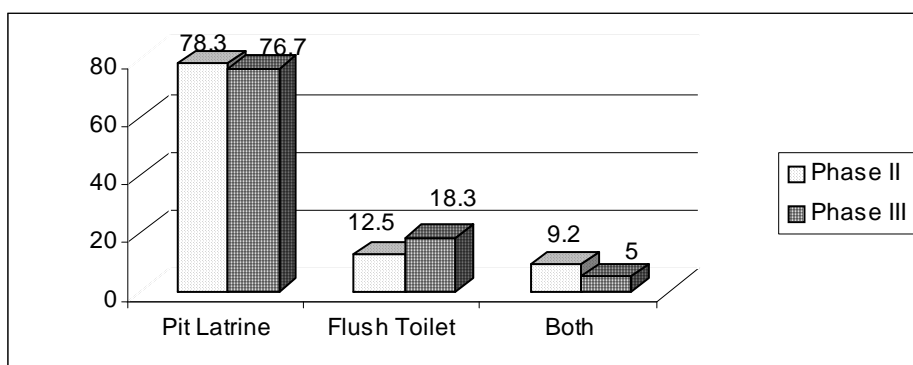
3.23: Compassionate Leave Entitlement



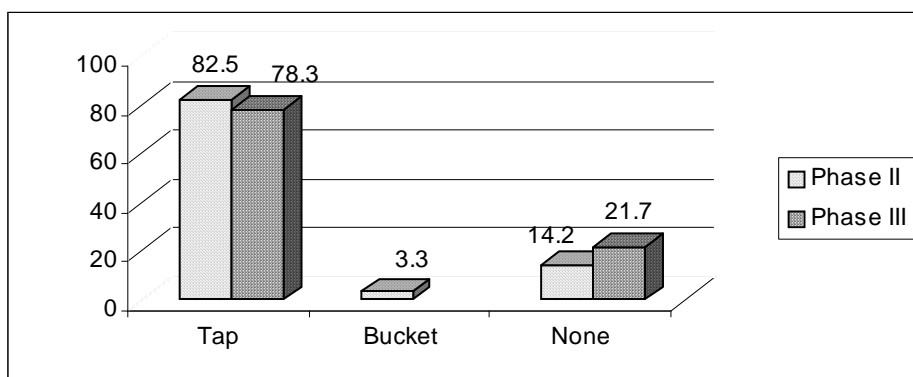
3.24: Sources of drinking water for workers



3.25: Toilet Facilities Available on the farm for Workers



3.26: Hand Washing Facilities Available on the farm for Workers



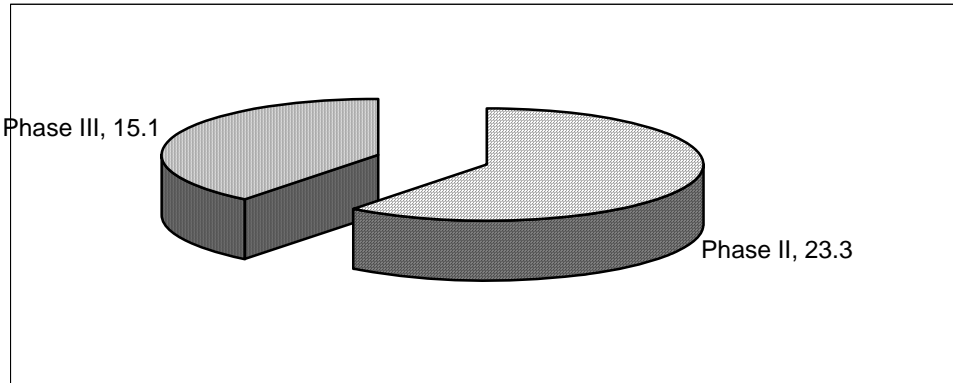
3.27: Training on Health and Safety on the farm

Type of training	Phase II	Phase III
Material and Chemical safety	41.2	42.3
First Aid and Emergency and Casualty Procedures	23.5	3.8
First Aid	17.6	15.4
First aid and Materials and chemical safety	0	11.5
Emergency and casualty procedures	0	19.2
Emergency and Casualty Procedures	5.9	0
Hygiene in the Kitchen	5.9	3.8
Aids awareness	0	0.8
None	5.9	0
Total	100	100

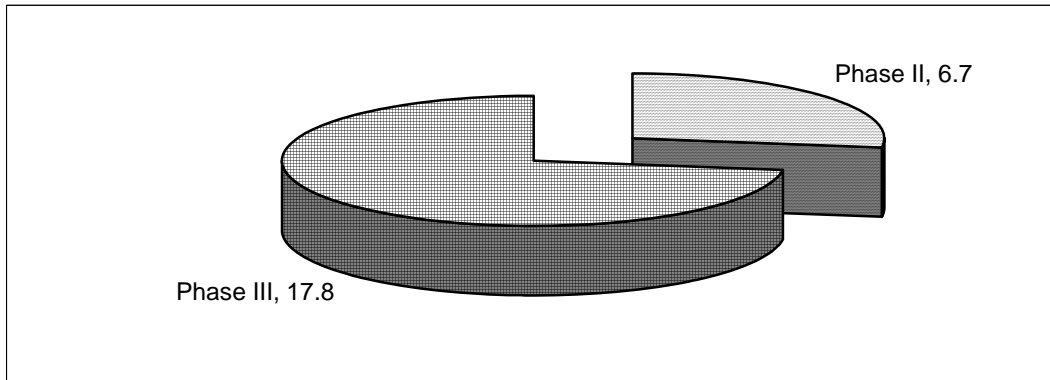
3.28: Medical Services/ Care provided to Workers

Type of service	Phase II	Phase III
Out Patient	46.2	30.8
First Aid	20.5	7.7
Outpatient and Inpatient	17.9	26.9
Inpatient	12.8	9.6
Outpatient and First aid	2.6	17.3
Outpatient, inpatient and first Aid	0	7.7
Total	100	100

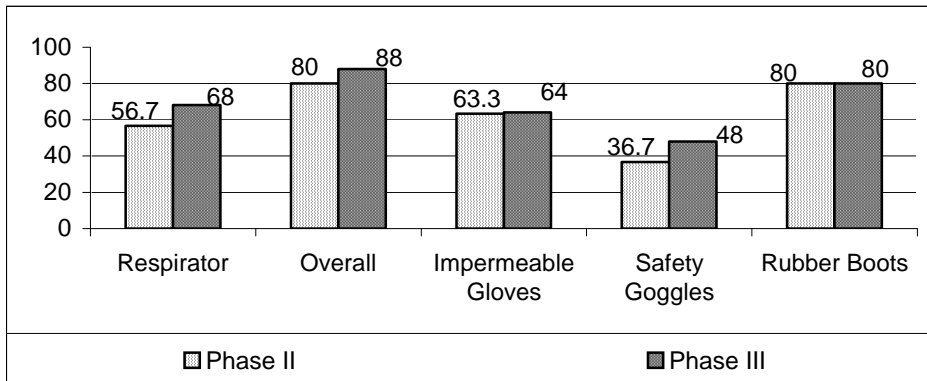
3.29: Presence of a Health and Safety Officer



