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Elizabeth Kariuki and Mary Kambo



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## Acknowledgements

The authors wish to thank Fiona Gooch, Tom Wills, Hazel Culley and Kashara Kitonga for helpful comments on an earlier version of the report and/or during a related webinar; Emily Polack, Thierry Berger, Lorenzo Cotula, and Mark Eckstein for their valuable contributions to the drafting of the report; the participating supply chain actors for their goodwill and active collaboration during the Kenya Horticulture project; and the Kenya Human Rights Commission and Traidcraft Exchange for their support throughout.



This report was prepared for the Empowering Producers in Commercial Agriculture (EPIC) project, which is funded by the United Kingdom's Department for International Development. However, the views expressed in the report do not necessarily represent those of the UK Government.

First published by the International Institute for Environment and Development (UK) in 2019

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ISBN: 978-1-78431-725-6

IIED order no.: 17654IIED

For copies of this publication, please contact IIED:

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A catalogue record for this book is available from the British Library.

Citation: Kariuki, E and Kambo, M (2019) Rebalancing power in global food chains through a "Ways of Working" approach: an experience from Kenya. IIED, London.

Cover: Sorted and packed green beans fresh from the field (Photo credit: Remi Nono-Womdim, FAO/GlobalHort Image Library via Flickr, CC BY-NC 2.0)

Typesetting: Judith Fisher, [www.regent-typesetting.co.uk](http://www.regent-typesetting.co.uk)

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## Acronyms and abbreviations

DFID	Department for International Development
KHRC	Kenya Human Rights Commission
PPE	Personal protective equipment
PRP	Performance-related pay
UK	United Kingdom
WoW	Ways of Working

## About the authors

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## Abstract

In Kenya, the horticulture sector ranks third in terms of foreign exchange earnings, engaging millions of people in production of crops for export. However, farmers and workers in that sector can face challenges in securing their basic rights, decent working conditions and sustainable livelihoods. A collaborative initiative led by Traidcraft Exchange and the Kenya Human Rights Commission (KHRC) documented these challenges in the Kenya-United Kingdom (UK) green bean supply chain and built a programme to tackle them.

The initiative brought farmers and workers together with an exporter and a UK-based retailer to learn about the functioning of the global value chain, discuss the challenges and identify the way forward. An action list emerged, and an innovative “Ways of Working” approach materialised with the aim to generate and implement a set of commitments through capacity development and periodic convening of supply chain actors.

This report describes the approach and its implementation, and demonstrates how, through the opportunity to debate needs, rights and responsibilities on a level playing field, workers and farmers were able to secure a voice and influence trading arrangements in their favour.

## 1. Introduction

In Kenya, horticulture is the fastest growing agricultural sub-sector, ranking third in terms of foreign exchange earnings from exports after tourism and tea. Horticulture exports generated 153 billion Kenyan shillings (around 1.18 billion British pounds) in 2018, up 33 per cent from 2017<sup>1</sup> and accounting for 25 per cent of total exports for the country.<sup>2</sup> The floriculture sector alone earned over 113 billion Kenyan shillings (around 868 million British pounds) in 2018.<sup>3</sup> The sector employs more than 6 million people directly, with another 5 million nationwide benefitting indirectly from the activities of the supply chains – on an estimated total population of 50 million.

However, the farmers and workers in the sector face various challenges in securing their rights, decent working conditions and sustainable livelihoods. These challenges are attributable to a range of factors relating to power imbalances and limited accountability and transparency across the supply chains. In the green bean supply chain, for example, at the start of the initiative presented below, challenges included: low yields, attributable in part to low-quality farm inputs supplied to farmers under contract farming arrangements; high levels of rejected produce due to aesthetic standards imposed by buyers; limited storage facilities available to farmers; and frequent redundancies and demands for overtime at short notice for packhouse workers (International Peace Information Service, 2015). In addition, smallholder farmers and packhouse workers are generally marginalised from decision-making processes that shape their working conditions, and have limited room for negotiation and engagement with buyers and employers (*id.*). This in turn perpetuates the curtailment of their rights.

To address these challenges, the Kenya Human Rights Commission and Traidcraft Exchange partnered in a three-year project (2013–2016) in which an approach named “Ways of Working” (WoW) was developed. Operationally tested in Meru County, Kenya, the approach aimed to drive change in a supply chain involving a company buying green beans for export to the United Kingdom (UK) and a major UK retailer.

