

Human Rights Impact Assessment Colombian bananas

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Lidl International



Ergon



Executive Summary

This report presents the results of a human rights impact assessment (HRIA) of the Colombian banana supply chain conducted by Ergon Associates (Ergon) on behalf of Lidl International (hereafter Lidl).

HRIA approach

Ergon have developed a HRIA methodology based on the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises. The methodology is designed to systematically identify potential positive and negative human rights impacts arising from specific business activities and relationships and qualify them according to significance (saliency). Based on rightsholder feedback and a review of the company's existing processes and standards, Ergon has developed recommendations for actions to mitigate, prevent and/or remediate identified potential and actual adverse impacts. These recommendations may be used to support the development of a Human Rights Action Plan, which is to be developed independently by retailers.

Summary of HRIA methodology

The HRIA methodology for the Colombian banana supply chain included desk-based research and analysis, remote stakeholder engagement conducted with support from a local partner (in lieu of an in-country field visit, which was not feasible owing to COVID-19 travel and safety restrictions), an impact assessment, and development of recommendations for action areas to mitigate, prevent and/or remediate identified salient impacts.

The assessment considered the different perspectives of people that are affected by activities within Lidl's banana supply chain. Potentially impacted rightsholders, such as male and female workers, as well as several key supply chain actors – including banana farm managers, Colombian suppliers, direct suppliers, and key Lidl staff – were identified through desk research and early engagement. In addition to this, the process engaged stakehol-

ders beyond Lidl's immediate supply chain, including trade unions, civil society organisations, such as women's rights organisations and other NGOs. This engagement allowed for an improved understanding of key human rights issues, the banana production process, and the structure of the banana sector in Colombia. Special consideration was taken to incorporate the views of women, Afro-Colombians, and smallholders.

It is important to highlight that while this HRIA did engage with some of Lidl's banana suppliers and producers from Colombia, the HRIA and impacts identified are findings that relate to the Colombian banana sector as a whole and should not be attributed to specific producers or suppliers. The study is not an audit, nor an assessment of those suppliers or producers who kindly provided their time and information.



Supply chain overview

Activities included within the scope of the HRIA.

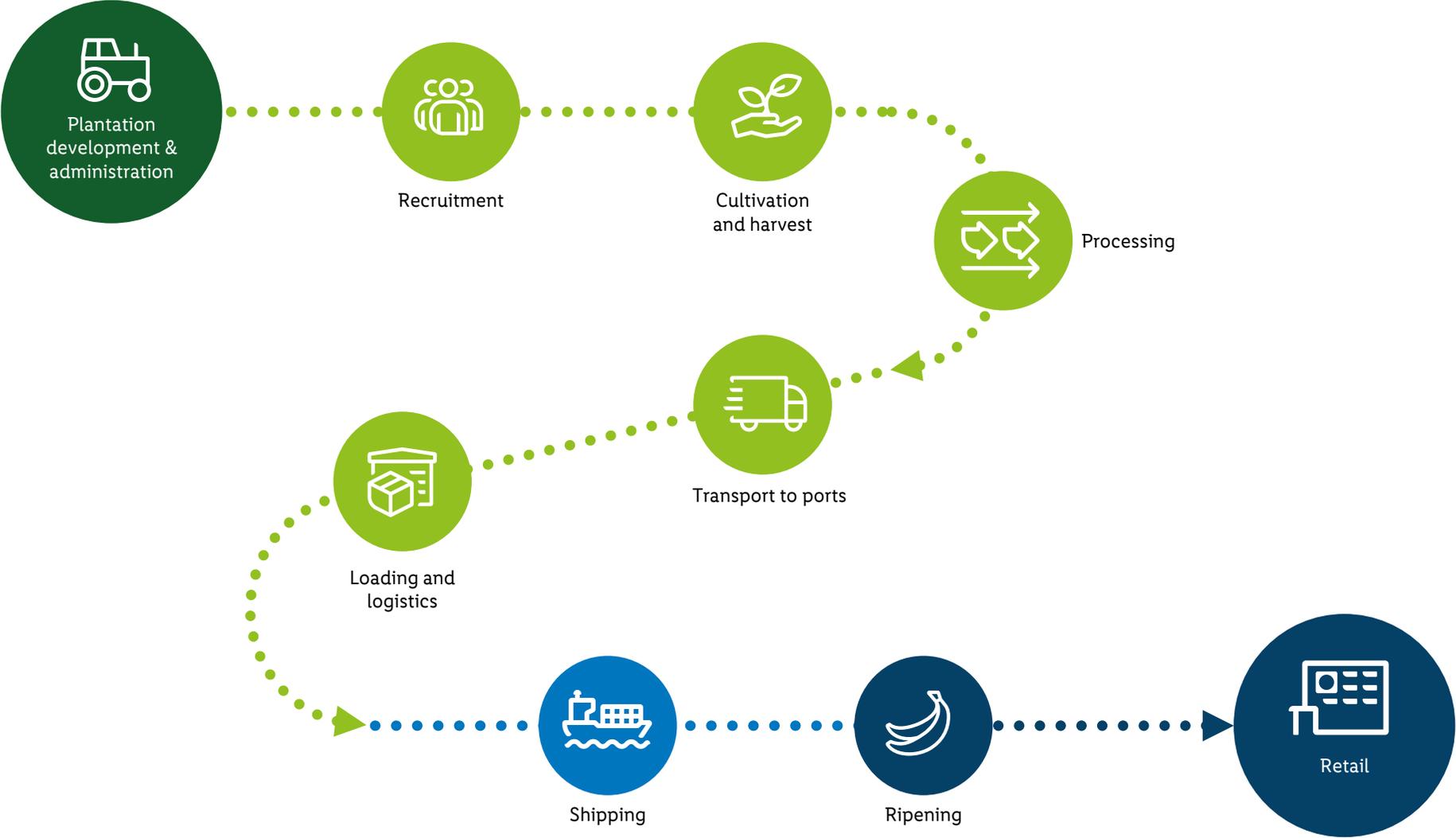
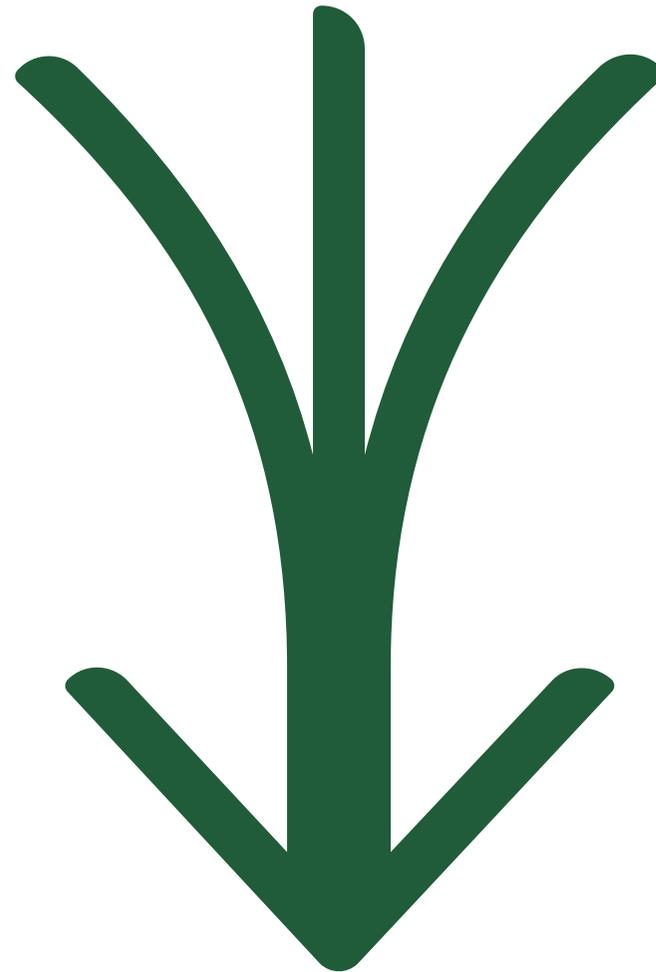


Figure 1 Key supply chain activities in scope

Summary of potential impacts

The impact assessment identified positive and negative human rights impacts in the Colombian banana supply chain. The following table summarises the human rights areas in which the most salient negative impacts may arise, according to the impact assessment. These are listed alongside the supply chain activities that may be associated with the impact.

For some of the activities (indicated in grey cells in the column 'Potential Lidl linkage'), a potential linkage has been identified. This means that an impact is potentially influenced by one or more of Lidl's commercial activities, by decisions or omissions, in activities such as purchasing practices or supplier requirements. Where an impact is distinct to one of the two production areas, this is indicated. Descriptions also highlight specific rightsholder groups affected, including women workers.



Rights issue	Activities	Potential Lidl linkage	Description – Potential risk issues across the sector
	Working conditions (incl. wages)	Cultivation and harvest	<p>Urabá: Banana workers are reported to be close to earning wage levels which are in line with living wage benchmarks, especially those covered by the main Collective Bargaining Agreement (CBA). Wages of workers contracted through cooperatives may be lower. Although working hours are regulated in the CBA, workers are at risk of working additional and excessive hours on holidays and weekdays. There are issues with workers that do not receive a pension because they have not managed to complete the number of work weeks required to receive a pension. This is often due to historic cases of labour informality.</p> <p>Santa Marta: Increased chance of temporary workers. Risk of excessive working hours as workers are under pressure to finish a defined number of tasks. Workers may be hired on a daily basis and are likely to not work every working day, which may result in low monthly earnings from their work in the sector. However, workers are very likely to have extra earnings from other activities outside the banana sector.</p>
	Loading and logistics at ports	Yes	<p>Isolated allegations of excessive working hours (80–90-hour weeks) at Urabá ports were identified, as well as use of temporary contracts for ease of dismissal. Claims that living wages are not paid. Labour inspection in the ports has reportedly been reduced, with consequences for working conditions.</p>
	Shipping		<p>Risk of excessive and irregular working hours and there are many physical and mental health and safety risks for seafarers owing to working at sea for extended periods of time. This has become exacerbated during the COVID-19 crisis with large numbers of seafarers stranded at sea beyond their normal contract periods. In some countries, there are issues around port workers and/or seafarers not being paid sectoral minimum wages.</p>
Occupational Health and Safety (OHS)	Cultivation and harvest	Yes	<p>Work in the field is highly physically demanding and is often performed in high temperatures. While protocols are in place, there are reports that pesticide biosecurity protocols are not always adhered to by some producers, negatively impacting workers' OHS. Isolated reports of workers' exposure to pesticides causing loss of eyesight and damaged skin. Isolated stakeholder allegation that workers with health problems are forced to work. Public healthcare is reportedly limited and poor.</p>

