



COFFEE Project

Cooperation On Fair, Free, Equitable Employment

Guidance on Response and Remedy

TOOL 24 OF 28

Verité
Fair Labor. Worldwide.

About Our Funding

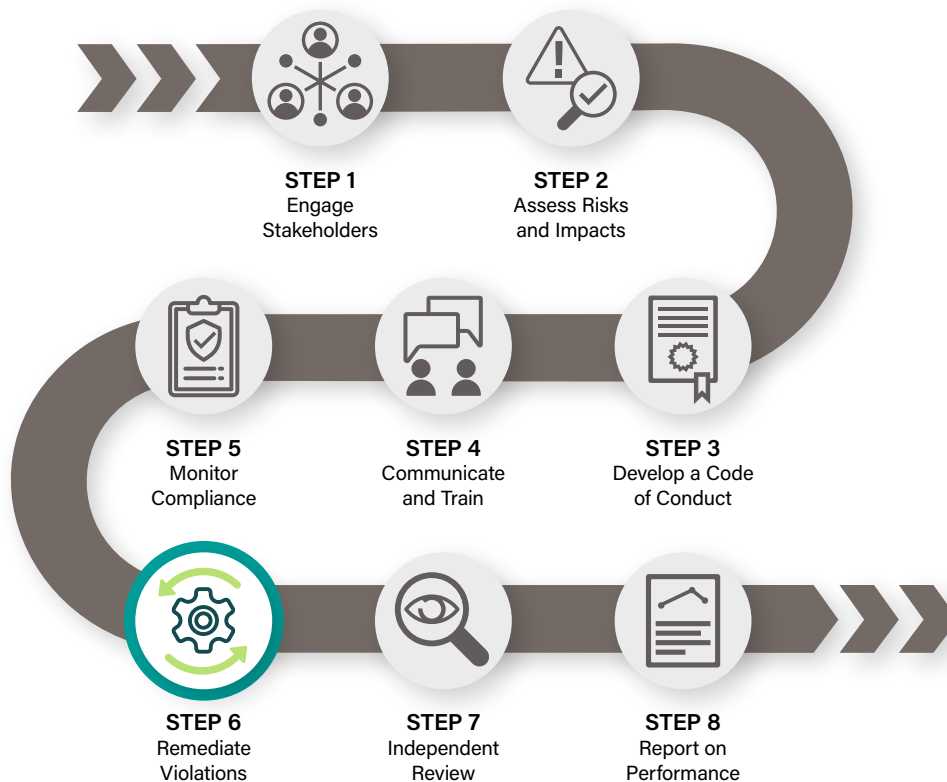
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About the COFFEE Toolkit

This tool is one of 28 tools and 14 online training modules comprising the [COFFEE Toolkit](#), which was developed as part of Verité's Cooperation on Fair, Free, Equitable Employment (COFFEE) Project through generous funding from the US Department of Labor's Bureau of International Labor Affairs (USDOL-ILAB). The purpose of the COFFEE Toolkit is to promote coffee retailer, roaster, trader, cooperative, and farm adoption of socially sustainable sourcing and farming practices in order to promote improved working conditions for farmworkers in the coffee sector.

The COFFEE Toolkit was developed in alignment with USDOL's [Comply Chain](#) model, with at least one tool created for each of the eight steps of Comply Chain (see graphic below). Many of the tools are derived from tools created for the [Responsible Sourcing Tool](#), developed by Verité with funding from the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons (J/TIP). The tools can be used á la carte, but it is important that companies have systems and tools in place for each step of Comply Chain.



Why Response and Remedy?

Labor violations are sensitive and urgent issues, and require careful handling. Coffee retailers, roasters, traders, and producers should have a response process or protocol in place that guides them in evaluating and managing the situation. The response process should ensure that the harms are remediated appropriately, resulting in the best possible outcomes for the affected rightsholders.