This project provided an opportunity to explore options for operationalising the United Nations Guiding Principles on Business and Human Rights in the horticulture sector, a key framework guiding KHRC’s corporate accountability work (Office of the United Nations High Commissioner for Human Rights, 2011). Specifically, it tested possible approaches that could inform or support a business in fulfilling its responsibility to respect human rights through human rights due

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1. See <https://af.reuters.com/article/kenyaNews/idAFN6N1WV00H>

2. See <https://epc.go.ke/index.php/news/218-kenya-s-export-performance-in-2018>

3. See <https://af.reuters.com/article/kenyaNews/idAFN6N1WV00H>

diligence and cooperation in the remediation of harms caused through legitimate processes (*id.*, pp. 17–25).

This report reflects on the WoW approach as a tool for promoting corporate accountability in global horticulture supply chains in general, and the rights of smallholder farmers and packhouse workers in particular. It discusses the development and characteristics of the tool, the achievements realised from its implementation, the challenges faced, and the ways in which these challenges were addressed. The report concludes by reflecting on some critical lessons learnt and, through these, opportunities for improvement, replication and upscaling of the tool.

## 2. Documenting the challenges and designing the approach

KHRC is a national human rights organisation with a long history of working on business and human rights as part of its work on economic and social justice. Over the years, KHRC has received claims of labour rights violations and has extensively documented such violations in a range of global supply chains (including coffee, tea, horticulture and sisal). Reported violations have included unfair terminations, long hours of work, sexual harassment and low wages. Based on this evidence, KHRC has engaged with farmers and workers in different agricultural sectors to address the unfair terms of trade driving these challenges, recognising this to be fundamental to the enjoyment of economic, social and cultural rights amongst people in rural areas.

Drawing on these experiences, KHRC and Traidcraft Exchange documented challenges specific to workers and farmers in the green bean supply chain. A human rights impact assessment was commissioned by the two organisations, including consultations with supply chain actors.<sup>4</sup> This assessment informed the development of a strategy to rebalance power, enhance transparency and accountability and address the human rights issues reported through tackling business practices and operational inefficiencies. The need to engage the exporter and the retailer from the outset was recognised in the design of the project. Following the initial studies, the project brought together at least 300 smallholder farmers, 3,000 packhouse workers, the exporter and the UK retailer.

This initial dialogue identified the practices that were negatively affecting farmers and packhouse workers. Operational inefficiencies identified included late changes of orders or lapses in communication on such changes by the retailer leading to overtime work, and delays in collection leading to rejection of produce, or delays in payments. The issues raised by farmers specifically included: contention over point of produce ownership transfer; ineffective grievance mechanism; non-purchase of all agreed volumes by the exporter;<sup>5</sup> lack of transparency on the reasons for the rejection of produce; the exporter not returning rejected produce to the farmers; and the high cost for farmers to produce beans. For workers, key issues included: cold temperatures in the packhouse; low wages; overtime work with little or no

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4. In the studies conducted, independent consultants interviewed farmers' and workers' representatives, the exporter (including its technical assistants) and the retailer. The findings were further validated in meetings that brought together representatives of all supply chain actors.

5. Farmers sign a contract with the exporter once per year which requires them to plant in accordance with a planting schedule. At the start of the project, the exporter did not buy all the volumes the parties agreed would be planted at any given time, so the farmers did not adhere to the planting schedule and planted according to their own cash flow situation, ability to buy inputs and/or estimation of market performance based on the volumes rejected during the previous season.

notice; limited organising and collective bargaining potential; and inadequate transport provision.

Following the studies and initial dialogue, KHRC and Traidcraft Exchange developed a number of approaches aimed at addressing these challenges. The main aim was to enhance the capacity of workers and farmers to engage with other supply chain actors from a position of strength. Activities included exchange visits between supply chain actors locally and internationally (including farmers and workers visiting the UK importer and retailer) and demonstration plots to promote dialogue and experiential learning. In addition to these activities, the dialogue between all the supply chain actors was facilitated through “WoW meetings”. The details of the approach of holding WoW meetings are described thereafter.<sup>6</sup>

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6. For more detailed information on the different aspects of the project, see Flamingo Horticulture, M&S and Traidcraft Exchange (2019).

