

# Baseline survey of female workers in the chilli industry in Malawi

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July 2019



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# ACRONYMS

AIDS	Acquired Immunodeficiency Syndrome
ASWAp	Agriculture Sector Wide Approach
CHH	Child Headed Household
DWCP	Decent Working Conditions Programme
ECAM	Employers' Consultative Association of Malawi
FGD	Focus Group Discussion
HIV	Human Immunodeficiency Virus
ILO	International Labour Organization
MCTU	Malawi Congress of Trade Unions
MDG	Millennium Development Goals
MGDS	Malawi Growth and Development Strategy
NASFAM	National Smallholder Farmers' Association of Malawi
NSO	National Statistics Office
SME	Small to Medium Enterprise
SOMO	Centre for Research on Multinational Corporations
TLAC	Tripartite Labour Advisory Council

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# ACKNOWLEDGEMENTS

**W**e would like to thank Hivos for according us the opportunity to undertake this baseline study. We are grateful to Veronica Kaitano (Hivos) for coordinating the study in an excellent manner. We would also like to thank Nicola Ndovi (Hivos) for her valuable support during the study, including the review of all deliverables.

We are grateful to all the female chilli workers that we interviewed in Mulanje, Thyolo, Mzimba and Salima for their time and input that they provided to this study. We would also like to thank Exagris Africa LTD for according as an opportunity to interact with its female chilli workers in Salima. Special thanks to all the key informants that were interviewed during this study. We would also like to thank members of our research team – enumerators, supervisors and drivers for the excellent research support that they provided.

We take responsibility for any omissions, misrepresentation of facts or any other errors in this report.

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# EXECUTIVE SUMMARY

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## Introduction and Objectives

Women in the horticultural industry live in a male-dominated culture and are not accustomed to claiming their rights and lack knowledge about their labour rights. There is need to empower women in the chilli sector in Malawi considering the fact that it is one of the global value chains that are driven by women. Hivos, under the Women@Work Campaign, seeks to promote safe and secure working conditions for women, promote powerful women workers, stronger civil societies and responsible employers and governments. It is against this background that a baseline study for women in the chilli sector in Malawi was commissioned to understand working conditions for women in the chilli sector in Malawi. The objectives of the study were two-fold:

1. To clearly identify, articulate, and document the existing situation of workers as well as map stakeholders in the chilli industry in Malawi.
2. To suggest opportunities and recommendations for improvement based on the findings of the study.

## Methodology and Data

The study used a value chain methodology. A review of Malawian policies that have a bearing on decent working conditions for women workers was done. Primary data were collected from 112 female chilli workers from Thyolo, Mulanje, Salima and Mzimba Districts through quantitative individual interviews. Apart from the quantitative survey, 4 focus group discussions were also conducted with sampled female chilli workers. Key informant interviews were also undertaken with key stakeholders in the chilli industry in Malawi.

## Key Results

The study found that on the policy front, Malawi has important legislation and policy instruments that are able to ensure that women workers in the chilli sector enjoy their right to decent work, if well implemented. These include the Malawi Constitution; the Labour Relations Act (1996); the Employment Act (2000); the Workers' Compensation Act; and the Occupational Safety, Health and Welfare Act, among others. Further, between 2011 and 2016, Malawi was implementing the ILO-supported Malawi Decent Work Country Programme, that was promoting decent work among employees in Malawi, including those in the agricultural sector.

The baseline study has found that women are actively involved in all the production activities along the chilli value chain. However, they are almost exclusively involved in the sorting and grading of chillies. When doing this activity some women workers are not provided with protective gear, thereby risking their health. The study has also found that, overall, our sampled women chilli farmers are receiving wages that are MWK 111 (€0.13) lower than the government-set minimum wages. Further, the majority the workers are not aware of their rights as workers. The study has also found that in all the districts that were visited women chilli workers do not belong to any union that would advocate for their labour rights. Further, occupational safety and health are also compromised by the majority of employers in the chilli sector. The study found that there are no chilli business cases in Malawi that are investing in decent work for women.

The study has identified key stakeholders that Hivos should work with under its Women@Work Campaign to promote safe and secure working conditions for women chilli workers in Malawi. These include the Malawi Congress of Trade Unions, Employers'



Consultative Association of Malawi and the Ministry of Labour and Manpower Development.

Based on the review of the policies and legislation in Malawi, it is apparent that policy environment is favourable for the successful promotion of decent work for women in the chilli sector. Further, the experience and existing collaboration between the Ministry of Labour, MCTU and ECAM under the Tripartite Labour Advisory Council (TLAC) is essential for Hivos to build upon to ensure that initiatives are put in place to ensure successful promotion of decent work for women in the chilli value chain.

## Recommendations

The report makes the following recommendations targeting Hivos, MCTU, ECAM, and the chilli companies:

- i. Ensure that chilli workers are unionised and that women workers are members of the union;
- ii. Ensure that employers in the chilli industry are adhering to the government-set minimum wages;
- iii. Promote awareness among workers on overtime rates and ensure that employers disclose overtime rates to their employees;
- iv. Promote issuance of written contracts to all workers, including those on seasonal employment;
- v. Address violence, discrimination and sexual harassment in the workplace, especially those targeting women chilli workers;
- vi. Promote occupational safety and health;
- vii. Sensitise women chilli workers on their rights as workers;
- viii. Work with key stakeholders to advocate for a living wage in the agricultural sector.

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# 1. INTRODUCTION

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## 1.1 Background

Hivos' primary focus is to achieve structural change and seek new solutions to persistent global issues with smart projects. Women in the horticultural industry live in a male-dominated culture and are not accustomed to claiming their rights and lack knowledge about their labour rights. There is need to empower women in the chilli sector in Malawi considering the fact that it is one of the global value chains that are driven by women.

It is against this background that Hivos under the Women@Work Campaign seeks to promote safe and secure working conditions for women, promote powerful women workers, stronger civil societies and responsible employers and governments. Furthermore, a baseline survey conducted by TDS-Zimbabwe revealed that women in the horticulture industry generally have limited opportunities for self-organisation for representation to improve their conditions and that women operate in lower ranks of employment. This baseline study focuses on the chilli sector in Malawi particularly women's working conditions for women in the chilli sector in Malawi.

## 1.2 Labour Market and Chilli Production in Malawi

High quality labour force is critical for the development of any country, including agro-based economies like Malawi. The Malawi Growth and Development Strategy (MGDS III) (2017-2022) places great emphasis on the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. This is in line with UN Sustainable Development Goals (SDGs).

The key labour market indicators are the labour force participation; unemployment rates; and the distribution of the employment by sector. Overall, the labour participation rate for Malawi is 89%. The rate for males is slightly higher than for females, 90% for males compared to 88% for females. Rural areas have a higher labour force participation (90%) compared to urban areas (85%)<sup>1</sup>.

Table 1: Employment Rates per Sector, Sex and Residence

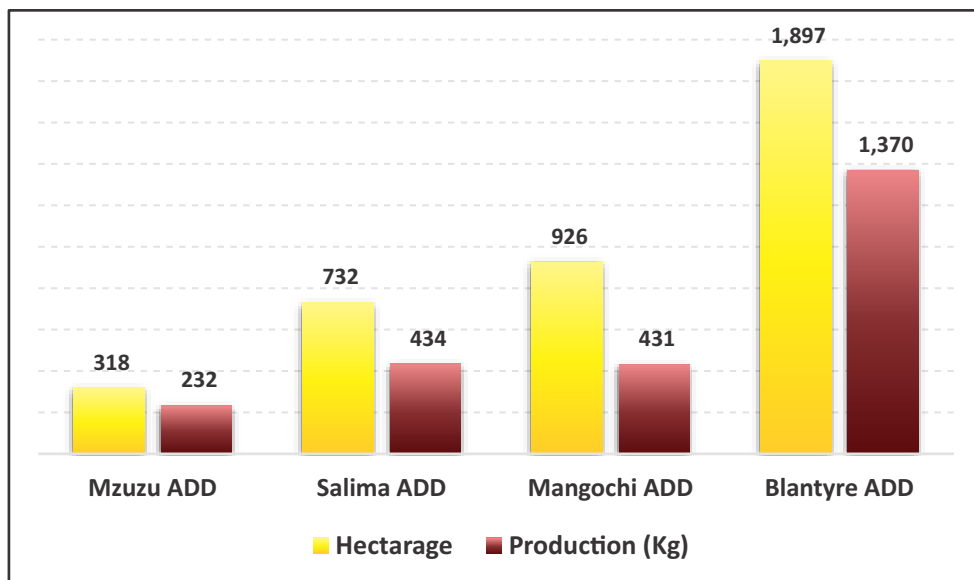
Industry	Male	Female	Urban	Rural
Agriculture, forestry and fishing	58.5	69.9	16.4	70.4
Mining and quarrying	0.2	0.3	1.1	0.2
Manufacturing	4.5	3.6	7.6	3.6
Electricity, gas, steam and air conditioning supply	0.3	0	0.3	0.2
Water supply, sewerage, waste management and remediation activities	0.4	0.1	0.6	0.2
Construction	4.2	1.0	7.2	2.0
Wholesale and retail trade and repair of motor vehicles	15.1	17.4	32.5	14.1
Transport, storage and communication	3.8	0.2	5.6	1.6
Accommodation and food services activities	0.7	0.8	2.4	0.5
Professional, scientific and technical	0.3	0.1	0.8	0.1
Administration and supportive services	0.8	0.5	3.0	0.4
Public administration and defence	3.3	0.7	6.7	1.4
Education	2.8	1.6	4.4	1.9
Human health and social work	1.6	1.1	2.0	1.3
Other service	2.6	1.0	4.8	1.4
Activities of households as employers	0.8	1.7	4.8	0.8

Source: NSO (2014)

<sup>1</sup> National Statistical Office (NSO) 2014. Malawi Labour Force Survey 2013 Report

Most of the agricultural sector output is generated by the estate sector, with the smallholder sector only contributing 20% to the total agricultural output. National surveys estimate that crop production accounts for 74% of all rural incomes and agriculture is the most important occupations for the rural population (NSO, 2000). Chillies and paprika are some of the emerging cash crops grown by smallholder farmers as well as some estates that have export potential. Chillies are less input intensive and the only inputs apart from labour that is required are seeds (Chirwa, 2006)<sup>2</sup>.