Remediation varies according to the kind of labor violation that took place. It can take the form of apologies, restitution, rehabilitative services, and/or financial or non-financial compensation for victims; it sometimes includes punishments for perpetrators; and it often entails changes in policies or practices to prevent recurrence of the violation. The right to remedy:

- Specifically addresses the negative impact, harm, or loss that ensued from a company's practices or actions;
- Is based on a solid understanding of the case or violation, supported by a rigorous investigation;
- Is carried out/supported by the appropriate parties; and
- Can greatly benefit from the input of rightsholders, who, aside from being the subject of the violation, can also be a vital source of information and weigh in on the best course of action to remedy the situation.

About This Tool

The **purpose** of this tool is to provide guidance on developing processes and protocols to properly respond to and remediate cases of labor violations.

This tool has two main **audiences**: staff of retailers, roasters, and traders who work on human rights issues; and field-level personnel, whether they work for the same companies, or for coffee farms or cooperatives.

Introduction

Response protocols can be an important tool in the toolbox for a company and its suppliers in addressing labor violations in their coffee supply chains. Response protocols provide guidance to specific actors on the actions they should take if they come across labor risk or cases of labor abuse while monitoring farms or carrying out other field activities, or when they learn of such indicators or cases from others – for example from a community member voicing concern about conditions on a nearby farm, or through a worker complaint filed via a grievance hotline. Use of a response protocol can help ensure that remediation is both prompt and meaningful.

Coffee suppliers differ from one another in many ways, including in their supply chain partners, the ways that they source beans, and in the geographic and social contexts in which they operate. No one-size-fits-all approach for responding will work for every company, and each company and supplier should develop an approach that suits its needs and internal ways of working.

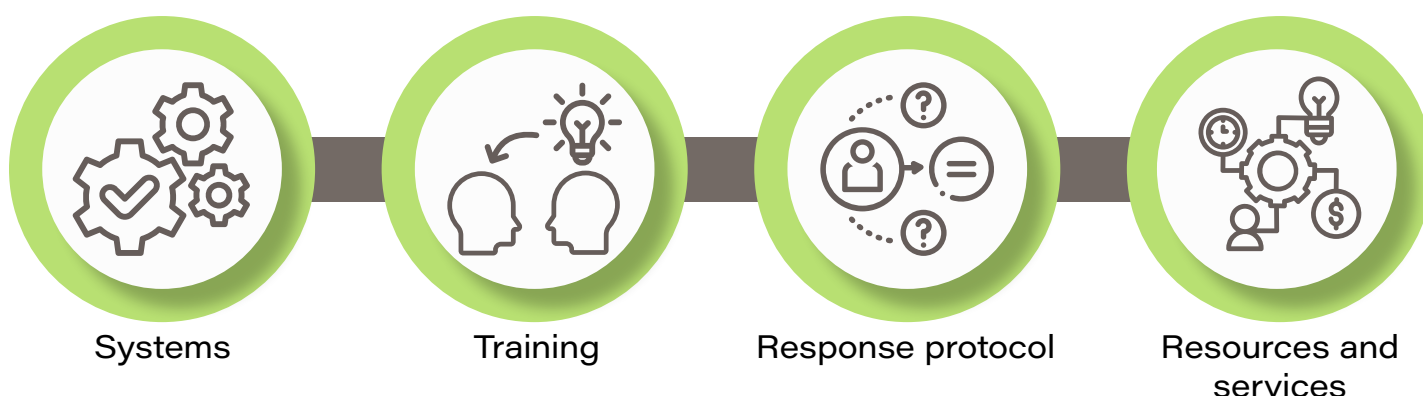
Similarly, it is not possible to anticipate every situation in which labor violations may occur, or the specific form that they might take. Rather than trying to prescribe specific actions that field personnel or company staff should take in response to specific situations, this guidance is meant to help corporate level staff and field-level staff think through various aspects and steps to consider as they structure their approach to responding to labor abuse findings, and suggests principles and questions to keep in mind. Users are encouraged to tailor the guidance to their specific needs and supply chains – to make it their own, and integrate it into their broader due diligence framework for human rights and sustainability generally.



