

**A GENDERED VALUE CHAIN APPROACH TO CODES OF CONDUCT  
IN AFRICAN HORTICULTURE\***

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## SUMMARY

Codes of conduct covering the employment conditions of Southern producers exporting to European markets mushroomed throughout the 1990s, especially in the horticulture sector linking UK and European supermarkets with export firms in Africa. The majority of employment in this sector is 'informal', a significant proportion of which is female. This paper explores the gender sensitivity of codes currently applied in the African export horticulture sector from an analytical perspective that combines global value chain and gendered economy approaches. Through an analysis of these two approaches, it develops a 'gender pyramid', which provides a framework for mapping and assessing the gender content of codes of conduct. The pyramid is applied to codes that cover employment conditions in three commodity groups and countries exporting to European markets: South African fruit, Kenyan flowers and Zambian vegetables and flowers. It concludes that the gender sensitivity of codes needs to be greatly enhanced if they are to adequately address employment conditions relevant to informal and especially women workers.

**Key words:** Africa, gender, codes of conduct, employment, export horticulture

## 1. INTRODUCTION

Codes of conduct<sup>1</sup> covering the employment conditions of Southern producers exporting to European markets mushroomed throughout the 1990s, especially in the horticulture<sup>2</sup> sector linking UK and European supermarkets with export firms in Africa. The majority of employment in this sector is flexible and informal (i.e. temporary, seasonal, casual, migrant, contract), of which a significant proportion is female. But how gender sensitive are these codes of conduct? Are they able to address the specific problems linked to informal and feminized employment within the sector? This paper addresses these questions through a gender mapping of the codes currently being applied in African horticulture.

Codes have become prevalent in the UK food retail sector, where most supermarkets are now implementing their own codes to cover their supply chains. But these are not the only codes that suppliers of horticultural products face. Various actors, such as importers, exporters and local trade associations have also developed their own codes. Externally, independent codes have been established through organizations such as Social Accountability International (SAI) in the US and the Ethical Trading Initiative (ETI) in the UK. As a result, suppliers are faced with a plethora of codes, some of which are similar, but amongst which there can be considerable variability. This variability is particularly marked in the case of gender issues. Some codes integrate a number of international conventions relating to gender discrimination and inequality, yet other codes make no mention of gender at all. Even where codes address gender issues, their coverage and sensitivity can often be limited. Many companies adopt codes to reduce their risks of negative exposure to poor employment practices within their supply chains. Yet if codes fail to address the poor working conditions and unequal treatment faced by certain groups such as women, these risks of exposure will persist and the overall effectiveness of codes will be significantly reduced (Barrientos, 2000).

This paper explores the gender sensitivity of codes currently applied in the African export horticulture sector from an analytical perspective that combines global value chain and gendered economy approaches. Through an analysis of these two approaches, it develops a ‘gender pyramid’, which provides a framework for mapping and assessing the gender content of codes of conduct. The pyramid is applied to codes that cover employment conditions in three commodity groups and countries exporting to European and particularly UK markets: South African fruit, Kenyan flowers and Zambian vegetables and flowers. The paper is organized as follows. Section 2 examines the global value chain approach, and how it provides an analytical framework for understanding the development of codes of conduct. It considers the specific context of horticulture in South Africa, Kenya and Zambia, and the gendered employment relations that operate at the production end of the chain. Section 3 explores the concept of a ‘gender economy’, and how this can be integrated into the global value chain approach to analyze employment codes within this sector. It also develops the ‘gender pyramid’ as a framework for

analyzing the gender content of codes of conduct. Section 4 maps the plethora of codes that currently exist in African horticulture, and assesses their gender content. A final section concludes the paper by assessing the limitations and potentials of these codes, and suggests avenues for further research.<sup>3</sup>

## 2. A VALUE CHAIN APPROACH TO CODES OF CONDUCT

While a number of analytic frameworks have been put forth to examine the cross-national activities of firms,<sup>4</sup> the global value chain (GVC) approach is particularly useful in analyzing the role that standards and private sector codes of conduct play in the governance of international trade. This approach,<sup>5</sup> developed by Gereffi and Korzeniewicz (1994) explores how the linkages between the production, distribution and consumption of products are globally interconnected along value chains that embody a network of activities and actors (Kaplinsky, 2000; Sturgeon, 2001). Gereffi (1994) identified four main dimensions of global value chains. These include: (1) an *input-output structure* or the value-added sequence in the production and consumption of a product; (2) a *territorial configuration* or the geographical concentration and/or dispersion of production and marketing; (3) a *governance structure* or the power relations that determine how financial, material and human resources are distributed within the chain; and (4) an *institutional framework* that identifies how local, national, and international contexts influence activities within chains (Gereffi, 1995). The latter two dimensions offer significant insights into codes of conduct.

The concept of governance has attracted considerable attention, largely because governance structures determine the prospects of firms in developing countries to engage in global trade and how the benefits of participation are distributed along the chain (Gereffi et al., 2001, Gibbon, 2000, Humphrey and Schmitz, 2001). Gereffi (1995) originally distinguished between two types of governance structures: producer-driven and buyer-driven. Producer-driven chains are typical of capital- and technology-intensive industries where transnational manufacturing firms “drive” the chain, controlling the core technologies and production facilities, often through vertical integration. In contrast, in buyer-driven chains, large retailers or brand-name companies make the key decisions about the structure and activities of actors in

the chain without actually owning any manufacturing facilities themselves. While the producer/buyer-driven dichotomy has recently been qualified to capture the dynamic nature of global value chains,<sup>6</sup> the typology is nevertheless helpful in teasing out the way that power is exercised within chains. The UK-Africa horticultural value chain, which is characteristic of a buyer-driven commodity chain, is a case in point. Powerful lead firms (supermarkets) govern supply networks that span several African countries, defining not only what is to be produced but also how and under what conditions it is to be produced (Dolan and Humphrey, 2000). These supermarkets do not own any production or processing facilities themselves but rather steer the process from conception to point of sale through intensive supply chain relationships.

