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**WHAT'S IN IT FOR LABOUR?
PRIVATE SOCIAL STANDARDS IN THE CUT FLOWER
INDUSTRIES OF KENYA AND TANZANIA**

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List of Abbreviations

| | |
|----------|---|
| AEA: | Agricultural Employers Association (Kenya) |
| BOPP: | The British Ornamental Plant Producers' Certification Scheme |
| CBA: | Collective bargaining agreement |
| COLSIBA: | Latin-American Coordination of Banana Workers Unions |
| COTU: | The Central Organization of Trade Unions |
| CSR: | Corporate Social Responsibility |
| ETI: | Ethical Trading Initiative |
| EU: | European Union |
| EUREGAP: | The European Retailers Producers Working Group for Good Agricultural Practice |
| FFP: | Fair Flowers and Plants |
| FIAN: | Food First Information and Action Network |
| FLO: | Fairtrade Labelling Organisation |
| FLP: | German Flower Label Programme |
| FPEAK: | The Fresh Produce Exporters Association of Kenya |
| GVC: | Global Value Chain |
| HEBI: | The Kenyan Horticultural Ethical Business Initiative |
| H&S: | Health and safety committee |
| ICC : | The International Code of Conduct for Cut Flowers |
| ILO: | International Labour Organisation |
| IUF: | The International Union of Food and Agricultural Workers |
| JB: | Joint Body |
| KANU: | The Kenyan African National Union |
| KFC: | Kenya Flower Council |
| KEWWO: | Kenya Women Workers Worldwide |
| KHRC: | Kenya Human Rights Commission |
| KPAWU: | The Kenya Plantation and Agricultural Workers Union |
| MH: | Max Havelaar |
| MNEs: | Multinational enterprises |
| NGO: | Non governmental organization |
| SEDEX: | The Suppliers Ethical Data Exchange |
| TAAE: | The Tanzanian Association for Agricultural Employers |
| TAHA: | Tanzania horticultural Association |
| TFA: | Tele Flower Auction |
| TPAWU: | The Plantation and Agricultural workers union |
| TUCTA: | The Trade Union Congress of Tanzania |
| WRA: | The Workers' Rights Alert |
| WRW: | Workers Rights Watch |
| WWW: | Women Working Worldwide |

When referring to interviews in the paper, the following abbreviations are used:

| | |
|-----------|--|
| (UN, K/T) | = Union official, national level, Kenya/Tanzania |
| (UD, K/T) | = Union official, district level, Kenya/Tanzania |
| (UF, K/T) | = Union official, farm level, Kenya/Tanzania |
| (Wc, K) | = Representative from works council, joint bodies or other worker committees |
| (M, K) | = Farm management, Kenya/Tanzania |
| (NGO, K) | = NGO, Kenya/Tanzania |
| (Ex, K) | = Expert, Kenya/Tanzania |
| (St, K) | = Standard representative, Kenya/Tanzania |

Abstract

Export of cut flowers from East Africa to Europe is an example of how tightened quality regulations and increasing concern with social and environmental issues have created a highly codified industry. For producers participating in value chains driven by large retailers, adopting social and environmental standards is a requirement and specificities are dictated by the buyers. In this paper focus is on private social standards and the opportunities and challenges they pose for labour organizations, especially trade unions. By incorporating the concept of labour agency, global value chain analysis is widened to encompass not just industrial development but also labour development.

The analysis reveals how strongly-driven retailer chains offer more room for labour to exert its agency than the traditional auction strand of the value chain. Labour organizations can choose to ‘ride’ the standards, exploiting them to gain influence and advance their own projects. They can also choose to position themselves against the social standards, thereby contesting the legitimacy of private social standards and at the same time delimiting themselves from exploiting some of the opportunities offered by these standards. Labour organizations have been able to influence social standard setting and implementation, and to use standards to further labour representation at production sites. However, their ability to seriously challenge the prevailing governance structure of the flower value chain towards more labour representation appears extremely limited. Indeed, it poses a tremendous task to challenge a governance structure that is driven by large powerful retailers employing strategies such as cost-cutting and just-in-time ordering – strategies that put additional pressure on suppliers and promote labour flexibilization and not labour organization.

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I. Introduction

New patterns of consumption, media pressure and NGO campaigns have generated consumer interest in the conditions under which goods are produced in developing countries. This has led to a growth of interest in minimum social and environmental standards, particularly amongst global brand name companies and retailers. Many of these have developed their own standards and monitoring procedures where compliance from suppliers is a pre-condition for market entry (Blowfield 1999, Dolan & Humphrey 2000, Dolan et al. 2002, Hale & Opondo 2005). Private social standards¹ covering employment conditions of Southern producers exporting to European markets increased rapidly throughout the 1990s. Multinational enterprises (MNEs) and large buyers increasingly adopt standards that operate along their value chains, covering labour standards such as the right to form trade unions, discrimination, child and forced labour. This has occurred not just in relation to employment within MNEs themselves, but particularly amongst their global networks of suppliers in developing countries.

When exploring the social consequences for labour of global production systems and when investigating the potential of private social standards, labour as an actor would seem an unavoidable ingredient in the analysis. The role of labour would seem relevant both in the form of individual workers but also as represented through labour organizations such as works councils² or trade unions. However existing literature surprisingly shows very limited interest in the role of labour organizations. The global value chain (GVC) approach developed by Gereffi and Korzeniewicz (1994) while offering an analytical framework to examine interrelations between actors in value chains has traditionally downplayed the role of labour as other than a productive asset³. Likewise, existing literature on private social standards shows very limited interest in the potential active role of organised labour. Rather, labour is seen as a passive object that needs to be taken in to consideration, managed and at best consulted.

¹ In this paper private social standards are defined as voluntary regulation being promoted along value chains in an attempt to improve company performance related to labour standards such as workers rights, discrimination, child and forced labour. I thus focus on employment related issues to the exclusion of broader societal concerns, such as community development issues.

² A works council is a firm level group of workers representing the workforce towards management, typically with representatives from the different elements of production. Works councils differ in form and composition and in whether the worker representatives are democratically elected or directly appointed by management.

³ For recent exceptions see Barrientos et al. (2003) and Bair & Ramsay (2003).

When looking at the significance for labour of private social standards, analysis has been of impact on workers on the ground while not including the aspect of labour organizations.

In this paper, I seek to fill a gap in the literature on global value chains and on private social standards by viewing labour (in the form of labour organizations) as an input with agency⁴. By labour organizations I refer to organizations involved in representing and/or advocating for workers thus including both trade unions and labour NGOs. The purpose of this paper is more specifically to broaden the understanding of the opportunities and challenges that private social standards pose for labour organizations, especially trade unions. This is achieved by exploring different labour responses to the proliferation of private social standards in the East African cut flower industry. In the specific context of Tanzanian and Kenyan export of fresh cut flowers to Europe, I seek to understand: (1) *if private social standards open opportunities for labour organizations to pursue their own objectives*; and (2) *how labour organizations use or do not use these standards to their own advantage*.

In section 2, I start with a short discussion of trade unions and private social standards followed by a review and discussion of labour within Global Value Chain analysis as well as in the literature on private social standards (section 3) leading to the specific approach adopted in this paper (section 4). In order to assess opportunities opened by private social standards, in section 5, I analyse the changing environment of cut flower exports and in section 6, the incorporation of private social standards in the value chain. In section 7, I analyse the labour-content of private social standards employed in cut flowers from the perspective of labour organizations, arguing that significant variation exist between different types of value chains, different types of private social standards and different practical interpretations of standard implementation. As a final point, I analyse different labour responses to private social standards in Tanzania and Kenya (section 8). This analysis shows how labour organizations can either choose to ‘ride’ the standards, exploiting them to gain influence and advance their own projects; or choose to position themselves against the social standards thereby contesting the legitimacy of private social standards but at the same time also delimiting themselves from exploiting some of the opportunities offered by these standards. Finally in section 9 and 10, I discuss strategic implications for labour organizations and conclude that some private social standard initiatives do open opportunities for labour organizations. However, their ability to

⁴ Agency as understood in this paper signifies “the capacity of actors to process their and others’ experiences and to act upon them.” (Long 2001:49).

seriously challenge the prevailing governance structure of the flower value chains seems extremely limited.

I collected the empirical data for this paper from February to May 2006 in the cut flower industries of Tanzania and Kenya (for details and methodology see Appendix 2 & 3).

2. Trade unions and private social standards

The production strategies of MNEs have changed substantially between the 1970s and 1990s. They are now often characterised less by direct foreign investment and more by indirect sourcing through global value chains linking them to networks of suppliers in developing countries (Barrientos 2003). From a trade union perspective, these developments pose serious challenges. The increased mobility of goods and capital, with labour remaining relatively confined within national borders, has made it more difficult for labour to advance its objectives through traditional local industrial action or tripartite social contracts. This development is reinforced by the increasing use of outsourcing (Munck 2000, Gallin 1999, Moody 2001, Henk 1995).

Within this broad context, new private social standards are relevant to unions in two main ways: (1) international labour policies are developed within MNEs; and (2) MNEs (rhetorically if nothing else) take responsibility for the working conditions of the workers that labour all along the chain (Justice 2002). Thus, one would expect labour unions to play a proactive role engaging in private social standards to exploit these new possibilities for advancing labour rights within MNE supply systems. This however has not always been the case.⁵ So far business and NGOs have been far superior in defining private social regulation - most often to the exclusion of workers and trade unions. But business deliberately wishing to sidestep unions is only one side of the story. Trade union views on private social standards vary. Some see social

⁵ Some of the more progressive unions have showed encouraging examples of proactive involvement such as Latin-American Coordination of Banana Workers Unions (COLSIBA) who have employed innovative tactics of regional coordination and of alliances with activist groups in the major consumer markets to force Chiquita Inc. to the bargaining table (Riisgaard 2005). In Tanzania, the agricultural workers union (IPAWU) is cooperating with the German based Flower Label Programme to convert the voluntary social standards into new union branches and collective bargaining agreements in the flower industry.

standards as privatisation of labour law, as means of avoiding regulation and trade unions and as a dangerous substitute for collective bargaining. Other more proactive trade unionists see potential in social standards for creating room for workers to exercise their rights. This ambivalence is mirrored in trade union attitudes towards NGOs engaging in workers rights issues. Some see potential in NGOs advocating for workers rights and in union-NGO collaboration. Others see NGOs as co-opting business interests and sidestepping unions. The general trade union stand is to endorse a line drawn between advocacy and representation, where the latter is preserved for trade unions only, since NGOs do not have a democratic or legal mandate to represent workers. Where workers are not organised, national and international unions reserve the right to speak on their behalf. NGOs, on their front, are concerned about workers that are not represented by trade unions - including informal workers and women (Spooner 2004).

Trade union concerns however are not without foundation. The private social standards of the 1990s were characterised by corporate self-regulation and in general codes of conduct that tended to be extremely weak on issues dealing with labour rights, the responsibilities of suppliers and the need for independent monitoring. Most often, they did not include trade unions in standard setting, implementation or monitoring. Most codes are now based on the ILO core labour rights and this to a large extent is the main contribution of the trade union movement so far. However, the inclusion of ILO core conventions, despite its importance, is by no means a guarantee for positive changes on the ground. Perhaps more encouraging is the recent rise in multistakeholder standard initiatives⁶ involving multiple stakeholders such as firms, business associations, NGOs, government agencies and trade unions in standard setting. Some of these include trade unions on their advisory board (Social Accountability International) or on the actual board governing the standard (e.g. the Ethical Trading Initiative and the Worker Rights Consortium). However, while multistakeholder initiatives might involve trade unions in standards setting this is rarely extended to standard implementation and monitoring.

Existing literature on private social standards while often highlighting the role of NGOs, surprisingly shows very limited interest in the potentially active role of trade unions. Discussions of private social standards form part of a larger debate on private/voluntary versus mandatory regulation of companies and the issue of Corporate Social Responsibility (CSR), but none of

⁶ Proponents argue that these initiatives are more accountable, democratic, and effective than unilateral standard initiatives, while critics assert that they, like all private regulation are a cynical attempt to free industry from the last remnants of state regulation and union organizing (Spooner 2004).

the ideas related to mainstream thinking on CSR and private labour standards seem to envision trade unions or workers as active agents with regulatory capacities that could be included in CSR practice. Rather, they are seen as passive objects that need to be taken in to consideration, consulted and managed. These attitudes are reflected in practice in mainstream social standard initiatives amongst other in the use of wording such as worker benefits or worker welfare as opposed to worker participation, influence or empowerment. Mainstream approaches to CSR as referred to in this paper, while challenging some aspects of neoliberal and management orthodoxy, do not really question fundamental issues such as labour market flexibilization, free trade, downsizing of the state, and corporate-driven globalization. Approaches of this kind include literatures inspired by New Institutional Economics, Management Studies as well as so-called “third way” alternatives seeking private voluntary regulation as a means to secure a more socially embedded liberalism (Utting 2005).