Preparing for Effective Response

A company's ability to implement a response protocol effectively will depend in part on how well-prepared its company staff and field-level personnel are, in advance of an incident. Some basic steps can be taken by both company staff and field personnel to ensure they are prepared to respond successfully to a finding of indicators or incidents of labor violations in the supply chain.

Preparatory steps for company staff



Research and monitoring systems

Company staff should either implement or draw upon existing research and monitoring systems to ensure that they and their teams have a good understanding of the nature of labor risk within their sourcing footprint. What are the most salient risks in each country context? Which populations and regions are most vulnerable and why? Having a solid understanding of the dynamics that lead to labor risk is crucial to designing an effective approach to remediation.

Adequate training

Company staff also need to ensure that field staff are adequately trained to monitor for and identify labor risks successfully, to evaluate the severity of any risks or cases found, and to identify the root causes that led to them. They also need to be trained on what to do when they are found – both immediately and longer term.

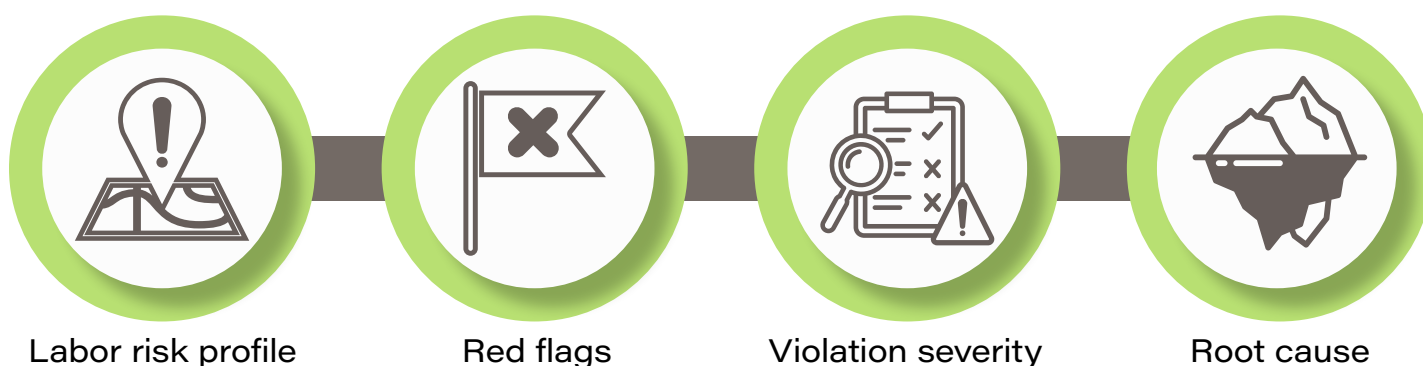
Development of response protocol

Company staff are also responsible for development of their company's response protocol, including guiding any necessary process of legal review, and thinking through issues such as governance of protocol implementation and data handling and reporting, as well as laying out the actual actions to be taken when cases or risks are found.

Mapping of referral resources and services

Company staff can also help their company prepare for findings of labor risks or incidents by conducting or supporting the mapping of referral resources and other services for victims in the highest risk regions. Some labor violations may require immediate intervention by law enforcement or social service agencies, while others may be more effectively addressed via more incremental or informal interventions such as engaging with the producer to adjust a problematic employment practice or involving a local leader to mediate a dispute. Having advance knowledge of which resources exist where, and how these relate to the kinds of risks that exist, can be invaluable in designing effective corrective actions and handling any emergency situations that may arise.

Preparation by field personnel



Know the profile of labor risk

Field staffers need to familiarize themselves with the profile of labor risk in the geographic regions of the supply chains for which they are responsible. Field staff can ask themselves questions such

as: Which labor risks are most common among the workforce in my area? Which types of workers and regions are at the highest risk for labor abuse and why? Keep in mind that the demographic profile of vulnerable workers might differ from region to region.