Figure 1: Production (kg) and hectareage under chilli production in Malawi's ADDs (2012-2013)

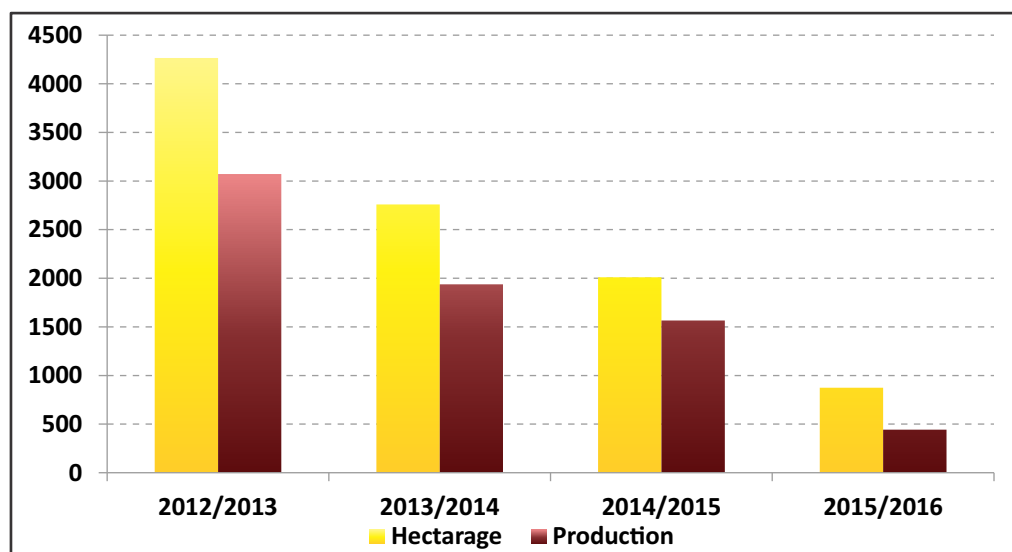


Source: Data from Ministry of Agriculture 2012-2013 Agricultural Production Estimates.

Production of chillies in Malawi is concentrated in Blantyre ADD<sup>3</sup>. Within Blantyre ADD, Mulanje is the leading producer of chillies, followed by Thyolo and Phalombe. Within Salima ADD, Nkhotakota is the district where the most chillies are grown. Most of the chillies in Mangochi ADD are produced in Mangochi District, followed by Zomba and Machinga.

Although chillies are one of the high-value crops in Malawi, its importance has been declining both in terms of area under production and the volume of production. As Figure 2 shows, area under chilli production declined by 3,390 Ha between 2012/13 and 2015/16. Similarly, production declined by 85.6% between 2012/13 and 2015/16. The factors contributing to this decline have not been adequately explored as they fall outside the scope of the study.

Figure 2: Malawi Chilli Production (Kg) and Hectareage, 2012/13 - 2015/16



Source: Data from Ministry of Agriculture Agricultural Production Estimates.

<sup>2</sup> E Chirwa and W Masanjala, Farmer organisation in smallholder cash crops and inputs in Malawi,(2006)

<sup>3</sup> Malawi is divided into 8 Agricultural Development Divisions (ADDs). Each ADD comprises of a number of districts.



## 1.3 Purpose of the study

The purpose of the study was to deliver technical guidance, professional expertise and knowledge on the current status of women working in the chilli sector in Malawi.

The specific objectives of the study were to:

1. Clearly identify, articulate, and document the existing situation of workers as well as map stakeholders in the chilli industry in Malawi.
2. Suggest opportunities and recommendations for improvement based on the findings of the study.

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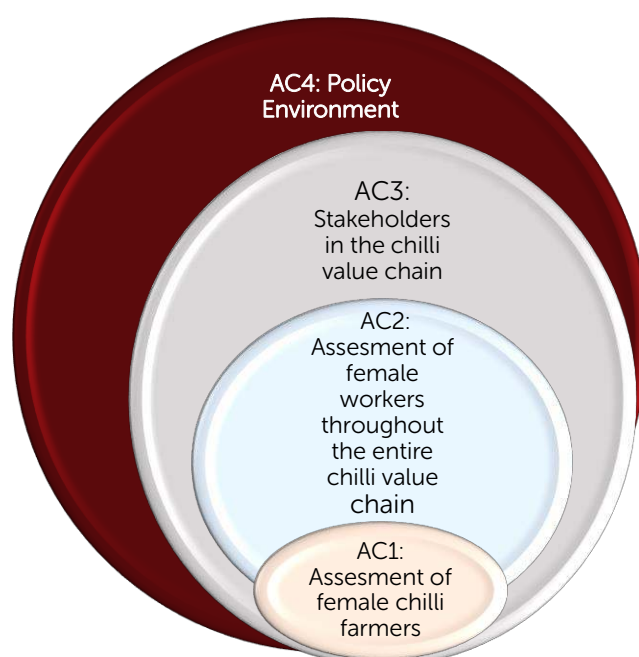
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# 2. METHODOLOGY

## 2. METHODOLOGY

The study used the value chain analysis methodology. A value chain describes the full range of activities required to bring a product from initial primary production, through different phases of production to the final consumer (Makoka, 2009). The value chain methodology provides a systematic way of examining the development of competitive advantage for a production activity as it takes into account the fact that agricultural producers and entrepreneurs in developing countries are increasingly being integrated into the world trading systems. The study analysed the roles female workers play at each stage of the chilli value chain depending on the company they were working in. The study was based on a Conceptual Framework, presented in Figure 3.

Figure 3: Assessments Components



In order to gather information to address the objectives of the study, three main methods were used:

- a. **Desk Review:** A number of documents were reviewed in order to understand the laws, policies and programmes that exist in supporting or inhibiting the participation of female workers in chilli production. The review also aimed to identify gaps that exist so as to provide entry points for Hivos to implement their project.
- b. **Individual Female Workers' Survey:** The consultant conducted a survey where female workers in chilli companies were interviewed. Women workers from four major companies engaged in chilli production in Malawi were included: NALI Ltd in Thyolo; Zikometso Association (NASFAM) in Mulanje; Exagris LTD in Salima; and Tropha Estates in Mzuzu (Ekwendeni). Data was collected from a group of randomly sampled female workers involved in various activities along the value chain. Focus Group Discussions with the female workers were also conducted in each district.
- c. **Key Informant Interviews:** Consultations were conducted with the Ministry of Labour, Malawi Congress of Trade Unions, Malawi Human Rights Commission and chilli production companies amongst others. A key informant interview guide was developed in line with the terms of reference of the study and it was used to gather information from the stakeholders.

# 3. MAPPING OF LAWS, POLICIES AND PROGRAMMES

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The objective of any policy analysis is to identify, analyse and recommend policy options and strategies that would achieve specific goals for policy makers (Babu and Sanyal, 2009). There are a number of existing government policies that support or inhibit the participation of women in the entire chilli value chain. These policies are meant to protect female workers' rights, working environment, decent working conditions and the implementation of the living wage, among others. This section highlights the policies' major strengths in promoting decent working conditions, major weaknesses in promoting the rights of women workers and gaps for advocacy to address the existing gaps.

## 3.1 The Constitution of the Republic of Malawi

The Constitution has a comprehensive section on human rights impeccably highlighting the rights of women and labour rights in Sections 24 and 31, respectively. The section on rights of women has the following terms:

- 1) Women have the right to full and equal protection by the law, and have the right not to be discriminated against on the basis of their gender or marital status.
- 2) Any law that discriminates against women on the basis of gender or marital status shall be invalid and legislation shall be passed to eliminate customs and practices that discriminate against women, particularly practices such as: a) sexual abuse, harassment and violence; b) discrimination in work, business and public affairs; and c) deprivation of property, including property obtained by inheritance.

Labour issues are also addressed in the Constitution in several sections, as follows:

- 1) Calls for equal and fair treatment, and providing for passing legislation aimed at addressing inequalities in society or prohibiting discrimination (Sections 20 and 24).
- 2) Affirming rights in relation to employment conditions and labour relations, such as fair and safe labour practices including remuneration, trade unionism and freedom to work (Section 31).
- 3) Access to basic services and special consideration for potentially vulnerable groups such as women, children and persons with disabilities (Section 30).
- 4) Specifies that children are entitled to protection from economic exploitation or any treatment, work or punishment that is likely to be hazardous, interfere with their education or be harmful to their health or to their physical, mental or social development (Section 23).
- 5) Servitude, forced labour or bonded labour that amounts to servitude (Section 27).

## 3.2 Labour Relations Act (No 16 of 1996)

Amongst the other Acts reviewed by Parliament was the Labour Relations Act of Malawi, which aims at promoting sound labour relations through the protection and promotion of freedom of association, the encouragement of effective collective bargaining and the promotion of orderly and efficient dispute settlement, conducive to social justice and economic development. The labour law mediates the relationship between workers, trade unions and the government.

The Act highlights freedom of association by regulating the formation and registration of trade unions and employers' organisation. Trade unions are defined as any combination of persons, the principal purposes of which are the representation and promotion of employees' interests and the regulation of relations between employees and employers, and includes a federation of trade unions but not an organisation or association that is

<sup>4</sup> Malawi Labour Act



dominated by an employer or employers' organisation<sup>4</sup>. Trade unions are important in collective bargaining and amicable resolution of disputes.

Disputes and differences are inevitable at the workplace and so the Labour Act provides guidance on how disputes should be resolved. The Act states that any dispute should be reported to the Principal Secretary responsible for the labour resolution. For any dispute that has not been resolved, there are two ways in which it can be handled. The first way is that the party to the dispute or the Principal Secretary can apply to the Industrial Relations Court for determination of the dispute. Lastly, either party or both parties may give seven days' notice that they intend to strike<sup>3</sup> or lockout<sup>4</sup> providing the matter is not IRC related.

### Major Strength of the Labour Act

This Act heavily draws from the ILO Convention No 87; Freedom of Association and Protection of the Right to organize (1948). Malawi is a member of the United Nations and also the International Labour Organization. ILO passes out conventions relating to labour issues and therefore Malawi is bound by law to follow its guidelines.

## 3.3 Employment Act (No 6 of 2000)

The Employment Act contains comprehensive legislation on employment and has the objective "to establish, reinforce and regulate minimum standards of employment with the purpose of ensuring equity necessary for enhancing industrial peace, accelerated economic growth and social justice".

The Act prohibits forced labour, child labour and discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, property, birth, marital or other status. The Act also describes the types of contracts and these are divided into three. These are: i) a contract for unspecified period of time; ii) a contract for specific period of time (fixed contract) and; iii) a contract for specified task.

