



Not my cup of tea

STOP THE TRAFFIK
PEOPLE SHOULDN'T BE BOUGHT & SOLD

Case Study

In March 2014, the Observer reported the disappearances of Shiboti and Laxmi from the Nahorani tea plantation.¹

Rajanti was working on the Nahorani tea plantation in Assam when she was alerted that her 12 year old daughter Shiboti was being taken away. After racing back to her home she saw her daughter disappearing into a car. She screamed to try and stop them but the agents told her “We will look after her”. Rajanti has not heard from her daughter for over a year.

One day Laxmi’s parents Mangol and Susena were visited by a local trafficker. The next day Laxmi was gone. She was 12 years old when she disappeared. “She was a trusting person. Maybe he promised her a better job so that’s why she believed him and she went with the other girls,” says Susena. Laxmi’s parents explained that the trafficker lived on the tea garden estate “This is his job, to get girls from here to supply to Delhi.” Susena’s husband has left for Delhi in a desperate search of their daughter. “People say things, but they don’t act. My daughter is not here, my husband is not here. I have only my pain: I live with my pain only,” says Susena.

Executive Summary



Recent research has shown that the labour practices and working conditions on the tea plantations of Assam are fuelling unique forms of vulnerability to human trafficking.

Men, women and children are being deceived with promises of a new life and great work opportunities and are ultimately being trafficked and exploited within cities across India. These reports have helped bring the devastating stories of those who have been trafficked to light.

Prevention of human trafficking needs shared responsibility between government, law enforcement, civil society, resilient communities and business.

We want to see an end to human trafficking in the plantations. Breaking the poverty cycle, educating tea garden communities on what trafficking is and empowering them to take

action are all vital components in building resilient, traffik-free communities. The growing awareness around the world of the existence of poor labour practices and unsustainable living conditions could negatively impact businesses who do not actively seek to take their share of the responsibility and seize the opportunity to step up and create the change that consumers seek.

The owners of tea plantations are, in large part, big companies which have the power and capacity to make the changes required to support vulnerable communities to become resilient to trafficking and set examples of best practice. Through the Not My Cup of Tea campaign, STOP THE TRAFFIK, in partnership with campaigning organisation Walk Free are calling on Tata Global Beverages (TGB), one of the largest tea companies in the world to play a leading role in preventing human trafficking from the tea plantations of Assam.



Where Does Tea Come From?

Everywhere around the world people drink tea; tea is the most widely consumed beverage in the world after water.² Globally, people drink over three billion cups of tea every day. Consumption has grown by 60% in the last 20 years and is expected to continue to increase extensively.³

But how does this popular drink end up in your teacup? Your supermarket or local tea shop will have bought their tea at the end of a long chain which starts with tea leaves being grown and harvested on plantations which go through many stages of trading and selling, processing and packing, before they are sold at tea auctions and ultimately purchased by big tea brands.

Tea is currently grown in 35 countries.⁴ The four key tea producing countries - China, India, Kenya and Sri Lanka - are responsible for almost three-quarters of production.⁵

Tea is big business in India. The tea sector is the largest private-sector employer in the country.⁶ It is an industry with more than a million permanent

workers and an estimated twice as many seasonal labourers working within tea plantations across the country.⁷ 10 million people across India depend on the tea industry for their livelihood.⁸

Tea in India is grown in three main areas, Assam, Darjeeling and in South India. Assam has almost 1,000 plantations that produce around one-sixth of the world's tea.⁹ Assam is a state in the northeast of India, at the foot of the Himalayas and bordering Bhutan and Bangladesh. According to the 2011 Census, Assam has a population of over 31 million people and is ranked 15th of the 29 Indian states in terms of population.¹⁰

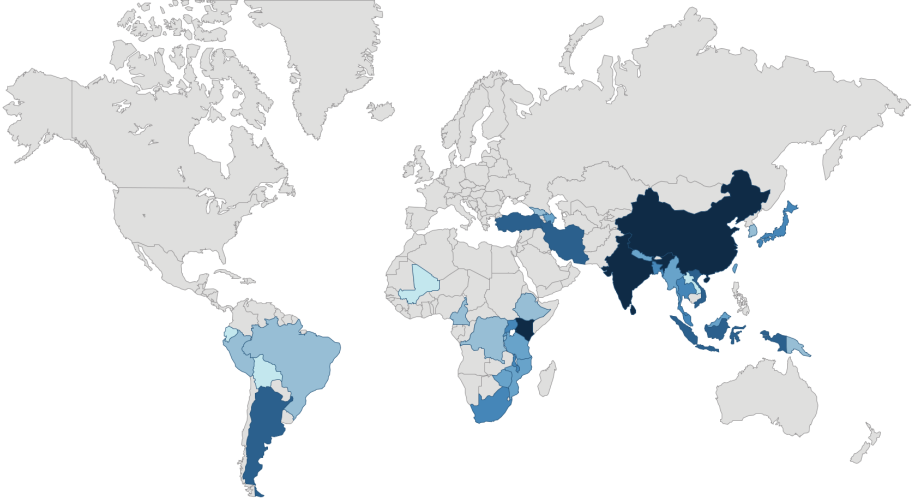
Historically, many of the communities in Assam were established to serve the interests of the British tea industry. These tea estates operate in remote locations where there are few alternative employment opportunities and there is little opportunity to engage in secondary education due to transportation costs. Whole communities can depend directly or indirectly on tea growing.¹¹