Understand how to identify red flags of labor abuse

Field personnel also need to understand how to identify red flags of labor abuse in field settings. What are the warning signs to look out for as you visit a region, or talk to a farmer or farmworker? What topics do you need to explore and what information do you need to gather in order to determine whether a labor risk or violation is present? What questions can you ask to find out what you need to know?

Evaluate risk and violation severity

Field personnel also need to be able to evaluate the severity of risks and violations, to determine whether urgent intervention is needed immediately to remove a victim from harm's way, or whether a slightly slower, less drastic approach could suffice.



Other ways to respond

Other ways field personnel can prepare themselves to respond to labor risks or incidents in their supply chain is to **learn how to identify their root causes, and how to develop corrective action plans** to address them. To facilitate effective root cause interventions and corrective action planning, field staffers should **familiarize themselves** with law enforcement resources, referral services, and other **relevant programming and resources for victims** that are available in their regions of operation. Company staff should support training for field staff on a regular basis. More information about responding to labor risks and violations is provided below.

What to do when labor abuses are found?

When a company receives information that an case of labor abuse has been identified on a coffee farm in its supply chain, it must take action, no matter whether it learns of this news from its own field staff, from other actors such as NGOs, community members, a worker grievance system, or some other pathway.

Three immediate questions should be asked:



Can the finding be verified?



Is anyone in immediate danger of serious harm?



Is there evidence of illegal activity?

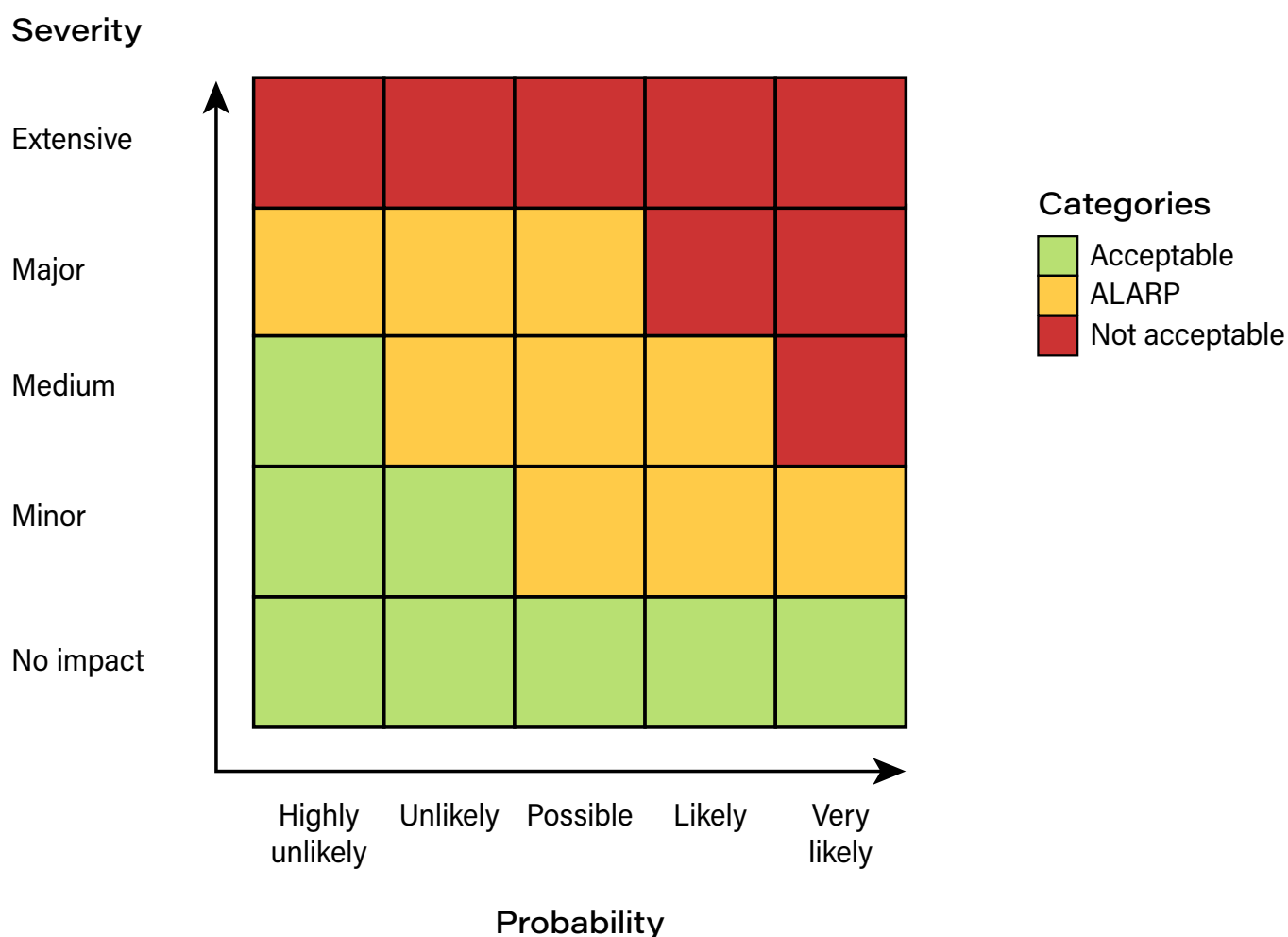
1. Can the finding be verified?