In case of termination of contracts, either party to a contract may terminate a contract of employment for an unspecified period by giving notice. If the termination is at the initiative of the employer, the termination must be accompanied with valid reasons connected with the capacity or conduct of the employee or operational requirements. However, a contract for a specified amount of time automatically terminates on the date specified for its termination. A contract of employment to perform a specific task terminates on the completion of the task and no notice of termination is required.

In the contract of employment, the parties may agree on the duration of the probationary period provided that the period shall not exceed twelve months. During the probationary period either party to the contract may terminate the contract without notice.

The Act also explains on the hours of work, normal working hours are set out in the employment contract provided that the hours do not exceed 48 hours within the overtime. Overtime is divided into three:

- i) Ordinary overtime which is time worked on a working day in excess of the hours normally worked. For each hour of the ordinary overtime an employee is paid at an hourly rate not less than one and half of his/her wage per hour.
- ii) Day off overtime is time worked on a day on which the employee would otherwise be off duty. The payment is twice the normal day.
- iii) Holiday overtime is time worked on a public holiday. The payment is not less than twice the normal day.

The employee is entitled to annual leave, sick leave and maternity leave. Annual leave is entitled to every employee with pay. An employee who works six days a week is entitled to not less than 18 working days a year while an employee who works five days a week is entitled to not less than 15 days. Sick leave is given to an employee after completing a year of continuous service. An employer is not bound to grant the sick leave unless the employee produces a certificate form of a registered medical practitioner stating the nature of the

<sup>5</sup> Strike means concerted action resulting in a cessation of work, a refusal to work or continue to work by employees, or a slowdown or other concerted activity of employees that is designed to or does limit production or services but doesn't include an act or omission required for the safety or health of employees or refusal to work.

<sup>6</sup> Closing a place of employment or a suspension of work by an employer done to compel his or her employees.

employee's capacity. Maternity leave is given to female employees within every three years to at least eight weeks on full payment.

Every employee is entitled to a fair remuneration and therefore the ministry responsible for labour is given the discretion to fix the minimum wage of any group of wage earners in consultation with the relevant workers' and employees' organisation. Any employer that does not provide the employees the minimum wage is faced with tough penalties.

In terms of dismissal, the Act provides for fair dismissal of an employee. A fair dismissal is one that is accompanied by a valid reason connected with the employee's capacity or conduct and the employee must be given the opportunity to be heard (disciplinary).

#### **Major Strength of the Employment Act**

The Act highlights the issue of minimum wage being fixed according to the group of wage earners, relevant in situations where a group of unskilled workers are engaged in employment by an employer seeking cheap labour. This provision aims to protect vulnerable groups including women and to ensure that workers are being paid what they deserve pertaining to the amount and type of work that they do. Although this is a potential strength, the reality is that it is not being adhered to.

Another strength of the Act is that it has also been aligned to a number of the ILO conventions and these are: Contracts of Employment (Indigenous Workers) Convention, 1939, Termination of Employment Convention, 1982, Discrimination (Employment and Occupation) Convention, 1958 and Equal Remuneration Convention, 1951.

### **3.4 The Workers' Compensation Act**

The Workers' Compensation Act (No 7 of 2000) makes provision for compensation for injuries suffered or diseases contracted by workers in the course of their employment, or for death resulting from such injuries or diseases. It also provides for the establishment and administration of a Workers' Compensation Fund. Labour offices across Malawi use the procedures in this Act in their provision of assistance workers to workers that need to be compensated.

### **3.5 The Occupational Safety, Health and Welfare Act**

The Occupational Safety, Health and Welfare Act (No 21 of 1997) makes provision for the regulation of conditions of employment in workplaces with regard to safety, health and welfare of employees; for the inspection of certain plants and machinery; for the prevention and regulation of accidents occurring to persons employed or authorised to go into the workplace, and for some related matters.

The Act provides for the registration of workplaces, health and welfare, machinery safety, health and safety, notification and investigation of accidents, dangerous occurrences and industrial diseases.

### **3.6 Pension Act (No 6 of 2011)**

The Pension Act provides for mandatory pension by every employer to his/her employees, except for those below a specified salary threshold who are exempted but are instead covered by provision of a gratuity on termination of employment under the 2010 Amendment to the Employment Act.

## 3.7 Gender Equality Act (No 3 of 2013)

The Act aims to promote gender equality, equal integration, influence, empowerment, dignity, and opportunities for men and women in all functions of society, to prohibit and provide redress for sex discrimination, harmful practices and sexual harassment, to provide for public awareness on promotion of gender equality. This Act is relevant in that it holds employers and employees in the chilli industry to any acts that may take place in the workplace that contravenes any provisions in it.

## 3.8 International Labour Organization (ILO) Conventions

The ILO is a tripartite organisation consisting of trade unions, governments and companies and its part of the united nations system. Malawi is a member of the United Nations and therefore is bound to follow the laws of the ILO. The ILO formulates international labour standards that are drawn up by governments, employers and workers. These standards are called conventions and these are adopted at the ILO's annual International Labour Conference. They are adopted at the conference, then member states ratify these conventions. In Malawi, there are a number of labour-related conventions that have been ratified and most of the country's acts have been formulated inline with these conventions. The list of the ratified conventions is stated below:

- 1) Right of Association (Agriculture) Convention
- 2) Workmen's Compensation (Agriculture) Convention
- 3) Equality of Treatment (Accident Compensation) Convention
- 4) Minimum Wage-Fixing Machinery Convention
- 5) Forced Labour Convention
- 6) Underground Work (Women) Convention
- 7) Recruiting of Indigenous Workers Convention
- 8) Contracts of Employment (Indigenous Workers) Convention
- 9) Penal Sanctions (Indigenous Workers) Convention
- 10) Labour Inspection Convention,
- 11) Contracts of Employment (Indigenous Workers) Convention
- 12) Freedom of Association and Protection of the Right to Organise Convention
- 13) Night Work (Women) Convention (Revised)
- 14) Migration for Employment Convention (RVSD)
- 15) Right to Organise and Collective Bargaining Convention
- 16) Minimum Wage-Fixing Machinery (Agriculture) Convention
- 17) Equal Remuneration Convention
- 18) Abolition of Penal Sanctions (Indigenous Workers) Convention
- 19) Abolition of Forced Labour Convention
- 20) Indigenous and Tribal Populations Convention
- 21) Discrimination (Employment and Occupation) Convention
- 22) Labour Inspection (Agriculture) Convention
- 23) Minimum Age Convention
- 24) Tripartite Consultation (International Labour Standards) Convention
- 25) Nursing Personnel Convention
- 26) Labour Administration Convention
- 27) Termination of Employment Convention
- 28) Vocational Rehabilitation and Employment (Disabled Persons) Convention
- 29) Worst Forms of Child Labour Convention

## 3.9 Malawi Decent Work Country Programme (2011-2016)

The Malawi Decent Work Country Programme (DWCP) has been established as the main initiative of delivering the ILO support in the country. The main objective of the programme is to coordinate, harmonise and align technical assistance and financial resources around an achievable set of priority outcomes related to the promotion of the ILO Global Decent Work Agenda. It provides a policy and operational framework to guide the government, social partners and other stakeholders as well as development partners with regards to priority action towards the realisation of the ILO Global Decent Work Agenda in Malawi.<sup>7</sup>

Decent work as defined by the ILO involves opportunities for work that are productive and deliver a fair income, security in workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men. It was noted that decent work in practice in Malawi is deficit in all the areas that comprise the ILO's Decent Work Agenda, these are Rights at Work, Employment, Social Protection and Social Dialogue. It was with this background that the DWCP was formulated. Therefore, the DWCP identified three main priority areas which would address the decent work deficits and promote decent working conditions for both males and females at their work places. Under each priority area, there are key focus points that will contribute to the achievement of the main priority areas which are indicated below:

**Priority Area 1: Creating more and better employment and income generation opportunities (particularly vulnerable groups i.e. youth, women and people with disabilities) as well as ensuring the elimination of the worst forms of child labour.**

Under this area the ILO programme aims to:

- Strengthen the economic and labour market policy framework for increased gainful and decent employment generation by focusing action in employment-rich sectors.
- Promoting employment opportunities for the vulnerable groups particularly the youth, women and people with disabilities.
- Improving the capacity of trade testing and certification services and strengthening action on the elimination of child labour.

**Priority Area 2: Enhancing and extending the coverage of social protection**

The programme aims to achieve priority 2 through:

- Addressing the need for strengthening the capacity of the occupational safety and health services and putting in place national systems and policy framework.
- Improving of the current workers' compensation system through establishment of a fund.
- Establishing of a national social security system.
- Strengthening of the workplace response to HIV and AIDS.

**Priority Area 3: Building the capacities of the government and social partners to improve service delivery**

In this priority area the programme aims to:

- Strengthen the financial, human, technical and material capacity of the Ministry of Labour in carrying out integrated labour inspections.
- Putting in place a comprehensive legal framework; strengthening the capacity of the Industrial Relations Court to hear cases expeditiously and effectively.
- Strengthening the alternative dispute resolution through conciliation and mediation services within the Ministry of Labour.
- Develop and strengthen the Labour Market Information System.

<sup>7</sup> ILO Decent Working Conditions Country Programme, M- DWCP 2011-2016

- Strengthen the capacity of social partners to effectively engage in social dialogue through technical and financial capacity building
- Extending membership to the SMEs and rural and informal economy.
- Strengthening the institutions of social dialogue, notably the Tripartite Labour Advisory Council and the National Social Dialogue Forum.

Each priority area has its own unique strategy which will be used to achieve it.

The major strength of DWCP is that it is in-line with the goals and priorities of the Malawi Government policies and programmes. The DWCP is consistent with the Malawi policies that interfaces between employment creation and labour issues. The DWCP is consistent with the: Millennium Development Goals (MDGs) Malawi Vision 2020, Poverty Reduction Strategy Papers (2002 - 2005), Malawi Growth and Development Strategy (2006 – 2011) and Malawi Growth and Development Strategy (MGDS) II: 2011-2016. Of all these government policies and priorities it can be concluded that all these cannot be successfully achieved unless they achieve the following: good governance; sustainable economic growth and development; vibrant culture; well-developed economic infrastructure; food security and nutrition; science and technology-led development; social sector development; fair and equitable distribution of income and wealth; and sustainable environmental management. These provide the foundation for the promotion and realisation of decent work in Malawi.

