



# **MALAWI TOBACCO INDUSTRY AGRICULTURE LABOUR PRACTICES CODE**









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The background features a dark green field with several overlapping, curved, abstract shapes in lighter green and yellow-gold tones, creating a sense of movement and depth.



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# ACRONYMS







ALP	Agriculture Labour Practice
GTS	Green Tobacco Sickness
CPA	Crop Protection Agents
PPE	Personal Protective Equipment
ILO	International Labour Organisation
UN	United Nations



# FOREWORD BY TOBACCO COMMISSION ACTING CHIEF EXECUTIVE OFFICER

At a time when we are determined to transform Malawi's tobacco industry, the development of this Agricultural Labour Practices Code is critical and essential. The Code is a proof and demonstration of our dedication to producing clean tobacco and tobacco products that are safe. For this reason, let me start by expressing my gratitude to everyone who helped in the development of this code. I would also want to thank, ECLT, our partner, for providing financial and technical assistance for this initiative and project.

For some time, players in Malawi's tobacco industry have been promoting and working to advance human rights issues along the value chain. However, in doing so, there existed disparities since every player used their own set of rules, guidelines and standards. Hence a need to have standardised efforts for us to achieve our goals.

For this reason, the ALP Code plays an important strategic role in ensuring uniformity and maintaining consistency in human rights programming throughout Malawi's tobacco supply chain.

It is encouraging that some participants have already demonstrated dedication and proven commitment to the concerns that the Code attempts to address. I am, therefore, convinced and confident that by using this Code, these players will scale up their efforts and organise them more effectively than before, allowing us to sustain our production.

I wish every player in the Malawi tobacco industry successful implementation of this ALP Code.



A handwritten signature in black ink, appearing to read 'Evans Chilumpha', written in a cursive style.

**Evans Chilumpha**  
**ACTING CHIEF EXECUTIVE OFFICER**



Produced with technical assistance and support from:



The ECLT Foundation is committed to strengthening standards, policies, and due diligence systems to eliminate child labour and other labour abuses in agriculture. This Malawi Tobacco Industry Agriculture Labour Practices Code supports this objective by defining the labour principles, practices, and measurable standards that the TC expects to be met on all tobacco farms in Malawi. Our ambition is that this Code drives further improvement, compliance, and collaboration, and adds fresh impetus to our common goal: the elimination of all forms of child labour and other labour abuses in areas where tobacco is grown.

Founded as an independent Swiss foundation in 2000 to bring together key stakeholders against child labour in the tobacco-growing, the ECLT Foundation is based in Geneva, Switzerland. The Foundation is a member of the UN Global Compact and holds special consultative status with the UN Economic and Social Council. [www.eclt.org](http://www.eclt.org)

Funding for the development of this Agriculture Labour Practices Code and capacity building activities thereof is provided under the Memorandum of Understanding entered between ECLT Foundation and the Tobacco Commission in 2021.



twentyfifty is an award-winning management consultancy working with global companies to transform their social and environmental performance and deliver on their commitments to respect human rights. We support companies to identify and address social risks by integrating human rights management into their business. We are driven by the belief that businesses flourish when people flourish. When human rights are respected, individuals not only survive but have the chance to grow. We call this human flourishing, and it's at the heart of everything we do.

Providing technical support to the Tobacco Commission during the development of this Agricultural Labour Practices Code is one of the many ways that we engage, train and support businesses to adopt and develop responsible practices that enable them to meet their sustainability commitments and business goals. Our approach is rooted in The UN Guiding Principles on Business and Human Rights.

We have been doing this work since 2004 and are recognised by Forbes and the Financial Times as a leading consultancy in sustainability. [www.twentyfifty.co.uk](http://www.twentyfifty.co.uk)

# INTRODUCTION





This Tobacco Industry Agriculture Labour Practices Code refers to a set of guidelines, regulations or laws that govern the employment practices and working conditions, including family and hired labour in tobacco production in Malawi. The Agriculture Labour Practices aim to improve the lives of farmers, workers and their families through ending child labour and forced labour, respecting workers' rights and ensuring workplace health and safety. The Code is derived from conventions defined by the International Labour Organisation on fundamental rights and principles in the workplace. The Code aligns with UN Guiding Principles for business and human rights and will be guided by the principle of continuous improvement.

## 1.1 Scope, Application and Compliance

All tobacco farmers and merchants must apply and abide by this Code in all their operations regardless of crop type or contract type. Contractors, merchants, and labour officers must ensure that all field staff, farmers, and farm workers understand and operate at par or above the requirements set by this Code. All stakeholders must report any suspected breach of this Code to the respective contracting companies or to the Tobacco Commission as well as make use of the relevant referral pathways, including the Ministry of Labour.