	Rights issue	Activities	Potential Lidl linkage	Description – Potential risk issues across the sector
	Freedom of association and collective bargaining	Cultivation and harvest		Urabá: Rates of unionisation are comparatively high and the CBA and related negotiations between the largest union and employers' association are effective and widely well-regarded. However, members of a minority union have allegedly faced previous blacklisting by some employers. Minority union leaders have also experienced (death) threats in recent years and non-recognition by employers, although both issues are reported to have declined significantly since 2017.
			Yes	Santa Marta: Fewer workers are unionised and stakeholders report there is more reluctance towards unions from both employers and workers. Isolated reports of dismissals due to union membership in Magdalena. Potential heightened risk on smallholder farms.
		Loading and logistics at ports	Yes	Reports of anti-union behaviour and sentiment – including discrimination in recruitment and dismissals as a result of trade union affiliation at Urabá port.
	Non-discrimination and equal opportunity (labour)	Recruitment	Yes	Male-dominated workforce, with women workers primarily working in processing. Workforce demographic heightens potential risks for employment discrimination in recruitment.
		Cultivation and harvest	Yes	The workforce in the field is predominantly male. It is reported that male workers' teams in the field are vocally reluctant to work with women in the field, as they are considered to tire more easily of the heavy work, which would limit the team's earnings. Representation of women in some workers' committees can be limited.
		Processing	Yes	Women tend to represent a larger proportion of the workforce in packing houses, compared to field work. This is reportedly due to gendered perceptions that this work is more suitable for women. Women report that they are subjected to sexist comments from male co-workers. Packing roles are generally paid less. However, men also work in packing roles and there were no reports of men and women receiving different earnings in packing roles. Some stakeholders report that the sector is not attractive for women and largely inflexible for mothers.
		Shipping		Continuing barriers to women's inclusion in the maritime transport sector are reported.
		Recruitment	Yes	Reports of isolated cases of women having to perform sexual favours in order to get or maintain a job.

	Rights issue	Activities	Potential Lidl linkage	Description – Potential risk issues across the sector
	Gender-based violence and harassment (GBVH)	Processing	Yes	Sexual harassment, verbal and physical, by both employers (incl. coordinators and managers) and other workers is reported as a risk issue. This is an issue in the workplace and during recruitment. Women can feel at risk of being fired. Burden of proof on victims in formal complaint and court proceedings hinders access to remedy. Sexist comments from male coworkers are reported to be fairly common.
		Shipping		Masculine values and norms are reported to be evident in the occupational culture of seafaring and sexual harassment can be triggered towards a lone woman seafarer. Multinational crews at ocean-going vessels are likely to bring various gender norms that may include different interpretations and expectations of women working at sea, which may cause tensions.
	Availability and accessibility of workplace grievance mechanisms	Cultivation and harvest		Santa Marta: Different potential routes to remedy are available: suggestions box, worker representatives. A stakeholder mentioned that their suggestions box has not been used once in the past three years, which raises questions with regards to the effectiveness and accessibility in practice.
		Processing	Yes	Reports indicate that grievance mechanisms may not always be accessible and effective – for example, with women being asked to prove cases of sexual harassment in some companies – which is often very difficult. Women can also be underrepresented on committees that workers report cases to.
	Adequate standard of living (housing, food, water)	Cultivation and harvest	Yes	Santa Marta: Banana cultivation activities in Santa Marta area are reported to have left rural residents without sufficient water for their crops and own consumption, resulting in some residents having to abandon their lands. Stakeholder interviews do not mention this issue specifically.
		Cultivation and harvest	Yes	Aerial fumigation of agrochemicals used in banana cultivation can reportedly have serious negative health impacts on communities nearby plantations in Urabá through exposure in air and water. Additional reports of communities lacking access to affordable and sufficient healthcare.
	Right to life/ physical integrity	Cultivation and harvest		Potential security issues for local communities and workers due to presence of armed groups and guerrilla groups in the area.
	Adequate standard of living (livelihoods)	Cultivation and harvest	Yes	Reports of the positive impact of the sector for the employment of local communities.

Links to Lidl

Under the terms of the UNGPs there is a general approach to consider the extent to which impacts are related to an enterprise by determining the extent to which a business can be said to cause, contribute to, or be directly linked to an impact. Lidl has no direct contractual or investment relationships to the lower-tier supply chain activities where the most salient human rights impacts have been identified, therefore Lidl was not found to cause or contribute to any actual or potential impacts. However, Lidl can be linked to some impacts through elements of its commercial activity as a retailer.

The impacts identified through this HRIA are driven by a variety of root causes. A root cause analysis of the different impacts found three key groups of root causes: sectoral and commercial drivers; government and regulatory framework drivers; and contextual drivers. An impact often has a variety of root causes.

During the assessment, three categories of retailer commercial activity were used to help identify whether an impact could be linked to Lidl during the assessment – either through Lidl’s action or inaction in these areas. These are:

- Supplier selection and requirements
- Purchasing practices
- Pricing

These categories of commercial activity are common to all retailers.

Recommended actions

Summarised below are actions recommended for Lidl to mitigate and/or prevent the most significant negative impacts and enhance the positive impacts within its Colombian banana supply chain. This includes potential impacts that can be linked to Lidl. The recommendations include actions that Lidl can undertake unilaterally, as a single retailer, or collaboratively – with existing initiatives. Given the number of initiatives and rates of certification within this specific supply chain – many impacts may be most effectively addressed collaboratively.

- Strengthen standards: strengthen Lidl’s Human Rights Due Diligence (HRDD) processes
- Make a long-term public commitment to increasing % of Fairtrade bananas from Colombia
- Assume responsibility for certification costs and implementation of Rainforest Alliance
- Tackle non-discrimination and sexual harassment (GBVH): strengthen policy and reporting requirements
- Tackle non-discrimination and sexual harassment (GBVH): supply chain project
- Extend the Lidl grievance mechanism down the supply chain
- Advocate and further study freedom of association in the supply chain
- Continue and expand commitment on living wages in this sector
- Working group: find collaborative solutions to contextual challenges in the Colombian banana sector

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Purpose and scope

Background

Lidl is a major international retailer of predominantly food products. Its network of food supply chains is complex and associated with a variety of challenges regarding sustainability in general, and human rights specifically. The Schwarz Group, which includes the retail chains Kaufland and Lidl, recognises its responsibility to respect human rights. In the Schwarz Group Human Rights Policy Statement, the Group states that identifying risks, assessing potential impacts and developing effective countermeasures is an ever-present challenge in implementing human rights due diligence. The Group commits to work together with their partners along the value chain to bring about continuous improvement in this area.

Selection of Colombian bananas for study

Fruit and vegetables were identified as a high-risk product category in a global human rights risk analysis carried out by Lidl. Bananas, one of the highest-volume products in this category, were highlighted as a key risk commodity. This HRIA focusses on Colombia, where Lidl sources the largest volumes of bananas, has long-term supplier relationships and where there are known historical human rights challenges. Prior to this assessment, Lidl has not conducted any previous specific research or studies on social issues or human rights in its banana supply chain from Colombia.



As part of its due diligence efforts, Lidl contracted Ergon to conduct a human rights impact assessment (HRIA) on the banana supply chain originating in Colombia. This report outlines the methodology, research and results of the HRIA.

The aim of this HRIA was to provide:

- An understanding of how specific supply chain relationships and activities have the potential to impact internationally recognised human rights.
- Expanded information on salient impacts, including an assessment of contextual issues and root causes.
- Engagement with relevant 'rightsholders' and other stakeholders and incorporation of their views related to actual or potential impacts.
- Recommendations to mitigate, prevent and/or remediate identified negative impacts and enhance positive impacts.

Methodology

General approach

Ergon regards a HRIA as a specialist study designed to support companies' due diligence efforts in relation to a number of international standards and frameworks, notably the UN Guiding Principles on Business and Human Rights and the OECD Guidelines on Multinational Enterprises. Ergon's methodology is designed to systematically identify actual and potential human

rights impacts¹ arising from specific business activities and relationships, and qualify them according to significance. Based on rightsholders and stakeholder feedback and a review of the company's processes and capacities, appropriate recommendations for action areas are developed to prevent, mitigate and/or remediate identified actual or potential human rights impacts.

Step-by-step methodology

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Review business activities	Scope potential human rights	Baseline analysis	Stakeholder engagement	Impact assessment	Root cause analysis and development of recommendations
Map relevant business activities, processes, and value chain relationships relevant to sourcing bananas from Colombia to provide structure for analysis. Interview internal stakeholders at the company, including the CSR department and buyers, to understand internal processes, as well as key business partners, such as suppliers.	Produce a shortlist of relevant human rights (potentially) impacted within the supply chain to provide structure for the impact assessment. Identify categories of rightsholders that are likely to be affected by human rights impacts to focus further research and engagement on, including women and smallholders.	Undertake desk-based research to use as a reference point for evaluating impact and focusing stakeholder engagement. Focus on identified categories of rightsholders (likely to be) impacted by human rights issues in Colombia.	Identify and prioritise known stakeholders and partners to engage in the assessment with input from a local expert. Ensure potentially impacted workers, smallholders and communities are represented. Local expert to conduct extensive remote stakeholder engagement.	Collate a registry of potential and identified human rights impacts associated with supply chain activities and the rightsholders they affect.	Identify the most salient impacts, including an assessment of root causes and assess how these impacts may be linked to Lidl business activities. Review of Lidl and its business partners existing and potential responses to the identified salient impacts. Develop recommendations for action areas to prevent, mitigate and/or remediate identified impacts – informed by stakeholder and rightsholder feedback.

¹ We understand a **potential** human rights impact to be a **risk** of an adverse impact on the enjoyment of rights (e.g. forced labour), or the possibility of a positive impact. This is distinct from an **actual** human rights impact, which refers to situations where human rights impacts have **already occurred**, and in the case of adverse impacts require intervention and remediation (see e.g. German Global Compact, 2016).