Tea leaf plucking is hard and hazardous work. For pluckers, it involves being on their feet for long hours while carrying tea-collecting baskets on their backs.¹⁴ A skilled plucker can pick 75-80kg of leaves per day. In the plantations, insecticides, chemicals and toxic substances are being used and insects and poisonous snakes can be a hazard, especially since it is common for pluckers to work without adequate protective gear.¹⁵

GLOBAL TEA PRODUCTION PER ANNUM

COUNTRIES WITH AN ANNUAL TEA PRODUCTION QUANTITY OF 1000 TONNES OR MORE



TOP 4 TEA-PRODUCING COUNTRIES

CHINA 35%

1,714,902 TONNES P/A

INDIA 21%

1,000,000 TONNES P/A

KENYA 8%

369,400 TONNES P/A

SRI LANKA 7%

330,000 TONNES P/A

100,000 - 300,000
TONNES

TURKEY
VIETNAM
IRAN
INDONESIA
ARGENTINA

50,000 - 100,000
TONNES

JAPAN
THAILAND
BANGLADESH
MALAWI
UGANDA

10,000 - 50,000
TONNES

TANZANIA
MYANMAR
RWANDA
MOZAMBIQUE
ZIMBABWE
NEPAL
MALAYSIA
TAIWAN
AZERBAIJAN

1000 - 10,000
TONNES

BURUNDI
ETHIOPIA
PAPUA NEW GUINEA
CAMEROON
PERU
DEMOCRATIC REPUBLIC
OF THE CONGO
REPUBLIC OF KOREA

ECUADOR
GEORGIA
MAURITIUS
BRAZIL
BOLIVIA

SOURCE UNFAO: TEA PRODUCING COUNTRIES 2012
([HTTP://FAOSTAT3.FAO.ORG](http://faostat3.fao.org))

The Tea Supply Chain

TEA PLANTATION, ASSAM

Tea leaves are harvested ('plucked') by workers.

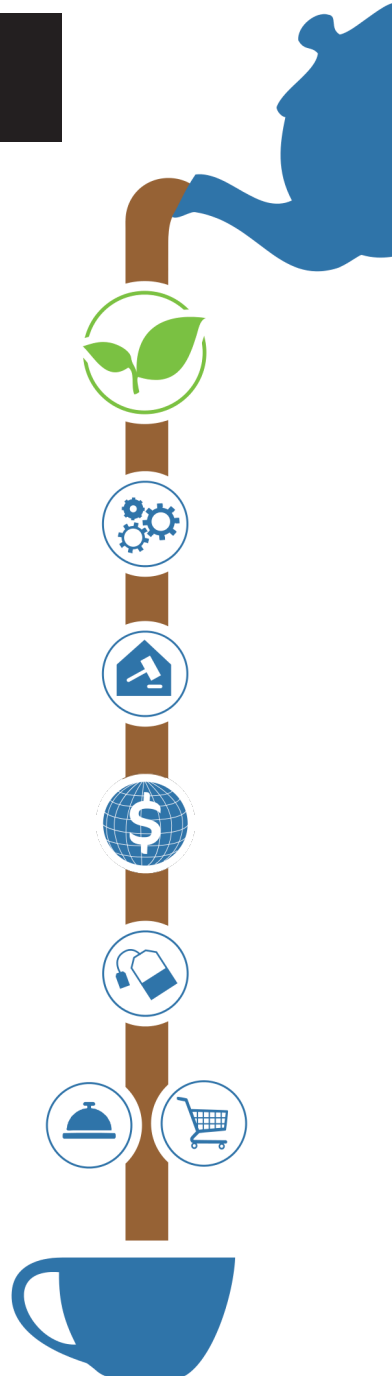
FACTORY

AUCTION/BROKER

INTERNATIONAL TRADER

TEA COMPANY

SUPERMARKET/CATERING





The tea industry supports approximately six million people in Assam.¹² In addition to employment, the thousands of men, women and children who live on the tea estates across Assam also rely on the plantations for housing, food supplies, water and sanitation facilities, education, healthcare and other social benefits.¹³ Since the implementation of the Plantations Labour Act (1951), it has become a legal requirement for tea plantation owners to provide such social benefits.

Cropping season normally begins in March and ends mid-December. The first plucking starts in March and continues for about two months. The second plucking season starts in June.¹⁶ The employer-set quota on plucking tea in Assam has increased by 40% between 2007 and 2013, although there has been no corresponding improvement in technology, which means this work has become even more physically demanding for tea plantation workers in recent years.¹⁷

In addition to the permanent work force during the plucking seasons, seasonal staff are hired (the local name for these workers is 'faltu').¹⁸ The temporary staff include migrants from neighbouring states and countries, as well as local children some as

young as 10yrs.¹⁹ Although faltu workers make up approximately 40% of the work force, they are not covered under the Plantation Labour Act which renders them ineligible for the welfare provisions to which many are entitled.