An exception from this is the corporate accountability movement that is concerned with rights-based approaches to development, and anti- or alternative globalization. These involve approaches to regulation that emphasize not only more effective codes of conduct, monitoring, and certification systems but also recourse to public policy and law. The concept of corporate accountability is different from the mainstream notion of CSR, where focus is on self-regulation and voluntarism. Corporate accountability implies an obligation to answer to different stakeholders and some element of “enforceability”, where non-compliance results in some sort of penalty (Utting 2002 & 2005, Bendell 2004). But even in these more radical-critical approaches to CSR so far there has not been much concern with trade unions, as they focus on the shortcomings of the CSR agenda and especially how it lacks legal accountability and neglects to account for structural issues and incorporate broader development concerns.⁷

In sum, the existing literature on CSR and private social standards reflects a rather lopsided perspective on trade unions. Most often, the role of trade unions is not addressed other than in asserting the importance of including provisions on freedom of organization and collective bargaining and the problems connected with monitoring these provisions (for rare exceptions, see O’Rourke 2003, Heins 2004). What seem to be lacking is a systematic exploration into how CSR and private social standards can be incorporated into union strategies at both local, national and international levels, as well as discussions on how the regulatory capacities of

⁷ See, for example, the special issue of *International Affairs* “Setting new agendas: Critical Perspectives on Corporate Social Responsibility in the developing world” 81 (3), 2005 or the special issue of *Third World Quarterly* 28 (4), 2007.

trade unions and existing industrial relation institutions can be brought into private social standards. But keeping in mind that the CSR agenda to a large extent has been dominated by business and NGOs it is perhaps not surprising that this is reflected in the literature.

3. Labour and GVCs

The global value chain (GVC) approach developed by Gereffi and Korzeniewicz (1994) offers an analytical framework to examine the cross-national activities of firms exploring how linkages between production, distribution and consumption of products are globally interconnected along value chains that embody a network of activities and actors. Gereffi identifies four key dimensions of commodity chains.⁸ (1) input-output structure; (2) territory covered; (3) governance structures (Gereffi 1994); and (4) institutional framework (Gereffi 1995). For this paper, the concept of “governance” is of specific interest.

In relation to chain governance, a distinction is made between buyer- and producer-driven chains as the two overall forms of governance. Producer-driven chains are usually found in sectors with high technological and capital requirements and here chain governance is exercised by companies that control key technology and production facilities. Buyer-driven chains, such as the cut flower export industry, are generally more labour intensive and it is information costs, product design, advertising and advanced supply management systems that set the entry barriers. In these chains production functions are usually out-sourced and it is the retailers and brand name companies that exercise key governance functions defining what is to be produced (Gereffi 1994). While the producer/buyer-driven dichotomy has recently been qualified to capture the dynamic nature of GVCs⁹, the typology is still relevant for unpacking the way power is exercised within value chains. What is particularly significant in the context of cut flower value chains is the level of drivenness differing markedly between different ‘strands’ of the value chain. As will be illustrated below, this is important because the level of drivenness influences the demand for and choice of private social standards which in turn influence the opportunities open to labour.

⁸ The approach known as Global Value Chain analysis first appeared in the literature under the term Global Commodity Chain analysis. For details about the evolution of these approaches see Bair (2005).

⁹ Two diverging attempts exist so far – see Gereffi et al. (2005) and Gibbon & Ponte (2005).

Researchers employing a GVC approach have often examined the circumstances necessary to ensure that participation in global value chains contributes to the development of poorer nations (Kopiki 2000). These discussions focus on the possibilities for the global redistribution of benefits through strategies such as upgrading or increasing the range of activities undertaken in producing countries (Gibbon and Ponte 2005, Kaplinsky 2000). However, what is typically absent from such analyses is a breakdown of consequences and potential benefits for actors other than producers. While a distinction is often made between different types of producers, limited effort is made to distinguish between producers and the workers they employ.

This illustrates first of all, that the GVC approach focuses excessively on company operations and interrelations. Secondly, when including the employment dimension in GVC approaches, focus has mostly been on the dynamics of job creation and job loss, the location of jobs, the quality of jobs (in terms of high or low value activities) and the link between labour and upgrading possibilities (Gereffi & Sturgeon 2004) - thus confining labour to the role of a productive asset (Barrientos et al. 2003, Hale & Opondo 2005).

Recently however, attempts have been made to analyse the consequences of GVC restructuring for labour. Gereffi and Bair attempt to assess the diverse consequences of restructuring in the global apparel industry for workers in an industrial cluster in Mexico (Bair & Gereffi 2001). Barrientos uses a GVC framework to explore how organizational restructuring by global firms has important consequences for labour and labour institutions in terms of encouraging the flexibilization and feminization of labour at the production end of GVCs (Barrientos 2003). The impact on workers seem to be most visible in research that links GVC analysis with the growing movement for corporate social responsibility, namely in the work conducted by Barrientos, Dolan and Tallontire (2003) where they explore the gender sensitivity of private social standards as applied in the African export horticulture sector from an analytical perspective that combines GVC and a 'gendered economy' approach.

These studies add valuable insights to understanding the social consequences for labour of global production systems as well as broadening the scope of GVC analysis. Focus however has been on *the impact on labour*, thus neglecting labour as an input with agency. Also in most

cases, there has been neglect of labour in the form of labour organizations.¹⁰ One exception is an innovative study by Bair and Ramsay (2003) which attempts to employ a GVC approach to address the general implications for labour strategies (including those of labour unions) of different value chain compositions.

4. Labour organizations and agency

Traditionally GVC analysis has focused on the possibilities for producers to gain benefits from participation in GVCs and thus on industrial development. By incorporating the concept of labour agency into GVC analysis, it becomes possible to focus on the circumstances necessary to ensure development for labour, not just producers, while acknowledging that labour can play an active role in this development.

In order to do this I draw upon insights from actor oriented approaches (Long 2001). This is done to capture how labour actors attempt in different ways to negotiate the meaning and significance of private social standards in pursuit of their own objectives. Actor-oriented approaches take as starting point that an analysis of change can not be based entirely on the concept of external determinations (while not denying the impact), since all external interventions necessarily enter the existing lifeworlds of the individual and groups affected, and therefore will be mediated and transformed by these actors (ibid.).

This leads to view social standards and standard implementation as an ongoing, socially constructed and negotiated process, and not simply “the execution of an already-specified plan of

¹⁰ The global production network approach as outlined in Henderson et al. (2002) does extend relative autonomy to actors such as e.g. trade unions in their catalogue for issues to be included in a full analysis of the development consequences of global production networks. Thus it seems to get beyond the GVC tradition of viewing labour exclusively as a productive asset. However, to the best of my knowledge, so far no such study has been carried out and the framework seems difficult to apply in practice. Additionally I see no obstacles to enlarging the existing GVC approach with labour agency and I find the GVC focus on power and governance important for the present study. Another literature that might initially seem to offer constructive insights on labour agency is the Industrial Relations literature. However this body of literature focus mainly on union-management relations and is thus not deemed relevant for the purpose of this paper (Kaufman 2004).

action with expected behavioral outcomes.” (Long 2001:25) Standards are not simply neutral market-based instruments. When elaborated and implemented, they unavoidably play into complex international and local power politics (Ponte 2007).

From this point of view, labour organizations¹¹ should not be seen as passive recipients of social standard implementation, but rather as active participants who process information and strategize in their dealings with these standards and with other actors involved in standard setting, monitoring and implementation. As the social standards enter the lifeworlds¹² of labour organizations and of other stakeholders, they come to form part of the resources and constraints of the social strategies they develop. In the cases explored in this paper, the main labour organizations are trade unions in Kenya and Tanzania as well as a range of labour NGOs in Kenya.¹³ This view on labour organizations as actors with agency should of course not obscure the fact that many of the choices perceived and strategies pursued by labour organizations will have been shaped by processes outside their immediate arenas of interaction (Long 2001). Larger processes like the structure of international trade and more specifically the governance structure of the cut flower value chains in which the social standards are immersed are examples that obviously constrain the choices and strategies available to labour organizations. Equally important is to bear in mind that the strategies of labour organizations are drawn from a stock of available discourses that further restrict their room for manoeuvre.

In this paper my aim is not to conduct a full fledged actor analysis as envisioned by Norman Long. I use some of the insights from actor oriented approaches to facilitate an analysis of how labour organizations manage and interpret the new element of private social standard initiatives into their lifeworlds and how they attempt to create space for themselves in order to pursue their own projects while not denying the conditions that constrain their choice and strategies whether local or international. In the following I present the market for cut flowers globally and in East Africa and explore the way standards are immersed within flower value chains.

¹¹ According to Long “single individuals are not the only entities that reach decisions, act accordingly and monitor outcomes” (Long 2001:16). Social actors such as enterprises or church organisations have means of “reaching and formulating decisions and of acting on at least some of them” and can therefore meaningfully be attributed the quality of agency (ibid.).

¹² Lifeworld as understood by Long signifies the ‘lived in’ and the ‘taken for granted’ world of social actors (Long 2001:54).

¹³ Ideally, labour agency should be extended to other farm-level labour representatives and individual workers. However, this is beyond the reach of this paper.

5. Cut flowers

BRIEF OVERVIEW

The world market for cut flowers has grown consistently since the early 1980s but over the past five to ten years the market has experienced slowing growth in demand,¹⁴ especially in the EU. At the same time, increases in production (especially in developing countries) have led to a downward movement in market prices. Consumers in EU markets are demanding greater variety and are increasingly interested in the environmental and social dimensions of production. This is leading to a proliferation of social and environmental standards in the industry. Finally, structural shifts in distribution channels in EU markets are taking place, with the growing importance of supermarkets sourcing directly from suppliers in developing countries, thus cutting out wholesalers and the Dutch auctions (Thoen et al. 2000, CBI 2005). These developments have increased the importance of product differentiation as well as the need for a more tightly-controlled value chain.

The value chain due to the very nature of the product already demands tight control. Cut flowers are highly perishable thus demanding an effective and uninterrupted cold chain, highly efficient long and short distance freight transportation arrangements and mechanisms for rapid sales, since breakdowns in the system will result in large product and financial losses. The high variability in the quality of cut flowers further makes it necessary to repeat physical inspection of the product down the distribution channel (supplier reputations is also an important signalling device for quality and thus value). The perishable nature and the wide quality variability makes accurate and up to date market and transaction information extremely important within the value chain where a system of auctions, agency relations and direct contracting has developed to manage the distribution of this delicate product and economize on the potentially huge transaction costs involved in their trade (Thoen et al. 2000).

The EU is the world's leading importer of cut flowers with total imports amounting to about USD 806 million in 2004. Historically, the production of flowers has mainly been located in the Netherlands, but since the 1960s, production has increasingly taken place in developing countries like Colombia, Ecuador, Kenya and Uganda. Imports from developing countries

¹⁴ Cut flower demand in Japan and most of Europe has levelled off, while in the U.S. it continues to expand (CBI 2005).

have been increasing strongly over the past ten to fifteen years (CBI 2005). In terms of exporting countries, one of the most notable and interesting developments has been the recent growth in cut flower exports from Sub Saharan Africa (led by Kenya). These have increased from approximately USD 13 million in 1980 to almost 300 million in 2007, representing one of Africa's most significant cases of non-traditional export development during the past two decades.¹⁵

The Africa-Europe cut flower value chain entails two distinctive 'strands'. The Dutch flower auctions¹⁶ have historically been the most important channels through which flowers are distributed to European wholesalers and retailers. But lately the percentage of flowers imported into the EU that goes through the Dutch flower auctions has diminished and direct sourcing by large retailers is increasing. The market shares differ by country but all principal markets have in common that the share of direct supermarket sourcing is on the increase.¹⁷ The auctions still remain the most important world market outlet for cut flowers however and the most significant way that cut flowers from East Africa reach European wholesalers and retailers.

In sum, the cut flower value chain is characterized by the increase of direct sourcing by large retailers which is having a significant impact on chain governance (due to their significant market power) as well as the demand for compliance with social and environmental standards. The direct retailer chains for flowers are controlled by supermarket buyers, particularly UK retailers, who source products through closely governed value chains and can thus be characterised as strongly buyer-driven chains. Supermarkets push value-added activities down the chain towards exporters. The clearest examples of this is seen in Kenya, where larger growers have tailored their operations to sell directly to retail outlets in Europe. Being able to supply this 'strand' depends on the ability of the grower to comply with specific requirements such as

¹⁵ Data from UN COMTRADE.

