UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE, LAW
AND INTERNATIONAL STUDIES

Master's degree in
Human Rights and Multi-level Governance

HARVESTING INEQUALITY: THE HIDDEN VIOLATIONS OF WOMEN'S RIGHTS IN THE BUSINESS PRACTICES OF THE INDIAN TEA INDUSTRY

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A.Y. 2023/2024

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ABSTRACT

This thesis explores the numerous violations of women's rights in Indian tea plantations and examines the role of business practices in sustaining and/or mitigating these abuses. This research seeks to explain the issues faced by women tea workers and the root causes behind them, and to ultimately add to the studies on gender equality and corporate responsibility in the tea industry. These goals are achieved through a detailed analysis of documents on working conditions, corporate policies, socio-economic factors, historical legacy, and the pertinent legal frameworks. The thesis demonstrates that while women workers are fundamental for the success of this valuable industry, they are subjected to serious discriminations and abuses of their rights. The root causes of these problems are systemic, including the patriarchal structure of the Indian society, the ethnic origins and social class of tea workers and the lack of adequate legal protections. Another additional factor that indirectly contribute to the abuses of women tea workers' rights is the economic interest of tea companies. The thesis illustrates how businesses in the tea sector through their actions and behaviours can have a strong impact on the conditions of women employed in their tea supply chain, even though they are not the direct perpetrators of the abuses. Because of this, the thesis suggests that tea companies should adopt a more responsible women-oriented approach by referencing some examples of good practices, policies, and initiatives. Finally, the thesis highlights how important it is to develop an holistic strategy with the engagement of all stakeholders in order to finally achieve gender equality and women empowerment in this industry.

INTRODUCTION

Tea is the second most consumed beverage in the world after water. Therefore, the tea industry is one of the most profitable and efficient market in the world, employing almost 13 million people globally. One unique feature of this industry is its heavy reliance on the global labour force of women in producing countries. Most tea is grown in some of the least developed nations since the plant requires a tropical or subtropical environment and a specific altitude in order to be grown on a large scale. This thesis will be focused on India in particular, because it is currently the second-largest producer and exporter of tea in the world after China. In addition to being a popular and accessible beverage in the country, tea is also an important local product and a significant driver of India GDP growth, making it a source of enormous national pride. Introduced by British colonialists in Assam in 1838, the tea empire in India is among the oldest industries in the country. Plantations now cover a large portion of the territory, but the most important areas are the hills of Assam, Darjeeling, and West Bengal in the northeast, and Tamil Nadu and Kerala in the south.

Due to the socio-cultural obligations that have historically been placed on women, their economic worth is commonly denigrated in India, which results in an extremely low percentage of female labour force participation. Nonetheless, the majority of workers in India's tea industry are women, as they are in the other tea-producing nations. Women first entered this sector during the colonial era when migrant women moved into the first tea estates alongside their families. Women's employment in the tea plantation sector has stuck to the colonial model ever since. Ever since the industry inception, women have been employed as field workers, particularly as pluckers of tea leaves. In addition, they have traditionally been the only ones in charge of taking care of all domestic duties and family members in the estate, particularly the elderly and the young. Conversely, men are more likely to work in factories in the “high-risk” sectors and hold the most profitable roles as supervisors, owners and managers in tea estate pyramids.

The Indian tea industry is characterized by an extensive value chain that involves multiple players in the process, and by a high degree of concentrated corporate control, which entails that a small number of strong buying companies have the power to control and significantly affect the trade. These firms carry out the most profitable downstream phases of manufacturing, like blending, packaging, and marketing, in buyer countries, while upstream phases, like plucking and primary processing, take place in producing countries. Therefore, major corporations located abroad receive the largest share of earnings in the value chain, while tea workers in India end up being the most disadvantaged and vulnerable ones.

However, it is now widely acknowledged that companies' actions, particularly in developing or low-income nations, can directly impact people's livelihoods and human rights along their whole value chain. Nowadays, businesses are required to be accountable for the social, environmental, and economic impact of their activities and to take all necessary steps, independent of governmental legislation, to limit the bad effects while enhancing the favourable ones. Companies' responsibility to respect human rights was also recently defined by the UN Human Rights Council with the UN Guiding Principles on Business and Human Rights. Nonetheless, many tea companies still choose money over their obligations to uphold human rights.

The tea industry is scarred by centuries of abuses and exploitation. In this context, there is a stark contrast between the terrible reality faced by the people who live and work in inhuman conditions to harvest tea in Indian plantations, and the international firms that profit massively from tea sales without addressing any of these issues. Despite being the most important resources and the backbone of the tea business, these workers - the majority of whom are women- often struggle to survive. Although often hidden by brands and companies that supply tea from India, women employed in tea plantations face severe and enduring violations of their rights, discrimination, exploitation, abuses, and marginalization on a daily basis, in breach of the extensive legal framework in place.

Therefore, the purpose of this thesis is in the first place to uncover, investigate, and analyse the multiple hidden violations of women's rights on Indian tea plantations, as well as the root causes and driving factors of these issues. Additionally, the study attempts to determine if these violations are systemic or firm-specific, and to what extent business practices in the tea industry contribute to the terrible conditions and abuse of women working in tea plantations in India. In second place, the thesis seeks to find out whether tea companies could benefit more from empowering women rather than exploiting them and to identify examples of good practices in this sector. Finally, the dissertation aims at discovering and suggesting accessible, comprehensive and long-term solutions, strategies, policies, initiatives and recommendations that businesses and states could implement to support gender equality and empower women in tea plantations in order to improve the overall sustainability of the industry.

With the goal of providing a better understanding of the challenges faced by women in Indian tea plantations, the thesis will examine historical legacy, working conditions, corporate policies and practice, socio-economic factors, and cultural dynamics through reports, studies and interviews carried out by different scholars and organizations as well as all the pertinent legal frameworks.

This topic is particularly relevant because customers are generally not aware of the conditions of women tea pluckers in India and, with their buying practices, they can indirectly and involuntarily support such a discriminatory and exploitative business. However, on the other hand, the government and businesses involved in the industry are well aware of women’s issues on Indian tea plantations. As a matter of fact, several organizations have investigated and publicly condemned this problem through in-depth reports, investigations, and studies, which will be referenced in this thesis. Nonetheless, because of the parties' prevailing economic interests, the overall situation essentially remains unchanged. It is thus essential to address and disclose more information about the status of women in these settings, advocate for their rights, and encourage governments and businesses to take appropriate action and be more responsible.

To fully understand this issue, the thesis will be structured as follows.

The first chapter will provide an in-depth discussion about the Indian tea industry and the role of women in this sector. Following an overview of the global tea market, a more thorough examination of the tea sector in India from an economic and historical perspective will be presented, along with a description of the tea value chain and its numerous players. This will help understand the general context and the relevance of this industry in the global and Indian economic scene. After that, a section on women's roles in this industry will be covered, with an emphasis on the historical and cultural factors that have contributed to the high degree of feminization of this sector as well as the specific duties and tasks that women perform on tea plantations. There will also be a comparison with the national female labour force rate to fully comprehend the scope of women involvement and the significance of their protection for the success of the tea industry as a whole. Finally, the chapter will offer a wide picture of the framework for the protection of women workers in tea plantations. Starting from the international documents there will be a description of the 1966 International Covenant on Economic, Social and Cultural Rights, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, the 1998 ILO Declaration on Fundamental Principles and Rights at Work, and other relevant technical conventions such as, among others, the Plantations Convention of 1958 and the Convention on Violence and Harassment of 2019. Then, the chapter will tackle the pertinent Indian national framework which includes the Plantation Labour Act of 1951 and the Tea Act of 1953 as the fundamental laws for tea plantations workers, together with other laws for the protection of women workers such as the Maternity Benefit Act, the Equal Remuneration Act, and the Sexual Harassment of Women at Workplace Act. Lastly, the chapter will assess the national and international documents that acknowledge companies' obligations to protect human rights in their supply chains and operations such as the UN Global Compact, the UN Guiding Principles on Business and Human Rights and the Indian Companies Act.

Afterwards, the second chapter will be focused on the detailed analysis of the conditions of women that work in Indian tea plantations and the contribution of corporate policies to these abuses. The first part will explain the numerous and various ways in which women’s rights are violated on a daily basis, in particular

with regard to violence against women, economic exploitation and marginalization, living and working conditions, health, and reproductive rights. The chapter will then attempt to assess some of the driving factors and root causes of this persistent mistreatment, including patriarchy, ethnic discrimination, and the lack of effective grievance and enforcement procedures within the Indian legal system. The economic interest of tea companies is the last factor taken into consideration that contribute to the exploitation of women on tea plantations. This chapter will examine the unethical conduct and practices of businesses in this industry, as well as the reasons behind them, the benefits they receive, and the impact and effects they have on producers and workers, particularly women, who work in tea plantations from which they source their products. In order to show how much corporations lack transparency and accountability in their supply chains and how this can adversely and disproportionately affect women, the chapter will report a few studies conducted by academics and international organizations. A concluding remarks section will also address how the economic goals of firms and the socio-cultural factors of gender discrimination interact to foster the ideal environment for the exploitation and abuse of women in these settings.

The third and final chapter will then attempt to highlight some good business practices that could serve as viable solutions, or at the very least, helpful starting points, for the empowerment of women in the tea industry. Thus, the focus of this chapter will be on different types of corporate social responsibility initiatives, which are voluntary ethical actions that companies take to conduct their business in a more ethical, socially, and environmentally responsible manner. The first practice examined is the adoption of certification programs and associated standards into tea companies' purchasing and production procedures. This chapter will discuss some of the most well-known certification programs, including Rainforest Alliance, B-Corp, Fairtrade, and TrustTea, as well as their shortcomings and the reasons why these schemes on their own are insufficient in complicated contexts. As a result, the chapter will highlight other noteworthy and effective efforts, practices, and initiatives implemented by tea businesses that serve as excellent alternative approaches, such as partnerships with other companies and international organizations as well as projects carried out in the framework of these

collaborations such as the Gender Empowerment Platform, the Women Safety Accelerator Fund, the Improving Lives Program, the Plantation Community Empowerment Project and its Community development forums. Then, there will also be an overview of selected tea companies and brands that illustrate how businesses can contribute positively to the protection and empowerment of women tea workers. Finally, the chapter will highlight advantages and benefits that tea companies might obtain by implementing ethical and sustainable policies, specifically focusing on women-oriented activities in their supply chain.

CHAPTER 1. THE INDIAN TEA SECTOR AND THE CRUCIAL ROLE OF WOMEN WORKERS

The following chapter will be divided into three sections. The first paragraph will analyse both the global and the national Indian tea industry in terms of productivity. It will also analyse how the value chain in this industry is structured and which actors are involved in this long process. The second paragraph will then explore the role of women within the Indian tea industry. In order to do so there will be a detailed overview of the employment rate of women in the labour force in India, with a particular focus on the agricultural sector. Then, there will be a detailed explanation of the historical and cultural motivations for the large employment of women in the Indian tea sector. To conclude, to fully understand the relevance of women in this context, the paragraph will be focused on the description of the tasks assigned to them in tea plantations and their daily routine. Finally, the third paragraph will cover the international and national instruments that should ensure decent conditions of life and work and protect the rights of women tea workers. The paragraph will also analyse the instruments that recognize the responsibility of businesses to respect human rights in their operations.

1.1 The Global and Indian Tea Industry: Economic and Historical Analysis

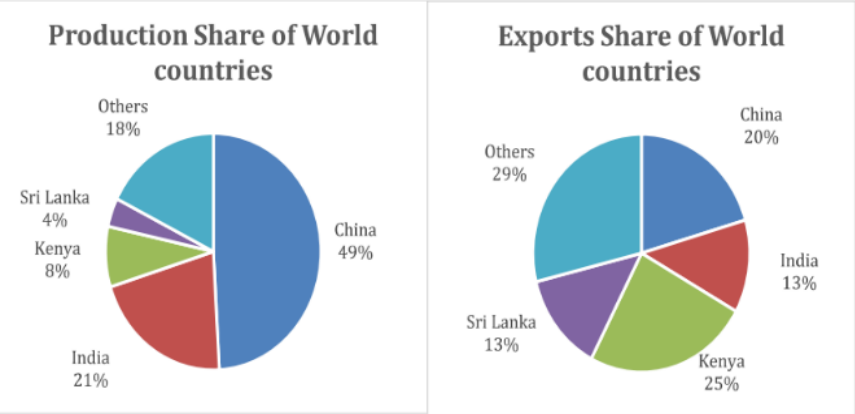
1.1.1 General Overview of the Global Tea Sector

Tea is the most consumed drink in the world after water: around two billion cups of tea are consumed everyday all over the globe[1]. While there is a great variety of teas, the plant from which they are produced is always the same, and it is called Camellia Sinensis. This plant can come in two different types: Camellia Sinensis var. Sinensis, which is prevalent in China, and which was first discovered and consumed already in 2737 BC, and Camellia Sinensis var. Assamica that is present mainly in India. Assorted flavours derive from differences in processing, oxidation and

[1] Food and Agriculture Organization of the United Nations (FAO), International tea market: market situation, prospects and emerging issues, May 2022

fermentation techniques, soils, climate, and elevation[2]. This plant needs a tropical or subtropical climate and a certain altitude to be cultivated on a commercial scale. Because of this, as THIRST reported, the biggest portion of tea is cultivated in some of the least developed countries, the majority of which are ranked below 100 on the Human Development Index[3].

The Tea sector is a high-performing and valuable industry, which employs around 13 million people worldwide. The industry has always shown a steady growth. In particular, in 2022 the global tea production accounted to 6.478 million Kg with a notable increase of 28.78 million kg compared to 2021[4], reaching a value of around $122.2 billion, which is expected to rise to $160 billion by 2028[5]. The major players in tea production and export are all developing countries, which in order are China, India, Kenya, and Sri Lanka. A major characteristic of this sector is the high concentration of producing countries. As a matter of facts, these four nations alone count for 82% of world production and 73% of world exports[6].



Source: Tea Board India, 69th Annual Report for the Year 2022-23

[2] Barua D. N., History of Tea Cultivation, Science and Practice in Tea Culture, Tea Research Association, p. 509, 1989
[3] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector – The Big Picture, Part 1: Literature Review, May 18, 2022
[4] Tea Board India, 69th Annual Report for the Year 2022-23, Kolkata, 2023
[5] Statista, Value of the global tea market from 2018 to 2028
[6] Tea Board India, 69th Annual Report for the Year 2022-23, cit.

Despite the overall increase in production, global tea exports decreased by 93.55 million kg compared to 2021, with a total of 1.831 million kg of tea exported. Notably, India and China managed to improve their export figures, with increases of 34.54 million kg and 5.89 million kg respectively. The decline is partially due to the fact that, even if the demand has increased in emerging economies, in western countries, which account for about 62% of world tea imports, there has been a decline in consumption of traditional tea[7].

In 2022, the global consumption accounted to around 6.209 million kg. Interestingly, despite being a significant export commodity, as of 2022, around 81% of tea produced is consumed within the country of origin, with India alone accounting for 19% of global consumption (6209 M. Kgs)[8]. Indian trends of tea consumption are in contrast with other competing countries like Sri Lanka and Kenya that have a very low domestic demands which allow them to address most of their production to exports[9].

A peculiar characteristic of the global tea sector is that it heavily relies on women labour force, all around the world. Their role in this industry can vary from country to country. Most of the time they are mainly employed in specific tasks such as plucking or pruning, and they are excluded from all the other stages of production[10].

1.1.2 The Indian Tea Industry and its Economic Relevance for the Country

In history, plantations globally emerged primarily as a result of colonialism for the exportation of foreign products to the more developed countries. In particular, the empire of the tea industry in India, which is about 180 years old, was initiated by British colonials. The native tea plant in India was discovered in 1823 by Robert Bruce, who was gifted a few seeds by the chief of Beesa, a Singpho community. This highlights the Singphows' long-standing familiarity with the tea plant,

[7] Tea Board India, 69th Annual Report for the Year 2022-23, cit.
[8] Ibid.
[9] Kadavil S., Indian Tea Research, in SOMO, the Centre for Research on Multinational Corporations, January 1, 2007
[10] Eagan N. E., Women in Tea: The Roles We Play in Moody Teas, March 18,2023 https://moodyteas.com

suggesting that they had been cultivating and consuming tea since ancient times. After that encounter, the first official 12 boxes of tea made from leaves native to Assam were shipped to London in 1838 and sold at a London auction the following year[11]. Indian tea plantations grew rapidly in the 19th century as Indian tea became more popular than Chinese tea in England due to its stronger flavour that particularly attracted the British working class[12].

The British enabled India to realize the potential of tea for the country's domestic market and export revenue. After the end of the colonial period, indeed, India kept on relying on the production of tea as a strong source of economic growth for the country. To achieve this, following the country independence, the majority of industrial worker protection regulations were expanded by the Indian government to include plantations workers. Additionally, a new separate act known as the Plantation Labour Act was passed and a specialised statutory body, the Tea Board of India, was set up to promote the development of the Indian tea Industry[13].

Today, tea is not just a beverage but also a source of great national pride as one of the most important indigenous commodities for India, considering that the country ranks as the world's second-largest producer of tea, following China. India is not only second in production of tea, accounting for over 20% of global tea production, but it is also second in terms of area, with 13,000 gardens that account to 20% of the total world area of tea cultivation[14].

The tea industry is not only one of the oldest Indian industries but also it is also the singular industry where India has maintained its pre-eminence for over 150 years, offering the widest array of tea varieties compared to any other nation. It plays a significant role in generating foreign exchange and substantial revenue for the country, making a considerable contribution to the GDP growth, in particular to the economies of the regions directly involved in the production. But the importance of the tea industry for the country do not lie only in its capacity to earn foreign

[11] Barua D. N., op. cit.
[12] Sharit K. Bhowmik, Chapter 1: introduction, in Tea Plantation Labour in India, Friedrich Ebert Stiftung, New Delhi,1996
[13] Ibid.
[14] Pramod K., Badal P.S., Singh N.P. and Singh R.P., Tea Industry in India: Problems and Prospects, in Indian Journal of Agricultural Economics, Vol. 63, No. 1, pp. 84-96, Jan.-March 2008

exchange, but also in its ability to significantly affects the life of many individuals who are employed both directly and indirectly within the sector[15].

Worldwide, the sector provides millions of jobs. In India, the tea industry is the second largest industry in the organized manufacturing sector in terms of employment. This industry provide employment at permanent, contractual, casual, and seasonal worker. It employs more than a million people directly (around 1,258,800 families), and two million people indirectly for a total of over 3.5 million people[16]. The peculiar aspect of this industry, which is in contrast with the employment trends of the country and that will be further analysed in the next paragraph, is that half of the workers in tea estates are women and 90% of the labour force come from marginalized community of the lowest castes[17].

Based on the ownership of tea estates, the Indian tea industry is composed of small holdings with a territory below 25 acres; small gardens, with an area below 200 hectares, owned by a single person or a partnership of firms; and large estates that can be owned by limited liability companies, large companies or the government and that generally have a territory between 200 to 600 hectares[18]. Even though there are only about 1600 major estates and thousands of smallholder plantations in India, the majority of which are not even registered in the Tea Board, it is estimated that about three quarters of the country's tea is produced on larger estates, with the remaining 25% coming from smallholders. Nonetheless, the contribution of smallholders and Bought-leaf factories to the total production of tea in India is growing, especially after the period of crisis that the sector went through at the beginning of the century[19].

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[15] Selvakumar M., Jeyaselvam M., Tea Industry: A Tonic for The Indian Economy, in Market Survey, Facts for You, pp. 11-17, April 2012

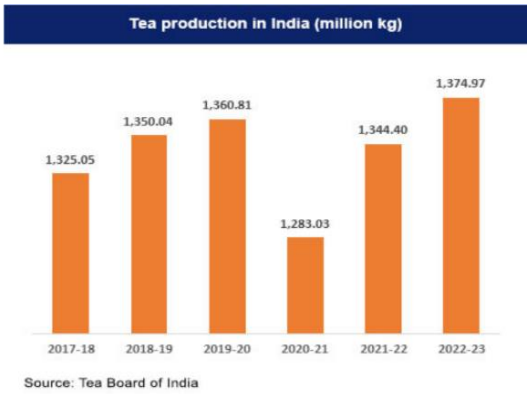
[16] Global Network for the Right to Food and Nutrition (GNRTFN), Fact Finding Mission Report: A life without dignity – the price of your cup of tea, Abuses and violations of human rights in tea plantations in India, Heidelberg, Germany, May 2016

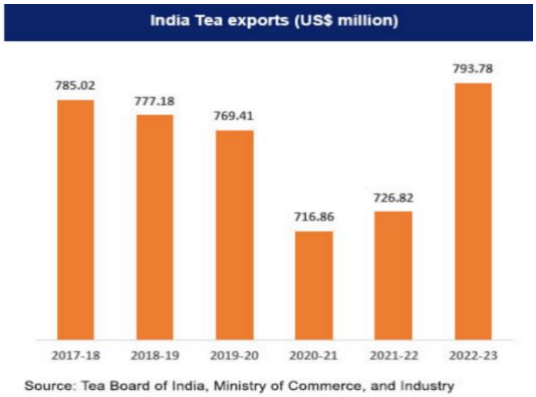
[17] Kumar A., Gender Dimensions in Small Tea Gardens: An Analysis of Labour Relations in Two Districts of North Bengal, in (ed.) Prabhat Kumar and Amit Bhowmick, Women on the Edge of Progress Reflections from Third World Countries, New Delhi: Adhyayan Publishers & Distributors, 2018.

[18] Kadavil S., Op. cit.

[19] Macdonald K. And Balaton-Chrimes S., Human Rights Grievance-Handling in The Indian Tea Sector, Non-Judicial Redress Mechanisms Report Series 6, Corporate Accountability Research, 2016

The total tea production of India coming from both small gardens and large estates has followed a growing trend in recent years, aside from 2020 due to the challenges created by Covid-19. In the period 2021-2022 India produced 1,344.4 million kg of tea while in 2022-23 the production increased by 30.57 reaching 1374.97 M. Kgs. Thanks to India's position as the world's second-largest tea producer, the country also plays a key role in the global export market. With 13% of share of global exports, India ranks among the top five tea-exporting nations globally. In the period 2021-22, India exported 200.79 million kg of tea that was valued at $726.82 million, while the following year the total tea exports reached 228.40 million kg and were worth $793.78 million[20]. Indian tea is exported to more than 25 countries around the world the top of which are Russia, Iran, the UAE, the US, the UK, Germany, and China. Other typical destinations are Poland, Canada, Saudi Arabia, Egypt, Afghanistan, Bangladesh, Singapore, Japan, Pakistan, and Australia[21].





As noted before, India holds a vast territory addressed to tea cultivation that account to around 20% (521.403 ha.) of the total area of cultivation in the world (2.774.797 ha)[22]. Because of the specific conditions that tea requires in terms of soil, climate, and altitude, cultivations are present in only 15 states in India, within which, the core area is composed of the hills in Assam and Darjeeling and West Bengal in the

[20] Tea Board India, 69th Annual Report for The Year 2022-23
[21] India Bran Equity Fundation (Ibef), **T**he Tea Industry in India, September 23, 2022
[22] Kadavil S., Op. Cit.

Northeast area, and in the southern area of Tamil Nadu and Kerala. These territories collectively make up for 97% of the nation's total tea production[23].

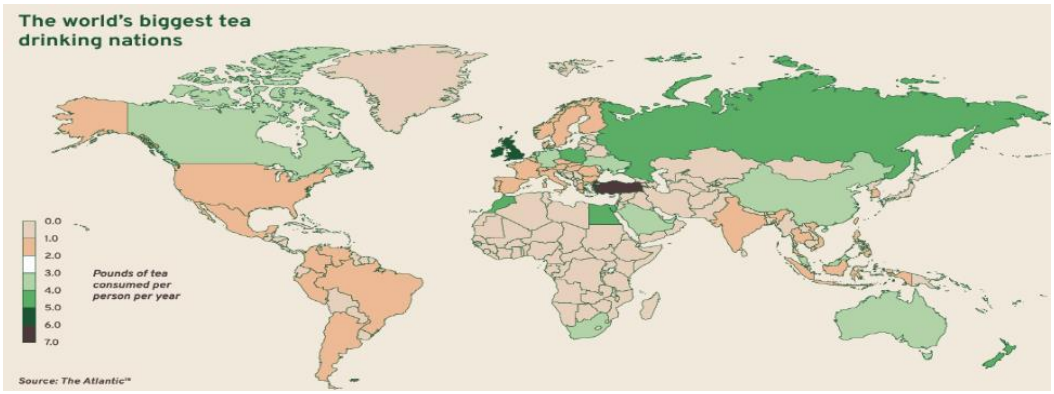
In these last years, the northern part of India was confirmed as the biggest tea producer of the country. In 2022, for example, its production accounted for around 83% of the total annual production while the remaining 17% was produced in the southern region[24]. The leading state was once again Assam which with a territory of 2.31 hectares and a formidable production of 4.45 tonnes, proudly stands out as the world's largest singular tea-producing region, producing nearly 51% of India's total production and almost 11% of the world's tea as of 2018[25]. Renowned for its unmistakable blend, Assam teas are popular worldwide for their rich, malty essence, full-bodied character, and radiant flavour. Another prestigious, exclusive, and consequently pricy Indian tea is the one produced in West Bengal Darjeeling which is also known as the "Champagne of teas" due to its distinct Muscatel flavour. Other Indian teas such as Sikkim, Nilgiris and Kangra are also considered as some of the world's finest teas due to their delicate but also strong flavour[26].

As a matter of fact, due to the vast territory of the country, different areas also have different agro-climatic conditions, which allow the production of tea to be diversified and perfect for all tastes and preferences. The main type of teas produced in India are green tea, Oolong, white tea, black tea, and herbal teas (tisanes). The differences between these teas are defined by different process of oxidation. For example, green tea requires a minimal amount of oxidation while black tea leaves must be completely oxidised[27]. Black tea makes up the majority of tea varieties consumed and exported throughout South Asia, especially India, where it makes up about 96% of all[28]. Other differences between teas depends on the process used in the production. In particular in India there are two types, which are Orthodox teas, traditionally manufactured with the help of a roller, and CTC teas which require the use of cylindric machine in the rolling process that have sharp teeth to crush, tear

[23] Tea Board India, 69th Annual Report for The Year 2022-23
[24] India Bran Equity Fundation, op. cit.
[25] Bureau for the Analysis of Societal Impacts for Citizen information (BASIC), Study of Assam Tea Value Chains Research Report, Oxfam Germany, October 2019
[26] Pramod K., et al., op. cit.
[27] Kadavil S., op. cit.
[28] India Bran Equity Fundation, op.cit.

and curl the leaves. Finally, nowadays powder teas or "instant tea" are getting more and more popular all around the world. Because of that, India, together with other few tea-producing countries, is increasing the production of this type of convenience tea in specific and separated factories[29].

India is not only one of the strongest producer and exporter of tea, but also one of the greatest consumers: in 2022, tea consumption in India was estimated to be around 1.2 billion kilograms[30]. In particular, India is one of the largest consumers of Black Tea in the world accounting for about 80% of the nation's total tea production consumed domestically. Tea is the most popular beverage of the country; every Indian consume tea regularly in their daily lives as it is also the cheapest and most accessible beverage for people of all class[31]. Notwithstanding the strong total domestic consumption rate, the Indian per capita consumption of tea is still one of the lowest in the world at 0.8 grams per person[32]. As a matter of fact, the average annual per capita consumption of tea in Turkey, which is the top-consuming country, reaches 3.16 Kg per person, followed by Ireland with 2,19 Kg and the UK with 1,94 Kg[33].



Graphic from THIRST, Human Rights in The Tea Sector – The Big Picture, Part 1: Literature Review

[29] Kadavil S., op. cit.
[30] Statista, Consumption Volume of Tea in India from Financial Year 2015 To 2022
[31] Kadavil S., op. cit.
[32] Tea Board India, Executive Summary of Study on Domestic Consumption of Tea in India, 2018
[33] Statista, Annual per capita tea consumption worldwide as of 2016, by leading countries

1.1.3 Tea Value Chains

The value chain is an organized system of production that encompasses all the steps and functions that contribute to adding value to a product or service. The goal of this process is to enhance value, alter price, profit margins, and competitiveness and achieve an overall improvement in efficiency and effectiveness. Through this chain, the production of a products can be divided into different phases in turn divided into different enterprises not necessarily located in the same place[34].

Even the tea sector is characterized by a value chain composed of several strong stakeholders that participate in the process starting from the plucking of tea leaves until the final teacup drunk by consumers. The tea chain is known to be highly vertically integrated which means that different companies can control multiple stages of production both in the upstream and in the downstream part, rather than outsourcing those functions to external suppliers or partners[35]. This was true particularly until 2005, when these major international companies used to have more direct ownership of plantations. However, nowadays, after a general crisis of the tea sector, large companies are slowly withdrawing from direct involvement in tea production, outsourcing part of their production to focus on more profitable phases in the downstream end of the chain such as tea packaging and marketing[36].

In India, the tea industry is also characterised as a buyer-driven commodity chain which is a system where the power and control over the production process is in the hands of buyers, such as major retailers, marketers, and well-known manufacturers. Buyers dictate the terms of production and often set the prices. Producers, typically located in developing countries, compete to fulfil the demands of these buyers, often leading to intense competition, cost-cutting measures, and labour exploitation in the production process[37]. The tea value chain, both in the upstream and in the downstream ends, is long and highly complicated, and it implicate the participation

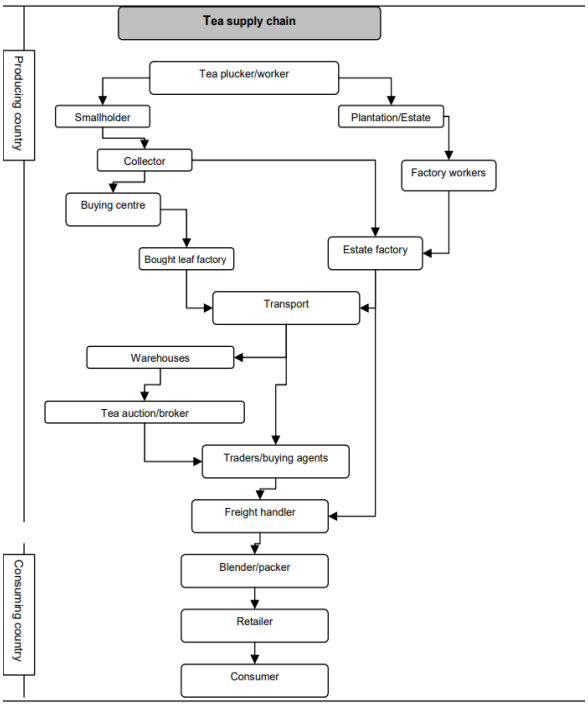
[34]Cambridge Institute for Sustainability Leadership, What is a value chain? Definitions and characteristics, in University of Cambridge, Education, https://www.cisl.cam.ac.uk/education/graduate-study/pgcerts/value-chain-defs
[35] Van der Wal S., Sustainability Issues in the Tea Sector: A Comparative Analysis of Six Leading Producing Countries, in SOMO, June 2008
[36] Bureau for the Analysis of Societal Impacts for Citizen information (BASIC), op. cit.
[37] Kadavil S., op. cit.

of a large number of powerful and influential stakeholders. On average it can take 20 to 30 weeks for consumers to be able to buy tea[38].

In the upstream end of the tea chain there are the stakeholders involved in the early production stages such as workers, smallholders, or owners of large tea estates. The chain starts with the growing and subsequent plucking of tea leaves which must be then sent to the processing factory within a few hours (max 24 hours) in order to maintain its quality. Because of this, most of the time, large estates have their own factories in the compound of the tea garden[39].

The following step after processing is sale which can either be direct through private deals to traders, packers or brands that will then sell it to retailers, or indirect through an auction. The second choice is the most popular one. India has 9 auction centres where "made tea" is sold and bought by buyers that deal with the other phases of production such as blending, packaging, and marketing. These are located in Kolkata, Guwahati, Siliguri, Jalpaiguri, Amritsar, Cochin, Coimbatore and Coonoor with two centres[40]. Auctions can be highly beneficial for producers because they guarantee a safer payment system other than faster turnaround times, enhanced traceability, and occasionally higher prices[41]. At the same time, auctions are highly criticised due to the control that a few large buyers have on prices, buying practices and auctions in general. Sometimes, it has been reported that large corporations cartelize with brokers in order to maintain the price of tea as low as possible, allowing them to not only buy almost 80% of the auctioned tea but also to monopolize the downstream sector[42].

[38] Global Network for the Right to Food and Nutrition (GNRTFN), op. cit.
[39] Macdonald K. and Balaton-Chrimes S., op. cit.
[40] Krishna Kanta Handiqui State Open University, Lesson 26: Tea auction centres in India, Tea World, (n.d.)https://teaworld.kkhsou.ac.in/page-details.php?name=Tea-Auction-Centres-in-India&page=88dcdeee049040208ba58ae47
[41] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector, Part 1, op. cit.
[42] Global Network for the Right to Food and Nutrition (GNRTFN), op. cit.