### 3. The approach

KHRC and Traidcraft Exchange devised the WoW approach during the project design phase, to foster dialogue and promote transparency and accountability along the supply chain. WoW is a participatory process that involves all the supply chain actors, namely representatives of smallholder farmers and workers, the exporter and the UK retailer. No such platform for dialogue existed before the project, and it resulted in an unprecedented agreement between the actors on ways forward to improve:

- a) the terms of trade for the farmers;
- b) working conditions for the workers;
- c) the quantity and quality of yield supplied by farmers; and
- d) the overall relationship between actors in the supply chain by opening up spaces through which actors can directly interact and ensure some of the grievances are expediently reported and addressed.

The initial WoW meeting described above led to an action list, recorded as meeting minutes. The action list is a matrix that sets out issues to be addressed by the parties; the date when the issues were first raised; notes outlining the steps taken to resolve the issues; who is responsible for taking forward an action; and the timeframe within which the issues should be fully resolved. It is an evolving document that is updated periodically. The document therefore captures progress on the action points as well as emerging issues in the supply chain. Initially, the project team did the updating, but by the end of the project the retailer and exporter had taken over.

WoW meetings bring together all supply chain actors to discuss and track progress on the implementation of the WoW action list. The meetings are convened either physically or virtually through online platforms.

In preparation for the meetings, the representatives of workers and farmers meet their constituencies to seek consensus on the issues to be raised during the meeting. These consultations are guided by the issues articulated in the WoW action list. Based on this, the representatives draft presentations for the meetings and agree, in consultation with farmers and workers, on who will present.

The meetings entail farmers and workers negotiating on what they consider 'better terms of trade' or 'better terms and conditions of employment' respectively. The retailer and the exporter then make commitments in areas where they consider it possible to improve. In cases where improvement is not possible, the retailer and the exporter give reasons for their positions. The action list is then updated accordingly.

During the project period, KHRC and Traidcraft Exchange held two physical meetings on 15 October 2014 and 29 July 2015 and convened one virtual WoW meeting in August 2016. Conference calls and meetings were held intermittently to track progress. Several face-to-face and Skype meetings have been convened by the retailer since the close of the project in 2016. KHRC and Traidcraft Exchange supported three farmers’ representatives and two workers’ representatives to participate in the physical WoW meetings at the Traidcraft Exchange offices in the UK. The virtual meeting in August 2016 was convened at the exporter’s premises in the Mount Kenya region, and in 2018, a physical meeting was convened at a hotel near the packhouse, where the meeting facilities were paid for by the the exporter and the retailer.

During the project period, KHRC and Traidcraft Exchange supported farmers and workers to identify issues for discussion in the WoW meetings. However, after their negotiating capacities were strengthened, farmers and workers were able to identify and present issues independently of project support and continue to do so. Furthermore, KHRC and Traidcraft Exchange created the space for dialogue, but in the actual meetings played the role of observer, in order to enable the supply chain actors to take ownership and lead the process whilst ensuring a level playing field. Traidcraft Exchange additionally acted as an independent facilitator to avoid a situation where one value chain actor would lead the process. After the project closed, and in particular for the WoW meeting held in 2018, the exporter and retailer identified an independent facilitator who had not been involved at all in the project. This aimed to eliminate every possibility of bias during the meetings.

## 4. Outcomes

The WoW meetings provided a level playing field for all actors, challenging head-on the pre-existing context under which smallholder farmers and workers were side-lined in the value chain. The approach promoted much-needed dialogue and improved access to information and communication amongst all parties. The WoW meetings enabled smallholder farmers, packhouse workers and the retailer to discuss issues for the first time, and participation in supply chain-wide meetings enabled farmers and workers to better understand the integral role they played in the chain and the way the business they supply works. Whilst the retailer had visited smallholder farmers and met workers in the packhouse, these interactions were not structured to enable two-way conversations. Ultimately, the WOW approach provided a mechanism to strengthen transparency and accountability along the chain.