Almost all of the tea workers in Assam come from two marginalized communities – Adivasis (indigenous people) and Dalits (the so-called “untouchable” caste). Like their ancestors who were brought from central India by British planters, they are trapped in the lowest employment positions on the plantation, where they are routinely treated as social inferiors.²⁰

The problem: Assam's tea gardens are a hotspot for human trafficking

Several factors make the tea gardens in Assam a hub for migration. Human traffickers take advantage of the vulnerability of those living on the plantations. People are often tricked with false promises into being trafficked for exploitation. Somila is one of the girls who was promised a better life.





“I was very angry, but I had nowhere to go and I did not want to stay there.”

Case Study

Somila, sold into domestic servitude for £250.²¹

In March 2014, The Observer reported the story of a girl named Somila, who was deceived, trafficked and sold into exploitation.

Somila's life started on the vast Nahorani tea plantation in the northeast Indian state of Assam. Like many living on the tea plantations, Somila experienced a life of poverty, her family earning very little and her opportunities limited. The Nahorani Tea Plantation is owned by Amalgamated Plantations Private Limited (APPL). Tata Global Beverages are the largest shareholder in APPL.

Somila describes how she was deceived by a trafficker who visited the plantation when she was just 16yrs. “I was tempted with a decent job and I was told that since I am a little bit educated I will find a good job in an office or at a shop, so come with us and you will earn good money and we were poor so I thought it would be good.”

Somila's father explains “Two days before my daughter was kidnapped this agent, the trafficker, came and gave her a lot of tempting ideas that if you go with me, you will be happy, things like that.”

Somila was tempted by the prospect of a job and the promise of a better life and before she knew it, she was hundreds of miles from home being sold as a maid to a family in Delhi for a payment of Rs 25,066 (GBP 250 / USD 414)²². She was unable to escape, could not contact her family and soon found herself in an abusive home. “I was abused badly at that second place. That man was very bad: he used to touch me in my private parts and try to rape me. I was very angry, but I had nowhere to go and I did not want to stay there” says Somila.

Eventually, unlike so many others who simply disappear, Somila was thankfully rescued through the assistance of a local charity Bachpan Bachao Andolan (BBA – Save the Childhood Movement).

Nature and Scale of the Problem

There is limited data available on the scale of trafficking of people from the tea plantations.

A 31-month study by UNICEF published in 2014 has compiled all available statistics from government departments as well as NGOs from the period January 2011 to July 2013, with a focus on trafficking of women and children. It identifies a minimum of 3,000 children and women as either being rescued from trafficking (approx. 20-25%) or missing (approx. 75-80%). These missing persons could be considered as potential victims of trafficking.

The available data reveals that more girls are being trafficked than boys and children being trafficked more often than adults. The exploitation most experienced by girls often takes the form of sexual exploitation or domestic servitude, whereas boys are often exploited for forced labour.

The numbers mentioned are likely to be just the tip of the iceberg as the information available is limited due to the hidden nature of human traffick-

ing and many tea plantations in Assam having no functioning reporting structures. Many parents and community members are not willing to report that their children are missing or their concerns about trafficking, because they have a lack of confidence in or knowledge of the law enforcement systems.

A police officer in Assam stated: "I can assure you that murder cases [are] recorded at least 99% in the police stations. But about trafficking there [are] hardly any cases recorded. Even if it [is recorded], it is reported as a missing case. Record maintenance in local police stations [is] very poor."

Women and children are trafficked for a variety of forms of exploitation including sexual exploitation, domestic servitude, forced marriage and forced labour in factories, transport, eateries, shops and construction. People are trafficked from the plantations to urban areas inside and outside Assam. Guwahati, the largest city of Assam and main shopping and business hub in the north-eastern Indian region, forms a major hub; outside the state Delhi is a major destination.²³



The Drivers of Trafficking

There are many reasons for people living in Assam's tea gardens to leave the gardens. Many of them do not lead to trafficking by themselves, but the combination of these factors creates a breeding ground for human trafficking. These include:

- Frequent ethnic clashes²⁴: Assam has experienced unstable socio-political conditions for decades; insurgency and communal conflict due to long-standing tensions between the predominant Bodo tribes people and minority migrant Muslim settlers are prevalent.²⁵
- Regular floods leading to displacement:²⁶ The state is affected by heavy rain resulting in rivers flooding several times per year. Each time thousands of people are affected and displaced as whole villages are forced to move to higher ground.²⁷ In 2013 a representative of NGO Save The Children said: "It has been found that children get minimum attention during disasters and this drives criminals [traffickers] to target children and take them out with many promises to their parents."²⁸
- Lack of education and development opportunities
- Lack of employment opportunities:²⁹
- Poverty³⁰
- Poor awareness of safe migration and risks of human trafficking³¹

These factors make people in the tea plantations vulnerable to deception by promises from traffickers of a better life elsewhere, with more and improved job opportunities and higher standards of living.³²

“The tea garden was closed when he came and my parents were not working, so my father wanted to send me.”



Case Study

Elaina's dream of becoming a nurse faded as her family simply couldn't afford to keep her³³

Elaina Kujar grew up on a tea estate in the Lakhimpur district, North Eastern Assam dreaming that one day she would become a nurse. Sadly, the poor economic situation of Elaina's family meant this dream could not become a reality.