Graphic from Van der Wal S., Sustainability Issues in the Tea Sector: A Comparative Analysis of Six Leading Producing Countries

One of the primary features of the current tea industry is in fact the high level of concentrated corporate control, which means that this sector is characterized by a few numbers of large corporations with the ability to dominate and strongly influence the trade. As a matter of fact, approximately 85% of the global tea production is sold by a small number of international companies[43]. The upstream phases of production such as plucking and primary processing are carried out in producing countries, whereas nowadays, as mentioned above, the downstream phases such as blending, packaging, and marketing are carried out in buyer countries by strong corporations. In the case of agricultural outputs, such as tea, value addition occurs in the supply chain's downstream segment, which means that these stages are the most lucrative ones. As a result, large corporation in foreign countries are the one that get the largest portion of profits compared to the producing countries[44]. Those that are more disadvantaged and vulnerable in the supply chain are tea workers who receive just 1-2% of the price of the tea. Retailers, on the other hand, keep between 41 and 59% of the price customers pay, while

[43] Global Network for the Right to Food and Nutrition (GNRTFN), op. cit.
[44] Van der Wal S., op. cit.

companies that sell directly to customers take home almost 90% of the price they are paid. These kinds of wage-share disparity are quite rare in other supply chains[45].

At present, Tata Consumer Products Limited with its brand Tata Tea, and Hindustan Unilever Limited (HUL), with brands such as Red Label, Taaza, and Taj Mahal are still two of the strongest companies in the Indian tea market with the largest market shares (21% and 23% respectively)[46]. Some of the other major players in the India tea market include Duncans Industries Ltd, McLeod Russel India Ltd, Organic India Private Limited, Pataka Group, Society Tea, Wagh Bakri Tea Group and Goodricke Group Ltd.[47] At the global level, five companies are currently dominating the tea trade:

- Associated British Foods plc (Twinings);
- RC Bigelow Inc (Bigelow tea);
- Apeejay Surrendra Group (Apeejay Tea and Typhoo India Tea);
- Tata Consumer Products (Tata Tea, Tetley, Good Earth, Teapigs, Vitax, and Joekels);
- Ekaterra, former subdivision of Unilever recently sold at venture capitalist CVC Capital Partners (Lipton Tea, Red Label, PG Tips, TAZO, Pukka Herbs, and T2)[48].

The tea industry, with roots stretching back centuries, bears the scars of a history characterized by colonial exploitation and brutality, a legacy that persists as affected communities seek justice. In this context, multinational corporations get richer and richer from tea sales, contrasting with the harsh realities faced by the workers living in inhuman conditions to harvest the tea that eventually finds its way into our cups. These workers, the majority of which are women, often struggle to survive despite their integral role in the success of the industry[49].

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[45] Business & Human Rights Centre, Report: Trouble Brewing the Need for Transparency in Tea Supply Chains, December 2021

[46] Market Brew by Tata Fintech, Understanding India's Chai-nomics, March 16, 2024, accessed on 15th May 2024 https://www.marketbrew.in/weekly-insights/tea-economy-chai

[47] IMARC Group, India Tea Market: Industry Trends, Share, Size, Growth, Opportunity and Forecast Report 2024-2032, July 15, 2021

[48] Mordor Intelligence, Tea Market Size & Share Analysis - Growth Trends & Forecasts (2024 - 2029): Tea Top Companies 2023 & 2024 market share, https://www.mordorintelligence.com/industry-reports/global-tea-market/companies)

[49] Business & Human Rights Centre, 2021, op. cit.

1.2 Women's Participation and Contribution to the Indian Tea Industry

1.2.1 Women's Employment Trends in the Indian Labour Market and Tea Sector

The rate of participation of women in the Indian organized sector has always been remarkably low during both the colonial and post-colonial eras. Nowadays, there has been some improvements in term of economic growth followed by important structural changes in the organized sector, mainly because of the growing involvement of rural women in agriculture[50]. Still, India keeps having an incredibly low female labour force participation rate. This increasing but still low trend was proved by the annual Periodic Labour Force Survey (PLFS Report) of 2022-2023 that estimated that the percentage of female above 15 years old that participate in the labour force in India was 37%, which is the highest rate ever recorded compared to 32,8% of the previous year. On the other side, within the total Indian male population, 78,5% are employed in the labour force of the country[51].

Women workers in India are not only the ones with the lowest level of employment in the formal sector, but they are also the one more exposed to the risk of informal employment. Informal employment corresponds to work arrangements that develop outside of national labour laws and that consequently leave the worker without social protection benefits, or other employment advantages[52]. In India, for example, it is estimated that only 16% of female workers earn a regular salary or compensation and unfortunately, statistically, those that work in the agricultural sector represent the majority of workers in the informal sector[53]. According to a 2018 research by the International Labour Office (ILO), gender disparities in informal work are typically associated with poverty, a lack of access to formal

[50] Deshpande, A. and Kabeer, N., (In)visibility, care and cultural barriers: the size and shape of women's work in India, Discussion papers series in economics (DP No.04/19), Ashoka University, Department of Economics, Haryana, India, May 2019
[51] Government of India, Ministry of Statistics & Programme Implementation, Periodic Labour Force Survey (PLFS) Annual Report 2022-2023
[52] International Labour Organization, Women and men in the informal economy: A statistical update, Geneva 2023
[53] Fernandez, C. Puri, H., A Statistical Portrait of the Indian Female Labour Force, Asian Development Bank Institute, No. 2023-17, December 2023.

education and training, and a lack of official job prospects in developing nations like India[54]. It is also associated with the diffused belief in Indian society that men in the family are the main providers of income, while women are only "secondary earners". The economic worth of working women is systematically undervalued because of the social, cultural, and family responsibilities that have historically been attached to women[55].

Looking at the detailed picture, 41% of Indian women (from 15 years old on) that live in rural area are participating in the labour force, while only 25,4% of women from urban areas are employed in the Indian labour force. On the opposite side, men account in both cases to the vast majority of labour force[56]. Rural women are mostly employed in the agricultural sector, mainly as helpers (14,2%) and a smallest portion (6,4%) as own account worker, while only 1.4% of total rural females are employed in the third sector[57]. In general terms, women are strongly present in the agricultural sector all over the world, representing 37.8% of all agricultural workers worldwide in 2021[58]. In low-middle income country this percentage increase significantly. In India, according to the PLFS report, and in sharp contrast with the general trend of the country analysed above, in 2022-2023, nearly 64,3% of agricultural workers were female[59].

Within the agricultural sector, the tea industry is one of the most feminised one. It employs millions of women all over the world. In most of the top tea-producing countries, they outnumber men and account for the majority of workers in any system of employment: as reported by THIRST, in Sri Lanka women represent 60% of tea workers and in Malawi they represent 65% of smallholder farmers. In India, according to statistics made by the Government in 2021, women account for 58% of the workforce in tea plantations[60].

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[54] International Labour Organization, Women and men in the informal economy, cit.
[55] Borthakur, U., Women's Activism and Resistance to Exploitation: A Study of Women Workers in the Tea Estates of Assam, in Social Change, *53*(4), 486-499, 2023
[56] Government of India, Periodic Labour Force Survey (PLFS) 2022-2023, cit.
[57] Government of India, Ministry of Labour and Employment Directorate General of Employment, Female Labour Utilization in India, Employment Statistics in Focus-April 2023, May 2023
[58] FAO, World Food and Agriculture – Statistical Yearbook 2023. Rome, 2023.
[59] Government of India, Periodic Labour Force Survey (PLFS) 2022-2023, cit.
[60] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector – Part 1, op. cit.

Women's participation in the tea sector in India started in the early days of this industry, in the colonial period, when migrant women were employed together with their family in the first tea estates. With the exception of a few years during World War II and the 1930s Great Depression, women have always made up the majority of the workforce. Even after independence, women's employment in the tea plantation industry has continued to follow the colonial pattern, accounting for a larger share of total labour force participation than male workers. The colonial past of the country had very strong consequences for its contemporary tea industry, at the point that many of the reasons behind the large employment of women and the related treatment and marginalization that they are subjected to have roots in that historical period[61].

1.2.2 Historical and Cultural Factors Behind Women's Prominent Role in India's Tea Industry

It is important to note that it is not easy to fully understand the importance that women had in the past and have nowadays in the tea industry. There is a serious lack of systematic and trustworthy gender disaggregated data available from the British Indian census records, and that little information available about women conditions in tea plantations is ambiguous, sparse, dispersed, disconnected from long-term historical trends, and unanalytical[62]. "Gender" has never been taken into consideration in studies on working class history in India until very recent, and due to this lacuna, there are not many direct testimonies coming from Indian working-class women about their experiences[63]. Notwithstanding this deficiency, it is possible to rely on information given by other actors such as colonial officials, medical professionals, and publicists about the lives of poor working women.

As noted before, the Indian tea industry was started by the British colonials in the 19th century. In the beginning, the main problem for the British was the so called

[61] Dutta P., Locating the historical past of the women tea workers of North Bengal, No 341, Working Papers, Institute for Social and Economic Change, Bangalore, 2015
[62] Sen S., Gender and Class: Women in Indian Industry, 1890-1990. Modern Asian Studies, 42 (1): 75-116, 2008
[63] Scott, Joan W., Gender: A Useful Category of Historical Analysis. The American Historical Review, 91 (5): 1053-1075, 1986.

“labour question”: to meet the growing demand for tea in the global market, they had to figure out how to settle and manage a consistent workforce in their remote plantations in the interior of the interested regions[64]. This need was also coming from the refusal of local workforce to work in such deplorable working conditions in the tea estates. The colonial planters, therefore decided to source their labour elsewhere so they started "encouraging" labour migration of entire families into the new tea estates in North Bengal and Assam[65].

Nowadays, tea plantation workers in Assam and West Bengal, are all descendants from Adivasi and tribal communities of the colonial period, while workers in the plantations of Darjeeling hills originate from Nepali people of different caste groups. They are now permanently settled in their respective regions and after generations and generations they have little or no contact with their places of origin. Their ancestors were poor landless people from nearby states, who were recruited and transported by colonial plantation owners to work full time on the plantations. This large-scale migration of workers into tea plantation in India was caused, among other things, by famine, drought, floods, and epidemics in their country of origin. Additionally, they were fooled with false promises coming from estate owners about the good conditions of work, the good pay, and the benefits that they would have such as access to unlimited land for cultivation[66].

In practice, the conditions of work and life were deplorable. Migrant workers once settled in tea plantations were purposefully kept completely isolated from the outside world, having little interaction with the local communities, and having their mobility severely limited to the area surrounding the factory and tea garden[67]. This was part of the employers’ strategy to exploit cheap “docile” labour to increase profits as much as possible. Having vulnerable migrant workers forcibly settled in

[64] Dutta P., op. cit.
[65] Chatterjee, P., Secure This Excellent Class of Labour: Gender and Race in Labour Recruitment for British Indian Plantations. Bulletin of Concerned Asian Scholars, 27 (3): 43-56, 1995
[66] Global Network for the Right to Food and Nutrition (GNRTFN), op. cit.
[67] Ibid.

the estate as slaves helped them keep the pay as low as possible and force workers to accept whatever pay was offered[68].

It is in these very early stages that women first became vital and indispensable for the tea industry in India, especially in the North-east area. Nowadays, it is impossible to think about the tea industry without thinking about the work of women, and it is also hard to find another industry in which women have always played such an important role. Women were first brought in the tea plantation by their husbands, fathers, or brothers due to the family system policy that the planters pursued for recruiting and settling entire families into the plantations. Due to this policy, the entire family, males, females, and children, were forced to work on the plantation at wages determined by the planters[69]. The following increase of the number of women in the plantations at the end of the 19th century was due to the fact that colonialists understood that settling entire families would free them from the costly and time-consuming task of continuously hiring and bringing in labourers from outside their plantations by ensuring a more reliable and self-reproducing workforce for future generations[70]. The family recruitment policy had also other benefits for estate owners other than the reproductive "ability" of women, such as for example the fact that the presence of women and children in a migrant group is perceived as a stabilizing factor that can prevent workers from returning to their place of origin[71]. Accordingly, women also functioned as "stabilizer" for men, estate owners included, because they were responsible for the fulfilment of their sexual needs[72].

Because of the strong preference of planters for family-style settlement, both men and women who arrived as lone migrants in the plantations were forced into the notorious "depot marriages" which were used to expand the population of the tea workers in the estates and, consequently, provide a steady supply of labour for the

[68] Sarkar K., Bhowmik S. K., Trade Unions and Women Workers in Tea Plantations, Economic and Political Weekly, 50-52, December 26, 1998
[69] Dutta P., Op. cit.
[70] Sen S., Questions of Consent: Women's Recruitment for Assam Tea Gardens, 1859-1900. Studies in History, 18 (2, New Series): 231-60, 2002
[71] Chatterjee, P., op. cit.
[72] Gurung, M. & Mukherjee, S., Gender, Women and Work in the Tea Plantation: A Case Study of Darjeeling Hills. Indian Journal of Labour Economics. 61, 537–553, 2018

tea plantations in the future. Of course, this policy had also the indirect benefit for planters to restraint the sexual life of "uncontrolled" single migrant women by forcing them into the patriarchal family structure. The owners of the tea estates saw a chance to use these women as both slaves for cheap labour and as potential sexual objects[73].

Obviously, the productive and reproductive value given by women is not the only reason that explain their high prevalence as workers in tea estates. There are other "implicit" reasons that must be considered in order to have an holistic vision of the situation that explain the preference for women in this industry even in contemporary times.

Women were recruited in tea estates based on characteristics that had always been associated with females. As a matter of fact, in both colonial and post-colonial period the division of labour has always been determined by cultural beliefs and stereotypical conceptions of what is masculine or feminine, and hence, what constitutes acceptable and proper work for men and women. Firstly, women have always been considered as docile, patient, submissive and obedient, which is exactly what tea plantation owners needed[74]. Secondly, women are considered to have nimbler fingers than men, more delicacy, and the ability to pay greater attention to details. Due to these characteristics, women were thought to be more efficient pluckers of high-quality tea leaves[75]. This was in addition to the fact that mechanical plucking drastically lowers the yield, so labour-intensive technology or mechanization, like those found in other modern industries, has not developed in this sector. As a result, women became the only "tool" available for this task, making them extremely important to the industry's survival and productivity[76].

Work in tea plantations thus neatly delineates domains that were exclusively associated to one gender: the labour-intensive, and repetitive crucial task of plucking tea leaves was said to be distinctly feminine, requiring small fingers and

[73] Sen S., Questions of Consent, cit.
[74] Borthakur, U., op. cit.
[75] Global Network for the Right to Food and Nutrition (GNRTFN), op. cit.
[76] Jain, S., Tea Gardens in Assam: Patterns of Recruitment, Employment and Exploitation of Tribal Labourers, in Social Action, 33 (3): 262-84, 1983

calmness on the part of women, and the physically demanding work of maintaining the tea plantations and factory work, which required more physical strength, was considered distinctly manly. In reality, the division of labour between the sexes is not so much a scientific fact as it is a question of convention or, more likely, beliefs[77].

The colonial plantation owners' desire to maintain low salaries may have been another justification for hiring a significant number of women on the tea estates, which is proven by the fact that women had always been paid less than males for carrying out the same task[78]. Finally, in the specific case of Darjeeling tea plantations, another crucial factor was that during the two world wars, the British government recruited soldiers from among the Nepali men migrants in Darjeeling and deployed them all around the world to fight battles against nationalist movements. Consequently, women who stayed in the tea plantations, remained the only labourers available. Because of this, the proportion of female workers in the Darjeeling tea plantations increased dramatically between 1939 and 1944 in comparison to the number of male workers, shifting the gender composition of the labour force in favour of women for years to come[79].

Therefore, it can be concluded that historical developments and the significant social and economic processes that occurred in the labour areas, entangled with the colonial military and economic projects of the British colonial planters and administrators, and some cultural beliefs related to the patriarchal system, are some of the factors responsible for the feminization of tea labour in India, which arrived to the present day[80].

Nevertheless, the high prevalence and importance of women in this field does not imply that they have the same power or receive the same respect as males. As a matter of fact, tea plantation working women have always been subjected to deplorable conditions. During the colonial era, a number of factors contributed to

[77] Dutta P., op. cit.
[78] Ibid.
[79] Besky, S. The Darjeeling Distinction: Labour and Justice on Fair-Trade Tea Plantations in India. Berkeley: University of California Press, 2014
[80] Dutta P., op. cit.

this situation, including deeply ingrained cultural values that were hostile to independent working women, the state's prevalent patriarchal ideology, and the trade unions' and women's organizations' lack of concern for women's work-related issues. Even now, after years of independence, these aspects persist and intersect with other factors, causing women to work in a system where they are constantly subjected to the domination of men, whether they are the estate owners or other male workers[81].

1.2.3 Key Roles, Tasks and Responsibilities of Women in Indian Tea Plantations

In the tea sector, the hierarchy of workers is structured as a pyramid: managers, deputy managers, and assistant managers represent the top positions, while labourers, both temporary and permanent, make up the base of the pyramid with 90% of the total number of workers of the estate. The highest number of workers is involved in the garden, while a smaller portion work in the factory which in turn divide the stages of production into the high risk and low risk zone. The division of the factory into high and low risk zone is also associated with the division of labour between male and female: men are more likely to be found working in high-risk zone where they have to use machines to carry out their tasks, while women carry out the backbreaking tasks in the gardens and eventually the low-risk processes in the factory[82].

As a matter of fact, today, just like in the colonial period, women are mostly employed as field workers and the main task that they are responsible to carry out is the plucking of the tea leaves which, as stated before, is associated with the stereotypical idea that women are more delicate, caring and detail-oriented and hence more efficient pluckers that men[83]. However, contrary to this vision, tea plucking is one of the most exhausting tasks in the tea making process. It is a long, arduous, physically taxing, and monotonous labour-intensive process that requires

[81] Ibid.
[82] Saha D., Decent Work for Tea Plantation Workers in Assam Constraints, Challenges and Prospects, Tata Institute of Social Sciences, Guwahati Campus, October 2019
[83] Global Network for the Right to Food and Nutrition (GNRTFN), op. cit.

lots of skill, resilience, and experience[84]. They have to carefully pick only the top leaves and buds to harvest in order to produce the highest quality possible of tea. The care and attention that they pay while plucking is another fundamental element to maintain the quality of the tea. Aside from quality women also have to take into consideration the quantity of leaves picked: no matter the state of the bush or the season, a woman is supposed to harvest 24 kg of leaves under the direction of a foreman. However, their pay is so pitiful that they have to put in more hours to qualify for incentive pay[85].

Even though plucking is women's main task, they tend to be involved in many other aspects of tea production, especially if they work in a small-scale garden. These tasks fall within the low-risk category, but, just like plucking, they are actually labour-intensive demanding works. For example, women tend to also be involved in the cultivation process, in particular in the preparation of soil and in the subsequent planting stage. Women spend hours and hours taking care of young tea plants in order to ensure the production of the best leaves possible. Pruning tea bushes is another aspect of tea production in which women can be involved and that calls for stamina and physical strength, which is a great illustration of how women are just as capable as men in the workplace[86]. Other assignments include manuring, light hoeing, collecting the seeds, spreading, and preparing nursery beds. In carrying out all of these tasks, women not only have to rely on physical abilities, but they must also have a wide knowledge about the plants to make sure that the tea produced is high-quality[87]. Sometimes women are also involved in the processing phases of tea such as withering, rolling, and drying the leaves even if in general these are considered to be high risk tasks and are mainly handled by male workers. With regard to the final stages of production, in rare cases women are used to help with sorting and packaging the finished tea, based on the stereotypical belief that they pay more attention to details, while men tend to be more involved in the dispatching phase since it requires to lift heavy weights. Finally, a small portion of

[84] Gurung, M. & Mukherjee, S., op. cit.
[85] Savur M., Labour and Productivity in the Tea Industry, in Economic and Political Weekly, Mar. 17, 1973, Vol. 8, No. 11 (Mar. 17, 1973), pp. 551-559
[86] Eagan N. E., op. cit.
[87] Bhadra M., Women Workers in Tea Plantations, in Indian Anthropologist, Vol. 15, No. 2, pp. 93 114, December 1985.

women work as teachers or health-care professionals in the estates such as nurses and mid-wives[88].

Males, on the other hand, predominate in factory operations since the majority of them fall under the high-risk category. For instance, they are involved in the drying process which require very high temperature, and grading which entails the sifting of tea in different shapes and sizes. Outside of the factory, men tend to dominate the most lucrative position in the pyramid in the tea estate as supervisor or owners[89].

It is important to keep in mind that, contrary to men, women workers in tea estates are required to carry out two main works: the productive work explained above and the care work in the family. As a matter of fact, women are traditionally the only one responsible for the entire household's chores and the care of family members, especially the elders and the children. Contrary to other occupations within the estate where workers can get off early, women pluckers struggle much more because their job is time-bound, and they necessarily have to work until the end of their shift to pluck as much tea as possible. Pluckers do not have a wage quota per day, but they can be paid more if they exceed the daily quantity harvested. Because of that women in tea plantations tend to work much more than men. Even after the end of their shift in the garden, they are so occupied with domestic tasks that they rarely have time for leisure[90].

A typical day in the tea estate in India for women, especially in the busiest months, starts at around 4. A.m. when they wake up, clean the house, prepare the food for the family for the day end eventually collect water. At. Around 6-7 they leave for work that starts at 8. Women cannot arrive late even for a minute otherwise they can lose an entire day's wage. During the day they have to stand on their feet for the entire time and walk long distances to reach the deposits or weighing centres. Work ends at 4p.m., but they have to wait for the manager to weight the leaves plucked during the day. Then they have to walk a few kilometres to get home where

[88] Saha D., op. cit.
[89] Global Network for the Right to Food and Nutrition (GNRTFN), op. cit.
[90] Kubendran C., Gender Discrimination in Tea Plantation in Munnar, Kerala, International Journal of Management (IJM), 11(11), November 2020, pp. 4383 4393.

they have to start cooking dinner for the family, before eating and going to bed around 10 p.m.[91].

Another difference between men and women workers in tea plantation is that men workers can enjoy their free time after work on the plantation ends, while women workers are kept engaged for almost the entire year without breaks. The busiest months for tea estates are typically May through November. July through September is when the plucking season peaks, and women can increase their salary by picking more tea than is necessary. The slack season, which runs from December to March, is a time when women's wages and the average family income are typically lowest on plantations due to the decrease of hours worked[92].

In general, women are as much efficient as men in the tea estates, but in specific tasks such as plucking they are 150% more efficient both in quantity and quality of leaves picked[93]. As the Plantation Enquiry Commission says, the positive outcome of the industry is upon women's shoulders: once a plantation begins to bear tea leaves a major part of the success depends upon plucking which requires two thirds of the working days[94]. Notwithstanding the fundamental role that women always had and still have nowadays since the beginning of the tea industry, they are still strongly disadvantaged and paid less than men, other than being constantly victim of discrimination, violences, marginalization and violation of their rights recognized by both national and international instruments.

[91] Kubendran C., op. cit.
[92] Bhadra M., op. cit.
[93] Gurung, M. & Mukherjee, S., op. cit.
[94] Savur M., op. cit.

1.3 Legal Framework for the Protection of Women Workers in Tea Plantation

1.3.1 International Legal Framework

There is a broad international legal system in place to safeguard workers, including those working in the agriculture sector. Numerous clauses in these articles also address the protection of women's human rights, a topic that is covered in more detail in other specific documents.

Starting off with the International Bill of Rights, the International Covenant on Economic, Social and Cultural Rights of 1966 is the fundamental document for the establishment of the framework for the safeguards of the most basic economic, social, and cultural rights for both men and women, without discriminations. The Convention is a key document for the promotion of the principle of equality, which is essential to women empowerment, particularly in the work field. It recognizes the right to work under just and favourable conditions, and it emphasizes the importance of fair wages, social protection, safe working conditions, and the right to form and join trade unions for all workers regardless of sex, age, ethnicity, race, religion, or political opinions[95].

Following the concept of equality between men and women, in 1979, the UN adopted the most important document for the promotion of gender equality in all areas of life: the Convention on the Elimination of All Forms of Discrimination Against Women, commonly known as CEDAW. The purpose behind this Convention was to make females all around the world more visible in the discussions of human rights[96]. The Convention calls on states to adopt all the necessary measures to ensure the full development and advancement of women, which, as Article 5 states, can only be achieved with the eradication of prejudices, customs, and any other practices that are rooted in the belief that one gender is superior to the other or that there are predetermined stereotypical roles for men and

[95] United Nations (General Assembly), International Covenant on Economic, Social, and Cultural Rights, Treaty Series, 999, 171, 1966

[96] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector – Part 1, op. cit.

women. Article 11 acknowledges that men and women must have the same rights in the workplace with regard to opportunities, promotions, pay, benefits, social security, and safety and health. States must also take all necessary steps to safeguard women against discrimination at work based on maternity or marriage. Additionally, Article 14 recognizes the needs and challenges faced by rural women and their fundamental role in the household and in unpaid work in the informal economy[97]. The present Convention was ratified by all the top tea-producing countries, India included. This is in fact particularly pressing for women working in tea estates or small gardens who are subjected to various level of discriminations on a daily basis[98]. Still, the fact that India did not ratify the additional protocols to these Conventions, which provide individual complaints mechanisms in front of specialized Treaty bodies is noteworthy[99].

Outside of the UN fundamental conventions, the International Labour Organization (ILO) has adopted several conventions particularly relevant for the protection of women workers. Pursuing their initial idea that social justice is crucial to universal and lasting peace, the ILO is committed to advancing social justice and globally recognized human and labour rights. It has always been in the frontline for the support of fair employment for both men and women[100]. In 1998, the organization has developed the Declaration on Fundamental Principles and Rights at Work which identifies the core conventions that offer the essential framework for the protection of workers. The basic rights recognized by the eight conventions are the freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and finally, the elimination of discrimination in respect of employment and occupation. Regardless of whether they have ratified the relevant Conventions,

[97] UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249
[98] The International Roundtable for Sustainable Tea (THIRST), Part 1, op. cit.
[99] OHCHR, UN Treaty Body database, Ratification for country for ICESCR and CEDAW tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx?treaty=cescr&lang=en tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW&Lang=en
[100] International Labour Organization, About the ILO, https://www.ilo.org/about-ilo

all ILO member states, including the top tea-producing nations, are committed to upholding, realizing, and advancing these principles and rights.[101]

In the context of the elimination of discrimination in employment and occupation ILO identified two fundamental conventions. The first, the Equal remuneration Convention of 1951 n. 100, mandates that the principle of equal compensation for equal work is applied to all workers, regardless of gender, in all cases, in the territory of the ratifying states. The concept of "work of equal value" has been developed in order to tackle occupational sex segregation, which is one of the main discriminations that women face in the work field[102]. The second fundamental convention is the Discrimination in Employment and Occupation Convention of 1958, N. 111, which mandates that ratifying states establish and implement a national policy that promotes equality of opportunity and treatment with regard to work and occupation. The convention is also important for the concept of discrimination, which in Article 1 is defined as "any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation"[103].

ILO is also a strong promoter of the concept of decent work which it defines as work that is productive and providing a fair wage, as well as social security and safety for families, a safe and secure work environment, improved opportunities for social integration and personal growth, the freedom to organize and voice concerns, and equal treatment and opportunity for men and women[104]. Promoting equal opportunity and treatment in employment is a central and strategic element to achieve the objective of decent work. The ILO itself has stated that "discrimination at work denies opportunities to individuals and deprives society of what those people can and could contribute. […] Merit and the ability to do a job, not irrelevant

[101] International Labour Organization (ILO), ILO Declaration on Fundamental Principles and Rights at Work, June 1988
[102] International Labour Organization (ILO), Equal Remuneration Convention, C100, 29 June 1951,
[103]International Labour Organization (ILO), Discrimination (Employment and Occupation) Convention, R111, R111, 25 June 1958
[104]International Labour Organization (ILO), "Report of the Director-General: Decent Work", International Labour Conference, 87th Session, Geneva, 1999

characteristics, should be the guide"[105]. According to the Organization, the first step to eliminate discriminatory practices at work is to dismantle barriers and guaranteeing equal access to education, training, and the ownership and use of resources like credit and land. It goes on to include guidelines for businesses of all shapes and sizes, as well as policies and procedures with regards to hiring, task delegation, wages, benefits, promotions, layoffs, and so on[106].

Even though at international level there are no specific conventions addressed to the tea industry, throughout time, ILO developed many technical conventions that provide a range of labour rights concerning the agricultural sector and women workers. The first one to take into consideration is the Plantations Convention of 1958 (n.110) which in Article 1 clarify that the term plantation includes any agricultural enterprise that employs regular hired workers, and which is situated in the tropical or subtropical regions[107]. The main activity of these enterprises is the cultivation or production for commercial purposes of products such as coffee, tea, rubber, cocoa, cotton, tobacco, and palm oil. An important shortcoming of this convention is that it does not include all the family or small-scale holdings that produce for local consumption and that do not regularly employ workers. The convention aims at protecting various aspects of the work of this type of agricultural industry such as for example the engagement and recruitment of migrant workers, wages, holidays, and weekly rest. It also protects important rights of plantation workers such as the right to organize and collective bargaining, the freedom of association and the provision of adequate housing facilities and health medical services. Finally, part of the convention is dedicated to maternity protection for women working in the plantations[108].

Another important convention in this context is the Convention on Safety and Health in Agriculture of 2001 (n. 184) which require the contracting parties to formulate, carry out and periodically review a coherent national policy on safety and health in agriculture with the aim of preventing any damage to workers. With

[105] International Labour Organization, Fundamental Conventions, Elimination of Discrimination in Respect of Employment and Occupation, 2002
[106] Ibid.
[107] International Labour Organization, Plantations Convention, 1958 (No. 110), Geneva
[108] International Labour Organization, Plantations Convention, cit.

regards to women workers, Article 18 of the Convention provide that "the special needs of women agricultural workers are taken into account in relation to pregnancy, breastfeeding and reproductive health"[109]. With regard to this point, in 2009 ILO also enacted the Maternity Convention n. 183 which aims at protecting pregnant women in the workplace by prohibiting employers to force them to perform work that is prejudicial to their or their child health and also by recognizing their right to return to the same position or an equivalent position at the end of their maternity leave[110].

Finally, in 2019, ILO developed the Convention on Violence and Harassment n.190. which require member states to "respect, promote and realize the right of everyone to a world of work free from violence and harassment" (Article 4), through the adoption of an inclusive, integrated and gender-responsive approach for the prevention and elimination of this issue. Ratifying states are required to adopt laws, rules, and policies guaranteeing the right to equality and non-discrimination in employment and occupation, including for women workers, as well as for workers and other individuals belonging to vulnerable groups that are disproportionately impacted by violence and harassment in the workplace (article 6)[111].

Despite the conventions evident connection to the tea industry, it is interesting—and telling—to note that none of the major tea-producing nations, including India, have ratified any of these documents yet[112].

1.3.2 Indian National Framework

Aside from the ratification of international instruments, at national level India has a variety of legislations that are relevant for the protection of women tea workers. The first fundamental document is the Constitution of India (1949) which include affirmative provisions for the promotion and protection of the rights of women in

[109] International Labour Organization, Convention on Safety and Health in Agriculture, 2001 (No. 184), Geneva
[110] International Labour Organization, Maternity Convention, 2009 (No. 183), Geneva
[111] International Labour Organization, Convention on Violence and Harassment, 2019 (No.190), Geneva
[112]The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector: Part 1, op. cit.

its preamble, fundamental rights, and duties[113]. Still, since India is a federal union, labour policies can be regulated both by the states and the federal government, thus they can differ greatly from state to state[114].

At national level, the conditions of plantation workers have been historically regulated by the Plantation Labour Act, which was first enacted in 1951, based on some of the recommendations provided by ILO, to provide for their welfare in the workplace and make sure that labour practices in this context are humane and fair. The scope of the Act covers different types of plantations including tea, coffee, rubber, and cocoa, provided that they measure at least 5 hectares and in which there are at least 15 workers[115]. Because of this limitation, only workers on estates of a certain size are covered by the labour laws, leaving workers of smallholder farms outside of certain provisions and protections. On the other hand, the Act covers workers employed in other facilities inside the plantation such as offices, hospitals, dispensaries, schools, and crèches, aside from those that work in the factories within the plantation that are protected by the Factories Act of 1948[116].

The peculiarity of the PLA is the fact that it calls on the Government and employers to provide for essential amenities for workers and their family in the plantation, such as medical facilities, suitable housing accommodation, recreational and educational facilities, canteens and creches where more than 50 women workers are employed or where more than 20 children below 6 years old are present in the plantation. Additionally, the Act recognize the need to have other basic amenities for workers such as an adequate supply of drinking water, separate and clean latrines for men and women and amenities for the protection of workers from rain and cold[117]. However, the states' government is left with a great margin of manoeuvre to decide standards, obligations, and specification for these amenities. The Act also set many social security measures for plantation workers such as

[113] Bhawan A. M., Women's Rights in India: An Analytical Study of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), The Indian Constitution, Legislations, Schemes, Policies & Judgements, National Human Rights Commission, New Delhi, India, 2021.
[114] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector: Part 1, op. cit.
[115] Government of India, Ministry of Labour and Employment, Plantation Labour Act, 1951
[116] Van der Wal S., op. cit.
[117] Government of India, Plantation Labour Act, cit.

sickness and maternity benefits. Moreover, the PLA gives information about the hours of work which should be maximum 48 per week, with a weekly day of rest, and maximum 12 per day including rest intervals, which should be given after every 5 hours of work. According to this Act, women and children are prohibited to work at night, meaning that they can only work between 6 a.m. and 7 p.m.[118] Finally, the act does not provide information about wages, which is instead defined in the Minimum Wages Act of 1948[119].