¹⁶ The Dutch auctions function as a distribution center, absorbing large quantities of flowers that are re-packed and sold to buyers from all over the world. The system is based on three key components: the concentration of supply; a public price discovery system; and a cooperative organization structure. There are seven cooperative flower auctions in the Netherlands with total sales amounting to USD 1.9 billion in 1998. During the mid 1990s, when the auctions voted to bar imports during summer months, Oserian/East African Flowers opened the Tele Flower Auction (TFA), a private auction (for a detailed description of the auction system see Thoen et al. 2000).

¹⁷ This development is particularly noticeable in Switzerland, where the two major supermarket chains (Migros and Coop) together account for 60-70% of all cut flower sales and in the UK where the market share of supermarkets is approaching 50% (van Liemt 2000, ITC 2001).

MPS¹⁸ and EUREPGAP¹⁹. While the entry of the supermarkets offers the prospect of substantial market growth, their quality specifications are high and they are primarily interested in sourcing from large suppliers (CBI 2005). The auction system, in contrast, is less strictly coordinated and less driven by buyers. It is characterised by relatively loose trading relationships and thus a more market-based type of coordination where the value chain and coherent governance is completely cut at the auction point.

In this paper I focus on cut flowers destined for Europe since this is where private social standards are predominant. Focus is on exports from Kenya and Tanzania - a comparison that is appropriate for several reasons. Kenya is one of the top players in the world cut flower industry while Tanzania is a newcomer ranking number 25 on the list of exporters in 2004 with an export value of USD 8.2 million. Kenya's export was the 4th largest with a value of USD 231 million out of a total export value of USD 293 million from Sub Saharan Africa (the global value was USD 5.1 billion in 2004).²⁰ A comparison between the two countries thus offers the possibility of contrasting a new and small industry that has only recently begun to adopt private social standards, with a large and well established industry where private social standards have been widespread since the mid 1990s.²¹ Most importantly for the purpose of this paper, is the marked difference in labour responses to the introduction of private social standards in the two countries which will be explored in detail later. In the following the cut flower industries in Kenya and Tanzania are introduced.

CUT FLOWERS IN KENYA

Kenya is the leading ACP (African, Caribbean and Pacific)²² country in exporting flowers with exports expanding annually at 10 to 15% per year (Gray 2004). The export flower industry in Kenya started to take off in the late sixties and has grown tenfold between 1978 and 1998. Cut flowers are now the nation's second largest source of foreign exchange in agriculture (after tea), providing employment to an estimated 50,000 workers. The main production area is Lake Naivasha, which attracts thousands of migrant workers from all over Kenya in search of em-

¹⁸ An environmental certification scheme developed by the Dutch flower industry.

¹⁹ The European Retailers Producers Working Group for Good Agricultural Practice.

²⁰ Data from UN COMTRADE.

²¹ The Tanzanian industry can to some degree be said to be an off-shoot of the Kenyan industry. Three out of ten flower farms are closely related to the Kenyan industry.

²² The ACP countries are the signatories of the Lomé Convention and later the Cotonou Agreement.

ployment (Hughes 2004). By far the largest proportion of Kenyan flower exports is supplied to Europe where Kenya has surpassed Colombia and Israel as largest supplier. In 2002 it accounted for 58% of all ACP cut flower exports to the region (Hennock 2002). Within Europe, the Netherlands is the leading destination for Kenyan flowers, followed by the UK and Germany (Dolan et al. 2002).

In recent years, the unit value of production has increased dramatically with a shift toward production of higher-value flowers, predominantly roses (Whitaker & Kolavalli 2004). Today, the industry is largely Kenyan-owned, with Kenyan-European, -Asian, and -African ownership. The industry consists mostly of medium-to-large-scale operations, with a few dominating producers. Two of these occupy around 250 hectares of land and employ over 5000 workers each (Hughes 2004 – see also Appendix 2). Although there are an estimated 5000 flower farms in Kenya, a tendency can be seen towards concentration, with three-quarters of the exports supplied by about 25 large- and medium-scale operations (Opondo 2002, Thoen et al. 2000).

Larger size enables firms to integrate and move up the value chain. Some Kenyan exporters have grown by offering value-added production and supply chain management to supermarkets. Vertical integration between growers and importers has allowed Kenyan producers to more effectively control the distribution and marketing process. Most large exporters have not only integrated freight forwarders but clearance agents as well. Oserian, for example, has integrated East African Flowers (EAF) as their clearance and sales agent in the Netherlands and World Flowers in the UK. Sher Agencies founded Sher-Holland (as their clearance and sales agent in the Netherlands), while Homegrown has integrated Flamingo-UK (Thoen et al. 2000). In addition, producers have developed new marketing channels, in particular long-term direct linkages with European buyers (Whitaker & Kolavalli 2004). The direct trade with large UK retail chains such as Sainsbury, Tesco, Safeway, ASDA, Waitrose and Marks & Spencer has increased during the last decade reaching approximately 1/3 of total exports in 2004. But still approximately 2/3 of exports are supplied to the Dutch auction halls and most of the larger operations supply both the auctions and the European supermarkets (Tallontire et al. 2005).

CUT FLOWERS IN TANZANIA

As a whole, flower-growing in Tanzania is a new and still fairly limited activity but the Tanzanian flower industry has experienced tremendous growth since its inception in 1987 with fresh

flower export reaching a value of USD 8.2 million in 2004. USD 6.3 million of the total USD 8.2 million value of Tanzanian flower exports was destined to Europe in 2004.²³ In 2006, there were 10 flower farms producing flowers for export (interviews Ex1 / Ex6, T 2006 - for interview reference key see Appendix 3; for details about farms see Appendix 2).

Roses are the dominant export flowers exported from Tanzania. More than ten different varieties of roses are produced mostly in Arusha, which is the main production area with 9 out of 10 farms. The industry employs around 3000 workers from surrounding villages, the majority being women. In Tanzania a rough estimate places more than 75% of flower exports going to the auctions while the remainder is supplied directly to individual wholesalers and/or retailers mostly in Germany, Norway, the UK and Sweden. However the share of direct sales is increasing (estimate calculated on the basis of farm interviews 2006). Earlier, almost all farms used commission agents to sell flowers on their behalf at fees of 15-20 per cent of turnover. Lately some of the farms have moved to direct selling to European retailers (interviews M3 / M6 / M7 / M9 / M13, T 2006).

Foreigners own most of the big companies and developments are very much at the behest of Kenyan exporters and European traders who tend to export through Nairobi. In 2002, more than 90% of flowers produced in Tanzania were transported by truck to Nairobi where they were air-freighted through Jomo Kenyatta Airport to Europe (Semboja et al. 2000). The industry has been static for some time, in part because nearly all production has to be trucked to Nairobi²⁴, which results in additional costs, delays and the inevitable risk of loss of quality (Gray 2004).

6. Private social standards

The nature of cut flowers and the character of the flower trade has set the frame for some highly criticized working conditions in the industry. The Kenyan flower industry in particular has been one of the favourite targets for campaigns both locally and in Europe demanding better environmental and social conditions. The seasonal nature of the cut flower trade, with

²³ Data from UN COMTRADE.

²⁴ Currently the closest Tanzanian airport (Kilimanjaro airport) does not have cargo flights and thus can only accommodate a limited amount of flowers.

demand peaking at European festivals such as Valentines, Mothers day and Easter and lowest demand during the European summer, makes labour demand in production highly uneven. Seasonality is a major force behind the employment of large numbers of temporary workers at times of peak demand. The increase in direct sales has further intensified the need for a flexible workforce to meet the ever-changing design-based requirements of retailers, whose orders are often adjusted on the day of delivery. In Kenya, for example, research indicates that around 33% of the workforce is temporary (Hale & Opondo 2005). The perishability of the product means that workers often have to work long hours to complete critical tasks such as harvesting and spraying, but it is the heavy use of chemicals that constitutes the main health hazard to workers. The floricultural sector makes intensive use of crop protection agents and fertilizers. This has to do with the nature of the high-productivity production process, the fact that growers tend to specialize in the cultivation of a few flowers or a single one (which increases the risk of diseases and pests), and the fact that certain export markets (notably Japan) demand the complete absence of any living insect or mite in imported flowers (van Liemt 2000).

The industry has reacted to the criticized working conditions by adopting a range of private social and environmental standard initiatives during the last decade. The majority of standard initiatives come from Europe but also in producer countries a variety of standard initiatives has occurred. In Kenya, producers have adopted codes of conduct since the mid-1990s (in Tanzania, since the late 1990s) to fulfil the requirements of overseas customers, to gain access to new markets and as protection against overseas and local allegations of exploitation of workers, communities and the natural environment. Initially, the codes mostly covered technical issues such as chemical usage and environmental management. The social components of codes relating to workers' welfare are a more recent addition (cf. Barrientos et al. 2003).

The key factors driving the proliferation of social and environmental standards in floriculture relate to the institutional framework and thus the social and economic context in which the chain operates. The changing nature of consumption patterns in northern countries has increased the importance of branding and product differentiation shifting focus from price-based competition toward quality, innovation and value-added as key performance criteria for

suppliers. Underlying this trend is the increasing salience of credence²⁵ factors among consumers who are no longer solely concerned with price, quality and safety, but also about the social and environmental conditions under which products are produced (Reardon et al. 2001).

More complex consumer demand and a more demanding regulatory environment faced by retailers has obliged them to manage their value chains more closely, both to avert negative publicity and to differentiate their products. One way that retailers have achieved this is by codifying the knowledge required to meet quality specifications in standards and grading systems. Social and environmental standards are an extension of this process and one way that global buyers seek to reduce risk and govern their value chains (Barrientos et al. 2003). The need for closer chain management is reflected in practice by the significant increase in direct sourcing by large retailers and concentration in the supply base towards larger producers/exporters (Thoen et al. 2000).

Clearly the direct retailer 'strand' exhibits greater control by buyers than the Dutch auction system, but another significant difference is the level of demand for social and environmental standards in the two 'strands'. Both are shaped by the consumption practices of European consumers, including concerns about social and environmental issues. However, the different governance structures and characteristics of the two 'strands' create different pressures, which influence the types of standards that are applied in each and thus the possibilities open to worker organizations (cf. Tallontire et al. 2005)

While a range of different private social standards are demanded to enter direct retailer chains, social and environmental standards are not currently a requirement to access the Dutch auctions. Nevertheless estimates suggest that between 70-80% of flowers supplied to the auctions comply with MPS (an environmental certification scheme developed by the Dutch flower industry with an optional social qualification) (ibid.). At the auctions, details about MPS certification is listed together with other specifications about the flowers for sale thus potential

²⁵ Credence attributes in products are "aspects that cannot be known to consumers through sensory inspection or observation-in-consumption...The quality and safety characteristics that constitute credence attributes include the following: (1) food safety; (2) healthier, more nutritional foods (low-fat, low-salt, etc); (3) authenticity; (4) production processes that promote a safe environment and sustainable agriculture; (5) "fair trade" attributes (e.g., working conditions)" (Reardon et al. 2001:3)

for differentiation by that particular standard scheme does exist.²⁶ Data from Tallontire et al. (2005) and my own field study suggest no market pressure for adopting non MPS standards for flowers supplied to the auction. At the same time, although MPS is not a requirement and does not seem to create a price difference, some producers still consider that obtaining MPS certification is “a good idea” to enhance the farm reputation at the auction (interviews M2 / M3 / M5 / M12, K 2006).

PRIVATE SOCIAL STANDARDS - A TYPOLOGY

Dividing standards after origin, five different categories emerge in the cut flower industry. These standards are elaborated by:

- (1) dominant buyers, such as supermarkets and importers (company standards)
- (2) trade associations linked to the Northern fresh-produce industry (northern sectoral standards)
- (3) trade associations linked to the Southern horticulture or floriculture sector (southern sectoral standards)
- (4) bodies comprising a range of civil society organizations and companies (multistakeholder standards)
- (5) government bodies referring to initiatives that are managed by a government institution, such as a government bureau of standards (government standards)

In the following, I limit the presentation of standard initiatives to standards in use in the flower industry in Kenya and/or Tanzania (for details about the different standards see Appendix 1). Company standards in use include unilateral codes of conduct such as ‘responsible sourcing’ by Waitrose. Northern sectoral standards include standards developed by the European Retailers Producers Working Group for Good Agricultural Practice (EUREGAP) and the MPS certification scheme developed by the Dutch flower industry. MPS is primarily an environmental standard (MPS-A, B or C) but has an optional ‘social qualification’ (MPS-SQ) and optional ‘good agricultural practice’ (MPS-GAP). Southern sectoral standards include the Kenya Flower Council (KFC) and the Fresh Produce Exporters Association of Kenya standards (FPEAK). If we look at the broader African context, growers’ associations in Zimbabwe, Zambia and Uganda have also developed their own codes.

²⁶ From January 2007, the Dutch flower auctions FloraHolland and Bloemenveiling Aalsmeer started to indicate flowers qualifying for the Fair Flowers and Plants (FFP) label.