Another strength of the DWCP is that it explicitly has women as one of its priority areas. The DWCP recognizes that most women are involved in subsistence agriculture where earnings are low and that most women are involved in the least paying jobs compared to men. The programme seeks to achieve the balance between women and men in formal employment as one way of contributing to gender equality and economic empowerment to women.

### 3.10 The Malawi Growth and Development Strategy (MGDS) III (2017-2022)

In 2017, Malawi started implementing the Malawi Growth and Development Strategy III after the MGDS II phased out. MGDS III aims to “move Malawi to a productive, competitive and resilient nation through sustainable economic growth, energy, industrial and infrastructure development while addressing water, climate change and environmental management and population challenges”.

MGDS III recognizes labour issues in the employment sector where the majority of the labour market structures leave workers with inadequate income and social security. This is due to the fact that majority of the economic growth comes from primary level (agriculture), the sector doesn't have the ability to create new jobs and the available jobs are low income. These issues have been addressed in strategies found in priority of 1 and 2.

However, the strategy fails to provide ways of ensuring decent working conditions especially for women in the agricultural sector. The strategy is focused more on improving the productivity and achieving food security other than improving the working conditions of the vulnerable groups in the sector. It doesn't provide any direct link on how it will tackle the issues of decent working conditions for women working in the sector. As much as achieving some of the set goals may improve or lead to improved working conditions, there is need of coming up with strategies that directly deal with such issues.

### 3.11 Agriculture Sector Strategy on gender, HIV and AIDS (2011-2017)

This strategy was formed after realising the importance of gender, HIV and AIDS in development of Malawi. The strategy aims to promote gender equality, prevent the spread of HIV and mitigate the impacts of AIDS in order to increase agricultural productivity in line with the Malawi Agriculture Sector Approach (ASWAp)<sup>8</sup> priorities.

<sup>8</sup> ASWAp is a unique programme led by the Malawi Government offering to provide strategies to increase agricultural productivity and making Malawi a Hunger Free Nation, enabling people to have access to nutritious foods and increasing the contribution of agro-processing to economic growth.



The strategy has three pillars: i) quality participation of women and other vulnerable gender categories in ASWAp focus areas and key support services; ii) gender, HIV and AIDS responsive technology generation and dissemination; and iii) effective coordination, capacity building and resource mobilization. The strategy implementation focuses on women, female-headed households, orphans and other vulnerable children, child-headed households, people with disabilities, people living with HIV, mobile and migrant workers and the elderly.

The agriculture sector strategy on gender, HIV and AIDS highlights the following gender-related disparities in Malawi:

- 1) **Limited participation of women in agricultural decision-making:** Men make most of the decisions in agriculture which disadvantages women in terms of productivity at household, community, institutional and national levels.
- 2) **Income disparity:** Women have limited access to income which limits their investment in productive agriculture. The inequalities in income between men and women also contribute to women's susceptibility to HIV infection and increase their vulnerability to the impacts of AIDS compared to men. Majority of men with relatively higher socio-economic status in the poor communities lure women into sex, thereby predisposing both of them to HIV infection.
- 3) **Limited access to and control over assets and benefits:** The inequalities in access to and control over resources and benefits between men and women both in the workplace and within farming communities increase women's vulnerability. Women have limited access to and control over agricultural assets, resources and services such as land, credit, extension and training. This worsens their poverty and creates a cycle of dependency on men, thereby increasing the risk to HIV infection and the impacts of AIDS.
- 4) **Unfriendly legal environment:** The current legal frameworks on land tenure, credit conditions, property and inheritance rights are less responsive to the needs of women and the other vulnerable gender categories.
- 5) **Limited women's access to information and technology:** Relative to men, women face more serious constraints in access to information and technologies for production and marketing of their goods and services.
- 6) **Unfriendly marketing systems:** There is inadequate marketing infrastructure in the rural areas which forces male and female farmers to market their goods and products in distant urban areas for extended periods which in turn makes them susceptible to HIV infection. The weekly markets which normally operate until late and also serve as recreation points cause urban-rural and rural-rural mobility of people thereby increasing their vulnerability. Scarcity of agricultural produce and inputs in the rural marketing points results in scramble for the same which makes the women who have triple roles (productive, reproductive and community) to become desperate, hence involving themselves in sex for priority access. On the other hand, men who are in charge take advantage of the desperate situation and demand sex as payment for preferential access.
- 7) **Unequal division of labour:** Women are overburdened because they perform triple roles. The demand of these multiple roles on their time negatively affects their involvement in high-value income-generating activities which puts them at an economic disadvantage when compared with men who usually focus on productive and community roles only.
- 8) **Mobility and migration:** There is more mobility and migration by males than females in the agriculture sector which results in loss of family labour, agricultural knowledge and skills. Seasonal and occasional migration of estate and casual workers, fisher folk, tenants and agriculture sector employees without the accompaniment of their spouses present risk of HIV infection both among the migrants and their spouses.

- 9) **Changes in gender categories involved in agriculture:** Due to AIDS, there are more widows, elderly and child-headed households (CHH) who do not have reliable income, agricultural knowledge and skills.
- 10) **Disruption of social support systems:** AIDS has increased the diminishing of the social support system due to increased illnesses and deaths. The support from extended families and kinship systems that provide critical welfare functions like provision of communal labour or sharing of food is overstretched or no longer functional.

These issues clearly point out the gender disparities that exist in the sector, these have implications on the access and control of productive resources such as land, credit, improved tools and services etc. The strategy clearly demonstrates the extent of the gender disparity and the implications.

The greatest strength of the strategy is that it has been aligned with a number of policies and these are: Agricultural Wide Sector Approach (ASWAp), the draft National Gender Policy, National HIV and AIDS Action Framework, Millennium Development Goals and the Malawi Growth Development Strategy. It does not only aim at improving the food security, it also aims to increase the participation of women in the agricultural activities hopefully bridging the gap between men and women. The efforts and initiatives proposed in the strategy aim to solve the above issues will/may lead to achieving decent working conditions for women workers in the agricultural sector.

The strategy however, generalises the issues and the strategies for all women working in agricultural sector. Each segment of agricultural production faces its own challenges and the magnitude of the challenges differ. Therefore, this may imply that the intensity and the approaches in each agricultural segment may differ. As a national strategy it should have had initiatives that will tackle problems pertaining to each production segment with its challenges and intensities. For instance, women working in the horticultural segment and fish production segment may face the same challenges but the magnitude may differ.

### 3.12 The Malawi Gender Policy (2016)

The aim of the policy is to *"strengthen gender mainstreaming and women empowerment at all levels in order to facilitate attainment of gender equality and equity in Malawi"*. The goal of the policy is *"to reduce gender inequalities and enhance participation of women, men, girls and boys in socio economic development processes"*. The outcome is *"increased meaningful participation of women, men, girls and boys in decision making, wealth creation and poverty reduction."* The policy recognizes that women play important roles in agriculture and carry out 70% of the agricultural work, and produce 80% of food for home consumption. Thus under the gender in agriculture, food security and nutrition sections of the policy, ensures that women and other vulnerable groups must have access to, and control over agricultural production resources, technologies and markets for cash crops, food and nutrition security.

### 3.13 Summary of the Policy Review

The review has shown that Malawi has many policy instruments and legislations to promote safe and secure working conditions for women workers, including those working in the chilli sector. The country is a signatory to many ILO labour conventions and has excellent provisions through the various policy documents. Although there are great strengths in the legislations and the policy instruments the translation of these provisions depend on the political will by the government and all key stakeholders.

### 3.14 Malawi Chilli Value Chain Actors

One aspect of the study was to map all the key actors along the Malawi chilli value chain. Figure 4 shows the main actors along the Malawi chilli value chain. Production is mostly done by smallholder farmers, who cultivate very small parcels of land. The smallholder

farmers are mostly concentrated in Mulanje, Thyolo, Phalombe, Zomba, Machinga and Mangochi districts. Some of the farmers in Mulanje belong to the National Smallholder Farmers' Association of Malawi (NASFAM) which operates Zikometso Association in Mulanje. Apart from smallholder farmers, there are a few commercial enterprises that grow chillies in Malawi. These include Tropha LTD, Nali LTD and Exagris Africa LTD.

As Figure 4 shows there are a few but growing number that are processing chillies into sauces for human consumption. These include Osman Foods, Marie's Hot Sauce and Kellan Investments (see Figure 5). NASFAM's Zikometso Association and Nali LTD produce their sauce from the chillies that they produce themselves.