Another important piece of legislation in the context of tea plantation workers is the Tea Act of 1953 which was enacted to guarantee the control, cultivation, and export of the tea industry by the Union after the Independence. This Act established the Tea Board of India which is a regulatory and promoting organization created to advance the tea industry's development. It is under the control of the Ministry of Commerce and Industry, and it has the power to take many initiatives to promote the tea market, the expansion of tea production and export and the improvement of the quality of tea produced[120]. In 2022, the Department of Commerce, proposed the "Draft Tea Promotion and Development Bill" that would eventually repeal the 1953 Act, with the intent to delete its "archaic provisions". The idea is to give new powers to the Board so that it can act as a stronger actor for the development, promotion, and research in the tea industry. The Board's various objectives will include the promotion of fair and beneficial prices for tea growers, the protection of the rights and interests of tea plantation labourers, and public awareness[121].

In the context of the protection of women workers, one of the first act to be adopted by the Government of India was the Maternity Benefit Act of 1961 which apply to every establishment being a factory, mine, or plantation. This act recognizes the right to women to not being forced to work in specific moment of their pregnancies and their right to get maternity benefits and leaves for illnesses. Additionally, the act protects women from being unlawfully discharged or dismissed during their

[118] Ibid.
[119] Van der Wal S., op. cit.
[120] Government of India, Ministry of Labour and Employment, The Tea Act, 1953
[121] Government of India, Ministry of Commerce and Industry, Draft: Tea (promotion and development) Bill, 2022

absence[122]. Afterwards, the Equal Remuneration Act, 1975 was adopted to implement the constitutional provision of Article 39 which require the State to ensure that men and women get equal compensation for equal labour. The Act prohibits discrimination based on gender and stipulates that men and women must be paid equally for labour of the same or similar nature. It also guarantees that women will not be subjected to prejudice in the recruitment process and establishes advisory bodies to advance women's employment opportunities[123].

Another important step for the protection of women workers in India was the adoption by the government of an Act to constitute a National Commission for Women which was then was set up as statutory body in 1992. The commission was mandated to review the legal and constitutional protections for women and eventually suggest corrective legislations; advise the government on issues pertaining to women's rights; assist and investigate complaints on issues related to the denial of women's rights; and do studies to determine what is preventing women's empowerment, such as limited access to housing and essential services, lack of resources for assistance, and health risks at work[124].

Thereafter, in 2001, the Government noted the significant gaps that still existed between the objectives of the constitution, laws, plans and programmes and the concrete status of women in India. Gender disparity was shown to be primarily caused by social and economic institutions, which are built on both formal and informal norms and practices[125]. Because of this, the Government of India issued the National Policy for the Empowerment of Women, the purpose of which was the social, cultural, politic, and economic advancement, development and empowerment of women and the elimination of gender-based violence. Some of the objectives to reach this general goal were the equal access to women to health care, quality education, career and vocational guidance, employment, equal remuneration, occupational health and safety and social security. Particular

[122] Government of India, Ministry of Labour and Employment, The Maternity Benefit Act, 1961
[123] Government of India, Ministry of Labour and Employment, The Equal Remuneration act, 1975
[124] Government of India, Ministry of Women and Child Development, National Commission for Women Act 1990
[125] Government of India, Ministry of Women and Child Development, National Policy for the Empowerment of Women (NPEW), 2001

relevance was given to rural women and women working in agriculture, as one of the most marginalized categories[126]. This comprehensive framework was updated in 2016, with the aim to better address the current challenges faced by women and to promote their welfare in India.[127] The new draft policy identifies seven priority areas to address the diverse needs of women two of which are particularly relevant for the protection of women working in tea plantations: "Economy", under which there is a section dedicated to "Labour"[128] and "Agriculture"[129]; and "Violence against women"[130].

Finally, another important recent legislation in this context is the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013, which safeguards women from sexual harassment at work and provides for the prevention and redressal of such complaints. Under the scope of the law in question, sexual harassment is defined as a violation of the fundamental rights of women to equality, their right to life and to live and work in dignity and safety. According to the Act, threats or promises about either a detrimental or preferential treatment, their employment status, together with any humiliating treatment or interference with their work that create an intimidating or hostile work environment can amount to sexual harassment[131].

[126] Ibid.
[127] Government of India, Ministry of Women and Child Development, National Policy for Women 2016: Articulating a Vision for Empowerment of Women, May 2016
[128] National Policy for Women 2016, p. 9: "Suitable strategies will be developed and implemented to ensure that women have equal opportunities to enter and enjoy decent work, in just and favourable environment, including fair and equal wages, social security measures, occupational safety and health measures. Appropriate steps will be taken to facilitate women workers and economic units move from the informal economy to the formal economy."
[129] National Policy for Women 2016, p. 8: "With increasing feminization of agriculture, women will be recognized as farmers in the agriculture and allied sectors and related value chain development. Efforts will be made to support women farmers in their livelihoods, secure their rights over resources and agricultural services, and provide social protection cover."
[130] National Policy for Women 2016, p. 12: "Efforts to address all forms of violence against women will be continued with a holistic perspective […] starting from sex selective termination of pregnancy, denial of education, to violence faced by women in private sphere of home, public spaces and at workplace".
[131] Government of India, Ministry of Women and Child Development, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

1.3.3 International and National Framework for Business' Human Rights Obligations

Lately, it has become common knowledge that businesses' activities can have a direct effect on people's lives and their human rights, especially in developing or low-income countries through their entire value chain. Enterprises are nowadays expected to take responsibility for the social, environmental, and economic impact of their operations and to make all the necessary efforts to minimize the negative consequences while maximizing the positive ones, independently from the state's policies. Long-standing efforts have been made to draft international agreements that would govern the behaviour of businesses, multinationals enterprises (MNEs) in particular, and specify the parameters of their relationships with host nations, the majority of which are poor countries[132].

Some of the concerns that were sparked by MNEs activity included labour-related and social policy issues. Because of this, one of the first organization to intervene in this context with the aim to regulate the behaviour of such enterprises was ILO, which already in 1977 adopted the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, also known as MNEs Declaration, recently amended in 2006. This instrument provides directions to MNEs, governments, employers' and workers' groups in matters pertaining to employment, training, living and working conditions, and labour relations[133]. The ratifying parties are asked to implement the contents of this agreement in addition to some of ILO's international labour conventions and recommendations, in particular, the 1998 Declaration on Fundamental principles. As ILO itself stated in 2006, given the significant role that MNEs play in the process of social and economic globalization, applying the MNEs Declaration now is just as important as it was when it was first adopted, in order to maximize the social and labour benefits of their operations[134]. In the context of the tea industry, some of the most relevant provisions of this Declaration are those focused on equality of opportunity and treatment for all, which should be applied both by governments and multinational

[132] Kadavil S., op. cit.
[133] ILO, Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, 1977, Geneva
[134] Ibid.

enterprises. According to the Declaration, the latter should use qualification, expertise, and experience as the cornerstone for recruitment, placement, and promotion of employees at all levels. Additionally, it is important to note that the document highlights the responsibilities that multinational corporations have when they operate in developing nations: in those contexts they should always offer the best pay, benefits, and working conditions available within the legislative framework of the country, by taking into consideration not only the economic position of the enterprise but the basic needs of the workers and their families as well[135].

Many years later, the idea of "responsible" MNEs was further developed into the concept of sustainable companies in the UN Global Compact. The UN Global Compact is a non-binding agreement designed to encourage companies all over the globe to adopt sustainable and socially responsible policies and to provide updates on how they are being implemented based on ten universal principles related to human rights, labour, environment, and anti-corruption. It is the world's largest corporate sustainability initiative. It was first formulated in 1999 with a call for corporate entities to join forces to forge a "global compact" of shared ideals and principles in order to humanize the global marketplace. The intention of this initiative is to create a global movement of socially conscious businesses that include sustainability into their fundamental plans and practices, not just for their own benefit but also for good of their communities[136].

Inspired by these principles and other international labour and human rights instruments, in 2010 the UN Women partnered with the UN Global Compact to develop the Women's Empowerment Principles (WEPs)[137]. Founded on the

[135] ILO, Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, 2006, Geneva

[136]Kingo L., The UN Global Compact: Finding Solutions to Global Challenges, United Nations Chronicles,2019,https://www.un.org/en/un-chronicle/un-global-compact-finding-solutions-global-challenges#:~:text=The%20UN%20Global%20Compact%20is,the%20implementation%20of%20the%20SDGs.

[137] UN Women Asia and the Pacific, relevant principles in the context of tea-working women: **Principle 2**: "Treat all women and men fairly at work – respect and support human rights and non-discrimination"; **Principle 3**: "Ensure the health, safety and well-being of all women and men workers and the freedom from violence"; **Principle 4**: "Promote education, training and professional development for women"; **Principle 5**: "Implement enterprise development, supply chain and marketing practices that empower women" WEPS | UN Women – Asia-Pacific

understanding that businesses have an impact and a duty for promoting gender equality and women's empowerment, these principles provide guidelines to companies on how to advance these goals in the workplace, marketplace, and community by fostering specific business practices such as zero tolerance for sexual harassment in the workplace, gender-responsive supply chain procedures, and fair compensation for work of equal value[138].

The following year, the UN Human Rights Council developed the UN Guiding Principles on Business and Human Rights, which are a set of principles that define the duties, responsibilities, and the global standards of conduct of states and businesses in addressing adverse business-related human rights impacts. They are based on 3 main pillars which are: I - The State Duty to Protect Human Rights; II - The Corporate Responsibility to Respect Human Rights; III - Access to Remedy. When it comes to the second pillar, the principles clarify that all business enterprises have a responsibility to respect human rights, and that in order to do it they are required to "exercise human rights due diligence to identify, prevent, mitigate and account for how they address actual and potential impacts on human rights"[139]. This process should be very beneficial for companies because it helps them reduce risks and eventual related costs. The aim of this framework is to improve corporate and human rights standards and practices in order to benefit impacted individuals and communities in a concrete way and support a socially sustainable globalization. Even if the principles are not binding, they are the most authoritative international statement with regard to business's human rights obligations to date[140].

Afterward, in 2014, the UNHRC asked its members to issue National Action Plans for the correct implementation of the principles. To date, of the top tea producing countries only Kenya has developed an Action Plan, while India is still working on it[141]. India's Zero Draft was introduced in 2021 as a first step toward the implementation of a national action plan. Nevertheless, to date no NAP has been

[138] Women Empowerment's Principles, About, https://www.weps.org/about
[139] UN Office of the High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework**,** 2011
[140]Smith G., and Lehr A., U.N. Guiding Principles for Business and Human Rights, in Foley Hoag LLP, May 2011
[141] The International Roundtable for Sustainable Tea (THIRST), Part 1, op. cit.

adopted[142]. Yet, since 2011, India showed its commitment in achieving the standards defined by the UNGPs with the National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business (NVGs), which is an extensive framework of voluntary principles covering the social, economic, and environmental obligations of companies with the goal of pushing them to implement better corporate governance practices throughout their value chain[143]. In order to keep up with national and international developments in the field of sustainability and business responsibility and to better align with the UNGPs, this framework was updated in 2018 by the Indian Government into the National Guidelines for Responsible Business Conduct (NGRBC). All firms, regardless of ownership, size, sector, structure, or location, that invest or do business in India, are required to comply and implement the 2018 NGRBC. Businesses, MNEs in particular, are not only requested to promote and encourage the implementation of these rules in business situations under their control, but also with their partners, suppliers, vendors, distributors, and other value chain collaborators. The 2018 NGRBC contains 9 Principles, one of which (n. 5) specifically "recognizes that businesses must respect and promote human rights in their operations" and "urges business to be especially responsive to those persons who are most vulnerable to, or at risk of, such adverse human rights impacts", like women[144].

Aside from these initiatives, today, as a result of the growing need for ethical business operations, CSR information makes up the majority of a company's corporate disclosure[145]. Corporate Social Responsibility (CSR) is a concept that entails voluntary self-regulation initiatives from private businesses to incorporate social and environmental issues into their daily operations and relationships with stakeholders, instead of focusing solely on profits. It represents the performance of the business and its accountability towards

[142] Government of India, Ministry of Corporate Affairs, National Action Plan on business and Human Rights, Zero Draft, New Delhi, 2018
[143] Government of India, Ministry of Corporate Affairs, National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business, New Delhi, 2011
[144] Government of India, Ministry of Corporate Affairs, National Guidelines for Responsible Business Conduct, New Delhi, 2018
[145] Michaels A. and Grüning M., The Impact of Corporate Identity on Corporate Social Responsibility Disclosure, in International Journal of Corporate Social Responsibility, Vol. 3, No. 1, 2018

its impact. It can have a strong impact on its reputation and the society as a whole[146]. In the tea industry, CSR can take different forms: they can be in-company CSR policies or collective CSR programmes made up of a set of rules encompassing economic, social, environmental, commercial integrity, and/or charitable values[147].

Due to national rules and regulations, as well as the wants and ambitions of the population, there are many differences in how governments and businesses implement social responsibility across different countries[148]. In India, for example, in 2013 the Government issued the Companies Act, which in section 135 establishes that companies over a specific net worth, profit or turnover must constitute a Board for the Corporate Social Responsibility Committee with the mandate to develop and recommend a Corporate Social Responsibility policy which outlines the actions that the company will take and that will be covered with at least 2% of the profits. The promotion of gender equality and women empowerment is listed as one of the activities that can possibly be included in these Policies[149].

In conclusion, it is possible to state that women tea workers should be theoretically protected from violations of their rights under both the international and the Indian domestic legal framework. To achieve this, both public actors and private businesses engaged in the tea industry should take responsibility for the fulfilment of their obligations. However, in reality, there is a significant gap between theory and practice: women working in tea plantations are actually subjected to serious violations, discriminations, abuses and marginalization on a daily basis, contrary to the extended legal framework in place.

[146] Bayoud N. S. and Kavanagh M., Corporate Social Responsibility Disclosure: Evidence from Libyan Managers, in Global Journal of Business Research, Vol. 6, No. 5, pp. 73-83, 2012
[147] Van der Wal S., op. cit.
[148] Narzari D. And Bhattacharjee S., Corporate Social Responsibility Disclosure: Practices in Indian Tea Companies, in IUP Journal of Organizational Behavior; Vol. 22, Fasc. 1, pp- 28-58, January 2013
[149] Government of India, Ministry of corporate Affairs, Companies Act, New Delhi, 2013

CHAPTER 2. UNCOVERING WOMEN'S RIGHTS VIOLATIONS, ROOT CAUSES AND CORPORATE RESPONSIBILITY IN THE INDIAN TEA INDUSTRY

Despite being the most valuable resources and backbone of the tea industry, women have been systematically marginalised, mistreated in every field of their life, and exploited as a cheap and abundant labour force since the colonial period. The first paragraph will provide a detailed analysis of the different ways that women's rights are violated on Indian tea plantations. The systemic discrimination of women workers in the tea business can be attributed to several socio-historical factors, including patriarchy, colonialist heritage, ethnic discrimination but also to the inadequate grievance mechanisms, and weak legal enforcement systems in India. These issues will be examined in the second paragraph. In conclusion, the third paragraph will analyse the role of large tea companies in the abuse of tea working women. According to the UNGPs, businesses have an obligation to protect human rights in their operations throughout their supply chains. However, the exploitation of women tea workers in Indian estates gives tea businesses a competitive advantage and enormous profits, so they are unwilling to make significant changes to address the issue. Instead of taking accountability, they frequently rely on convenient strategies to show a formal commitment to human rights. The paragraph will also highlight the tea industry's lack of transparency, which is one of its most troubling features and a major factor in shaping the perfect environment to encourage the violation of women's rights. Lastly, some research will be mentioned that shows how unwilling tea businesses are to really take responsibility for their supply chains.

2.1 The Hidden Violations of Women's Rights in Indian Tea Plantations

2.1.1 Violence Against Women

While anyone can become a victim of violence, in agricultural settings, women are the ones disproportionally affected by it. Violence against women and girls (VAWG) is defined by the UN as "any act of gender-based violence (GBV) that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life"[150]. Physical, verbal and psychological abuse, underestimation of a woman's labour, and mockery are considered as VAW. A specific form of VAW to which tea working women are particularly exposed to is domestic violence, which entails any kind of physical, sexual or psychological violence against a women perpetrated in a domestic setting. VAW also includes different forms of sexual violence, so any sort of harmful or unwanted sexual behaviour. It includes attempted or completed forced sexual acts with a woman without her consent, sexual harassment, verbal abuse, threats, exposure, unwanted touching, and others. Sexual harassment encompasses non-consensual physical contact, like grabbing, pinching, slapping and non-physical acts, such as catcalls, sexual comments, demands for sexual favours, stalking, and quid-pro-quo harassment in the workplace[151]. Any kind of VAW perpetuated in the private sphere or in the workplace is a serious obstacle to obtaining respectable and dignified employment as well as a violation of human rights and a misuse of authority[152].

Even though there are legal provisions for the protection of women from different forms of violences and harassments both at national and international level, it has been proven that women working in agriculture in India, especially those that work in plantations, are victims of gender-based violence on a daily basis. This

[150] UN General Assembly, *Declaration on the Elimination of Violence against Women*, A/RES/48/104, 20 December 1993,
[151] UN Women Europe and Central Asia, FAQs: Types of violence against women and girls, 21 November 2023, https://eca.unwomen.org/en/stories/explainer/2023/11/faqs-types-of-violence-against-women-and-girls
[152] Cruz A. and Klinger S., Gender-based violence in the world of work: Overview and selected annotated bibliography, Working Paper 3/2011, ILO, Bureau for Gender Equality, Geneva, 2011

vulnerability is related to the workplace characteristics such as for example the fact that plantations are located in very isolated fields. The majority of women are hired as temporary or seasonal workers without formal contracts, leaving them in a situation of vulnerability in which men can use coercive authority over them because they occupy the permanent, managerial roles[153]. Additionally, women in plantations are generally in a condition of strong poverty also due to the lack of connection over resources, which means that they do not have alternative options to change job, escape abusive relationships or abusive workplace in the plantations. The biggest problem for women working in tea plantations is that they are required to live on the estate without having formal ownership over their lands and houses, leaving their employers with a strong power over them. Because women can never fully escape being at home or at work, the distinction between domestic and workplace violence is blurry[154].

Consequently, due to the isolated nature of the tea estates, the power structures and the lack of enforcement mechanisms, the applicable law is not sufficient to prevent or at least minimize gender-based violence. Basic living conditions are not provided on tea plantations, and women frequently experience various forms of abuse from male household members or other males in positions of authority on the estate. To prove this point, in 2018 Assam ranked as the fourth highest country in India for crimes against women. Aside from this, very little information and data exists regarding workplace violence on tea plantations, mainly because violence against women is considered a "norm" in the plantation industry. Nevertheless, the few data that exists makes it quite evident that millions of women who work on tea estates face this pressing problem[155].

In a research carried out by Professor Mridusmita Duara and Professor Sambit Mallick it was discovered that women that work in commercial estates, where there is not a division between workplace and domestic space, have a higher likelihood of becoming survivors of domestic abuse. 47% of the women who responded have

[153] Frankenthal I. and Dutta D., Risk Factors for Gender-based Violence: The Case of Indian Agriculture, Oxfam Research Backgrounder series, 2021
[154] Ibid.
[155] Ibid.

acknowledge that they experienced physical, sexual, and/or severe abuse in the form of domestic violence from their spouses or other male authority figures[156]. Some of the main cause behind domestic violences are fights over the control of women's wages and men's problems with alcoholism. As a matter of fact, it is common for males in tea estate in India to drink too much, loose their mental equilibrium and beat their wives violently even without reasons[157]. Looking into the characteristics of domestic violence, in a report carried out by the Centre for Women's Studies in the Dibrugarh University, 94.10% of respondents that recognized being subjected to domestic violences, said that verbal abuses were the most frequent type of violence[158].

It is also important to highlight that, during the research carried out for this report, it was discovered that many women respondents accepted the "normalized" character of verbal and physical aggression by men, with 60.70% of respondents denying the existence of domestic violence in their families. Many female participants indicated that they did not view "beating by the husband" as a violent act. Sexual harassment and other forms of VAW in tea plantations are not considered forms of violence but in turn are considered as normal part of everyday life, both in the public workplace and in the private sphere. The study discovered that the seriousness of mental and psychological abuse in the tea gardens is in fact minimized by a lack of knowledge, a normalizing attitude, and an internalization of structural norms[159]. Even if they acknowledge the seriousness of the abuse, they are not even able to help each other because of the consequences that they would face. A woman in a private tea plantation stated "if we go and ask the husband/family not

[156] Duara, Mridusmita & Mallick, Sambit, Women Workers and Industrial Relations in Tea Estates of Assam, in Indian journal of industrial relations, n. 55, pp. 15-26, July 2019.
[157] Swapna Sikha Das & Nil Ratan Roy, Sustainable Women Empowerment among the Tea Garden Women Workers in Assam: A Stepping Stone for Holistic Development, in Research Guru, Online Journal of Multidisciplinary Subjects, n. 13;1, pp. 779- 791, June 2019
[158] Jyoti Prasad Saikia, Stories Behind a Hot Cup of Assam Tea: Listening to the Voices of Women Labourers in the Tea Gardens, Report for the Government of India by the Centre for Women's Studies Dibrugarh University, December 18, 2017
[159] Ibid.

to beat the wife, then we will be beaten by our husbands. Who will stand up for us?"[160]

The lack of awareness, together with little or no education about their rights, leave women tea workers in an extremely vulnerable situation. They are not only victims of mental torture and physical abuses by their husbands and families but even by their estate managers. It is in fact widely known that women tea workers are victims of widespread sexual harassment in the workplace including stalking, vulgar comments and songs and requests for sexual favours[161]. 83% of the respondents reported experiencing verbal abuse at work, including the use of slang phrases, offensive remarks about their appearance, and other abusive language[162]. Unwanted physical contact and close proximity to women at work are examples of physical types of sexual harassment that are carried out in tea plantations. Frequently, the harasser will attempt to approach the employee and make "incidental" physical contact with her under the guise of assisting her. Another form of violence against women working in tea plantations is related to a quid-pro-quo where women's access to pay and employment security are inextricably related to giving sexual favours to their bosses, the sardars (supervisors) and estate managers. On the one hand, women feel tremendous pressure to comply with these obligations. Nonetheless, they risk stigmatization and exclusion from their communities if they are compelled to give in. In the tea estates, visual forms of sexual harassment are also becoming more common. Examples include using mobile phones to display pornography and blackmailing female employees. Nowadays, women working in tea estates are at risk of sexual harassment at all places within the plantations by all males present in the estates[163].

Even though the PLA require employer of estates to provide an Internal Committee with women members to hear cases of harassment and adopt all the necessary measures to handle them, in reality these Committees are headed by the estate

[160] Rajbangshi P., and Nambiar D., "Who will stand up for us?" the social determinants of health of women tea plantation workers in India, International Journal for Equity in Health, 19:29, February 2020
[161] Frankenthal I. and Dutta D., op. cit.
[162] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector – The Big Picture, Part 1: Literature Review, May 18, 2022
[163] Frankenthal I. and Dutta D., op. cit.

managers, usually males, which are not interested in women's issues. In many other estates Internal Committees are completely missing. The other significant problem is that women are not aware of the legal provisions in place because of high rates of illiteracy. As a result, very few people use the legal measures as prescribed[164]. Unfortunately, this situation has been further aggravated by the decision of the Indian Government in 2020 to reclassify tea garden workers as unskilled workers, which is a decision that moves them into the informal economy, and that leaves them uncovered by the Sexual harassment of Women at Workplace Act of 2013. In order to report harassment in the workplace, women now have to register complaints under the District Social Welfare Officer, but as mentioned, women typically do not file charges because they are unaware of these regulations. For women who work on tea estates throughout India, this reclassification represents a severe setback that will worsen their situation and further deny them their rights. Another problem is that formal legal procedures are costly and time-consuming. Women who work in the tea industry lack time and the financial resources to file lawsuits and to pay a lawyer to take up a case on their behalf. Therefore, women working on tea estates are unable to take advantage of the laws even when they exist[165].

Additionally, even when women decide to speak up, they can be subjected to retaliation such as losing their jobs or having their pay docked, which is another obstacle that can discourage them from reporting any issue. A worker interviewed by SOMO reported that "sexual harassment is a serious problem because all the supervisors are men, some of them want you to go beyond your work obligations and satisfy their sexual needs and if you don't do that, they fake other charges against you or give you too much work or allocate you in lonely or dangerous plucking zones"[166]. Aside from economic retaliation, women are deterred from reporting instances of GBV due to the stigma and shames associated with the cultural norms that place the blame on the victims[167].

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[164] Frankenthal I. and Dutta D., op. cit.
[165] Ibid.
[166] Business & Human Rights Centre, Report: Trouble Brewing the Need for Transparency in Tea Supply Chains, December 2021
[167] Frankenthal I. and Dutta D., op. cit.

Violence and coercion have a long history in the tea industry, but they are not limited to historical accounts. Women employees in nations that produce tea are now filing lawsuits against tea firms for sexual violence and harassment. A women's attorneys, Leigh Day, characterize the issue as "systemic," citing the power differences between female employees and male managers as the main cause. Women frequently give in to sexual harassment because they are vulnerable and fear losing their jobs. Management has always taken advantage of women's vulnerability and the lack of accountability systems, and this practice is still prevalent today[168].

2.1.2 Women's Economic Exploitation and Marginalization

Tea industry wages continue to be well below living wage levels. According to a recent ILO assessment on salaries and working conditions in the tea business, 66% of Indian workers are believed to be earning less than the minimum wage, which is already itself insufficient to provide a dignified life[169]. Employees on tea estates in India are paid on average 1,220 rupees (Rs) a month, which correspond to around $14,50. Accordingly, the amount they make only makes up 35% of a liveable income which is considered to be at least $45 per month[170].

In the garden, both permanent and temporary women workers are employed on a daily wage based on a piece rate basis, meaning that their pay is determined by the amount of tea leaves they harvest each day, which must be at least 24 kg. If they are unable to reach this quota, there can be pay deductions ranging from $0.014 to $0.070 per kg. However, they are subject to a bonus system that increases their pay based on the additional amount of leaves they pluck[171]. In addition to cash compensation, the PLA mandates the supply of food rations, water, firewood, free housing, land, healthcare, and elementary education. According to the 1948

[168] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector, Part 1, cit.
[169] Business & Human Rights Centre, Report: 2021, op. cit.
[170] Morser, A., Michuki, G., A Bitter Cup: The Exploitation of Tea Workers in India and Kenya Supplying British Supermarkets, in International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations, War on Want, July 2010
[171] Rajbangshi P., and Nambiar D., op. cit.

Minimum Wage Act in India, in-kind benefits are not allowed to be included in the minimum wage computation, yet, Assam, like West Bengal, has consented to an exemption for tea firms, so that workers are compensated with a "blend" of monetary compensation and in-kind benefits and services[172]. Tea estate owners therefore justify the low level of the cash wage of tea workers (roughly 137 rupees per day equivalent to $1,65), which is significantly less than the Indian national minimum wage of 300 rupees per day (3.60$) for unskilled agricultural workers, by pointing to these "in kind" benefits they are required to provide that make up for the low wages[173]. Yet, there are many reports that prove that these basic services are frequently insufficient, poorly delivered or non-existent. Because of this, women are forced to rely on their limited cash wages to pay for services that are supposed to be legally provided by the tea estates. Obviously, their salary is not enough to cover all the household expenses, therefore women are forced to either borrow money and get into debts or choose how to spend their money between getting their kids into good schools, having a good diet, getting medical care, fixing their houses, or regularly spending money on clothes and shoes[174].

Women in tea gardens are further disadvantaged due to a pay disparity between men and women. In India, the gender pay gap for workers in the tea industry is 9.2% on a monthly basis[175]. This gender pay gap is related to the stereotypical division of work between men and female wherein men are seeing working more in factories, spraying pesticides or pruning, while women are relegated mainly to plucking tea leaves. Because of this, on average women get placed on a lesser wage slab than male workers. Across Indian estates, there are four distinct daily wage rates that are paid in cash: Rs137, Rs138, Rs140, and Rs167. 52.5% of female workers receive Rs140 per day, compared to 78% who receive Rs137. At the higher pay scale of

[172] Banerji S. and Willoughby R., Addressing the Human Cost of Assam Tea: An agenda for change to respect, protect and fulfil human rights on Assam tea plantations, OXFAM, October 2019

[173] Gurung, M. & Mukherjee, S., Gender, Women and Work in the Tea Plantation: A Case Study of Darjeeling Hills. Indian Journal of Labour Economics. 61, 537–553, 2018

[174] Sharman T., The Estate They're in: How the tea industry traps women in poverty in Assam, Traidcraft Exchange, May 2018.

[175] International Labour Organization, Wages and working conditions in the tea sector: the case of India, Indonesia and Viet Nam, Geneva, December 2020

Rs167, however, almost 53% of workers are men[176]. Therefore, despite the Equal Remuneration Act of 1976's goal of securing equal pay for equal work, women are generally paid less than males because they are perceived to be doing tasks that are simpler. Additionally, this gender pay gap is justified on the basis of the incentive wage scheme according to which women can get bonuses for the surplus of green leaves they pluck. In reality, this plan does not raise the earnings of women; instead, it only increases the workload of female employees and the profits of the business owners[177]. To receive their daily wage, women have to pluck 24 kg of leaves each a day, and they are paid an additional Rs 1.50 for each kilogram of output beyond that. This push women to work as much as possible, until their bodies give up, irrespective of heavy rain, extreme heat, pain and mental strain. Yet, in many Indian estates, such as for example at Kerala, the value of the additional Kgs plucked by women is shared between different male workers. In none of their works is this done to male employees. This is a blatant workplace exploitation and discrimination against women[178].

Another problem is related to the working hours which increased for Indian tea workers from 47 hours a week in 2000 to 54.4 in 2012. Even though the eight hours per day recommended by the ILO are theoretically met, tea plantation labour is physically demanding and takes place in difficult conditions. Women have also to take care of household chores once that they get home. Time off is very limited if not non-existent. Research by Oxfam in Assam found that "including the unpaid domestic work women do, by the time they go to bed…they have done around 13 hours of physical work". When the research was released, tea businesses vigorously disagreed with it, but they were only addressing the paid portion of the workers' day, indicating that management was unaware of the strains that unpaid care placed on their female employees[179]. A women reported: "We have to work in the field under the sun from 7 to 11 a.m. and then again from 1 to 4 p.m. carrying huge baskets of tea leaves with its strands resting on the head and weighing on the back.

[176] Debdulal Saha, Decent Work for Tea Plantation Workers in Assam Constraints, Challenges and Prospects, Tata Institute of Social Sciences, Guwahati Campus, October 2019
[177] Gurung, M. & Mukherjee, S., op.cit.
[178] Kubendran C., Gender Discrimination in Tea Plantation in Munnar, Kerala, in International Journal of Management, Volume 11, Issue 11, November 2020, pp. 4383-4393
[179] The International Roundtable for Sustainable Tea, Part 1, op. cit.

We carry a minimum of 22 kgs of leaves every day".[180] Also, despite being entitled to 14 days of paid sick leave a year, workers do not enjoy this right in practice. As many reported, if women are ill, they can stay at home, but the principle is no work, no pay, and if they do not work continuously for 12 days, they can be denied their food ration[181].

Article 6 of the ICESCR states that labour shall be freely selected and accepted. Although workers on Indian tea plantations are rarely coerced or threatened into working against their will, in practice they have few genuine options. Without access to education or other career opportunities, children and young people enter the tea plantation as unskilled labourers and after generations they get tied to the estate. In a way, plantation workers are a "captive workforce," with all services and amenities provided by the estate owner[182]. A systematic pattern of labour exploitation was found through research conducted in India. This pattern included forced labour at the base of international tea supply chains due to inadequate service provision, and the use of irrational deductions for daily expenses, which forced tea workers to take out loans to pay for food or medical care, ultimately leading to debt bondage. Free housing is frequently promoted by the sector as a benefit to employees, but in reality, it only increases their reliance on their employers because housing is dependent upon a family member's employment in the estate. This means that women run the risk of losing the family's whole home if they quit their jobs. Due to the fear of being evicted and the lack of other employment options close to the estate, employees in tea plantations in India are essentially working as bonded labourers. Ironically, this does not always equate to a permanent job or a steady income all year round for women. Depending on the time of year and how much tea they can pick, their work will vary and their salary with it[183].

[180] Duara, Mridusmita & Mallick, Sambit, op. cit.
[181] Rajbangshi P., and Nambiar D., op. cit.
[182] Selvakumar M. Jeyaselvam M., Tea Industry: A Tonic for The Indian Economy, in Market Survey, Facts for You, pp. 11-17, April 2012
[183] The International Roundtable for Sustainable Tea, Part 1, op. cit.