A range of multistakeholder initiatives have also appeared. Most UK supermarkets not only have their own codes but are also members of the Ethical Trading Initiative (ETI) - an initiative developed by a consortium of companies, trade unions, and NGOs. Other multi-stakeholder initiatives include the International Code of Conduct for Cut Flowers (ICC), the Max Havelaar and Fairtrade Labelling Organisation criteria for fairtrade cut flowers (FLO), the German Flower Label Programme (FLP) and finally the newly launched Fair Flowers and Plants (FFP) label - all examples of northern driven multistakeholder standard initiatives. A rare example of a southern driven multistakeholder standard initiative is The Kenyan Horticultural Ethical Business Initiative (HEBI). Finally the Kenya Bureau of Standard (KEBS) code for the horticultural industry governed by the official government agency Kenya Bureau of Standards is an example of a government standard.

PRIVATE SOCIAL STANDARDS IN THE KENYAN AND TANZANIAN CUT FLOWER INDUSTRIES

Social and environmental standards are widespread in the Kenyan industry. They are being offered by a variety of actors, including four local initiatives. Two industry organizations exist for cut flower farmers - the Kenya Flower Council (KFC) and the Fresh Produce Exporters Association of Kenya standards (FPEAK). Both of these organizations have developed their own social and environmental standards. KFC members in 2006 included around 50 farms responsible for approximately 70% of Kenya cut flower exports, with adoption of the KFC code being obligatory for members (interview St2, K 2006). FPEAK has about 80 cut flower producer members, mostly in the small-medium category. All members of FPEAK are eligible to join the code of practice but on a voluntary basis only. Most flower farms are also members of the Agricultural Employers Association, which has a sector-wide collective bargaining agreement (CBA) with the Kenya Plantation and Agricultural Workers Union (KPAWU). Although a sector CBA setting minimum conditions for workers is normally seen as a sign of a powerful trade union, the Kenyan agricultural CBA has been accused of being used by employers as a CSR-decoy and an excuse not to need on-the-farm trade union representation and especially not individual farm-CBAs (interviews St6 / 8, UF4, K 2006).

In Tanzania, the adoption of private social standards is relatively new and still fairly limited. The Tanzania horticultural Association (TAHA) of which almost all flower growers are

members²⁷ has only recently started to take an interest in social and environmental standards. So far activities have been limited to inviting the local MPS-SQ and FLP representatives to present their standards at a TAHA meeting in 2005 (interview St2, K 2006).

Export of cut flowers from East Africa is an example of how tightened quality regulations and increasing concern with social and environmental issues have created a highly codified industry. For producers participating in value chains driven by large retailers adopting social and environmental standards is a requirement and the specificities dictated by the buyers. For producers supplying several markets this can result in a multitude of different standard demands and it is thus not uncommon for producers in Kenya to adopt between 5-10 different standard initiatives (cf. Collinson 2001, Barrientos 2003).

PRODUCER “CHOICE” IN STANDARDS AND THE EFFECTS OF PRIVATE SOCIAL STANDARDS IN CUT FLOWERS

As illustrated, a strong association exists between the nature of the value chain and the producer motivations for adopting codes. In buyer-driven chains, codes form part of the governance structure operated by retailers, but in the market-oriented auction chain, codes are adopted as a reputation enhancer, or simply as a management tool. But buyer demand is also highly country specific. As mentioned MPS is employed largely for flowers aimed at the Dutch auction system whereas FLP cater mostly for flowers bound for the German market while ETI is specific for UK retailers. Moreover interconnections and accreditation agreements between standard initiatives (e.g. getting EUREPGAP cheap if you comply with MPS or KFC) plays an important role in the choice of standard, both in terms of cost saving and more directly to gain access to a desired certification (e.g. until 2006 MPS-QS or FLP certification was a requirement to join the Max Havelaar fair trade labelling programme – see also Appendix 1) (interviews St2 / 3 / 4 / 5, T 2006). In producer countries, considerations influencing the choice of standard might also include peer pressure, that standard adoption is a requirement to access other services such as an industry association, or it might be a result of standard campaigns or local political and/ or grassroots pressure.

²⁷ During the last few years the producer organisation has gained influence and is now an important lobbyist for the horticultural industry. Only two of the flower farms are members of the Tanzanian Association for Agricultural Employers (TAAE), which has a CBA with TPAWU from 2001 covering their members in the agricultural sector. TAAE is not very active any more and their membership base has shrunk since employers are finding other ways of being represented in industry organisations like TAHA (Interview Ex6, T 2006).

From a global value chain perspective, the introduction of social standards in buyer driven global value chains is usually seen as complementing a wider shift of the power balance downstream. The cost of complying with yet another quality standard is borne solely by the supplier and the expansion of third party auditing has pushed the cost of monitoring to the producer. The increased importance of social standards together with other quality systems has led to rationalisation of the supply chain to the exclusion of smallholders (Thoen et al. 2000). At the same time, retailers increasingly employ strategies such as cost cutting and just in time ordering - strategies that seem directly in contrast with the named objective of social standards (i.e. to secure minimum working conditions in the production process). While analysing the direct impact on workers is not the purpose of this paper, the subject still deserves a brief mention. Empirical studies of the Kenyan-UK cut flower chain have documented that social standards in general fail to address the concerns of the large group of casual and female workers in the industry (Tallontire et al. 2005, Hale & Opondo 2005, Hughes 2001). Additionally private social standards have rightly been criticized for the lack of effective complaint mechanisms and local stakeholder inclusion as well as for using a non-participatory check list approach to monitoring.

While I am not disagreeing with the serious limitations and problems of social standards outlined above, I will argue that looking at the reality of social standards at the producer end of the chain, a very heterogeneous picture emerge with a multitude of stakeholder strategies and outcomes. Both in consumer and producer countries social standards and their governance is contested and constantly re-negotiated. In producer countries, this has at times resulted in the development of national or sectoral standards, of renegotiation of standard-content by local stakeholders and of new and more inclusive monitoring procedures (cf. Tallontire et al. 2005, Hale & Opondo 2005). However, gains for workers seems most likely to be in the form of worker benefits, not empowerment. Since the aim of this paper is to explore the interrelation between labour organizations and social standards I now turn to the actual standard initiatives implemented in Kenya and Tanzania and the degree to which labour organizations are thought into these initiatives.

7. Opportunities that private social standards open for labour organizations

All social standard initiatives include some element related to labour-issues. Some do so marginally, others more explicitly. In the following, I discuss different standard initiatives in relation to the opportunities they open for labour organizations both in terms of standard provisions and in terms of their practical implementation in Kenya and Tanzania. Table 1 gives an overview of the degree to which the different standards incorporate provisions that can potentially create opportunities for local labour organization.²⁸ The categories differ markedly in potency, ranging from the endorsement of fundamental workers rights to including unions and NGOs in monitoring procedures. In Table 1, supermarket codes are not included since none of the supermarkets sourcing from the suppliers included in this study have provisions on labour rights going beyond those of the ETI base-code to which they adhere.²⁹

PROVISIONS ON WORKERS RIGHTS

Some standards have provisions for the freedom of association, the right to collective bargaining and the right to be made aware of workers rights (presumably with potential to create awareness and thus facilitate union recruitment). Some standards also have provisions on the right to work contracts and regular employment (i.e. that regular work is done by workers with permanent contracts). These can be said to broaden the base for union recruitment, since only legally employed workers with long term contracts are recruitable by the unions and have access to a range of benefits like severance pay and maternity leave. A few standards go as far as extending the rights of workers to demand some form of workers representation on the farm and to demand the endorsement of a collective bargaining agreement (CBA).

MONITORING

Some standards have provisions for complaint and monitoring procedures that include unions and or labour NGOs. In practice, the rigueur of monitoring and the way non-compliance is dealt with seriously affect the potential benefits for labour organizations. Monitoring can be

²⁸ All standards refer to the edition in use in February-May 2006

²⁹ Supermarket members of the ETI are: ASDA, the Co-Op Group, J Sainsbury, Marks & Spencer and Tesco. They are applying codes to all their 'own brand' products, including fresh produce.

enhanced significantly by giving NGOs and unions the right to lodge complaints on behalf of workers in between audits.

With the FLP initiative, for example, complaints lodged to the FLP board through the regional contact person has during the last four years resulted in around ten unannounced farm visits independent of the mandatory yearly audits (interview St3, K 2006). Provisions for sharing audit reports with unions and NGOs can potentially open access to valuable inside information. The possibility for NGOs and unions to shadow audits additionally offers direct access to flower workers on the farms. Finally, demand for proof of correspondence between management and union in theory provides an open invitation to on-the-farm access to workers for union officials.

Table 1, Social Standards in Kenya and/or Tanzania cut flowers^a

| Standards | Provisions | Freedom of association | Collective bargaining | Regular employment/ Work contract | Awareness-raising /capacity building on workers rights | CBA demand | Some form of workers' representation demanded. | Audited | Proof of correspondence with union | NGO/unions have right to complain between audits | Audit shadowing by unions- /NGOs | Sharing of audit report with unions-/NGOs |
|------------------------------------|-------------------|------------------------|-----------------------|-----------------------------------|--|----------------|--|----------------|------------------------------------|--|----------------------------------|---|
| Northern sectoral standards | | | | | | | | | | | | |
| EUREPGAP | N | N | N/N | N | N | N | N | Y | N | N | N | N |
| MPS-SQ | Y | Y | N/Y | N | N | N | N | Y | N | N | Y ^b | Y |
| Southern sectoral standards | | | | | | | | | | | | |
| KFC | Y | Y | N/Y | N | N | N | N | Y | N | N | N | N |
| Government standards | | | | | | | | | | | | |
| KEBS | Y | Y | Y/Y | N | N | N | N | N ^c | N | N | N | N |
| Multistakeholder standards | | | | | | | | | | | | |
| ETI | Y | Y | Y/Y | N | N | N | N | N | N | Y | N | N |
| FLP | Y | Y | Y/Y | Y ^d | N | N | N | Y | N | Y | Y ^e | N |
| Max Havelaar (FLO) | Y | Y | Y/Y | Y | Y ^f | Y ^g | Y | Y | Y | N ^h | N | N ⁱ |
| HEBI | Y | Y | Y/Y | Y | N | N | N | N ^j | N | Y | N | N |
| ICC | Y | Y | Y/Y | N | N | N | N | N | N | Y | N | N |

^a Unfortunately the FPEAK standard was not made available and is therefore not included in the table

^b "Please note that unions and NGOs will be informed of participants' application for MPS' Social Qualification prior to the audit and that they will be given the opportunity to join the audit team as observers." (MPS 2003a)

^c Plan to audit in future.

^d Through the FIAN (FoodFirst Information and Action Network) training programme

^e "Representatives of NGOs and Trade Unions have the right to join the audit (independently of a membership in FLP-association)" (FLP not dated)

^f "if a collective bargaining agreement exists for the sector, then the farm shall join." "1.4.2.3. If no CBA is in place the workers' organization is encouraged by the management to negotiate an agreement on conditions of employment with management. If no union is present, management and the workers' committee get into a process of consultation with the national union federation(s) for the respective sector and the Global Union Federation (or appropriate International Trade secretariat) about improvement of the workers' representation and implementing a CBA. ...Until such efforts have been successful, the mentioned agreement should cover the topics normally covered by a CBA." (FLO 2005)

^g "It is expected that there is some form of workers' representation at the time of certification, even if this is at a very basic level." (FLO 2005) "1.4.1.3 If no active and recognized union is able to work in the area, all the workers shall democratically elect a workers' committee that represents them and negotiates with management to defend their rights and interests." (FLO 2005)

^h The local producer support person can however forward issues to Max Havelaar board.

ⁱ Inspection reports are forwarded to the farm management who is asked to share it with the Joint Body, Works Council and or Union (interview St5, K 2006).

^j Trial audits have been conducted on 10 farms of a participatory social audit system

STANDARD IMPLEMENTATION IN PRACTISE

As seen in Table 1, the provisions and thus the potential opportunities created differ markedly from a standard like EUREPGAP (that has none of the mentioned provisions) to initiatives

like MPS-SQ, FLP, Max Havelaar/FLO and HEBI (initiatives that are much more stringent on labour issues). In the following I thus restrict the analysis to MPS-SQ, FLP and Max Havelaar/FLO.³⁰

No overview exists of the coverage of the different standards but at the time of fieldwork, 15 farms in Kenya and 3 in Tanzania had MPS-SQ certification. 14 farms in Kenya and 3 in Tanzania had Max Havelaar/FLO certification while 11 farms in Kenya and 3 in Tanzania were certified to the FLP (interviews St3/4/5, K 2006). As mentioned above, farms that adopt private social standards typically cover more than one standard initiative (for the distribution on the 20 farms covered for this study see Appendix 2).