Figure 4: Main Actors along the Malawi Chilli Value Chain

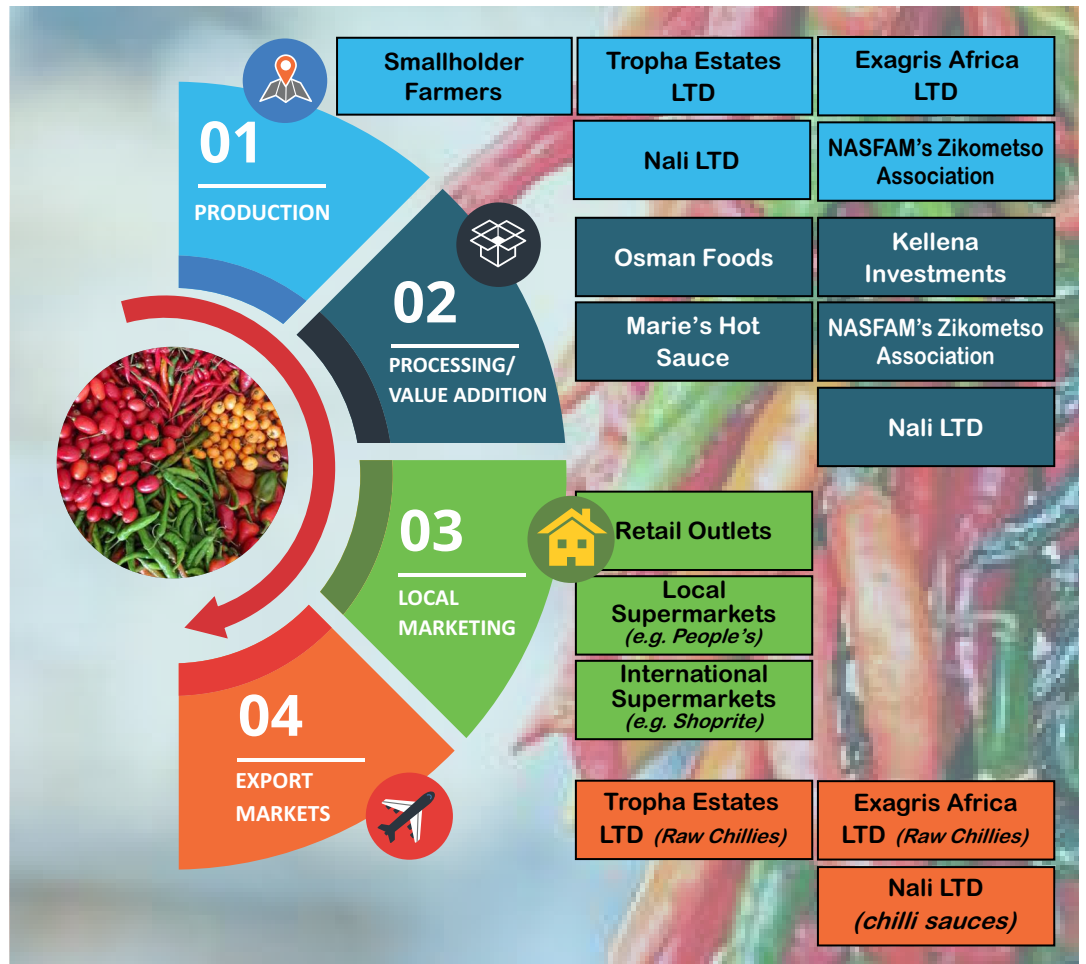


Figure 5: Some of Malawi's Locally Made Chilli Sauces



## 3.15 National Employment and Labour Policy

Malawi's National Employment and Labour Policy provides a framework to promote productive and decent employment in the economy and increase compliance with labour standards by employers, investors and workers. It also aims at unleashing the potential for Malawi to move onto a development path that is more inclusive, pro-poor and job-rich thereby strengthening the link between economic growth and job creation on one hand and poverty reduction on the other hand.

It has a similar message to the one conveyed by the Malawi Decent Work Country Programme (MDWCP) earlier discussed but the Policy is superior in terms of status/ranking.

Interventions set out in the National Employment and Labour Policy have strong positive linkages with other economic and social policies. These national policies include those focusing on: youth; gender; HIV and AIDS at the workplace; micro, small and medium enterprises (SME); persons with disabilities; skills development; social protection; agriculture; education; trade and investment. The NELP will not supplant the existing policies but rather supplement them.<sup>9</sup>


Once the chilli sauces are produced, the majority are consumed within country and customers access these sauces from local supermarkets (such as People's, City Supermarket, Seven-Eleven, etc) or through regional/international supermarkets that are operational in Malawi (such as South Africa's Shoprite). For some companies, such as Nali LTD, some of their sauces are exported to South Africa and a few European countries, including the United Kingdom.

It is important to note that some of the Malawi's bird's eye chillies are exported in its raw form. Organisations like Exagris Africa LTD and Tropha LTD tend to export their chillies to European markets in its raw form. There are also a few traders (mostly working as individuals) who buy the chillies from farmers and export it to processors in South Africa.

In value chain terminology, governance refers to the power that one player in the chain may exercise over the other players (Technoserve and ICRISAT, 2009). In particular, one player within the value chain set standards for the product, including the quality and volumes, and inevitably prices. The Malawi bird's eye chillies' value chain is a buyer-driven chain, like many agrifood value chains. The final buyer, who is at the apex of the chain dictates the quality of the product, thereby setting the standards of the products to be produced, and the conditions under which the chillies are to be produced in Malawi.

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<sup>9</sup> Malawi Government. 2018.  
National Employment and Labour  
Policy. Lilongwe

-  [hivossouthernafrica](#)
- [@hivosrosa](#)
-  [#PeopleUnlimited](#)  
[# WomenAtWorkCampaign](#)
-  [southern-africa.hivos.org](http://southern-africa.hivos.org)

 [hivossouthernafrica](https://www.facebook.com/hivossouthernafrica)

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# 4. FINDINGS FROM PRIMARY DATA

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## 4.1 Experience as a Worker in the Chilli Sector

Section 4 provides the main findings from the primary data that were collected through the quantitative workers' survey, focus group discussions with women workers, and key informant interviews. A total of 131 female workers in the chilli sector were interviewed in 4 districts - Salima, Mzuzu, Mulanje and Thyolo. All the female workers interviewed were affiliated to some chilli company, all of them were employees. Both quantitative and qualitative data were collected from this sample. Table 2 shows the sample distribution in each of the 4 districts.

**Table 2: Districts and companies where quantitative data were collected and the associated sample size**

District	Name of Company of Affiliation	Sample Size
Mulanje	Zikometso (NASFAM)	40
Thyolo	Nali Limited	21
Salima	Exagris	22
Mzuzu	Tropha	29
Total		112

The average age of the sampled women workers in the chilli sector was 39 years and they have been working in the chilli sector for an average of 6 years. The study found that the sampled workers from Salima were relatively more experienced working in the chilli sector (10 years) than in the other districts (see Table 3).

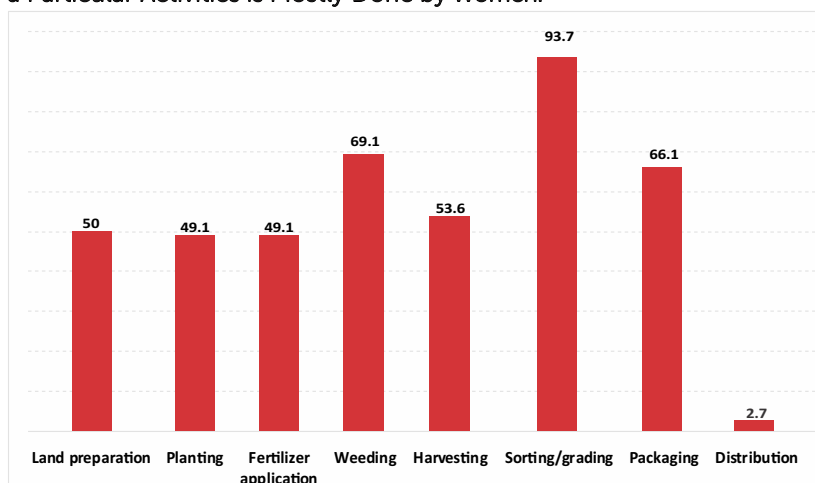
**Table 3: Average Number of Years Employed in the Chilli Sector**

District	Average Number of Years Employed
Mulanje	5
Thyolo	3
Mzuzu	5
Salima	10
Overall	6

## 4.2 Women Involvement in Chilli Value Chain Activities

Hivos' Women@Work Campaign is aimed at promoting safe and secure working conditions for women. This baseline study therefore analysed the key value chain activities which are mostly done by women along the chillies value chain. Respondents were therefore asked whether women workers are mostly involved in various activities in the chilli value chain.

**Figure 6 : Percentage of Sampled Women Workers Who Reported that a Particular Activities is Mostly Done by Women.**





The results, presented in Figure 6, show that women are involved in most of the activities along the value chain from production to grading and packaging. It is important to note that in our sample, around 94% reported that sorting and grading is mostly done by women. Indeed, among the workers that were interviewed in this study, 89.3% reported that they are personally involved in grading and sorting. The significance of these finding is that while most of the activities at the production level are done by both male and female workers (e.g. land preparation, planting and fertilizer application), sorting and grading is mostly left in the hands of women workers. This is an activity that has potential threat to their health if they work without protective wear and other precautionary measures. It is therefore important that occupational safety and health of women workers in the chilli sector are being promoted.

## 4.3 Assessment of Working Conditions of Female Workers in the Chilli Sector

Hivos' Women@Work Campaign is advancing equal treatment and equal pay of women, and that women enjoy their right to decent work<sup>10</sup> and that they are earning a living wage. This component of the study therefore assessed the environment in which female chilli farmers operate in. In particular, we assessed whether female workers are given equal treatment, equal pay, whether women enjoy their right to decent work and if they are earning a minimum or living wage. We further analysed the working conditions for the female workers, trade relations terms and conditions of work, working hours, dispute resolution, job alternatives, workers' rights, and collective organisation, etc.

### 4.3.1 Payment, Minimum Wage and Living Wage

The study found that wages did not differ between male and female workers in all of the sampled districts. The study further found that while some companies pay their employees based on the actual work done, others have a fixed daily wage. For example, at Zikometso Association of NASFAM, it was reported that all female workers are seasonal workers and have a fixed rate for a quantity of chillies to be graded, as the quote below illustrates:

*"We receive MWK 1,000 (€1.20) per 50kg of sorted and graded bag of dry chillies. If you finish sorting the bag in 3 days it means you still make MWK 1,000 (€1.20). I think this is not fair because it means that you have been coming here for 3 days only to make a MWK 1,000 (€1.20)."* (Female worker, Zikometso Association)

Further, sampled women workers affiliated to Tropha Estates in Mzuzu reported that all of the workers are on a permanent basis, as the quote below indicates:

*"We were receiving MWK 1,050 (€1.26) per day in the previous years and so we asked for an increment. The company recently increased our rate to MWK 1,056 (€1.27) per day. The payment was increased by MWK6 only. This is not fair. Working in the field is hard and we do work long hours. This needs to be reconsidered."* (Female worker, Mzuzu)

The study further found that in some of the companies the rate of payment received was dependent on the type of activity performed. For instance, at the Exagris Estate in Salima, women who were required to pick the chilli were receiving a higher wage than those involved in other activities. It was reported that picking chilli is a tedious activity and so if

**Table 4 : How Often the Female Workers are Paid their Wages**

Frequency of Payment	Percentage
Daily	0.9
Weekly	2.7
Fortnight	6.3
Monthly	90.2
Total	100

workers surpass the minimum Kgs required per person that day then they are given an additional cash (bonus) in addition to the MWK1,000 (€1.20) daily charge which is common for everyone.

The study further explored how often the women workers are paid and the results are presented in Table 4 across.

<sup>10</sup> Decent work has been defined by the International Labour Organization (ILO) as "opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men". (Source: <http://www.ilo.org/global/topics/decent-work/lang--en/index.htm>).