Furthermore, women who work in the Indian tea sector have very limited opportunity to advance in their careers: there is in fact no promotion mechanism for employees. Regardless of the duration of their employment on the plantation, they are destined to remain tea pluckers[184]. The information gathered from field surveys demonstrates that no woman in Indian tea estates is positioned higher than the supervisor level. A woman employee can, at most, advance to the position of plucking supervisor in the field, where she is responsible for overseeing the workers' plucking procedures. Nonetheless, it is impossible for female employees to manage or direct male employees who are employed in factories or the fields because working under the direction of a female manager or supervisor is against the patriarchal standards of the plantation industry[185]. This phenomenon, known as "occupational sex segregation ", is common in India's tea plantation industry. It describes a situation where there is a rigid sexual division of labour between men and women based on biases and stereotypes, with women restricted to a smaller range of occupations than men and to lower grades of work, with lower pay and no opportunity for upward mobility and career advancement[186].

Finally, the Indian tea industry has an extremely poor track record when it comes to collective bargaining and freedom of association. Unions in the tea industry tend to be weak, fragmented, and ineffective and their representatives do not speak for the interests of the workers. Estate owners have unchecked authority to set worker wages and restrict freedom of association in the industry, favouring unions who actively cooperate with them to maintain low working conditions. Despite tea being a perennial crop, temporary contracts are becoming more common in the tea industry, particularly for women. This further restricts workers' capacity to organize collectively to obtain better salaries and conditions[187]. Research indicates that employees who go on strike may be subject to reprisals, penalties, and discrimination from management. In India, in particular, management frequently

[184] Debdulal Saha, op. cit.
[185] Duara, Mridusmita & Mallick, Sambit, op. cit.
[186]United Nation Economic and Social Commission for Western Asia, Glossary, "Occupational sex segregation" https://www.unescwa.org/sd-glossary/occupational-sex-segregation
[187] Business & Human Rights Centre, 2021, op. cit.

uses lockouts in response to workers' complaints, which deprive employees of their means of subsistence and compel them to cease their protests[188].

Nevertheless, every employee, casual and permanent, belong to a trade union. The examination of the gender distribution of trade union leadership in Indian tea plantations reveals that women make up more than half of the union membership. However, practically 100% of the decision-makers are men[189]. Due to low literacy rates, sociocultural prejudices, and women's traditional responsibilities as caregivers and homemakers, women have been marginalized and prevented from assuming leadership positions in labour unions. Their involvement is limited to their membership which demonstrates the male dominance and patriarchy behind the functioning of trade unions. The general perception among female employees is that union meetings do not provide them a voice because the union's focus is on advancing the political party agenda of their powerful political leader rather than the interests of workers. Therefore, even with their membership, they do not feel to attend meetings and tend to rely on trade union as a last resort[190]. Workers' concerns are therefore downplayed and neglected and, since trade unions are by their very nature patriarchal organizations, headed by men, women workers are the most disadvantaged. Women working in Indian tea plantations are marginalized, oppressed, and their interests are not given much weight by labour unions[191].

2.1.3 Women's Living and Working Conditions

Another aspect of the violation of women's rights in Indian tea estates is the working and living conditions that they experience. In addition to being low paid and insecure, the work of women tea workers is arduous and dangerous. Tea pickers work year-round, in all weather conditions, including the summer's extreme heat

[188] Rosenblum, P.; Sukthankar, A., The More Things Change: The World Bank, Tata and Enduring Abuses on India's Tea Plantations, Columbia Law School Human Rights Institute: New York, NY, USA, 2014
[189] Kumar A., Gender Dimensions in Small Tea Gardens: An Analysis of Labour Relations in Two Districts of North Bengal, in (ed.) Prabhat Kumar and Amit Bhowmick, Women on the Edge of Progress Reflections from Third World Countries, New Delhi: Adhyayan Publishers & Distributors, 2018.
[190] Gurung, M. & Mukherjee, S., op.cit.
[191] Duara, Mridusmita & Mallick, Sambit, op. cit.

and the torrential monsoon rains, while carrying large baskets on their backs full of tea leaves, climbing up and down sloping soil and remaining on their feet for the duration of the day on uneven terrain[192]. Sometimes this is done with a baby strapped on them. Because of this, injuries and health hazards are really common which sometimes are associated with the exposure to bad weather conditions, pesticides and insects' bites. The primary cause of these issues is the inadequate safety equipment that Indian tea estates give its employees. Tea pickers are provided with an umbrella that is meant to last for three years, an apron, and sandals (no boots) as safety precautions. Gloves are not provided. On the opposite, male workers in factories and those that work with fertilizers and pesticides are provided with specific protective measures such as boots and uniforms[193]. Women working in the garden are not even provided with a shelter in case of extreme weather conditions, which can put them at serious risks. For example, a group of women in a private plantation revealed that five of their coworkers passed away while working in the middle of a thunderstorm because they were not told to stop working when it started to rain, so they kept picking leaves by covering their heads with plastic bags or Japi, a traditional conical cap. Their only worry was to reach their goal otherwise they would have lost the daily pay.[194]

Regarding food provision, women workers in private plantations should be entitled to a total of 6 kilograms of ration after 12 working days—3 kg of rice and 3 kg of wheat flour—regardless of the type of contract they have. But because this benefit is dependent on how many days an employee works, it may be subjected to deductions. The vast majority of women reported that they usually receive less than 6 kg. Women stated that they have to purchase extra food from neighbouring stores because the ration provided by plantation estates is insufficient to feed every member of the household[195]. However, their pay does not allow them to purchase enough food. Therefore, the workers in the plantations borrow money from private money lenders to meet their nutritional needs, which leaves them permanently in debt. In general, female workers try to have three meals a day, which consist of

[192] Debdulal Saha, op. cit.
[193] Morser, A., Michuki, G., op. cit.
[194] Rajbangshi P., and Nambiar D., op. cit.
[195] Ibid.

chapattis, rice, and dal. On payment days, they occasionally serve broiler chicken, meat, or fish[196]. Still, the amount of food that a woman working in tea plantation consumes is almost nothing compared to the amount of work they perform. Furthermore, as stated above, sometimes workers in Indian plantations have to take hard decision on how to spend their meagre salary, so sometimes, they have to skip meal to pay for medication or for school. As a result, anaemia and starvation are serious issues for the labourers employed on the plantations, especially for the women[197].

When it comes to access to water for household use, every estate is supposed to have a tube well every four houses, however these have not always appeared to be working. The majority of estates reported having only four or five operational tube wells in their area[198]. Women are particularly disadvantaged by the lack of easy access to clean water because they are those in charge of collecting water for the family. It has been reported that they spend up to 2 hours every day collecting water, and if they come to work late because of the long queues they may not be allowed to work and may lose a day's pay[199].

With regards to living conditions, the Plantation Labour Act require the government and estates owners to provide workers with housing, medical facilities and basic healthcare, education facilities, safe water and other benefits such as sick and maternity leave. Although housing is provided, most of the time it needs maintenance, and it is of low quality. Major issues also include a shortage of clean water and adequate sanitary facilities. Indian labourers are forced to utilize open spaces since they lack access to the most basic pit latrines, endangering their health and safety. According to a significant study that involved interviewing 920 families in 25% of Assamese tea estates, the deplorable conditions were the rule rather than the exception[200]. Furthermore, permanent employees and their dependents are the

[196] Global Network for the Right to Food and Nutrition (GNRTFN), Fact Finding Mission Report: A life without dignity – the price of your cup of tea, Abuses and violations of human rights in tea plantations in India, Heidelberg, Germany, May 2016
[197] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector, part. 1, cit.
[198] Debdulal Saha, Op. Cit.
[199] Business & Human Rights Centre, op. cit. 2021
[200] Morser, A., Michuki, G., A Bitter Cup, Op. Cit.

only one eligible for certain statutory social benefits. The statute does not provide benefits outside of the cash wage to casual workers, who make up a significant portion of the workforce and are mostly women[201].

Some tea estates have absolutely no houses available. Numerous labourers reported living in kutcha, which are rough, temporary housing, that they occasionally constructed on their own without receiving any pay from management. According to some reports, the estate's management forbids the construction of pucca, which on the opposite are substantial, permanent homes[202]. Tenure security is one of the fundamental components of the human right to adequate housing because insecure tenure may potentially negatively impact the enjoyment of other rights. For example, for tea plantation workers, the homestead is more than just a place to live. It is frequently a source of food as well because it provides the worker with the room to raise a cow, a few goats, and poultry as well as some veggies to help supplement the family's meagre diet. Unfortunately, the PLA and state regulations pertaining to housing requirements do not ensure the security of tenure of plantation workers. As mentioned above, the management owns the land that the plantation labourers live on, even though the workers and their families live in a house that had been inhabited by their ancestors for the previous 200 years. The tenure rights of tea workers are fully based on the labour they produce: a family is allowed to live in the house as long as one member works on the plantation. This means that estate owners can fire anyone and evict them and their family from their home. This is particularly problematic for women, since men can travel to search better sources of income. Uneducated women, the elderly, and children, on the other hand, remain behind to hang onto the only house they have, having lost their ties to their actual homeland over generations. Because protesting could result in their expulsion from their houses, the workers are afraid to organize and fight for better labour and living conditions, so they continue to work in a situation of bondage[203].

[201] Gurung, M. & Mukherjee, S., Op. Cit.
[202] Banerji S. And Willoughby R., Op. Cit.
[203] Global Network for The Right to Food and Nutrition, op. cit.

The few houses in tea estates are run in terrible conditions. Theoretically, under Indian law, house maintenance is a responsibility and an expense of the employer, but in the majority of estates, workers have to pay for having their houses repaired. For example, in Dibrugarh estate, workers reported that they have been waiting for 2-3 years for their houses to be repaired. Regardless of the size of the tea estate, the process and duration required to repair a house are lengthy, and employees frequently claim that they have not received assistance from the firm to improve their living conditions. The lack of toilets in the homes is another significant issue. As a result, there is unsanitary conditions on the lines due to the practice of open defecation[204]. Lastly, a number of employees expressed dissatisfaction with management's failure to supply firewood, which serves as their family's main source of fuel. The right to adequate housing and the right to health are closely intertwined because the lack of a safe place to live, together with lack of sanitation facilities and clean water can be detrimental to the physical, mental, and social well-being of a person. Again, being women particularly tied to their houses, they can be disproportionately affected by these issues[205].

According to the PLA, plantations' owners must also provide educational facilities, canteens, and crèches for workers. Even though educational facilities are provided, data indicates that there are not enough schoolteachers and that those who do teach are not qualified, which undoubtedly results in low-quality education[206]. In many estates, educational facilities are in bad conditions. Tea workers' children are doomed to a life of poverty if there are no facilities for education and support. Boys seldom finish their education, while girls are rarely sent to school at all, meaning that the majority of them are illiterate. Due to their inadequate education, workers do not know how to use government programs and benefits and some of them are completely unaware of their rights as employees[207].

[204] Debdulal Saha, op. cit.
[205] Global Network for the Right to Food and Nutrition, op. cit.
[206] Debdulal Saha, op. cit.
[207] Morser, A., Michuki, G., op. cit.

When it comes to canteens, many tea estates have these facilities as required by the PLA, but women pluckers who work in the gardens are not able to use them because they are far from the garden in which they work. Male factory workers are the main users of these services. In the field, women workers not only lack canteens, but they do not even have adequate protected or covered places where they can sit or eat their lunch on hot or rainy days[208].

A further infringement of the PLA and women's rights is the lack of crèches: it was found by a report of TISS that 54% of Indian tea estates do not provide crèches. While they are offered by the remaining 46% of tea estates, they are lack basic amenities. About 15% of crèches do not serve meals, which discourages mothers from sending their kids there. The fact that every crèche is situated at a considerable distance from the women's place of employment may be the primary cause of the 48 closed crèches out of 50 estates that were discovered during TISS research, together with the fact that women are not aware that they have the right, according to the PLA, to attend the crèche twice a day to feed their children if they are under 2 years of age. 85% of the mothers in 50 estates said they would rather not send their kids to daycare. The majority of women prefer to work with their youngest child attached to their body or on the ground. Because of this, women frequently emphasize that if their children are sick, they are forced to miss a working day and their daily wage[209]. The other option is to leave the children with grandparents or elder children at home. According to a female employee, "if their mother works in the garden permanently, the older girls must stay at home and handle household chores," and as a result, school dropouts for girls around the age of twelve are typical. This keeps women in a vicious cycle of exploitation, undereducation, and inability to defend their rights[210].

Aside from living and working in such dreadful conditions, employees frequently voiced complaints about not receiving enough attention from management when something goes wrong. Female employees expressed dissatisfaction over the lack of female supervisors and claimed that any women who voiced their concerns to

[208] Debdulal Saha, Op. Cit.
[209] Ibid.
[210] Banerji S. and Willoughby R., Op. Cit.

management were met with retaliation. For example, a woman worker who had participated actively in a 2011 protest against the deaths of two pregnant women on her plantation said that her son's ability to get employment on the farm has been affected by her political activism. Her spouse had to resign from his job in order to obtain Provident Fund funds to pay her bail during her two-month incarceration. Her son continues to be unemployed on the plantation even though she is no longer in danger of going to jail[211]. One recurring theme in all Indian plantations is how terrified female employees are of the estate management. Even though they suffer inadequate living conditions, women are reluctant to speak up for fear of losing their employment. External audits are defined as "beautiful exercises" in which labour conditions can momentarily improve for inspectors' benefit before reverting to "normal." The inability of Indian media, civil society, and other "outsiders" to access the tea plantations contributes to the unrestrained abuse of power and the lack of changes[212].

2.1.4 Women's Health, Well-being and Reproductive Rights

The health of women who work in the Indian tea plantations is rarely given much thought since estate owners and management have a rooted belief that if an employee fall ill and eventually becomes unable to perform their job, there are other people who can take their place[213]. The insufficient availability of potable water for the families of plantation workers and the inadequate drainage in densely populated homes are two main contributors to health issues. It has been noted that the majority of estates have extremely low-quality drinking water and that only a small number of estates follow the practice of water filtration. Additionally, while most factories in tea estates have access to tube wells or taps for drinking water during working hours, women who work in the gardens are not as fortunate, as they can only drink water from rusty tankers. According to many women, the water in the tanker that is used to supply water to the garden workers is rusty, discoloured, has obvious

[211] Global Network for the Right to Food and Nutrition, op. cit.
[212] Sharman T., op. cit.
[213] Duara, Mridusmita & Mallick, Sambit, Op. Cit.

contaminants, and tastes and smells like iron[214]. Still, women have no other options than to drink the tainted water despite physicians' warnings, which makes cholera, typhoid, and jaundice frequent. This is further supported by research published in the Indian Journal of Medical Research, which revealed that Assamese tea gardens had the highest rate of cholera prevalence (5.06%)[215].

As mentioned above, lack of food is another major problem for women working in Indian tea plantation. Due to the estate managers' inadequate food supply, rising food prices worldwide, and the low pay for tea workers, employees have been forced to cut back on their diets because they are simply unable to purchase what they need. As a result, malnutrition is rampant, and medical research indicates that 60% of children in Indian tea estates are underweight[216]. A few women revealed that they occasionally skip lunch and breakfast because there is not enough food for the whole family. Instead, they cook whatever is on hand and preserve it for their loved ones, sip tea or water, and head to work. Every woman expressed they do not have time to consider their diet: their main priority is to arrive at work on time, which means completing domestic tasks, feeding their kids, and then heading to the plantation[217]. Due to this, malnutrition remains a major issue on tea estates, resulting in a variety of medical issues, including hunger, anaemia, and death in extreme situations[218].

TISS studies revealed that tea garden workers suffer from a variety of occupational health issues. Among other things, physical work-related stress and exhaustion can cause eye problems, back discomfort, and fatigue. The percentage of female workers who report back pain and fatigue is higher than the percentage of male workers (respectively 80% against 73% and 59% against 54%). Exposure to extreme weather and climate change is another work hazard that can have many effects such as fever, heat exhaustion, heat cramps, dehydration, and heat stroke. The proportion of females exceeds that of males in each of these instances. About 45% of the workforce reported having water-borne illnesses, including jaundice,

[214] Duara, Mridusmita & Mallick, Sambit, Op. Cit.
[215] Banerji S., Human Rights in Assam Tea Estates: The Long View, in THIRST, February 2020
[216] Morser, A., Michuki, G., op. cit.
[217] Rajbangshi P., and Nambiar D., op. cit.
[218] Global Network for The Right to Food and Nutrition, op. cit.

typhoid, and diarrhoea. The use and the exposure to pesticides can lead to many health consequences such as birth deformities, Alzheimer's disease, and Parkinson's disease. Finally, vector-borne illnesses are a danger for women working in the fields because those diseases are caused by insect bites, snake bites, and malaria[219].

However, due to their desire to reduce the costs of production as much as possible, the management has been completely neglecting their duty to provide employees with adequate, effective healthcare facilities. Most of the workers, especially women, lack formal education and are ignorant of their fundamental rights so it is easy for the management to take advantage of them[220]. When there are medical facilities within the estate, they are in terrible conditions, the number of doctors is insufficient, and the staff is undertrained. However, in most cases, employees are referred to government hospitals nearby or district civil hospitals. This means that they must travel a great distance to receive quality care, even though, most of the times these health facilities are ineffective at treating their medical issues[221]. The stories of the tea workers indicate that doctors are often not present at the hospital. Patients wait a considerable amount of time to be visited even during emergencies because there is no set plan in place. Employees also revealed several severe mistakes made by medical staff. Many others also reported that when they visit the plantation hospital for medical care, the physicians frequently tell them they are well and send them back to work without prescribing any medication[222].

There have been several cases of medical malpractice leading to deaths: one such case was in the Udalguri estate where there was a woman, a temporary worker, who was approximately 24 years old and in poor health. After being brought to the estate health centre, the medical staff dismissed her condition as a minor problem without doing any additional testing. Despite making numerous trips to the health centre, she never received any significant help. After falling sick one day, the ambulance was dispatched to the tea garden to transport her to the hospital. But the ambulance was late, and while traveling to the hospital, she passed away from her illness[223].

[219] Debdulal Saha, Op. Cit.
[220] Duara, Mridusmita & Mallick, Sambit, Op. Cit.
[221] Debdulal Saha, op. cit.
[222] Global Network for The Right to Food and Nutrition, Op. Cit.
[223] Debdulal Saha, Op. Cit.

The on-demand ambulance service is one of the biggest problems for tea plantations workers. It generally either arrives slowly or does not arrive at all. Many women reported being forced to give birth at home, sometimes in dangerous and not adequate situations, just because there was no transportation to the hospital. Cost and accessibility of medications are additional crucial topics. Employees from estates with open access to medication stated that the majority of the medications are used to treat basic illnesses like fever and headaches. They are directed to the local government hospital if they have other serious illness. Additionally, even in cases of basic diseases, workers from tea estates stated that they do not always get their prescription drugs when they need them[224].

Another major issue for women workers' health is linked to the lack of toilet facilities in the gardens where they work, which force them to move far from their supervisors, who are almost always men, in attempt to find privacy to relieve themselves. This, in fact, leaves them open to a variety of illnesses, infections, predatory attacks, and sexual abuses[225]. Another issue related to this is the rigidly time-bound work schedule, which might lead to punishments if women miss work or lose time due to personal emergencies. The Sardars employ verbal abuse as a form of control and have severe rules on moving while at work[226]. Because of this, even in extremely hot weather, female pluckers reported that they rather never drink water to avoid being forced to move away from their work. Additional problems arise when women menstruate: due to the absence of sanitary facilities in the fields and water restrictions at home, they lack personal hygiene and are unable to wash their menstruation cloths. Many women are forced to take a leave to stay at home during their periods and thus to lose their daily pay[227]. Other women decide to keep going to work but they are forced to change their pads or cloths behind tea bushes, store the used ones in a bag, keep it with them and then wash the used cloth for eventual reuse. Otherwise, some women decide to lose off time during their lunch break to go home and change their menstrual pads or cloths[228].

[224] Ibid.
[225] Banerji S. and Willoughby R., Op. Cit.
[226] Business & Human Rights Centre, op. cit. 2021
[227] Banerji S. and Willoughby R., Op. Cit
[228] Rajbangshi P., and Nambiar D., op. cit.

Because of their harsh lives on the plantation, their marginalization, social isolation, and the abusive working conditions, women workers experience not only physical health problems, but also severe psychological problems such as stress, anxiety, and depression. According to the report "Who will stand up for us?", while talking about their health, women were seen to be feeling hopeless and desperate due to the restless life they live. The prospect of losing daily wages is a major source of stress for all women, together with family issues. Therefore, the only option for them is to keep working until their bodies give up[229]. Obviously, there is a complete lack of support systems and mental health services in tea plantations to address psychological trauma and emotional distress. This, together with the recurrent domestic violence that they suffer at home, is a reason for the high consumption of alcohol in tea plantations in India by women workers. Several women admitted that they drink alcohol also to ease the body ache caused by their long day of work[230]. Of course, alcohol consumption has consequences not only on their already poor salary, but also on their precarious health conditions. The main drink consumed and produced in Indian tea estates are Sulai and Haria which are made from harmful substances and prepared in a very unhygienic manner[231].

Another severe issue related to the physically demanding nature of work, low wages of tea pluckers and inadequate living conditions is the poor maternal health on plantations. Women in almost every Indian tea garden stated that their maternity rights had been violated, especially those that dealt with nursing breaks, maternity leave benefits, prenatal and postnatal care, and the protection of the mother's health throughout pregnancy[232]. In violation of ILO Maternity Protection Convention (2000), which states that women are entitled to not less than 14 weeks of maternity leave from work before and 6 weeks leaves after childbirth, every woman surveyed in West Bengal and Assam claimed to have taken no more than three months of leave, one month prior to the birth and two months following the birth, which correspond to 12–13 weeks. Usually, they must continue working through the eighth month of pregnancy. Some female employees reported that they were

[229] Ibid.
[230] Banerji S. and Willoughby R., op. cit.
[231] Jyoti Prasad Saikia, Op. Cit.
[232] Global Network for the Right to Food and Nutrition, op. cit.

occasionally required to go back to work the day after giving birth. Additionally, employees stated that women temporary workers were not eligible for maternity benefits, and as a result, they were not even granted the 12–13 weeks of paid leave like permanent employees. All pregnant women employees are required to perform the same tasks and pluck the same amount of leaves as the others. They are not provided with a break, and if they fail to meet their job requirements, their earnings will be withheld[233].

Women also expressed dissatisfaction over the fact that only children who can walk are permitted to attend the crèche, despite there being about 200 kids living on some plantation. As a result, caring for breastfeeding children still requires doing it at home. Because of this, a lot of families hire a home caretaker for 200 Rs every 15 days. Additionally, women have complained about day care centres' poor and filthy environment, lack of caregivers, and lack of adequate care for children. They do not have enough toys, towels, or consistently clean water available and, obviously, the management is not dealing with any of these problems[234].

In violation of both international and Indian law, breastfeeding mothers are not only denied nursing breaks once they return to work, but they are also victims of harassment by their management when they breastfeed in the field. Additionally, while both male and female employees complained about the waits for the tea leaves to be weighed during lunch and after work, these lengthy waits frequently disproportionately affect breastfeeding mothers and their kids because the women who pluck the tea leaves are left with little time to nurse their babies during the breaks and have to rush home at the end of the workday. Furthermore, it appears that no plan exists to guarantee that mothers are aware of the optimal ways to feed infants and young children, which is against both CEDAW and the Convention on the Right of the Child[235].

[233] Global Network for the Right to Food and Nutrition, op. cit.
[234] Ibid.
[235] Ibid.

The most alarming violation of women's maternal rights is the inadequacy and inaccessibility of pre-natal and post-natal care. Medical professionals noted that almost all pregnant patients from Indian tea estates arrive with nutritional anaemia and eclampsia; one doctor even said that, in his experience, 8 out of 10 women who pass away from labour problems are tea workers. Pre-term birth and stillbirth are also quite frequent among women working and living in tea plantations[236]. As a matter of fact, Assam has the highest maternal mortality rate in India, with 300 deaths per 100,000 live births. This is in contrast to the UK average of 10 and the Indian average of 167. In tea estate communities in Assam, maternal mortality is significantly worse, with 404 deaths for every 100,000 live births, which is similar to rates found in Sub-Saharan Africa[237].

Gender inequality in Indian tea plantations is reflected in these high rates of maternal and infant mortality, which are linked to a range of causes including inadequate healthcare, medical negligence, lack of paid leaves and sufficient maternal benefits for pregnant women, and lack of interest by the management for women's issues[238]. Malnourishment and anaemia are considered to be the primary causes for complications during pregnancies. Unfortunately, as many medical professionals noted, providing pregnant women with enough nourishment is a lengthy process that require much more attention and that cannot be resolved with just one or two months of prenatal vitamins and iron supplements. Another factor that contributes to limiting the access of pregnant women in Indian tea estates to adequate pre- and post-natal care is their lack of awareness and education. Teenage pregnancy has also been reported to be widespread among tea plantation workers, adding to the already dangerous condition of these pregnant women as the developing bodies of the young women compete with the developing foetus, with disastrous consequences for both. Finally, experts believe that pregnant and nursing women's exposure to pesticides may potentially be a harmful factor[239].

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[236] Banerji S., Human Rights in Assam Tea Estates, Op. Cit.
[237] Sharman T., Op. Cit.
[238] Fraats J., Addressing Gender-Based Violence in tea gardens in Assam, India, in IDH – The Sustainable Trade Initiative, November 25, 2020 https://www.idhsustainabletrade.com/publication/addressing-gender-based-violence-in-tea-gardens-in-india/
[239] Global Network for the Right to Food and Nutrition, op. cit.

2.2 Root Causes and Driving-factors for the Discrimination of Female Workers in the Indian Tea Sector

Many of the historical procedures and structures that were put in place during the colonial time at the early stages of the global tea trade remain in place now and represent a major obstacle to the growth of a more equitable tea business. India, like many of the newly independent tea-producing nations, chose to keep running their colonial-era tea estates in a largely similar manner because they were unwilling to interrupt this important source of foreign income mainly related to cheap labour[240]. The oppression and exploitation of women in plantations is one of the elements that has been transmitted to the current Indian tea industry. One of the primary causes of this historical discrimination is the patriarchal structure that permeates Indian society. Gender relations in public and private spaces within tea estates have been greatly shaped by patriarchal oppression and the sexual division of labour, that place women at the bottom of the plantation patriarchal hierarchy both in the fieldwork and in the household[241]. Apart from gender inequalities, there exist hierarchies based on ethnicity, class, and caste, all of which have played a role in justifying the abusive conditions that women plantation workers still face today. For these women, the interlocking systems of patriarchy, caste, and class produced a multifaceted, and intense oppression. Their marginalization is in fact caused by fact that they are not only women but also immigrants and members of lower classes[242]. The inadequate grievance channels provided both at estate and state level together with the weak Indian legal enforcement system make women working on tea plantations even more vulnerable to violations of their rights and impunity for perpetrators.

[240] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector: The Big Picture, Part 2: Analysys of The Root Causes of Human Rights Breaches, 2023

[241] Laskar S., Role of Family and Trade Unions in Affecting Women Workers Fair Representation inside Trade Unions of Assam Tea Plantations, International Institute of social studies, the Netherlands, December 2020.

[242] Sutradhar R., What Caused Marginalization: A Study of the Tea Plantation Women of Cachar, in International Journal of Science and Research (IJSR), Volume 4 Issue 5, May 2015, 2771-2775

2.2.1 Patriarchy and Gender Inequalities

The first and main cause for women's discrimination, exploitation and marginalization in the Indian tea industry and beyond is the patriarchal culture of the Indian society. Patriarchy is an intellectual and social construct that elevates men, the patriarchs, above women and put them in a position of supremacy. It is a set of social norms and systems where men control, subjugate, and take advantage of women. Stereotypes about masculinity and femininity are imposed on society, which support unequal power dynamics between men and women. Women are put in a position of subordination and are made invisible in all of the aspects of their life. In a patriarchal society, women's roles are limited to those of decent mothers, wives, and daughters. Although it was born as a concept to describe a family structure in which the father is the ruler and main authority, the patriarchal system has permeated every aspect of women's lives outside of the household due to the interdependent influences of traditions and religions[243]. Women are therefore subject to particular limitations that put them in disadvantage compared to men both in private and public spheres. Indian society is strongly patriarchal, and, because of that, women's roles are considered inferior in every sphere, including the home, the legal system, the media, and religion. The limitations to which women are subjected are primarily structural and have their cultural roots in the traditions, religions and customs of Indian society and in the reproduction of unequal gender dynamics by state, markets, households, and communities[244].

Even though, in ancient India, women were venerated, and the birth of a girl was thought to herald the advent of Lakshmi, the Goddess of Wealth and riches[245], throughout time, the patriarchal structure permeated the Indian society. In fact, the roots of gender disparity in India can be found in earlier times, when religious, cultural, and social influences interacted in complicated ways to create society standards and gender roles. Gender relations were further stratified by the caste system, which was extremely important in Indian society and resulted in even more marginalization of women from lower castes. Even though ancient Indian cultures

[243] Sapna Sah, Patriarchy and The Identity of Women, In Indian Society, In Journal of Emerging Technologies and Innovative Research (Jetir), August 2022, Volume 9, Issue 8, Pp 596-603.
[244] Kumar A., op. cit.
[245] Sapna Sah, op. cit.

were incredibly diverse, many of them had the practice of limiting women's participation in public life by giving them largely domestic tasks. The introduction of colonialism during the 18th century had a significant effect on gender relations in India. New legal and administrative frameworks brought about by British colonials frequently served to perpetuate preexisting gender hierarchies. British officials unintentionally maintained restrictive norms by upholding traditional Indian rituals and practices pertaining to women. For example, the education system was primarily created for boys, which further restricted Indian women's access to knowledge and their ability to engage in the workforce[246].

While it is true that women today have more independence and can enjoy a better position in society than they did in the past, discrimination still occurs in many areas of society and the overall image of women's status in India remains inadequate[247]. India is in fact ranked 129th out of 146 countries in the Global Gender Gap Index 2024 of the World Economic Forum which take into consideration several indicators such as women's education, political empowerment, economic participation and health[248]. With its deep roots in sociocultural, political, economic, and historical contexts, gender inequality in India is still a major problem. As seen in the previous paragraph, this has profound impacts on many fields including poverty, economic and work opportunities, violence, and health disparities[249]. The persistence of deeply rooted stereotypes, biases and traditional gender roles in Indian society is one of the main causes of gender inequality. Gender is a socio-cultural construct. Discrimination is the outcome of historical power relations, particularly the influence of the capitalistic and feudalistic modes of production. Gender norms are rooted in the power dynamics of an oppressive societal framework that generally favours the traits, contributions, and conduct of men over those of women[250].

[246] Balasubramanian R., Gender Inequality in India: Tracing Its Origins, Examining Its Outcomes and Charting A Path Forward, In Journal of Emerging Technologies and Innovative Research, November 2023, Volume 10, Issue 11, Pp 135-139
[247] Sapna Sah, op. cit.
[248] World Economic Forum, Global gender gap report 2024, June 2024
[249] Duara, Mridusmita & Mallick, Sambit, op. cit.
[250] Kumar A., op. cit.

Today, society is still shaped by traditional expectations about the roles and conduct of women, which restrict possibilities and strengthen discriminatory practices. These prejudices prevent women from participating in decision-making processes, obtaining an education, and having access to economic possibilities. They support the stereotype that women should only learn home task instead of receiving and education and that they are only allowed to work in more conventional, less lucrative or not paid occupations[251]. The analysis of women's labour frequently employs a paradigm that separates the world's activities into two categories: "Production" and "Reproduction." Reproductive activities deal with cultural or even "natural" functions, that is, components of women's existence that are naturally occurring, whereas productive activities are linked to wage labour. In Indian society, gender relations not only impact the foundation of culture but also reflect the relationships of production and, occasionally, reproduction[252]. According to feminists, sex roles stem from a patriarchal culture where men uphold the status quo to protect their own self-interest, and they are used to effectively keep women subservient. This is particularly evident in the tea plantations in India[253]. The gender discriminations that exist in both large and small tea gardens can be attributed to the historical origins of the tea industry in the dominant social patriarchal structure and its current association with the capitalistic way of production[254].

Gender is used as a form of “structural marginality”. Marginality is a social process in which individuals are placed in the "margins" of society, socially excluded, and unable to engage in social, political, economic, or cultural activities. A person, a group, or a community that is marginalized is unable to take use of the opportunities, resources, rights, and privileges that are typically afforded to other people. Due to the persistent rejection from the male dominating group and the persistent gender-specific duties that the entire social structure has allocated to them, women have been consistently marginalized. Female tea workers are one of the categories of women that have been more marginalized in Indian society. Plantation communities are characterized by an extension of the social norms and

[251] Balasubramanian R., op. cit.
[252] Anil Kumar, op. cit.
[253] Duara, Mridusmita & Mallick, Sambit, op. cit.
[254] Anil Kumar, op. cit.

conditions of patriarchy. In the patriarchal society of tea plantations, traditional masculine values are entrenched in the family, economics, social life, and religion; this also affects labour, hierarchies and the daily life of women. Gender roles are doubled for women labourers: they have specific gender roles both in the house and in the garden. Women who work on plantations are not granted the same rights and benefits as males. They are only viewed as cheap commodities in a society and workplace ruled by men[255].