The approach also led to specific changes that benefited workers and farmers. By the end the project in August 2016 or shortly thereafter, the process had resulted in the following changes:

Issue	Changes achieved
Lack of transparency over rejected produce (determined by high aesthetic standards)	<p>The exporter developed a colour code rating for the produce delivered by farmers. The packhouse started using this code to assess and categorise the produce received and, based on this, provide written feedback to farmers through delivery notes. Furthermore, the packhouse started providing a weekly rejection summary to each grading shed. Written feedback to farmers was augmented with short text messages from the grading shed through a bulk SMS platform.</p> <p>Additionally, the retailer revised the specifications for the produce to include beans that were previously considered either too long or too short, too light or too dark and too rough or too smooth. There was a major shift from consideration of produce based on cosmetic specifications to acceptance of the produce based on its ultimate nutritional value.</p>
Exposure of workers to health risks because of inappropriate Personal Protective Equipment (PPE) for the coldest areas	Workers at the packhouse intake area were provided with neoprene thermal boots and gloves to insulate them against the cold temperatures.

Issue	Changes achieved
Exposure of workers to cold temperatures in the packhouse for long hours with only one break	The exporter introduced two tea breaks during which it provided the workers with a hot cup of tea to keep them warm. This increased the breaks that the workers enjoyed per day from one (lunch break) to three (one lunch break and two tea breaks), thus reducing their exposure.
Loss of volumes and therefore payment due to topping and tailing of produce <sup>8</sup>	At the start of the project, the top (where the bean joins the stalk) and the tail of a bean were cut off. Through deliberations in WoW meetings and subsequent depot trials, the retailer revised the packaging requirements to accommodate the tails of fine beans. The new packages subsequently carried more weight, which translates to more income for farmers. As a result, workers have reported reduced wastage of fine beans at the packhouse level while farmers’ representatives reported an improvement in their incomes and consequently, their livelihoods.
Inaccurate forecasting of volumes by the retailer and consequent lack of predictability of incomes	<p>The exporter developed a methodology to forecast the volumes required from farmers based on the orders received from the UK retailer so as to curb produce rejection/wastage. This was augmented by the development of an annual planting calendar to guide farmers on the volume of seeds to plant within their Smallholder Producer Organisations. The exporter charged its technical assistants with ensuring that the planting calendar was adhered to through regular monitoring and increased support in terms of extension services.</p> <p>As a result of farmers negotiating during WoW meetings along with demonstrating the actual costs of production, one year after the project ended, the exporter pledged to buy a minimum volume of 1,500 kilograms of green beans from each grading shed and raised the minimum price from 55 to 61 Kenyan shillings (from 0.40 to 0.45 British pound). Farmers had previously feared that produce was wrongly rejected for reasons of quality, when in fact the retailer or other customers had reduced their volume order from the exporter. This situation of mistrust was remedied by quick and more accurate feedback on quality combined with a minimum volume pledge.</p>

7. Packaged produce for the UK retailer’s market required the topping and tailing of fine beans (cutting of the head and tail) in line with market demands. This reduced the eventual volumes farmers were paid for.

Issue	Changes achieved
Packhouse workers required to work overtime at very short notice	<p>The retailer confirmed their final orders earlier which led to a reduction in overtime requirements.</p> <p>Instances of overtime work within short notice reduced by more than 50% compared to the baseline situation (all packhouse workers had confirmed at the start of the project that they had worked overtime with no prior notice) (KHRC &amp; Traidcraft Exchange, 2016).</p>
Rejection of produce based on quality	<p>The exporter reported that the increased technical support they provided to farmers and the trainings conducted by KHRC led to a significant reduction in the amount of produce rejected on the grounds of poor quality. This support included training on agronomic practices, quality standards required by the market and post-harvest handling.</p>
Improved wages for packhouse workers	<p>While the exporter did not increase the salaries of workers, it introduced Performance Related Pay (PRP), or money earned by workers who pack extra produce beyond their daily targets within regular working hours. This differs from overtime, in that it does not require workers to work extra hours but encourages them to work faster and earn more within the stipulated working hours. The introduction of PRP increased the take home pay by workers at the end of the month.</p>

## 5. Challenges in implementing the approach

Not all issues captured in the WoW meeting notes have been fully addressed. Although the action list was developed with the mutual consent and good faith of the supply chain actors, it is a non-binding document with no sanctioning mechanisms. This at times frustrated negotiations. It also meant that parties attending the meetings lacked proper avenues for resolving deadlocks whenever these arose.