The Tobacco Commission recognizes that the Code may not be exhaustive in addressing all human and labour rights issues, particularly systemic ones. In the event of competing interests between any part of this Code with any recognized local or international law, credible Code, or treaty, whichever gives maximum support or protection to human and labour rights takes precedence and prevails in execution. Notwithstanding anything to the contrary, departures from this Code must be premised on substantial justification and must be approved by the Tobacco Commission.

## 1.2 Definitions

### a. Principles

These are essential guidelines that govern day-to-day labour operations in tobacco production.

### b. Measurable standards

These are minimum benchmarks that can be quantified or objectively assessed to evaluate performance or compliance with the principles.

### c. Child

Anyone under the age of 18 years.

### d. Hazardous work<sup>1</sup>

#### I. For children

Work that is likely to be harmful to 'children's health, safety, morals or development; and prejudices their attendance at school.

#### II. For others

Refers to job tasks or occupations that pose significant risks to the health, safety, or well-being of those working in tobacco production.

<sup>1</sup> Malawi Employment Act, Order 2012 highlights topping and suckering activities, handling tobacco leaves and any other work involving tobacco in commercial tobacco estates and farms.

# **PRINCIPLES AND MEASURABLE STANDARDS**



There are seven principles of ALP relating to tobacco production. These are as follows:

1. Zero tolerance to all forms of Child Labour
2. Zero tolerance to all forms of Forced Labour and Human Trafficking
3. Income and work hours
4. Safe working environment
5. Fair treatment
6. Freedom of association
7. Terms of employment

## 2.1 Principle 1: Zero tolerance to all forms of Child Labour

There shall be zero tolerance for all forms of child labour in tobacco production. Child labour refers to the intentional or unintentional exploitation of children through any form of work that deprives them of their childhood, interferes with their ability to attend school, and is mentally, physically, socially and morally harmful.

### Measurable standards

- All work in tobacco is hazardous.
- No person below the age of 18 years is engaged in any hazardous work.

## 2.2 Principle 2: Zero tolerance to all forms of Forced Labour and Human Trafficking

There shall be no forced labour and human trafficking.

Forced labour means all work or service which is exerted from any person under the threat of a penalty and for which a person has not offered himself or herself voluntarily.

Human trafficking refers to the process of a person arranging or facilitating the travel of another person into a situation of exploitation and is sometimes associated with migrant workforce.

### Measurable standards

- Workers do not work under bond, debt, or threat.
- Workers must receive wages directly from the employer.
- Workers are free to leave their employment at any time with reasonable notice, without threats, victimisation, or penalty.
- Workers are not required to make financial deposits with employers and shall not be charged recruitment fees or other related fees for their employment.
- Wages or income from crops and work are not withheld beyond the legal and agreed payment conditions.
- Farmers, labour contractors, or any other third party do not retain/keep the original identity documents of any worker.
- The farmer does not employ prison or compulsory labour.



## 2.3 Principle 3: Income and Work Hours

### a) Income

Refers to the money or financial gain that an individual, business, or entity receives during a specific period.

### b) Wage

Refers to the monetary compensation or payment that is given to an employee in exchange for the work they perform for an employer. This is a common source of income.

### c) Work hours

Refers to the amount of time an individual spends in their job or work-related tasks during a specified period, usually measured in hours.

### d) Overtime

Overtime refers to the additional time an employee works beyond their regular or standard work hours.

Income obtained from the work and hours of work should be in line with the laws of Malawi<sup>2</sup>.

### Measurable standards

- All workers' wages (including temporary, piece rate, seasonal, and migrant workers) meet, at a minimum, national legal standards or agricultural benchmark standard (applicable collective agreement).
- Wages of all workers are paid regularly, at a minimum, in accordance with the 'laws of Malawi'<sup>3</sup>.
  - Deductions must not exceed 50% of the pay.
  - Farmers should not charge any interest in cash advances or payment in kind.
- Work hours follow the National Employment Act (2000). Excluding overtime, work hours do not exceed, on a regular basis, 48 hours per week.
- Overtime work hours are voluntary and paid at a premium as required by the 'country's laws or by any applicable collective agreement.
- All workers are provided with the benefits, holidays, and leave to which they are entitled by the 'laws of Malawi'.

## 2.4 Principle 4: Safe Work Environment

Farmers shall provide a safe work environment, and accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers.

### Measurable standards

- The farmer provides a safe and sanitary working environment and takes all reasonable measures to prevent accidents, injury, and exposure to health risks.
- No person is permitted to top or harvest tobacco or to load barns unless they have been trained and adequate measures are taken to prevent contact with green tobacco and avoid green tobacco sickness.
- No person is permitted to use, handle, or apply crop protection agents (CPA) or other hazardous substances such as fertilizers without having first received adequate training and without using the required Personal Protective Equipment.
- Pregnant women and nursing mothers must not handle or apply CPAs.
- No person enters a field where CPAs have been applied unless and until it is safe to do so.
- Workers have access to clean drinking and washing water close to where they work and live.
- Accommodation, where provided, is clean, safe, meets the basic needs of workers, and conforms to the 'ILO standards'<sup>4</sup>.