The key factors driving buyer-driven governance in horticulture (and the proliferation of codes) relate to Gereffi's fourth dimension: the social and economic context in which the chain operates. For example, the changing nature of consumption patterns in northern countries has increased the importance of branding and product differentiation and shifted the focus away from price-based competition towards quality, innovation and value-added as the key performance criteria for suppliers. Underlying this trend is the increasing salience of credence<sup>7</sup> factors among consumers who are not only concerned about quality and safety, but also about the social and environmental conditions under which products are produced (Reardon *et al.*, 2001). The more complex consumer and regulatory environment faced by retailers has obliged them to manage their supply chains more closely, both to avert negative publicity as well as to differentiate their products from their competitors. One way that retailers have achieved this is by codifying the knowledge required to meet quality specifications in standards and grading systems, or by adopting the standards defined by other private and/or public bodies. Codes of conduct are an extension of this process and one way that global buyers endeavor to reduce risk and 'govern' their supply chains.

A global value chain approach, therefore, can further an analysis of codes by focusing on how their application is shaped by the nature of power relations between agents within the chain, as well as the global context that influences the way the chain operates. This is particularly relevant in horticulture,

where codes are being introduced on a multiple basis by different actors (supermarkets, importers/exporters and trade associations) at key points along the global value chain, each of which have distinct motivations for their adoption. However, the institutional context of the horticultural value chain operating within the different countries varies according to specific country context. These have potentially far-reaching implications for firms and workers at the base of the chain.<sup>8</sup>

*(a) The export horticulture value chain*

In many SSA countries, diversification into export horticulture has become a promising strategy for generating increased employment and foreign trade. Over the last two decades, SSA's horticultural exports have doubled, outstripping the region's exports for coffee (\$1.84 billion) and cotton (\$1.52 billion), and for all other individual commodities other than cocoa by the end of the decade (Thoen et al., forthcoming). The growth rates of total horticulture commodities have been impressive in all three countries. In Kenya, horticulture is the fastest-growing sector of the economy, generating over US\$270 million and accounting for 22 % of all agricultural exports in 2000. This performance is largely attributable to cut flowers, which surpassed coffee as the nation's second largest source of foreign exchange in agriculture, bringing in US \$118 million in the year 2000 (Gachanga, 2002). In South Africa total fruit exports accounted for 30 % of all agricultural export trade in 1999, when the total value of deciduous exports alone stood at US \$700 million (Deciduous Fruit Producers Trust direct communication, 2000). In Zambia horticultural products have led the growth in agricultural exports over the past decade. In the latter part of the 1990s year on year growth of horticultural agricultural exports exceeded 40% on average and amounted to \$63 million in 1999 (\$20 million for vegetables and \$43 million for flowers (Giovanucci *et al.*, 2001).

There are important differences in the production processes in Kenya, South Africa and Zambia, and the way in which their value chains operate. South Africa has approximately 2,000 deciduous fruit farms, most of which are commercial farms producing directly for export (de Klerk, n.d.). Kenya has a larger number of flower farms, approximately 5000, but 75 per cent of total exports are supplied by two

dozen large or medium scale flower operations (Thoen *et al.*, forthcoming). Zambia has far fewer producers, with 25 companies in the export horticulture industry.<sup>9</sup> Notwithstanding this diversity all three countries rely heavily on European markets for their exports, and are therefore very dependent on any changes in the European market, including the trend towards ethical trade. In 1998-99, for example, 66% of all South African fruit, 94% of Kenyan flowers, and 100% of Zambian vegetables and flowers were supplied to the European Union.

Levels of employment in the three sub-sectors we focused on varied between the countries.<sup>10</sup> South African deciduous fruit employs an estimated 283,000 workers, in the Kenyan cut flower industry estimated employment is 40-70,000, and in Zambian flowers and vegetables, estimated employment is 8,000 (see Table 1).<sup>11</sup> While the pattern of employment varies somewhat by sector and country, women comprise between 50 and 75 per cent of total employment in all three countries. Women are concentrated in the segments of the production process that hold the most significance for the quality of the final product such as picking and packing, and value-added processing activities. Companies perceive women as more “productive”, citing women’s ostensibly “nimble fingers” and capacity to perform tedious and delicate work as essential to fulfilling the quality imperatives of overseas buyers. Female employment was characterized by highly gendered and informal employment relations. In all three countries, women form the core of the temporary, seasonal and casual work force, while men tend to be concentrated in the fewer permanent jobs (Barrientos, McClenaghan and Orton, 2000; Dolan and Tewari, 2001). Women tend to be crowded into a narrow range of seasonal occupations characterized by long hours and few opportunities for meeting domestic responsibilities (due to insufficient childcare, social provision and maternity leave). Informal female employment is accompanied by job insecurity, risk and lack of employment or social protection, often with the poorest conditions of employment amongst horticultural workers (Barrientos, McClenaghan and Orton, 2000).