Issues that are yet to be fully resolved include:

- the exporter not having moved the point of ownership of produce delivered by farmers from the packhouse to the grading shed (where representatives of both parties witness the transfer of produce) as desired by farmers;
- the farmers not being provided with PPEs;
- packhouse workers' wages not having been increased.

Sustaining the gains made is also a challenge. The acquisition of the exporter by a private equity firm in 2015 had an impact on the project, as the new management introduced new policies and leadership structures. Furthermore, this acquisition led to a reversal of some of the gains made through the WoW meetings. For instance, over a thousand workers were made redundant after the acquisition. They were not given advance notification of this decision and were instead paid in lieu of notice.<sup>8</sup> Although payment in lieu of notice was not in itself unlawful, workers' representatives questioned the criteria of identifying the workers that were laid off.

The convening of annual WoW meetings has been an integral part of improving supply chain relations. But physical meetings come with significant logistical costs (international flights and accommodation for the representatives travelling). During the project period, the businesses paid for their costs, and Traidcraft Exchange and KHRC paid for the costs associated with farmers and workers preparing and attending the meetings. Since the project ended, one physical meeting has taken place, which was made possible through the UK retailer travelling to Kenya. The retailer has shown great commitment to the WoW meetings, including through sharing learnings with other retailers in the UK, and the parties to the agreement have committed to continuing the meetings based on a model for sharing costs (core costs to be split between retailer and exporter, with farmers' and workers' representatives covering their own costs of participation). The sustainability of the initiative depends on this commitment of all parties being honoured.

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8. Records at the exporter's Regional Human Resource Manager's office, and workers' representatives' records.

## 6. Success factors and lessons learnt: considerations for upscaling and replication

The successful implementation of the WoW approach hinged on a number of factors:

- In preparation for the meetings, and particularly the first one, **KHRC and Traidcraft Exchange played a key supportive role** by training the farmers and workers on how to make presentations and prepare their speaking notes as well as strengthening their confidence. The project also played an instrumental role in catalysing the meetings in the first place, and supporting them through a secretariat-style role when needed, but it then let the supply chain actors take the lead in the actual dialogue, playing a facilitator and observer role to ensure a level playing field;
- The **capacity strengthening of farmers and workers** in the project went a long way in enhancing their ability to dialogue and negotiate in the WoW meetings. This involved training farmers on various subjects including leadership, advocacy and organising; exchange visits with farmers cooperatives in other parts of the country; facilitation to participate in national forums on human rights and missions to the UK. This was imperative in light of the power imbalance across the supply chain;
- The WoW approach is disruptive and unconventional in that it deviates from the way that global horticulture supply chains typically work. This required **consistent and strong advocacy** by KHRC and Traidcraft Exchange, especially at the initial stages, to encourage the private sector actors to engage;
- The success of the WoW approach also hinged on the **goodwill of all actors** – especially the private sector as the retailer and the exporter were able to put forward astute ideas/solutions tailored to the context; and
- **It was key to have the retailer on board** since i) it is sometimes the retailer's own practices which cause problems for farmers and workers (e.g. forecasting or the timing of communication on the final volume); and ii) the exporters are likely to listen differently to their workers and farmers if these two groups are speaking in the presence of the exporters' major customer in relation to topics which are relevant to the retailer (e.g. code of conduct, quality issues etc).

Owing to the achievements generated by the WoW approach, the retailer is interested to adapt elements of the approach to its other supply and value chains. The retailer and exporter have shared lessons and best practices on the utility of the WoW Meetings in broader spaces such as the UN Forum on Business and Human Rights and the Ethical Trading Initiative in the United Kingdom. Additionally, the exporter has expressed willingness to adapt the approach to other smallholder

farmers and workers. Similarly KHRC has been approached by a funding partner to discuss a possible partnership aimed at scaling up the approach to other supply chains.