3.30: Presence of a Health and Safety Committee



3.31: Provision of Protective Clothing to workers



3.32: Percentage of Workers Trained in Health and Safety Issues

Area of training	Phase II		Phase III	
	Yes	No	Yes	No
Working Safely	15.1	84.9	21	79
Correct Chemical Application	16.7	83.3	10.9	89.1
Use of Protective Clothing	16.7	83.3	21.8	78.2
Chemical Storage	10.9	89.1	8.4	91.6
Record Keeping	12.5	87.5	8.4	91.6

3.33: What workers are able to pay for

What able to pay for	Phase II		Phase III	
	Yes	No	Yes	No
Pay House rent	72.3	27.7	73.4	26.6
Pay for utilities	69.2	30.8	92.5	7.5
Pay for food	94.5	5.5	97.5	2.5
Pay for Clothing	89.3	10.7	93.3	6.7
Pay school fees	48.3	51.7	29.2	70.8
Pay for Health care	75.9	24.1	72.5	27.5
Repay Loans	14.3	85.7	19.2	80.8
Make Savings	31	69	25.8	74.2
Make Investments	12.5	82.5	7.5	92.5

3.34: To whom are you indebted?

Who	Phase II		Phase III	
	Yes	No	Yes	No
Employer or Manager	9.2	90.8	15.8	84.2
Farm Shop	10.9	89.1	16.7	83.3
Friends and Colleagues	35.8	64.2	51.7	48.3
Family members	21.7	78.3	29.2	70.8
Town shop	25.8	74.2	21.7	78.3
Credit agencies	8.3	91.7	3.3	96.7

3.35: Items owned by the respondents

Own the following?	Phase II		Phase III	
	Yes	No	Yes	No
Stove	89	11	94.1	5.9
Jiko (charcoal burner)	73.4	26.4	83.2	16.8
Electric Cooker	3.6	96.4	5.0	95.0
Refrigerator	0.9	99.1	0.8	99.2
Tables, chairs, stools	77.1	22.9	84.9	15.1
Television set	13.8	86.2	16.0	84.0
VCR	2.7	97.3	3.4	96.6
Sofa set	26.6	73.4	42.9	57.1
Bed	90	10	92.4	7.6
Mattress	94.5	5.5	97.5	2.5
Knitting machine	7.3	92.7	5.0	95.0
Dishes & cutlery	92.7	7.3	100	0
Radio	80	20	88.2	11.8
Bicycle	27.3	72.7	26.9	72.3
Motorcycle or scooter	0.9	99.1	0	100
Vehicle	0	100	0	100
Land/plot	3.6	96.4	5.0	95.0

APPENDIX 4 Questionnaire for Workers

FOR BASELINE SURVEY FARMS

Introduction

My name is _____ from the University of Nairobi. We are conducting research on the cut flower industry in Kenya so as to increase our understanding of the social impact of the codes of practice on the industry. You have been randomly selected to participate in the study since it is not possible to interview all workers. The information you give us will be useful to the development of the flower industry in Kenya. This information will be kept in confidence and your name will not appear anywhere in the report or be mentioned anywhere else.

FOR FIRST MONITORING CYCLE

Introduction

My name is _____ from the University of Nairobi. We are conducting research on the cut flower industry in Kenya so as to increase our understanding of the social impact of the codes of practice on the industry. Last year, you were randomly selected to participate in the study since it is not possible to interview all workers. We are making our first revisit and the information that we are seeking will be useful to the development of the flower industry in Kenya. This information will be kept in confidence and your name will not appear anywhere in the report or be mentioned anywhere else.

Background

1. Questionnaire Number _____
2. District _____ Division _____ Location _____
3. Farm/Company _____
4. Type of ownership:
1= African
2= Asian
3= European
4= Other, Specify _____
5. Has the farm adopted any of the Codes of Practice?
1= Yes
2= No
6. If yes, which ones:
1= KFC
2= FPEAK
3= FLP
4= Max Havelaar
5= MPS
6= Other, Specify _____
99= Not Applicable (N/A)

Demographic Characteristics

7. Sex
1= Male 2= Female
8. Age (years) _____

9. Highest level of education attained
 1= Primary
 2= Secondary
 3= Certificate
 4= Diploma
 5= University Degree
10. Marital Status
 1= Single
 2= Married
 3= Separated/Divorced
 4= Other, Specify _____
11. What is your monthly income? Kshs. _____

12. Please provide the following information on all household members residing with you:

Age 1= Adult 2= Child <15yrs 3= Child 16+yrs	Sex 1= Male 2= Female	Highest Education Qualification 1= Primary 2= Secondary 3= Certificate 4= Diploma 5= Univ. Degree	Economic status 1= Income 2= No Income	Source of income 1= Paid work 2= Farming 3= Non-farm enterprise 4= Remittances 99= N/A	Monthly income (Ksh.)

13. Has the size of your household changed over the last year (i.e. have people joined or left the household)?
 1= Yes
 2= No
14. If yes, how many people left? _____ How many people joined? _____
15. Who joined?
 1= Spouse
 2= Children
 3= Relatives
 4= Other, Specify _____
16. Who left?
 1= Spouse
 2= Children
 3= Relatives
 4= Other, Specify _____

Conditions of Employment

17. What position do you hold in this farm?
 1= General worker
 2= Specialist worker (spraying; fertigation, etc)
 3= General but sometimes performs specialised duties
 4= Charge hand/Worker representative
 5= Other, Specify _____

18. How did you obtain this employment?
 1= Introduced
 2= Interviews
 3= Labour Contractor
 4= Other, Specify _____
19. For how long have you worked with this farm? Years _____
20. What are your current terms of employment?
 1= Permanent and pensionable
 2= Temporary contract (specify duration of contract _____)
 3= Temporary
 4= Seasonal
 5= Seasonal contract
21. Do you have a written contract?
 1= Yes
 2= No
22. How many hours do you work per day (Excluding overtime)? _____
23. What is your gross pay per month (Kshs)? _____
24. How is your payment computed?
 1= Daily
 2= Piece Rate
 3= Monthly
 4= Other, Specify _____
25. Has your wage increased over the last year?
 1= Yes
 2= No
26. If yes, by how much per month (Kshs.) _____
27. Do you work overtime?
 1= Yes
 2= No
28. How are you paid for the overtime?
 1= In cash, Kshs_____ per hour
 2= In kind _____ (Specify) _____
29. Do you receive any bonus payments?
 1= Yes
 2= No

30. Are you entitled to any of the following leave days?

Leave Type	No	Yes, Paid	Yes, Unpaid	Number of Days
Weekly Rest				
Annual Leave				
Sick Off				
Maternity Leave				
Compassionate Leave				

31. Do the following family members work on this farm?

Relation	Age	Number
Spouse		
Children		

32. Can you continue working on the farm even if your partner/spouse or children lost their job on the farm?

1= Yes

2= No

33. Has your job changed in the last one year?

1= Yes

2= No

34. If yes, how?

35. Are you free to leave this employment if you wished to?

1= Yes

2= No

36. If not, please explain why?

Occupational Safety and Health

37. Do you have access to quality drinking water on the farm?

1= Yes

2= No

38. If no, what is your source of drinking water while on the farm?

1=

2=

3=

39. What toilet facilities are available to you on the farm?

1= Pit latrine

2= Flush toilet

4= Pit Latrine & Flush Toilet

3= Bush

4= Others (Specify _____)