At age 14yrs, Elaina was approached by a trafficker on the tea plantation estate. "He said he would change our lives," says Elaina. Elaina's parents were earning very little money as tea plantation workers. It was difficult for them to afford to keep Elaina at home. Elaina explains "The tea garden was closed when he came and my parents were not working, so my father wanted to send me."

The reality Elaina experienced when leaving with the trafficker was a stark contrast to the exciting life free from poverty that she was promised. Elaina was trafficked into sexual exploitation. She was trapped, abused, forced to work throughout the night and received no money.³⁴



The Situation: In Theory

Indian law, Assamese state law and international standards seek to provide a good standard of living for tea plantation workers in Assam.

Examples of international standards are the SA8000 Standard by Social Accountability International to advance human rights of workers around the world and ISO22000 by the International Organisation for Standardization dealing with food safety, by which the not-for-profit membership organisation, the Ethical Tea Partnership, helps producers to raise their performance.

In particular, the national Plantations Labour Act (PLA) of 1951 has set out very clear legislative standards relating to conditions for labourers and their dependents working to grow and harvest seven different crops, including tea. These laws decree that workers must have access to food, health care, housing of a proper and sanitary standard, education and recreational facilities as a part of their employment conditions. There are also provisions on working hours and annual leave. In addition, the law provides for a regulatory and inspection system that is specific

to the State Government in the area where the tea estate is situated.

In 2010 an amendment was made to the PLA.³⁴ The key changes made to the Act include amplification of the definition of 'employer', 'worker', 'family', etc. Also, the prohibition of child labour in the plantations and provision for safeguards for safety, health, and simplification of the provisions for providing medical facilities to the workers in the plantations.

The number of tea plantations covered under the PLA in Assam during 2010 was 808. Of these, 608 submitted information to the Indian government in 2010; the total recorded number of permanent employees in these plantations was 416,369.³⁵

The PLA does not apply to all tea plantations in India:

It applies to 'all tea plantations, which admeasure five hectares or more and in which fifteen or more persons are employed or were employed on any day of the preceding twelve months. It does not apply to 'those factory premises to

The Limitations of the PLA

which the provisions of the Factories Act, 1948 apply.' Nor to: 'plantations which admeasures less than five hectares or the number of persons employed therein is less than fifteen.'The State Governments are, however, empowered to extend all or any of the provisions of the Act to any plantation.³⁷

The PLA does not apply to seasonal or fultu workers (more than 40% of the work force)³⁸:

'The PLA requires every employer to provide and maintain necessary housing accommodation for those desiring workers, who have put in six months of continuous service, but are residing outside the plantation. The State Governments are, however, empowered to frame rules to decide the standard and specification of the accommodation.'³⁹

Though the 2010 amendment to the PLA considers "a person employed on contract for more than sixty days in a year" as a worker, it is not easy to claim the benefits, if denied by the tea plantation owner or management.⁴⁰

PLA Appeal processes:

The PLA provides for workers to defend their rights as provided for by the law. 2013 research shows that 'there is rarely any case law on PLA in the Supreme Court. This means that the provisions of the PLA have not been used by the workers to defend their rights as provided for in the law or by the employers to counteract such claims.' One of the reasons is the lack of knowledge by the tea workers of their rights.⁴¹ However, the key reason is the absence of government oversight; a plantation worker was quoted: "The failure of enforcement and absence of remedies." He said about the plantation management: "They are the court, they are the judge, they are the police."⁴²

Lack of company compliance and government enforcement:

State governments are in charge of inspection of the plantations.⁴³ In Assam this oversight role has been seriously lacking for some years. It is difficult to find records of inspections and when inspections do occur, the living area of the plantations called '(labour) lines' do not appear to be inspected.⁴⁴



The Situation: Reality

There is a stark difference between the situation presented by tea companies and as set out in the law, and the reality faced by many tea plantation workers.

A study published by Columbia Law School Human Rights Institute published in January 2014 explored one of the two largest tea companies in India, Tata Global Beverages (TGB).⁴⁵ TGB has owned Tetley, the second largest tea brand in the world since 2000. The company has been involved in and owned all stages of operations in the tea business, from plantations to packaging factories to retail brands. In 2009 TGB moved away from the tea plantation business to focus on production and sale of beverages.⁴⁶

Tata Global Beverages and the World Bank's private investment arm, the International Finance Corporation (IFC) announced the formation of a new corporation called Amalgamated Plantations Private Ltd. (APPL) which would be established to own and manage all former TGB tea plantations. The study by Columbia Law School was based on consultation with unions and on primary and secondary investigations of conditions at 17 of the 24 APPL-owned plantations in Assam and West Bengal.

It gives insights into the reality of the lives of 30,000 permanent tea plantation workers.⁴⁷

Minimum/living wage standards

Workers on the estate are paid Rs 94 (GBP 0.94 / USD 1.55) a day - barely half the 169-rupee legal minimum wage for Assam.⁴⁸ The World Bank calculates that a family needs to earn USD 1.25 (Rs 76 / GBP 0.75) per member per day to lift themselves out of extreme poverty.

APPL claim that they pay the equivalent of Rs 189 (GBP 1.88 / USD 3.12) when secondary labour provisions are included⁴⁹. Despite this, with an average family size of 5.4⁵⁰ in Assam and based on the assumption that not all family members will be working, many families find themselves unable to escape poverty and amongst the poorest people in the world.