**Table 1: Estimates of Employment in Export Horticulture in South Africa, Kenya and Zambia**

The prevalence of informal employment in horticulture can be partially explained by the nature of the industry, in which large numbers of workers are required for planting, picking and packing at

particular points of the year (Dolan and Humphrey, 2000). However, in cases such as Kenya, where export vegetable production is now year-round, the majority of workers still remain employed on temporary contracts. The informality of horticultural employment needs to be situated within the broader flexible production strategies adopted by African firms to maintain competitiveness in a context of globalization. The global trend toward flexible labor allows employers to vary employment levels on a highly fluid basis to accommodate demand instability, thereby driving labor costs down and avoiding many of the non-wage costs of employment (Standing, 1989, 1999). Within this, informal employment relations allow producers to shift the risks of production (from adverse conditions or market fluctuations) onto workers in the sector. It also reflects pressures intrinsic to the value chain, particularly its buyer-driven nature where retail concentration has created a more fiercely competitive landscape for developing country suppliers. The retailers' adoption of just-in-time production methods passes the costs of demand instability and inventory control upstream to producers. This has made elasticity of labor a competitive asset.

Traditionally the division between formal and informal forms of working has been denoted by distinct formal and informal sectors. This rigid classification is untenable in a global economy where the boundary between formal and informal is blurred, and informal workers are increasingly employed within 'formal' sectors. This process has been accelerated in a climate of deregulation, with increasing numbers of both men and women now employed in 'informal' types of employment, as the share of secure, permanent, full-time jobs declines throughout the world (ILO, 2002; Lund and Srinivas, 2000; Standing, 1999). Today, informal work arrangements are becoming the norm in many export sectors, including horticulture, with a 'continuum' emerging between formal and informal work. Towards the informal end of the continuum, workers lack security of employment, have few employment rights, receive inadequate employment benefits or social protection, lack trade union organization and bear a high level of risk and vulnerability within employment (Barrientos and Ware Barrientos, 2002).

While the global expansion in informal work partially explains women's dominance in horticulture, the employment strategies of horticultural firms are not simply a product of flexible

production methods. They also reflect the fact that labor markets themselves embody and transmit gender inequalities, and are as Elson suggested, 'bearers of gender' (Elson, 1995, 1999). The next section examines this, and the gendering of the value chain as a framework for a gender analysis of the codes of conduct themselves.

### **3. A GENDERED VALUE CHAIN APPROACH TO CODES OF CONDUCT**

Gender analysis of global value chains is still at an early stage (Barrientos *et al.*, 2001), but in the context of codes of conduct it is the intersection between value chains and employment at the production end of the chain that is key. This employment is embedded within the institutional context in which value chains operate, and takes place within labor markets that are themselves gendered institutions, which reify and reflect socially constructed gender divisions of labor (Rai, 2002; Sen, 1999). Similarly, codes have evolved as a reflection of national and international regulations and institutions that reinforce traditional gendered patterns of employment. Hence codes themselves need to be analyzed in the context of global value chains and employment patterns that are themselves embedded in, and structured by a gendered economy.

The idea that the economy is a gendered structure emerged from feminist analysis of the economy that has become central to recent gender analyses of economic growth and trade (Çagatay *et al.*, 1995; Grown *et al.*, 2000; Whitehead, 2001). In contrast to a standard economic analysis that views the economy as 'gender neutral', yet provides only a partial examination of economic activity that is linked to the market, a gender economy approach argues for the inseparability of the reproductive and productive spheres. The understanding of economic activity is therefore extended to include not only market-oriented activities but also the 'reproductive economy' (unpaid domestic work and childcare) that underpins productive market based activity, and which is largely undertaken by women (Folbre, 1994; Elson, 1999; Whitehead, 2001). As feminists have long argued, non-monetized caring activities such as childcare, cooking and housework are indispensable to the functioning of the "productive economy" as they both maintain and reproduce the labor force. The reproductive economy also strongly differentiates

the options of men and women to participate in market activity and conditions their subsequent experience of that employment.

Labor market institutions themselves are embedded within, and constructed by a gendered economy. They reflect the socially derived gender division of labor, and are situated at the intersection between productive (paid) and reproductive (unpaid) work (Elson, 1999; Humphries and Rubery, 1984). Men are concentrated in the former and are more likely to hold permanent jobs with higher wages. In contrast, women are concentrated in the ‘twilight’ zone between the two forms of work, increasingly engaged in ‘informal’ types of employment, moving ‘flexibly’ between the productive and reproductive economy as required by dictates of work. Labor market regulations and norms have traditionally reinforced this gender division of labor as they are predicated on a model of male permanent employment. This is reflected in trade union practices<sup>12</sup> as well as labor law, both of which are founded on the notion that women are secondary earners who can rely upon the earnings of men to buffer them against the risk of economic insecurity (Elson, 1999).

Codes of conduct are a form of employment regulation that are drawn up and implemented within value chains that reflect the gendered nature of labor markets and economic activity. They are thus introduced in the context of the gendered forms of employment that operate within the value chain. The remainder of this paper conceptualizes the gender sensitivity of employment codes based on a ‘gender pyramid’. The gender pyramid in Diagram 1 divides the key issues relating to employment into three inter-linked levels: formal employment issues (Segment A); employment-related issues (Segment B); and the wider socio-economic context that affects an individual’s ability to access particular types of employment (Segment C). This analytical framework enables us to examine the variable coverage of gender issues between the various codes and the scope of their gender sensitivity.