40. In your opinion are these facilities adequately clean?

1= Yes

2= No

41. What hand washing facilities do you have for use after visiting toilets?

0= None

1= Tap

2= Bucket

3= Furrow

42. Do you find the hand washing facilities adequate and conveniently positioned?

1= Yes

2= No

43. Have you received any training on health and safety on the farm?
 1= Yes
 2= No
44. If yes, how long ago? Months _____
45. What type of training did you receive?
 1= First Aid
 2= Emergency and casualty procedures
 3= Material and chemicals safety
 4= Other, Specify _____
46. Does your employer provide medical care for you?
 1= Yes
 2= No
47. Does your employer provide medical care for your family?
 1= Yes
 2= No
48. If yes, what type?
 1= In-patient
 2= Out-patient
 3= First Aid
 4= Home-based care
 5= Other (Specify _____)
49. From whose health facility do you receive this health care?
 1= Company
 2= Public
 3= Private
 4= Mission
 5= Other, Specify _____
50. Do you contribute to the National Hospital Insurance Fund?
 1= Yes
 2= No
51. If yes, for how many years now have you been a contributor? _____
52. Does the company have a health safety officer on site?
 1= Yes
 2= No
53. Is there a health and safety committee on the farm?
 1= Yes
 2= No
54. Have you ever received HIV/AIDS awareness training from your employer?
 1= Yes
 2= No

Use and Handling of Pesticides

55. Are you involved in the use and handling of chemicals on the farm?
 1= Yes
 2= No

56. If yes, which of the following protective clothing and equipment are you provided with:

Facility	Yes	No
Respirators		
Overalls		
Impermeable gloves		
Safety goggles		
Rubber boots		

57. Have you been trained in the following issues over the last year?

Training Area	No	Yes	Year
Working safely			
Correct application of chemicals			
Use of protective clothing			
Storage of chemicals			
Record keeping			

58. Are there facilities for washing/bathing after applying pesticides?

- 1= Yes
2= No

59. Are there facilities for changing clothes after applying pesticides?

- 1= Yes
2= No

60. How often do you go for medical check ups for any residual chemicals?

- 1= Weekly
2= Monthly
3= Yearly
4= Never
5= Every Three Months

Social Welfare and Empowerment

61. Does your employer provide for the education of your children?

- 1= Yes
2= No

62. Is there a day care for your young none school going children?

- 1= Yes
2= No

63. (a) What recreational facilities are available to you?

- 1=
2=

(b) Are you offered any refreshments on the farm?

- 1= Yes (Specify) _____
2= No

64. Does your employer contribute towards your retirement benefit fund (NSSF)?

- 1= Yes
2= No
3= Don't Know

65. If yes, how much per month:

- 1= Amount (Kshs) _____ Percentage _____
2= Don't Know

66. Is there a Workers' Social welfare Association in this farm?
 1= Yes
 2= No
67. Are you a member of this workers' association
 1= Yes
 2= No
68. If no, give reasons why you are not a member
 1=
 2=
 3=
 4=
 5=
 6=
69. What benefits have you gained from being a member?
 1=
 2=
 3=
 4=
 5=
 6=
70. Are you a member of a Trade Union?
 1= Yes
 2= No
71. If yes specify the Union
 1=
 2=
 3=
 4=
 5=
 6=
72. Has your Union signed a Collective Bargaining Agreement (CBA) with your employer?
 1= Yes
 2= No
 3= Don't Know
73. If you are not a member of a Trade Union, why is this the case? _____

74. Are you aware of any codes of practice in the cut flower industry?
 1= Yes
 2= No
75. If yes, which ones?
 1=
 2=
 3=
 4=
 5=
 6=
 7=

76. Does the farm have a scheme through which workers can acquire shares in the farm or their own land/house?
 1= Yes
 2= No

77. If yes, are you a member of such a scheme?
 1= Yes
 2= No

78. In the last one year, have you ever been threatened and/or physically abused by the following:

Parties	Threatened		Physically Abused	
	Yes	No	Yes	No
Owner				
Manager				
Supervisor				
Fellow Workers				

Housing and Living Conditions

79. Does your employer provide you with housing?
 1= Yes
 2= No

80. If not, how much do you pay for your house rent? Kshs. _____

81. How do you travel to work?
 1= Walk
 2= Employer provides free transport
 3= Public transport
 4= Other, specify _____

82. If not housed, does your employer pay you a house allowance?
 1= Yes
 2= No
 3= Other, specify _____

83. If yes, how much money do you receive from your employer as house allowance? Kshs.

84. In what type of house do you live in?
 1= Permanent (Brick/stone, cemented floor and ceiling board)
 2= Semi-permanent (Timber, cemented floor, and ceiling)
 3= Temporary (Timber/mud/paper, earth floor)

85. How many rooms does this house have? Number _____

86. How many people live with you in this house? Number _____

87. Do you have a separate area for cooking?
 1= Yes
 2= No
 3= Other, Specify _____

88. Do you have piped water in the house?
 1= Yes
 2= No

89. If no, what is your source of water?

- 1= Piped on the Plot
- 2= River
- 3= Market
- 4=
- 5=

90. How long do you take to the water source? Minutes _____

91. What type of bathing facilities do you have?

- 1= Basin
- 2= Shower
- 3= Bath tub
- 4= Basin and shower
- 5= Basin, shower and bath tub
- 6= Other (Specify) _____

92. What type of toilet facilities do you use?

- 1= Pit latrine
- 2= Flush toilet
- 3= Bush
- 4= Others (Specify _____)

93. What do you use as a source of energy for each of the following:

Activity	Source of Energy	How much do you pay?
Cooking	1= Firewood 2= Charcoal 3= Kerosene Stove 4= Gas 5= Electricity 6= Other, Specify _____	0= Nothing 1= Full 2= Subsidised 3= Other, Specify _____
Lighting	1= Firewood 2= Charcoal 3= Kerosene Stove 4= Gas 5= Electricity 6= Other, Specify _____	0= Nothing 1= Full 2= Subsidised 3= Other, Specify _____
Heating	1= Firewood 2= Charcoal 3= Kerosene Stove 4= Gas 5= Electricity 6= Other, Specify _____	0= Nothing 1= Full 2= Subsidised 3= Other, Specify _____
Warming Water	1= Firewood 2= Charcoal 3= Kerosene Stove 4= Gas 5= Electricity 6= Other, Specify _____	0= Nothing 1= Full 2= Subsidised 3= Other, Specify _____

94. Has there been a change regarding the condition of your house or the quality of services in the last one year?

- 1= Yes
- 2= No

Material Wealth

95. Are you assured of a job throughout the year?

1= Yes

2= No

96. Please provide information on which of the following assets you have ever owned, which ones were acquired in the last one year, and which ones you could have lost/disposed of during the same period (TICK WHERE APPLICABLE):