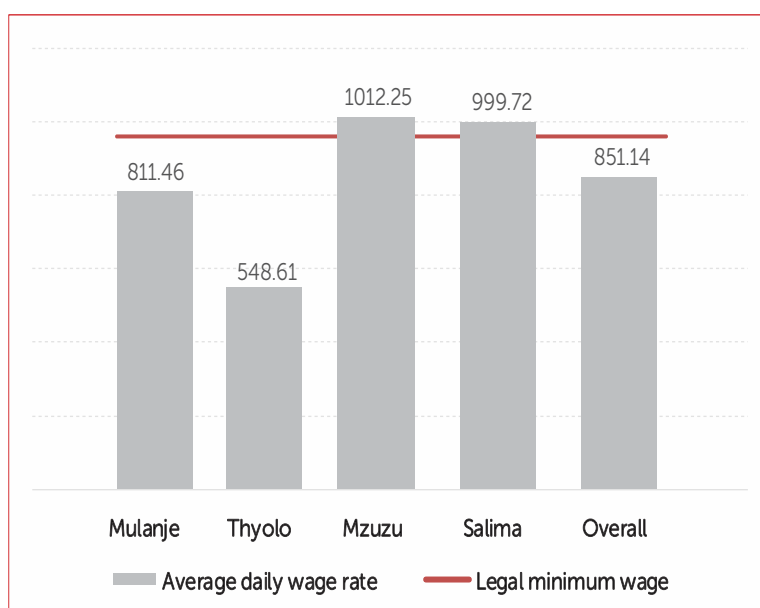
The majority of the female workers (90.2%) that were interviewed reported that they receive their wages on a monthly basis. Around 6% of the sampled women workers indicated that they are paid every fortnight (see Table 4).

However, some of the workers that were interviewed complained that they do not receive their wages on time. Although in the quantitative survey, over 90% of the workers reported that they are supposed to receive their pay monthly, it was reported during the focus discussion groups that most workers receive their payments late; for some it even takes between 2 and 3 months before receiving their payments.<sup>11</sup> The result is that most of them are not able to do anything productive with their money because they take loans and after they receive their money, it is all used to pay back their loans. The quote below illustrates this point:

*“We work months without receiving our pay. There is no difference between us who are working and those who are not. We receive the money very late.”  
(Female worker, Salima)*

The study further assessed whether female workers’ wages are above the legal required minimum wage. Minimum wage is defined as *the lowest wage/ remuneration permitted by law or a special agreement that an employer is supposed to get*. As per law only two minimum wages are legal, one for urban and the other rural areas. The Ministry of Labour, Employers’ Consultative Association of Malawi (ECAM) and the Malawi Congress of Trade Unions (MCTU) are involved in setting the minimum wage.<sup>12</sup> In Malawi, the minimum wage was raised to MWK 962.00 (€1.15) per work day in 2017 for both the urban and rural workers.<sup>13</sup> Figure 7 shows the average wage for the sampled women workers in each district and how it relates to the government-set minimum wage.

**Figure 7: Average Daily Wages (MWK) Received by Sampled Women Chilli Farmers and the Government-Set Minimum Wage**



The study found that overall the average daily wage paid to the sampled women chilli workers was MWK 111 (€0.13) lower than the minimum wage (see Figure 7). While the workers from Mzuzu (affiliated to Tropha Estates) and from Salima (affiliated to Exagris Ltd) were receiving wages that were higher than the minimum wage, the situation was appalling in Thyolo, where the sampled women chilli workers were receiving MWK 413 (€0.50) lower than the daily minimum wage. In Mulanje, the workers were also receiving a daily wage that is lower than the daily minimum wage by MWK 150 (€0.18). It is important to emphasize however that the daily rates that women workers reported receiving are the same for male and female workers.

It was further noted from the sample that only 41% of the women workers are receiving their wages that are equal or above the minimum wage. The remaining 59% are workers who are

<sup>11</sup> From the various FGDs that were conducted, it was clear that over 70% of the workers that were part of the FGDs indicated that they normally get their pay late.

<sup>12</sup> According to Article 54 (1) of the Employment Act 2002 the Ministry of Labour shall fix the minimum wage for all groups of wage earners in consultation with organisations of employers and workers.

<sup>13</sup> Find this at [www.faceofmalawi.com](http://www.faceofmalawi.com)

being paid below the minimum wage. This is an issue that needs urgent attention to ensure that all the employers in the chilli sector are complying with the minimum wage provision that is set by the government.

The study further found that the female workers' wages are lower than the poverty line for Malawi. The international poverty line has been set to US\$ 1.90 per person per day by the World Bank<sup>14</sup> which is equivalent to MWK1,397 (€1.68) per person per day. The study found that the female workers are being paid an average of US\$ 1.16 (MWK 851.14) per day which is significantly lower than the international poverty line. This implies that the amount of money the female workers receive is not adequate for them to purchase sufficient food to meet their daily caloric needs while providing a sufficient diversified diet to avoid malnutrition.

Although Malawi has no official living wage, the study explored the extent to which the wages that are being received by women chilli workers relate to the concept of a living wage. Living wage has been defined as *the remuneration received for a standard work week by a member in a particular place sufficient to afford a decent standard of living of the worker and her or his family* (Anker, 2006). Elements of decent standard of living include food, water, housing, education, healthcare, transport, clothing and other essential needs including provision for unexpected events.<sup>15</sup> Living wage should be sufficient for the workers to ensure that they are able to afford a basic life style considered decent by the society at its current level of development. Workers should be able to receive a living wage even without working overtime, this wage rate should be the standard achievement. Living wage is calculated by adjusting the wage according to the standard prices of the basic needs of that specific community. The study further analysed the living wage for the sample. The idea of living wage is that the workers and families should not live in poverty or be pushed out of poverty (if they are poor). Living wage should not just push workers from poverty but also allow them to participate in their social life and let them enjoy their social relations and workers' rights. The study assessed whether the female workers' wages are earning a living wage. This study used a living wage of MWK1,531 (€1.84) which was calculated by researchers using wages from tea estate workers.<sup>16</sup>

From the data collected none of the workers (male or female) reached the living wage level, they all are receiving money that is below the living wage of the rural society. This implies that the wages they earn are not able to push them out of poverty and that the cost of living in their society is higher than the money they are receiving. This result further stressed the point that the wages of female workers in the chilli sector are low, which is the case in the whole agricultural sector and as such, there is need to consider increasing their wages. The money they receive is lower than the money they need to afford to purchase well basic balanced diet, it is only for them to afford a low cost diet meal. There is need for chilli companies to consider improving their workers' wages. These results were consistent with results from the tea sector in Malawi (see Richard and Anker (2006); Wilshaw et al. (2014); ISEAL Alliance Report (2017) and Centre for Research on Multinational Corporations (SOMO, 2008)) all of which report that most of the tea estate workers in Malawi receive wages that are lower than a living wage. As Hivos continues to work in the chilli sector to promote the working conditions of women workers, it is imperative that it engages key stakeholders, including MCTU, EAM and the Centre for Social Concern<sup>17</sup> to advocate for the introduction of a living wage in the agricultural sector. This would ensure that women workers in the chilli sector, as well as all workers in the agricultural sector receive a remuneration that will allow them to afford a decent standard of living.

### 4.3.2 Contracts and Hours of Work

As specified in the Employment Act (2000), before an individual is employed, the employer is supposed to formulate a contract that should contain all the agreements describing the terms and conditions of employment. The employee is supposed to sign the contract upon agreeing with the terms and conditions. In this study, it was noted that the recruitment process was mixed, in other companies a written contract was issued while in others it was

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<sup>14</sup> The poverty line was found [blogs.worldbank.org](https://blogs.worldbank.org)

<sup>15</sup> Anker R (2006). *Living wage around the world: A new methodology and internationally comparable estimates*. *International Labour Review*. Vol 145 no. This definition is consistent with reviews of living wages and has been agreed by the following organisations Fairtrade International, Rainforest Alliance, UTZ Certified and Social Accountability International.

<sup>16</sup> The study used the living wage calculated by Richard Anker and Martha Anker (2014). The study calculate the living wage from data collected from tea estate workers. The living wage was a calculation of living wage per day on estimate living cost per month and they assumed that there are 23 work days in a full-time work month.

<sup>17</sup> Centre for Social Concern is a civil society organisation that collects data and publishes monthly reports on the cost of living in Malawi.

not. In Tropha Estates where all the female workers were employed on a permanent basis, written contracts were issued to all the female workers who agreed to sign a written contract before starting the job. The quote below illustrates this point:

*"Before I started the job I was given a paper and I was told to sign it. The paper was left with my supervisor in their office. This is required of every newcomer who starts working here." (Female worker, Tropha Estates, Mzuzu)*

This was also the same for Nali and Exagris Estates where written contracts were given to the female workers and signed. However, most workers didn't understand the contents of what they were signing or the purpose of the contracts. The quote below demonstrates this finding:

*"We are deducted for NICO insurance and we are told that our dependents will get the money if we die. I understand that this issue is stipulated in our contract. I do not know what the contract says. As for me, I do not want to participate in the NICO insurance thing but we are all forced into it." (Female worker, Tropha Estates, Mzuzu)*

The study further found that while the majority of women workers who are employed on a permanent basis sign written contracts before they start employment, it is not the same for seasonal workers. As the two quotes below show, casual and seasonal workers – both male and female- are not given written contracts when they get employed:

*"On the first day on the job, we were gathered together and the boss addresses us on how to work and we began working. We were told that if we think the workload is too much for us to handle then we are free to go so that someone else should replace us. We were not given any contract." (Female worker, Zikometso NASFAM, Mulanje)*

*"I work in the fields where we plant chillies. I never signed anything before starting the job." (Female worker, Nali Limited, Thyolo)*

Overall, the study has found that most companies in the chilli sector issue out contracts to workers who are staying longer and are on a permanent basis than those who are seasonal or casual workers. This condition is the same for both male and female workers. Discussions with MCTU, however, showed that the absence of a written contract does not necessarily mean that there is no labour agreement between the workers and the employer. The quote below illustrates this point:

*"Labour laws in Malawi recognize verbal contracts. Even though there might not be a written contract between an employer and an employee, a verbal agreement is still taken as a contract and both parties are supposed to adhere to the terms of the verbal agreement." (Key informant, MCTU).*

The implication of this finding is that seasonal and casual workers in the chilli sector can be said to be on a verbal contract with the employers. Nevertheless, it is important for the employers to ensure that written contracts are issued even to season and casual workers, especially women.

In terms of working hours, most of the female workers worked 8 hours a day for 6 days in a week which translates to 48 hours per week. Similar findings were reported from a study of workers in the tea sector in Malawi (see SOMO, 2010) and Anker (2006). We further found that in some cases the number of hours worked per day would be reduced or increased depending on the daily workload. It was reported that those who work in the chilli factories, for example, usually work beyond 8 hours per day.