### **Diagram 1: Gendered Employment and the Gender Pyramid of Codes**

One of the main vehicles for achieving gender equity in employment is through labor regulations. There is a growing consensus that a good labor code should be based on standards set by the International Labor Organization (Lee, 1997; Diller, 1999; Ferguson, 1998; Seyfang, 1999). The ILO Core

Conventions<sup>13</sup> establish the standard for labor rights world wide, extending labor protections across national boundaries and along global value chains. The advantages of using ILO Conventions in codes of conduct are that they have been internationally negotiated and agreed through a tripartite process involving governments, employers and trade unions. National governments that are members of the ILO have a formal obligation to adopt the Core Conventions, which should enhance the symbiosis of private and public regulation.<sup>14</sup> ILO Conventions also provide some basis for commonality across the plethora of codes that exist. Some codes refer to national labor legislation as the basic standard of employment protection. Where national legislation is weak, if the code covers ILO core conventions and wider issues, it can supplement legislation by providing a floor for employment conditions. Where national legislation is progressive, it can enhance the coverage of a code, but there is often wide disparity in the extent and depth of gender issues addressed through national legislation (which generally only covers Segment A).

The implementation of ILO conventions through national labor legislation takes place within the context of long-standing institutional forms of employment that are constructed around male norms, thereby reinforcing labor markets as bearers of gender (Elson, 1995, 1999). The primary focus of these forms of regulation is permanent full time employment, where the worker (usually male) is separated from reproductive activity (usually female) (Elson and Gideon, 1999). Labor regulation is normally less relevant to informal employment, usually undertaken by women, who balance and move ‘flexibly’ between productive and reproductive work, and whose employment needs can take different forms to permanent workers. Both national and international labor regulations also strongly depend on employees being represented in a collective bargaining agreement (Ladbury and Gibbons, 2000). Yet in agriculture generally (including horticulture) formal union membership is very low (for example at most 8% in South Africa) and the representation of women’s interests by traditional rural unions is also often weak.

In relation to our analytical framework, ILO conventions and national legislation form the foundation of segment A of the gender pyramid, which covers all issues of employment regulation that relate to formal employment. These issues include hours and conditions of work, wages, contracts of employment, and employment benefits (e.g. holiday leave, sick leave, and social insurance). Segment A

also includes gender issues that relate to formal employment, such as sex discrimination and unequal pay. The core of workers that are most likely to benefit most from this type of employment regulation are those who are in full-time, permanent employment. Part time, temporary and seasonal workers might also enjoy these benefits, and in so far as they do experience a formalization of their employment. However, the informal nature of most temporary employment typically restricts access by these workers to the coverage of employment conditions in segment A (a contract of employment is at most only temporary with limited employment benefits). But many workers in informal employment do not have access to minimal employment rights even where they are stipulated by legislation (e.g. many receive no contracts of employment or employment benefits). While both men and women in formal employment can have access to the types of regulation covered in segment A, given that men form the majority of employees in this situation, there is clearly a gender bias in formal employment coverage. This reflects the extent to which labor regulations (be they national, international or private sector codes) are ‘bearers of gender’ as discussed above.

Segment B of the gender pyramid covers the types of employment provision and regulation that relate to and facilitate employment, but extend beyond the minimal formal contract normally provided. In particular, Segment B incorporates issues that facilitate the combining of paid productive employment with reproductive labor. Such issues include child care provision, maternity and paternity leave, reproductive rights, as well as social provision such as housing, transport to and from work, health provision linked to work, and sport facilities. These can affect those that are both in formal and informal employment, but will be of most benefit to women who are primarily responsible for combining paid work with reproductive labor. Segment B can also include employment related benefits that are particularly relevant to those in informal employment, such as assurance of seasonal re-employment and the extension of employment benefits (such as health and pension insurance) beyond periods of formal employment. Overall, the benefits and regulations covered in Segment B are particularly beneficial to women, who are concentrated in informal employment, and therefore have the potential to reverse the male bias of much formal employment regulation and provision. The further codes cover issues in

segment B of the gender pyramid the greater their gender sensitivity, and the deeper their coverage of issues that are predominant in informal forms of employment.

Segment C of the gender pyramid covers reproductive work (including domestic responsibilities, care of children and elderly relatives within the home). This is usually unpaid work, and given the gendered social relations in society is predominantly undertaken by women. In contrast to Segment B, Segment C encompasses issues that are exogenous to the workplace, which no codes of conduct cover. We have included segment C to help illuminate the gender issues faced in segment B, which is at the intersection between formal employment and reproductive work, and provide the gender economy context to the employment pyramid. The gender division of labor, with women bearing primary responsibility for reproductive work, conditions their particular employment needs. It also constrains their ability to access formal paid employment, increasing women's concentration within informal work, with the higher level of job insecurity and risk this carries.

Codes of conduct designed solely around ILO core conventions and relevant national labor legislation (Segment A) may cover gender issues related to formal employment. But they are less likely to be sensitive to the gendered needs of workers combining productive with reproductive work, and to the needs of those in informal forms of employment, with women forming the majority of both these groups in African horticulture. The employment related issues relevant to these groups are included in segment B of the gender pyramid, and the greater the coverage of the issues in segment B, the greater the gender sensitivity of codes. The gender pyramid reflects the gender economy, and the embedded nature of labour market institutions that contextualise the gender value chain within horticulture. In the next section we will use this framework to assess the gender sensitivity of codes of conduct currently being applied in African horticulture (South Africa, Kenya and Zambia).