Asset	Ever Owned	Acquired	Lost/Disposed
Stove			
Jiko – Charcoal burner			
Electrical/Gas cooker			
Refrigerator			
Tables/Chairs/Stools			
Television			
VCR			
Sofa set			
Beds			
Mattresses			
Sewing/Knitting Machine			
Kitchen dishes/Cutlery			
Radio			
Bicycle			
Motorcycle/Scooter			
Motor Vehicle			
Land/Plot			

97. Were you able to purchase/pay/undertake the following over the last year?

Service	Yes	No
House rent		
Utilities		
Food		
Clothing		
School Fees		
Health Care		
Repay Loans		
Make Savings		
Make Investments		

98. Are you indebted to any of the following:

Party	Yes	No
Employer/Manager		
Farm Shop		
Friends/Colleagues		
Family Members		
Shops in Town		
Other Credit Agencies		

99. Generally, what changes would you like to see your employer bring about so as to improve on your welfare?

100. Name of respondent _____

101. Name of Interviewer _____

Date of interview _____

THANK YOU VERY MUCH FOR YOUR TIME AND SUPPORT

APPENDIX 5 Questionnaire for Managers/Owners

FOR BASELINE SURVEY

Introduction

My name is _____ from the University of Nairobi. We are conducting research on the cut flower industry in Kenya so as to increase our understanding of the social impact of the codes of practice on the industry. You have been randomly selected to participate in the study since it is not possible to interview all farms. The information you give us will be very useful in the writing of a report on the industry. We shall keep that information in confidence and your name will not appear anywhere in that report. At the end of the second monitoring cycle scheduled for early next year, we will be able to share the study findings with your organisation. This interview will take about 30 Minutes.

FOR FIRST MONITORING CYCLE

Introduction

My name is _____ from the University of Nairobi. We are conducting research on the cut flower industry in Kenya so as to increase our understanding of the impact of the codes of practice on the industry. Last year, your farm was randomly selected to participate in the study since it is not possible to interview all companies. We are making our first revisit and the information that we are seeking will be useful to the development of the flower industry in Kenya. We shall keep that information in confidence and your name will not appear anywhere in that report. At the end of the second monitoring cycle scheduled for early next year, we will be able to share the study findings with your organisation. This interview will take about 30 Minutes.

1: Company Profile (All)

1. Questionnaire Number _____
2. District _____ Division _____ Location _____
3. Farm/Company _____
4. Type of ownership:
1= African
2= Asian
3= European
4= Other, Specify _____
5. Type of company
1= Estate
2= Private
3= Cooperative farm
4= Other (specify) _____
6. Number of hectares under cut flowers? _____
7. To whom do you sell your cut flowers?

Sales to	%	Specific Buyers
Domestic market		
Export market		

8. To which markets do you export?

Country	%	Specify actual countries
Europe		
USA		
Asia		
Other		

9. What was the composition of your labour force last year. What is the average wage per month for each category of employees?

Composition	Male		Female	
	Number	Monthly Wage	Number	Monthly Wage
Permanent				
Temporary				
Seasonal				
Total				

10. Have you made use of labour contractors in the last one year?

1= Yes

2= No

11. If yes, how are they paid?

1= Commission per worker recruited

2= Amount per hectare or ton

3= Lump sum for job

12. What key challenges have faced the flower business in the last one year?

13. What are the main implications of these challenges for the workers in your company?

2: Code Adopting Farms (Only)

14. What Codes of Practice do you subscribe to? In which year did you adopt the codes?

Code of Practice	Year Adopted

15. Generally, what are the positive aspects of the code(s) that you have adopted?

16. What are the negative aspects of the code(s) that you have adopted?

17. In your view, what factors determine whether a company adopts a code or not?

18. Does the continued implementation of the codes provide the company with any extra advantage?

- 1= Yes
- 2= No

19. If yes, explain how?

20. Has the company made any improvements in the working and living conditions of its workers in the last one year?

- 1= Yes
- 2= No

21. If Yes, what kind of improvements and why were they considered necessary? Indicate which if the improvements were made because of the codes.

Improvements made by the Farm	Why they were made	Driven by Codes	
		Yes	No

22. What have been the greatest costs involved in the implementation of the codes of practice (probe)?

23. Have you informed the workers about the implementation of the codes on this farm in the last year?

- 1= Yes
- 2= No

24. If yes, how exactly did you go about this exercise?

25. Why did the company decide to inform workers about the implementation of the Codes of Practice?

26. Are there important social issues on the farm, which are not addressed by the code?

- 1= Yes
- 2= No
- 3= Don't Know

27. If yes, which are these?

28. In your view, how should these issues be addressed?

29. Have you in the last one year considered de-listing from adopted codes?

- 1= Yes
- 2= No

30. If yes, why is this the case?

3: Non-Code Adopting Farms (Only)

31. Are you aware of the codes of practice in the cut flower industry?

- 1= Yes
- 2= No

32. If yes, which ones and what do you know about them?

Code Name	What you know about it

33. In your view, what are the positive aspects of these codes of practice?

34. What are the negative aspects in the codes of practice?

35. In your view, what factors determine whether a company adopts a code or not?

36. Why the company has not adopted any of the codes of practice?

37. Has your farm contracted out-growers?

- 1= Yes
- 2= No

38. If yes, do these out-growers subscribe to codes of practice?

1= yes

2= No

3= Don't Know

39. If yes, please specify the codes

40. Name of respondent

Date of interview _____ Name of Interviewer _____

THANK YOU VERY MUCH FOR YOUR TIME AND SUPPORT

APPENDIX 6. COMPARISON OF DIFFERENT CODE PROVISIONS BY ISSUE

1. CHILD LABOUR

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
1.1 The company shall not engage in or support the use of child labour	4.1 There shall be no new recruitment of child labour	1.5.1 There shall be no use of child labour. Children are not employed below the age of 15 or under the compulsory school leaving age, whichever is higher	1.4.1 No farm shall employ children who fall under the Compulsory Education Law, should this be in conflict with said law. In the absence of such a compulsory education law, no farm shall employ children under the age of 15.	3.3.1 S No children or young persons under 18 years of age shall be employed for any duty or task whether gainfully or otherwise in the work place. (Exceptions may be made in smallholder operations where young family members may help out the holding)	A1.3.1 The employer should ensure that no child (person under 16 years) is employed whether gainfully or otherwise in their workplace.	1.9 There shall be no use of child labour. No worker under the age of 15 years or under the compulsory school - leaving age, whichever is higher, shall be engaged.	1.1 No employment of a child other than an apprentice or an indentured learner. Employment Act Cap 226 Sec. 25. A child is defined on Pg.3 of same Act as below 15. Employment of under 15 regulated by the Industrial Training Act. Sec. 8.
1.2 The company shall establish, document, maintain, and effectively communicate to personnel and other interested parties policies and procedures for remediation of children found to be working in situations which fit the definition of child labour and shall provide adequate support to enable such children to attend and remain in school until no longer a child;	4.2 Companies shall develop or participate in and contribute to policies and programmes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child;		1.4.2 A child worker who is replaced shall receive adequate economic assistance during the transitional phase and shall be provided with appropriate educational opportunities.			(1.9)...Adequate transitional economic assistance and appropriate educational opportunities shall be provided to any replaced child worker	1.2 No provision for remediation programmes under Kenya employment laws
1.3 The company shall establish, document, maintain and effectively communicate to personnel and other interested parties policies and procedures for promotion of education for children covered under ILO Recommendation 146 and young workers who are subject to local compulsory education laws or are attending school, including means to ensure that no such child or young worker is employed during school hours and that combined							