However the information about a labor violation reaches the company, it is important to verify whether the claim is accurate. If the finding is not able to be verified, the company may still wish to take the report of the finding as itself a red flag that something may be amiss, and monitor the situation – for example through extra farm visits – to make sure there is truly nothing going on that needs to be addressed. Information related to labor violations received through a worker grievance hotline or other grievance mechanism should always be treated as a red flag and investigated, ideally in multiple ways so as to triangulate and establish the veracity of findings.

2. Is anyone in immediate danger of serious harm?

If the report is confirmed to be true, the next question is whether the situation involves immediate risk of direct harm to the victim. Whether or not the worker is at risk of immediate harm will shape the actions that company representatives should take next.

Companies may wish to use a tool for evaluating the risk of serious immediate harm in different situations that could arise. For example, a simple risk matrix such as the generic one below can help analyze the likelihood of an adverse effect in relation to the severity of its impact on the worker, to help guide decision-making in the field about whether immediate intervention such as rescuing a victim or contacting law enforcement is warranted. In many cases, a less drastic intervention will be appropriate, but companies will want to ensure that field personnel are equipped to determine which scenarios require immediate action.



Example of a matrix for evaluating the severity of harm vs. the probability of risk to the worker

3. Is there evidence of illegal activity?

This is a crucial question to clarify, since it determines whether the finding refers to a labor violation that can be addressed through an internal corrective action plan – or to a severe incident, such as forced labor or sexual abuse, which may require involvement of the authorities. This step requires understanding local laws and the roles of law enforcement authorities in each jurisdiction.

With effective advance preparation and the answers to these questions in hand, company actors are equipped to begin responding to indicators or cases of labor abuse. Field personnel and company staff at country or regional level are the key relevant actors in a company's response. Each have different roles to play, and companies should be sure to include guidance for both of these levels of staff within their response protocols.

Some companies may wish to clarify responsibilities and steps to be taken by other internal actors such as their legal and communications teams in the event of severe findings as well.

The following outline of key steps to be taken in the event of a finding is offered as a starting point, but it is up to each company to adapt this approach to its internal management systems for human rights due diligence. Company staff developing a labor abuse response protocol should think about the processes and procedures they already have in place for responding to other issues, leveraging existing systems and ways of working where possible.