#### **4. GENDER MAPPING OF CODES IN AFRICAN HORTICULTURE**

In mapping codes, it is important to identify which agents within or connected to the global value chain have introduced them and why, as this is likely to influence their form of operation within the chain

as well as their potential for gender sensitivity. In African horticulture, codes have been introduced from three different origins: by dominant buyers such as supermarkets, importers and/or individual exporters within the chain (company codes); sectoral trade associations linked to the horticultural value chain (sectoral codes); and independent bodies comprising companies and a range of civil society organizations (independent codes).<sup>15</sup>

In the horticultural sector company codes initially emerged from the more demanding regulatory environment faced by retailers during the 1990s. In response to food safety and pesticides legislation, several UK supermarkets developed their own codes to govern food safety, hygiene, and quality assurance throughout their supply chains. More recently supermarkets have expanded the content of these technical codes to include social and environmental criteria, or developed separate company codes to address specific areas (e.g. human rights and worker welfare, environmental protection, animal welfare, integrated crop management etc.) (Blowfield, 1999). These codes are applied to all horticulture producers in South Africa, Kenya and Zambia that supply the main UK multiples. Similarly, importers supplying fresh produce to the UK have also developed their own codes of conduct, largely in response to the needs of the supermarkets.

Sectoral codes, developed by industry-wide organizations and/or trade associations, were originally focused on the environmental aspects of production. Some sectoral codes have their origin in the North, and are being adopted by African suppliers either voluntarily or as a requirement to supply certain buyers. These include the EUREPGAP protocol, developed by a network of European retailers to ensure best practice in the production of fresh produce and MPS, which covers the production of flowers. Other sectoral codes have been established through consortia of trade associations and producers in Africa, who moved early to introduce their own standards to promote ethical production. These include the following codes: Kenya Flower Council (KFC), Fresh Produce Exporters Association of Kenya (FPEAK), Zambia Export Growers Association (ZEGA), and Horticultural Promotion Council (HPC), Zimbabwe. In both Kenya and Zambia the horticultural export associations have also participated in the

COLEACP regional harmonized framework, which provides guiding principles for local codes covering product safety, environmental and social responsibility.

In addition, consortia of retailers, trade unions, NGOs and companies have developed independent social codes such as the UK based ETI Base Code, and the US based social management standard, SA8000. The ETI Base Code has been particularly significant in the sourcing of African produce, as seven of UK's largest supermarkets are ETI members<sup>16</sup> and have agreed to apply the ETI Base Code to all their fresh produce suppliers. In South Africa supermarket codes are the main standards that growers face, as there is currently no other sectoral code that covers the deciduous fruit sector.<sup>17</sup> In Zambia, growers face supermarket and importer codes, as well as the ZEGA code discussed below. In the Kenyan flower sector, the application of supermarket codes is only now being established as most of the major UK supermarkets previously accepted the KFC code of practice as the standard.

The global value chain and the employment within it is gendered, as discussed above in relation to the 'gendered economy.' The following mapping of the multiple codes applying to African horticultural producers supplying UK supermarkets highlights that these codes are also gendered in a way that reflects the gendered value chain. We explore this by firstly examining the independent, social codes that are common to all three countries, followed by an analysis of company-specific codes, and sectoral codes, some of which are specific to individual countries.

## **INSERT TABLE 2 - SUMMARY OF CODE CONTENT**

### ***(a) Independent social codes: SA 8000 and ETI base code***

Two of the most significant independent social codes in the horticulture sector are SA8000 and the ETI Base Code (see Barrientos, Dolan and Tallontire, 2001). While the ETI Base Code is not in itself a defined auditable standard, the ETI has established a number of pilot projects with the aim of experimenting with different multi-stakeholder approaches to monitoring. The principles embodied in SA8000 (established by Social Accountability International) and the ETI Base Code are essentially the same, and they share several common elements (see Table 2); both are based on ILO conventions covering minimum labor standards, are independent and freestanding social codes, and both were

originally developed in consultation with multiple stakeholders (including NGOs, trade unions and private companies). Finally they both make reference to national legislation in the country of application and cover a range of issues, as summarized in Table 2.

Given that SA 8000 and the ETI Baseline codes incorporate the core ILO Conventions, they clearly address Segment A of the gender pyramid in terms of establishing basic employment rights and entitlements. These codes also include other issues that affect all workers, such as safety and hygiene, living wages, abuse, and hours of work. The ETI is stronger in terms of its coverage of insecure employment than SA8000 in that it includes specific reference to regular employment and work contracts, though the wording is vague. In terms of gender, both include sections on discrimination but where ETI has a reference to non-discrimination in compensation, SA8000 has a more general clause on equal pay. However, as can be seen from Table 3, both the ETI and SA 8000 codes are weaker once you move beyond specific employment to employment-related issues. Neither includes coverage of reproductive rights, maternity or paternity leave, protection for pregnant women<sup>18</sup> or childcare. These are all important employment related issues for women workers in particular, affecting their access to, and experience of employment. Thus, the coverage of the ETI and SA 8000 codes is largely confined to segment A of the gender pyramid, and whilst their coverage is good at this level, they are limited in their scope extending to Segment B. Both SA8000 and ETI incorporate the principle of stakeholder participation by NGOs, companies, and trade unions in their organizations and the development of codes.

### **INSERT TABLE 3 - CORPORATE CODES OF CONDUCT: GENDER ISSUES**

#### ***(b) Company codes***

The ETI has had an important influence on the evolution of company codes applied to horticulture sectors in several African countries. Some UK supermarkets have recently begun to use the ETI Base Code directly in their supplier auditing, which means that overall their coverage of gender issues has improved. This is significant, as our analysis of the supermarkets' own codes revealed that they tended to be weaker than the ETI in terms of the coverage of gender issues, with the exception of

discrimination. At the level of Segment A of the gender pyramid, only one UK supermarket code includes equal pay, whilst one other includes sexual harassment and abuse. In terms of employment related issues (Segment B of the gender pyramid) supermarket codes are weak. Whilst one supermarket code includes maternity and paternity leave (in accordance with national laws), the other codes provide few protections. Importer codes tend to be based on the supermarket codes, but because importers frequently supply more than one supermarket, they (and their growers in Africa) are forced to comply with several company codes that embody different criteria. As a result many UK importers acting for different supermarkets have developed codes that address their clients' combined requirements. This has led to several of the importer codes being at least as good as, or better than the individual supermarket codes (see Tables 2 and 3).