Kailash Satyarthi from Bachpan Bachao Andolan is understandably angry with the tea companies who pay so little that girls are vulnerable to the deception of traffickers. *"The owners of these international tea estates don't care for these people. They don't pay them minimum wages. Forget about the decent*

wages: they don't even pay survival wages." The companies make their profits, he says, and the poor are left hoping that the traffickers' promises of a better life somewhere else are true. But they never are. "The reality is slavery, the reality is abuse, the reality is sexual exploitation, the reality is endless slavery."⁵¹

TGB is worth USD 60bn (GBP 36.2bn) and Tetley – which it bought for USD 449.1m (GBP 271m) in 2000 – is its best-selling brand in the UK and has been an iconic tea brand for over 175 years around the world. Every day it purchases a million US dollars of tea.⁵² Tata Global Beverages owns 49.66% of APPL and is its largest single shareholder, yet APPL, in common with other tea companies in Assam, is permitted by the state to pay such abysmal wages.

The average tea worker earns Rs 2 (GBP 0.02 / USD 0.03) for every box of 80 tea bags, sold for Rs 200 (GBP 1.99 / USD 3.31) in UK supermarkets.⁵³ Both TGB and APPL have denied any violation of the law. "We at APPL look after our workers and are compliant with the law," says

Kaushik Biswas, APPL's company secretary.⁵⁴

"Tea is big business in India and Assam in particular, and a cartel of owners have persuaded the state that they cannot afford to pay the legal minimum. In doing so, they have created a fertile breeding ground for the 21st century slave trade," says Kailash Satyarthi from BBA.⁵⁵

According to the Indian Labor Bureau: *The living wage, represents the wage which should enable the worker to provide for himself and his family not merely the basic essentials of food, clothing and shelter but a measure of comfort including education for children, protection against ill health, requirements of essential social needs and a measure of insurance against more important misfortunes including old age.*⁵⁶

We believe that TGB /APPL should lead the way in the tea industry by ensuring plantation workers receive a Living Wage and working to break the cycle of poverty which makes workers and their children vulnerable to trafficking.



Water and sanitation

Under the PLA the following facilities are to be made available by employers for plantation workers:

- Adequate supply of drinking water
- Maintenance of a sufficient number of latrines and urinals in clean and sanitary conditions
- Separate latrines made available for men and women, provided in an accessible location⁵⁷

The report by Columbia Law School states that in the investigated TGB/APPL plantations the inadequate sanitation facilities and the resulting sewage within the living quarters of the plantations are urgent problems. Families describe extremely inadequate latrine facilities with reports of living areas being surrounded by networks of open cesspools and flowing sewage. One worker said “The latrines are overflowing, and that gets into the same water we have to drink”.⁵⁸

Housing

The 2010 amendment to the PLA makes it obligatory for the employers to provide and maintain necessary housing accommodation for every worker and their family residing in the plantation; and for every worker

and family residing outside the plantation who has been employed on contract for more than sixty days in a year and expressed a desire in writing to reside in the plantation.⁶⁹

The Columbia Law School study reports on insufficient and sometimes appalling quality of housing such as cracked walls and broken roofs and very limited size of accommodation. It also notes that government statistics on PLA compliance show that in 2008, Assam plantations provided only 80.7% of the housing necessary for the number of workers.⁷⁰

Health care

The PLA requires medical facilities for workers and their families to be made readily available in every plantation.⁵⁹ According to the Columbia Law School research TGB/APPL does not provide adequate health care in their plantations, in regard to quality and access. Particular groups such as temporary workers, retired workers and the dependents of women workers do not have access to free treatment.⁶⁰ Other community-based research conducted among over 4,000 people in Assam has raised similar concerns, identifying worm infec-

“A cartel of owners have persuaded the state that they cannot afford to pay the legal minimum. In doing so, they have created a fertile breeding ground for the 21st century slave trade”

- Kailash Satyarthi, BBA



tion, skin problems, respiratory infections including tuberculosis and filariasis as common diseases.⁶¹

A 2013 study on permanent tea plantation workers in an area of Assam showed that the average calorie intake for male plantation workers engaged in hard physical labour was 50% of the recommended amount, and for women was, 66%.⁶² UNICEF and local NGOs provide health care programmes addressing malaria, tuberculosis and anaemia, which are the responsibility of the employer under the PLA.⁶³

Health and safety

The PLA recommends that state governments develop rules for employers regarding the supply of prescribed number and type of umbrellas, blankets, raincoats and similar amenities for the protection of workers from rain or cold.⁶⁵ The amendment to the Act in 2010 inserted a new chapter on safety in respect to arrangements regarding the use, handling, storage and transport of insecticides, chemicals and toxic substances.⁶⁶

The Columbia Law School research team which investigated the TGB/APPL plantations highlight violations regarding protection for workers handling pesticides. The team witnessed a group of sprayers