## 2.5 Principle 5: Fair Treatment

Farmers/growers shall ensure fair and dignified treatment of workers without harassment, discrimination, or any other forms of abuse.

### Measurable standards

- There is no physical abuse, threat of physical abuse, or physical contact with the intent to injure or intimidate.
- There is no sexual abuse, exploitation, or harassment (to both men and women).
- There is no verbal abuse or harassment.
- There is no discrimination based on race, colour, gender, religion, political affiliation, union membership, status as a worker representative, ethnicity, pregnancy, social origin, disability, citizenship, or nationality.
- Workers have access to a fair, transparent, and anonymous grievance mechanism.

## 2.6 Principle 6: Freedom of Association

Freedom of association refers to the right of individuals to interact and organize themselves to collectively express, promote, pursue, and defend common interests.

Farmers, therefore, shall recognize and respect 'workers' rights to freedom of association and to bargain collectively.

### Measurable standards

- The farmer does not interfere with 'workers' right to freedom of association.
- Workers are free to join or form organizations and unions of their own choosing and to bargain collectively.
- Worker representatives are not discriminated against and have access to carry out their representative functions in the workplace.

## 2.7 Principle 7: Terms of Employment

Farmers shall comply with all the laws of Malawi relating to employment.

### Measurable standards

- All workers are informed of their legal rights and the conditions of their employment when they start to work. All farmers should issue written agreements upon recruitment of labour as required by the Malawi Employment Act (2000), and workers must receive a copy of the contract. For temporary labour, payments must be documented.
- Terms and conditions of employment contracts do not contravene the 'laws of Malawi'<sup>5</sup>.

**Among other, a written agreement should contain the following:**

- I.** The names of the employee, employer, and witnesses
- II.** The date of commencement of the contract
- III.** The rate of remuneration and the method of calculating remuneration
- IV.** The intervals at which remuneration is paid.
- V.** The nature of the work to be performed.
- VI.** Normal hours of work.
- VII.** Any provision for termination of the contract.
- VIII.** Any disciplinary rule applicable to the employee.

<sup>5</sup> Malawi Employment Act (2000)

# ALP CASE HANDLING PROCEDURE





## 3.1 Issue Identification

During routine visits or social interactions, a case is identified/observed and raised by the observer to appropriate stakeholders such as Grower associations, Tobacco 'Commission's Enforcement and Liaison Officers or contracting company field technicians and supervisors for ALP case opening and further investigations.

## 3.2 ALP Case Classification

Continuous monitoring of growers shall be conducted throughout the tobacco production cycle to record and report any breach of this Code.

Breaches shall fall into three categories:

### **(I) Observation**

Field technicians and other stakeholders will regularly visit farms for technical support and use observation to determine how well ALP is being implemented and adhered to. Incidences observed can be classified according to levels of seriousness of human and labour rights infringements and will be recorded. The least serious issues can be resolved by engaging all involved parties and developing improvement measures or additional training to achieve good ALP standards.

### **(II) Prompt action**

This is carried out in situations where, through negligence or ignorance, an individual's actions are deemed an immediate or prolonged risk to themselves or others around them. A prompt action response would entail farmer and worker or family member sensitization and training to fully acknowledge the impending risks and provide action plans to mitigate or otherwise eliminate such risks. All relevant employees, including field staff, are encouraged to confront and cease potential prompt action issues immediately upon observation. Follow-up visits must be conducted within 2-3 weeks to monitor implementation and improvements.