However, the key lessons learnt point to some of the challenges that need to be addressed to ensure sustainability, enable effective replication, and to take the approach to scale:

- The WoW approach in this case is a voluntary mechanism, meaning it is heavily dependent on the willingness of all the actors involved to effect change. **Embedding the WoW approach** within the organisational policies of exporters and retailers as well as within contracts between exporters and farmers would improve trading arrangements and strengthen trading relations from the outset;
- **Sustainability is a critical factor for effective replication**, and this requires consideration of how to design cost-effective arrangements to ensure continued dialogue amongst the actors for implementation of the action list without external grant support, e.g. beyond the life of a project that instigates it. Sustainability would also be supported by formalising or institutionalising the approach as suggested above. A more formal agreement or institutionalising the dialogue within the business and trading agreements would for instance address issues of staff turnover (as was the case when a firm took over the exporter) or changes in priority, as a mandate and requirement to sustain the dialogue would be formally passed on;
- For the effective implementation of the WoW approach, **ownership amongst all the supply chain actors is paramount**. Ownership should manifest itself in proactive engagement in WoW meetings and utilising other online platforms for communication for purposes of monitoring and reporting, and in the business actors putting forward resources to facilitate the convening of the WoW meetings and ensuring they take place;
- The WoW approach may not be effective to bring about change where a company will not voluntarily alter its processes and/or where changes in policies/laws are required or need to be enforced. For instance, a company may not be convinced that it actually needs to change its processes (e.g. point of ownership, provision of packhouse instead of field crates etc.) or raise wages. In the latter case, change needs to take place across the market since a level playing field is needed and laws/policies will have to be changed and/or enforced. The project demonstrated that this **voluntary dialogue approach and policy/legal changes are both needed** if improvements in the lives of the more vulnerable – including workers and farmers – are to be achieved, and that the former can support the latter.

If properly designed and implemented, the WoW approach can be an effective means through which business actors understand the impacts of their operations on other people in their supply chain (part of what needs to be understood within a human rights due diligence approach). This is because the WoW action lists

focus on the most pertinent issues for those in the supply chain, which sometimes include human rights issues, and the need for grievance mechanisms and remedies when agreements are not adhered to. The approach not only provides a process for identifying what the pertinent human rights issues are for the workers and farmers, but retailers can also get a sense from workers and farmers as to the relative priority in relation to different issues, and get real-time feedback on whether issues improve or degenerate.

However, the process was time and funding intensive for all actors, and in a commercially competitive context this needs addressing. Therefore, more needs to be understood to ensure the core success factors above – namely, independent facilitation and capacity support to farmers. Developing institutional and cost-effective ways to establish the dialogue, delivering these core elements and ensuring sustainability will maximise chances of effective replication and upscaling.

Based on this experience, retailers, exporters, non-governmental organisations, national governments, farmers and their organisations, and workers and their associations need to collaborate to:

- test the adaptation and upscaling of elements of the approach to different crops and value chains;
- design cost-effective models for communications between supply chain actors – including using newer forms of social media and online platforms – and to effectively reach producers at scale to facilitate effective representation in dialogues;
- test ways in which the approach can most effectively be embedded in more formalised institutional arrangements that govern value chain relations, e.g. individual supplier-buyer contracts and/or framework agreements;
- establish how to ensure the capacity strengthening component for farmers and workers by independent actors in order to level the playing field – seeking optimal institutional and funding arrangements – maintaining independence and maximising reach. This should explore the ways in which governments in producer countries could provide capacity development and training support to farmers engaging in formal value chains;
- establish the long-term competitive advantage that can be generated by investing their supplies in the context of long-term commitments, by strengthening their supply chain relations including through levelling the playing field.

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# Rebalancing power in global food chains through a “Ways of Working” approach: an experience from Kenya

In Kenya, the horticulture sector ranks third in terms of foreign exchange earnings, engaging millions of people in production of crops for export. However, farmers and workers in that sector can face challenges in securing their basic rights, decent working conditions and sustainable livelihoods. A collaborative initiative led by Traidcraft Exchange and the Kenya Human Rights Commission documented these challenges in the Kenya-United Kingdom (UK) green bean supply chain and built a programme to tackle them.

The initiative brought farmers and workers together with an exporter and a UK-based retailer to learn about the functioning of the global value chain, discuss the challenges and identify the way forward. An action list emerged, and an innovative “Ways of Working” approach materialised with the aim to generate and implement a set of commitments through capacity development and periodic convening of supply chain actors.

This report describes the approach and its implementation, and demonstrates how, through the opportunity to debate needs, rights and responsibilities on a level playing field, workers and farmers were able to secure a voice and influence trading arrangements in their favour.



Knowledge  
Products

## Research Report

August 2019

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**Law, Food and agriculture**

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*Keywords:*  
Commercial agriculture,  
Legal tools, Empowerment  
and land rights