The study further found that when workers go beyond 8 hours per day, they receive an overtime pay, which is added to their monthly wages. However, all the female workers we talked to were not aware how the overtime rate is calculated, as the quote below shows:

*"How the overtime rate is calculated is not known. Usually the money we receive for overtime is way lower than expected. This information needs to be disclosed to us." (Female worker, Tropha Estates, Mzuzu)*

A few women workers reported that there were cases where some female workers would not get any additional amount of money for the overtime or cases when they would receive less money than they expected. Due to lack of knowledge on the overtime calculations, this is an area where women workers could be exploited. To avoid exploitation, there is an urgent need for the companies to explain and disclose the hourly overtime rate for the workers.

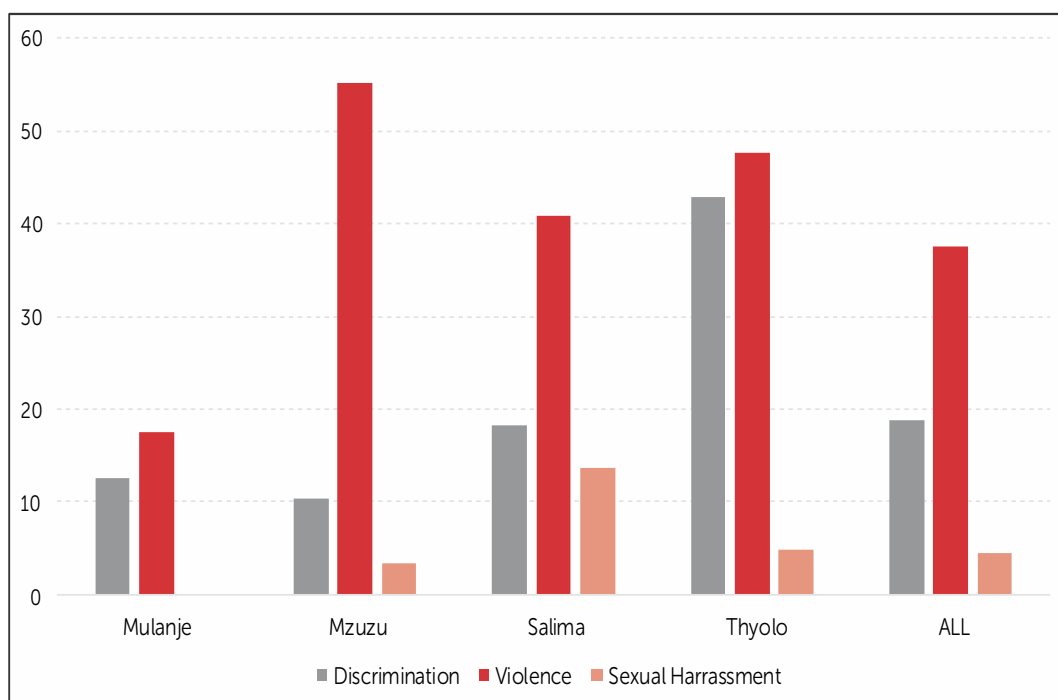
### 4.3.3 Workers' Rights, Discrimination and Sexual Violence

Every worker is entitled to certain rights at their workplace, including freedom of association, non-discrimination and lack of forced labour in abusive conditions. It is very essential that these rights are known not only to the employers but also to the workers themselves. Workers who know and understand their rights at the workplace are fully able to have and enjoy decent work, if they are not operating in such then they need to be empowered to demand conditions conducive to decent work. This study therefore assessed whether the female workers are aware of their labour rights.

The sampled women workers were asked whether they are aware of their rights as workers. The results show that the majority (74%) of the women interviewed were not aware of their rights at the workplace. Most of them believed that the employer has power over them and so they are supposed to do whatever they are required to do even if they are not comfortable with it. This is mostly due to the fear of losing their jobs. During focus group discussions with women workers, several cases were reported where some people were dismissed or fired at work simply for expressing their views on the working conditions they were operating in. This has brought fear into the workers to the extent that they accept anything that is demanded by the employers.

One of the key strategies of the Malawi Decent Work Country Programme is to ensure that Malawian workers are working without harassment or exposure to violence, including sexual exploitation. The study therefore assessed the extent to which women workers in the chilli sector suffer work discrimination and violence. The results, presented in Figure 8, show that while violence in the workplace is a common occurrence,<sup>18</sup> reported by 37.5% of the sampled workers, the problem was reported by more workers (55.2%) in Mzuzu and least reported by women workers in Mulanje (17.5%).

**Figure 8: Percentage of sampled women workers who reported ever suffering work discrimination, violence in the workplace and sexual harassment in the workplace, by district.**



<sup>18</sup> The most common form of violence that was reported is emotional or verbal violence, where supervisors would verbally abuse workers under them.



Discrimination in the workplace was reported by around 19% of the sampled women workers. The problem was most reported by women workers from Thyolo (43%) and least reported by workers from Mzuzu (10%) (see Figure 8). The most common form of discrimination that was reported was where some workers would be given heavier workload than their counterparts. Sexual harassment, on the other hand, was not a common occurrence as only 4.5% of the sampled women workers reporting ever suffering from sexual harassment at the workplace. In the course of data collection, a number of cases were reported where women were being sexually exploited to get special favours from their supervisors or anyone else who is in the management position above them. A study in the tea sector by SOMO (2010) found the same result where female tea pickers were being sexually exploited. Some women reported that women who had sexual relations with their supervisors were given lighter workloads compared to the rest of the workers. A good number of female workers interviewed reported that they themselves had never experienced sexual violence but they know women workers who have experienced sexual harassment in the workplace. The quote below from Thyolo District clarifies this issue:

*“Most of the people working in the field really want to work in the factory; it is everyone’s dream to start working in the factory. Some bosses ask for sexual relations with the promise of making this happen. Those who are stupid accept this but for me I will never do that for favours.” (Female worker, Thyolo)*

It was also reported that for some women who are involved in the sorting and grading of chillies in Mulanje are also sexually exploited by their supervisors as the quote below indicates:

*“Some workers who have sexual relations with the men from the warehouse are given good quality chilli so that they grade and sort more bags than the rest of us.” (Female worker, Mulanje)*

The results in Figure 8 on violence and sexual harassment in the workplace are not surprising since there is a lot of under reporting in this area due to fear of losing one’s job and also due to cultural reasons, among other reasons (there are a number of research findings that support this point). One suggestion for overcoming the problem of under reporting could be to use women to interact with the women employees in chilli when trying to get the information.

#### 4.3.4 Decent Working Conditions

Decent work can be divided into two components, the first part has to do with opportunities, remuneration, security and conditions of work. The second part of decent work emphasizes on social relations of workers. Social dialogue/relations refers to rights of workers to engage in discussions with employers and authorities over matters bearing work.<sup>19</sup> ILO (1999) reported that social dialogue requires participation and freedom of association and is therefore an end in itself. It’s also a means of ensuring conflict resolution, social equity and effective policy implementation. It is the means by which rights are defended, employment promoted and work secured. It is a source of stability at all levels from enterprise to society at large.

This study found that women chilli workers in Malawi suffer from major decent work deficits. According to the Malawi Decent Work Country Programme, decent work deficits are defined as *“the absence of sufficient employment opportunities, inadequate social protection, the denial of rights at work and shortcomings in social dialogue”*. The focus group discussions conducted in all the districts showed that this is the major challenge that chilli companies have. The study found that all chilli workers face problems in voicing out their concerns to their employers and its worse for female workers. Women tend to be more reserved and they are less vocal compared to men. Most of them lack skills to face the people in leadership and this might be because men mostly hold leadership positions in the society compared to women. The workers have no platform to engage with their employers into honest conversations. If a worker dares to raise their voice, the penalty of such is dismissal. In some companies this was severe while others the extent of the problem was not as much,

<sup>19</sup> International Institute for Labour Studies, Decent work: Concepts, models and Indicators

however, this was a common problem in all the companies that were interviewed. Workers have no adequate space to contribute to any decision affecting them. During data collection for this study, some female workers were even afraid to talk to the field team even after assuring them of the confidentiality of the information that was being collected. The workers were afraid that if the information they gave to the research team reached their bosses then they would be dismissed. One female worker had this to say on the same issue:

*"I am so afraid even to follow up on how my money of overtime has been calculated. You cannot ask such questions to your supervisors and still have your job. If you say anything that is against your immediate boss you are immediately dismissed. This is not fair." (Female worker, Mzuzu)*

The study further found that some workers are denied the opportunity to enjoy their freedom to associate. The study did not find any company which had a worker representing the rest of his/her fellow worker in an executive committee in the company. There was no formal committee that can act as a bridge between the workers and those in management, as these groups were reported to be prohibited. There was a case where employees tried to form a group which would represent them to the management and all the people spearheading this were dismissed. In some instances, workers were able to report to management but their ideas and opinions were not considered. The workers complained that even if they voice out their issues, nothing changes. The quote below illustrates this point:

*"These people don't listen to our suggestions of improving the conditions here. No matter how much we report to the bosses here, nothing changes. They only acknowledge our concerns but never really do anything to change things around here." (Female worker, Mulanje)*

The study further found that chilli workers in Malawi do not belong to any trade union that would promote their rights as workers, and ensure that decent work deficits are being addressed. In some of the chilli companies, employers were reported to be reluctant to have their workers unionised, as the quote below illustrates:

*"The Malawi Congress of Trade Union came at the offices to talk to us about our labour rights. The office, however, declined their request to work with us." (Female worker, Mzuzu)*

Discussions with MCTU, however, emphasized the need for the women chilli workers to join a trade union which would ensure that their labour rights are being protected. It would also be able to negotiate with the employers on good working conditions for the women workers. The quote below emphasizes this point:

*"The chilli workers should get unionised. They can join the Tobacco Tenants and Allied Workers Union of Malawi. The good thing is that some of the employers are already members of the Employers' Consultative Association of Malawi (ECAM). If the workers get unionised, most of the decent work deficits would be addressed." (Key informant, MCTU)*

#### 4.3.5 Occupational Safety and Health

Occupational safety and health is an important aspect of decent work. The Occupational Safety, Health and Welfare Act governs the operations of occupational safety and health in the workplace (ILO, ECAM and MCTU, 2011).<sup>20</sup> The study explored the extent to which occupational safety and health are being promoted in the chilli industry. This is based on the fact that chillies need to be handled with care considering the fact that they are hot. Workers need to wear protective gears to ensure that they avoid contact with their eyes or/and inhaling it.