Scope of the study

Key supply chain activities, human rights, and rights holders in scope

At the start of the HRIA process, Ergon worked with Lidl to map out the key business activities undertaken at each stage of the supply chain. This has been based on a review of relevant reports and sectoral analyses, a review of Lidl's systems and processes and engagement with Lidl and their key banana supplier. The main areas of research focus have been on the lower tiers of the supply chain, taking place in Colombia, due to the higher propensity for risk. The graphic (figure 2) shows all relevant activities in the banana supply chain originating in Colombia. Green indicates activities taking place within Colombia, whereas blue signals sea transport and activities taking place in the destination country.



Figure 2 Key supply chain activities

Methodology

Following the mapping of supply chain activities, a scoping process was conducted to identify which internationally recognised human rights² are likely to be affected by each supply chain activity. The purpose of this exercise was to produce a practical shortlist of rights to focus on in the subsequent phases of the HRIA (see figure 3).

In addition to shortlisting rights, an analysis of which categories of rights-holders were in scope for the HRIA was also conducted. It is important to note that few categories of rightsholders are fully distinct; persons may be in several categories of rightsholders. For example, a farm worker is also part of a community; women are also part of a community; and persons from ethnic minority groups are also workers as well as community members.

The graphic below (figure 4) outlines the categories of rights holders that were in scope for this HRIA. Note that impacts were not identified for all rightsholders in scope. For the purposes of this impact assessment these categories of rightsholders have been grouped in three main categories: workers, women, and communities. This has enabled identification of broad groups that were identified as most significantly impacted.

² Selected from a long list containing those rights expressed in the International Bill of Human, the nine core UN Human Rights treaties as well as those rights contained in the eight ILO Core Conventions.

The rights in scope for this HRIA

Labour rights	
<ul style="list-style-type: none">• Working conditions (contracts, wages, working hours)• Forced labour• Child labour• Occupational Health and Safety (OHS)• Freedom of association and collective bargaining• Availability and accessibility of workplace level grievance mechanisms• Employment discrimination• Gender-based violence and harassment (GBVH)	
Economic and social rights	
<ul style="list-style-type: none">• Right to health• Adequate standard of living• Land rights	
Civil and political rights	
<ul style="list-style-type: none">• Right to life/physical integrity (including road safety)	
Cross-category rights	
<ul style="list-style-type: none">• Non-discrimination• Gender-based violence and harassment (GBVH)	

Figure 3 Human rights in scope for the HRIA



Figure 4 Categories of rights holders in scope for the HRIA

Stakeholder engagement

Remote stakeholder engagement

A field visit to conduct stakeholder engagement with national stakeholders and rightsholders is a key component of Ergon's general approach towards HRIAs. Owing to the COVID-19 pandemic and applicable international and national travel restrictions, as well as political unrest, such a field visit could not take place. Stakeholder engagement was therefore conducted by a local expert in Colombia with support, oversight and participation from Ergon.

Consultations were undertaken with a range of stakeholders, most notably key rightsholders, as well as organisations selected for their expert knowledge of the supply chain or their understanding of human rights issues in the sector. These included banana suppliers, trade unions, smallholder cooperatives, civil society organisations representing women and the Afro-Colombian community, multi-stakeholder initiatives (MSIs) and NGOs, outlined below. In lieu of focus groups and in-person interviews with workers and members of vulnerable groups, several representative organisations were consulted. Through their engagement with workers and vulnerable groups, these representative organisations have a deep understanding of the relevant issues and challenges faced by the groups they represent.



Overview

Stakeholder outreach is a key element of Ergon's HRIA methodology.

The stakeholder outreach phase is designed to:

- Collect the views of potentially impacted workers and communities on the likelihood or potential severity of impacts, as well as their views on potential mitigation actions.
- Identify any stakeholders to follow up with for collaboration to address impacts or to monitor the implementation of certain mitigation measures.

Methodology

External stakeholders engaged

A list of all external stakeholders can be found in figure 5 below.

Suppliers and producers	
<ul style="list-style-type: none">• Lidl's main supplier for Colombian bananas• Management of the two exporters (incl. a production manager, a farm manager and a human resources director)	
National stakeholders	
<ul style="list-style-type: none">• 2 trade unions• 3 worker representatives at the two exporters• 2 employer's organisations• 4 civil society organisations (incl. 2 women's organisations)• 2 smallholders organisations• 1 research institution• 4 government authorities (including the Ministry of Labour)	
International stakeholders	
<ul style="list-style-type: none">• Banana Link• The World Banana Forum• Fairtrade• Rainforest Alliance• CLAC (Latin American and Caribbean Network of Fairtrade Small Producers and Workers)• IUF (International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations)• Oxfam	

Figure 5 List of all external stakeholders engaged

Ensuring meaningful engagement

Several measures were taken to ensure meaningful remote stakeholder engagement:

- Issues and priorities for engagement were tailored to the stakeholders and rightsholders based on their knowledge and experience.
- Measures were taken to create safe spaces for stakeholders to express their views, including providing confidentiality and maintaining open lines of communication.
- Steps were taken to secure fully-informed participation of all participating stakeholders prior to and during their participation.
- Efforts were made to include specific impacts on women and minority groups in data collection and engagement, including through engaging with representative organisations of Afro-Colombian and indigenous women, as well as discussions with a female worker representative.
- The HRIA findings will be communicated to interviewed stakeholders. All interviewed stakeholders will receive a top line summary of the HRIA and its findings – translated in Spanish.

Limitations

We consider that the methodology followed for this HRIA provides an effective means for identifying impacts and developing recommendations for retailer action.

However, some limitations should be noted:



Focused timespan and scope of human rights impacts:

The study was undertaken within a selected timeframe during 2021 and the remote stakeholder engagement focused on representative stakeholders.



Limitations of remote engagement:

The format of remote engagement (as a consequence of COVID-19 and political unrest) prevented focus groups being convened with rightsholders. Furthermore, not all stakeholders were available for an interview, despite requests.



Focused scope of business activities for remote engagement:

Not all business activities were included in the scope for the selection of stakeholders for the remote stakeholder engagement. Lidl's direct leverage and influence over road transportation and shipping is often limited. Additionally, no representative organisations for the relevant rightsholders in those specific parts of the supply chain were identified. Impact analysis for these activities was conducted based on desk research and other interviews with knowledgeable stakeholders.

Engagement with suppliers is a key component of a HRIA. This study involved engagement with one business partner – which is the main supplier, responsible for providing 76% of Lidl's bananas from Colombia. Lidl has stated that its requirements concerning social standards, certification and traceability are the same for all their business partners or suppliers and that there are no special requirements for single suppliers. However, the extent to which Lidl's other business partners or suppliers sourcing bananas from Colombia are facing the same challenges or have obtained the same level of performance on relevant human rights issues has not been explored.

The research and stakeholder engagement for this HRIA has a broader sectoral focus – assessing actual and potential impacts in the banana sector in the production areas of Urabá and Santa Marta in general, rather than assessing whether impacts are occurring on producer farms identified in the supply chain of Lidl's main supplier, specifically. Hence, the findings of this HRIA should not be taken to indicate that all identified impacts reported are occurring on farms in Lidl's supply chain. As this study is not an audit and has included no site visits, it is not possible to confirm this. Ergon recommends field visits to verify the findings of this HRIA.



Country and value chain context

Sector and supply chain overview

Key facts and figures



Social importance

According to data from employers' organisation AUGURA, in 2017 296,456 people were working the Colombian banana sector (ILO, 2020). Of this total number of workers, 72.4% were employed in the department of Antioquia, 23.8% in Magdalena, and 3.8% in La Guajira (FES, 2020). According to data from Red Agrícola, in Colombia around 150,000 families depend on banana exports for their livelihoods (Red Agrícola, 2020).



Economic importance

Agriculture, including bananas, made up 6.3% of Colombia's GDP in 2018 (OECD, 2020). Bananas are the most important agricultural export crop in the departments of Antioquia (43.6%), Magdalena (47.1%) and La Guajira (56.6%) (MinCIT 2021, 2021, 2021,)



World trade status

Colombia is the fourth largest banana exporter in the world (after the Philippines, Ecuador and Guatemala) (FAO, 2020).



Production volumes and earnings

According to the FAO, in 2019, Colombia exported 1896 thousand tonnes of bananas (FAO, 2020). According to employers' organisation AUGURA, Colombia exported 1700 thousand tonnes of bananas in 2019 for \$1400 million (FOB) (ILO, 2020).

Production context

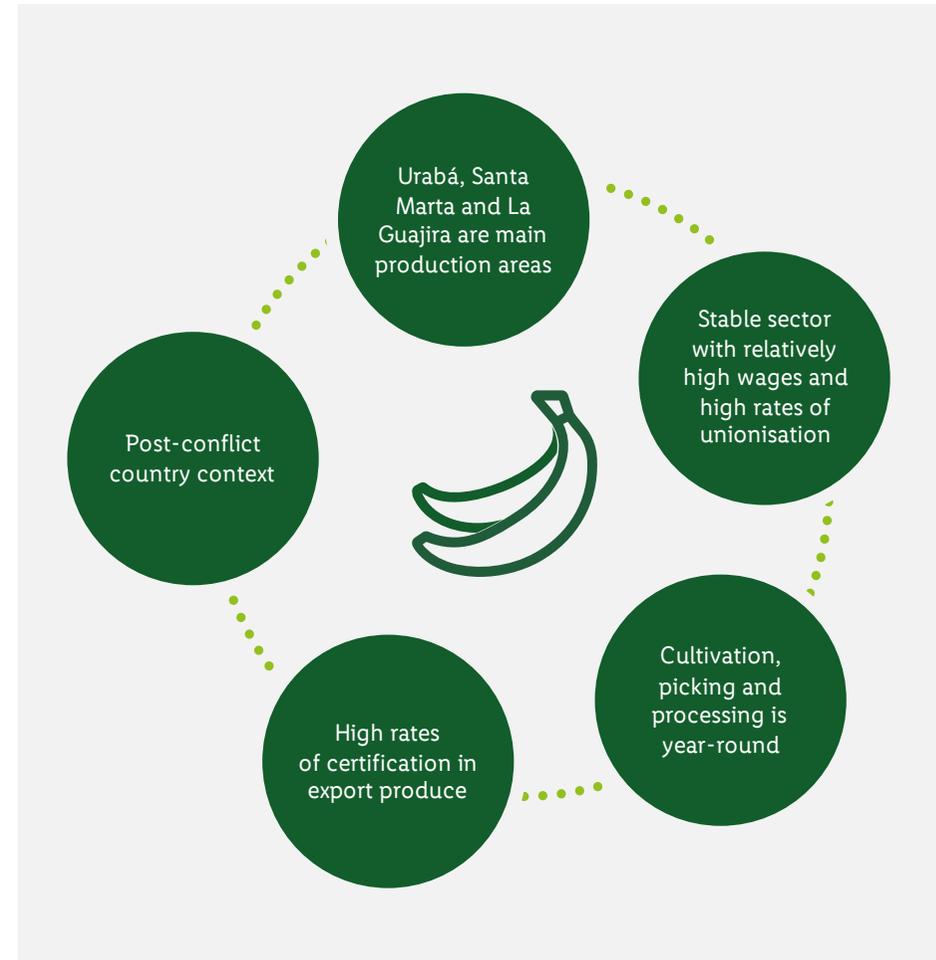


Figure 6 Key characteristics of the production context for Colombian bananas

Production areas and differences

Colombia produces two types of banana, of which one, the Cavendish Valery species, is produced primarily for export (ILO, [2020](#)). About 50,000 hectares of export bananas are cultivated in Colombia, distributed over three states along the Caribbean coast: Urabá in the state of Antioquia, Santa Marta in the state of Magdalena, and Guajira (ILO, [2020](#); GLWC, [2020](#)). This section focuses on the former two regions, as these are where the producers in Lidl's supply chain are located.