Women in tea plantations in India have no voice. The majority of them admitted that they cannot not act against the will or without their husbands' knowledge. Some claimed that their husbands even made decisions concerning their own labour, such as where and when to work. These results demonstrate the patriarchal culture that upholds male supremacy in society and fosters an atmosphere that tolerates violence against women and discrimination. The pervasiveness of abuse is a result of societal acceptability of violence and beliefs about women's submissiveness. Women are left on their own, without anyone to protect them; they are only considered “small irrelevant people”[256].

2.2.2 Ethnicity, Caste, Class and Economic Conditions

The various identities that Indian tea plantation women have support the various levels of oppression they experience. In addition to being marginalized because of their gender, these people face discrimination because of their caste, class, and economic situation, as well as because they are the lonely and unassimilated descendants of migrant labourers. Therefore, social status of tea garden women in relation to caste, tribe, and class also plays a key role in classifying them as a vulnerable, marginalized group subjected to systematic discrimination[257].

As mentioned in the first chapter of the thesis, at the beginning, Assam's growing tea plantations created a need for a huge labour force because, like other plantation

[255] Dhanaraju, Vulli & Das, Gautam, Issue of Marginality and Tea Garden Women in Assam, India, in the research journal of social sciences, June 2019 volume 10 number 6.
[256] Frankenthal I. and Dutta D., op. cit.
[257] Laskar S., op. cit.

industries, the tea business has always been extremely labour-intensive. With a severe labour scarcity in the area, the planters' primary source of inexpensive labour were submissive immigrant workers[258]. During the early days, the majority of labourers were hired from the famine-stricken and impoverished regions of Eastern and Southern India or from the nearby Nepal, where they were regarded as the lowest class of people due to social unrest, excessive exploitation, and economic harassment by feudal lords and zamindars. Thus, they were economically marginalized in their own countries. The planters in the Indian tea estates took advantage of this, starting the slave trade first in Assam and then in many other plantations across India, which brought in a large number of workers as immigrants. Women were the worst victims of this forced migration: first they were exploited in their own native places, then by planters during the colonial period and now they are systematically exploited, marginalized and discriminated by the management of tea estates[259].

Numerous academics have documented that immigration causes people to become marginalized. According to Calavita, a professor of criminology, law, and society at the University of California, immigrants become marginalized as a result of being denied access to opportunities and resources. According to her, states' policies are designed in a way that makes it inevitable that immigrants will be marginalized[260]. For instance, a major issue in India is that the Indian constitution does not recognize the tea workers in the north-east, known as Adivasi or Tea Tribes, as Scheduled Tribes[261]. The first political usage of the name “"Adivasi", which means indigenous occupants, dates back to 1938, when the Jharkhand-based Adivasi asserted a lengthy history of rebellion against colonial authority. Adivasis recognize

[258] Dhanaraju, Vulli & Das, Gautam, op. cit.
[259] Sutradhar R., op. cit.
[260] Ibid.
[261] Zaid Chaudhary , Know What are the Scheduled Castes and Scheduled Tribes?, October 12, 2022: “Scheduled Tribes” is a government list of groups that are usually isolated from mainstream society. These people have a different society of their own and their own customs rules and regulations. They usually live in isolated places. Their primitiveness, geographical isolation, social, educational and economic backwardness distinguish them from other ethnic groups. “Scheduled Tribes” being backward and isolated from the rest of the population are not able to exercise their rights. In order to empower them to be able to exercise their rights special provisions have been made in the Constitution. https://www.youthinpolitics.in/blog/know-what-are-the-scheduled-castes-and-scheduled-tribes/

themselves as members of a broader community whether or not their tribe is recognized as a Scheduled Tribe, and they consciously use Adivasi terminology to assert their tribal identity. There are currently 121 distinct Tea Tribes residing in Assam. None of them have received government recognition because they are not recognized as Assamese natives in the traditional sense. In this context, Adivasi women are those that are most disadvantaged due to a triple discrimination on account of their gender, caste and race. The consequences of the historical oppression of immigrant communities in tea plantations is reflected in the social position of tea workers, particularly women, and in the structural inequalities in tea gardens[262]. Although every Tea Tribe faces difficulties in being recognized as Scheduled Tribes and is mistreated by the government, the Assamese community, and tea-producing businesses, the group who is most vulnerable is that of temporary workers, the majority of which are women. They are also known as “Faltu” which in Assamese and Hindi means "useless". Despite being considered useless, they make up about half of the state's workforce throughout 765 tea gardens and contribute to the majority of work related to plantations[263].

Tea workers continue to be economically, culturally, and politically marginalized not only as a tribe or ethnic group but also as an economic class. Women who work on Indian tea plantations are from "working class" backgrounds. They are regarded as the most oppressed group due to their dreadful socioeconomic conditions. In the plantation system, a woman's "class position" is equivalent to that of her husband and father. This suggests that women and the corresponding male class structure have comparable work statuses. However, "gender" implies a more complex identification of societal structures, behaviours, and ideologies, such as patriarchy, that uphold and perpetuate a woman's unequal status in a world run by men both in the reproductive and productive spheres. As a result, women who work on tea plantations face discriminations in society and in the workplace, because they are

[262] Poonam Barhoi and Surbhi Dayal, Adivasi women temporary workers in tea gardens and the Covid-19 pandemic, in Emerald Insight, July 2023, EDI 43.2, pp. 211-229
[263] Ibid.

viewed as members of a poor lower class with little rights, no political empowerment, and no education[264].

In India, low-income families from lower castes, classes or marginalized communities have historically given preference to males when allocating their meagre resources for healthcare, education, and nutrition. This is particularly true for tea workers: compared to about 40% of male workers, the Oxfam-commissioned study revealed that over 78% of female tea workers are either illiterate or can only sign their names to collect their earnings[265]. The dropout rate in education for women is higher than for men in tea estates. From a very young age, women are taught how to prepare meals, get water, gather firewood, and babysit, which prevent them from receiving a proper education. The prevailing consensus among the workers in tea plantations is in fact that mastering home tasks is more important for a girl than receiving an institutional education. This seriously impact women's ability to have the opportunity to escape a cycle of poverty, discriminations and violence[266].

Discrimination based on class, caste, and tribe exacerbates gender disparity. Women from marginalized, immigrant, or lower-class backgrounds frequently experience discrimination. They are further marginalized by discriminatory practices such as untouchability and caste-based violence, which prevent them from accessing social support, economic resources, and education. For tea working women, the intersection of these different level of discriminations poses severe obstacles to equality[267].

[264] Sarkar S., Gender, Identity Politics, and Emerging Underclass amongst Labour Force: A Study of Tea Gardens in North Bengal, India, Open Journal of Women's Studies Volume 2, Issue 1, 2020, PP 14-25
[265] Banerji S. and Willoughby R., op. cit.
[266] Swapna Sikha Das & Nil Ratan Roy, op. cit.
[267] Balasubramanian R., op. cit.

2.2.3 Weak Legal Enforcement and Judicial Mechanisms

The substantial legal gaps in the Indian system and the lack of judicial protection are other major contributing factors to the exploitation and discrimination of women in tea plantations. The first obvious issue is the poor rate of compliance with PLA regulations, which is a result of inadequate governance in this domain. As the above paragraph illustrates, this results in a very unsatisfactory adherence to statutory benefits in India's tea estates, which disproportionately disadvantage women[268]. Due to the labour-intensive nature of the tea industry, regions that grow tea have a significant political "vote bank" potential. Because of that, prior to elections, promises are frequently made to increase wages, housing, and land rights. While these promises are occasionally kept, as was the case with the recent transfer of land rights to West Bengal's tea estate workers, most of the times they are not[269].

This low degree of compliance with the Act has several causes. First, planters argue that because of the decreasing price realization, adhering to the PLA raises production costs, which lowers the sector's ability to compete in the market. Over time, landowners have hence used the "crisis" narrative as justification for weakening the PLA's provisions. Planters began to employ tactics to get around complying with the PLA, such as relying more on temporary and casual workers, as the Act does not apply to them. Additionally, they started implementing a range of other cost-cutting strategies, including staff reduction[270]. Furthermore, only plantations larger than 10 hectares are subject to the welfare measures required by the PLA. Planters have consequently adopted a strategy of subdividing and fragmenting the plantations into smaller parcels below 10 ha in order to avoid delivering non-wage benefits and welfare measures as mandated by the PLA. Since 1993, there has been a sharp increase in the number of small tea plantations, especially in Assam and the Nilgiris region of Tamil Nadu, indicating a growing trend toward this tendency[271].

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[268] Vijayabaskar M., Viswanathan P.K., Emerging Vulnerabilities in India's Tea Plantation Economy: A Critical Engagement with Policy Response, MIDS Working Paper No. 233, Madras Institute of Development Studies, April 2019

[269] The International Roundtable for Sustainable Tea (THIRST), part. 2, op. cit.

[270] Vijayabaskar M., Viswanathan P.K., op. cit.

[271] Ibid.

Second, a lot of tea companies believe that the government should be in charge of giving the in-kind benefits rather than businesses whose top goal is to maximize profits. The government should also adopt measures to establish a strong local economy that can purchase tea, provide inputs to the sector, and guarantee a suitable infrastructure for its production, processing, and transportation. However, most of the time, the Indian Government lack the necessary resources and finances to offer all the infrastructure and support that are needed[272].

Lastly, the insignificant penalty enforced on violators is a further factor contributing to the low level of PLA compliance. Since they come from the most disadvantaged and economically marginalized group in society, women on plantations are particularly susceptible to all types of exploitation. Nevertheless, no harm can be done to management if they breach any labour-related rights. The length of the legal process is excessive, and the penalty is irrelevant. Additionally, women do not receive financial assistance from government agencies because they are unaware of the various incentives that are offered[273].

As a matter of fact, the lack of judicial protection for victims of human rights violations in tea plantations in India is a major issue. In theory, workers have access to various formal grievance mechanisms in the event of human rights violations. First, there are estate-level complaint-handling systems, which are far more available to employees than other options. They are very useful to address everyday issues. Nevertheless, management and supervisors have the most influence over these systems, occasionally with the help of union representatives from the garden. Even though garden level methods are widely acknowledged as important, their ability to address worker issues is still severely constrained. In their interactions with employers, workers have relatively little negotiating power, and management's decisions about how to handle grievances are largely subjective. While these systems can be helpful in resolving minor, everyday difficulties like a forgotten payment, they do not give employees the ability to contest broader systemic flaws or systematic discriminations like those suffered from women such as low pay,

[272] The International Roundtable for Sustainable Tea (THIRST) part 2, op. cit.
[273] Swapna Sikha Das & Nil Ratan Roy, op. cit.

harassments, low quality of health and educational resources offered on estates. Additionally, workers on many estates reported that grievances were often disregarded or that they were left unanswered for weeks, months, or even years. Workers end up feeling alienated as a result, which makes them reluctant to file complaints because they do not think much of the management or believe that their experiences would improve if they did[274].

Second, those few employees educated about their rights can seek official remedies for their complaints through legal and administrative complaint-handling procedures. In theory, employees can take legal action to make sure managements follow the PLA or other laws that regulate their employment and work conditions. However, in reality, making such claims is extremely expensive due to judicial delays and entry barriers. Workers have little incentive to rely on legal interventions because it frequently takes years for the rulings. Legal battles over breaches of their rights have frequently lasted for at least four to five years[275]. Employees, especially women, frequently voiced concerns about the possibility that formal complaints may escalate into conflicts or lead to garden-level punishment. Many people are also worried about the presumably slim possibilities of a successful resolution through these official complaint procedures. As reported by a participant to the interview carried out by Dr. Kate Macdonald and Dr. Samantha Balaton-Chrimes "taking recourse to courts and tribunals does not solve the problem, the complaints hang on for years, much to the detriment of the workers themselves"[276]. In this context, management are evidently advantaged. Furthermore, the majority of tea workers are unaware that crucial laws protecting women's rights, like the Maternity Benefits Act and the Equal Remuneration Act, offer channels for lodging concerns.

With regard to institutional support at Government level, the Tea Act of 1953 gives the central government the authority to investigate into any estate that has not fulfilled its duties to its employees. When management has neglected matters pertaining to worker welfare, the Tea Board is also authorized to assume control of

[274]Macdonald K. And Balaton-Chrimes S., Human Rights Grievance-Handling in The Indian Tea Sector, Non-Judicial Redress Mechanisms Report Series 6, Corporate Accountability Research, 2016
[275] Vijayabaskar M., Viswanathan P.K., op. cit.
[276] Macdonald K., and Balaton-Chrimes S., op. cit.

the estates. Even though there have been multiple violations committed by management, such takeovers are rarely visible[277]. Additionally, the government has established shelter homes, or Swadhar homes, to provide home-based care and rehabilitation specifically for women in challenging situations. For instance, in Assam districts, there are 16 Swadhar households. However, women's access to these services is restricted. In addition, the majority of these programs suffer from understaffing, a shortage of professional training, and insufficient gender sensitivity among support staff. Most of the time, they receive an overwhelming amount of calls and support requests on the hotline number. Usually, they cannot effectively reply. Another major issue relating to these grievances mechanisms is that the general level of awareness among tea workers is very low, especially for women that are kept in a circle of ignorance due to the lack of education[278].

Finally, the local police represent another avenue for women to file a complaint over a breach of their rights, particularly in cases involving violence or harassment. However, the police typically dissuade women from filing complaints, claiming that it is an expensive and time-consuming procedure. They are frequently asked to make concessions and are not granted justice. Thanks to this approach, perpetrator remain free in the labour lines and keep on harassing their victims[279]. This demonstrates how inefficient judicial governance institutions have weakened legal remedy to ensure the welfare of women tea workers, even in the face of legislative governance established at the state and estate levels[280].

Tea workers whose plantations are connected to foreign investors or buyers have also access to a range of formal transnational grievance mechanisms; nonetheless, it is uncommon for tea workers to use these channels for grievances. Understanding the limited efficacy of current grievance-handling procedures requires taking into account social and economic factors that are not directly related to the grievance procedures themselves, but which nevertheless have a big influence on them, such as the marginalized position of workers which expose them to multiple barriers to

[277] Vijayabaskar M., Viswanathan P.K., op. cit.
[278] Frankenthal I. and Dutta D., op. cit.
[279] Ibid.
[280] Vijayabaskar M., Viswanathan P.K., op. cit.

access these mechanisms. Even in this instance, some of the major obstacles for workers, particularly women, include a lack of knowledge about the mechanisms and ways to contact them, a lack of trust in complaint systems, and the lack of time and other resources needed to follow through on a complaint. Another factor limiting the influence of these transnational mechanisms is the fact that they need to demonstrate their credibility in local political debates over human rights practices in the tea sector. Whenever international bodies or foreign organizations intervene in domestic labour issues, their legitimacy is sometimes contested on the grounds of "foreign interference"[281].

Additionally, an examination of the Indian legal system reveals further issues and gaps that create the ideal conditions for the violation of women's rights on tea plantations and the continuous impunity of perpetrators. For example, only the State can violate the fundamental rights guaranteed by the Constitution. Therefore, the only entity required to refrain from sex-based discrimination is the State. Hence there is a gap regarding the legal prohibition of discrimination against women by any individual, group, or business. In addition, a number of widely accepted traditions and behaviours that support discrimination against women are not covered by the law[282]. Despite being a signatory to multiple international human rights treaties, India hardly ever nominates women to the monitoring organizations established by these treaties or by specific mechanisms. For example, it has only nominated one woman to the CEDAW Committee in nearly 30 years[283]. Finally, legislative organizations created to uphold and advance women's rights are neither fully funded nor independent from the government, making it impossible for them to fulfil their mandate and engage fully in public life. A good example is the National Commission on Women, which has all the legal authority of a civil court in theory but is constrained in numerous ways that make it difficult for it to effectively protect women. For instance, the NCW is merely advisory and cannot impose its decisions; also, since it is not recognized by the Constitution, it is not authorized to call witnesses or police officers. Furthermore, it is unable to take legal

[281] Macdonald K. And Balaton-Chrimes S., Op. Cit.
[282] Manav Adhikar Bhawan, Women's Rights in India An Analytical Study, National Human Rights Commission, India, 2021
[283] Ibid.

action against the Internal Complaint Committees that forbid women who are harassed from redressing their grievances. Its operations are reliant on funds provided by the federal government, and lastly, it lacks the authority to select its own members[284].

Therefore, even though India has made progress in passing laws to advance gender equality, there are still many obstacles to overcome before these laws can be effectively enforced and put into practice. Law enforcement shortcomings, corruption, a lack of funding for women's safety, and women's ignorance and lack of education frequently make it difficult for the legal system to effectively handle gender-based violence and discrimination against women who work on tea plantations[285].

2.3 The Role of Business Practices in the Abuse of Women Tea Workers

Even though violations of women's rights in Indian tea plantations are mainly rooted in socio-historical factors, companies who supply tea from Indian estates, contribute to the abuses by exploiting women's vulnerable status to their advantage to make huge profits. The economic interest of big tea companies is in fact another driving factor of women's conditions in the Indian tea industry. Most of the time businesses take no action to confront or put an end to violations of women's rights or to positively impact the status of women employed in their supply chain. However, while governments bear primary responsibility for ensuring that everyone complies with human rights obligations, companies, according to the UNGPs, can be held liable for violations of human rights that occur as a result of their international operations or supply chains[286]. This include refraining from violating human rights or contributing to their infringement, as well as dealing with abuses of human rights when and where they arise, regardless of whether the harm was

[284] ForumIAS, July 6, 2024, https://forumias.com/blog/answereddiscuss-in-brief-about-the-role-of-national-commission-of-women-do-you-think-it-is-a-toothless-organisation/
[285] Balasubramanian R., op. cit.
[286] Wettstein, F., Silence as Complicity: Elements of a Corporate Duty to Speak Out Against the Violation of Human Rights, in Business Ethics Quarterly, 22, 37-61, January 2012

connected to a firm either directly or indirectly through its commercial relations. Even if a corporation is not breaking any laws or doing anything wrong per se, it can nevertheless be complicit in human rights violations if it is just going about its business and pursuing its financial interests. As a matter of fact, as reported by Professor Stephen Kobrin, the great majority of corporate rights abuses entail cooperation or aiding and abetting violations by another actors, most frequently the host government or suppliers[287].

This responsibility comes from the fact that large corporations have a significant share and impact in the market. The tea industry, in particular, is characterized by a high degree of concentrated corporate ownership and power, which translates into an exceptional degree of influence over other chain participants, such as suppliers, producers, logistics firms, intermediaries, consumers and even governments[288]. In order to prevent these strong players from abusing their power, UNGPs established a worldwide standard of expected behaviours that transcends national legislations. According to the UN, companies bear also the obligation of upholding women's rights within their global value chains. When evaluating their effects on women, they must take gender-based factors into account, which includes assessing how societal roles and expectations have negative effects and how these could be addressed to reduce the likelihood of gender discrimination[289]. The international companies in the packaging, branding, and retail sectors that are making the most profits are the ones with the most potential to change the tea industry and guarantee that enough value reaches the bottom end of the supply chain so that estate managements may offer workers and their families adequate housing, food, healthcare, and educational opportunities. Nevertheless, a lot of international companies in the tea sector strive to escape direct responsibility for labour laws and human rights violations[290].

[287] Wettstein, F., op. cit.
[288] Business & Human Rights Centre, 2021, op. cit.
[289] Barrientos S., Bianchi L., Berman C., Gender and governance of global value chains: Promoting the rights of women workers, in International Labour Review, Vol. 158, No. 4, 729-752, 2019
[290] Business & Human Rights Centre, Report: Boiling Point Strengthening Corporate Accountability in The Tea Industry, May 2023

2.3.1 Economic Interests and Wrongful Practices of Tea Companies

The primary driver behind tea businesses' complicity in human rights violations is the competitive advantage that they get from the exploitation of cheap labour. Buyers serve their business goal by sourcing the raw material at the lowest cost possible while maintaining a respectable quality. Buyers bear costs, investment, and business risks[291]. Outsourcing enables companies to cut costs and maximize profits while also assuming less liability for the effects of their decisions or operations. Keeping production costs low is essential for businesses operating in a competitive global market, like the tea one, in order to offer competitive prices. When buying firms put pressure on suppliers to reduce production costs, labour is the cost element that they can more easily squeeze and that quickly leads to increased profit margins[292].

All the commercial practices of big tea companies are driven by costs and prices. Many problems that affect tea workers and farmers, especially women, have their roots in the constant desire of businesses to keep the price of tea as low as possible. As reported in a survey conducted by THIRST in 2023, producers feel that there are insufficient incentives in the global tea market to guarantee fair labour standards and human rights in the industry. They stated that although buyers expect them to follow their company policies, they do not receive any assistance from their clients in fulfilling these obligations, nor they receive compensation for making improvements. Additionally, the producers are generally forced to sell most of their tea for less than what it cost to produce[293]. As it stands, social responsibility typically comes as an additional cost on the back of producers and workers and does not successfully counteract corporations' wrong practices[294]. According to Oxfam, one of the primary issues with the food supply chains—including the tea industry—is the combined dynamic of small-scale farmers' and workers' diminishing

[291] The International Roundtable for Sustainable Tea (THIRST), Human rights in the tea sector: the big picture, part 2: analysys of the root causes of human rights breaches, 2023
[292] International Labour Organization, Purchasing practices and working conditions in global supply chains: Global Survey results, INWORK Issue Brief No. 10, Geneva, 2017
[293] The International Roundtable for Sustainable Tea (THIRST), Human rights in the tea sector: the big picture, part 2, 2023
[294] Barrientos S., Bianchi L., And Berman C.,

bargaining power and the growing influence of big buying companies[295]. This allows buyers to exploit their position to push down prices as much as possible in the supply chain in order to maintain their competitive advantage. The low prices paid by these foreign buyers have a negative effect on the capacity of tea growers to provide decent working conditions for their employees. Women tend to be the easiest source of cheap labour for supplier to meet this high pressure from buyers[296]. It is rare for a supplier to lose a commercial relationship with a buying company due to noncompliance with their code of conduct, while in contrast, half of the companies who participated to THIRST survey cited price as the main reason for the forced termination of partnerships. This disparity delivers a clear message about the goals of tea corporations and the way in which producers are compelled to act in order to meet consumer expectations and the market demand. Even a tea broker highlighted to THIRST this lack of producer power in determining tea prices: "If you think of any other product, whether it's a biscuit or a toothpaste, there is a relationship between the cost of manufacture and the selling price. In the case of tea, it is not that, it is purely by supply and demand situation[297].

Some businesses active in the food and beverage industry interviewed by Oxfam, justified the low prices imposed on suppliers by arguing that their only responsibility is to satisfy customer demand, and that since consumers are always looking for cheap products, they can only stay competitive by reducing their production costs. Ensuring a liveable salary for labourers across the supply chain and consistently evaluating the locations and growing circumstances of products are costly activities. However, it is at best deceptive to suggest that businesses are at the whim of customer demand. Businesses in this industry spends millions of dollars a year on sophisticated marketing, public relations, and lobbying initiatives to influence public opinion, which helps them shape customer demand. In this sense, businesses are the primary generators and drivers of consumer demand[298].

[295] Banerji S., And Willoughby R., op. cit.
[296] Barrientos S., Bianchi L., Berman C., op. cit.
[297] The International Roundtable for Sustainable Tea (THIRST), Human rights in the tea sector, part 2, cit.
[298] Hoffman B., Behind the Brands: Food justice and the 'Big 10' food and beverage companies, Oxfam International, February 2013

However, aside from economic interests, businesses face many obstacles in complying to their human rights obligations along the whole tea supply chain. The fundamental cause of this hindrance is the chain's extreme fragmentation: it is in fact made up of numerous players (small-scale producers, brokers, intermediates etc.) that come at various stages of production[299]. As a result, there is an extensive distance between businesses and their suppliers, and even more so, there is little direct interaction with workers and their representatives. Hence, it is challenging for businesses to effectively monitor adherence to human rights in such a complicated chain of production[300].

It is also important to note that transnational corporations operate outside the legal borders of their suppliers. This shields tea companies from being held liable for human rights abuses and gives them an additional incentive to not comply with their obligations[301]. Multinational corporations have the ability to evade laws at both the national and international levels. International law hardly recognizes multinational firms because international treaties on human rights were designed primarily with States in mind. As a result, there are only international guidelines and principles in place that are generally voluntary and non-binding. On the other hand, domestic laws in host nations are typically weak because of resource scarcity, political influences, corruption or the interest of the government in FDI[302].

Due to the highly unequal power dynamics in the market and the absence of laws governing corporate activities, tea companies are able to profit from well-known abusive labour conditions in tea plantations in countries that supply them with tea, such as India, without being held responsible for the harm caused[303]. This is possible because of the strong lack of transparency of tea businesses: leading companies and retailers are aware of the source of their tea, but they hardly ever provide information to the public about who produces their tea, where, and how

[299] The International Roundtable for Sustainable Tea (THIRST), part 2, 2023, cit.
[300] Business & Human Rights Centre, 2023, op. cit.
[301] Barrientos S., Bianchi L., Berman C., op. cit.
[302] Calatayud, M.J., Candelas, J.C., & Fernández, P.P., The accountability of multinational corporations for Human Rights' violations, in Cuadernos constitucionales de la Cátedra Fadrique Furió Ceriol, Nº 64-65, pp. 171-186, 2008
[303] Business & Human Rights Centre, 2021, op. cit.

much they buy, unless they are requested to[304]. Therefore, for instance, in India, even though major tea brands, like Tetley, PG Tips, Twinings, Tata Global Beverages, and others, are known to obtain their tea from estates across the nation, it is unclear which gardens produce tea for which company. Nevertheless, whether or not they choose to reveal their ties, businesses that source from Assam and other regions in India are associated with the reported violations of the rights of workers in those estates[305]. There are instances when tea firms willingly fulfil their duty to disclose their human rights record. However, even in those cases, they tend to focus on other topics or only cover a small portion of the real problems surrounding tea plantations in order to avoid discussing the more compelling ones. While some tea firms have created or sponsored targeted initiatives to address some of the most important human rights concerns in Indian tea plantations, particularly in the Assamese region, there is no systematic approach to addressing these issues, and some corporations appear to take no action at all. Even in cases of well-documented abuses, reports regarding human rights issues in tea estates adopt a "managerial logic" and continue to be evasive, inconsistent, limited, superficial, and selective, if not non-existent[306].

The main problem with tea supply chain is not a lack of information or the need for additional human rights assessments; rather, it is a disclosure problem that affects the whole tea business because there is no cooperative, transparent, or open activity from international companies. When businesses find issues, they most definitely do not share. Instead of being in the hands of employees, these become confidential information in the hands of powerful players. Because of this, information about what goes on in plantations only occasionally comes to light through the efforts of NGOs, trade unions, academics, and journalists. In the meantime, the businesses in the industry benefits from opacity and the inability to be held accountable for the appalling working conditions of tea workers in Indian tea plantations to maintain their competitive advantage[307].

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[304] Hoffman B., op. cit.
[305] Rao M., and Bernaz N., Corporate Responsibility for Human Rights in Assam Tea Plantations: A Business and Human Rights Approach, MDPI journal, Sustainability 2020, 12, 7409
[306] Ibid.
[307] Business & Human Rights Centre, 2021, op. cit.

Transparency is fundamental to evaluate a company's economic, environmental, and social impact. Transparency in the supply chain require current, publicly accessible data regarding the tea sources that businesses use, including all suppliers at the producer and processing levels. It is crucial because without knowing where businesses source their tea, consumers, trade unions, civil society, and employees cannot hold businesses accountable for violations of human rights that take place in their supply chains[308]. Without transparency, it is difficult for governments to create policies that are effective, for consumers to make informed choices, and for potential resources to be allocated toward the improvement of workers and producers. Without this information, attempts to address abuses, ranging from gender-based violence to forced labour, end at the estate level rather than proceeding up the value chain where the majority of the value and power is concentrated. Workers and activists are left in the dark by hidden supply chains, unable to independently confirm whether or how policies are being followed until companies and retailers reveal where their tea comes from. Contrary to what businesses claim, workers have a right to know which company benefit from the tea they pick as well as the standards set by the brands for how employees are treated in their supply chains. Withholding clarity about the dynamics of the supply chain leaves workers and their organizations unable to speak out against human rights abuses, which further solidifies the existing power imbalance of the tea industry[309].

Despite the well-known systemic abuse and exploitation of women in the tea industry today, very few businesses are taking meaningful actions to address the situation of female workers in their supply chains. Although they are aware of the conditions that women face in Indian tea estates, especially in Assam, brands are not doing anything to improve them[310]. This is mainly because they need "docile" women and their acceptance of low pay and physically taxing labour for their own benefit. Without them, the entire sophisticated colonial system would cease to

[308] Business & Human Rights Centre, 2023, op. cit.
[309] Business & Human Rights Centre, 2021, op. cit.
[310] Hoffman B., op. cit.

assure the comparative advantage to tea companies. In order to maintain the affordability of tea for consumers, the profitability for brands, retailers, and shareholders, the continued vitality of production companies, and the ability of governments to receive foreign investments from tea exports, it is essential that women workers continue to accept their role as mere gears in the whole tea machine. And the systems and institutions around them, such as the strict managerial hierarchies, the free housing and rations as a compensation to low pay, the isolation from outside influences, and the maintenance of the paternalistic norms, were all built with the aim to keep them stuck in their position[311].

2.3.2 Studies on the Lack of Transparency and Accountability of Big Tea Companies

Numerous studies regarding the business practices of the largest tea companies have confirmed their lack of transparency and accountability over human rights violations that take place in Indian tea plantations. For instance, a study conducted in 2020 revealed a discrepancy between the well-documented human rights issues in the estates of Assam, and corporate reports of the big tea companies on the same issues[312].

One particularly noteworthy event involved Tata Global Beverages (TGB), a global business based in the UK and a member of the Tata group, one of the largest multinational conglomerates of India. TGB is the owner, among others, of Tetley and Tata Tea, which is the biggest packaged tea brand in India. Amalgamated Plantations Private Limited (APPL), a firm owned by Tata Global Beverages, received a $7.87 million investment in 2009 from the International Financial Corporation (IFC) of the World Bank Group. The project's goal was to purchase and oversee 24 tea estates in West Bengal and Assam. The business committed to putting into practice a long-term employee-owned plantation model[313]. In 2013, three Indian NGOs filed a complaint on behalf of workers with the Compliance

[311] The International Roundtable for Sustainable Tea (THIRST), Human rights in the tea sector, part 2, op. cit.
[312] Rao M., and Bernaz N., op. cit.
[313] Ibid.

Advisor Ombudsman (CAO) over the living and working conditions on three of APPL's plantations in Assam. In an extensive report released in 2016, CAO claimed that IFC's oversight of the APPL investment did not adhere to the guidelines set forth in its sustainability strategy or relevant internal procedures. Furthermore, APPL-owned plantations were the focus of other investigations and a BBC documentary concerning the violations of Assamese tea workers' rights. As a result, TGB encountered criticism from its customers all over the world. Since then, the company has methodically tried to separate all of its brands from Assam tea. Because of that, none of TGB's products had any mention of Assam tea on their websites. This partially changed after the "Who picked my tea?" campaign that pushed the major tea brands to declare their supply chains. Tetley, declared that, as July 2019, they sourced tea from 68 estates in Assam. Generally speaking, nowadays TGB refers to Assam, albeit vaguely and not consistently. It still does not accept complete accountability and is evasive about how much they are involved in the human rights violations taking place in Assam[314].

Another important company active in the tea sector is Associated British Foods (ABF), a global supplier of food, ingredients, and retail goods that owns the well-known tea brand Twinings. Despite not owning any tea plantations, it has production facilities in China, India, the UK, and Poland. ABF developed the "Sourced with Care" initiative, which attempts to enhance the living conditions of tea workers who are a part of Twinings' supply chain that can be accessed through the UK website of the company and that will be further analysed in the next chapter. Social impact reports were released in 2016 and 2018 as part of this program. According to both sources, Twinings can fully trace its supply chain back to the estates from which they are supplied. The 2016 report also emphasizes Twinings' numerous projects and their results. In 2010, the Indian Tea Association, Twinings, and UNICEF collaborated on the first project in the state which aimed at giving girls living on tea estates a better quality of life. Maternal healthcare and women' safety were then included to the UNICEF program in 2018. The effort that ABF has done in Assam indicates that they understand their obligation to tea workers, even

[314] Rao M., and Bernaz N., op. cit.

though its strategy is still unsystematic, not fully transparent and narrowly focused on certain problems[315].

Finally, Unilever is a British-Dutch firm that operates internationally and specializes in consumer goods. At the time of the survey, three of its brands—Brooke Bond Taj Mahal in India, PG Tips in the UK, and Lipton in the USA—had mentions of using Assam tea in their products on their websites. In 2017, Unilever released a human rights report that recognized Assamese tea estates as a component of Unilever's wider supply chain. The report also included a section called "Focus on Assam" about women's rights challenges in Assam and the tea business. In this section, the firm names McLeod Russel as their supplier of Indian tea and describes the joint efforts of Unilever, McLeod Russel, and UN Women to enhance the living and working conditions of women employed on Assamese tea estates. The report provides an indication that six Assamese tea farms are implementing development measures, but it does not offer any further details. Thus, Unilever's strategy is not fully clear. They mention Assam without a doubt, and they provide some quite accurate information such as for example wages, which demonstrate that they understand their obligation to protect the human rights of Assam tea plantation workers. But the fact that there has not been a systematic and continuous communication about Assam also implies that they could be downplaying their responsibility to be transparent[316].