When discussing opportunities created by standards, it is relevant to consider that standards might also limit opportunities and room for manoeuvre at least for some labour organizations. This is an issue highlighted especially by trade unions arguing that standards transfer regulatory authority to largely unaccountable agents and are used as a means of avoiding trade unions (Justice 2002). Another important trade union concern is the tendency for standard initiatives to deal with works councils on non unionized farms thus facilitating the management argument that workers are already represented and thus do not need to join a union.

The rigueur of monitoring and the way non-compliance is dealt with can seriously affect the potential benefit for labour organizations. The following examples illustrate how this is also true for the way standard inspectors and standard personnel in practice choose to interact with the local labour organizations.

In the MPS-SQ the procedures for monitoring freedom of association and the right to collective bargaining reads: "Evidence can include, but is not limited to [...] Testimony of union

³⁰ The official status of HEBI is still unclear, but even though the code is not monitored or certified at the moment it still provides a forum where KFC, the largest individual flower growers, AEA (Agricultural Employers Association) and labour NGOs meet to discuss labour related problems in the industry. Complaints may be lodged to the HEBI board at any time by the member organizations and if possible the board will rectify problems thereby eliminating damaging press coverage (interviews St1 / St2 / NGO3 / NGO4, K 2006). The training of social auditors, awareness raising activities and trial audits so far conducted by HEBI can further be claimed to potentially broaden the opportunities open to labour organizations. FFP and ICC are also amongst the most rigorous standards but both are of minor relevance to this study since the ICC is a baseline standard neither monitored or certified to, while FFP had just been introduced when the fieldwork for the present study was conducted.

leaders confirming that they are not hindered in organizing their activities;" (MPS 2003b). In practice this is entirely up to the individual inspector and even though violations of these particular provisions are common especially in the Kenyan cut flower industry none of the interviewed district union branch secretaries³¹ had ever been consulted by an MPS-SQ inspector. As seen in Table 1, MPS-SQ employs audit-shadowing by labour NGOs and unions which could be said to provide similar information but in Kenya the Kenya Plantation and Agricultural workers union (KPAWU) has since 2003 declined the opportunity to shadow audits (this will be discussed in more detail below).

Max Havelaar until now has had a local producer support person covering Kenya and Tanzania visiting certified farms every or every second month to facilitate the work of the joint bodies³² and offer capacity building. According to the support person responsible since 2001, if there is tension between union and management she will 'send it on silently' to Max Havelaar headquarters which will then ask the inspectors to focus on this during the next audit. When a joint body is initially set up she informs the unions (as required by the standard provisions) about the purpose and workings of this organ but she also contacts local union branches or union headquarter if problems arise between union and management.

An example of this arose during my fieldwork when 6 shop stewards were fired at on of the largest Kenyan flower farms. The support person reacted to this by talking to the union branch and to management about the situation and then filed a report to the Max Havelaar headquarter (interviews St5 / UF1, K 2006). During the period from 2001 to 2006 Max Havelaar local support chose not to have any contact with Kenyan labour-NGOs, something that has greatly facilitated the cooperation with the Kenyan unions as will be discussed later (interview St5, K 2006). FLP on the other hand has opted to cooperate with both the union and labour NGOs in Kenya.

Usually - as we try to cooperate with the local trade unions - we see the trade union representatives as part of the complaint system as well. We are very concerned in trying to integrate the existing forms of workers representation and NOT to establish parallel structure. In Tanzania this works very well. Our partner is the local trade union TAPWU. More difficult is the situation in Kenya where the cooperation with the trade union KAPWU for different reasons is not evi-

³¹ Five district branch secretaries were interviewed covering the mayor flower production areas in Kenya.

³² The joint bodies manage the fairtrade premium and consist of elected workers and management.

dent. Thus we also cooperate with local NGOs like for example Kenya Women Workers Worldwide (KEWWO). (Letter from employee of the FLP in Germany, January 2006).

In practice, FLP has run a worker education programme involving both NGOs and unions with KPAWU in charge of three sessions and KEWWO in charge of another three (interviews St3 / NGO7, K 2006). In Tanzania FLP has been working closely with the Plantation and Agricultural workers union (TPAWU) seeking their approval before certifying farms to the FLP programme.

The examples above illustrate the degree to which implementation of the standards is up to interpretation by the standards personnel. In sum, the analysis of how labour organizations are considered in different private standards and how this is played out in practice shows the significance first of all of the type of value chain, where producers selling direct to large retailers will have a strong incentive to adopt one of the more stringent standards. Second, as is obvious from Table 1, standards differ markedly in the degree to which they include provisions that are likely to open room for labour organizations. Apart from MPS-SQ the more stringent standard initiatives are all multistakeholder (ICC, FFP, HEBI, FLP, Max Havelaar) thus indicating that standard initiatives with union and or NGO involvement are more likely include labour organizations into the standards and provide opportunities that can be potentially utilized. Third, and perhaps most importantly, it reveals how interpretation of standard provisions by inspectors and contact personnel has an important bearing on the degree to which the standards in practice provide opportunities for labour organizations. How the introduction of these private social standards is actually used by labour organizations depends to a large degree on the context where the standards ‘touch down’ and the strategic priorities of different labour actors. In the following I look at how local labour organizations interact with these private social standards in Tanzania and in Kenya.

8. Labour strategies towards private social standards

Although the trade union movement in Kenya and Tanzania have much in common historically, and still can be said to some degree to portray similar traits, the history of trade unionism

in the floricultural sector, and specifically the way of approaching social standard initiatives, have differed remarkably.

LABOUR ORGANIZATION IN TANZANIA

In the cut flower sector in Tanzania the trade union movement as represented by TPAWU is so far the only actor involved in organising and representing flower workers apart from farm-level works-councils. From independence in 1961 until the mid-1980s, Tanzania was a one-party state, with an African-socialist model of economic development. Even though the first multiparty elections were conducted in 1995, the opposition has not been able to overthrow the ruling party CCM. Before the transition, unions were state-based organizations. From the early 1990s, a democratization process begun within the trade union movement. Growing pressure from union members for greater autonomy for the trade unions, along with the introduction of the multi-party system, resulted in a series of steps to democratise the labour movement and increase its independence from the ruling party. This included a revision of the constitution, holding elections at all levels, and forming and legitimising 11 national unions based on industrial sectors. The foundation of the Trade Union Congress of Tanzania (TUCTA) as a new umbrella organization in April 2001 was a keystone in this transition (LO / FTF 2003).

Both workers' and employers' organizations in Tanzania can generally be described as weak, due to insufficient membership, lack of funds, lack of human resources, lack of equipment, lack of sufficient training and lack of influence in the political arena. This condition however must be seen in the light of the one-party state period, which left labour market organizations with a weak organizational capacity. Workers' and employers' organizations were not prepared for their new roles in the collective bargaining system after their years as state-based organizations. This coincided with major changes, including the loss of tens of thousands of workplaces due to privatization and structural adjustment (*ibid.*).

TUCTA has around 300,000 members. Compared to an estimated workforce of about 17 million people, TUCTA's members constitute a unionization rate of less than 2%. But when this is countered to the approximately 1.7 million people with paid employment in the formal sector, the unionization rate is about 27%. This indicates that the unions, although in general weak, do have a foothold in the formal sector of the economy (*ibid.*). TPAWU has approximately 32,000 members (interview UN4, T 2006).

In the cut flower industry, the unionization rate is unusually high compared to other agricultural sectors, with union branches on 6 out of 10 existing cut flower farms and more than

two thirds of cut flower workers unionized (see Appendix 2). This is a recent development since a survey conducted in 1998 revealed that only two out of eight surveyed farms had union branches at the time (Semboja et al. 2000).

LABOUR STRATEGIES TOWARDS PRIVATE SOCIAL STANDARDS IN TANZANIA

According to TPAWU, the conditions for workers in the flower industry have improved dramatically since the late 1990s, especially after it has become possible to establish union branches at most farms. Within TPAWU, the opinion is prevalent that the new private social standards have had something to do with this development. Private standards are seen as predominantly positive and at both national, district and farm-branch levels standards are recognized as opening room for the union to reach, organize, and train workers.³³

At national and district-branch level, the FLP programme is highlighted as being particularly effective. When the two largest flower farms in Tanzania applied for the FLP label, the local FLP contact person consulted TPAWU before conducting the pre-inspections. At that time, TPAWU only had a few members at these farms so TPAWU advised FLP to demand improvements. When inspectors from FLP did the pre-inspection they recommended for improvements to be made on the union front and during the first year between the pre-inspection and the re-inspection, TPAWU were granted access to the farms and succeeded in organising and negotiating a CBA covering both farms³⁴. Only after these improvements had been made did FLP grant the label to the farms. According to TPAWU, this was a door opener to the flower sector in general (interview UN2, T 2006). In this case, a standard initiative in its practice delegates influence over certification outcome to the union thereby mediating the power balance between management and union at the particular farms and creating negotiation space that the unions can grab by actively enrolling the standards in their own projects.

At farm branch level, union representatives are also positive towards the new standards. Here Max Havelaar is highlighted as the standard that really makes a difference to the workers and the farm union branches. According to both farm union representatives and management, management perception of unions has changed after the adoption of social standards and the standards have helped make the unions stronger and more influential (interviews UF2 / UF3

³³ Interviews UN2 / UD1 / UN3 / UF1 / UF2 / UF3 / UF5 / UF6, T 2006.

³⁴ The farms have joint ownership.

/ M6, T 2006). In Tanzania due to the geographical concentration of the flower farms, but also due to information sharing amongst union members, information about working conditions spread quickly. The union branch at one of the smaller farms with no social standards has thus repeatedly demanded that their management applies for Max Havelaar certification (interviews UF5 / M10, T 2006). On another farm without social standards, the union arranged for the farm union branch to visit the union on one of the farms with social standards to learn from their experience (interviews UF4 / UF2 / M9, T 2006). Both examples of how farm unions on farms without standards enlist the existence of social standards elsewhere in the industry in their effort to create space to negotiate.

However, TPAWU is not uncritical of the way different standard initiatives are set up and implemented. While Max Havelaar is seen as a good programme due to the direct benefit to workers, TPAWU has severe reservations about the Max Havelaar idea of a Joint Body. TPAWU argues that workers can never be at an equal setting with management and therefore the Joint Body setup is flawed. Additionally, they argue that it seems somewhat improper to form another (other than the union) committee that is not a legal institution recognized in Tanzanian labour law and in practice consists mainly of union members anyway. Also, there is the issue of how the fair trade premium is used. The union argues that the Max Havelaar premium should be used for individual worker development like providing bicycles or land instead of using it to buy things that in their opinion the employer or the government is supposed to provide anyway such as community projects (interview UN3, T 2006). TPAWU has been actively involved with Max Havelaar contesting the criteria for how the premium money could be spend. Consequently, Max Havelaar accepted that some of the premium could be spent on individual worker development.

In spite of the many reservations, the strategy of TPAWU/TUCTA is still to engage with all the standard organizations to seek influence. Since their introduction in the industry, TPAWU has engaged in constructive dialogue with the international standard initiatives trying (at times successfully) to negotiate changes to content and implementation procedures.

At the beginning, FLP and MPS-SQ, did not send any information to the unions about the inspections they carried out. The unions argued against this and now the unions get the reports from the FLP inspections while MPS has so far only sent one report (interview UN3, T 2006). Another example concerns audit shadowing. FLP and MPS-SQ invited TPAWU as observers on inspections but the way this was to be carried out in practice has caused disagreement. TPAWU once stopped an MPS-SQ audit because MPS insisted in using an inspector from Kenya (whom TPAWU suspected not to be good enough) and because the

union observer was not to be present at the roundup meeting with management after the inspection. Now the unions have obtained the following criteria at both MPS-SQ and FLP audits: (1) they have a pre-meeting with the auditors; (2) The standard initiatives cover the union costs; and (3) they have the right to comment also during the inspections (interview UN3, T 2006). The contestation of standard procedures takes place not only locally, but also internationally. The mentioned concerns about shadowing for example was aired at a stakeholder conference meeting in Bonn in 2001 held by Max Havelaar, FLP and MPS with unions from around the world. In 2005, TPAWU participated in another stakeholder meeting in the Netherlands and in 2006 they attended one on FFP in Ethiopia. At these meetings, the unions give recommendations that are put forward to the board of directors for the different initiatives and according to TPAWU some changes actually have been made even though it is a hard fight (interview UN3, T 2006).

In sum, TPAWU at all levels have embraced and proactively engaged with the standards initiatives and enrolled the standards in furthering their own objectives leading to an unusual high level of union organization in the industry. Part of TPAWU's strategy has been to actively contest standard procedures at both the local and international levels as exemplified by the procedures for audit shadowing and the use of the Max Havelaar premium. The unions do not seem to have contested the idea of private social standards or the legitimacy of this new institution. They have used them as part of their toolbox of potential strategies to advance labour organization in the flower sector. As we will see in the next discussion, in Kenya the trade union movement has chosen a markedly different approach.