The department of **Antioquia** is the dominant banana growing region in Colombia, accounting for approximately 41% of Colombia's banana harvest (GLWC, [2020](#); FES, [2020](#)). Antioquia municipality **Urabá** is the main banana growing area in the department. Most of Urabá's banana workers live in the city of Apartadó, and the rest in neighbouring cities, such as Turbo, Carepa and Chigorodó. Urabá is dominated by medium to large banana plantations with hired workers (GLWC, [2020](#)). Most banana farms in the Urabá department are affiliated to AUGURA. Rates of unionisation are reported to be very high in Urabá, nearing 90% of all banana workers in the area, and wages are reported to be high compared to other sectors.

In comparison to Urabá, there are more smallholder farms present in the sector in the **Santa Marta** area, located in the Magdalena department. Smallholders are generally brought together in a number of cooperatives. The department accounts for some 13% of total national banana harvest (FES, [2020](#)).

Smallholder producers are usually small family businesses with a few hectares of bananas and a small processing plant for washing and packaging the bananas.

On these plantations, labour is mainly provided by family members, with potentially some extra hired help for harvest days. It is reported that most current small-scale producers have inherited their land and that banana production is a family tradition for them (GLWC, [2020](#)). Affiliation of producers with AUGURA is, at 57%, lower in the Magdalena department than it is in Urabá. The remaining 43% are affiliated to employers' organisation ASBAMA. Rates of unionisation in the Santa Marta area are lower than in Urabá and the coverage by the main CBA (agreed between SINTRAINAGRO and AUGURA) is limited. This has consequences for workers' wages and working conditions. Stakeholders also report that the living wage gap for banana workers in Santa Marta is larger than in Urabá due to the higher costs of living in Santa Marta.

There is no specific harvest season for bananas in Colombia. Harvesting takes nine to twelve months after planting the banana plant (Mongabay Latam, [2018](#)). Bananas are harvested every week of the year (GLWC, [2020](#)). Although banana production is not seasonal, peaks of production can be related to rain and climate variations, which may differ per growing area (WUR, [2019](#); interview with exporter).

Workforce profile

Many workers at banana plantations have permanent contracts and have been working for producers for several years – in some cases, decades. The workforce on farms is predominantly male. More women workers can be found in processing and administrative positions. According to stakeholders, women workers in the sector often present certain vulnerabilities – for instance, they may be widows or single mothers. Most workers at banana plantations come from surrounding areas and do not migrate for work. The workforce in Santa Marta is more likely to include Venezuelan migrants.

Certification

A large share of exported bananas from Colombia is certified, with one international stakeholder indicating that 99% of all bananas exported from Colombia is certified. Bananas purchased by Lidl are all certified by GLOBAL G.A.P, with additional certification by either Rainforest Alliance or Fairtrade, or both. Stakeholders indicate that the high rates of certification are the result of retailer demands. It is reported that many retailers have focused their certification requirements in the past few years and many have chosen to focus on Rainforest Alliance.

Historical and political context

Colombia has experienced decades of conflict between the state, paramilitary groups, guerrilla groups and crime syndicates. In this context, violence against trade unionists in the Colombian banana sector historically was a significant issue. Trade unionists were threatened by paramilitaries and there are numerous reports of assassinations of and violence against trade unionists in the Colombian banana sector in recent decades. The peace process and 2016 peace deal have made an official end to the conflict and the situation is reported to have improved significantly. However, reports of past violence continue to shape (international) perceptions on current issues in the banana sector and legacy social tensions remain. Furthermore, an absence of the state, particularly in terms of public services, remains an issue across the country – including in banana producing regions. An additional issue that many stakeholders report on is the presence of drug cartels and trafficking – and subsequent violence - in the sector, particularly in the region of Urabá.

Key challenges faced by the sector

Balance between requirements and prices paid

Stakeholders note that an increase in requirements for certification by retailers is not accompanied by an increase in the prices paid to producers. This poses challenges to producers with regards to being able to pay for all social and environmental requirements and inputs that come with certification.

Challenges related to labour capacity

Stakeholders report that it is increasingly difficult to hire sufficient labour capacity for plantations. Younger generations, including those whose parents are banana workers, are reportedly reluctant to work in the banana sector, choosing instead to move to cities and try to find other jobs. One stakeholder in Urabá suggests that a solution to this would be to attract young people from other areas to come and work in the Urabá area.

Presence of drug cartels and trafficking

Stakeholders report that the presence of drug cartels and trafficking, and subsequent violence, is an issue of concern for the sector. This is particularly the case in Urabá, which is considered a key exit to Central America for drug trafficking. Traffickers are reported to transport drugs to Europe by means of storing it in containers with bananas, which are then transported via international shipping lines to European ports. Producers and suppliers report having to take extensive measures to prevent this happening with their own produce. Additionally, young people in the Urabá area involved in micro-trafficking is reported to be an issue of concern.

Fungal diseases

Two fungal diseases constitute threats for Colombian banana producers. The fungus *Mycosphaerella fijiensis* causes Black Sigatoka, which is also a global problem. Despite regulation, including controls in place from certifiers, this fungus is forcing banana producers to use an increasing amount of pesticides to ensure productivity, which can have detrimental effects on both the environment and communities. Stakeholders consider the fungus a significant issue of concern. Additionally, in July 2019, the Panama Disease Tropical Race 4 was detected for the first time on banana plantations in Latin America, in the north-eastern region of La Guajira in Colombia. Panama disease is caused by the *Fusarium* fungus. Although bananas produced in infected soil are not unsafe for humans, infected plants eventually stop bearing fruit. The discovery in La Guajira caused substantial concern throughout the industry.

Impact of COVID-19 on the sector

It is reported that the social and economic impact of the Covid-19 pandemic on the Colombian banana sector has so far been limited. The Colombian agricultural sector was one of the sectors exempted from government decrees to shut down, so as not to risk the country's food security. Stakeholders report that, thanks to the sector's experience with biosecurity protocols that were implemented to fight Panama Disease, the sector could quickly and efficiently adapt to the COVID-19 measures. As a result, the production and sales of bananas could largely be continued and maintained. AUGURA states that no jobs have been lost as a result of the pandemic and that the industry has fulfilled its commercial contracts in spite of the outbreaks of both COVID-19 and Panama disease in 2020 (Semana, [2020](#); Reuters, [2020](#)).

The exemption of the agricultural sector from Decree 457 of 22 March 2020, which announced a 19-day period of Compulsory Preventive Isolation across the country, led hundreds of workers from the largest banana plantations in Urabá to stop work and close roads in protest over what they

considered unsatisfactory health and safety conditions in which they were expected to work during the coronavirus pandemic. Following these protests, SINTRAINAGRO and AUGURA reached a collective agreement on a bio security protocol against COVID-19. SINTRAINAGRO officials are reportedly visiting plantations regularly and report that despite some identified irregularities being pointed out, in general, the vast majority of the plantations followed the bio security protocol (ILO, [2020](#)).

Additionally, in 2020, the Urabá community was also concerned with the arrival of cargo ships that would carry the produce to Europe, which was perceived as the epicentre of COVID-19. To address those concerns, safety and health measures were agreed regarding work in the ports. These policies, which also involved local governments, and reflected international protocols, ensured that workers would enter a vessel only after full implementation of those protection measures. Moreover, they provided that ships' crews would remain on the vessels while in port (ILO, [2020](#)).