### *(c) Sectoral codes*

The plethora of codes and criteria that growers face is made clear when sectoral codes are combined with international and supermarket codes. The EUREPGAP protocol provides a unified standard for growers amidst the variety of supermarket and importer codes, and has been widely adopted by suppliers of African fresh produce. However, EUREPGAP is largely a technical code, into which a small number of social provisions have been included. In general the code makes recourse to national law as a guiding principle on social issues. In terms of Segment A of the gender pyramid, none of the ILO Conventions are mentioned, nor are any issues such as wages, abuse, working hours or discrimination (see Table 3). As such EUREPGAP is much weaker than both the ETI and SA8000 codes, and most of the UK supermarket codes. If suppliers were only required to comply with the EUREPGAP code, they would not address any of the gender specific issues raised in either Segments A or B of the gender pyramid, except where they were covered by prevailing national legislation.

MPS has become the most important code to gain entry to the Dutch flower auctions, the world's largest market outlet for cut flowers. MPS originated as an environmental standard, and has only recently added a social chapter. Because it is based on the ILO Conventions and the Universal Declaration of

Human Rights, growers who adopt the full Social Chapter address Segment A of the gender pyramid including discrimination, equal pay, collective bargaining, forced labor and child labor. However, as we move down the gender pyramid to employment related issues the coverage of the MPS code is more variable. While the code specifically addresses sexual harassment, maternity leave, work contracts and hours, it does not cover other employment related issues such as confidential complaints, grievance procedures, regular employment, childcare, paternity leave and reproductive rights (see Table 3).

As a guiding framework, COLEACP provides the most progressive coverage of social issues of all the codes in this study. It makes reference to compliance with all the core ILO Conventions, and covers key direct employment issues such as equal pay, safety and hygiene, work hours, contracts and discrimination (see Table 3). Its coverage of Segment B of the gender pyramid is also relatively comprehensive, incorporating provisions for housing, workplace childcare, and maternity leave. While it does not cover paternity leave, it is one of the few codes to address reproductive rights. Within the framework set by COLEACP, there are three sectoral codes that apply nationally within Kenya and Zambia: KFC, FPEAK and ZEGA. All three codes have their origins in production and quality management systems, and were developed to enhance the marketing potential of horticultural exports in the European Union. The degree to which these codes address gender specific criteria varies between the codes and across the types of issues. Segment A of the gender pyramid is well covered. All three codes stipulate compliance with the content of various ILO Conventions such as forced labor, child labor, equal pay, anti-discrimination, collective bargaining, and freedom of association as well as adherence to national legislation. All three codes also address many of the gender specific criteria in Segment B of the gender pyramid (see Table 3), however the ZEGA code is much more comprehensive. All include issues such as maternity leave, no use of women in pesticide-related tasks, and housing. However, there are several issues that are *only* covered by the ZEGA code, which are particularly important for women in the horticulture sector. These include housing, sexual harassment, confidential complaints, childcare, sexual abuse, and reproductive rights. There are also several issues that none of the codes cover, including regular employment<sup>19</sup> and paternity leave.

A common element, therefore, to most sectoral codes is that they include social provision as an extension of existing management, production and environmental standards. The comprehensiveness of their social provision, and especially their gender provision, varies greatly from EUREPGAP that has minimal coverage to COLEACP that is much more comprehensive. At a national level, the FPEAK, KFC, and ZEGA codes are relatively thorough on Segment A of the gender pyramid yet more variable in their inclusion of the employment-related issues found in Segment B. None of these national sectoral codes extend to the issues beyond the workplace found in Segment C, nor are they as comprehensive as COLEACP, which only provides a framework for these national codes. While Kenya and Zambia both have relatively good sectoral codes, they are linked to national legislation, which lags behind South Africa. Therefore in Kenya and Zambia the provisions of the codes will often be of primary importance in protecting labor conditions. South Africa, on the other hand, is still only at an early stage in developing a sectoral code, but where company codes require compliance with national legislation, this sets a strong standard.<sup>20</sup>

## **5. GENDER LIMITATIONS AND POTENTIALS OF CODES – CONCLUDING REMARKS**

Codes of conduct have come about as a result of civil society pressure to improve poor working conditions often found within buyer-driven global value chains, such as horticulture. They form part of the governance of global value chains, and help to avoid the risk of adverse publicity to the dominant buyer, or supermarkets in the case of fresh fruit, vegetables and flowers. But their governance of value chains also allows dominant buyers to off-set many of the risks of production and distribution onto producers by setting strict conditions, such as meeting high production standards, accepting falling competitive market prices, and working to tight just-in-time production schedules. Producers in turn cope with the risks and volatility of supply through flexible production and employment methods. An important element within this is the use of informal employment, where many of the risks are born by workers who have no job security, formal employment or social protection, or labor organization. Codes of conduct are meant to improve the poor working conditions experienced by such workers. Yet they

form part of a governance system within global value chains that itself encourages the use of informal workers to meet 'just in time' production requirements, when employment conditions for informal workers are often poorest. This anomaly itself is likely to act as a limitation on the effectiveness of codes of conduct in improving the position of workers.

