



***ASSESSMENT OF HUMAN RIGHTS POLICIES
AND PROCESSES***

EASTERN PRODUCE KENYA LIMITED

Key Findings and Recommendations

	Theme	Summary Findings	Comments and Recommendations
1.	Human Rights Policy Commitment	• There is a human rights policy and a framework outlining its strategy (human rights due diligence) and its grievance handling procedure demonstrating its commitment to respect and promote human rights as guided by the United Nations Guiding Principles on Business and Human Rights (UNGPs) and the UN Global Compact Principles. • Has a number of policies geared towards promoting human rights, gender equality and workers' rights. These include <i>inter alia</i> policy on: Anti-Sexual Harassment; Independent Operational Grievance Mechanism, Protection against Retaliation; Community Relations; Whistle Blowing; Fair Treatment and Good Working Conditions; Recruitment; Training, Competencies & Communication. These policies are signed off at leadership level. • Has tailor-made policy statements on Gender Equality, Child Labour and Forced Labour and these are communicated in both English and Swahili languages. • To demonstrate its commitment to mainstream gender in its operations, EPK has a Workplace Gender, Equality and Diversity Policy. The overall responsibility for this policy's implementation lies with EPK management but it is executed by the EPK and Estate Gender	• It is highly commendable that some of the company's policies are availed in both English and Swahili languages. This reflects a genuine commitment to inclusivity, ensuring that all employees and stakeholders can access, understand, and engage with your policies, regardless of their language proficiency. • The persons/ committees responsible for executing the policies are also well reflected in the policies. • While some of the policies have been displayed on noticeboards around EPK's head office and respective factories, we recommend that corporate human rights policies be made publicly available to all stakeholders in the value chain. Leverage on technology and upload policies on your website. This is part of '<i>know and show</i>' and part of transparency and accountability.

		committees. • EPK’s policies are applied across the factories and estates that it owns as well as those it manages. They apply to all employees, contractors and the entire supply chain, wherever they are located within EPK's operations.	
2.	Human Rights Due Diligence	• Having an international value chain, has made the company cognizant of the need for human rights due diligence to safeguard its market. • Salient issues identified in EPK’s human rights strategy are security, gender-based violence and sexual harassment, fair and consistent employment practices. To help mitigate these and other risks, EPK’s estates have appointed assess-and-address, gender and grievances committees to manage and be accountable for the assess-and-address system • EPK has admittedly identified gender-based violence and sexual harassment among some of the salient issues it faces as a business and in the community within which it operates. It has been deliberate in mainstreaming gender in its operations and runs a number of campaigns under its <u>gender programme</u> to tackle various gender related societal issues. • It has also adopted <i>creative</i> campaigns to tackle gender issues within its immediate community both within and outside its factories including A-SHARP and SHUJAA. • Requirement for stakeholders along its value	• Officers at Nandi Hills Police Station, confirmed that EPK has been instrumental in helping to address cases of gender-based violence in the area. The officers indicated there has been a decline in cases of defilement post COVID attributing this to various interventions by EPK including through its “<i>Mama Safi</i>” program, that seeks to educate and sensitize boys and girls on various societal issues impacting youth. • The independent audits by certification bodies are commendable. The benefit of the certifications should also extend to the workers. We additionally recommend that EPK continue to engage with workers and adjacent communities to address structural barriers that women especially face. • EPK can also publicly report on efforts to use leverage to promote human rights and encourage transparency across EPK’s value chain, in light of the fact that it is already a requirement for suppliers to adhere to ethical practices.

		chain to adhere to ethical practices. It has an Ethical Purchasing Policy and the Supplier Code/ Questionnaire issued to all suppliers along its value chain. • EPK factories and estates are subjected to social audits by the Rainforest Alliance and other independent certification bodies.	
3.	Employment processes	• Carries out direct employment of workers including the seasonal/casual workers. There is a Recruitment Policy to ensure fair recruitment process and a Recruitment Committee to oversee the process. It is prescribed that there will gender balance in a recruitment panel. Recruitment procedure posters are published in both English and Swahili. • There are approximately 1300 permanent employees with the rest of the workers engaged as seasonal workers on fixed term contracts of three (3) to six (6) months. • The ratio of women to men across all levels of management is 31:69. This translates to 81 men and 37 women in management. In the other cadres, women comprise 30% of the graded staff, 40% general workers and 14% security officers.	• The effort made towards being an equal opportunity employer is commendable and it is encouraged that gender considerations be as inclusive as possible. • Given the male-dominated leadership structure at estate/ factory level, develop initiatives such as mentorship programs for women, structured career progression plans, and clear criteria for promotions.
4.	Wages and Benefits	• Workers are unionisable and are under a collective bargaining agreement (CBA) with Kenya Plantation and Agricultural Workers' Union. • Workers operate on 8-hour shifts from 7a.m. but can extend to meet their targets. Overtime is	• Develop a policy or amend existing policies to include parental leave for both male and female workers and reasonable accommodation for pregnant workers and nursing mothers, in line with every child's right to parental care and protection. While this was communicated to the KNCHR team by both