The study found that most of the companies provide protective gear for the employees, but the study has established that there are some employees who work without protective wear, as the companies do not always have adequate protective wear for all the employees. In

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<sup>20</sup> ILO, ECAM and MCTU (2011) Malawi Decent Work Country Programme, 2011-2016.



cases of such shortages, seasonal and casual workers are the ones who work without protective wear. A quote from Salima illustrates this point:

*“Not everyone uses protective gears. We are usually sent to the field with nothing. Handling the chillies without protective gears is dangerous because visiting the toilet is hard, eating is hard, and everything becomes hot.” (Female chilli worker, Salima)*

Another quote from Mulanje shows the effects of working without protective wear:

*“We are always having tears in our eyes when grinding chillies into powder because it’s very hot. The smell of the chillies makes you cough all the time. Our employers know this and yet we are not given any protective gears to wear when handling the chilli.” (Female chilli worker, Mulanje)*

The importance of having a reliable access to water at a workplace is obvious, more so when dealing with chillies. This is also a requirement in the Occupational Safety, Health and Welfare Act. However, some of the premises that were visited during the study did not have readily available water, as one female worker explained:

*“We usually don’t have water here at the premises. This is hard because after handling the chilli you are supposed to wash your hands thoroughly. Chilli burns a lot and I feel like making water readily available for us is very important, this is not the case here though.” (Female worker, Mulanje)*

Further, some of the women workers that we interviewed reported that they are supposed to receive fresh milk every day.<sup>21</sup> There is a similar practice for workers in the tobacco industry. Our study, though, found that most of the companies do not provide any milk for the employees. The quote below emphasizes this:

*“Chilli comes with its health complications and so we are supposed to receive milk to help clear out our systems. This arrangement stopped a long time ago and sometimes we fear for our lives. We still work because we are poor but this should be reconsidered. Management should start providing us with milk again.” (Female worker, Mulanje)*

The study found that there were a lot of positive elements in most of the companies to promote decent working conditions. For example, in some companies workers are provided with food for lunch or breakfast. At Zikometso, Exagris and Nali, women workers reported being provided with either breakfast or lunch and, in some cases, they are provided both meals. This was impressive considering that the work they do is tedious and they work for long hours.

At Exagris LTD in Salima, it was reported that for women who come to work with their children, a person is appointed to look after all the children until their mothers are done. The company also does not allow breastfeeding mothers to handle chilli. If a woman gets pregnant, they are immediately transferred to handle other crops.

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<sup>21</sup> This was based on a verbal and not written agreement.

# 5. KEY STAKEHOLDERS IN THE CHILLI SECTOR

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## 5

A stakeholder mapping was undertaken to identify the individuals (groups, organisations, institutions) whose interests must be considered during the Women@Work Campaign that will target women chilli farmers in Malawi. The stakeholders were analysed in terms of (i) interest; (ii) importance; (iii) resources. The stakeholder analysis will identify which institutions, groups or individuals need to be targeted to promote women chilli farmers working conditions and ensure that women chilli farmers are getting equal treatment and equal pay while guaranteeing their right to decent work and to earning a living wage.

The following groups were mapped:

### 5.1 The Malawi Congress of Trade Unions (MCTU)

The Malawi Congress of Trade Unions (MCTU) is currently the most representative of the two existing trade union federations, the other being the Congress of Malawi Trade Unions (COMATU). There are 26 registered trade unions, of which 22 are affiliated to MCTU and two to COMATU respectively, two being independent. MCTU's 24 affiliates account for approximately 300,000 members in different sectors of economy. MCTU's main objective is to defend the workers' rights and human rights in general. The Union gets its mandate from the Malawi Constitution. Since its establishment in July 1995, MCTU has been working to promote the rights of Malawian workers while protecting them from exploitation.

There are around 3 unions in the agriculture sector, which are all affiliated to MCTU. The first is the Plantation and Agriculture Workers Union (PAWU), which serves the interests of workers in the tea industry. The Sugar Plantation and Allied Workers Union works in the sugar industry, while the Tobacco Tenants and Allied Workers Union of Malawi works to protect the rights of tobacco tenants and other workers in the tobacco industry. Discussions with representative from MCTU showed that if chilli workers were to be organised they would fit in the Tobacco Tenants and Allied Workers Union of Malawi.

### 5.2 The Employers' Consultative Association of Malawi (ECAM)

The Employers' Consultative Association of Malawi (ECAM) was registered in 1963 under the Trustees Incorporation Act of Malawi as an employers' trade association representing all subscribing employers. It have direct membership from 250 organisations, which includes 6 associations. The associations represents over 277,000 members. The primary role of the Employers' Consultative Association of Malawi is the promotion, guidance and protection of employers' interests in labour, employment and socioeconomic issues.

A unique advantage that ECAM has over other organisations that deal with employers in Malawi is that it is the only institution recognised by the Labour Relations Act (LRA) of 1996 as a representative body of employers. ECAM thus forms part of the tripartite in the labour market in Malawi which is comprised of the government as represented by the Ministry of Labour, and the Malawi Congress of Trade Unions (MCTU), representing unions.

## 5.3 Ministry Of Labour, Youth, Sports and Manpower Development

The project will work hand in hand with the government Ministry of Labour, Youth, Sports and Manpower Development. All labour related issues fall under this Ministry.

## 5.4 Other Key Stakeholders


The study also identified other key stakeholders that would also play an important role in ensuring that working conditions of women in the chilli industry are decent. These include (i) Ministry of Gender, Community Development and Social Welfare, through its District Social Welfare Offices; (ii) Ministry of Industry and Trade, since the employers (which are chilli companies) are affiliated to this Ministry; (iii) Ministry of Agriculture, Irrigation and Water Development (iv) traditional leaders, since the chilli estates are under the jurisdiction of traditional leaders, who are often influential; (v) the chilli cooperatives (for workers that belong to a cooperative).

## 5.5 Potential Roles of the Stakeholders in the Women@Work Campaign

In its Women@Work Campaign, Hivos will need to work closely with the MCTU (and its affiliates) to ensure that all chilli workers belong to a union where their labour rights would be promoted and protected. MCTU has the necessary capacity to organise chilli workers into unions, and assist them to negotiate for decent working conditions with the employers. Since MCTU gets its mandate from the Malawi Constitution, it is strategically positioned to engage to address the decent work deficits that currently exist in the chilli sector. Further, MCTU is also able to assist organisations and its affiliated unions to develop workplace policies, such as sexual harassment policy, gender policies, etc. This is necessary to address the work-related violence and sexual harassment cases that have been reported in this report.

The Women@Work Campaign needs also to work closely with ECAM to ensure that all the employers (chilli estates, processing plants and factories) are members of ECAM. This would allow for easy negotiations for decent working conditions for workers, while ensuring that the interests of the employers are also being protected. The involvement of these two apex bodies – one representing the employers (ECAM) and the other representing the workers (MCTU) would be ideal to ensure decent work for women in the chilli value chain.

Based on the review of the policies and legislation in Malawi, it is apparent that policy environment is favourable for the successful promotion of decent work for women in the chilli sector. Further, the experience and existing collaboration between the Ministry of Labour, MCTU and ECAM under the Tripartite Labour Advisory Council (TLAC) is essential for Hivos to build upon to ensure that initiatives are put in place to ensure successful promotion of decent work for women in the chilli value chain.

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# 6. CONCLUSION & RECOMMENDATIONS

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## 6.1 Conclusions

This study was commissioned to assess the situation and working conditions of women workers in the chilli value chain in Malawi and thereby inform the implementation of the Women@Work Campaign in Malawi. The study has found that Malawi has important legislation and policy instruments that are able to ensure that women workers in the chilli sector enjoy their right to decent work, if well implemented. The study has further found that women are actively involved in all the production activities along the chilli value chain. However, they are almost exclusively involved in the sorting and grading of chillies. When doing this activity some women workers are not provided with protective gear, thereby risking their health. The study has also found that, overall, our sampled women chilli farmers are receiving wages that are lower than the government-set minimum wages. Further, the majority of the workers are not aware of their rights as workers. The study has also found that in all the districts that were visited women chilli workers do not belong to any union that would advocate for their labour rights. Further, occupational safety and health are also compromised by the majority of employers in the chilli sector.

The study has identified key stakeholders that Hivos should work with under its Women@Work Campaign to promote safe and secure working conditions for women chilli workers in Malawi. These include MCTU, ECAM and the Ministry of Labour.

## 6.2 Recommendations

Based on the findings of the study, the following recommendations are provided. Each recommendation has an associated timeframe (immediate; short term (1-6 months); medium term (6 months- 1 year) and long-term (beyond 1 year)). We have also identified key stakeholders for each recommendation that Hivos need to engage and work closely with. **Table 5:**

Recommendation	Potential Stakeholders to be Engaged	Timeframe
1. Ensure that chilli workers are unionised and that women workers should be members of the union.	MCTU	Immediate
2. Ensure that employers in the chilli industry are adhering to the government-set minimum wages.	ECAM, MCTU and Ministry of Labour	Immediate
3. Promote awareness among workers on overtime rates and ensure that employers disclose overtime rates to their employees.	Nali LTD, Exagris LTD, Tropha Estates, NASFAM (Zikometso), ECAM and MCTU	Immediate
4. Promote issuance of written contracts to all workers, including those on seasonal employment.	Nali LTD, Exagris LTD, Tropha Estates, NASFAM (Zikometso), ECAM and MCTU	Immediate
5. Address violence, discrimination and sexual harassment in the workplace, especially those targeting women chilli workers.	Nali LTD, Exagris LTD, Tropha Estates, NASFAM (Zikometso), ECAM, MHRC and MCTU	Immediate
6. Promote occupational safety and health.	Nali LTD, Exagris LTD, Tropha Estates, NASFAM (Zikometso), ECAM, MCTU and Ministry of Labour (Occupational Safety and Health Directorate)	Immediate
7. Sensitise women chilli workers on their rights as workers.	MCTU, MHRC	Short-term
8. Work with key stakeholders to advocate for a living wage in the agricultural sector.	MCTU, ECAM, Centre for Social Concern	Medium term
9. Smallholder farmers should be the focus of future campaigns as labour rights also extend to the self-employed as well, who will also may hire additional help/labour.	MCTU, MRHC, ECAM, Centre for Social Concern	Future projects



# ANNEX 1:REFERENCES

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