How Lidl buys bananas from Colombia

Key actors and relationships in Lidl's banana supply chain³

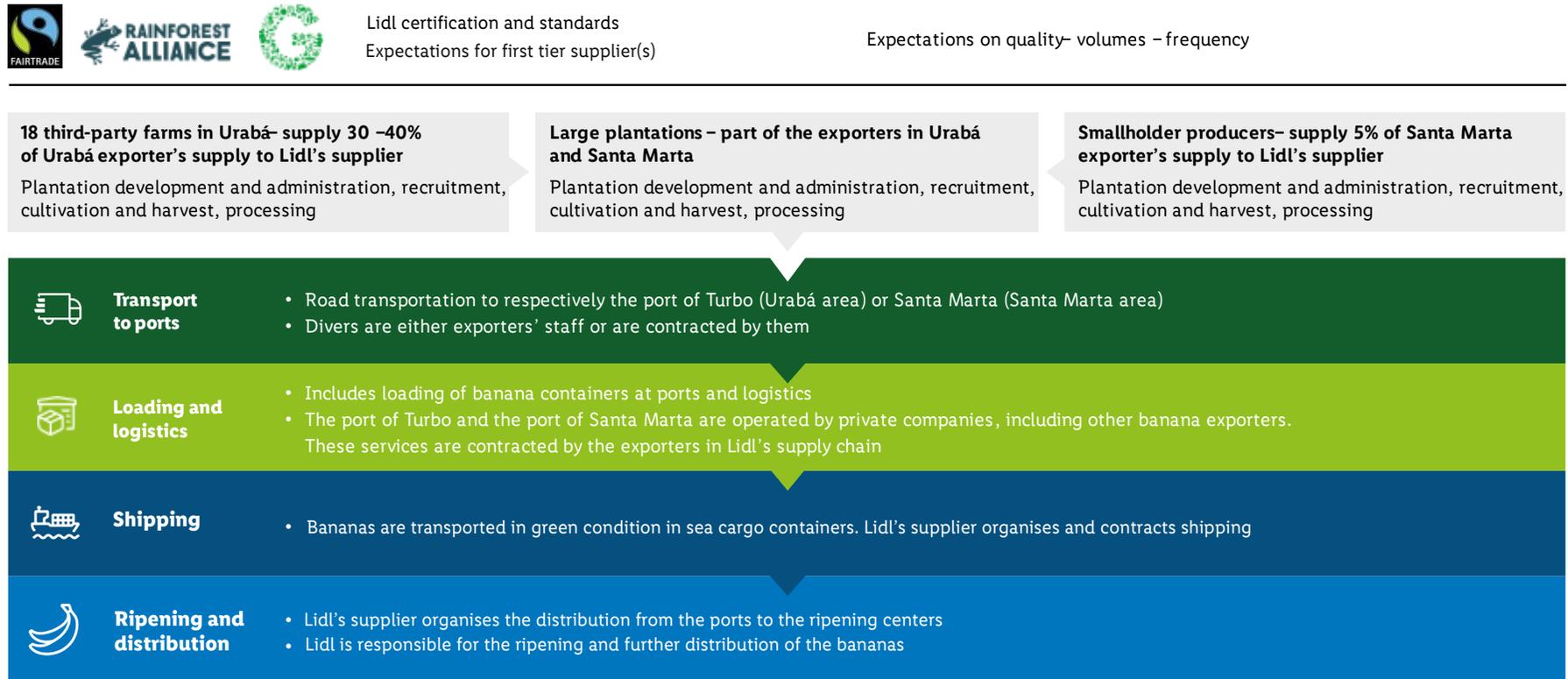


Figure 7 Key actors and relationships in Lidl's banana supply chain

³ Plantation development and administration includes land acquisition, establishment of the exporter company and administrative activities. Recruitment includes the recruitment and contracting of personnel for the farm. Cultivation and harvest includes preparatory farm work (clearing jungle growth and planting of bananas), cultivation activities, and picking bananas. Processing includes weighing, washing and selecting the bananas to be exported.

Buying practices

Products and order volumes

- Lidl sources the biggest volume of its bananas from Colombia, followed by Ecuador. Supply and demand are relatively stable. Lidl works with annual contracts and the volume they order is based on the volume of the previous year.

Supplier selection

- Lidl has long-term (10 – 15 year) relationships with its supplier partners. A business relationship is only terminated in case of serious compliance violations with the Code of Conduct (CoC) and/or applicable certification regulations; and when the business partner shows no will for improvements. The tendering process takes place in autumn each year. Very rarely are new suppliers added, as Lidl typically cooperates with its business partners on a long-term basis.
- Before suppliers can tender any produce to Lidl, they must first submit a supply chain map and additional traceability information, including their GLOBALG.A.P. number. This requirement has been in place since 2018. Suppliers must also demonstrate that they meet the Lidl specification, which forms part of the initial contract between Lidl and the business partner.

Visibility

- Lidl has visibility over sub-suppliers in terms of name and size of the producer, the growing area and the amount grown. This data is gathered by the Quality Assurance department during their monitoring processes. Lidl buyers therefore have knowledge of the banana producers they source from.
- Buyers have no direct contact with producers and shipping and ripening actors. Lidl buyers do not visit producer sites.



Business partner and supplier practices

Profile

- Lidl currently works with six banana suppliers that source from Colombia, of which one is their main supplier (64%).
 - For this supplier, Lidl is their main customer and they have been supplying Lidl directly for 10 years. This supplier transports bananas in green condition and they are responsible for the distribution of the produce from the ports, which they coordinate with the ripeners directly. The ripening itself falls under Lidl's responsibility.
-

Supplier sourcing

- Lidl's key supplier sources from two Colombian banana exporters, one located in Urabá and the other in Santa Marta.
 - The Urabá exporter sources mainly from its own farms in Urabá, which are all Fairtrade certified. Additionally, they source from several independent farms that are GLOBAL G.A.P and Rainforest Alliance certified but not Fairtrade.
 - The Santa Marta exporter sources 95% of its produce from the 25 farms in its association. The remaining 5% of its production is sourced from an association of smallholder producers.
 - Lidl's supplier reports having strong and well-established relationships with their sub-suppliers. They have not changed their suppliers since they started supplying directly to Lidl.
-

Purchasing practices

- Lidl's supplier engages in back-to-back purchasing (B2B), which means they only purchase the amount of bananas ordered from customers, including Lidl.
-

Sustainability/ standards

- Certification: Bananas supplied by the exporter in Urabá are either Fairtrade (15%) or Rainforest Alliance certified. Bananas supplied by the exporter in Santa Marta are 100% Rainforest Alliance and Global G.A.P certified and 15% of these are also Fairtrade certified.
- It is noteworthy that some suppliers in the supply chain are Fairtrade certified but cannot always sell all their product as Fairtrade due to a lack of Fairtrade buyers or orders. In this case they do not receive the full benefits of the certification.
- Producer contracts: The BFCI Code of Conduct is included in all contracts with producers. Every contract also covers the standards set out by Rainforest Alliance, Fairtrade, and Global G.A.P.
- Monitoring: Lidl's supplier visits banana farms three to four times a year, although not all farms are visited regularly. The choice for which farms to visit is based on identified quality issues, or whether these farms are or will be home to any sustainability projects.
- Reliance on certification: Lidl's supplier primarily relies on the technical standards of certification bodies and their reports. When visiting a production location, the supplier asks Fairtrade for copies of audit reports to have an overview of deficiencies. The supplier also speaks to Rainforest Alliance to identify any issues.

Ethical trade and social commitments

Required adherence to standards

- Lidl expects all suppliers to adhere to its CoC and to the requirements of the relevant certification standards. The CoC forms the basis for all supplier and commercial relations with tier 1 business partners.
Lidl requires suppliers to apply the CoC down their supply chain. However, in practice, Lidl 's understanding of how the CoC is applied throughout the supply chain is limited.
 - Lidl bananas sourced for Western Europe are 100% certified to Rainforest Alliance (RA), Fairtrade (FT), or certified organic. A combination is also possible, for example, there is a large share of RA organic certified bananas.
 - Lidl reports that, although these certifications have flaws and they recognise there are areas for improvement, they are generally happy with the certification standards used. They report to occasionally take part in the review of certification processes and standards.
 - Lidl markets have the same target for the percentage of their volumes of bananas bought that must be certified. However, Eastern European countries have a different timeframe to fulfil the target.
-

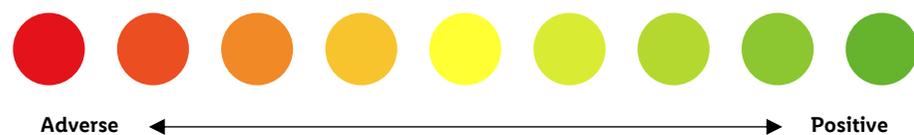
Involvement in initiatives and collaborations

- Lidl has been involved in several initiatives and collaborations with other retailers and/or other stakeholders on social and environmental issues relating to the banana supply chain. Lidl is a member of the World Banana Forum and is involved in the conversation on bananas led by IDH (the Dutch Sustainable Trade Initiative).
- Lidl is a member of the Initiative for Sustainable Agricultural Supply Chains ([INA](#)), an initiative of the German Federal Ministry for Economic Cooperation and Development (BMZ) and implemented by the Deutsche Gesellschaft für internationale Zusammenarbeit (GIZ). Members of the group have jointly committed to a gradual realisation of living wages and living incomes in agricultural supply chains for private label products. The retailer working group is about to launch a 10-year pilot project on the realisation of living wages for the banana sector in Ecuador. This project will place living wage at the centre of the supply chain and could provide a model for other markets.
- Lidl are also supporting the living wage investment discussion that is currently ongoing at the Rainforest Alliance.

Impact assessment

This section presents the findings of the impact assessment. The assessment has been based on information provided through desk-based research and through engagement with rightsholders and stakeholders during the stakeholder engagement process.

Impacts are presented according to the stage of the supply chain at which they may occur. The colour represents the potential impact’s saliency on a sliding scale, with red indicating the most adverse impacts and green indicating the most positive.



Please note that only impacts considered to be salient are included in this section. Other identified potential impacts represent relatively insignificant impacts. These are considered low saliency and do not form part of the report.

It should be noted that the impacts listed are potential impacts that have been assessed for the banana sector in the relevant areas of Colombia as a whole. Importantly, it cannot be confirmed that all these impacts occur specifically at the farms of producers in Lidl’s supply chain. Rather, these are sectoral risks that producers and exporters should be mindful of, especially where they are not already taking measures to mitigate these impacts.

The identified impacts are applicable to both Urabá and Santa Marta, unless otherwise indicated.

Rightsholders who are predicted to be impacted are also included, specifically highlighting women workers, where applicable.