hours of daily transportation (to and from work and school), school, and work time does not exceed 10 hours a day;							
1.4 The company shall not expose children or young workers to situations in or outside of the workplace that are hazardous, unsafe, or unhealthy	4.3 Children and young persons under 18 shall not be employed at night or in hazardous conditions	1.5.2 The minimum age of admission to any type of work which by its nature or the circumstances under which it is carried out, is likely to jeopardise the health, safety or morals of young people, shall not be less than 18 years.	1.4.3 For work which is likely to jeopardise health no person under 18 shall be employed	3.3.2 S In the case of a small holder operation, children or young persons should not undertake work that is likely to jeopardise their health, physical or mental development. Work shall not restrict the children or minors educational opportunities	A1.3.2 Work that is likely to jeopardise health, physical or mental development of young persons shall not be carried out by persons under 18 years and shall not restrict education opportunities.	(1.9)...Children under 18 shall not work at night and in hazardous conditions (ILO Convention 138	1.3 No juvenile may be employed between 6.30 pm and 6.30 am in an industrial undertaking - Employment Act Cap.226 Sec. 28(1). Juvenile is defined in the same Act as a child or Young person. A young person is defined as between 16 and 18 in the same Act at Pg. 6.

2. FORCED LABOUR

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
2.1 The company shall not engage in or support the use of forced labour, nor shall personnel be required to lodge 'deposits' or identity papers upon commencing employment with the company	1.1 There is no forced, bonded or involuntary prison labour 1.2 Workers are not required to lodge "deposits" or their identity papers with their employer and are free to leave their employer after reasonable notice..	1.5.3 There shall be no forced labour, included bonded or involuntary prison labour nor shall workers be required to lodge "deposits" or their identity papers with their employer	1.3.1 There shall be no use of forced labour 1.3.2 Workers shall not be required to lodge "deposits" or their identity papers with their employer.	3.3.20 S No farm shall make use of forced or compulsory labour nor coerce anyone to work against his/her will. Workers shall not be required to lodge "deposits" or their original identity papers prior commencing employment or at any time thereafter with the employer.		1.10 There shall be no forced labour, included bonded or involuntary prison labour (ILO Conventions 29 and 105), nor shall workers be required to lodge "deposits" or their identity papers with their employer	2.1 No forced labour, slavery or servitude. Forced Labour does not include: (i) labour required in consequence of the sentence or order of a court: (ii) Prison labour to maintain hygiene or for the maintenance of the place one is detained. Kenyan Constitution Sec. 73(1) & (2) 2.2 No bribes or deposits of any kind to secure employment or to continue staying in employment - the Employment Act Cap. 226 Sec. 4(4) & Sec. 6(2). Notice period stipulated in the Employment Act Cap. 226 Sec. 5(2)

3. HEALTH AND SAFETY

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
3.1 The company, bearing in mind the prevailing knowledge of the industry and of any specific hazards, shall provide a safe and healthy working environment and shall take adequate steps to prevent accidents and injury to health arising out of, associated with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment	3.1 A safe and hygienic working environment shall be provided, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Adequate steps shall be taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.	1.6.1.1 Workplaces, machinery and equipment are safe and without risk of health. All work in the flower farm must be organised in such a way as not to endanger the safety and health of the employees.		3.5.1 S The member, under health and safety cap 514 shall provide a safe and healthy working environment and shall take adequate steps and all due diligence to prevent accidents and injury to health arising out of, or associated with the working environment.		2.1 Together with the Workers' Representatives, the Management shall establish a coherent policy for Occupational Safety, Health and Working Environment which conforms to ILO Convention No 155 art 4 and 11 and the international accepted health and safety standards which cover, also, the handling of pesticides and chemicals	3.1 Health and safe working environment - Factories and Other places of Work Act Cap. 514 Sec.13
3.2 The company shall appoint a senior management representative responsible for the health and safety of all personnel, and accountable for the implementation of the Health and Safety elements of this standard;	3.5 The company observing the code shall assign responsibility for health and safety to senior management representative.	1.6.1.2 A person in charge of occupational health and safety (safety officer) and a substitute must be nominated. They have to be specially trained for their job. Their duties are described in the respective job profile. The safety officer shall in cooperation with workers representatives check the observance of health and safety issues and can evaluate complaints and suggestions of improvements	2.1.3 A safety officer shall be appointed. This person shall be responsible for safety matters.	3.2.18.1 S Members shall appoint a senior management representative responsible for the health and safety of all personnel who will be accountable for the implementation of the health and safety policy. Health and safety committees shall meet at least once every three months, at which staff health and safety matters can be monitored and discussed freely and openly, proceedings shall be minuted and be available for inspection	A2.1.2 The workplace should have a health and safety committee comprising of enterprise Senior Manager, Medical Officer or Safety Advisor, Production Manager, Supervisor Maintenance Officer and Worker Representatives elected by workers themselves which should hold regular meetings to ensure prompt implementation of its recommendations	2.4 An appointed or nominated Safety Officer in cooperation with the Workers' Representatives shall keep a check on the observance of the labour and safety regulations and evaluate suggestions for improvements and complaints	3.2 Training and supervision of inexperienced staff - Factories Act Cap.514 Sec. 29

Health and safety (cont.)

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
3.3 The company shall ensure that all personnel receive regular and recorded health and safety training , and that such training is repeated for new and reassigned personnel;	3.2 Workers shall receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers.	1.6.1.4 Workers and their representatives must be consulted, informed and trained on health and safety matters. Information and training courses must be held periodically (at least every 6 months). New employees including temporary and subcontracted workers, must be specially informed and instructed on the risks at the workplace	2.1.4 Procedures for working safely shall be developed and communicated to employees. Refresher courses must be carried out annually at the least	3.5.3 S Training - Members shall ensure that all personnel receive regular and recorded health and safety training and that such training is repeated for any new or reassigned personnel. Training shall be by a recognised and certified trainer and shall include first aid in cases of chemical poisoning, handling of chemicals, waste management , fire precautions together with awareness of environmental issues	A2.1.10 Training of workers on work safety should be on induction and then repeated every two years to provide updates and ensure sustained improvement of conditions of work safety. Certified trainers should provide verifiable training materials such as timetables, manuals and certificates of attendance to employees should undertake training of workers. Training should include aspects of first aid including first aid in case of pesticides poisoning, handling chemicals, heavy physical and repetitive work, waste management and counselling	2.2 Employees and their organisations must be consulted, informed and trained on health and safety matters. Information and training courses must be held periodically. New employees, including temporary and subcontracted workers, must be specially informed and instructed on the risks at the workplace.	
3.4 The company shall establish systems to detect, avoid or respond to potential threats to the health and safety of all personnel;		1.6.1.5 Special measures must be taken to avoid reproductive health risks. In particular, pregnant women may only perform work which is appropriate to their physical capacity and which is appropriate to their physical capacity and which excludes contact with pesticides and chemicals.	2.1.5 Procedures and measures to deal with emergencies and accidents, including pesticide poisoning, shall be developed and communicated to the employees.	3.5.2 S Members shall establish written procedures on getting injured or sick workers to medical facilities as efficiently and as safely as possible. An accident/sickness record book shall be in place and be carefully maintained.	A2.1.3 Procedures and measures to deal with accidents, emergencies and disease arising in the workplace should be developed and communicated. Such incidents should be recorded in the accident record book and reported to DOHSS and efforts made to minimise them.	2.3 All work in the flower farm must be organised in such a way as not to endanger the safety and health of the employees. High risk jobs and areas (e.g. spraying and handling pesticides, construction and maintenance work) must be specially indicated and supervised. Increased risk and danger areas and operations must be recorded in a Risk Register.	