Employment within global value chains is further shaped by the social and institutional context within which they operate. This environment is not gender neutral, but is shaped by the gender economy, predicated on a division of labor between productive and reproductive work. Women's primary responsibility for reproductive work constrains their access to formal paid employment, increasing their concentration within informal work. It also conditions their specific gender needs as workers, juggling their reproductive roles in the context of the insecurity and lack of protection provided by informal work. They face intensified gender risks, such as lack of reproductive rights, maternity leave, child care, and do not have adequate job security or employment protection to cope with those risks.

Combining a global value chain and gendered economy approach has helped us to examine the gender limitations of codes in the context of the gender pyramid. Codes have been formulated in the context of labour market regulation and institutions that are embedded within the gender economy. As such, whilst many codes address the employment needs of formal workers, they fail to address the more complex gender needs of informal workers, where the conditions of employment are often worst. If codes are to address the employment issues faced by the majority of informal workers, their gender sensitivity will need to be enhanced to incorporate broader employment-related issues that are of concern to women workers in particular. We have found that in general codes that have been developed on the basis of a multi-stakeholder approach are more likely to address gender issues, but that often this remains constrained to formal employment. It has been beyond the scope of this paper to examine the important role civil society organizations could play in the implementation of codes in developing countries, which is the subject of ongoing research by the authors in African horticulture.<sup>21</sup> But despite the gender limitations of codes, the fact that they have come about through civil society pressure raises the possibility that NGOs and labor organizations could continue to influence code development, potentially

resulting in codes with enhanced gender sensitivity in the future. While such organizations are not immune from reinforcing adverse gender norms and practices, they also embody the potential to identify and represent the needs and interests of workers (including women and those in 'informal' work arrangements) in the process of code development.

## ENDNOTES

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<sup>1</sup> Codes of conduct have been defined as “a set of ethical principles and standards that attempt to guide a firm’s environmental and social performance” (Utting, 2000:4).

<sup>2</sup> In this paper, horticulture encompasses fresh fruits, vegetables and cut-flowers.

<sup>3</sup> The main aim here is to explore the content of codes in African horticulture using the analytical framework provided by a gendered value chain approach. It is beyond the scope of this paper to address the implementation of codes. For a more detailed empirical study of codes within horticulture in sub-Saharan Africa see Barrientos, Dolan and Tallontire (2001).

<sup>4</sup> These include Porter’s theory of value chains (1990), Malsot’s (1980) theory of ‘filières’, Ruigrok and van Tulder (1995) concept of the industrial complex, Law’s (1999) notion of Actor Networks and Ernst’s (2000) notion of the global production network. See Gereffi, Humphrey and Sturgeon (2002) for a review of such approaches.

<sup>5</sup> Gereffi’s (1994) concept of global commodity chains is based on the work of Hopkins and Wallerstein (1986), is distinguished from Porter’s (1990) concept of “value chains” through its embodiment of an explicitly international dimension.

<sup>6</sup> Humphrey and Schmitz (2001) have shown that different parts of the same chain can be governed in different ways. Recent work has extended governance types to include “international trader-driven” chains Gibbon (2000), “informediary-driven” chains (Gereffi, 2001) and typology of governance types (market, modular, relational, captive and network) (Gereffi, Humphrey and Sturgeon, 2002).

<sup>7</sup> The quality and safety characteristics that constitute credence attributes include the following: (1) food safety; (2) healthier, more nutritional foods; (3) authenticity; (4) production processes that promote a safe environment and sustainable agriculture; (5) “fair trade” attributes (e.g., working conditions) (Reardon et al., 2001).

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- <sup>8</sup> Convention theory also provides a framework of analysis for understanding standards in the governance of international trade. Based on the work of Salais and Thévenot (1986), Boltanski and Thévenot (1989), Sylvander (1995), Valceschini (1993), and Sauvee (1998), convention theory suggests that in situations where product quality cannot be discerned through price or observation, quality conventions are necessary to convey information to consumers. While convention theory is useful in identifying the role that standards and regulation play in value chain governance, it has tended to focus on the local or national levels of the chain (Raikes et al., forthcoming). In contrast, the global value chain approach is better equipped to capture economic dynamics along the full length of global chains.
- <sup>9</sup> Only two companies are responsible for nearly all the exports of vegetables to Europe, as well as a large proportion of the flowers exported. Other companies in the industry export only flowers.
- <sup>10</sup> This paper focuses on wage employment. Fewer than 2% of Kenya's smallholders are directly engaged as outgrowers in export horticulture production (Bawden et al., 2002). Smallholders are not used in the production of South African fruit or Zambian flowers, and produce only a very small volume of Zambian vegetables.
- <sup>11</sup> Exact employment figures are difficult to obtain for all three countries given a lack of official statistics, therefore the figures given here are estimates based on interviews.
- <sup>12</sup> While more unions are broadening their objectives to represent workers located outside standard forms of work, this has historically not been the case.
- <sup>13</sup> The ILO core labor standards include freedom of association and collective bargaining, forced labor, child labor, discrimination and equal remuneration (ILO, 2001).
- <sup>14</sup> However, implementation by national governments often remains weak.
- <sup>15</sup> The main codes covered here apart from individual company codes are: ETI (Ethical Trading Initiative), SA8000 (Social Accountability International), COLEACP (Liaison committee

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Europe -Africa- Caribbean-Pacific), EUREPGAP (Euro-Retailer Produce Working Group protocol for Good Agricultural Practice), KFC (Kenyan Flower Council), MPS (Milieu Project Sierteelt), FPEAK (Fresh Produce Exporters Association of Kenya), ZEGA (Zambia Export Growers Association).