Impact findings

Recruitment

Rights issue	Rightsholder(s)	Details	Impact
Non-discrimination and equal opportunities (labour)	Women workers	Highly masculine workforce, with women workers primarily working in processing. Workforce demographic creates potential risks for employment discrimination in recruitment.	Red circle
Gender-based violence and harassment (GBVH)	Women workers	Reports of cases of women having to perform sexual favours in order to get or maintain a job.	Orange circle

Cultivation and harvest

Rights issue	Rightsholder(s)	Details	Impact
Occupational Health and Safety (OHS)	Farm workers	Work in the field is physically demanding and is often performed in high temperatures. Although biosecurity protocols for pesticide use are in place, there are some reports that these are not always adhered to due to time pressures on the side of the producers. There are isolated reports of workers' exposure to pesticides causing loss of eyesight and damaged skin. Public healthcare is reportedly limited and poor.	●
Non-discrimination and equal opportunities (labour)	Women farm workers	The workforce in the field is predominantly male. Male worker teams in the field are reportedly reluctant to work with women in the field, as they are considered to tire more easily from the heavy work, which would limit the team's earnings. Representation of women in some workers' committees can be limited. Anti-LGBT discrimination at banana farms can reportedly occur.	●
Right to health	Communities	Aerial fumigation of agrochemicals used in banana cultivation have serious negative health impacts on communities in Urabá. Additional reports of communities lacking access to affordable and sufficient healthcare.	●
Working conditions	Farm workers	Wages are relatively high compared to other sectors and are reportedly close to a living wage for workers covered by the main CBA. Wages of workers not covered by this CBA and/or working in cooperatives may be lower. Working hours are regulated according to labour law, but time pressures due to obligations to deliver containers on time for shipments may contribute to stress and workers working overtime in weekends and on holidays. Although workers generally receive social benefits, there are issues with workers that do not receive a pension because they have not managed to complete the number of workweeks required to receive a pension owing to historic issues.	●
Freedom of association and collective bargaining	Farm workers	Rates of unionisation are very high. Different stakeholders report that more than 90% of workers in Urabá is a member of SINTRAINAGRO. Members of a smaller union are reported to face occasional blacklisting by employers.	●
Right to life/ physical integrity	Communities, workers	Potential security issues for local communities and workers due to presence of armed groups and guerrilla groups in the area.	●
Adequate standard of living (livelihoods)	Farm workers, communities	Reports of the positive impact of the sector on local communities as it provides employment.	●

"Today, in regions such as Urabá – which has over 35,000 hectares that are cultivated [for bananas], 98% of the workers are unionised and have collective bargaining agreements that guarantee them a decent income and comprehensive social security, in addition to various extra-legal benefits."
Representative of an employer's organisation

"The most common [health] problem is carpal tunnel and rotator cuff. When we started working there were not many standards. Now, this is improving, but people already have problems from before. There are many people who have problems with their spine".
Worker representative

"In the field, workers work in a team of – mostly – 4 people. These workers rely on each other – but male workers often don't want women in their team because they think women will tire more easily."
International certification organisation



Smallholder production

These impacts apply to smallholder production in the Santa Marta area of the Magdalena department.

Rights issue	Rightsholder(s)	Details	Impact
Working conditions	Farm workers	Cooperatives in Magdalena often consist of family farms. Temporary contracts for casual workers are common. Risk of excessive working hours as workers are under pressure to finish a defined number of tasks. A small number of workers may also be contracted informally and on a verbal contract – this concerns mainly dayworkers that travel from farm to farm to conduct specific tasks, such as cutting, for one day. Workers that are hired on a daily basis are likely to not work fulltime, which may make total monthly wages low. However, workers are likely to have extra earnings from other activities outside the banana sector.	●
Freedom of association and collective bargaining	Farm workers	Fewer workers are unionised in Magdalena and stakeholders report there is more reluctance towards unions from both employers and workers. Reports of dismissals due to union membership have been reported in Magdalena. Potential heightened risk on smallholder farms.	●
Adequate standard of living (housing, food, water)	Communities; Smallholders	Banana cultivation activities in the Zona Bananera municipality in Magdalena are reported to have left rural residents without sufficient water for their crops and own consumption, resulting in some residents having to abandon their lands. Stakeholder interviews do not mention this issue specifically for other areas in Magdalena.	●

“In Magdalena it [the situation with regards to freedom of association] is more complex. There are many farms that are not unionised and, in some cases, when they are unionised, the workers are dismissed [...] There are some independent producers, small producers, that do not want unionisation to exist [on their farms]” –
Union representative

“Here the small producers do not make contracts [with workers] as such because it concerns seasonal jobs. Because the farms are small, those who know how to cut can cut one day on one farm and another day on another farm. There are verbal agreements in place with the producer on small farms. On large farms, there are written contracts because the company needs to insure its workers”. –
Smallholders’ organisation

“As supervisors we always control for child labour, but we have found some cases [of child labour in the past]. In such cases we talk to the producers, generally the children are young relatives of the same producer and in those cases as an association we present them with offers of education and other solutions. We have tried to improve this part so that the young people receive training”
Smallholders’ organisation

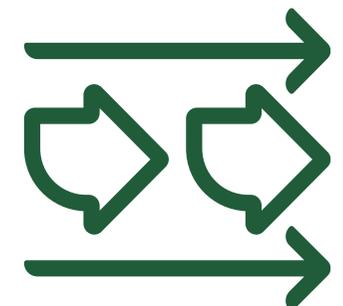


Processing

Rights issue	Rightsholder(s)	Details	Impact
Non-discrimination and equal opportunities (labour)	Women processing workers	While the sector is generally male-dominated, women tend to represent a larger % of the workforce in processing, or packing houses, compared to field work. This is reportedly due to gendered perceptions that is more suitable work for women. Women report sexist comments from male co-workers. Packing roles are generally paid less. However, men also work in packing roles and there were no reports of men and women receiving different earnings in packing roles. Some stakeholders report that the sector is not attractive for women and largely inflexible for mothers. Many women working in the sector have specific vulnerabilities – e.g. single mothers, widows etc.	●
GBVH	Women processing workers	Sexual harassment, verbal and physical, by both employers (incl. coordinators, managers) and other workers is reported as a risk issue. This is an issue in the workplace and during recruitment. Women can feel at risk of being fired. Burden of proof on victims hinders access to remedy. Sexist comments from male co-workers remain common.	●
Availability and accessibility of workplace grievance mechanisms	Women processing workers	Reports indicate that grievance mechanisms may not always be accessible and effective - for example, with women being asked to prove cases of sexual harassment in some companies - which is often very difficult. Women can also be underrepresented on committees that workers report cases to. Union reports that this requires revision.	●

“Women are also discriminated against because they are considered gossipy or they think they are going to be troublemakers, and there are farms where they don't want women” – **Civil society organisation**

“Most of them [women] work in the packing house and only one women worker works on the fields. At the moment, the fact that there are more women is because nowadays in every negotiation with the unions and because of women's rights they have to hire at least two for each collective agreement” – **Worker representative**



Loading and logistics at ports

It is important to note that the predicted impacts for this activity are primarily relevant for Urabá. Stakeholders report that workers in the ports in the Magdalena department are more organised, indicating that issues are likely to be less salient there.

Rights issue	Rightsholder(s)	Details	Impact
Working conditions	Port workers	Isolated allegations of excessive working hours (80-90 hour weeks) at Urabá ports identified, as well as use of temporary contracts for ease of dismissal. 150 dismissals between 2015-2017. Claims living wage is not paid. Labour inspector reportedly removed from Port on request of local businessmen.	●
Freedom of association and collective bargaining	Port workers	Reports of anti-union behaviour and sentiment - including discrimination in recruitment and dismissals as a result of TU affiliation at Urabá port.	●

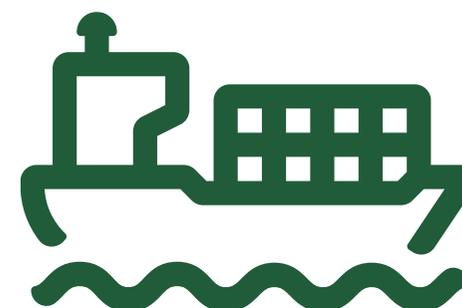
“The working days in the maritime sector start on Mondays and end on Thursdays without a break. There have been more than 150 dismissals in port companies due to workers being linked to the Port Union. Additionally, workers have fixed-term contracts for 11 months and are then rehired a year later in order [for employers] not to have to pay them holiday pay”

Civil society organisation



Shipping

Rights issue	Rights holder(s)	Details	Impact
Working conditions	Seafarers	Reported risks around hazardous working conditions, including long and irregular working hours, and occupational fatalities. Physical and mental health and safety risks owing to working at sea for extended periods of time, which has become exacerbated during the COVID-19 crisis. In some countries, there are issues around port workers and/or seafarers not being paid sectoral minimum wage.	●
Non-discrimination and equal opportunities (labour)	Women seafarers	Continuing barriers to women's inclusion in the maritime transport sector are reported	●
Gender-based violence and harassment (GBVH)	Women seafarers	Masculine values and norms are reported to be evident in the occupational culture of seafaring and sexual harassment can be triggered towards a lone woman seafarer. Multinational crews at ocean-going vessels are likely to bring various gender norms that may include different interpretations and expectations of women working at sea, which may cause tensions.	●



Summary of impacts

The chart below shows the concentration of predicted impacts – both negative and positive and including non-salient impacts – per supply chain activity. It demonstrates that most negative impacts are likely to be at the level of cultivation and harvest, followed by shipping and processing. Most positive impacts are likely to be at plantation development and administration level and at cultivation and harvest.

Identified impacts per supply chain activity



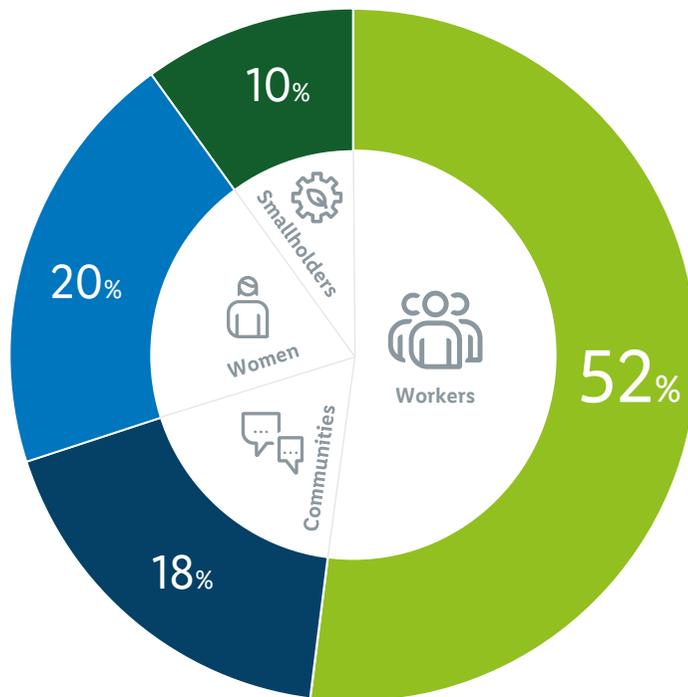
For the purposes of this analysis, the categories of rightsholders that were identified to be in scope for this HRIA have been grouped into three main categories. This has enabled Ergon to explore what broad groups are impacted most, while Ergon’s detailed HRIA methodology has still allowed an analysis of the impacts on specific groups within these broad categories. The broad categories used were: workers (this includes workers, farm workers, processing workers, port workers, and seafarers), women (this includes women workers of all types), and communities.

The analysis has established which human rights impacts affect which broad category of rightsholders. A category is considered to be affected when the impact affects them specifically as a category. For example, non-discrimination was found to be negatively impacted during recruitment. This distinctly affects women workers as a category (and therefore the broader category of ‘women’) rather than workers in general. It is important to note that there is overlap between rightsholders of different categories – workers and women are, after all, also part of communities. Therefore, categories are not fully distinct, but rather function as a way to present where accumulated impacts are highest.