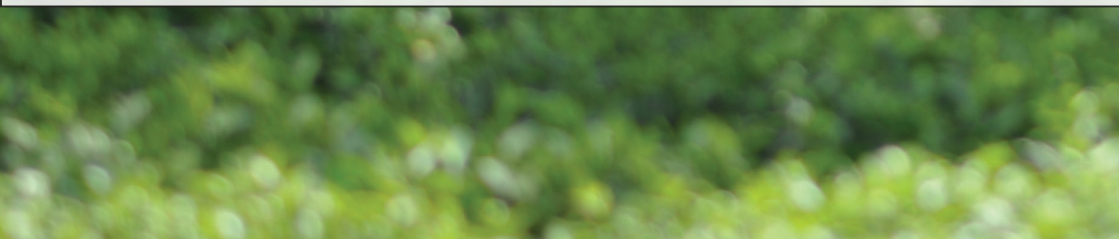
with chemical tanks on their backs and no protective gear at all on their bodies.⁶⁷

In 2014, the New York Times reported on the (mis) use of safety equipment in the plantations. A family member of a worker said “protective equipment was withheld from workers. ‘When big people come to visit, they give it to us,’ he said of equipment like gloves and masks to protect from pesticides, ‘but then they put it back in storage, saying that if we wear it every day, it will wear out.’”⁶⁸

Education

The state governments are empowered to develop rules requiring every employer to provide educational facilities in their plantation, where the number of workers’ children in the age group between six and twelve years exceeds twenty five.⁷¹

Several studies address the low quality of education facilities, including not having functional toilets. Only 27.6% of schools in Assam have a functioning toilet. Only 43% of the schools in the tea gardens in Assam provide drinking water compared to 82% in the whole state. Uneducated teachers and extraordinary high teacher-pupil ratios (up to 250 students for each teacher) are also reported.⁷²





Regulation of work

The PLA includes regulation of working hours by stipulating weekly hours of work. These are to be no more than 48 hours a week with no adolescent or child doing more than 27 hours a week. Overtime (paid at double the normal rate) is permitted but not more than nine hours of work in total per day and working hours must not amount to more than 54 in total per week. There are to be daily intervals of rest for at least half an hour after 5 hours of work. No night work is allowed for women and children. Employees are also to be awarded annual leave with wages, sickness and maternity benefits.⁷³ In February 2013, three local NGOs in Assam and West Bengal filed a complaint to the Compliance Advisor Ombudsman (CAO) on behalf of tea workers working

‘[A woman] who took over her husband’s permanent job when he became too sick to work, found that the entire family lost its benefits - including the health care that was so critically important for her husband - as a result of the transfer’⁷¹

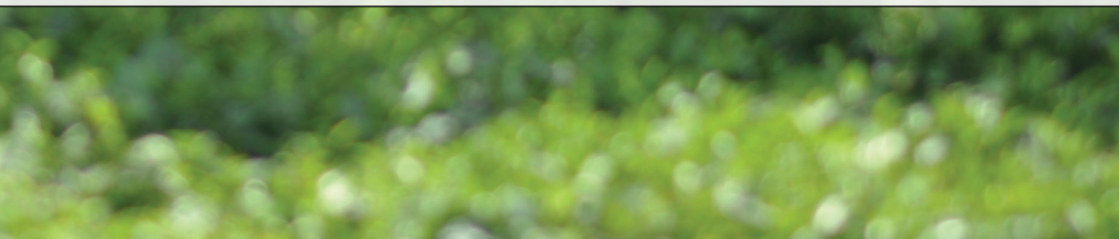
in the TGB/APPL plantations to raise concerns about labour and working conditions at three different plantations, specifically citing long working hours and undue compensation amongst others.

The investigation is ongoing.⁷⁴

Restriction of freedom /workers’ movement/ right to free association

The PLA states that the living areas of the plantations should be open to the public.⁷⁵ The Colombia Law School reports that in practice on TGB/APPL plantations, visitors are monitored

or reported on, and free movement is regulated. As a result, workers expressed concern about what they can and can’t say and were concerned about retaliation from management should they be critical.⁷⁶ Visits from friends and relatives outside the plantation are also vetted by the company.⁷⁷



How Trafficking Happens

Trafficking of people from the tea plantations is an organised crime.

Bogus recruitment agencies based in cities like Delhi, Mumbai, Agra etc. employ hundreds of what are called job or migration agents, who are in reality traffickers, that come to Assam to deceive people for their own benefit.⁷⁸ An Assam-based lawyer says “there is an agent in every village. The lure of easy money makes many locals take up this illegal activity.”⁷⁹ The traffickers exploit the desires of men, women and children for a better life free from poverty making them vulnerable to the lure of the traffickers’ promises. They use false documents and certificates which often add to their credibility. The people they deceive are particularly vulnerable due to their lack of education (illiteracy levels are high) and awareness of unscrupulous traffickers.⁸⁰

Human traffickers entice people (frequently young) to migrate to the cities or groom parents to send their children to the cities on the promise of a new and better life. There is usually a payment made to a family giving up a child, which can be as little as Rs 2,000 (GBP 19.94 / USD 33.05). Key targets for

traffickers are children, especially school dropouts, who are lured by a promise of employment. Many of those who migrate are not aware of their rights and are fully dependent upon agents who facilitate their movement. This makes them vulnerable to various forms of exploitation, including trafficking. The children are often taken to new lives as very poorly paid labourers in factories or trafficked into sexual exploitation.