		voluntary. • Pay is by piece work and the target is 45 kilos a day as per the CBA. • Workers provided with the requisite personal protective equipment fit for their respective work stations. • Female employees are entitled to maternity leave as provided for in the Employment Act or as per the terms of their contracts. • 90% of the workers are housed by the company and they also benefit from education and medical facilities supported by EPK. It has also ensured police posts are set up in every estate for security and quick response.	management and the workers, it should be reflected in the company's policies as well.
5.	Training	• There is a Training, Competencies & Communication Policy. • Staff trainings are conducted every Saturday and for management on a weekly basis. The trainings are also used to sensitise stakeholders on the company's policies. • Organises field days every quarter to engage stakeholders and keep them abreast on the company's activities. Once every two years, farmers are taken through all the policies. • Workers confirmed that they receive trainings on internal policies and that the Rainforest Alliance also does some trainings. Other trainings are on health and safety, first aid, human rights, OGM and mental health.	• Include trainings on gender and human rights in training programs/plans, and these should target all workers and management. This should not be limited to those carried out as part of an audit or certification process. Collaborate with the KNCHR and other relevant ministries, departments and agencies of Government to deliver trainings on thematic issues. • Plan for specialized trainings on gender related issues and human rights for management, Assess and Address and Gender committee members.
6.	Grievance Mechanism	• Has an Operational Level Grievance	• The efforts made by EPK towards ensuring access to

		Mechanism Standard Operating Procedure outlining the company's grievance handling processes. • It has established a two-tier operational level grievance mechanism dubbed “<i>TWEGUU AKASE</i>” which is Nandi for “Talk to Me, I Am Listening”. • Tier 1 is managed by the company to address impacts during normal course of operations. It is accessible to EPK employees and out-growers. ▪ Timelines for handling grievances from receipt to redress are also properly outlined. ▪ A third party may be used in case of an anonymous complaint and should there be any concerns of retaliation, the matter is referred to Tier 2. ▪ To further ensure confidentiality, internal staff handling grievances are required to sign confidentiality statements. ▪ There is a proper filing system to distinguish between complaints made by employees and out-growers. ▪ Acknowledges it may have a gap when handling persons with disability but it has identified partners who can support it in this regard to ensure inclusivity and accessibility. ▪ There is a complaint's/ suggestion box which is opened every Monday in the presence of the union representative.	remedy for victims of human rights harms is laudable. The robust operational level grievance mechanism that is in place is accessible to EPK's stakeholders. • Moreover, the Commission commends the steps taken popularize the OGM and the use of pictorials to explain the complaints handling process as displayed on notice boards at the head office and the IHRM office. Other information points include village committees, group and estate committee, security and shade chairpersons for the out-growers. • It is however important for the Company to advise an individual/ community who may be adversely impacted that they are not precluded from raising their grievance with any other legal mechanisms outside of the company. • Also ensure the victim/ complainant has access to a designated person of a sex they are comfortable reporting to at both Tiers of the OGM. • With regards to maintaining a blacklist of offenders, there is need to ensure the practice is in line with the right to privacy enshrined in Article 31 of the Constitution and the Data Protection Act, 2019. • The grievance handling process/ operational level grievance mechanism be published on EPK's website for enhanced accessibility, transparency and accountability. Additionally, provide key statistics on grievance handling, while safeguarding confidentiality.
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| | <ul style="list-style-type: none"> • Tier 2 is supported by EPK but is independently operated and is not housed within the company. It is responsible for independent investigations into serious human rights violations linked to EPK's operations. This includes allegations of domestic violence, defilement, assault, rape, sodomy among other cases of gender-based violence. <ul style="list-style-type: none"> ▪ It is accessible to EPK staff and the community as well other stakeholders. ▪ To alleviate fear of retaliation in its intended users and to ensure accessibility, the office of the independent human rights mechanism (IHRM) is situated in a building in town that is owned by farmers so that no one can suspect any person who is coming to report. ▪ The IHRM works closely with partners to support complainants and witnesses to get legal aid, attend court, receive medical attention and also to undergo counselling. ▪ It also tries to use local dispute resolution systems whenever possible for example, the chief, <i>barazas</i> and the children's office. ▪ The IHRM however does not accept concurrent processes in the resolution of grievances. ▪ Towards ensuring logical conclusion of cases, survivors of (S)GBV are taken through counselling sessions to avoid them withdrawing cases and in the case of | |
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		employees/workers EPK's human resources allows for redeployment of workers to avoid re-traumatization. ▪ It maintains a blacklist of offenders/ alleged perpetrators rendering them unsuitable for employment by EPK. • The Anti-Sexual Harassment Policy expressly provides for the complaints handling and investigation procedure where there is a complaint of sexual harassment. Reports of these nature are handled by the IHRM but can be reported through the other provided channels.	
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