Health and safety (cont.)

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
3.5 The company shall provide, for use by all personnel, clean bathrooms, access to potable water, and, if appropriate, sanitary facilities for food storage	3.3 Access to clean toilet facilities and to potable water, and, if appropriate, sanitary facilities for food storage shall be provided.	1.6.1.6 The flower farm must have a suitable and clean sanitary infrastructure which is adequate to the number of workers	2.1.2 The employer shall provide clean toilets or pit toilets. 2.1.1 All employees shall have access to drinking water	3.2.18.2 S Members shall provide for use by all personnel, clean male and female toilets and washrooms with ready access to potable water.	A2.1.15 The employer should ensure provision of sufficient and suitable sanitary conveniences that are well maintained and kept clean, and effective provision made for lighting and where persons of both sexes are or intended to be employees, such conveniences afford separate accommodation for persons of each sex.	2.6.1 The flower farm must have a suitable, clean, social and sanitary infrastructure which conforms to the requirements of its employees and is adequate to their numbers. 2.6.2 Suitable rest rooms and canteen with cooking, eating and storage facilities for food and drinks strictly separated from the working area have to be provided by the company. 2.6.3 Clean drinking water must be available also during working hours, within a reachable distance from the working place. 2.6.4 Changing rooms with sufficient washing facilities, showers and clean toilets must be available. 2.6.5 The company must supply its employees, free of charge, with suitable clean working clothes which are to be washed by the company in order to avoid contamination	3.3 Clean sanitary conveniences - Factories and Other places of work act Cap.514 Sec. 18 , No provisions for food storage facilities. Wholesome drinking water to be provided under the Employment Act Sec. 10 of Cap. 226 .
3.6 The company shall ensure that, if provided for personnel, dormitory facilities are clean, safe, and meet the basic needs of the personnel	3.4 Accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers.		1.10.1 Adequate housing shall be provided by the employer, or the employee shall receive a housing allowance in addition to his or her wages in order to obtain reasonable accommodation. Where housing is provided, it should at least comply with minimum standards for size, ventilation, cooking facilities, water supply and sanitary facilities		A1.1.5 The employer should at all times and at his own expense provide reasonable housing accommodation. Such residence shall have adequate running water, bathrooms and toilet facilities, accommodation for each of his permanent employees either at or near the place of employment OR, adequate provision is made for housing allowance in addition to the basic wages in accordance with government regulations	3.6 If the company provides the workers with housing, this must comply with ILO no 110, art 85 - 88. The structural standard and the infrastructure must be such as to provide healthy and restful living conditions. The company should motivate and support the workers to have their own vegetables gardens	3.5 Reasonable accommodation to be provided, or reasonable house allowance paid - Employment Act Cap. 514 Sec. 9 Ministry of Labour guidance on minimum standards of housing

4. FREEDOM OF ASSOCIATION AND RIGHT TO COLLECTIVE BARGAINING

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
4.1 The company shall respect the right of all personnel to form and join trade unions of their choice and to bargain collectively;	2.1 Workers, without distinction have the right to join or form trade unions of their own choosing and bargain collectively.	1.3.1 Management recognises in writing the right of all employees to establish and join an independent trade union, free of the interference of the employer, and the right to establish and join federations, and recognises the right to bargain collectively.	1.1.1 All employees shall be free to establish, and join, organisations of their own choice, without prior permission.	3.2.16 S All workers shall be free to join a trade union which represents the flower industry if they so wish. There shall be no coercion to force workers to join the trade union and membership of the trade union shall not be made a requirement of employment.	A1.2.12 Employees should be free to join a trade union of their choice provided they pay membership fees.	1.1 The rights of all employees to form and join trade unions and to bargain collectively shall be recognised (ILO Conventions 87 and 98). Workers' Representatives* shall not be subject to discrimination and shall have access to all workplaces necessary to enable them to carry out their representation functions (ILO Convention 135).	4.1 Right to form Trade Unions and Bargain collectively - The Kenyan Constitution Sec. 80 and the Industrial Relations Charter. 4.2 Employers are bound by Sec. 45 of the Trade Disputes Act Cap. 234 to accept and implement Union check-off forms and bargain collectively once the Union acquires simple majority of the workforce in its membership (i.e 51%).
4.2 The company shall, in those situations in which the right to freedom of association and collective bargaining are restricted under law, facilitate parallel means of independent and free association and bargaining for all such personnel;	2.4 Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining.	1.3.5 If no independent and active union exists in the region and the sector, all the workers will democratically elect a workers' committee, which represents them, discusses with management an agreement on the conditions of employment, covering all aspects normally covered by a Collective Bargaining Agreement (CBA). Such an agreement shall be in place for 2 years after the inscription		3.2.17 S Worker welfare committee - members will provide for a free and enabling environment for workers to form on-farm welfare committees and elect their own leaders. Composition of the committee shall reflect all categories of workers on the farm including management and reflect the gender balance. Proceedings shall be minuted and made available for inspection.	A1.2.14 In lieu of employees forming or joining unions, the employer should provide a free and enabling environment for workers to form their own in-house welfare association and elect their own leaders with a full mandate to negotiate with the employer on their behalf.		
4.3 The company shall ensure that representatives of such personnel are not the subject of discrimination and that such representatives have	2.2 The employer adopts an open attitude towards the activities of trade unions and their organisational activities	1.3.2 Management allows workers' representatives to meet all the workers and have access to all workplaces necessary to enable them to carry out their functions. Workers can hold meetings and	1.1.3 Workers' representatives shall have access to all workplaces necessary to enable them to carry out their representative functions.	3.2.16 S Workers representatives shall not be subjected to discrimination and shall have access to all workplaces necessary to carry out their representative functions.		1.1 above	4.3 Protection from discrimination is a right in Kenya under Sec. 82 of the Kenyan Constitution but there is no legal provision for access of Union officials to carry out representative functions in the workplace. However, the

access to their members in the workplace	2.3 Workers representatives are not discriminated against and have access to carry out their representative functions in the workplace	organise themselves without the interference of management. 1.3.3 Management will not discriminate against workers on the basis of union membership or union activities.	1.1.2 Employees shall not be discriminated against with respect to their employment because of union membership				AEA/KPAWU recognise this issue in their recognition agreement. 4.4 There are no legal provisions curtailing/hindering the right to organise and bargain collectively under the Kenyan employment Law
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5. DISCRIMINATION