The parents, who are being targeted by traffickers, often have many children and/or other family members to care for and have a meagre incomes. They are being lured with stories of hope: a better future for their children with employment, education or marriage and deceived by the promises of traffickers offering a payment that will help the family to survive. There are also accounts of parents being happy to have one less mouth to feed. This is especially the case for people struggling with alcohol dependency that can result in neglect of their children.

The traffickers who make the arrangements are established in the tea plantations or are routinely

and freely able access them. Even after the crime is discovered, there appears to be little by way of negative consequences for the 'agent', whose grooming work continues unchecked by managers, unions and workers. Traffickers receive between Rs 3,000 (GBP 29.91 / USD 49.58) and Rs 20,000 (GBP 199.43 / USD 330.72) for each person they deliver to the recruitment agency. One even claims that he knows traffickers who receive Rs 50,000 (GBP 498.84 / USD 826.57) for girls they send to Middle Eastern or Gulf countries.⁸¹ The agency then places the young person with an employer and takes part or all of the wages that they earns.⁸² An Indian child rights group, BBA, say that the scale of the problem is huge. "They [the girls] are kept as slaves, their wages are withheld and taken by their placement agency or supplier, their employers are told not to pay them directly because if they do the girls will run away."⁸³

Case Studies

“They told of being offered money for their children to get an education and work out of the gardens. One even said that when they refused, their two daughters were kidnapped the next night.”

Children leaving without a trace

There have been many reports of girls simply disappearing from tea plantations without a trace. Some families have given up hope of seeing their daughters again. The common feature in the stories told by their families is that they have been visited by an agent promising them good job and a better future.

Sunita Changkakati, executive director of the Assam Centre for Rural Development, an NGO working with marginalised Adivasi communities in Guwahati says *“Poor and ignorant, the parents simply don’t know where their girls have gone”*.⁸⁴

Jasmine’s story

Jasmine lived in the tea gardens of Udalguri, Assam with her mother, younger brother and sister in a small shack. Life was peaceful even with a frugal income until the day when a man visited them and offered Jasmine an exciting job opportunity in Mumbai. Her mother was happy and excited to hear about this exciting opportunity for her daughter, she believed she had found hope. After the meeting, Jasmine’s mother decided to send Jasmine to Mumbai. Jasmine was barely 16 years old when she left home with the man. Jasmine’s mother hasn’t heard from her since.

A reflection written by a STOP THE TRAFFIK staff member after visiting the tea plantations of Assam.

"I thought I was going to a church meeting and I was in a way. It was in a church in one of Assam's tranquil tea gardens and started with prayer. I think we sang a hymn but my memory is vague as the memory of what happened next is etched in my mind and my heart. After we had introduced ourselves and explained that we were in the area to run kids clubs to raise awareness about human trafficking, the Pastor asked if anyone had questions of our team.

One by one people stood and their story was translated. They were all more or less the same. They told of their child or brother or sister being taken by an agent. When we asked what an agent was, they said they were employment or migration agents. They knew who they were, they were their neighbours and sometimes their relatives. They told of being offered money for their children to get an education and work out of the gardens. One even said that when they refused, their two daughters were kidnapped the next night.

Sometimes they had had news for a few months and money sent home. A part of the deception to make people believe they were ok. But eventually they had no further contact. Many had small photos to

show us, tattered and faded, some sobbed.

NGOs working in the region believe that these missing children may have been deceived, lured in by the false promises of a good job and a better future but ultimately trafficked into exploitation.

We left the church building and wandered in smaller groups with the people as they showed us the extreme poverty they lived and worked in. Tiny houses where some had lived for generations which they adorned with pride but such adornment could not hide the cracks. We stepped over puddles made by broken pipes mixing water with sewerage. They told us of grinding picking quotas of kilograms more than I weigh and more than double what these tiny malnourished people weigh, in stifling heat and humidity I could hardly move through. No wonder these people were so easily tricked into the web of deception human traffickers weave. We saw workers without protection spraying pesticides they were obtaining from drums that were leaking and children working in the processing factory part of the garden. When I asked two of the young girls their age one said 13 and the other said 8. They were not the only ones.

I will never watch an ad for tea in the same way. Now I know what is happening behind the tranquil scenery of this and many other gardens. We must speak out. This has to stop."



How to Create Change

As the research within this report has shown, poverty is fuelling a unique form of vulnerability to human trafficking within the tea plantation of Assam.

The labour and living conditions experienced on the tea plantations are making people vulnerable to the coercion and deception of the traffickers. Breaking the poverty cycle, educating tea garden communities on what trafficking is and empowering them to take action are all vital components in building resilient, traffik-free communities.

A holistic approach is needed in order to tackle this crime. Businesses, government, law enforcement, NGOs, communities and individual consumers all have a role to play in preventing people from being trafficked out of the tea plantations of Assam. Each part of society has a shared responsibility for the areas they can influence and to take action to hold others accountable.

The role of business

Tea Plantation owners have a significant role to play in preventing human trafficking and ensuring that vulnerable communities become resilient to human trafficking.