The corporations were ranked by the study according to the extent of their disclosure about their involvement in the Assam issues. Leading the way was Unilever. Compared to other corporations, the company's disclosure is clearer because it acknowledges human rights violations in its supply chain and provides some clarity into the particular steps it has done to address the situation in Assam. Next is ABF that, similarly to Unilever, acknowledges sourcing tea from Assam, without fully going into details, and cites its activities aimed at improving the situation. TGB comes in last. The business is well known for its attempts to

[315] Rao M., and Bernaz N., op. cit.
[316] Ibid.

dissociate with Assam tea estates and for violating workers' rights. Its publications also demonstrate their reluctance to take accountability for these actions[317].

In an effort to address this deficiency of transparency in supply chain information, The Business & Human Rights Resource Centre contacted 65 corporations in 2021 and asked them to publicly provide the specifics of their supplier networks so that they might be consolidated into the first Tea Transparency Tracker. Large global organizations, supermarket chains, small family-owned businesses were among the enterprises that released information, demonstrating that the only thing preventing them from being transparent was their own dedication and willingness. Of the 65 companies contacted, Finlays, Sainsbury's, Teapigs, and Walmart were among the 36 who did not reply. Of the 29 participating companies, 17 published their list of factories or sourcing estates in full or in part. Twinings is one of the ten that has been fully disclosed. 25 businesses answered the questions on their supply chain policies and sourcing procedures. With regard to women's rights, 18 businesses clearly have anti-violence and anti-harassment policies in place. 6 more stated they did have these policies, but they were unable to offer sufficient proof. A number of these policies deal with discrimination, but they do not address workplace harassment or gender-based violence. Only 12 companies answered when it came to grievance-redress mechanisms, and very few of them had an accessible grievance-raising process, or a dedicated person for handling grievances. None made information on grievance responses public[318].

The Business & Human Rights Resource Centre then showed how to use its Tea Transparency Tracker in 2023 to connect 70 allegations from 28 publicly accessible sources that were detected at the supplier level in 2022. Ahmad Tea, Bettys & Taylors, Ekaterra, Goodricke, James Finlay, Jenier, Marks & Spencer, Morrisons, Plus, Ringtons, Starbucks Teavana, Tesco, Tetley, Twinings, Typhoo, and Unilever were the sixteen firms connected to these accusations. These comprise claims made by estates and factories in the major tea-producing nations, including India, about infringements that fall into three main categories: violations of the right to freedom

[317] Rao M., and Bernaz N., op. cit.
[318] Business & Human Rights Centre, 2021, op. cit.

of association, violations of health and safety regulations, and abuses pertaining to wages, benefits, and living standards. Out of the 70 allegations, at least 30 were reported in Indian estates, primarily in Assam and West Bengal, with a smaller amount in Tamil Nadu. Since most crimes go unreported, the accusations that have been made are merely the tip of the iceberg. However, they offer a starting point for evaluating the dedication and efficacy of large tea companies in recognising, avoiding, and addressing human rights violations related to the tea supply chain. The majority of businesses stated that they had human rights policy commitments in place and that they regarded the accusations with care. This illustrates the importance of increased supply chain transparency in ensuring corporate responsibility in the tea industry. However, the responses exhibited a worrying lack of contact with workers and their representatives, along with a general lack of clarity regarding the practical implementation of policy commitments[319].

All of these studies demonstrate the need for major tea businesses to take more proactive and concrete steps to fulfil their UNGPs obligations, be transparent, adhere to new and better legislative standards, and be accountable for worker welfare and human rights respect throughout their supply chains.

2.4 Final Remarks: The Intersection of India's Systemic Issues and Tea Companies' Economic Goals

The way the tea business is currently operating shows how women workers are systematically exploited and mistreated. They are the victims of an extensive, intricate, global process that was put in place from the start with the intention of maximizing profits for traders, brands, and retailers by abusing their position of power over vulnerable workers[320].

With roots in Indian history and sociocultural norms, the issue of women's rights violations in tea estates is systemic, affecting the entire tea sector. This, however, is only a small portion of the greater pattern of discrimination against women in India

[319] Business & Human Rights Centre, 2023, op. cit.
[320] Banerji S., op. cit.

brought about by the country's weak legal system and patriarchal ideology. The tea plantation industry is structurally flawed due to ingrained patriarchal norms, past colonialism, and economic dependency, all of which contribute to an atmosphere that makes female workers particularly vulnerable.

Every element of the life of women working in Indian tea plantation is violated; this includes, among all, their right to life, safety, equality, privacy, housing, access to water and food, sufficient wage, work opportunities, health, maternity, and reproductive rights. After generations of oppression, the systemic gender discriminations in the Indian tea industry are now accepted as "the norm". As stated by a participant in the interview carried out for the Indian Journal of Industrial Relations in the Dibrugarh district: "Women have always been discriminated in the tea plantations"[321]. Despite the tea industry's objections whenever such allegations surface, the issues that are currently being mentioned are neither unique nor unexpected. As the government and the industry are well aware, these problems are, in fact, common, structural, long-standing, and rooted in the Indian tea business. Nevertheless, they are constantly neglected[322].

Governments bear the primary responsibility for protecting human rights. They have an obligation to enact and uphold strong labour laws as well as to effectively regulate corporate activity in order to safeguard human rights. Governments should also supervise and control corporate human rights policies both nationally and internationally. However, a lot of them, India included, have constantly failed to monitor or control the extraterritorial human rights violations by businesses based on their territory[323].

However, there are other parties to blame for the horrible conditions that women suffer on tea plantations besides the Indian government. Even though the main violations are carried out at estate level by managements, the big companies in the upper end of the tea value chain indirectly contribute to the abuse of women

[321] Duara, Mridusmita & Mallick, Sambit, op. cit.
[322] Savur M., Labour and Productivity in the Tea Industry, in Economic and Political Weekly, Mar. 17, 1973, Vol. 8, No. 11 (Mar. 17, 1973), pp. 551-559
[323] Human Rights Watch, Human Rights in Supply Chains: A Call for a Binding Global Standard on Due Diligence, May 30, 2016

workers. Due to their immense market power and impact, as well as their influence over governments and other supply chain participants, large tea firms are liable for respecting human rights. Nevertheless, a lot of tea businesses put profit ahead of the well-being of their employees, particularly women who make up a sizable and cheap section of the workforce. Companies in the tea sector frequently have incentives or benefits to disregard the rights of their female employees and to keep their supply chain hidden. The absence of adequate legislation to control the activities of tea companies is a major contributing factor to violation of their human rights obligations.

In conclusion, even if historical, social, and legal factors account for a large portion of the problem, individual businesses can and do have a role in the abuses of women's rights in the Indian tea sector and their economic interest can be considered as a further driving factor. As a matter of fact, although companies are not the primary perpetrators of women's rights violations, they willingly take advantage of India's systemic issues and the abuse of women workers for their own economic gain. They silently and indirectly contribute to these violations by ignoring all these problems and by engaging in unethical business activities. Additionally, due to weak legal enforcement of the Indian system, individual businesses can pursue their economic interests at the expense of women working on tea plantations without being held accountable for the abuses that they suffer every day.

CHAPTER 3. PATHWAY TO WOMEN EMPOWERMENT IN TEA SUPPLY CHAINS: EXAMPLES OF GOOD BUSINESS PRACTICES AND FUTURE ACTIONS

As previously mentioned, the social, economic, and environmental problems related to the tea industry are becoming more widely known to the public. Consequently, people are becoming more interested in the living and working situations of those who make tea and are asking for more sustainability and accountability from businesses. Buying companies have the power to set standards and make demands that can lead to improvements in wages, facilities, health, safety, gender equality and the overall sustainability of the sector. In such a context, it is fundamental for companies to adopt responsible business practices and policies. As a result, more and more firms are developing corporate social responsibility (CSR) initiatives[324]. As mentioned in the first chapter, CSR refers to voluntary ethical initiatives taken by companies to be more economically, socially and environmentally responsible in their operations. If properly applied, monitored and based on a genuine commitment to ethical practices and human rights, these initiatives can represent major steps towards the end of all the abuses, discrimination, exploitation and violence that women working in tea plantation in India and in other tea-producing nations face on a daily basis. CSR includes certification schemes, projects in partnerships with other relevant international organizations and standalone practices, policies and projects adopted by the firm itself to uphold its human rights obligations in line with the UNGPs, become more responsible and to be held accountable for possible violations. These tools will be examined in the first three paragraphs of this last chapter, each with specific positive examples. The fourth paragraph will then explain all of the advantages that tea businesses can get from adopting responsible policies and practices towards the women employed in their supply chain.

[324] International Labour Office (ILO), Sectoral Studies on Decent Work in Global Supply Chains Comparative Analysis of Good Practices by Multinational Enterprises in Promoting Decent Work in Global Supply Chains, STUDY 3: Global Tea Supply Chain, Sectoral Policies Department, pp. 101-132, Geneva, 2015

3.1 Certification Programs

3.1.1 Functioning and Objectives

In the tea sector, certification schemes that concern tea production, processing, labour and marketing standards are the most prevalent types of CSR. The most important tea brands all rely on certifications with the aim to show customers how dedicated they are to uphold ethical and environmental standards. Typically, certification systems set forth requirements grouped into three categories: social, environmental, and economic sustainability. With these programs, the certification body has the mandate to carry out audits to evaluate a company's compliance and commitment with the set of established criteria. When companies meet the standards outlined in the certification and pass the audit processes, they can display the certification label on their packaging which has the purpose to inform customers that the environment and workers' rights were respected during production. This works as a mean of accountability and product differentiation that can lead to an improvement in profitability and business performance. This is why certifications are especially widespread in consumer-facing goods like tea. Afterwards, the certified items will be subjected to further audits to confirm the company's commitment.[325]

Trade certificates are able to increase the volume of trade by helping tea plants and producers become more visible in the export market. Moreover, thanks to these schemes, the production, processing, and trading of tea are subject to strict restrictions that can positively affect workers welfare both directly and indirectly, as well as to enhance the ecological and environmental circumstances surrounding the tea plantation areas. The numerous issues that small farmers and workers, particularly women, face in relation to pay and benefits from their jobs can be greatly enhanced by these standards. Research has indicated that certification programs in the tea industry have yielded favourable results in many regional contexts, including India. Certifications also encourage improved farming methods, which results not only in better protection of workers but also in higher-quality

[325] International Labour Office (ILO), Sectoral Studies on Decent Work in Global Supply Chains, op. cit.

tea[326]. The practice of relying on certification body grew exponentially throughout time. These days, there are several reliable certification organizations that establish the rules and standards that companies and producers must follow in the tea industry, and at least half of the tea companies that source from Indian estates use one or more certifications as a competitive advantage to gain access to as much markets as possible. Three of the most well-known certifications are Fairtrade, Rainforest Alliance, and B-Corp. At national level, India has a certification program called TrustTea[327].

3.1.2 Popular Certification Schemes

- ***Fairtrade***

One of the biggest and most popular certification body at global level is Fairtrade, with 106 certified tea producers in the world, 12 of which in Assam's estates. Fairtrade International states that its goals are to link underprivileged producers and consumers, advocate for more equitable trading practices, and provide producers with the tools they need to fight poverty, bolster their status, and take greater ownership of their lives[328]. The Fairtrade concept is supported by three key elements: minimum pricing, standards, and premiums. The Fairtrade Premium is an extra amount of money that is placed into a collective fund that farmers and labourers can use as they want to enhance their social, economic, and environmental circumstances. To ensure adherence to the standards, FLO-CERT, Fairtrade International's independent certification authority, carries out social audits. To earn the Fairtrade certification, producers must pass an on-site audit. Following certification, they are usually subject to two confirmation audits over the course of a three-year cycle, with the possibility of further unannounced audits[329]. In addition to minimal social, economic, and environmental requirements that producers must

[326] Viswanathan P.K., Do trade certifications alleviate economic and social deprivations of plantation workers? A study of the tea plantation sector in India, in Work Organisation, Labour & Globalisation, 2021, Vol. 15, No. 2, 2021, pp. 46-72
[327] Banerji S. and Willoughby R., Addressing the Human Cost of Assam Tea: An agenda for change to respect, protect and fulfil human rights on Assam tea plantations, OXFAM, October 2019
[328] Ibid.
[329] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector – The Big Picture, Part 1: Literature Review, May 18, 2022

fulfil in order to receive certification, Fairtrade standards include progress requirements that promote ongoing enhancements of farmers' organizations or the conditions of estate workers[330]. Some of the main intervention strategies used by Fairtrade to accomplish its goals aside from setting and enforcing standards are supporting worker and producer organizations, creating networks and alliances, advocating for civil society actions, monitoring and evaluating for accountability and improvement[331].

Many studies show that the human rights and standards of living of workers on certified tea estates have improved as a result of Fairtrade certification. Some of the benefits reported are, for instance, higher-quality tea yields that result in increased revenue, favourable effects on maternity leave, easier access to the market, and price stability. On the opposite, critical studies contend that certification has no sufficient impact on the pay of tea estate workers. It is also criticized for not educating workers about their Fairtrade Standard rights. Interviews with Indian workers on certified tea estates revealed that the majority of them were ignorant of Fairtrade and the associated guidelines and safeguards. This ignorance is probably related to another problem: inadequate monitoring and implementation[332]. Additionally, Premium Committees frequently lack the capacity to engage communities in a participatory manner, especially when it comes to determining what should be prioritized for Premium expenditures. Finally, certain stakeholders believe that the PLA is not adequately supported by the Standard of the certification and that the latter is not tailored enough to the local circumstances.[333]

The information that is currently available indicates that Fairtrade has varying effects on women's rights. Research using gender analysis frequently come to the conclusion that males are more likely than women to profit from Fairtrade because of intra-household gender interactions and established gender norms about resource distribution. Thus, occasionally the certification tends to make existing gender

[330] Fairtrade and ILO, Improving conditions in tea plantations in Assam, Market Systems Action Research, Geneva, 2018
[331] Smith S., Assessing the gender impacts of Fairtrade, In Social Enterprise Journal Vol. 9 No. 1, 2013, UK, pp. 102-122.
[332] The International Roundtable for Sustainable Tea (THIRST), Part. 1, op. cit.
[333] Fairtrade and ILO, op. cit.

disparities worse. Furthermore, research indicates that the requirements of Fairtrade certification and production may add to the already heavy workload already experienced by women and girls. Nonetheless, additional research has demonstrated that Fairtrade can benefit both men and women. These benefits include raising women's financial opportunities and returns, empowering them to participate more actively in worker and producer organizations, and encouraging investments in social infrastructure that minimizes the workload for women[334]. For instance, in Darjeeling, Fairtrade has encouraged the participation and involvement of women through an all-female group that meets once a month to address their needs and through the establishment of democratic methods that allow for greater discussion among male and female participants in the decision-making process. Women's involvement in Fairtrade business operations is thus increasing their awareness which motivates them to take action to challenge gender stereotypes. Kenyan and Ugandan tea producers also indicated that Fairtrade has improved the representation and involvement of women in their organizations, with more women serving on committees and councils and attending meetings more frequently than in the past. Women also observed that since their organization obtained Fairtrade certification, they have had improved access to training on farming techniques. This illustrates the complicated and frequently conflicting consequences of Fairtrade - and other certification programs- and how women may profit or suffer, be included or excluded, based on how standards and practices fit into the social and economic structures that already exist[335].

- ***Rainforest Alliance and UTZ***

The Rainforest Alliance (RA) is the most widely used private certification scheme for tea, with 23% of global tea RA certified as of 2020. The program's top priorities are forests, and biodiversity followed by human rights, climate, and rural livelihood[336]. Environmental, social, and economic norms are included in the

[334] Smith S., op. cit.
[335] Ibid.
[336] The International Roundtable for Sustainable Tea (THIRST), Part. 1, op. cit.

certification, with a focus on workers, wildlife, and the local environment. Over 850 tea farms in India are part of Rainforest Alliance, with 130 of those being in Assam alone[337]. The goal of RA is to "create a more sustainable world by using social and market forces to protect nature and improve the lives of farmers and forest communities" so that people and nature can coexist together[338]. Regarding women's rights, Rainforest Alliance advocates gender equality and a gender transformative strategy to address the underlying causes of inequality by collaborating with rural communities, businesses, governments, and local civil society organizations[339]. As of 2018, the UTZ certification program has become part of the Rainforest Alliance. UTZ, similarly, to RA, is focused on improving crops, income, gender equality, the environment, and health[340].

Numerous assessments and research have shown that RA certification has improved workers' human rights on certified tea estates in a number of ways. Examples include lower costs, enhanced access to the international market via direct purchasers as opposed to the use of tea auctions, monitoring of water quality, the provision of free healthcare and the consequent improvement of workers health. However, there are also evident issues: weak monitoring has been recognized by various studies as a noteworthy problem with the programme. Recent allegations demonstrate that social audits are ineffective in monitoring and exposing major human rights violations. RA is also criticized for not making the payment of living wages essential. Finally, the program has also been criticised because, compared to other certifications, it has the lowest level of standards and fewer requisite to obtain the certification label[341].

[337] Fairtrade and ILO, op. cit.
[338] Rainforest Alliance. n.d. 'About'. Rainforest Alliance. https:// www.rainforest-alliance.org/about/
[339]Rainforest Alliance, n.d. Human rights: Gender Equality Archives https://www.rainforest-alliance.org/issues/human-rights/gender-equality/
[340] Rainforest alliance, UTZ Certification (Now Part of the Rainforest Alliance), https://www.rainforest-alliance.org/utz/
[341] The International Roundtable for Sustainable Tea (THIRST), Part. 1, op. cit.

- ***B-Corp***

In an effort to "make business a force for good," the B-Corps movement got its start in 2006. Businesses that are certified by this body must take into account not just their financial gains but also their social and environmental impact. There are around 4,000 accredited B-Corporation, across more than 150 different industries and 77 countries. Approximately 50 tea companies had earned B-Corp certification by 2022, including two of Unilever's tea brands (T2 and Pukka). Companies are certified by the B-Lab based on five impact dimensions—governance, community, workers, environment, and customers. The peculiarity of B-Corp certification is that it is more about the company as a whole than a specific product. Unlike other ethical certification programs, B-Corp certification has an inclusive strategy that considers all corporate stakeholders[342]. According to Unilever, B-Corp certification, more than other certification schemes, shows consumers and the industry that the company is committed to acting as change agents in the tea world[343]. The organization is not free from critics. The “pick-and-choose” method of B-Corp certification has been indicated as a significant problem: to obtain certification, businesses are granted the authority to pick and choose which areas of influence to focus and which to neglect[344].

- ***TrusTea***

Founded in 2013, TrusTea is a private regulatory country-specific company that only operates in India and is industry-specific, having criteria that only apply to the tea sector. It centres on the Indian domestic tea market. By 2019, TrusTea has certified almost half (48%) of the tea produced in India annually. This private regulatory project aims to improve the Indian tea business in a sustainable way, benefiting producers, workers, customers, and the environment. One particular

[342] Ibid.
[343] Unilever, Tea Brand T2 Becomes Unilever’s Eighth Certified B Corp, 2020, https://www.unilever.com/news/ news-search/2020/tea-brand-t2-becomes-unileverseighth-certified-b-corp/
[344] Mullen M., The B-Lab Is Wrong About Human Rights – but There’s a Fix – OpenDemocracy, 2020. https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/theb-lab-is-wrong-about-human-rights-but-theres-a-fix/

characteristic of this certification body is that the TrusTea audit protocol includes advanced requirements such as the fact that 50% of the workers interviewed must be females and that they must be interviewed by women auditors. They concentrate on smallholder tea farms, which produce around half of India's tea. The TrusTea code addresses environment, safety, and livelihoods—the three pillars of the program—by drawing on global sustainability concepts and Indian rules. Social audits are how the certification body keeps an eye on adherence to its code[345].

Compared to other certification programs, this is less expensive. As opposed to Rainforest Alliance and Fairtrade International, there is less research on the impact of TrusTea certification, yet certain advantages have been shown. By embracing customary farming methods and translating the Code into native languages, the TrusTea Code is able to adopt a local viewpoint. Furthermore, small and medium-sized companies have a lower financial barrier to entry thanks to the reduced cost of certification. Finally, in a sector that is often controlled exclusively by buyers, the program's governance structure has been able to give producers a voice. The lack of direct representation for farmers and tea workers in TrusTea is a topic of contention for its critics. Some have also noted that although it seems to be a movement sponsored by India, the main founding organizations are based outside of the country[346].

3.1.3 Shortcomings

Tea companies occasionally take advantage of certificates to give the impression that they are ethical while simultaneously evading transparency and outsourcing their human rights obligations. In the tea industry, certification is in fact used to easily and formally show adherence to sustainability and human rights criteria set by certifying bodies and to demonstrate a company's ethical convictions. Businesses wrongly argue that transparency is unnecessary because buying from certified producers is a sufficient proof of the ethical standards adopted to uphold

[345] The International Roundtable for Sustainable Tea (THIRST), Part 1, Op. cit.
[346] Bitzer V. and Alessia M., Southern Sustainability Initiatives in Agricultural Value Chains: A Question of Enhanced Inclusiveness? The Case of TrusTea in India, Agriculture and Human Values 38(2):381–95, 2021

their human rights obligations. Buying companies thus evade their transparency duties by using certifications as a cover[347].

Certification schemes can certainly play a role in filling the human rights gap in the tea business. However, as mentioned in the examples above, certifications can also be problematic and contribute to deepen the issue. Problems can arise, for instance, when businesses rely too heavily on certifications to fulfil all of their obligations regarding human rights; when workers trade unions feel undercut and are not involved or consulted during the auditing process and follow-ups; or when companies continue to bear the certification mark despite human rights abuses occurring in their supply chains. Without structural changes to business practices and governmental policy, certifications and social audits alone will not be sufficient to stop recurring human rights violations[348]. A study conducted by the India Committee of the Netherlands and released in 2016 titled "Certified Unilever Tea - A Cup Half Empty" demonstrated this weakness. The report offers proof that the working conditions at two Indian tea plantations under the Rainforest Alliance supplying tea to Unilever at the time did not meet RA's requirements. The findings of this study suggest that RA, like any other certifying authority, is unable by itself to provide any meaningful assurances regarding respectable working and living conditions in tea plantations and that consequently certified estates are not exempt from grave violations of human rights[349].

These problems are related to inner characteristics and aspects of certification schemes. One of the primary issues is the voluntary nature of the programs and the related lack of enforcement power. Researchers observe that many certifying agencies do not have adequate monitoring mechanisms and that even when violations are found they are rarely addressed. Furthermore, scholars contend that genuine corporate accountability under voluntary certification programs is unattainable due to the schemes' inability to impose penalties. Moreover, only the

[347] Business & Human Rights Centre, Report: Trouble Brewing the Need for Transparency in Tea Supply Chains, December 2021
[348] The International Roundtable for Sustainable Tea (THIRST), Human rights in the tea sector: The Big Picture, Part 2: Analysys of The Root Causes of Human Rights Breaches, 2023
[349] India Committee of the Netherlands, Certified Unilever Tea – A Cup Half Empty Follow-up study on working conditions in Rainforest Alliance certified tea plantations in India, August 2016

biggest MNEs can possibly afford to implement certifications due to their generally high cost. Finally, workers who are not in or directly employed by an MNE are omitted since certifications are not universal, which is frequently the case when tea is produced for national consumption[350]. Other studies conducted from 2009 and 2017 came to the conclusion that certification practices disregard the "plantation patriarchy" which disproportionately disadvantages women and prevents them from taking benefit from certification programs[351].

Customers, retailers, and brands all want an easy way to show that human rights are upheld in their supply chains. However, putting the entire responsibility for this on certification authorities and the producers themselves is not the solution. The existing system does not give buyers or consumers the certainty about good working conditions, nor does it give workers or employers the authority to take the necessary actions. The large and intricate nature of global supply chains makes it impossible to guarantee such "assurance" with a simple certification. And because of this intricacy, businesses should not merely rely on certifications[352]. Such programs can be an effective component of a brand's sustainability strategy, but it is crucial that businesses also accept accountability for their part in improving the conditions in their own supply chains through due diligence processes. Certifications must be complemented by other initiatives to address such complicated, systemic, deeply rooted and industry-wide issues, as those affecting women workers in Assam or other Indian tea estates[353]. Furthermore, they should be a supplement to efficient state regulation rather than a replacement for it. As demonstrated by many scholars, the most successful private projects are those that receive approval and power from the relevant government regulatory bodies[354]. Certifications should be viewed as a starting point rather than an end point and

[350] International Labour Office (ILO), Sectoral Studies on Decent Work in Global supply chains, op. cit.
[351] Sen, D., Everyday Sustainability: Gender Justice and Fairtrade Tea in Darjeeling, SUNY Series, Praxis: Theory in Action. Albany, NY: SUNY Press, 2017
[352] The International Roundtable for Sustainable Tea (THIRST), Human rights in the tea sector: part 2, op. cit.
[353] Sharman T., The Estate They're in: How the tea industry traps women in poverty in Assam, Traidcraft Exchange, May 2018.
[354] International Labour Office (ILO), Sectoral Studies on Decent Work in Global supply chains, op. cit.

should not be used as a substitute of substantial due diligence. In light of this, it is crucial that the tea companies develop a long-term and comprehensive strategy aimed at achieving better standards in the plantation industry, especially with regard to gender equality[355].

In general, there is doubt about how certifications affect tea workers' livelihoods. Nevertheless, certification programs in the tea industry have created a forum for more in-depth discussions about sustainability, including the rights of women workers throughout the supply chain, and they have been reinforced by other noteworthy initiatives and practices developed by a number of different actors[356].

3.2 International Partnerships and Projects to Empower Women Tea Workers

There are several good examples of partnerships between international organizations and businesses established with the aim of developing innovative methods to enhance the life and well-being of tea workers and farmers and to stop the recurring violation of human rights in tea supply chains. Partnerships are in fact an integral part of a company's CSR strategy. With an emphasis on campaigns aimed at improving the conditions of women on tea plantations, this section highlights some successful initiatives and projects that have been developed by some of the most active international organizations in this sector, in partnership with tea companies and other international bodies, both in India and other tea-producing nations. In particular the focus will be placed on the Gender empowerment Platform, the Women Safety Accelerator Fund, the Improving Lives Program, the Plantation Community Empowerment Project and its Community development forums.

[355] Viswanathan P.K., op. cit.
[356] The International Roundtable for Sustainable Tea (THIRST), part. 1, op. cit.

3.2.1 Key International Organizations in the Tea industry: ETP, IDH and CARE International

Together with important UN Agencies such as UNICEF and UN Women, there are several international organizations that appear to be particularly invested in the improvement of the lives of people involved in the tea industry. One of the most active in this sector is the Ethical Tea Partnership (ETP), which is a global membership non-profit organization funded in 1997. It used to operate as an auditing and certification system, but in recent years it has changed its focus to solve deep-rooted, complicated issues that cannot be adequately addressed by certifications alone. Some of its most popular members are Unilever, Typhoo, Tetley, Twinings, Taylors of Harrogate, Lavazza, Starbucks, and Yogi[357]. It collaborates with members, governmental and corporate partners, and other organizations to promote long-term systemic change for the benefit of all those involved in the tea industry, particularly those who live and work in tea-producing regions. The majority of the time, ETP acts as a project implementor, coordinator or advisor. The main concerns of ETP Strategy2030 are Economics, Equality and the Environment. With regards to equality, the two main focuses of ETP's work are "Creating empowered, safe communities" and "Ensuring equal opportunities for women and young people". Both of these goals require an holistic approach and the collaborations of several actors and according to the organization "ETP is uniquely positioned to convene stakeholders, including influential tea companies, retailers, governments, and civil society organizations" to achieve these objectives[358].

At present, ETP works on implementing community-led participatory programmes at the local level. With this strategy, stakeholders, tea workers included, can participate and have influence over development projects as well as over the choices and resources that directly impact them. This is a major change for ETP, because previously the projects were determined almost exclusively by its staff and members[359]. ETP acknowledges that in order to bring about meaningful change, responsible and creative ways to challenge established business paradigms are

[357]Wexler J., Tea and Coffee Certification Schemes, in EthicalConsumer.org, 11 April 2022, https://www.ethicalconsumer.org/food-drink/tea-coffee-certification-schemes
[358] Ethical Tea Partnership, STRATEGY2030 SUMMARY, September 2021, London.
[359] Ibid.

necessary as well. To guarantee that corporate sustainability is at the centre of their operations, ETP assists and collaborates with tea firms in exploring innovative business models and policies, implementing ethical purchasing procedures, boosting supply chain transparency and communications, strengthening industry cooperation, and allocating accountability. Influencing and enhancing policy is also a significant part of ETP's work. It accomplishes this by guiding governments, involving stakeholders in policy and legislative reforms, and providing recommendations for best practices[360].

CARE International is another relevant actor in this context. It is a major humanitarian organization that fights worldwide poverty and works in over 100 countries. It is one of the organizations that pioneered significant efforts to improve the conditions of tea workers, especially women. It seeks to combat poverty, save lives, and advance social justice globally. At CARE, they think businesses have a crucial role to play in the battle against poverty and gender equality, thus they encourage firms in achieving greater social and environmental progress. They co-create gender-inclusive, climate resilient, and sustainable solutions with their business partners to improve the futures of farmers, workers, suppliers, customers, communities, and businesses in a variety of sectors, including agriculture[361].

CARE's primary organizing principle is gender equality. They understand that until everyone has equal rights and opportunities, poverty cannot be eradicated, thus they place gender equality at the centre of all they do, including their policy and advocacy work. CARE advocates for women's and girls' rights and gender equality while combining programmes that aim to transform gender roles globally. Additionally, CARE assists women who are economically marginalized in obtaining financial services, finding respectable employment, and succeeding as small-scale business owners and producers. CARE’s emphasis on tea communities is a component of its larger plan to enhance the lives of marginalized groups and

[360] Ethical Tea Partnership, What do we do: Our Strategy, in etp-global.org, https://etp-global.org/our-strategy/

[361] CARE International, Who we are, in care-international.org, https://www.care-international.org/who-we-are

people, such as women, by tackling environmental, social, and economic issues in areas where injustice and poverty are most pervasive.[362]

Lastly, IDH is another significant player that has recently created remarkable projects aimed at improving the working conditions of tea workers. The Sustainable Trade Initiative (IDH) is a Dutch non-profit organization that collaborates with businesses, financiers, governments and civil society to promote sustainable trade. IDH operates in nearly 40 countries worldwide, specializing in 11 commodity areas, including tea. IDH uses the power of global commerce to generate better employment, better incomes, a healthier environment, and gender equality for all in an effort to put people, the earth, and progress at the centre of markets[363].

IDH has observed over the years that economic progress is driven by gender equality. Currently, one of IDH's five impact themes is addressing gender issues in developing economies' commodity industries. IDH has been putting gender interventions into practice in the past few years to address gender obstacles for all employees, which entails efforts to improve women's access to resources, their standing in leadership positions, and their safety at work globally. The objective of IDH is to promote sustainability and equitable development, and the tea business is a significant global commodity that faces numerous social, economic, and environmental concerns[364].

3.2.2 Examples of Successful Partnership Projects

- ***Gender Empowerment Platform***

The Gender Empowerment Platform (GEP) is an example of a successful initiative to empower women in the tea industry. Through this industry-wide platform, tea firms and members of civil society worked together to address the delicate and

[362] CARE International, What do we do: Gender equality, Strategy 2023-2026 in careinternational.uk, https://www.careinternational.org.uk/what-we-do/gender-equality/

[363] Federal Department of Economic Affairs, Education and Research of Swiss Confederation, Factsheet Sustainable Trade Initiative (IDH): Putting people, planet and progress at the heart of trade, April 2024

[364] IDH - the Sustainable Trade Initiative, Our Sector: Tea, in idhsustainabletrade.com https://www.idhsustainabletrade.com/sectors/tea/

complicated social sustainability issue of gender-based violence and discrimination through supply chains of the Kenyan tea sector. It was first launched in 2017 by IDH and Ethical Tea Partnership. Some of the most relevant members were Unilever Tea Kenya, James Finlays Kenya, Kenya Tea Development Agency, and the Gender Violence Recovery Centre. Additionally, UN Women supported the project throughout the entire time. The goal of this initiative was to reduce GBV and increase women empowerment in the Kenyan tea sector by 2020[365]. The GEP meetings allowed businesses to work together and to create a peer-to-peer learning environment where educational resources, experiences and activities related to gender issues were shared. Under the GEP, tea companies have been encouraged and helped to enhance their GBV and sexual harassment reporting and prevention systems. As a result, businesses have updated their policies (such as those pertaining to gender, sexual harassment, and child safety) and developed new complaint procedures for reporting incidents of GBV and sexual harassment. The GEP has significantly increased the understanding of GBV response and prevention. Long-term training programs, awareness-raising events, and educational initiatives about gender-based violence and gender rights in schools were used to reach workers and farmers. Furthermore, significant strides in advancing female leadership were made with initiatives like peer-to-peer management mentoring[366].