LABOUR ORGANIZATION IN KENYA

Like in Tanzania, the trade union movement in Kenya has a history of being state-based. In the past, the constitution of the Central Organization of Trade Unions (COTU, which is the confederation for the majority of Kenyan unions) explicitly linked it to the ruling party KANU (the Kenyan African National Union) and imposed a government appointed chairperson. The government severely restricted the power and autonomy of Kenyan trade unions while independent association was not tolerated (Amnesty 1998). The first multiparty elections after Kenya's independence in 1963 were held in 1992 and 1997 but it was not until the presidential elections in December 2002 that an end was brought to the supremacy of KANU, after being in power for 40 years without interruption (ILO not dated, Murunga & Nasong'o 2007).

With the political transition of 1992 the role of the workers' and employers' organizations changed with a movement towards independence from KANU. Yet the long history of being

state-based organizations left the labour market organizations with a weak organizational capacity coinciding with loss of workplaces due to privatization and structural adjustment. According to COTU, about 244,000 individual members belong to its affiliated unions today, but there has been remarkable decline in trade union membership since the mid 1990s when retrenchments started (ILO not dated).

Compared to TUCTA and TPAWU in Tanzania, the structure of COTU and of KPAWU (The Kenya plantation and agricultural workers union) is more hierarchical and top controlled, something that has been criticized by many labour NGOs. According to a Kenyan scholar specializing in trade union issues, the information flow within the trade union is deliberately limited to avoid lower ranks questioning the state of affairs thus minimizing the risk of revolt and protecting the status quo. As an example, in 1999/2000 an academic expert was called upon to revise and gender-sensitize the COTU constitution together with COTU technical staff. A proposal including gender issues, transparency and rights was elaborated, but opposed at the last moment by the COTU Secretary General. Since then, there has been no constitutional changes (interview Ex2, K 2006). The current Secretary General of COTU deserves special mention because he is also the General Secretary of KPAWU, but more importantly because it seems to a large degree to be his agenda that determines the policy of COTU / KPAWU also when it comes to dealing with private social standards in the cut flower industry. Union strategies towards private social standard initiatives are decided by him and union officials at district and farm level are not allowed to engage with the standard initiatives unless cleared with the national union headquarter (interview UN3, K 2006). Unionization in the flower industry in Kenya is weak, with only around 3,400 unionized flower workers out of 50,000 workers in the sector. Many non-unionized flower farms operate with works councils as the only means of worker representation.

Activity by labour NGOs, on the other hand, is blooming within the sector. Workers' Rights Alert (WRA), which is a loose coalition of labour NGOs, has since 2002 been working actively with workers rights issues in the flower sector. The WRA-coalition consists of Kituo Cha Sheria (a lawyer NGO pursuing individual and group worker cases in civil court), Kenya Human Rights Commission (KHRC), Kenya Women Workers Worldwide (KEWWO) and Workers Rights Watch (WRW)(interviews NGO3 / NGO4, K 2006).

Currently, there is a highly problematic relationship between labour NGOs and unions both purporting to represent workers. NGOs claim that since only 3,400 flower workers are unionized and since unions are tailored to service male permanent workers, they cannot adequately represent the flower workers. Unions, on the other hand, contend that NGOs have no right

to stand in as worker representatives in labour market problems. The NGO-union climate seems to have grown worse with the introduction of private social standard initiatives because these cooperate with NGOs but rarely with the unions (cf. Hale & Opondo 2005). COTU, for example, has categorically declined to fill the seats available to them in the multistakeholder initiative HEBI due to the presence of labour NGOs in HEBI (interview UN3, K 2006).

The following statement from the KPAWU Deputy General Secretary illustrates the degree of hostility:

The KPAWU wishes to support COTU Secretary General [...] on the existence of some non-governmental organizations (NGOs) [...] They are financed by the competitors of our products in the European markets under the pretence that they want to assist in the improvement of the working conditions for Kenyan workers [...] The Government needs to urgently address these issues, investigate and cancel these organizations so as to save the country from these unscrupulous businessmen and women who are paid by their overseas masters. (Waweru 11.03.2004).

When it comes to the very tense conflict between the trade union movement and labour-NGOs in the flower sector opinions differ somewhat between the national level and district / farm-branch level. As indicated, at the national union level there is no acceptance of NGOs. The union has not and will not work with NGOs because “they go behind our back, they have no knowledge of industrial relations so they mess things up for the workers” (interview UN1, K 2006).

At district branch level, opinions toward NGOs in the sector differ somewhat from the official national trade union policy. One district secretary, for example, states that he likes the work that KHRC does and once he even used KHRC on behalf of a worker. But according to him, it is very difficult to use NGOs because; “The General Secretary of KPAWU is not ready to accept them” The secretary has sometimes gone to seminars held by NGOs but as he puts it; “It would be too risky to take shop stewards along” [risky in the sense that union head-quarter would hear about it] (interview UD3, K 2006). Another branch secretary used to allow union members to attend NGO workshops on workers rights issues. He even attended one to make the workers feel that it was fine with him, but when he showed up he sensed that the workers were intimidated because they knew the official union position on NGOs (interview UD5, K 2006). A marked difference can thus be traced in how branch level officials approach

labour NGOs as possessing resources that can be utilized, while at the national trade union level, labour NGOs are seen as obstructing the work of the unions.

The perspective of NGOs is somewhat different in that most seem to count the union (as organizational form) as the ideal option for workers but due to the conflict with union leaders, they limit direct cooperation to lower union levels. An NGO like 4C's (a Kenyan NGO working for constitutional rights) for example wanted to cooperate with the trade unions on sensitizing workers to gender issues, human and workers rights but were refused by the relevant national union secretaries. Therefore, they ended up going direct to the district and farm branches selecting union members for their four seminars reaching a total of 250 unionized workers from the flower, sisal and hotel industries (interview NGO2, K 2006).

UNIONS AND PRIVATE SOCIAL STANDARDS IN KENYA

The opinion about private social standards amongst top level TPAWU and COTU officials is not particularly positive - something that is greatly reinforced by the fact that several standard initiatives invite labour-NGO cooperation which to the trade union leaders is completely unacceptable. For the trade unions, another complaint about the standard initiatives is that they chose to deal with works councils where there are no farm union branches (interview UN1, K 2006). According to the General Secretary of KPAWU:

Apart from Max Havelaar, the other standard initiatives don't talk to the union, they don't push for unions but are happy with the works councils and then the union can not work with them. The right approach for standard initiatives or NGOs on non unionized farms is to send the inspection report to the union and approach the union, not to work with the works councils. The unions should get all the inspection reports but it is only Max Havelaar who shares (interview UN3, k 2006).

Asked about their stand on the opportunity to shadow farm-audits the response is that MPS-SQ also invite NGOs, so the union will not participate (interviews UN1 / UN3, K 2006). The unions thus position themselves against the private social standards and refuse to attribute them legitimacy. This way the unions at the same time contest the legitimizing effect of NGO participation in standard initiatives and their involvement in labour rights issues.

Max Havelaar seems to be exempted from the general opinion about standards. According to the General Secretary of KPAWU, Max Havelaar has been positive because they police the

ILO conventions and consult the unions. That is why he allowed his district branch secretaries and shop stewards to cooperate with them (interview UN3, k 2006). This positive view on Max Havelaar is mirrored by union representatives at district and farm-branch level. They state that had it not been for Max Havelaar, there would not be a separate CBA on one of the largest farms because it was Max Havelaar that pushed for the 51% union membership³⁵ that was deliberately being avoided by management (interviews UF1 / UD1 / UD2, K 2006).

In principle, the union stand towards private social standards is not negative per se. Standard initiatives are welcome if they improve the situation of workers, but they have to live up to the conditions mentioned above - otherwise they are seen as doing more harm than good (interview UN1, K 2006). The national level union strategy towards standards is to obtain copies of the standard provisions and even incorporate some of these in their CBAs. According to the General Secretary of KPAWU, the standards can even be presented as evidence in Industrial Court as has been the case once with the Max Havelaar code. The unions also have a copy of the trade union training manual developed by ICC, some of which has been incorporated in the sector CBA and used to sensitize workers. But the green light for district and farm-branch secretaries to get involved in any form of cooperation with a standard initiative has to be given by the national headquarter (interview UN3, k 2006). This way the unions in Kenya chose to mobilize the standards in their own negotiation efforts but in a technical manner where direct acceptance of the standard initiatives in practice is avoided.

District branch union secretaries interpret the situation somewhat differently. Here, the opinion seems to be widespread that the workers would be better off if the standard organizations contacted the branch secretaries instead of going through the national union headquarter. Several of the secretaries interviewed would like to cooperate with the standard initiatives and would welcome the opportunity to do shadow audits (interviews UD1 / UD2 / UD3 / UD5, K 2006). As one branch secretary put it: "I would like to shadow but I have never been asked". In response to the refusal made by union headquarter he responds that their cooperation with Max Havelaar has not involved headquarter and it has worked well, "so it would be better for MPS-QS to go straight to the branches. That would be the best way. By not going we lose influence and personal disagreement comes in the way of worker representation. Our job is to represent workers." (interview UD2, K 2006). Seen from this perspective, serious limitations exist to the choices perceived and the strategies pursued in relation to standards

³⁵ 51% membership is demanded to form a farm union branch that can negotiate a farm level CBA.

due to both the hierarchical structure of the union movement and the disagreement between union and NGOs.

At farm level, amongst representatives from both unions and works councils, the opinion is widespread that standards are helpful. As one representative from a works council puts it, “conditions have changed to the better and workers are relieved because it offers a kind of security and controls management because workers can complain during audits.” (interview Wc5, K 2006). A union representative relates how the Max Havelaar joint body is a very good forum to meet management and that the training offered by Max Havelaar has made them better equipped to negotiate with management and thus better union representatives (interview UF3, K 2006).

LABOUR NGOS AND PRIVATE SOCIAL STANDARDS IN KENYA

The NGOs have adopted a much more aggressive and proactive stand than the unions towards private social standard initiatives. Through a campaign publicly launched on Valentine’s Day in 2002, the coalition of labour NGOs (WRA) highlighted the devastating conditions for workers in the flower export industry. This was followed by an international conference where the UK-based labour NGO and ETI-member Women Working Worldwide (WWW) attended. An increasingly large percentage of Kenyan flowers are being bought directly by UK supermarkets that have signed up to the ETI initiative. Therefore it is possible for WRA through WWW (which is a member of ETI) to use a procedure in ETI that enable NGO or trade union members to report violations of the ETI code. The companies in question then have an obligation to investigate the situation and take appropriate action. The ETI investigation in Kenya resulted in the formation of the multistakeholder Kenyan Horticultural Ethical Business Initiative (HEBI) (Hale & Opondo 2005).

When it comes to private social standards the strategy of the Kenyan labour NGOs is one of cooperation. They employ some of the same strategies as the unions in Tanzania. As illustrated by the HEBI example, they play the CSR agenda and the mechanisms inherent in social standard initiatives to gain influence where they can. In HEBI, they have an influential position as initiators and chairperson, as the only labour representatives, and as industry watchdogs with connections to solidarity groups in consumer countries. Through HEBI, they engage the biggest business actors in the industry. As a result, the labour NGOs can to some degree claim to have succeeded in influencing the local standard agenda. They managed to be accepted as relevant stakeholders that merit active engagement (not only consultation). Through HEBI, they have tried to push local standard practice towards a more participatory

framework by promoting practices such as participatory social auditing. They are also negotiating a role for HEBI (and thus for labour NGOs) in a possible future harmonized standard (KEBS, FPEAK, HEBI and KEBS are negotiating one harmonized standard for the horticultural industry in Kenya). The labour NGOs are thus actively trying to influence the local CSR agenda.

However, this does not mean that labour NGOs endorse the standard initiatives or even the idea of private standards uncritically. For example KHRC, which is the biggest and most powerful of the Kenyan labour-NGOs, has serious reservations about these standards. According to the KHRC director, the standards are envisioned in a space where there is tripartite-plus, thus involving actors other than government, employers and unions. But in Kenya, the trade unions believe only in the tripartite system, thus making standard implementation difficult. Another critique concerns the top-down nature of most standard initiatives and the fact that in the EU standard initiatives are big business which has resulted in an over-codified industry. Additionally, auditing derives from a technical tradition that makes it difficult to capture social issues. Finally, standard initiatives form part of a privatisation of human rights and workers rights that KHRC is against (interview NGO4, K 2006). Nevertheless, the strategy of KHRC is to engage critically and where possible to use them to gain influence, for example by referring to them when exposing bad working conditions in the press, through dialogue with stakeholders like in the HEBI-initiative, or through shadowing farm audits (*ibid.*).