- <sup>16</sup> Supermarket members of the ETI are ASDA, The Co-Op, J Sainsbury, Marks & Spencer, Safeway, Somerfield, and Tesco. They are applying codes to all their 'own brand' products, including freshproduce, which is counted as 'own brand'.
- <sup>17</sup> This reflects the fact that since deregulation of the sector in South Africa, no single body has been in a position to introduce such a code. However the Deciduous Fruit Producers Trust is considering such a move using EUREPGAP, and there is a multi-stakeholder initiative by AGRI-WESTCAPE (the main agricultural union representing farmers).
- <sup>18</sup> The ETI base code does not refer to protection of pregnant women, and SA8000 only refers to dismissal of pregnant women as an aspect of discrimination within its guidance notes.
- <sup>19</sup> Few codes applied to agricultural sectors cover regular employment due to the widespread reliance on casual, temporary and seasonal work.
- <sup>20</sup> Although formal legislation introduced since 1994 is good in South Africa, enforcement still remains very weak. In this situation codes of conduct can act as an additional means of enforcement.
- <sup>21</sup> See <http://www.ids.ac.uk/ids/global/gendeth.html> for further details.

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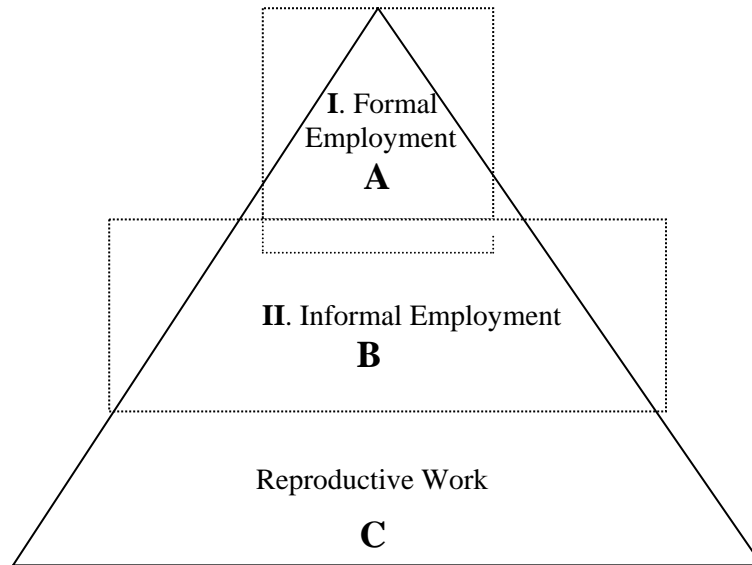
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**Diagram 1: Gendered Employment and the Gender pyramid of codes.**



**A** = Regulation and provision of formal conditions of employment

**B** = Regulation and provision of employment related benefits

**C** = Non-employment related benefits and social provision supporting reproductive work

**Table 1 : Estimates of Employment in Export Horticulture in South Africa, Kenya and Zambia**

	<b>Total Employment</b>	<b>% Temporary or Seasonal</b>	<b>% Female</b>
South African deciduous fruit	283,000	65-75%	53%
Kenyan flowers	40,000 - 70,000	65%	75%
Zambian horticulture	8,000 (veg and flowers)	60-74% (veg only)	65% (veg only)

Sources: de Klerk n.d., Kritzing and Vorster 1995 and 1996; NZTT 1999 and calculated from farm records; Blowfield *et al.* 1998 and KFC, 2002.

TABLE 2 CORPORATE CODES OF CONDUCT - SUMMARY OF CONTENT																				
Code	Audited Code	S/holder participation design // implement	Linked Production	Environment	National	Freedom of	Collective	Forced Labor	Child Labor	Discrimination	Safety/ hygiene	Living wages	Regular	Abuse	Work hours	Work contract	Accommodation	Leave- holiday +	Grievance system	Management
INTERNATIONAL INDEPENDENT																				
ETI Base	N	Y//Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N
SA 8000	Y	Y//Y	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y
COMPANY																				
<i>Summary UK Importers</i>	Y	N	Y	Y/N	Y	Y	Y	Y/	Y	Y	Y	Y/N	Y/N	Y/N	Y	Y	Y	Y/N	Y/N	N
<i>Summary UK Supermarkets</i>	Y	Y//N	Y	Y/N	Y	Y	Y/N	Y/	Y	Y	Y	Y/N	Y/N	Y/N	Y	Y/N	Y	Y/N	N	Y/N



TABLE 3

## CORPORATE CODES OF CONDUCT - GENDER ISSUES

	Discrimination	Abuse	Sexual harassment	Confidential Complaints	Reproductive rights	Maternity leave	Paternity leave	Childcare	Pregnant women	Equal pay	Equal pay/ work of equal
<b>INTERNATIONAL INDEPENDENT</b>											
ETI Base	Y	Y	Y	N	N	N	N	N	N	Y	N
SA 8000	Y	Y	Y	N	Y	N	N	N	N	(Y)	N
<b>COMPANY</b>											
<i>Summary Importers</i>	Y	Y/N	Y/N	N	Y/N	Y/N	Y/N	N	N	Y/N	Y/N
<i>Summary Supermarkets</i>	Y	Y/N	Y/N	N	N	Y/N	Y/N	N	N	Y/N	N
<b>SECTORAL</b>											
COLEACP	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N
EUREPGAP	N	N	N	N	N	N	N	N	N	N	N
MPS	Y	N	Y	N	N	Y	N	N	Y	Y	N
KFC	Y	N	N	N	N	Y	N	N	Y	Y	N
FPEAK	Y	N	N	N	N	Y	N	N	Y	Y	N
ZEGA	Y	Y	Y	Y	Y	Y	N	Y	N	Y	N