Impact assessment

The chart below shows which broad categories of rightsholders have been identified to be most impacted throughout the key supply chain activities in scope by number of impacted rights, both negative and positive.

Rightsholders most affected by number of identified impacts (positive and negative)



Understanding Lidl linkage and underlying root causes

Linkage to Lidl

The UNGPs and the OECD Due Diligence Guidance for Responsible Business Conduct discuss categories of attribution to impacts in terms of those that a multinational enterprise can cause, can contribute to, or can be directly linked to.

As Lidl has no direct contractual or investment relationships to the lower-tier supply chain activities in Colombia where the most salient human rights impacts have been identified, Lidl can be linked to some of the identified impacts – but was not found to cause or contribute to the impacts.

As detailed below, the potential impacts set out in this HRIA are driven by a variety of root causes – including those that are not specific to the sector, or the commercial behaviour of supply chain actors, such as Lidl.

During the assessment, three categories of Lidl's commercial activity, which are used to help identify whether an impact could be linked to Lidl during the assessment – either through Lidl's action or inaction in these areas. These are:

- Supplier selection and requirements
- Purchasing practices
- Pricing

These categories of commercial activity are common to all retailers.



Relationship between linkage and leverage

The concept of linkage is closely tied to the possibility to exercise leverage. Lidl generally has greater leverage to bring about change to those impacts that it may be linked to. Nevertheless, a potential link to Lidl, or lack of, does not determine whether Lidl should or should not take action to address a certain potential impact. A link does, however, help inform the type of action that retailers such as Lidl should take to address such impacts. For example, structural issues may be best addressed collaboratively, with other stakeholders, rather than unilaterally, by Lidl alone. This logic informs the development of the recommendations.

Salient impacts – linked to Lidl

The following table presents identified potential impacts according to the stage of the supply chain at which they occur. The colour represents the impact's saliency on a sliding scale, with red indicating the most adverse impacts and green indicating the most positive.

Cells with a bold outline are impacts that we consider to be linked to Lidl, through one or more commercial activities – supplier selection and requirements, purchasing practices, or pricing – by action or omission in these activities.

Understanding Lidl linkage and underlying root causes

		Plantation development and administration	Recruitment	Cultivation and harvest	Smallholder production	Processing	Transport to ports	Loading and logistics at ports	Shipping
	Working conditions	●		●	●		●	●	●
	Occupational Health and Safety (OHS)			●		●	●	●	
	Freedom of association and collective bargaining			●	●			●	●
	Forced labour								●
	Child labour				●				
	Non-discrimination and equal opportunities (labour)	●	●	●		●			●
	Gender-based violence and harassment (GBVH)	●	●			●			●
Availability and accessibility of workplace grievance mechanisms			●	●	●			●	
	Adequate standard of living (housing, food, water)	●		●	●				
	Adequate standard of living (livelihoods)			●					
	Right to health			●				●	●
	Land rights	●						●	
	Right to life/physical integrity			●			●		●
	GBVH								
	Non-discrimination								
	Access to remedy			●					

Root causes

To further understand the potential impacts, as well as develop recommendations to mitigate, prevent and/or remediate these impacts, it is important to consider the possible root causes of the impacts. For long lasting and significant change, these root causes should be addressed, where possible.

Root causes were identified for every salient impact, both negative and positive. Root causes for the different impacts have been found to be multiple and intertwined: an impact always has more than one root cause, and one root cause can contribute to various impacts.

The root causes fall into three key categories: sectoral and commercial drivers; government and regulatory framework drivers, and contextual drivers.

Sectoral and commercial drivers are root causes that are related to the nature of the banana sector, the international market and the business conduct of value chain actors, such as Lidl. Whereas the government and regulatory framework represent drivers that are within the scope of action by the State, often related to inaction or limited action from authorities. Contextual drivers relate to the context in which the supply chain activities take place, and are generally linked to the societal, political, cultural, environmental, and broader socioeconomic factors. The root causes within each of these groups are detailed in the following table.

Sectoral and commercial drivers

- Heavy nature of work
- Strong industrial relations
- Time pressures
- Smallholder farming context
- Lack of coverage by CBA
- Limitations of certification/standards
- Certification projects

Government and regulatory framework

- Limited presence of authorities
- Lack of (labour) law enforcement
- Poor social security
- Poor healthcare and OHS provisions

Contextual drivers

- Societal crime and violence
 - Contextual anti-union sentiment
 - Societal gender norms – gendered division of labour, workforce demographic
 - Societal norms on sexual identity and ethnicity
 - Societal norms towards child labour
 - Insufficient opportunities for youth
 - Isolated context
 - Post-conflict context
 - Monoculture and crop disease
-

Recommendations

This section sets out the actions recommended to Lidl to mitigate and/or prevent the most significant negative impacts and enhance the positive impacts, identified within this HRIA. It also provides an overview of the key measures currently in place in relation to salient impacts – providing a basis for identifying areas for strengthening these within the recommendations.

Taking into account the recommendations outlined by Ergon in this report, Lidl has committed to draft and publish an action plan within six months of the publication of this HRIA. This action plan will be developed in consultation with relevant stakeholders, including civil society actors as well as women’s rights organisations, and will address the causes and impacts identified.

Overview of current measures in place

The table provides a high-level overview of the key standards, requirements and procedures currently applied down Lidl’s supply chain to mitigate or address the salient rights impacts identified in this HRIA. These are taken into consideration for potential enhancements within the recommendations.

Current mitigations and actions in place are set out in the table. From October 2021, all producers are required to have Global GAP GRASP – which provides additional requirements on social practices. Many producers reportedly already had GRASP, prior to this change. As a result, all suppliers now must have GRASP and a fully complaint audit or an alternative recognised social standard in place.

Rights category	Current mitigation or action	Priority
Non-discrimination and equal opportunities (labour)	<ul style="list-style-type: none"> • Certification – Rainforest Alliance; Fairtrade • BSCI Code of Conduct • Schwarz Group – Business Partners’ Code of Conduct • Lidl – Code of Conduct • Regular visits by Lidl suppliers to production sites 	
GBVH	<ul style="list-style-type: none"> • Certification – Rainforest Alliance; Fairtrade • BSCI Code of Conduct • Schwarz Group – Business Partners’ Code of Conduct • Regular visits by Lidl suppliers to production sites 	
OHS	<ul style="list-style-type: none"> • Certification – Rainforest Alliance; Fairtrade; Global GAP • BSCI Code of Conduct • Schwarz Group – Business Partners’ Code of Conduct • Lidl – Code of Conduct • Regular visits by Lidl suppliers to production sites 	
Right to health (communities)	<ul style="list-style-type: none"> • Certification – Rainforest Alliance; Fairtrade; Global GAP • BSCI Code of Conduct 	
Working conditions (incl. wages)	<ul style="list-style-type: none"> • Certification – Rainforest Alliance; Fairtrade • BSCI Code of Conduct • Schwarz Group – Business Partners’ Code of Conduct • Lidl – Code of Conduct • Regular visits by Lidl suppliers to production sites 	

Recommendations

Rights category	Current mitigation or action	Priority
Freedom of association and collective bargaining	<ul style="list-style-type: none"> • Certification – Rainforest Alliance; Fairtrade • BSCI Code of Conduct • Schwarz Group – Business Partners’ Code of Conduct • Lidl – Code of Conduct • Regular visits by Lidl suppliers to production sites 	
Right to life/ physical integrity (communities)	<ul style="list-style-type: none"> • Security protocols at producer farms 	
Availability and accessibility of workplace grievance mechanisms	<ul style="list-style-type: none"> • Certification – Rainforest Alliance; Fairtrade • BSCI Code of Conduct • Regular visits by Lidl suppliers to production sites 	
Adequate standard of living (livelihoods)*	<ul style="list-style-type: none"> • Certification – Fairtrade 	

*Positive impact

Recommended actions

The recommendations below are provided by Ergon to Lidl. These recommendations will require further reflection internally and development within Lidl’s Human Rights Action Plan (HRAP). These additions may include practical elements such as the allocation of responsibility and resource, establishment of timeframes and monitoring processes, among others.

Recommendations include both unilateral and collaborative actions. Unilateral actions are those which Lidl can undertake alone – either adapting its existing activities or developing new activities to contribute to risk mitigation or enhance positive impacts down the supply chain. Whereas collaborative actions, involve collaboration with other sectoral actors and key stakeholders, and are particularly useful for addressing impacts that are driven by more contextual root causes. Given the number of initiatives and rates of certification within this specific supply chain – many impacts may be most effectively addressed collaboratively, through existing instruments. These recommendations also include specific recommendations aimed at targeting the gendered impacts identified during this HRIA, with the objective of bringing about improved impacts for women in the supply chain.

Each recommendation includes key steps, opportunities and challenges and expected outcomes of the actions, including an example of principle rights categories impacted. It is important to highlight that many recommendations are aimed at improving standards broadly and will thus have the potential to address a range of rights impacts.

The recommendations have been colour-coded high priority (pink); and medium priority (yellow), based on the expected outcomes.