In sum, the labour approach to standards in the Kenyan flower industry differs markedly between the labour NGOs and the unions. Unions at the national level seek to define private social standards as a threat to the trade unions and thus to worker objectives but also as a threat to the Kenyan flower industry in general. At district and farm-branch level, however, the union approach towards social standards (and labour NGOs) is much more pragmatic. Therefore, the official union discourse on standard initiatives coincides with their discursive interpretation of labour NGOs and serves to position the unions as the only entity that has both the interests of the workers and of the industry in mind. By refusing to attribute legitimacy to the standards, they also contest the legitimizing effect of NGO participation in standard initiatives. At the same time, they exclude themselves from more actively enrolling the standards (and the NGOs) in their attempt to enlarge their space to negotiate.

The labour NGOs, on the other hand, have followed a strategy of playing more 'within the rules of the standards' by very actively seeking to influence how standards are adopted and renegotiated in Kenya. So far, they have to a large degree succeeded in becoming the preferred local 'labour-partner' of the standard initiatives. They are engaging the biggest actors in the

flower industry through their participation in HEBI, and negotiating a role for themselves while trying to push standard practice towards a more participatory approach. And at the same time, they are seeking to maintain their position as industry watchdogs with strong connections to NGOs in Europe. Business has not only reacted to the pressure from buyers and civil society groups, but it is actively mobilising to influence, control and lead the local CSR agenda. Both FPEAK and KFC are very active in promoting one harmonized standard for the horticultural industry in Kenya. By engaging with the standard initiatives and particularly HEBI, business mobilises a sort of informal contract with the labour NGOs where, by accepting the NGO 'right' to a seat at the table, they simultaneously minimize the 'naming and shaming' mechanism.

9. Implications for labour organizations and labour strategies

In this paper I analyzed the labour content of private social standards from the perspective of labour organizations. I found significant variation between different types of value chains, different types of private social standards and different practical interpretations of standard implementation. These findings show that some standards employed particularly in value chains governed by large European retailers, offer possibilities for labour organizations to further their own objectives.

The analysis of the different labour responses to private social standards in Kenya and Tanzania show how labour organizations might choose to 'ride' the standards - exploiting them to gain influence and power by enrolling the standards in their own projects and using them to enlarge their space to negotiate. On the other hand, labour organizations may also choose to position themselves against the social standards thereby contesting their legitimacy. But while employing the standards in their negative self-positioning, they at the same time delimit themselves from exploiting some of the opportunities offered by these standards.

The existence of labour NGOs in the Kenyan flower industry engaging actively with the standard initiatives has seriously influenced the union approach to standards. In Tanzania the trade union still has the 'advantage' of being the only organization purporting to speak on behalf of workers and thus has not faced a similar dilemma. Other explanations for the different approaches used in the two countries include the very hierarchical structure of the Kenyan

unions combined with a general reactive (as opposed to proactive) policy, as well as the fact that social standards were introduced much earlier in the Kenyan industry than in Tanzania. At the time of their introduction in Kenya, most standards were still very weak on labour rights issues. By the time standards were introduced in Tanzania, they had become much more stringent.

Two related and highly relevant issues are whether the introduction of private social standards actually leads to a higher degree of union organization, and whether a higher degree of unionization leads to better working conditions. The empirical material collected for this paper does not indicate a clear correlation between standard adoption and union organization on flower farms. However, there are clear examples of unions successfully using standards to pressure for unionization and CBAs. A tendency also exists for farms that have adopted some of the more stringent standards to have union organization. Interviews with management and worker representatives on farms with social standards further indicate that often management changes their attitude towards already existing farm union branches after having adopted the standards. On the other hand, farm interviews (particularly on farms without private social standards) show that it is management and owner views on unions that to a large degree determine whether or not unionization takes place (interviews M15, K M3 / M6 / M7 / M9 / M12, T 2006). In some cases (in Kenya) it is also quite clear that workers were genuinely not interested in joining the union because they did not believe that it would effectively represent their interests (interviews Wc1 / Wc3 / Wc5 / UF3, K 2006).

The purpose of this paper has not been to evaluate the Kenyan and Tanzanian trade unions nor the Kenyan labour NGOs on their democratic mandate or the degree to which they genuinely represent their constituency. Nevertheless some general thoughts addressing these concerns are due. As seen in the Kenyan case, trade unions and labour NGOs do not always agree on how to advance the rights of workers in global value chains. Trade unions no longer have monopoly on representing workers neither locally nor internationally and this is giving rise to new opportunities as well as new conflicts.

The promotion of workplace private social standards has been one of the main ways in which NGOs have engaged with labour issues in recent years, but all too often discussions between NGOs and trade unions have been marred by antagonism rather than recognition. While there is enormous scope for NGOs and trade unions to support each others' aims when working for labour rights in global value chains, relations have frequently been marked by suspicion, if not competition or outright hostility (although there are examples of constructive cooperation).

This is perhaps hardly surprising. The extraordinary expansion in the number of NGOs operating around the world, and their growing international influence, have occurred in a political and economic context in which trade unions have experienced overall declines in membership and political influence (Eade 2004). In addition, although they may be fighting for similar issues and share many perspectives, unions and NGOs are structured and work in very different ways. While it is to be expected that NGOs and trade unions pursue different strategies on workers rights, it is critical that they each avoid doing so at the expense of the other and instead engage in constructive dialogue to work together towards a common cause.

The emergence of local NGOs specializing in CSR issues raises important questions of representation and legitimacy. NGOs in general have only recently begun to shift from a notion of worker benefits towards worker empowerment through worker self representation. NGOs do not have a democratic or legal mandate to represent workers, but often serve a broad constituency and thus are not necessarily accountable to the workers on which behalf they claim to speak. One can further question the legitimacy of multistakeholder initiatives such as HEBI where important stakeholders (trade unions but more importantly workers themselves) do not participate in the governance structures. Additionally, and perhaps most critically, the establishment and monitoring of private social standards have on occasion allowed NGOs and management to work things out bilaterally, permitting the employers to avoid negotiating with employees and their representatives (a criticism that NGOs would rebut by arguing that they focus on industries in which unions are weak or simply non-existent) (ibid.). Lastly, NGOs are also blamed for being short-lived in their commitment while unions, on the other hand, are necessarily in for the long haul.

But where trade unions as the traditional counter powers of business face serious challenges due to the globalization of production and the increased mobility of goods and capital, the nature of NGOs makes them well equipped to form new and supplementary counter powers. As outlined by Palpacuer (2006), activist NGOs operate through inter-organizational networks that can quickly build alliances on a campaign basis, thus benefiting from an agility similar to that of global firms. The global networks of NGOs can establish connections between production workers in the South and consumers the North and reach the core business profit-generating capabilities of branding, marketing and other product differentiation investments. In terms of agency then, one could say that labour NGOs are better equipped than trade unions to take their agency to the global level.

Unions, unlike NGOs, act on the basis of a mandate conferred by their members to whom they are accountable, but as a result they risk becoming over-bureaucratized and slow to react

to change. In addition, the representational legitimacy of trade unions has been criticized for being male dominated and failing adequately to represent women, casual or migrant workers. And even though accountability to members is supposedly a trademark of the unions, unions come in many shapes and differ largely in their independence from the state, political parties and employers. Additionally, they can differ significantly in structure (being more or less hierarchical and top down controlled) as well as in their approach to obtaining workers rights.

Nevertheless, I argue that trade unions as the democratically elected entity to represent workers are the actors most likely to work for worker empowerment (through self representation) rather than merely for worker benefits. This reflects the view that workers are not simply passive recipients of rights, but should actively engage in the decisions that affect their lives. Additionally, trade unions are likely to be in for the long haul and by building up trade unions, standard initiatives can avoid bypassing already established national industrial relations structures. While private social standards (with or without NGO cooperation) might be able to obtain short-term successes, these will be sustained in the long term only through the self-representation of workers (Braun and Gearhart 2004).

As illustrated in this paper, some standards employed particularly in value chains governed by large European retailers offer possibilities that labour organizations can seek to employ strategically to further labour influence at different levels.

The labour organizations in Kenya and Tanzania seek to influence standard procedures at the local and international levels through engagement with the standard initiatives. In Kenya, this has been taken a bit further by inventing new local standard initiatives within a more participatory framework. If we look at labour organizations at the international level, labour NGOs have been highly active in promoting private social standards in cut flower industries and seeking influence on standard scope, content and monitoring. But trade unions have also become more active engaging in multistakeholder initiatives. The International Union of Food and Agricultural Workers (IUF) has worked with affiliates and several NGOs to draw up the model code ICC – a standard that has later formed the basis for many of the influential social standard initiatives within this sector such as FLP, HEBI, MPS-SQ and FFP. The IUF is also participating in the ETI at board level where they engage the large UK retailers (Hurst et al. 2005, interview Ex3, K 2006).

So to some degree labour organizations (including trade unions) do influence private social standard initiatives in particular multistakeholder initiatives towards more labour representation. Additionally, as we have seen, some standards can be used to further labour repre-

sentation at production sites. However, there are limits to the opportunities that standard initiatives open for labour organizations. Where labour organizations have been able to use standards to further labour representation at production sites, representation is limited to the production end of the chain and thus do not move up the value chain. Additionally, even though labour organizations do influence private social standard setting and implementation, their ability to seriously challenge the prevailing governance structure of the flower value chains towards more labour representation seems extremely limited. Indeed it poses a tremendous task to challenge a governance structure that is driven by large powerful retailers.

10. Conclusion

In this paper, I have sought to fill a gap in the literature on global value chains and on private social standards by viewing labour (in the organised form of labour organizations) as an input with agency. I applied this approach to the global value chain for cut flowers, with focus on its upstream ramifications in Kenya and Tanzania. By incorporating the concept of labour agency into GVC analysis, it became possible to focus on labour development (not just industrial development). By separating labour from the producer at the production node, it became clear how strongly-driven retailer chains offer more room for labour to exert its agency than the traditional auction strand of the value chain. In this paper, I have sought to move GVC analysis methodologically and conceptually forward by adding labour organizations as important actors that mediate the way standards are set and applied and thus indirectly influence GVC governance.

The analysis conducted in this paper indicates that the implementation of (at least some of the more rigorous) social standards in cut flower value chains can be seen as potentially helping to mediate the power relations between 'labour' and 'capital' because 'labour' can use the standards to: (1) enhance union organization and obtain collective bargaining agreements; (2) obtain better insight into the operations of cut flower markets; (3) get a seat at the table when social issues are discussed amongst business; and (4) exert a watchdog function by threatening with exposure in consumer markets.

Thus, some standards can extend the space for labour to exercise its agency to further worker representation. The practical outcome of labour agency on the ground differs according to the

local context, and particularly according to the capacity and specific stances adopted by local labour organizations – as illustrated in the case studies of Kenya and Tanzania.

This partly optimistic view should not obscure the fact that voluntary social standards are severely limited in scope, and do little to change fundamentals - such as corporate-driven globalization, the structure of international trade, and the cost-cutting strategies of retailers. Additionally, optimism further presupposes that labour organizations are actually accountable to their constituencies and thus work for the good of the workers they purport to represent – something that is unfortunately not always the case. Where labour organizations (and particularly trade unions) do work in the interest of workers, the more stringent private social standard initiatives can however be used to further labour influence. Labour NGOs and unions have been somewhat successful in putting labour conditions on the agenda and pushing for private social standards (and lately more stringent standards). Additionally, labour organizations are at times engaged with major players in the value chains through participation in multistakeholder initiatives like the ETI.

But there are other limits to the opportunities that standard initiatives open for labour organizations. Where labor organizations have been able to use standards to further labor representation at production sites, representation is limited to the production end of the chain and thus do not spread to workers in other nodes of the value. Finally, their ability to seriously challenge the prevailing governance structure of the flower value chains seems extremely limited. Indeed it poses a tremendous task to challenge a governance structure that is driven by large powerful retailers employing strategies such as cost-cutting and just-in-time ordering – strategies that put additional pressure on suppliers and promote labour flexibilization and not labour organization.