Following the Platform guidelines, IDH, ETP and the other members carried out several field-level projects throughout their tea value chains. As part of the GEP, for example, it was discovered that financial literacy and household decision-making programs play a significant role in addressing and ultimately preventing issues related to gender inequalities and GBV. Consequently, IDH conducted a scoping study in partnership with the Business for Social Responsibility (BSR) HERfinance project, which aims to increase financial literacy and integrate low-income women workers into global supply chains. This initiative is a component of HERproject, a cooperative effort of international companies, their suppliers, and local partners that aims to provide health, financial inclusion, and gender equality

[365] IDH - the Sustainable Trade Initiative, Addressing gender & gender-based violence issues in the Kenyan tea industry: Gender Empowerment Platform, in idhsustainabletrade.com https://www.idhsustainabletrade.com/gender-empowerment-platform/
[366] Ibid.

initiatives to empower low-income women employed in global supply chains[367]. After the study, the BSR HERfinance programme was rolled out on the Unilever Tea Kenya plantations in 2018. Using a "Training of Trainer" paradigm, the six-month program trained female employees to become peer educators who would subsequently impart their skills to other employees. In the resource centres and social halls of the plantation, more than 180 peer educators received training about financial planning, budgeting, savings, responsible borrowing, family finance discussions, and local financial products and services. After this program they were able to impart their expertise to more than 3,000 workers in the factories and tea fields[368].

Similarly, as part of the GEP, IDH and BSR has been working with Twinings and other tea brands since 2017 to provide smallholder farmers and tea workers in Kenya with another component of HERproject, the HERhealth program. As noted in the second chapter, women who work in the tea industry frequently have a poor understanding of health-related topics, including sexual and reproductive health, STDs, menstrual hygiene, pre- and post-natal care, nutrition, and non-communicable diseases. They also do not have easy access to essential medical treatments. Peer health educators were trained by HERhealth to help women in the workforce become more aware of these critical issues. More than 37,000 women in Kenyan tea plantations were impacted by the project, which has also had a significant effect on women's access to healthcare. Investing in women's health has also paid off for businesses, as evidenced by lower absenteeism, higher productivity, and improved management/worker relations[369].

[367] BSR, HERproject, About: what do we do, in herproject.org https://herproject.org/about/what-we-do

[368] IDH - the Sustainable Trade Initiative, Gender empowerment profits from Kenya's women leadership, financial literacy and decision-making programs in tea, 30 October 2019 https://www.idhsustainabletrade.com/news/gender-empowerment-profits-from-kenyas-women-leadership-financial-literacy-and-decision-making-programs-in-tea/

[369] Twinings, Sourced with Care Progress Report 2018 Twinings, RESOURCES: All of our policies, past reports and resources https://sourcedwithcare.com/pages/resources

In the end, the GEP proved to be a successful collaboration that facilitated dialogue, teamwork, and several GBV-related activities. Thanks to this Platform, there have been appreciable advancements in the areas of financial inclusion, female leadership, and workplace understanding of gender rights and GBV prevention[370]. Furthermore, data on GBV cases submitted to GEP member companies reveals a 28.7% decline in GBV events between 2016 and 2019, demonstrating that despite many challenges, the GEP's work has substantially decreased the incidence of GBV in Kenya's tea business. The GEP was in effect until 2020, and in June 2021, all of its field-level programs came to an official end[371].

- ***Women Safety Accelerator Fund***

The Women's Safety Accelerator Fund (WSAF) is another innovative initiative developed by IDH in partnership with Unilever with the purpose of addressing violence against women and girls and promoting women's safety in the tea industry through targeted investments, support, and projects. First introduced in 2021 as a gender-transformative initiative in 29 Assamese tea estates, the programme is now financed by ETP, IDH, Unilever, Tesco, Twinings, and Taylors[372]. Its objective is to guarantee that all women and girls in rural areas are free from sexual harassment and other forms of abuse, that they are able to speak out against violence accepted as "the norm", that they are socially, economically, and politically empowered and conscious of their rights. It also aims at raising awareness about gender-based violence in the tea value chains and to transform harmful norms and behaviours[373]. With these goals in mind, the WSAF seeks to connect the whole tea industry and all of its direct and indirect benefactors, such as employees, growers, local

[370] IDH – The sustainable Trade Initiative, Making A Difference: The Gender Empowerment Platform, Addressing gender & gender-based violence issues in the Kenyan tea industry, November 2011

[371] IDH - the Sustainable Trade Initiative, Gender Empowerment Platform https://www.idhsustainabletrade.com/gender-empowerment-platform/

[372] Chakrapani S., Armed with awareness, women tea estate workers fight back against gender-based violence, youstory.com, HERSTORY, 12 August, 2023 https://yourstory.com/herstory/2023/08/women-tea-estate-workers-fight-back-gender-based-violence

[373] Unilever, Promoting safety for women, in Unilever.com respect human rights, https://www.unilever.com/sustainability/respect-human-rights/promoting-safety-for-women/

government, investors, and the general public. As a matter of fact, one of the program's greatest assets is that it is able to engage with actors at different levels. For instance, within tea communities, the project involves not only women but also men, village leaders, tea estate management and staff, to adequately tackle the root causes of gender inequality in the tea industry[374].

The WSAF draws attention to how important it is to eliminate violence against women in India's tea value chain in order to achieve long-term sustainable economic development. It accomplishes this by, among other things, organizing campaigns to highlight the industry's return on investment in women's safety. The tea companies involved in this project are also encouraged to convince their suppliers, such as tea estate owners and bought-leaf factories, to take part in the program and think about implementing women's safety protocols and response systems. In order to guarantee that women and girls in tea gardens have access to basic services (legal, welfare, counselling, etc.), WSAF also works with government agencies[375]. The program aims to educate the community about gender-based violence by teaching women how to raise awareness with other women about how to file complaints, who to contact for specific issues, and other redressal procedures. Concurrently, initiatives and projects are carried out in tea estates to foster understanding in teenage boys and girls, motivating them to reject gender-discriminatory norms and behaviours and prevent GBV. Through this program, they also teach the samaj (community leaders) about the sexism and misogyny that fuel gender-based violence through non-threatening techniques like role plays, workshops, conversations, songs, and performances[376].

In response to growing awareness among men and women in the tea industry and to simplify the grievance redressal process, the WSAF has established gender equality forums in each estate. These units are made up of plantation staff and local women who have received capacity building training. Their role is to identify the

[374] Chakrapani S., cit.
[375] IDH - the Sustainable Trade Initiative, Investing in the Safety of Women and Girls in the Tea Value Chain – Women's Safety Accelerator Fund, 8 Mar 2024 https://www.idhsustainabletrade.com/news/investing-in-the-safety-of-women-and-girls-in-the-tea-value-chain-womens-safety-accelerator-fund/
[376] Chakrapani S., cit.

daily struggles faced by women workers and refer them to managers and local governments. This makes it possible for female employees to freely communicate their concerns, enabling management to offer the appropriate assistance or recommendations in a timely manner. This proactive strategy serves also as a deterrent against similar situations in the future, in addition to facilitating rapid and appropriate punishment against offenders[377].

Thus, this impact fund works to promote advancement and an inclusive culture in the tea industry in order to influence long-term positive changes. Through trainings, safety evaluations, and awareness campaigns, the WSAF is actively addressing violence against women by strengthening the capacity of workers, staff, and management to respond to occurrences of abuse[378]. So far, the fund has demonstrated to be a successful tool. In terms of numbers, it was able to achieve and exceed its goal of positively impacting around 200,000 women tea workers by the end of 2023. Aside from this, WSAF was also able to reach and engage with a relevant number of men, community members, managers and agents. Finally, the project witnessed an enormous expansion throughout its three years of implementation: starting from 29 gardens they now reached 321 tea gardens, and they expanded beyond Assam and West Bengal to include Tamil-Nadu and Kerala[379].

- ***Improving Lives Programme***

The ETP also collaborated with UNICEF to launch the Improving Lives Programme, which aims to enhance the underlying mechanisms that affect women, girls, and boys in Assamese tea-growing communities. The programme was started in 2014 and focuses on important challenges that these communities face, especially those related to sanitation, health, education, and child protection. The ETP-UNICEF initiative was financed by IDH and ETP members such as OTG, Tata

[377] Ibid.
[378] IDH - the Sustainable Trade Initiative, Investing in the Safety of Women and Girls in the Tea Value Chain – Women's Safety Accelerator Fund, cit.
[379] IDH – the Sustainable Trade Initiative, Women Safety Accelerator Fund, Annual Report 2023: Creating Safe and Empowered Workspaces for Women in the Indian Tea Sector, 11 June 2024

Global Beverages, Taylors of Harrogate, Tesco, Starbucks, Twinings, and Typhoo[380].

The First Phase of the programme was developed to guarantee that approximately 35,000 teenage girls in three districts of Assam—Dibrugarh, Tinsukia, and Sivasagar—had the information, abilities, and self-assurance to defend themselves and make wise judgments about their future. Beginning in January 2018, the Second Phase aimed at improving business practices and tackle a wider variety of issues, including health, nutrition, education, water and sanitation[381]. It also focused on establishing and fortifying Child Protection Committees and Adolescent Girls' Groups (AGGs). The latter give girls the self-assurance and information they need to prevent exploitation. Girls engage in drama and athletics, as well as frequent health and rights discussions and life skills workshops including cooking, hygiene, and sanitation[382]. With the addition of Sonitpur, Udalguri, and Golaghat, the initiative currently spans six districts and benefited nearly 250,000 women, children, and adolescents residing in 206 tea estates. In 2023 UNICEF and ETP started the Third Phase which is focused on better communication with local actors. In particular, the Programme will work with the government to provide all the necessary services in tea estates, with managers to integrate Family Friendly Policies in the plantations, and with community leaders to create a more sustainable governance[383].

After all these years, UNICEF and ETP were able to achieve and at times exceed many goals. For instance, in tea garden communities, 76% of households now have access to safe drinking water sources and better sanitation. Healthcare services have been connected to more than 120,000 expectant mothers and children under the age of five. Every tea garden includes a mother support group that teaches the

[380] Ethical Tea Partnership, UNICEF Improving Lives, in etp-global.org, https://etp-global.org/our-initiatives/unicef-improving-lives-women-children-phase-iii/#:~:text=The%20Improving%20Lives%20programme%20aims,quarter%20of%20Assam%27s%20tea%20estates.

[381] UNICEF India, ETP Improving the lives of women and children in the tea estates of Assam https://www.unicef.org/india/our-partners/etp

[382] Thirdsector.co.uk, Third Sector Awards 2019: Big Impact Award - UNICEF and the Ethical Tea Partnership, 19 September 2019

[383]Ethical Tea Partnership, ETP & UNICEF launch third phase of partnership, May, 2023, https://etp-global.org/news/press-release/etp-unicef-launch-third-phase-of-partnership/

community at large about complementary feeding techniques and a variety of diets. This group is trained in maternal, infant, and young child nutrition behaviours. Another illustration of the outcomes of the programme's advocacy work is the establishment of the "Free Drugs and Diagnostics Scheme" at national level which gives 651 Indian tea garden hospitals access to necessary medications, surgical supplies, consumables, and disinfectants at no cost[384]. More than 9,000 toilets have been constructed or repaired, 1,500 hygiene stations have been placed in workplaces, 285 homes now have access to water, and 5,478 local handwashing facilities have been provided[385]. Through the Partnership, women and children in Assamese tea gardens now live in a safer environment with more access to social services, health care, and education. Since 2018, 86,711 women have received health education, and 6,366 girls have taken part in programmes on child marriage, violence, and safer communities[386].

Thus, the programme is an excellent example of the effectiveness of scaling-up partnerships. Thanks to the collaboration between strong actors like IDH and ETP, with two tea companies and an international organization like UNICEF, the programme tries to bring about systemic changes that address the underlying causes of some of the most complicated problems that Assamese tea estate workers face. It is also a good example of how important it is to protect women's health and maternity rights in order to empower them and achieve gender equality[387].

- ***Plantation Community Empowerment Programme and Community Development Forums***

Finally, another noteworthy project for the empowerment of tea working women is the Plantations Community Empowerment Project (PCEP). It was first carried out by CARE International Sri Lanka and the Plantations Human Development Trust

[384] Ethical Tea Partnership, ETP & UNICEF launch third phase of partnership, cit.
[385]Ethical Tea Partnership, The power of girls, in etp-global.org, November 2023 https://etp-global.org/stories/the-power-of-girls/
[386]Twinings, Life Opportunities: Protecting women and girls, in sourcedwithcare.com https://sourcedwithcare.com/blogs/life-opportunities/protecting-women-and-girls
[387] Ethical Tea Partnership, ETP & UNICEF launch third phase of partnership, cit.

in 13 estates in the Central Province district of Nuwara Eliya. One of the main goals of the PCEP is to transform the relationships between various stakeholders and to provide tea communities with the knowledge and abilities necessary to transform conventional difficult relationships into cooperative and positive ones. Additionally, the project emphasizes how businesses and governments can improve worker rights and community well-being by stepping up communication, responsiveness, and moral management practices[388].

As part of this extensive project, CARE Sri Lanka together with ETP introduced the Community Development Forum (CDF) model. CDFs are estate-level decision-making forums that act as 'mini parliaments' and that allow all local community and estate groups to have decision-making power over issues that impact their daily life. During these meetings, collective choices and plans concerning working conditions and community development priorities are discussed, negotiated, decided upon and eventually implemented. Additionally, in order for development priorities to adequately represent the needs of the majority of the population as well as the most marginalized, during these meetings they develop and implement procedures and mechanisms to improve accountability, transparency, and equity[389]. A remarkable characteristic of CDFs is their ability to bring together various stakeholders at different levels within the tea estates, including management, workers (male and female), trade union representatives, mothers' clubs, community representatives, and government officials, for discussion on work-related issues and the overall welfare of the estate and community[390]. CDFs are platforms for development, planning, execution, and monitoring that offer a beneficial setting for both management and employees. The CDF can also be seen as a setting for resolving grievances and mitigating disputes: they help fill a void in the institution by providing a new avenue for discussion between employees, management, and other stakeholders about social and productivity issues and the formulation of group decisions for problem solving. With regard to female tea workers, CDFs are especially significant because they provide an environment where women can have

[388] CARE International Sri Lanka, A Place for All: Community Development Forums, January 2010
[389] Ibid.
[390] Ethical Tea Partnership, Helping at the heart of tea communities Sri Lanka in etp-global.org

equal rights, feel empowered to make decisions that affect their own well-being, and ensure that their concerns and opinions are taken into consideration. Lastly, CDFs offer the chance to learn a variety of life skills, such as negotiation and communication, financial literacy, teamwork, gender and conflict sensitivity, leadership, monitoring and assessment techniques[391].

Numerous beneficial outcomes have resulted from CDFs, such as enhanced worker-management relations, increased productivity and market opportunities, promotion of women's rights, increased worker well-being, morale and dignity, and improvements to the general business environment. Better communication and a culture of trust have resulted in more productive negotiations, focused training and more amicable conflict settlements. This has improved organization and productivity in certain estates by up to 25%[392]. Moreover, because of these open discussions, workers can now express concerns about the structural gaps within the estate and their quality of life, leading, among other things, to substantial developments in recreational, medical, hygienic, and educational facilities. Sri Lankan women who work in the tea industry are encouraged to participate actively in CDFs, which has improved their working opportunities and led to more equitable treatment for them both at work and in the community. This is demonstrated by the appointment of the first-ever female Kanganis (head of a plucking squad) by one estate and the rise in the proportion of female workers who pick up their own pay rather than having male family members do it for them[393]. Additionally, CDFs open up additional revenue streams for women and young people working in tea gardens by offering small loans and training in business and revenue-generating ventures like home gardening, dairy farming, and poultry farming[394].

Numbers and data confirm the project's success. As reported by CARE Int., after the adoption of CDFs in Sri Lanka, 78% of workers reported higher attendance and job satisfaction, 82% felt a stronger sense of ownership towards the plantation, 78%

[391] Priyadarshani I., End of Project Evaluation Empowering Sri Lanka's Tea Plantation Communities Project, in Careevaluations.org, August 2019
[392] Priyadarshani I., op. cit.
[393] Ibid.
[394]Twinings, Life Opportunities: Women's economic empowerment, in sourcedwithcare.com https://sourcedwithcare.com/blogs/life-opportunities/womens-economic-empowerment

thought they were better able to manage their finances, 60% increased their plucking rate, and 75% thought their overall quality of life had improved. In addition, the amount of time managers spend mediating conflicts has been cut by at least 16 hours a week. Furthermore, workers reduced or stopped participating in national strikes, saving an average of $2,600 to $13,300 per estate every day. Overall, an analysis revealed that each tea plantations made an extra $26 for every dollar invested in CDFs. This model offers numerous advantages to individual businesses, but it can also be beneficial for the entire sector: enabling employees to participate in forums where they can discuss issues related to working conditions with estate managers gives them a sense of empowerment and helps create and promote a more sustainable tea industry[395]. This approach demonstrates that while corporations should not be solely responsible for social obligations, they can play a significant role in making sure that helpful procedures are in place.

Following these achievements, the CDF model has been exported to other nations that produce tea, such as Indonesia. Here, CDFs were implemented with an emphasis on women's rights by CARE Int. and ETP in collaboration with a few major tea firms, including Twinings. The purpose of this initiative is to empower women who are more susceptible to violations of human rights and to enable the preservation of their rights as tea workers, all the while educating them about social and economic issues. Through leadership development and women's safety training, the CDFs assist in addressing these challenges, and the open dialogue provides a forum for female tea pluckers to be heard[396].

More recently, the Plantation Community Empowerment Programme (PCEP) has been reproduced in Assam by ETP. Three tea estates participated in the pilot program from 2017, and 20 tea estates are currently in the scale-up phase, which has been running since 2022. The initiative now covers 23 tea estate in 9 districts of the region and, as in the other countries mentioned above, CDFs are being helpful for the improvement of the productivity of estates, the socioeconomic and political

[395] Roscoe, A., Cader, F., & Jayasinghe, C., A Different Cup of Tea: The Business Case for Empowering Workers in the Sri Lankan Tea Sector, in Care Learning & Policy Series, Issue 04, September 2013

[396] Twinings, News: Empowering Women in Indonesia, in sourcedwithcare.com, https://sourcedwithcare.com/blogs/news/empowering-women-in-indonesia

well-being of tea workers, their families, women's empowerment, and the management-workforce relationship[397].

In conclusion, the CARE International approach has shown to be especially successful in improving the working conditions of tea workers in a number of different countries, and it has been particularly important for women's rights. *"[Thanks to CDFs] now I am confident to work anywhere and with anyone. I have won the respect of my community and the respect of my family. Unlike before, we [women] can be equal with men. We work with them, and we are no longer seen as inferior, and our roles in society are no longer seen in a restricted way*" – S. Roshanthini Stonycliff Estate, Kotagala Plantations Ltd.[398]

3.3 Good Independent Business Practices and Innovative Approaches to Support Women Workers in the Tea Sector

Aside from partnering with projects developed by other entities, such as the ETP or IDH, companies can develop other independent initiatives that, if properly applied, can have a significant impact on a wide range of concerns, including pay, working conditions, gender equality and the protection of women's rights. Businesses can also significantly influence norms and behaviours through their sourcing and purchasing decisions, particularly in a sector like tea where buying companies and retailers hold a considerable amount of power. Many tea companies are conscious of their potential and their responsibility to the workers in their supply chains and, because of that, they try to find ways to operate more responsibly. To be more socially, economically and environmentally sustainable, companies can, for instance, establish codes of conduct and other policies that all their suppliers and collaborators are expected to comply with. This serves as the foundational and minimum level from which tea firms can build further programs and efforts to guarantee the respect of the rights of women's workers and conduct their business ethically. Nowadays, several companies in the tea sector have voluntarily adopted

[397] Ethical Tea Partnership, Plantation Community Empowerment Programme, in etp-global.org https://etp-global.org/our-initiatives/plantation-community-empowerment-programme/
[398] Roscoe A. et al., A Different Cup of Tea, op. cit.

excellent CSR practices, whether policies, initiatives, models, or projects, that represent alternative and innovative approaches to the conventional model based on the exploitation of workers, especially women, for the interests of the industry. These are all methods of conducting business that are better for companies, while also being more gender-sensitive, fair and sustainable for workers[399]. This section will analyse some of the good examples of responsible practices and approaches adopted by both popular and smaller businesses and brands supplying from various tea-producing nations to support, protect and empower women tea workers.

3.3.1 Unilever

Despite some issues raised in the previous chapters, Unilever has consistently led the way in corporate sustainability activities. As mentioned in their Human Rights Policy, they are dedicated to making the most of their size and influence for the benefit of society by demanding ethical, open, and sustainable business practices in order to uphold human rights, expand their operations, achieve their goal of normalizing sustainable living, and strengthen their supply chain[400]. A further indication of Unilever's dedication to its human rights responsibilities is the company's adoption of targeted and ambitious sustainability strategies like the Sustainable Living Plan (USLP), which recently evolved into the Compass Strategy. The goal of these plans is to increase the company's positive social impact while reducing its environmental impact[401]. One of the pillars of Unilever strategy is "Equity, Diversity, and Inclusion" which strives to create a workforce that reflects the diversity of the world's population with a focus on inclusion, racial and ethnic diversity, and gender equality[402].

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[399] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector, Part 3: Alternative Approaches in the Tea Sector: can non-traditional business models and trading systems improve fulfilment of tea workers' and farmers' human rights? 25 June 2024

[400] Unilever, Human Rights Policy Statement, March 2023

[401] Jope A., The Unilever Compass: our next game-changer for business, in Unilever.com, 12 May 2020, https://www.unilever.com/news/news-search/2020/the-unilever-compass-our-next-game-changer-for-business/

[402] Unilever, Sustainability: Equity, diversity and inclusion, in Unilever.com https://www.unilever.com/sustainability/equity-diversity-and-inclusion/

With regard to the latter, Unilever is dedicated to advancing women's safety in the workplace and throughout their extended supply chain. To do this, Unilever puts in place procedures and policies that women can trust and feel comfortable with, focusing on eliminating the systemic negative social and cultural norms and behaviours that put women in danger. Unilever view this as a "moral obligation" and believe it is crucial to uphold its reputation. For instance, the company created the Zero Tolerance Policy, which prohibits all forms of discrimination at work, including sexual harassment[403]. Additionally, Unilever pledged to combat sexual assault by signing a Joint Commitment, acknowledging that preventing any form of VAW is a crucial first step toward fostering an inclusive and diverse workplace culture. Together with the IUF, and IndustriAll, Unilever wants to make sure that all workers—including those hired from outside labour suppliers—know exactly what sexual harassment is, what is expected of them, how to report possible concerns, and that are comfortable reporting any mistreatment[404]. Lastly, another remarkable policy is the Responsible Partner Policy, which outlines what Unilever expects of business partners, including the protection of human and women's rights in their operations, as a way to show their commitment to ethical, transparent, and sustainable business and supply chains[405].

Another relevant framework for women tea workers is the Sustainable Tea Initiative, a manual created under the Unilever Sustainable Agriculture Code that helps actors in Unilever supply chain, such as farmers and tea estates, to adopt sustainable management techniques for producing tea. There are ten sustainability indicators and related recommendations, one of which is centred on social and human capital. This indicator require suppliers to guarantee that workers and their families have access to healthcare and educational resources; promote social programs that improve literacy and health (e.g., clean water provision, vaccination programs, nutrition information, etc.); offer employee and farmer group training opportunities in critical areas of the tea industry; and, lastly, guarantee that

[403]Unilever, Respect human rights: Promoting safety for women, in Unilever.com, https://www.unilever.com/sustainability/respect-human-rights/promoting-safety-for-women/

[404] IUF-IndustriAll-Unilever, Commitment on preventing sexual harassment: No place for sexual harassment at Unilever, 2017

[405] Unilever, Responsible Partner Policy, 2022

employee grievance procedures are equitable and that workers feel comfortable using them[406].

In keeping with this overarching structure, Unilever and UN Women have worked together since 2017 to address major social concerns that women face in Unilever supply chain. In this context, Unilever developed the "Prevention of Violence against Women and Girls Programme" in Tanzania, Kenya, and Assam. The program is a creative and proactive effort that relies on strategic partnerships with smallholder farmers, communities, governmental entities, and local groups to prevent and address gender issues. The goal was to upskill, protect, and increase opportunities for around 5 million women across the Unilever value chain. The programme also aimed at changing social norms, attitudes and behaviours towards women which are root causes of VAW and gender discrimination[407].

Within the context of Unilever's Assamese extended supply chain, the initiative also focused on the development and implementation of a research and human rights-based violence prevention strategy. Having a forum to talk about their own experiences was one of the most important requests made by female tea workers in Assam. And so, the Jugnu clubs were created. Jugnu Clubs are women's empowerment organizations that support gender equality and safety for all women and girls by speaking out against violence. "Jugnu" means firefly in Hindi, which represent the role that these groups play as torchbearers in stopping and responding to VAWG. As a matter of fact, these groups function as first responders in case of violent accident and first supporters for victims[408]. Every Jugnu club comprises ten to twelve members who receive training from UN Women to enhance their comprehension of violence issues and enable them to assist women and girls in need. They are also receiving training about laws, initiatives, and programs tailored specifically for women, which they can then share with other community members. Sketches and other easily navigable educational materials, including regional folk

[406] Unilever, Sustainable Tea: Good Agricultural Practice Guidelines, 2003

[407]Unilever, Women safety programme in tea estates, in Hul.co.in, 11 March 2020, https://www.hul.co.in/news/2020/women-safety-programme-in-tea-estates/

[408] UN Women, A comprehensive approach to ending violence against women in rural spaces in India, in News and Story, 8 June 2022, https://www.unwomen.org/en/news-stories/feature-story/2022/06/a-comprehensive-approach-to-ending-violence-against-women-in-rural-spaces-in-india

music and languages are used in training sessions. As of 2020, 63 Jugnu members from six Assamese tea estates have received training and have participated in a women's safety audit to pinpoint issues within their estates[409]. Women participating in Jugnu Club become more aware of their rights and are more active about their everyday needs. For instance, thanks to audit processes piloted by the programme, women in some Assamese tea estate have been able to demand and obtain streetlights for dark public areas, public transportation from the estate to nearby villages, and safe places to breastfeed their babies[410].

In order to improve the quality of response and support provided to women survivors of violence, the program also collaborated with state-level judicial services to strengthen the capabilities of the Assam State Legal Services Authorities (ASLSA) and District Legal Services Authorities (DLSA) regarding women-specific legislation. In addition, the first Legal Aid Centre opened its doors in 2020 on an Udalguri tea plantation. Its purpose is to educate women who have survived violence about their rights and entitlements, including government schemes and programs, and to offer first response services. Finally, in order to enable them to assist women in these communities with legal needs, UN Women also trained 67 attorneys from the area on legislation pertaining to sexual harassment and domestic abuse in the workplace. Kiara Devi, a tea plucker on a tea estate in Assam in the northeast of India, and a member of a local Jugnu Club proudly stated *"I am now more aware about not accepting domestic violence and to not stand for discrimination between men and women, and the ways I can address this—this is what I have learned"*[411].

Another important initiative taken by Unilever with UN Women is the development of "A Global Women's Safety Framework in Rural Spaces: Informed by Experience in the Tea Sector" which aims to improve the safety of women in agricultural value chains, beginning in the tea sector and gradually extending to other agricultural commodities. The framework can, among other things, help tea producers develop

[409] Unilever, Women safety programme in tea estates, in Hul.co.in, cit.
[410] UN Women, A comprehensive approach to ending violence against women in rural spaces in India, cit.
[411] Ibid.

a better understanding of VAWG, its causes, ways to prevent it, and its effects on women, communities, and companies; determine the many contributions that producers, government officials, women, and community can make to stop VAWG; and recognize some essential actions to assist producers in beginning their work[412].

By adopting policies and developing gender-sensitive projects such as those described, Unilever is demonstrating its commitment to ensure that women throughout its value chain are safe and free from discrimination, because as stated by Marc Engel, Unilever Chief Supply Chain Officer, "*without a safe working environment, women cannot fully participate in society or in the workplace if they fear for their safety or that of their daughters. If women are empowered by providing equal access to land rights, finance, education, jobs, training and pay, it will positively impact the global economy"*[413].

3.3.2 Twinings

Twinings is a particularly sustainable tea brand that acknowledges its human rights obligations under the UNGPs, its responsibility to sustainable sourcing and its potential to be a force for good for its entire supply chain. According to information on their official website, Twinings is dedicated to employing sustainable materials, ethical sourcing practices, and community-improvement initiatives across their supply chain. Their commitment is based in its Ethical Sourcing Programme and Code of Conduct, that establish the standards that all of its suppliers across tea producing countries are expected to meet[414].

They are picky about their suppliers and only buy tea from sources that have been certified to meet internationally recognized standards. Additionally, they do more than just rely on third-party certification: since 2016, their Social Impact and Sustainability team has routinely conducted Community Needs Assessments (TCNA) on each tea garden and farm they supply from. This methodology is

[412] UN Women and Unilever, A Global Women's Safety Framework in Rural Spaces: Informed by Experience in The Tea Sector, Ending Violence Against Women Section, New York, 2018
[413] Ibid.
[414] Twinings, Responsible Sourcing, https://twinings.co.uk/blogs/news/responsible-sourcing

designed to gather input directly from workers, farmers, and community members through focus groups and individual interviews. This assessment covers ten areas in relation to human rights and welfare of workers, which include gender, health and nutrition, children's rights, lands rights, livelihoods, water and sanitation, natural resources, farming methods, housing, and working conditions. This process is beneficial because it allows Twinings to have direct knowledge of the conditions at its tea and herb suppliers' locations and to pinpoint any areas that need improvement to eventually request corrective actions[415]. After the initial assessment, Twinings regularly reassesses all the risk area during the commercial partnership. They also typically take a cooperative approach, providing support, training courses and awareness campaigns to their global suppliers in order to increase their ability to handle ethical and legal responsibilities and guarantee long-term workplace improvements[416].

As mentioned in the previous chapter, a major component of Twinings' responsible sourcing initiative is the Sourced with Care Programme which strives to enhance the quality of life in the communities where it sources its tea and herbs and to respond to local needs. A notable feature of this initiative is its participatory needs assessments used to identify the particular risks and obstacles faced by each community, which allows the program to be customized to each context and maximize its impact. The idea behind it is that outsiders cannot presume to understand the reality on the ground, but they must listen to the voices and experiences of those living in the tea estate. Several programs are centred on women's empowerment, child safety, health and nutrition[417].

Regarding nutrition, the program offers monthly health and nutrition education seminars to tea communities to address a range of topics such as dietary variety, cooking demos, and folic acid supplementation. This is further reinforced by the establishment of kitchen gardens and stores that sell an assortment of reasonably priced nutritious foods[418]. Twinings' Sourced with Care Program also addresses the

[415] Twinings, Communi-tea: Sourced with Care, https://twinings.co.uk/pages/sourced-with-care
[416] Twinings, Responsible Sourcing, cit.
[417] Twinings, Workforce Nutrition in the Supply Chain: Twinings Case Study, Access to Nutrition Initiative, 2021.
[418] Ibid.

critical issue of providing sufficient housing, restrooms, and drinking water facilities, all of which are essential for the well-being of its workforce. In 2010, Twinings started collaborating with Darjeeling tea communities on these challenges. They have worked with Mercy Corps and GoodRicke, some of their major producers, to achieve a 79% decrease in waterborne infections in participating tea areas over the past few years. Additional findings included a 63% drop in workplace absenteeism and an average savings of $52 per household on medical costs. In 2017 they expanded their work in Assam by installing restrooms and latrines in their gardens[419].

Health is more than just infrastructure, thus they also collaborated with local communities to promote health-related activities and good practices such as handwashing and menstrual hygiene. They disseminate information using a variety of platforms, including radio plays, dramas, lessons in schools, and clubs for mothers and adolescent girls. To guarantee the long-term viability of the recently constructed water systems, committees focused on water, sanitation, and hygiene have also been created and trained so that they will be able to handle everything from fixing leaks to checking the quality of the water[420]. Data show that as of 2023 over 180,000 individuals were reached by hygiene sessions; 2900 latrines were constructed, giving over 18,600 people access to hygiene and sanitation; and that over 20,000 people now have access to clean drinking water. In Darjeeling alone, 74% of families now have a water source nearby, and 76,4% of mothers and adolescents live in homes with better sanitation and supplies of safe drinking water[421].

In addition, Twining has been assisting women in Assam with UNICEF since 2010 in order to improve their access to maternity benefits and employment opportunities. Likewise, they worked to provide a secure environment where nursing moms could breastfeed their infants without facing consequences for taking time off from work. In order to lower maternal death rates, they expanded their program at the beginning of 2018 to provide improved access for women to high-

[419] Twinings, Twinings Sourced with Care Progress Report, Associated British Foods, 2018.
[420] Twinings, Sourced with Care Progress Report, 2018.
[421] Twinings, Twinings Sourced with Care Progress Report, Associated British Foods, 2023

quality maternal health treatments in nearby hospitals and clinics[422]. Since then, over 173,000 women received health services from 45 gardens that grow herbs and tea. Furthermore, research has shown a 21% decrease in the prevalence of anaemia as a result of community-based programs[423].