Recommendations

Recommended action	Key steps	Expected outcomes	Priority
Make a long-term public commitment to increasing % of Fairtrade bananas from Colombia in the coming years	<ul style="list-style-type: none"> Support smallholders by ensuring that produce from Fairtrade-certified producers under 30 hectares are purchased as Fairtrade. Continue to support consumer awareness raising efforts about the benefits of Fairtrade (e.g. Fairtrade fortnight etc) – with a focus on bananas – and lesser developed national markets. 	<p>Principle rights categories impacted:</p> <ul style="list-style-type: none"> Working conditions (incl. wages) Adequate standard of living <p>It is expected that through increasing the % purchase of Fairtrade bananas, working conditions, notably wages/ smallholder incomes, will be raised and better protected against price volatility owing to the Fairtrade minimum price mechanism.</p> <p>Furthermore, it is expected that both smallholders and workers on Fairtrade farms will experience an improved standard of living, owing to the positive impact which is reported in the sector and comparable sectors relating to the effect of Fairtrade premium projects.</p> <p>Currently, some suppliers in the supply chain are Fairtrade certified but seemingly cannot always sell all their product as Fairtrade certified – therefore they do not receive the full benefits of the certification.</p> <p>Through continuing to raise consumer awareness, it is expected that Lidl will increase consumer demand for Fairtrade bananas – allowing to scale up the positive impacts detailed above.</p>	
Assume responsibility for certification costs and implementation in Rainforest Alliance	<ul style="list-style-type: none"> Engage in discussion with Rainforest Alliance about the ways in which Lidl can best contribute to new shared responsibility strategy as a retailer. Engage in discussion with Lidl direct suppliers regarding expectations in the new standards (Sustainability differential; Sustainability investment) and commit to financial support for paying increased SD to producers. SD is negotiated between producers and importers. 	<p>Principle rights categories impacted:</p> <ul style="list-style-type: none"> Working conditions (incl. wages) OHS Adequate standard of living <p>It is expected that through Lidl contributing to the costs of Rainforest Alliance implementation, notably by financially supporting an increased SD, Lidl will support producers in their continued adoption of Rainforest Alliance sustainable production practices – particularly for areas such as OHS, which have reportedly costly requirements, as well as supporting a higher payment in wages. Large farms are required to spend the SD also on areas that directly benefit workers and consult them on such – including projects that may also raise standards of living.</p> <p>A further expected impact is the strengthening of Lidl's supplier relations. Actors down the supply chain report an increasing price pressure owing to continual demands from standards, and no shared cost from retailers. This recommendation would likely build trust with suppliers and a more sustainable relationship.</p>	
Strengthen standards: strengthen HRDD processes	<ul style="list-style-type: none"> Conduct field visit to both producer regions to verify findings of this HRIA – incl. visits to cooperatives in supply chain; detailed engagement with a range of stakeholders – incl workers representatives, women and older workers, unions and communities – including those stakeholders linked to logistics. 	<p>Principle rights categories impacted:</p> <ul style="list-style-type: none"> Working conditions (incl. wages) OHS Non-discrimination and equal opportunity GBVH Right to health (community) Freedom of association and collective bargaining 	

Recommendations

Recommended action	Key steps	Expected outcomes	Priority
	<ul style="list-style-type: none"> Raise the key findings of this HRIA with certifiers in structured bilateral dialogue to seek assurance on potential impacts on certified farms and discuss potential areas for strengthening standards. Develop Lidl mechanism for overseeing those suppliers and sub-suppliers are effectively communicating and implementing CoC and other applicable Lidl policies with all business partners down the supply chain. Develop system for CSR (International) colleagues to regularly visit supply chain activities in high-risk supply chains to report back to CSR (national) colleagues, buyers and QA on salient issues. 	<p>The expected outcome is that a verification visit and Lidl CSR visits will provide greater insight on the living and working conditions in Colombia as they impact products sold by Lidl, particularly in relation to Lidl's supply chain/producers. This may also provide Lidl with a better picture of both positive and negative outcomes in the supply chain, which would allow for better decision making. It would also strengthen understanding and knowledge of suppliers, thus building better relationships.</p> <p>Dialogue with certifiers will provide Lidl with a greater degree of confidence in the compliance of supply chain actors with Lidl's expected standards.</p> <p>Furthermore, if areas for strengthening certification standards are identified and implemented, this will have a range of positive impacts on labour rights enjoyed by workers in the supply chain, as well as communities. For example, depending on changes adopted, this could include more demanding requirements on non-discrimination or gender-sensitive grievance mechanisms, thus improving the working experience of women workers.</p> <p>The development of a Lidl mechanism for ensuring the CoC and related policies are being effectively cascaded down the supply chain should lead to an improved implementation of such down to producer level and thus improvements for workers and communities in the range of rights categories covered by the Lidl CoC and a reduction in supply chain risks for Lidl.</p>	
<p>Tackle non-discrimination and sexual harassment (GBVH): strengthening policy and reporting requirements</p>	<ul style="list-style-type: none"> Ensure Gender Equality in the Supply Chain policy outlines supplier responsibility on issues raised in this report, including: <ul style="list-style-type: none"> Non-discrimination and equal opportunity Sexual harassment Childcare Gender-sensitive grievance mechanisms Develop mechanism for ensuring supplier policies are amended and requirements are communicated and implemented down the supply chain. Utilise the launch of the policy for dialogue on these issues with suppliers. Request and analyse gender-disaggregated data annually – incl no. of women workers, roles and average earnings from fincas. 	<p>Principle rights categories impacted:</p> <ul style="list-style-type: none"> GBVH Non-discrimination and equal opportunities <p>The expected outcome of an improved supply chain gender policy is dependent on the effectiveness of the implementation of such policy – notably by raising awareness of changes and developing a mechanism for ensuring supplier policies are amended and requirements are effectively communicated down the supply chain.</p> <p>If these changes are made, women workers can expect improved employment opportunities and access to childcare support from suppliers, as well as reduced incidence of workplace discrimination and GBVH and more appropriate and accessible grievance mechanisms for raising the gender-specific issues that they face.</p> <p>Through requested gender-disaggregated data on key indicators in high-risk supply chains, Lidl can identify issues, address these directly with suppliers and use findings to inform and develop further actions to improve the enjoyment of women's rights in the workplace.</p>	

Recommendations

Recommended action	Key steps	Expected outcomes	Priority
Tackle non-discrimination and sexual harassment (GBVH): supply chain project	<ul style="list-style-type: none"> Initiate implementation of broad and comprehensive gender training project among banana producers in the supply chain. The project should challenge gender perceptions and norms, address sexual harassment and processing of such cases, and provide direct support to female workers. Training should be provided to men, women and management. Projects could be developed directly with certifiers or suppliers or through collaborating with similar, existing initiatives in country. 	<p>Principle rights categories impacted:</p> <ul style="list-style-type: none"> GBVH Non-discrimination and equal opportunities <p>Expected outcomes from training would include increased employment opportunities for women, including in non-traditional roles, increased sense of empowerment for women workers, a reduction in cases of sexual harassment or discriminatory language, improvements to grievance mechanisms for greater accessibility, improved understanding of gender issues across the workforce, including management. For example impacts of similar initiatives, please see BSR HERproject.</p>	
Extend Lidl grievance mechanism down the supply chain	<ul style="list-style-type: none"> Once in place, develop a mechanism to ensure the Lidl supply chain grievance mechanism is extended down high-risk supply chains either directly, or through implementation of mechanisms by suppliers. Raise worker awareness of these grievance mechanisms and the issues that can be addressed through these channels. This may include introducing clause into policies such as Business Partners' Code of Conduct, and to ensure that a worker grievance mechanism is available, accessible (language) and made visible in workplaces. Monitor use of grievance mechanisms to identify issues and worker uptake. 	<p>Principle rights categories impacted:</p> <ul style="list-style-type: none"> Availability and accessibility of workplace grievance mechanisms <p>The expected outcome is that workers in the supply chain enjoy greater access to effective grievance mechanisms and early identification and resolution of complaints.</p> <p>The fact that the mechanism is operated separately to that of its employer may encourage greater use of the mechanism. Furthermore, an effective grievance mechanism is one that is used – therefore, ideally, Lidl should receive complaints from supply chain workers to follow up on with their employer. If this is not the case, it is important to ensure that the mechanism is being adequately communicated.</p> <p>The more general outcome of improving the ability of workers to raise grievances is a generalised reduction in potential workplace disputes and reduction on staff conflict and turnover.</p>	
Advocate and further study freedom of association in the supply chain	<ul style="list-style-type: none"> Use position in World Banana Forum (WBF), as well as dialogue with certifiers, to stress the importance of unionisation and collaboration with various workers unions throughout the supply chain – transport and logistics (ports). Use verification field visit to engage with and further explore issues identified in the HRIA with various unions, workers and work representatives – including in transport and logistics (ports) – and take actions based on verified findings. Take steps to establish stronger, regular dialogue between Lidl and international unions on high-risk supply chains (e.g. IUF, ITF) 	<p>Principle rights categories impacted:</p> <ul style="list-style-type: none"> Freedom of association and collective bargaining Working conditions (incl. wages) (Ports) <p>The expected outcome is better understanding of collective labour relations issues, particularly at ports. The actions should also raise awareness of this issue among a broad range of stakeholders in the sector.</p> <p>Depending on findings and subsequent actions, workers, particularly those most impacted, may enjoy greater freedom of association and collective bargaining and subsequently improved conditions and businesses improved labour relations and lower risk of industrial conflict.</p>	

Recommendations

Recommended action	Key steps	Expected outcomes	Priority
Expand commitment on living wage	<ul style="list-style-type: none"> Engage in voluntary participation in living wage component of Rainforest Alliance 2020 standard in order to connect with and support producers implementing wage improvement plans. Continue active role in German Retailers Working Group and UK IDH collaboration on living income and living wage projects. Consider participation in other national initiatives (e.g. NL). 	<p>Principle rights categories impacted:</p> <ul style="list-style-type: none"> Working conditions (incl. wages) Adequate standard of living <p>The expected outcome is that through the commitment, producers willing to engage in the living wage commitment will come forward – allowing Lidl to engage with these producers, and implement wage improvement plans, increasing the wages thus standard of those workers in the supply chain who may not currently receive a living wage.</p> <p>This would have positive impact on Lidl’s ability to engage on this issue in various platforms in Germany and elsewhere.</p>	
Working group: find collaborative solutions to contextual challenges in the Colombian banana sector	<ul style="list-style-type: none"> Highlight the findings of the HRIA with World Banana Forum with a particular focus on contextual issues in the Colombian supply chain. These include: OHS, community health, labour law enforcement capacity and pension issues, working conditions (incl FoA) in logistics and ports, non-discrimination and GBVH; and youth engagement. Lead discussion with the view of collectively identifying appropriate, collective actions, such as projects or dialogues, to prevent, mitigate and remedy related impacts, including by working closely with national stakeholders in Colombia – such as unions, employers, national authorities and certifiers. 	<p>Principle rights categories impacted:</p> <ul style="list-style-type: none"> Working conditions (incl. wages, field work, processing, ports etc) OHS Right to health (community) Non-discrimination and equal opportunity GBVH Adequate standard of living <p>Firstly, the expected outcome will be increased discussion, awareness and understanding of these contextual issues. Depending on the collective actions agreed and implemented by national and international stakeholders, outcomes may include improved working conditions at ports, improved employment opportunities for women and reductions in cases of discrimination and GBVH, or initiatives to incentivise youth employment thus improving standards of living.</p> <p>Engaging on these issues with other companies and other actors would improve Lidl and its business partners ability to understand these issues and build solid relationships with others in the sector/country.</p>	

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