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Appendix I, standard initiatives

| Standard | Origin | Release | Characteristics |
|--|--|----------------|---|
| Northern sectoral | | | |
| EUREPGAP Control Points and Compliance Criteria for the production of flowers and ornamentals | Developed by flower labeling organizations and a coalition of mainly British supermarkets | 2003 | Essentially about good agricultural practices in order to guarantee product safety but has a small section on worker health, safety and welfare |
| Milieu Programma Sierteelt (MPS) | Dutch growers of flowers and plants | 1995 | Collection of labels in various classifications (MPS A, B, C, SQ, GAP) for environmental management, social and human resource management. Origin in the Netherlands but international application |
| Southern sectoral | | | |
| Kenya Flower Council (KFC) Code of Practice | A group of five large Kenyan flower exporters started the KFC and the KFC code | 1998 | Code of Practice to promote ecologically sound and fair labour practices in the Kenyan flower cultivation. Adoption of the code is obligatory for KFC members. In 2006 the KFC code was bench-marked against EUREPGAP and accredited to EUREPGAP (Interview St2, K 2006) |
| Fresh Produce Exporters Association of Kenya (FPEAK) Codes of Practice (now renamed KENYA-GAP) | Kenyan flower growers | 1996 | Code of Practice to improve production practices with regard to labour, use of pesticides, traceability and environmental management. Adoption is voluntary for members. Certification is conducted by International Certification Services (SGS) (Thoen et al. 2000) |
| Multistakeholder | | | |
| Max Havelaar / the Fair Trade Labeling organization (FLO) | The Max Havelaar Foundation was founded in 1992 by the Swiss aid organizations: Brot für alle, Caritas, Fastenopfer, HEKS, Helvetas and Swissaid | 2001 (flowers) | The Max Havelaar Foundation awards a fairtrade label to products that have been produced according to principles of fair trade including a minimum price and providing a fairtrade premium that the producer in agreement with worker representatives must invest in projects enhancing their social, economic and environmental development. Until January 2006 MPS-QS or FLP certification was a requirement to join the Max Havelaar programme, but since January 2006 the Fair Trade Labeling organization (FLO) has taken over certification through its autonomous certification organization, FLO-CERT |
| Flower Label Programme (FLP) | German importers and wholesalers signed an agreement with German NGOs and trade unions to form the FLP | 1999 | FLP is a consumer label targeted at growers in developing countries exporting to the German market. The FLP criteria are identical to the ICC criteria |
| International Code of Conduct for Cut Flowers (ICC) | The ICC was developed by a coalition of European NGOs and the International Union of Food and Agricultural Workers (IUF) | 1998 | ICC contains criteria on human rights, labour conditions and basic environmental criteria. The ICC is a baseline code and is not monitored. Other standard initiatives like FLP, HEBl and MPS-SQ have integrated the ICC provisions. The ICC have developed a trade union training manual |

| Standard | Origin | Release | Characteristics |
|---|--|---------|--|
| Fair Flowers & Plants (FFP) | In 1999, Union Fleurs (the International Floricultural Trade Association) together with Flor Verde in Colombia, FLP, KFC and MPS started to create a single label. From 2001, NGOs and Labour Unions from the ICC were introduced into the group | 2005 | The FFP label contains ecological and social criteria. The FFP criteria and procedures are based on both the ICC and the MPS. Growers who want to participate need to comply with (1) environmental criteria similar to MPS-A and (2) ICC and its criteria (this may also be realised in combination with MPS-SQ or FLP). All participating links (producers, traders and retailers) must satisfy certain requirements and be members of FFP |
| The Ethical Trading Initiative (ETI) | ETI was set up as an alliance of UK companies, NGOs and trade union organizations | 1998 | An initiative to promote and improve the implementation of corporate codes of practice which cover supply chain working conditions (not restricted to cut flowers). ETI has a base code and provides a generic standard for labour practices. All corporate members are required to submit annual progress reports on their code implementation activities (ETI website 2006) |
| The Horticultural Ethical Business initiative (HEBI) | HEBI comprise KFC, the largest individual flower growers, AEA and labour NGOs | | HEBI has conducted a range of trial audits against the HEBI base codes using participatory monitoring approaches based on the 'Kenya Base Code on Social Accountability for The Flower Industry', and they have conducted training and awareness raising. So far though it is still unclear what is to be the official status of HEBI and the code is not monitored or certified at the moment |
| Government | | | |
| the Kenya Bureau of Standard code for the horticultural industry (KEBS) | Initiated by FPEAK and KFC, but governed by Kenya Bureau of Standards | 2002 | According to officials from KEBS, KFC and FPEAK agreed on the content of the code while KEBS then sent it to the Standard Council for approval. It was approved in 2002. A new version benchmarked on EUREPGAP was approved in 2004 and KEBS is now moving towards being accredited to EUREPGAP. The KEBS standard is not monitored or certified to at the moment, but according to KEBS officials it is likely to be in the future |

Source: CBI Market Information Database, URL: www.cbi.n, Standard web pages and own interviews 2006

Appendix 2, farm details

| Farm | Hectares under production | Size of workforce | Ownership | Main export destination | Standards | Reasons for adopting standards | Labour organization | Business association |
|--------------|---------------------------|-------------------|-------------------------------------|--|---|--|--|--------------------------------------|
| Kenya | | | | | | | | |
| K1 | 5.5 H | 135 W | Kenyan | 96% to the auction, some to Germany and the Middle East | KFC | Have had no demand of standards from buyers | Union, H&S C, gender C | KFC AEA |
| K2 | 190 H | 5100 W | Dutch-Kenyan | Most to UK supermarkets, but also sell through TFA and auction. Buy from out-growers | MH, FLO, MPS-A- SQ, MPS-GAP, KFC, ETI HEBI audited BOPP UK-Supermarket codes | Will keep MPS-gap due to auction recognition. Got MPS-SQ to get MH. Standards important to limit the risk in terms of litigation | Union with a separately negotiated. JB, H&S C, gender C | KFC AEA |
| K3 | 28 H | 8-900 W | Kenyan | 100% to auction, but looking into the new MBV / UGA auction in Germany | MPS-B MPS-SQ FLP KFC | SQ they got for fair trade. FLP they got to enter the German market. No demand of ST by auctions, but might be in future | Gender C, disciplinary C, welfare C, credit union, H&S C but no union. Endorse the AEA CBA | KFC AEA Council member of KEBS |
| K4 | | 8500 W in 8 sites | Part of the UK owned Flamingo group | UK 6 supermarkets | HEBI, KFC (3 gold), ETI SEDEX BOPP 6 supermarket codes | Standards to retain market | 8% unionized. Elected welfare committees on all farms, gender C and H&S C | KFC. Union Fleur |
| K5 | | 5000 W | Dutch | 50% go to auction 50% direct to Sweden & Belgium | HEBI auditing MPS A+SQ | Pressure from consumers and standards add to farm reputation | 83% unionized. Endorse the AEA CBA | AEA |
| K6 | 27 H | 800 W | Swiss | Sell to agents in Europe | MH, FLP, KFC | Took over standards from earlier farm. Keeps because running costs are low | 50% unionized, H&S, gender C, internal audit C, JB. Endorse the AEA CBA | KFC, AEA |

| Farm | Hectares under production | Size of workforce | Ownership | Main export destination | Standards | Reasons for adopting standards | Labour organization | Business association |
|--------------------------|---------------------------|----------------------------------|-------------------------------|--|---|---|---|----------------------|
| K7 | 15 H | 362 W | French, German and Belgium | 10% to auction rest direct to Japan, Australia, Germany, Switzerland, Sweden, France, and Portugal | Eurepgap, FFP, FLO, FLP, MPS-A+SQ, KFC | Went for standards from the beginning to help farm reputation | 53% unionized, welfare C, JB, gender C, internal audit C. Endorse the AEA CBA | KFC (board), AEA |
| K8 (sister to T6 and T7) | 12.5 H | 400 W | Shareholding, Dutch/Tanzanian | 30% go through Kiliflora (i.e. direct), rest goes half to auction and half direct mostly to the EU, but also Middle East, Australia, Japan and South Africa. | KFC MPS B FLP MH, FLO MPS-gap | Buyer demand and to enhance reputation. | 100% unionized. JB, welfare committee (joint body), gender C and H&S C. Endorse the AEA CBA | KFC AEA |
| K9 | 18 H | 500 W | Kenyan | Direct only to Middle East, Germany, Switzerland, France, UK, Holland | FLP, KFC, MH, FLO, Eurepgap, MPS-A, FFP Supermarket codes | Approached by FLP (1998) and have kept it. Adds to reputation. Swiss demand MH. UK demand Eurepgap, FLO and own codes | Workers committee, H&S C, woman C, JB, grievance handling C (joint body). Endorse the AEA CBA | KFC, AEA |
| Tanzania | | | | | | | | |
| T1 | 9 H | 220 W | Tanzanian | Auction | MPS-A but not renewed due to financial trouble | Start up cost too high | Worker C appointed by management | TAHA |
| T2 | 8 H | 264 W 45-50.000 stems per day | Tanzanian | All to auction (and to other farms in Tz & K) | None yet, but interested | | 28% unionized | TAHA |
| T3 | 12 H | 290 W | Dutch Tanzanian | Auction | MPS C. Were approached by MPS as pilot (first A & then SQ) and got certificate for free, but lost it at renewal-audit | No need and too difficult. Are under pressure from the union to adopt standards | 100% unionized | TAHA |

| Farm | Hectares under production | Size of workforce | Ownership | Main export destination | Standards | Reasons for adopting standards | Labour organization | Business association |
|---|---------------------------|-------------------|--|--|---|---|---|----------------------|
| T4 | 15 H | 154 W | Austrian / Tanzanian | Auction | None | No need yet | 100% unionized. Negotiations on CBA | TAHA |
| T5 | 25 H | 250 W | Family farm (Tanzanian British/Greek) plus Dutch shareholder | Almost all to auction | They had MPS before as a condition of their financing (Dutch development aid – joint partnership with Dutch shareholders) | | None | TAHA |
| T6 (same as below) | 57 H with Loliondo | 450 W | Same as below | Same as below | Same as below | Same as below | Same as below | Same as below |
| T7 (sister to T6 and K8) | 57 H with Nduruma | 500 W | Shareholding, Dutch/Tanzanian | Mainly EU but also Australia & Japan. Almost all direct (agents or supermarkets). MH = 60% of export | FLP MPS-GAP & SQ MH | Before had ETI & BRC for UK. Got FLP for Germany. FLP demand by wholesaler | 100% unionized, H&S TPAWU woman, JB. Farm CBA (2002) | TAAE, TAHA |
| T8 (3 sister farms in K) | 7 H | 280 W | Greek Tanzanian | Germany, Sweden, Norway, Denmark and France (FLO). Going for direct & new markets, but 50% still auction | MH then FLO, FLP, Eurep-Gap | FLO because wanted constant market. FLP was demanded by Omniflower, but now they demand FLO | 100% unionized H&S, woman C and JB. Have CBA (2002=2 nd edition) | TAAE, TAHA |
| T9 (fresh flowers and cuttings) | 6 H | 120 W | Dutch. Subsidiary of Fides | 100% to auction | | No demand for standards in auction or in cuttings | None | TAHA |
| T10 (2 sister farms in Tz) Mainly deals in cuttings | 4-6 H | | Dutch | To UK supermarket (Tesco) through importer in Holland | In the process of certifying for MPS-GAP & SQ | Demand from Tesco. No demand for standards in cuttings | None, but small union branch at 1 sister farm | TAHA |
| T11 (4 sister farms in Tz) Cuttings only | | 300-400 W | Dutch | | | No demand for standards in cuttings | Small union branch | TAHA |

Appendix 3, fieldwork methodology

The study that was conducted by the author from February to May 2006 covered all (10) export flower farms in Tanzania and 10 farms (out of approximately 5000) in Kenya. The farms in Kenya were selected to represent farms with social standards and to cover both large (i.e. the three largest) and small farms. The farm level interviews were conducted with top management and with worker representatives in the form of works councils, joint bodies and union branches. Additionally, a range of interviews were conducted with industry organizations, industry consultants, standard organizations, labour NGOs and trade unions at national as well as district- and farm-branch level.

In the Kenyan flower industry labour conditions is an extremely sensitive issue and farm access for this particular study thus correspondingly difficult. Access to farms was obtained through a combination of personal contacts and through the Kenya Flower Council. Farms were selected to represent farms with private social standards in a combination of small and large farms spread across the most important geographical production centres. Due to the selection criteria employed in Kenya the results from the study are not representative of the Kenyan flower industry in general, but on the basis of the conducted study it is possible to identify relevant issues concerning the relation between standard implementation and management/union relations (though not necessarily all relevant issues).

On each farm I sought to interview the General Manager as well as a representative from Human Relations or, when existent, the person in charge of standards. Interviews were semi-structured with open-answer questions. On each farm, I further sought to interview the chairperson and or secretary of all existent forms of worker organizations (union, works council, joint bodies). All interviews with worker representatives were conducted in privacy.

List of interviews conducted

| Interview category | Tanzania (T) | Kenya (K) | Total |
|--|--------------|-----------|-------|
| Union officials, national level (UN) | 4 | 4 | 8 |
| Union officials, district level (UD) | 2 | 5 | 7 |
| Union officials, farm level (UF) | 6 | 6 | 12 |
| Representative from works councils, joint bodies or other worker committees (Wc) | 2 | 5 | 7 |
| Farm management (M) | 13 | 17 | 30 |
| NGOs (NGO) | 0 | 7 | 7 |
| Standard representatives (St) | 0* | 8 | 8 |
| Experts (Ex) | 10 | 4 | 14 |
| Total | 37 | 56 | 93 |

* All standard contact persons for Tanzania were based in Kenya and thus interviewed in Kenya.