Along with the Asian University for Women and the Indian Tea Association, they have also been helping high-potential girls from tea estates get into universities to escape the cycle of poverty and reach better life opportunities. Through the creation of many Adolescent Groups, this program has helped girls gain access to training sessions for everyday life skills such as critical thinking, confidence, and self-esteem[424].

Twinings has a clear and ongoing commitment to sustainable business practices as well as the safety and empowerment of its workers. Their Sourced with Care program has affected 352,159 people as of 2022, including at least 34,000 young women in India, 16,000 children in China, and 37,000 women farmers and workers in Kenya. By 2025, Twinings hopes to have empowered an additional 250,000 women, and nutrition and health will continue to be important aspects of this mission. Only in Assam, the target is to reach 350,000 residents in 63 tea gardens of the region.[425]

3.3.3 Taylors of Harrogate

Another noteworthy example of a tea firm dedicated to upholding its human rights responsibilities is Taylors of Harrogate, a well-known tea brand in the UK that is a division of the Bettys & Taylors Group Ltd. According to THIRST's research, traditional purchasing methods, which exploit power imbalances between buyers and suppliers, as well as the trade networks used to purchase tea, are some of the primary causes of workers' human rights violations in the industry[426]. This brand's

[422] Twinings, Sourced with Care Progress Report, 2018
[423] Twinings, Sourced with Care Progress Report, 2023
[424] Twinings, Sourced with Care Progress Report, 2018
[425] Twinings, Workforce Nutrition in the Supply Chain, op. cit.
[426] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector, Part 3, op. cit.

strength is precisely found in its ethical purchasing policies and dedication to helping its suppliers adhere to its certification and code of conduct. Strong partnerships backed by long-term contracts, high levels of supply chain transparency, and frequent in-person interactions are the cornerstones of the brand's sourcing approach[427].

Taylors puts its producers first; during COVID, for instance, it gave suppliers safe, longer-term contracts at competitive prices along with a £500,000 emergency relief fund. Instead of basing their entire ethical commitment on certification, the corporation views it as a "baseline requirement" and works to go above and beyond it with its human rights commitment. It is also determined to pay prices that can at least cover the cost of production and protect workers and producers in case of instability in the market. The brand also generally pays above the auction price by giving a premium to high quality tea. Despite what some other tea firms fear, paying higher prices, being responsive with their suppliers, committing to longer-term contracts, and insisting on high-quality tea have not negatively impacted its finances. Conversely, over the past five years, its market share in the UK has increased consistently, and its customers continue to show strong brand loyalty[428].

Taylors acknowledges that their operations affect millions of people's rights and that their supply chain depends on them. As a result, they developed a Code of Conduct outlining the minimal requirements that their suppliers must meet such as equal pay, safe and fair treatment and opportunities. They use tools including self-assessment questionnaires, visits, and audits to assess compliance with the Code. They recognize that a large number of the issues facing their supply chains are structural in nature and that sustained, industry-wide cooperation with supply chain partners and outside stakeholders is necessary to bring about meaningful change[429]. Therefore, when social and human rights issues arise in a plantation within their supply chain, they are committed to at least attempt to comprehend the underlying causes and address the problems by collaborating both broadly and

[427] Bettys & Taylors Group, CEO Endorsed Statement for ETP, 2023.
[428] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector, Part 3, op. cit.
[429] Bettys & Taylors Group, Supplier Code of Conduct, 2023.

directly with trade partners to promote change within the sector, as opposed to just trading elsewhere.[430]

A crucial aspect of Taylors responsible sourcing approach is its Value Chain Investment scheme, which was first developed in 2013 to carry out projects in partnership with their suppliers aimed at enhancing the lives of the people living and working in plantation communities. In 2023 alone, Taylors invested £1.21 million in 45 projects across 14 countries, including India. The work ranged from making investments in agricultural technologies, to setting up potable water systems, supporting gender-equality and education programs for women empowerment, and initiatives to enhance health and sanitation, housing and school facilities[431].

Taylors has a significant commitment to empowering women in its chains as well. They thus fund long-term initiatives that assist in addressing a variety of issues that affect women in rural areas, including granting them access to resources and training, enhancing hygienic conditions and medical facilities, and guaranteeing that human rights are upheld[432]. For example, they are working with ActionAid to empower Kenyan tea workers to comprehend their rights to a safe workplace, to be free from violence, to receive adequate services, and to organize to demand the respect of these rights. Through this initiative, they hope to address the root causes of violence against women, increase women's voices in the business, and facilitate access to improved working conditions. To do this, they are assisting victims of abuse in obtaining necessary resources and legal representation, promoting women's land rights, and educating managers on gender-based violence. The project, which began in January 2022, has already surpassed its initial goals. As of today, they have created 49 Solidarity Groups and conducted training sessions on women's rights and the obligation of local government to supply basic public services including water, healthcare, and education. Additionally, they established

[430]Taylors of Harrogate, Impact: Our Human Rights Approach, https://www.taylorsimpact.com/articles/our-human-rights-approach
[431]Taylors of Harrogate, What is Value Chain Investment at Taylors? https://www.taylorsimpact.com/articles/what-is-a-vci
[432] Taylors of Harrogate, Women in tea and coffee in People & Community: Gender empowerment, https://www.taylorsimpact.com/people-community/gender-empowerment?token=awUJ1CsLPo9kG3h-EwX0VidJKxXJ-BmL

three women's networks and trained 1,571 Rights Champions, 80% of whom are women, to assist others in becoming aware of and asserting their legal rights.[433]

Along with Lujeri Tea Estate, Taylors have also created a project with the goal of lowering the dangers of exploitation of women involved in Malawi's tea supply chain, by promoting financial empowerment and stability. The goal of the Ulalo, or "Bridge" project, is to create Village Savings & Loan Associations, which are informal self-managed savings clubs for tea workers that give their members a safe and efficient means to save money and obtain loans. The initiative will assist in training members in record-keeping, financial management, entrepreneurship, and business development. The project is particularly relevant for women because it helps them to increase their economic resilience by removing obstacles to financing, boosting self-esteem, and promoting decision-making[434].

Taylors of Harrogate have been praised by tea producers for being "more human", more respectful, sympathetic, and fair in their relations compared to certain other purchasers. They believe in long-term, strong relationship and in sharing their profits with the people that depend on their supply chain. Their model shows how a buyer can positively influence the fulfilment of workers' and farmers' human rights, both directly and through empowering producers to offer better living and working conditions. It also shows that ethical purchasing practices do not always have to be bad for business. If a sufficient number of purchasers embraced Taylors' model for buyer-supplier relationships, the precarious situation that tea workers are currently facing could likely be overcome[435].

3.3.4 Teekampagne

The ability of tea farmers to offer fair wages and working conditions to their employees is greatly influenced by the way tea is bought from them. The popular

[433] Taylors of Harrogate, Bettering lives in Kenya with ActionAid, in Gender Empowerment: Some of our Projects, https://www.taylorsimpact.com/articles/bettering-lives-in-kenya-with-actionaid
[434] Taylors of Harrogate, The Ulalo 'Bridge' Project in Malawi, in Gender Empowerment: Some of our Projects, https://www.taylorsimpact.com/articles/the-ulalo-bridge-project
[435] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector, Part 3, op. cit.

business strategy of selling to consumers looking for the best quality at the lowest cost, either through auctions or private sales, keeps prices low and fuels inequality in the industry, which in turn contributes to violations of the human rights of tea plantation workers, especially women. Teekampagne is a German direct-to-consumer tea retailer that exclusively purchases pure, organic tea from a select group of suppliers in Darjeeling and Assam with whom it has established long-term business relationships. The company is purpose-driven, meaning that it is not primarily focused on the maximization of profits, but instead, it seeks to establish a robust social and economic environment that benefits all parties involved in the value chain, from workers, to producers, to consumers. Although this model is not yet flawless and not fully focused on women, it is original and helpful in redistributing power and, with some adjustments, it has the potential to foster an atmosphere that facilitates the promotion of human rights and the empowerment of women tea workers[436].

Teekampagne tea is sold straight to customers in large packages with little packaging or promotion, and its producer receives around half of the sale price. There is no intermediary involved. The only kind of marketing used is word-of-mouth. The end result is exceptional tea at an unbeatable cheap cost without damages to workers. Staff members at Teekampagne make frequent trips to see the producers in an effort to unite them in addressing problems jointly and cooperatively. The corporation started a sustainability project in Darjeeling to enable families in tea plantations make extra money in order to address social and environmental challenges. For several decades, this business model has been maintained. High levels of satisfaction are expressed by suppliers on the company's purchasing policies and their interactions with them. They believe that the business is aware of their difficulties and tries to collaborate with them to overcome them. Teekampagne demonstrates that the wiser course of action is to adopt an intelligent sustainable strategy that values people and the environment rather than one in which a select few profit at the expense of everyone else[437].

[436] The International Roundtable for Sustainable Tea (THIRST), Human Rights in The Tea Sector, Part 3, op. cit.
[437] Ibid.

3.4 Rationale for the Implementation of Gender-Sensitive CSR Initiatives

Companies have several reasons to adopt a comprehensive CSR strategy in international supply chains that include certifications, partnerships, policies and other individual ethical projects. The three main elements that drive corporate social responsibility are: I) competitive advantage; II) reputation and legitimacy; and III) cost and risk reduction. With regard to the latter, recent scandals have brought to light the expenses and dangers that multinational corporations have to cope with when it comes to human rights violations, including harm to their brand, legal actions, stringent regulations, and accusations of fraud and corruption. These risks can be easily and efficiently reduced with the implementation of CSR guidelines into purchasing and production procedures. The adoption of these practices is also influenced by social reputation that can help companies meet the expectations of socially conscious stakeholders, who demand high standards of social and environmental risk management, in order to improve their trust and relationships. Eventually this can also translate into new investments[438]. Finally, companies integrate social and environmental issues into their supply chains to gain a competitive advantage over less socially conscious competitors. As a matter of fact, contrary to the misconception that many firms have, being socially conscious and responsible is not an unnecessary cost but a competitive advantage. The adoption of CSR practices generally enhances a company's reputation with both current and future customers, and it protects the company from reputational, legal, and societal issues that could restrict their access to markets and resources. On the other hand, businesses that disregard social responsibility are typically more exposed to boycotts, public protests and obstacles to markets. Adopting a CSR agenda may also enable businesses to gain competitive advantages by cutting costs and boosting resource efficiency[439]. All of these benefits eventually translate into increased

[438] Mzembe, A. et al., Investigating the drivers of corporate social responsibility in the global tea supply chain: A case study of Eastern Produce Limited in Malawi, in Corporate Social Responsibility and Environmental Management, 23(3), 165-178, 2 March 2015.
[439] Ibid.

productivity, better working conditions, relationships with workers and stakeholders, and improved quality of life for employees[440].

In this context, policies, programs, and projects that prioritize gender equality and women's empowerment, like those outlined in previous sections for women employed in the Indian tea sector, are particularly crucial. It has been proven that gender equality is not merely an issue of justice for women but also a requirement for a prosperous and sustainable future for all. As reported by Dr. Balasubramanian, "when women are empowered, societies thrive, economies flourish, and progress becomes inclusive"[441]. As a less regulated and more informal sector than manufacturing or services, agribusinesses pose practical issues when it comes to enhancing gender equality. However, since the agriculture industry employs a large majority of women, equality in this field is essential. According to FAO, reducing the gender disparity in productivity and the wage gap in employment in the agrifood sector – which includes tea - would boost the global gross domestic product by 1%, which is around $1 trillion. By doing this, the number of individuals experiencing food insecurity would drop by 45 million. FAO also estimates that development initiatives centred on women's empowerment could significantly increase the incomes of an additional 58 million people and boost the resilience of an additional 235 million people, if small-scale producers benefited from them[442]. Furthermore, other research indicates that the annual cost of violence against women is estimated to be 2% of the world's gross domestic product, which is $1.5 trillion[443]. Thus, it is clear that gender equality in terms of equal opportunity, employment, leadership, empowerment and safety for women is a significant economic issue, and it is essential for the economy and consequently for companies' overall success and productivity.

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[440] Hoffman B., Behind the Brands: Food justice and the 'Big 10' food and beverage companies, OXFAM International, 26 February 2013

[441] R. Balasubramanian, Gender Inequality in India: Tracing Its Origins, Examining Its Outcomes and Charting a Path Forward, in Journal of Emerging Technologies and Innovative Research (JETIR), November 2023, Volume 10, Issue 11, pp. 135-139

[442] Food and Agriculture Organization of the United Nations (FAO), The Status of Women in Agrifood Systems, Rome, 2023.

[443] Unilever, Breaking the silence, ending harassment, keeping women safe, in Unilever.com, 7 December 2018, https://www.unilever.com/news/news-search/2018/breaking-the-silence-ending-harassment-keeping-women-safe/

Companies that implement "women-oriented" policies and practices can gain a number of advantages to enhance their business performance. For instance, as mentioned above, they can distinguish themselves from the competition and develop a positive reputation, which attracts new customers, stakeholders, and markets. Gender-sensitive workplace policies and practices also facilitate better working conditions, which in turn boost employees' dedication, drive, and work-life balance. This can therefore result in lower staff turnover, absenteeism, overtime, production errors, costs, and return rates as well as higher productivity, employee relations, and production quality[444]. Furthermore, management and coordination expenses can be decreased by hiring female managers at every stage of the value chain. It has also been discovered that having women in managerial roles enhances relationships between businesses and suppliers, especially when it comes to resolving conflicts and getting important community input. Studies validate the advantages that companies in the agriculture industry might experience by implementing gender-responsive and empowering initiatives in their supply chain. For instance, the ILO Better Work study discovered that initiatives to enhance gender equality and working conditions in agribusiness factories led to increases in profitability and productivity of up to 25% and 22%, respectively. According to the Evidence Project, worker health programs that prioritized women have lowered annual turnover rates from 15% to 3% and cut working mothers' absenteeism by 50%. Furthermore, it has been demonstrated that providing reproductive health programs to employees improves family planning and delays marriage, which lowers the risk of turnover as more women remain in the workforce. Last but not least, gender-sensitive managerial trainings have enhanced worker-manager communication, worker happiness and loyalty, raised productivity and skills, and eventually improved the company's financial performance[445].

[444]Ethical Trading Initiative (ETI), Base code guidance: Gender equality, Part A, 2017

[445] Martin S. and Roth C., Can Businesses Benefit from Empowering Workers and Promoting Gender Equity in Agricultural Workplaces?, in International Center for Research on Women (ICRW), 2023, https://www.icrw.org/can-businesses-benefit-from-empowering-workers-and-promoting-gender-equity-in-agricultural-workplaces/

Thus, as an increasing body of evidence shows, individual businesses benefit from being socially responsible and committed to women empowerment in their supply chain. This is a long-term investment for them: if firms make the adequate investments in gender-sensitive policies and practices, they can benefit from the numerous advantages mentioned above. In the tea industry and beyond, these advantages have the potential to produce both significant economic and social benefits and eventually increase the sector's overall sustainability[446].

On the other hand, CSR is clearly not perfect and presents a variety of flows. For example, in India, notwithstanding the introduction of CSR as a mandatory practice for large companies, only a few numbers of firms continue to engage in these activities, such as Unilever and McLeod Russel. CSR is still not incorporated into basic business planning of many companies but on the opposite is typically associated with philanthropy and treated as a separate activity. Companies continue to selectively choose specific projects and keep on being quite secretive about their supply chains. Sometimes, CSR measures are only used as clever PR and marketing strategies and do not translate in concrete actions. Additionally, oftentimes, workers who play a significant role in the value chain are unaware of international requirements for CSR. Women workers in particular are left uneducated and marginalised[447]. Furthermore, rather than addressing the root of discrimination, poverty and inhuman living conditions, these CSR initiatives frequently only treat their symptoms[448].

[446] Roscoe, A., et al., op. cit.
[447] Van der Wal S., Sustainability Issues in the Tea Sector: A Comparative Analysis of Six Leading Producing Countries, in SOMO, June 2008
[448] Sharman T., The Estate They’re in: How the tea industry traps women in poverty in Assam, Traidcraft Exchange, May 2018

CONCLUSIONS

As demonstrated in this thesis, the success of the entire global tea industry depends on women who work in tea plantations, as in no other industry. In India, the division of labour has always been influenced by cultural ideas and biased conventional norms of what is masculine or feminine. Since women have always been considered to be more patient, obedient, docile, delicate, detail-oriented, and cautious than men, they have historically been assigned to plucking tea leaves. But while picking tea is a step that requires attention and delicacy, it is also one of the most exhausting and important tasks of the entire process. It is a labour-intensive, physically demanding, monotonous procedure that calls for competence, perseverance, and experience and that can define the quality of the entire production. However, despite being the majority of workers in Indian tea plantations and those that carry out some of the most crucial and hard parts of the process, women do not have the same power nor receive the same treatment as men. This thesis effectively illustrated how women employed in tea plantations in India have long endured miserable working conditions, severe pay disparities, and ongoing discriminations, violence, and abuses of their rights guaranteed by both domestic and international documents.

One of the main objectives of this thesis was indeed to uncover the multiple hidden violations of women's rights on Indian tea plantations. As illustrated in the second chapter, India's plantations workers frequently experience gender-based violence, particularly domestic violence and sexual harassment at work by managers or other male workers. Women’s vulnerability in these contexts is enhanced by certain factors: most women are employed as temporary or seasonal workers without contracts, they do not have an education, and they are compelled to live on the estate without formal ownership over land and resources, not even their houses. Because of this, women become completely dependent on their estate managers and turn into captive workforce with no possibility of escape.

Women working in the gardens are particularly disadvantaged when it comes to pay. Aside from being placed on a lower wage slab compared to men, which is generally far lower than living wage levels, they are paid on a piece rate system.

Furthermore, in contrast to men, women perform additional unpaid and exhausting household work. This translates to an average of 13 hours of physical work each day. Moreover, women in this sector are stereotypically confined to lower grades of work and little or no potential for upward mobility and professional advancement. Women are also often excluded from labour unions generally run by men and therefore their issues are not given any weight.

Regarding basic living conditions, as mentioned multiple times in the thesis, there are frequent Plantation Labour Act violations that typically disproportionately impact women. For instance, even if housing is given, it is often of poor quality and in need of serious repair. Furthermore, the management's insufficient food supply results in spread anaemia and malnutrition among women. This research also demonstrated that in the gardens, women workers lack canteens and safe spaces to eat, crèches for their children, potable water, and toilet facilities. Moreover, despite the availability of educational facilities, evidence suggests that the quality of the education delivered is very low. In addition, the low remuneration for tea workers contributes to a high rate of school dropout among girls whose parents force them to take care of the housework, contributing to a cycle of poverty, discriminations and violence.

In addition, women who work in the Indian tea industry face difficult and dangerous work conditions. The high incidence of injuries and health hazards is mostly attributed to the inadequate safety equipment provided by tea estates owners to their workers, who are therefore exposed to adverse weather conditions, chemicals, and insect bites. Nonetheless, women's health in Indian tea plantations is rarely given much thought. The majority of Indian tea estates lack medical facilities, and those that do exist are often in deplorable condition, with an insufficient number of doctors, and poorly trained staff. Lastly, research showed the extremely low level of maternal health on plantations which contribute to the alarmingly high maternal death rate in Indian estates.

In second place, the thesis aimed at understanding some possible root causes and driving factors behind all these terrible abuses that women in Indian tea plantations face. As mentioned in the second chapter, one of the primary causes of this historical

discrimination is the patriarchal structure of the Indian society. Gender is employed as a tool for “structural marginalization” to push people, in this case women, to the margins of society. Female tea workers are a particularly marginalized category of women in India. Patriarchal ideals, traditional masculine norms, and the associated sexual division of labour have contributed to relegate women to the lowest levels of the plantation hierarchy, both in public and private settings. In addition to gender inequality, hierarchies based on caste, class, and ethnicity have all facilitated the brutal conditions that female plantation workers still endure today. Finally, the weak legal enforcement in India combined with the inadequate grievance mechanisms ranging from the estate to the international level and the lack of punishments for offenders, further increases the vulnerability of women employed on tea plantations to right abuses.

This thorough analysis led to the conclusion that the violation of women’s rights in Indian tea plantation is primarily systemic, impacting not just the entire tea industry but also society at large. Although socio-historical and legal factors are the main causes of these issues, there is another element that indirectly contribute to sustain such a problematic industry: the economic interests of the companies involved in the tea sector through their supply chains.

According to numerous authoritative institutions like the UN and the ILO, businesses must safeguard human rights in all their operations and relations. Big companies bear this great responsibility due to their considerable degree of influence over other chain participants, especially in the case of the tea industry, where buying companies enjoy a high level of concentration of ownership and power. However, many tea companies are unwilling to take actions to solve these issues that affect the workers in their supply chain.

In order to offer competitive prices, companies must maintain low manufacturing costs. Labour, in particular women labour, is the cost component that suppliers can more readily compress in the production process and that immediately results in higher profit margins for buying companies. This, on the other hand, hamper producers’ ability to give their workers respectable working conditions. Therefore, the primary driver behind tea businesses' “silent” complicity in the abuse of women

tea workers is the competitive advantage that they get from the exploitation of women as cheap labour. Because of it, tea firms often do nothing to address or stop violations of women's rights or to improve their living and working conditions. Furthermore, owing to the profoundly unequal power relations in the market, the lack of regulations controlling business operations, and the lack of transparency, tea companies can profit from the well-known brutal labour conditions in tea plantations without being held accountable for the harm caused.

Thus, as this thesis demonstrated, individual enterprises at the top end of the tea value chain can and do contribute to the abuses of women's rights in the Indian tea sector, even though most of these breaches are directly committed by estate owners and rooted on cultural beliefs and legal shortcomings. Tea businesses exploit the weaknesses of the Indian system and the vulnerability of women workers for their own financial benefit. They choose money over the wellbeing of women workers, and they keep profiting from a broken and dysfunctional system rather than using their power to help fix it.

Nevertheless, public awareness about social, economic, and environmental issues of the tea industry is gradually growing. As a result, customers are requesting greater sustainability and transparency from companies. Finding examples of responsible business policies and practices in this sector was, in fact, another objective of this thesis. As the third chapter highlighted, an increasing number of businesses are implementing corporate social responsibility programmes. These initiatives, when implemented correctly, carefully monitored, and grounded on a genuine dedication to human rights and ethical principles, can represent major advances, or at least first steps, towards ending the daily abuses that women working on tea plantations in India and other tea-producing countries suffer. The thesis analysed different forms of successful CSR, the most popular type being certification schemes. However, the thesis concluded that, even if useful, certifications are far from perfect. The programs' voluntary nature and the corresponding lack of enforcement authority and sanctions constitute some of the main problems. Therefore, for a company to be truly ethical and responsible, certifications must be complemented by other measures. For this reason, the third chapter of the thesis focused on additional effective initiatives meant to enhance the

working and living conditions for women on tea plantations. The chapter analysed projects developed in collaboration between international bodies and tea companies and good women-oriented initiatives developed by individual tea firms. These all represent innovative, creative, sustainable, and gender-sensitive alternatives to the traditional model, which is centred on the exploitation of workers for the benefit of the entire tea industry.

Notably, the thesis also demonstrated that tea businesses could improve their commercial performance and enjoy several benefits by adopting policies and practices focused on women workers. As a matter of fact, despite the misconception that many firms have, being socially conscious and responsible is not an additional cost but rather a competitive advantage. In addition to improving stakeholder relations, investments, profits, working conditions, the overall production quality, and lowering absenteeism, responsible business practices are also helpful to strengthen risk management and cost savings.

To sum up, this thesis showed how important women are for the Indian tea industry, which is a highly productive and profitable sector of the global economy. Nonetheless, due to several socio-cultural and legal factors, they are in a particularly vulnerable position and constantly victims of multiple, widespread, systemic, and well-documented violations of their rights. Yet, women workers' issues are almost completely ignored, while companies keep making money off their exploitation and clueless consumers continue to drink their tea every day. That being said, there is yet hope for a solution. Change is not only possible but also necessary to make this industry more sustainable and just for women. The conditions of women on Indian tea plantations are significantly affected by companies in the tea industry and their business practices. Tea firms have shown that they are able to tackle the centuries-old abuses, address the root causes of these violations, and ultimately play a positive role in bringing about essential changes. As if this was not enough, businesses can also gain economic benefits and advantages from investing in socially responsible initiatives and committing to empower women in their tea supply chain. Therefore, empowering women in the tea sector is not only a responsibility and a moral action for individual companies, but also a wise and good strategy for the economy, the industry and the society as a whole.

Needless to say, to solve this deep-rooted, historical and pervasive issue, companies' good behaviour is not enough. While certifications, audits, and ethical projects are undoubtedly helpful and a good starting point, women's exploitation and rights violations in the Indian tea sector are long-standing systemic problems that will take time and effort to be resolved. There is not just one simple solution. In order to address this well-known, complicated and widespread form of discrimination, it will be necessary to implement a comprehensive strategy with the engagement of multiple actors who take several actions in all spheres of women's lives. Change cannot be achieved without the ongoing support of both public and private institutions and both men and women.

The advancement of gender equality and women's empowerment within agrifood systems can only occur through the deliberate and committed development of policies, programs, projects, and investments that address the complex and interconnected issues that women experience. These interventions must address the inequalities in the access to resources, services and assets, together with the limitations that generate gender gaps in the systems, such as discriminatory societal norms, gender roles, and constrictive institutional and regulatory frameworks that fall short of providing sufficient recognition, protection and attention to women[449]. Key factors for the empowerment of women in the tea industry include land, housing, water, technology, and finances, as well as individual and community education, training and social security programs.

Education and training notably constitute an essential component of this revolutionary change. With an adequate education, women can benefit, among other things, from increased work opportunities, less gender wage disparities, and less occupational sex segregation. Educated people are also better equipped to oppose violence and discrimination, promote improved services, and seek redress as they are more aware of their rights and have the freedom to exercise them[450]. It is also crucial that interventions aimed at enhancing women's condition in the tea

[449] Food and Agriculture Organization of the United Nations (FAO), The *Status of Women in Agrifood Systems, Chapter 6:* Transforming Agrifood Systems and Achieving Gender Equality, pp. 160-190, Rome, 2023

[450] Ethical Tea Partnership (ETP), Global position on creating empowered, safe communities, May 2023.

sector tackle the unequal care and domestic work responsibilities that women bear, as these factors impact their professional opportunities and their well-being. This is a long-term issue that will require equal distribution of reproductive responsibilities between men and women as well as adjustments to the legal, educational, and cultural systems. However, in the short-term, responsibilities can be reduced with, for instance, investments in infrastructure, particularly facilities for childcare, and transportation networks[451].

Moving forward, governments, estate managers, companies, and consumers are some of the major players that need to implement essential recommendations in order to ultimately achieve gender equality and women's empowerment in the Indian tea sector.

In the first place, ensuring the protection and empowerment of women working in the tea industry is primarily the duty of the Indian government, which bears the main responsibility for upholding and advancing human rights within its territory, including gender equality and non-discrimination. To bring about transformative change, the government must design institutional frameworks and public policies that include interventions to address systemic barriers to women's empowerment and gender equality. These include, for instance, laws that combat harmful gender stereotypes and discriminatory socio-cultural norms and behaviours as well as policy for the punishment of perpetrators of GBV[452].

The rights to food, housing, water, childcare and education, as well as the greatest possible level of health and sexual and reproductive health, are especially pressing for women who work in the Indian tea industry. The government must support producers in providing all the facilities and infrastructure required to give women respectable living and working conditions. The PLA and all the other regulations aimed at protecting women tea workers must be updated, strengthen, upheld and monitored by the government, and any tea garden owners who disregard them should face clear legal consequences. The government should also make sure that

[451] Bamber P. and Staritz C., The Gender Dimensions of Global Value Chains, International Centre for Trade and Sustainable Development, Geneva, September 2016
[452] Food and Agriculture Organization of the United Nations (FAO), The Status of Women in Agrifood Systems, Chapter 6, cit.

employers offer safeguards against exposure to chemicals, extreme weather, and other hazards that may harm women's health. Additionally, it is imperative to ensure that all female tea plantation workers receive timely and adequate pregnancy, postnatal care and maternal benefits. Finally, the government needs to enforce the deduction of in-kind benefits from minimum wage computations on tea plantations, establish a daily minimum salary of RS 300 in line with the Indian national minimum wage for unskilled agricultural workers and ensure equal pay for women[453]. Furthermore, the government must encourage business responsibility to uphold human rights by, for instance, providing industry-specific guidelines and support about the threats and effects on women's human rights as well as how to conduct due diligence that takes gender equality into account. The government must also ensure that women who are harmed either by their employer or companies that operate in its territory have access to efficient judicial and non-judicial mechanisms. In order to guarantee this, the government should remove any obstacles to accessing the legal system, provide sufficient financial, technical, educational and legal resources, conduct civil and criminal investigations into companies that have been the subject of human rights allegations, and take appropriate punitive actions when necessary[454].

Secondly, estate owners and tea producers have a lot of responsibilities to their workers, especially women. They must adhere to the relevant legal framework put in place by the Indian government, offer women formal contracts, eliminate the piece rate system, strengthen and make accessible estate level grievance mechanisms, educate staff and male workers about gender issues, provide the bare minimum of facilities, infrastructure, and benefits, and develop gender-neutral workplace policies based on sex-disaggregated data and gender analysis regarding wages, work roles, and representation in trade unions[455].

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[453] Global Network for the Right to Food and Nutrition (GNRTFN), Fact Finding Mission Report: A life without dignity – the price of your cup of tea, Abuses and violations of human rights in tea plantations in India, Heidelberg, Germany, May 2016

[454] Schueller M. and Noble R., Why National Action Plans on Business and Human Rights must integrate and prioritise gender equality and women's human rights, in Gender and Development Network (GADN), UK Women's Economic Justice Group, November 2015

[455] Banerji S., Human Rights in Assam Tea Estates: The Long View, in THIRST, February 2020

In third place, businesses, whether retailers, brands, traders, or packers, should stop viewing human rights obligations, workers protection and empowerment as charitable acts and instead view them as a crucial component of sustainable business. This entails developing due diligence processes to manage potential and actual adverse human rights impacts, committing to ethical sourcing practices, and making investments in policies, projects and mechanisms that support workers safety and empowerment, particularly for women. Companies can facilitate, encourage, and support the implementation of the PLA and other laws pertaining to the protection of women tea workers through better trading procedures, collaborations and advocacy with suppliers, local and national government, trade unions, and NGOs to enhance producers' capacity to offer appropriate in-kind benefits to workers, help create and execute strong gender-sensitive laws and workplace practices, and enhance women workers' abilities and skills. Additionally, in order to promote respectable working conditions and liveable wages, tea firms and traders should pay a fair price for their tea, make long-term purchasing contracts with farmers that grow tea responsibly and provide technical guidance if needed[456]. Ultimately, businesses must strive for maximum transparency in their supply chain by disclosing their supplier lists, the nations, regions, and tea estates of origin, as well as the value distribution along the chain. This would facilitate access to the closed-off world of the tea industry. Customers, and workers in India most importantly, would be able to hold tea estates and companies accountable and expose any violation of human rights[457].

In addition, tea companies need to show a sustained commitment to the empowerment and protection of women employed in their supply chain, with changes in their policies, committed and adequate funding, and concrete, quantifiable measures to continuously monitor progress and obstacles. Firms can contribute to the socialization process to transform societal and gender norms and customs at the basis of discrimination, violence and exploitation of women through workplace regulations that foster a good work environment, support gender

[456] Banerji S., op. cit.
[457] Sharman T., The Estate They’re in: How the tea industry traps women in poverty in Assam, Traidcraft Exchange, May 2018.

equality, women's representation in decision-making roles, equal pay, and access to employment opportunities[458]. The enhancement of women's safety and the elimination of VAW represent another necessary step toward gender equality in the tea industry. Businesses should adopt strict policies against discrimination and VAW and train management, workers, and producers to enhance their understanding and ability to execute and develop policies and procedures concerning VAW, as well as gender-responsive plans that incorporate the concern of women's safety such as housing, sanitation, and wages. Furthermore, it is critical to guarantee that all victims are protected from retaliation, that complaints procedures are accessible and trustworthy, and that they clearly outline the consequences for offenders. Lastly, companies should try to work with men and boys involved in their supply chain to change their behaviour toward women, eradicate mindsets that support GBV, and help create safer and more equitable communities [459].

Finally, consumers have a fundamental role in this process. Advocacy and consumer awareness are in fact essential components necessary to reach gender equality in this industry. Instead of boycotting Indian tea, consumers should only purchase it from reliable and transparent suppliers. The women who pick tea will not benefit from a boycott. Instead, it would probably make workers' problems worse as estates would find difficult to sell their tea and pay wages and in-kind benefits. Customers should thus demand that major companies respect the human rights of all workers involved in their supply chains and use their influence to better the lives of women employed on Indian estates. The public can also demand more transparency from companies to hold them accountable for their wrongdoing. Consumers should also favour tea whose production and trade are socially, environmentally, and economically responsible and support NGOs working with women in tea plantations. In so doing, the public could push companies in the tea sector to embrace more ethical and socially just practices[460].

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In conclusion, regardless of how challenging it may be, all parties involved in the Indian tea industry can and have to contribute and collaborate with each other to bring about a necessary gender revolutionary shift to the market.

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