Source: Saravut/Adobe Stock

Key Steps for Field Personnel

- 1 Confirm the findings are true.** This can be done through further investigation, collection of conclusive evidence, or “triangulation” of the findings through confirmation by additional sources. Be sure to document carefully.
- 2 Determine whether the victim is in immediate danger,** and promptly take steps to remove them from harm’s way if this is the case. Appropriate steps will depend on the nature of the danger and on the availability and reliability of resources such as law enforcement or social services in the region. Rather than trying to anticipate every scenario, response protocols should emphasize the importance of field staff being familiar with the local social landscape and services, exercising good judgement, and doing all they can to avoid causing additional harm to the victim.
- 3 Report the incident to a manager.** Any finding of labor abuse in the supply chain is a very serious matter, and should be brought to the immediate attention of management.
- 4 Report the incident to law enforcement if the victim wishes, or is in imminent danger.** Victims of labor abuse should have the opportunity to have their cases handled by government authorities if they wish. If a victim expressly consents to having their case reported to the authorities, field staffers from coffee companies should support them and help facilitate this. In general, if a victim has not provided such consent, but you deem them to be in immediate danger, you should, nonetheless, communicate the case to the authorities. Examples of such situations could include (but are not limited to) cases of physical or sexual violence against children, workers who are in imminent danger from physical or sexual violence or occupational injuries or illnesses, or cases in which workers state that they are being physically restrained in the workplace. The only exception to this guideline is when there is reason to believe that reporting the incident to the authorities will increase the risk of harm to the victim, in which case another strategy for bringing the victim to safety should be sought. Be sure to let victims know if the authorities have been notified about their situation.
- 5 Conduct root cause** analysis to identify the underlying causes of the labor abuse (See [Tool 23: Root Cause Analysis of Labor Violations in the Coffee Sector](#)).

- 6 Develop a corrective action plan** based on the root cause analysis and input from the victim (where possible). The process for developing a corrective action plan may also include gathering of input or collaboration with the producer or other relevant stakeholders. Be careful that the process does not contribute to additional harm to the victim. Corrective action plans should be ambitious and feasible, with measurable results and specific timelines.
- 7 Ensure that the corrective action plan is carried out and results in effective remediation for the victim.** This will usually involve collaboration with the worker and/or producer, or with other relevant actors such as social service providers or law enforcement. Company field staffers should actively support corrective action plan implementation, and track progress against the measurable and timebound goals set out in the plan.
- 8 Report regularly on follow-up** on the labor abuse finding to a manager until the finding has been successfully resolved, seeking support if needed.



Source: KreaFoto/Adobe Stock

Key Steps for Company Staff

- 1 Review the evidence and **verify that the field staff's analysis of the situation is correct**, that an incident of labor abuse has in fact taken place.
- 2 **Assist the field staff** in evaluating the severity of the labor violation, and developing and implementing an appropriate short-term plan of action. Company staff may wish to become directly involved in situations where a cases must be referred to government authorities.
- 3 **Support the field staff to develop a corrective action plan** and provide feedback as needed. Insist on improvements if the plan is not sufficiently ambitious or feasible, or will not result in a measurable outcome within a specified timeframe.
- 4 **Verify that the corrective actions are implemented and achieve the desired outcome within the specified timeframe.** Ensure that root causes have been addressed, and that the issue does not recur. **An independent third party should be used to verify** remediation and other follow-up actions on a finding of labor abuse if possible.
- 5 When a labor violation is not successfully resolved by a corrective action program, **company staff may need to exert influence or impose consequences on the supply chain partner** involved to drive progress. Supply chain partners that refuse to cooperate in making necessary changes may ultimately need to be removed from the supply chain. Some actions, such as physical violence against workers, should be treated as zero-tolerance issues, resulting in immediate removal of the supplier from the supply chain. Company staff may wish to include guidance on such aspects in their labor abuse response protocols or other procedural or policy documents.
- 6 Company staff should **implement systems for recording data on findings of labor violations and tracking the status of case remediation and resolution.** Companies are encouraged to collaborate with their peers and with government authorities and relevant civil society organizations to share insight on labor risks in order to facilitate coordinated and collaborative approaches to addressing the issue at the systemic level.

Next Steps