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
<p>5.1 The company shall not engage in or support discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, or political affiliation</p> <p>5.2 The company shall not interfere with the exercise of the rights of personnel to observe tenets or practices, or to meet needs relating to race, caste, national origin, religion, disability, gender, sexual orientation, union membership, or political affiliation.</p>	7.1 There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement based on race, caste, national origin, religion, age, disability, gender, marital status, sexual orientation, union membership or political affiliation	1.4.1 Employees shall have access to jobs and training on equal terms, irrespective of gender, age, ethnic origin, colour, marital status, sexual orientation, political opinion, religion or social origin	1.2.2 Employees shall be selected in accordance with their ability to carry out the tasks. No distinction shall be made on the basis of race, colour, sex, religion, political opinion, nationality, and social origin.	3.2.21 S The company shall not engage in nor support discrimination, intimidation or coercion in any form based on ethnic origin, religion, gender, sexual orientation, disability, union membership or political affiliation.	A1.2.3 Employees shall be selected and paid in accordance with their ability to carry out their duties. No distinction shall be made on basis of sex, race, political opinion, religion, or ethnic background.	1.2 Employees shall have access to jobs and training on equal terms irrespective of gender, age, ethnic origin, colour, marital status, sexual orientation, political opinion, religion or social origin (ILO Conventions 100 and 111).	5.1 The Kenyan constitution offers every Kenyan protection from discrimination on grounds of race, gender, sex, creed or tribe under Sec. 82.

6. DISCIPLINARY PRACTICES AND HARASSMENT

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
<p>5.3 The company shall not allow behaviour, including gestures, language and physical contact, that is sexually coercive, threatening, abusive or exploitative</p> <p>6.1 The company shall not engage in or support the use of corporal punishment, mental or physical coercion, and verbal abuse.</p>	9.1 Physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation shall be prohibited		1.2.3 Physical harassment or psychological oppression, particularly of women workers, shall not be tolerated.	Harassment in the workplace, mental physical repression, particularly of female workers, shall be strictly prevented.	A.1.2.5 There shall be rules and guidelines on the protection of workers against unjustified dismissal. Clear grievance procedures shall be developed and communicated.	1.11 Employees must be protected from strain due to excessive and permanent work stress. Harassment at the workplace and mental and physical repression, particularly of female workers, must be strictly prevented.	<p>6.1 Protection from inhuman and degrading treatment a fundamental human right guaranteed under Sec.74 of the Kenyan constitution</p> <p>6.2 Physical, Sexual and other forms of harassment are offences under the Kenyan penal code cap</p> <p>6.3 Disciplinary procedures provided under Sec. 17 of Employment Act Cap. 226 and Sec. 18 of Regulation of wages (Agricultural Industry) Order</p>

7. WORKING HOURS

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
7.1 The company shall comply with applicable laws and industry standards on working hours; in any event, personnel shall not, on a regular basis, be required to work in excess of 48 hours per week and shall be provided with at least one day off for every seven day period.	6.1 Working hours comply with national and benchmark industry standards, whichever affords greater protection	1.2.4 Working hours, overtime and paid leave must comply with applicable law and industry standards. In any event, workers shall be not be required to work in excess of 48 hours per week on a regular basis. Overtime shall be voluntary, not exceed 12 hours per week, not be demanded on a regular basis and always be compensated at a premium rate. Agreed and legally stipulated midday and work breaks must be observed. Workers should have at least 24 consecutive hours of rest per week.	1.6.1 Employees shall not be required to work in excess of 48 hours per week on a regular basis	13.2.2 S Standard work hours for employees other than security staff shall not exceed 46 hours spread over 6 days of the week or such hours that may be agreed through a collective bargaining agreement (CBA)	A1.2.1 The average normal working time should be 46 hours per week	1.8 Working hours, overtime and paid leave must comply with applicable law and industry standards. In any event, workers shall not be required to work in excess of 48 hours per week on a regular basis. Overtime shall be voluntary, not exceed 12 hours per week, not be demanded on a regular basis and always be compensated at a premium rate. Agreed and legally stipulated midday and work breaks must be observed. Workers should have at least 24 consecutive hours of rest per week and at least 3 weeks of paid leave per year.	7.1 Working hours in Kenya are controlled by The Regulation of Wages and conditions of Employment Act. The Agricultural Industry is controlled by Regulation of Wages (Agricultural Industry) Order. The hours of work are 60 for herdsmen, stockmen & watchmen and 46hrs for the rest of the employees.

Working hours (cont.)

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME	KENYA LABOUR LAWS
7.2 The company shall ensure that overtime work (more than 48 hours per week) does not exceed 12 hours per employee per week, is not demanded other than in exceptional and short-term business circumstances, and is always remunerated at a premium rate	6.2 In any event, workers shall not on a regular basis be required to work in excess of 48 hours per week and shall be provided with at least one day off for every 7 day period on average. Overtime shall be voluntary, shall not exceed 12 hours per week, shall not be demanded on a regular basis and shall always be compensated at a premium rate.	1.2.4 above	1.6.2 Overtime worked will be paid at least at the normal rate. 1.6.3 Employees shall enjoy a period of rest, comprising at least 24 consecutive hours, in every seven days	3.1.6 S Where overtime is required payment shall be made at the premium rates set out in ROWA. Such overtime is to be voluntary and will not be demanded on a regular basis and shall not exceed 12 hours per employee per week. Mutually agreed and stipulated work breaks shall be observed.	A1.2.2 Overtime shall be voluntary and appropriately registered.	1.8 above	7.2 One day off per week as per the <i>Regulation of Wages and Conditions of Employment Act Cap.229 Sec.5 (3)</i> . No maximum hours of overtime provided under the Agricultural industry order but overtime paid at 1.5 times the normal hourly rate for normal working days and at 2 times the basic hourly rate for rest days and public holidays.

8. WAGES AND CONDITIONS OF EMPLOYMENT

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION Wkr Welfare Issues	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
8.1 The company shall ensure that wages paid for a standard working week shall meet at least legal or industry minimum standards and shall always be sufficient to meet basic needs of personnel and to provide some discretionary income.	5.1 Wages and benefits paid for a standard working week meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In the event wages should always be enough to meet basic need and to provide some discretionary income.	1.2.2 Salaries are at least in line with legal or industry minimum or exceed the local average for similar occupations and official minimum industrial wages. They shall always be sufficient to meet basic needs of workers and their families. The employer will specify wages for all functions.	1.5.3 Wages shall, at least, meet legal or industry minimum standards and always be sufficient to meet basic needs. Adequate housing shall be provided by the employer, or the employee shall receive a housing allowance in addition to his or her wages in order to obtain reasonable accommodation.	3.1.1 S Wages and benefits paid for a working month or part thereof shall comply with at least legal or industry minimum standards and always be sufficient to meet the basic needs of the workers and their families and to provide some discretionary income. Where minimum industry standards are concerned members should adopt the wages negotiated by the Agricultural Employers Association (AEA) under the relevant Collective Bargaining Agreement. (CBA)	A1.1.1 All employees shall be paid at least the basic minimum wage of an employee in the agricultural sector. The employer should keep abreast with new government revisions of this wage guideline	1.6 Wages and benefits paid for a standard working week shall meet at least legal or industry minimum and always be sufficient to meet basic needs of workers and their families and to provide some discretionary income ILO conventions, in particular No 110 art.24, 26, 27, shall be observed.	8.1 Wages under Kenyan law become due: For Casual employees, at the end of the day. For periodical employees, at the end of the period or part thereof if the employee is engaged for a longer period than a month, wages fall due at the end of the month proportionate to the amount of work done. Permanent employees are paid a monthly wage. The Regulation of Wages and Conditions of employment Act empowers the Minister of Labour to make wages Orders regulating minimum remuneration in every industry. <i>Cap. 226 Sec.5 (2) and Cap.229 Part IV.</i>