Tata Global Beverages s one of the largest tea companies in the world. They provide us with such iconic brands such as Tetley and are the major shareholder of the APPL tea plantations where, as this report has shown, there are ongoing reports of human trafficking out of the gardens occurring. We must be clear, we are not accusing Tata Global Beverages of trafficking girls from Assam to be held in conditions of modern slavery. We are, however, concerned that Tata Global Beverages is engaged in a labour scheme via APPL in Assam that is fuelling unique forms of vulnerability to human trafficking.

We believe that Tata Global Beverages has the opportunity to play a crucial role in trafficking prevention. We want to see Tata Global Bever-



ages take leadership in preventing people being trafficked out of the APPL tea plantations.

We call on Tata Global Beverages to commit to help improve the working conditions of the tea plantation employees and to work with local NGO's in prevention programs. In doing so, they can offer the leadership needed to end human trafficking in Assam, India.

Tata Global Beverages have already begun investigations into this problem. In response to the serious allegations made about the social and labour issues on APPL plantations, Tata Global Beverages commissioned an independent, third party audit through Solidaridad.

This was a good first step. We now want to see concrete action plans to address the social and labour conditions which act as drivers for human trafficking.

We call on Tata Global Beverages to be transparent and take the following actions:

- 1. Release a full and unedited version of the Solidaridad report**
- 2. Set a public deadline for the release of a detailed ACTION PLAN outlining the actions that will be taken to improve the social, living and working conditions of tea plantation workers. Such a plan should be developed in consultation with unions and NGO's working in the plantations and should include robust and ambitious goals and timelines.**

Action Plan

This ACTION PLAN should include:

a) SUPPORT FOR COMMUNITY PREVENTION WORK:

Time bound commitments outlining how Tata Global Beverages will support local NGOs to work within the plantations to provide educational programs to raise awareness of human trafficking and build resilient communities.

It is essential that local NGOs are given access to the TGB/APPL tea gardens and their work is funded. Simultaneous and systematic work across the tea gardens' communities will reduce the risk of individuals being trafficked and place community pressure on traffickers. Such training should include management staff as well as tea plantation workers.

b) DETAILS OF THE TATA GLOBAL BEVERAGES' FINANCIAL INVESTMENT IN ADDRESSING THE POOR LIVING AND SOCIAL CONDITIONS EXPERIENCED BY TEA PLANTATION COMMUNITIES.

We want to see investment in the following key areas:

- Improving living conditions
- Provision of adequate sanitation facilities
- Improving education programmes particularly investment in universal access to education.
- Access to safe drinking water
- Improving health care

c) A PUBLIC TIMELINE FOR THE INTRODUCTION OF SIGNED (EXPLAINED AND UNDERSTOOD) AND WITNESSED EMPLOYMENT CONTRACTS BETWEEN EMPLOYERS AND EMPLOYEES THAT INCLUDE THE FOLLOWING:

a. Payment of a living wage.⁸⁵

A living wage policy should

- -include permanently employing seasonally contracted workers (faltu labourers)
- ensure that tea plantation workers are paid a full cash living wage and are able to opt out of investment schemes, across all tea gardens. Pay should be backdated accordingly
- ensure that where services are provided (such as electricity, housing, and health services) there are not unreasonable deductions for these services such that the living wage conditions are compromised
- Be independently calculated and revised annually

b. Compliance with minimum health and safety requirements

The International Labor Organization's mandate for occupational safety and health dates from its very foundation:

as, for example, by the regulation of the hours of work including the establishment of a maximum working day and week ... the protection of the worker against sickness, disease and injury arising out of his employment ...⁸⁶

Minimum requirements means clear maximum reasonable working hours, days off and reasonable and achievable picking quotas as well as safe work conditions.

c. Ensure the implementation of a functioning Grievance and Dispute Resolution

Procedure

There should be a grievance procedure for workers and third parties to report concerns about safety and workplace conditions to management. The grievance procedure must establish a dispute resolution mechanism which is accessible to workers as well as third parties including NGOs. Such a process must be on public display in the local languages of the employees.

- Complaints about working conditions may be raised with labour rights and other NGO's without retaliation
- Workers will be made aware of the grievance processes available to them
- Complaints may be submitted anonymously by workers and also by third party organizations.
- There will be no retaliation for workers who submit a complaint about their working conditions, even where that complaint is ultimately unsuccessful.

The Industrial Disputes Act requires that every industrial establishment employing twenty or more staff shall have at least one "Grievance Redressal Committee".⁸⁷ The Industrial Employment Central Rules⁸⁸ require a "Misconduct Complaints Committee" for disciplinary action in the case of sexual harassment. Similar committees should be established in each garden.

d) AUDIT and LAW ENFORCEMENT PLANS

- Commitments to implementing unannounced auditing and offsite worker interviews by credible and independent auditors.
- Commitments to showing leadership through strengthening the existing auditing processes across the tea plantation industry.
- Working with local authorities such as the police to increase their capacity to prosecute those who break the law in relation to human trafficking

YOUR ROLE AS A CONSUMER

As a consumer you have a very powerful voice. You can use your voice to call on Tata Global Beverages to take action. Together we can demonstrate that we want human trafficking to stop. Through raising our voice we can demand that we do not want to drink tea that has been tainted with deception, coercion and exploitation.

TAKE ACTION NOW:

Email Tata Global Beverages and call on them to help fight human trafficking in Assam, India.

Visit www.traffikfreetea.org

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