

Dear Kate,

We write in response to the e-mail from BHRCC dated 13th December 2022 on behalf of Jenier Limited. We did not respond on receipt of the e-mail as we wished to conduct investigations around the specifics of the allegations made and, indeed, at the time of writing, have still not received a reply from either the writer of the article referred to or the newspaper where the article was published. However, we wish to comply with the deadline set, so we respond as follows. Jenier is a UK family-owned small business operating in the UK tea sector for over 14 years. We are a living wage employer. We always have and continue to question the integrity of our supply chain to ensure we are working with suppliers who respect and treat workers how we wish to be treated.

The two estates listed are **no longer part of the Jenier supply chain** and have not been for some time. Their details should have been excluded when sending over the list of our suppliers last year. That said, we recognise that the newspaper article involved over 20 major tea plantation companies and, as we had purchased from the two named in the past, felt it essential to investigate the Si Lankan Daily Mirror report as brought to our attention.

Jenier were not aware of the allegation. On reading the online Sri Lankan newspaper article, we noted the publication date was 28th February 2022 and referred to a future court hearing on 4th March 2022, some ten months earlier. Intensive online searches did not reveal any subsequent mention of the article, its subject or any follow-up report of the 4th March court hearing outcomes.

Jenier contacted the UK Ethical Tea Partnership to ask if they had any information surrounding the initial newspaper report and if their contacts in Sri Lanka could provide further details on the progress of the writ petition and the challenge to the wages board. Also, with the lack of any additional online reporting by the source newspaper or any other media outlets, Jenier contacted the newspaper in Sri Lanka directly to ask for comment on the original article and asked if they had any further information they could share. To this date, the Sri Lankan Daily Mirror has yet to respond.

We did, however, find an article published in the Colombo Times in September 2021 wages and the subsequent impact on tea workers by **Professor A.S.Chandrabose. Department of Social Studies, The Faculty of Humanities and Social Sciences, The Open University of Sri Lanka, Nawala, Nugegoda & Dr R. Ramesh, Senior Lecturer Department of Political Sciences, Faculty of Arts, University of Peradeniya:**

<https://www.colombotelegraph.com/index.php/tea-plantations-at-crossroads-rs-1000-wage-hike-emerging-dilemmas/>

We have also found a more recent study dated 5th October 2022 by Prof. Sangaran Vijesandiran - <https://www.isdkandy.org/wp-content/uploads/2022/10/Rapid-estimation-LW-for-Plantion-workers-ISD-3rd-study-2022-1.pdf>.

The Ethical Tea Partnership's contact in Sri Lanka confirmed that at the time of the newspaper publication, *"There was some stress during that time, where the collective bargaining agreement between Companies and Unions expired as well, and the new wage was stipulated as a Min Wage under the Wage Board of Sri Lanka, which makes it not exclusive to tea.*

However, there was some unrest as Companies also used different models to make payments, or sometime deductions as the new wage structure had a clash with long established norms, i.e., men effectively worked ½ day, but enjoyed a full days wage in the collective agreement, but with the new Wages Board system they have minimum no of hours to cover. However within a short time things normalised, and every company has complied into the wage, as its mandatory."

In addition to the above, we also understand the Chairman of the Planters' Association, Senaka Alawattegama (also the CEO of Talawakelle Plantations), confirmed that from the point of the parliamentary gazette being issued on payment of the new wage, all companies did comply. The court case is still pending/ open, but the reason for it being lodged at the time was that there was a Collective Agreement in place, and a new Wages Board directive was issued, which led to confusion.

Our understanding of the current situation is that the current wage levels are insufficient in the context of the hyperinflation crisis. This crisis has led to an updated living wage study commissioned by a local NGO. This study is the same published study by Prof. Sangaran Vijesandiran we found mentioned earlier using "*comprehensive methodology developed by Anker and Anker (2017) that builds on their experiences from earlier works on living wages all over the world and published by the ILO (Anker, 2006; Anker, 2011). The Anker and Anker Approach to LW estimation methodology is commonly adopted and shared as a common approach by Fairtrade International, Forest Stewardship Council, GoodWeave, Sustainable Agriculture Network/Rainforest Alliance, Social Accountability International and UTZ Certified to estimate the living wage for the global workers (GLWC, 2013)*".

In conclusion Prof. Sangaran Vijesandiran writes:

Despite many development efforts made in the estate sector during the past decades, the tea estate workers in Sri Lanka are still live in a poor socio-economic and welfare conditions. It is an urgent concern to improve the living standards of the tea estate workers and their families up to the national level and ensure a decent living standard which is demand for a Daily LW rate of SLR 2165.00 per worker per day with offering of 25 days of work per month. In order to achieve this task, the plantation trade unions, management of RPCs and the government should together come forward a favorable action and joint measure to ensure the economic viability of the industry and fulfil the socio-economic aspirations of the worker community.

Since the publication of this report, Jenier understand the three main Unions are discussing community-level actions they must collaborate on to influence change. Working together without political agendas, they may consider a new collective bargaining agreement which will provide better security for the communities they represent. With collective bargaining, mechanisms must be in place to enable workers and their representatives to advocate for remuneration that suits their needs, including supporting workers to engage in unions and ensuring that workers are aware of and able to exercise their rights.

We will continue to monitor the situation and local updates as provided by the Ethical Tea Partnership and their associates.

Kindest regards,

Anita

Anita Clark, Managing Director
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