### **(III) Extreme breach**

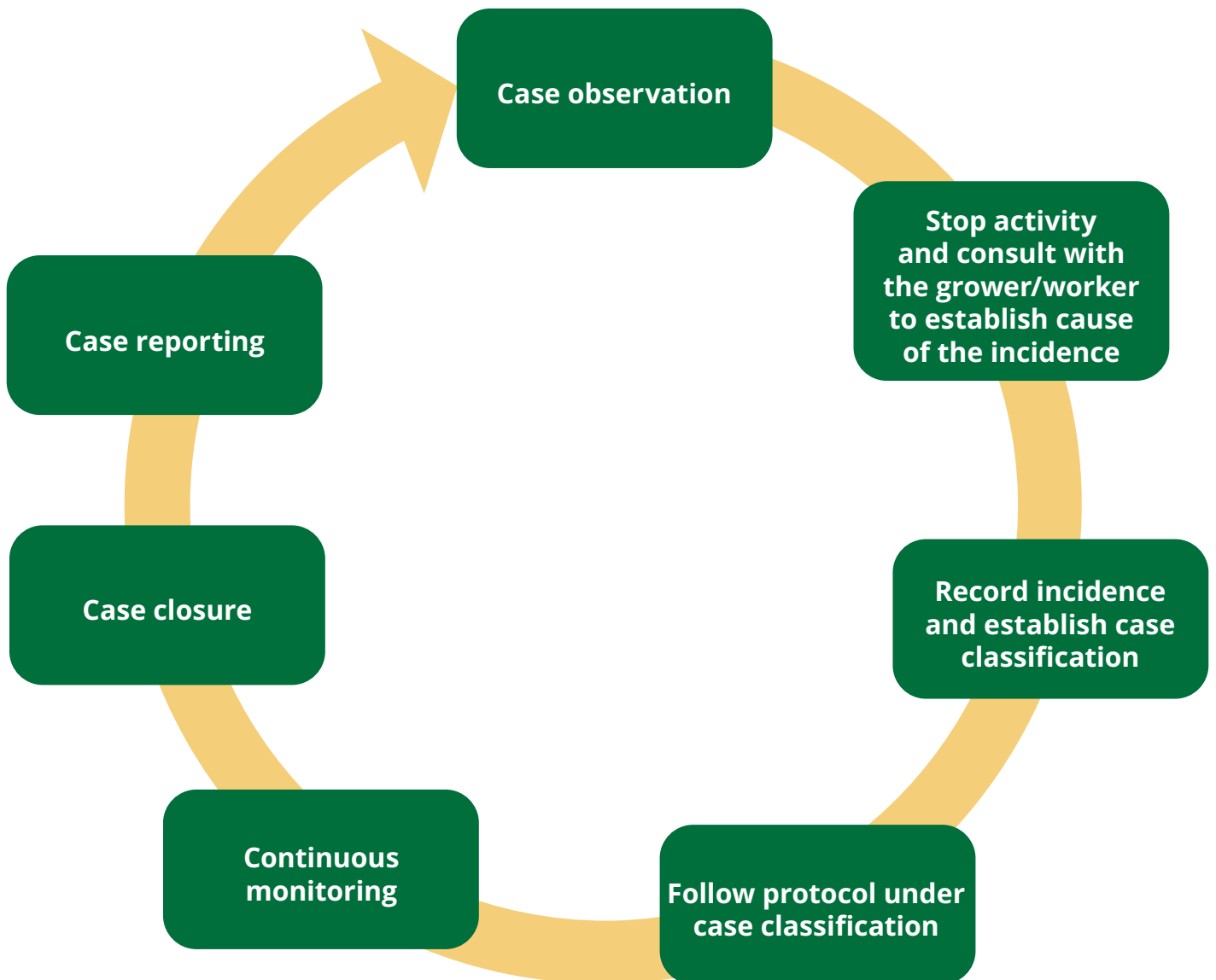
These are defined as situations where there is a severe risk to the individual rights holder's life, limb, or liberty through a lack of awareness or intentional actions of others. This category will primarily include breaches related to forced labour, slavery, including forms of modern slavery, human trafficking, and the worst forms of child labour. These warrant a zero-tolerance approach with immediate escalation to a line supervisor to enact due procedures to determine a specific and durable course of action to prevent a recurrence. Extreme breaches require monitoring to protect those in danger should the behaviour that instigated the breach continue to occur after the case has been opened. Cancellation of contracts, withdrawal of registration, arrest of the perpetrator or all the penalties may be imposed.

Categorization of the breach and the resulting remedial action/resolution will be case-specific depending on the nature, severity, causes and frequency of violations.

During each tobacco production season, stakeholders shall monitor, record incidences, and submit ALP data to the Tobacco Commission for national report formulation and enforcement.

### 3.3 ALP Case Handling

During the visits, when the field worker has identified the case, the following steps are to be followed:



All case records must be kept with details of the breach, crop stage, agreed action plan with the farmer and the workers and reviews from the follow up. Where impacts have been remediated, the rationale for closing the case and the closing date should also be provided.

# ENABLING LEGAL INSTRUMENTS





This Code shall be read together with laws, treaties and codes listed below:

1. Tobacco Industry Act (2024)
2. Malawi Employment Act (2000)
3. Malawi National Action Plan on Child Labour (2020-2025)
4. ILO Convention 138 Minimum Age
5. ILO convention 182, Worst forms of child labour
6. ILO Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
7. ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022
8. ILO Forced Labour Convention, 1930 (No.29)
9. ILO Occupational Safety and Health Convention, 1981 (No. 155)
10. ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
11. ILO Safety and Health in Agriculture Convention, 2001 (No. 184)
12. The United Nations Convention on the Rights of the Child UN Guiding Principles on Business and Human Rights
13. Organisation for Economic Co-operation Development



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**2024**















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