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8.2 The company shall ensure that deductions from wages are not made for disciplinary purposes, and shall ensure that wage and benefits composition are detailed clearly and regularly for workers; the company shall also ensure that wages and benefits are rendered in full compliance with all applicable laws and that compensation is rendered either in cash or check form, in a manner convenient to workers.	<p>5.3 Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the express permission of the worker concerned. All disciplinary measures should be recorded</p> <p>5.2 All workers shall be provided with written and understandable information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time that they are paid</p>	1.2.3 Payment must be made in legal tender regularly at the agreed time and properly documented in a understandable form		<p>3.1.2 S All employees shall be paid in cash or by some mutually acceptable monetary means.</p> <p>Information regarding wages shall be made available to employees in a detailed and understandable form</p>	A1.1.2 All employees shall be paid in cash or by a mutually accepted monetary arrangement with proper documentation no unauthorised deductions shall be made from the employee's wages and payment should be regular, punctual and increase with duration of employment	1.7 The wage must be paid in cash to the employees, at the agreed time and in full. The associated information must be supplied to the employees in detail and in a readily understandable form.	8.2 Sec. 6 of the Employment Act Cap. 226 outlines the deductions which may be made from an employee's wages. No deduction from wages provided as a disciplinary action. Disciplinary procedures provided under Sec. 17 of Employment Act Cap. 226 and Sec. 18 of Regulation of Wages(Agricultural Industry) Order
	8.1 To every extent possible work performed must be on the basis of recognised employment relationship through national law and practice.	1.2.1 All employees must have a legally valid written contract of employment signed by employees and employers, which safeguards them from loss of pay in the case of illness, disability and accident. In the case of dissolution of the contract, the period of notice must be identical for employer and employee. The employee must be provided with a copy of the contract. For recruitment, pregnancy and genetic tests are not allowed. If no written contracts exist they must be established within not more than a year after inscription in the Register	<p>1.5.1 All employees must be employed on the basis of an employment contract which is legally binding.</p> <p>1.5.2 The contract will specify, at the least, a job description, the hours of work required, the rate of remuneration and general conditions of employment</p>	3.2.1 S All permanent and seasonal employees shall be given a written, legally binding employment contract signed by both parties detailing their obligations, rights and statutory deductions (NSSF & NHIF). Subsequent changes in terms and conditions shall be communicated in writing to employees.	A1.2.4 All employees should have a legally binding employment contract detailing their obligations, rights and entitlements under the employment contract.	1.3 All employees must have a legally valid written contract of employment signed by employees and employers, which safeguards them from loss of pay in the case of illness, disability and accident. In case of dissolution of the contract, the period of notice must be identical for employer and employee. The employee must be provided with a copy of the contract. For recruitment, pregnancy and genetic tests are not allowed.	8.3 Only contracts of services for a period amounting to the aggregate of 6 months and above are required to be in writing and witnessed by one more person other than the employer and employee. Sec. 14(1) of the Employment Act Cap. 226

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8.3 The company shall ensure that labour-only contracting arrangements and false apprenticeship schemes are not undertaken in an effort to avoid fulfilling its obligations to personnel under applicable laws pertaining to labour and social security legislation and regulations	8.2 Obligations to employees under labour or social security laws and regulations arising from the regular employment relationship shall not be avoided through the use of labour-only contracting, sub-contracting, or home-working arrangements, or through apprenticeship schemes where there is no real intent to impart skills or provide regular employment, nor shall any such obligations be avoided through the excessive use of fixed-term contracts of employment	1.2.9 These provisions also apply to temporary, part-time, casual and subcontracted workers. Time-limited contracts and subcontracting are permitted only during peak periods and in the case of special tasks				1.4 These provisions also apply to temporary, part-time, casual and subcontracted workers, for whom ILO Conventions 110 and 170 must also be observed. Time-limited contracts and subcontracting are permitted only during peak periods and in the case of special tasks. Permanent employees and temporary workers must also be included in a provident or pension fund.	9.1 The Employment Act Cap. 226 provides for the following types of employment contracts. (i) Casual employment (a casual employee is defined at page 4 of the Act as an individual whose engagement provides for his payment at the end of each day and who is not engaged for a longer period than twenty four hours at a time). (ii) Periodical employment - under Sec.5(I) of the Act. (iii) Indefinite employment - Sec.14(a) & (b) of the Act provides for an employee who is employed to perform work which cannot reasonably be completed within a period of less than six months to be confirmed into regular employment. Termination of (ii) and (iii) shall be by way of giving Notice under Sec. 14(5).
		1.2.8 Employment is not conditioned on employment of spouse. Spouses have the right to off-farm employment			A1.2.15 Employees should have the right to be heard on matters relating to contractual terms, dismissal and welfare. The employer should provide for a formal procedure for solving trade disputes in the workplace within a specified time frame.		

9. AUDIT METHODOLOGY AND FREQUENCY

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
Audits voluntary or recommended by third party. Qualification leads to certification for one year.	Audits voluntary or recommended by third party.	Audits voluntary or recommended by third party. Audits are random.	Audits voluntary or recommended by third party. Audits are random.	Audits once a year. Follow-up audits after six months	Pre-audits are random	Audits voluntary or recommended by third party. Audits random	Routine labour inspections once a year. Random inspections when necessary e.g. where there is suspicion of breaking the law.

COMMENTS

SA 8000	ETI CODE	MAX HAVELAAR	MPS SOCIAL CHAPTER	KFC CODE EDITION 5 (Worker Welfare Issues)	FPEAK CODE OF PRACTICE 2ND EDITION (Worker Welfare Issues)	FLOWER LABEL PROGRAMME (FLP)	KENYA LABOUR LAWS
No flower grower/exporter has been audited against the SA800. (Feb 2004)	ETI is not a certification body or label programme			KFC is a members' organisation. All members expected to aspire for both the silver and gold Standard.	FPEAK code used to conduct pre-audits in preparation for audits by other codes like MPS, Max Haveelaar		<ol style="list-style-type: none"> 1. Law enforcement by Labour Inspectors/officers and by officers from the Directorate of Occupation Health and Safety Services – DOHSS 2. Labour inspections are not done on a regular basis due to several factors i.e. inefficiency, lack of resources or corruption