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HUMAN
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December 11, 2013

André Calantzopoulos
Chief Executive Officer
Philip Morris International, Inc.
120 Park Avenue
New York, New York 10017

Cc: Jennifer P. Goodale
Vice President, Contributions
Philip Morris International
Avenue de Rhodanie 50
1007 Lausanne, Switzerland

Dear Mr. Calantzopoulos,

Please accept my greetings on behalf of Human Rights Watch. Human Rights Watch is grateful for the constructive dialogue we have had with Philip Morris International concerning protections for workers and child labor in Philip Morris International's global supply chain since we first contacted Philip Morris Kazakhstan and Philip Morris International in October 2009 regarding child labor and exploitation of migrant workers on farms in Kazakhstan supplying tobacco to Philip Morris Kazakhstan.

We are writing to you today to share preliminary findings with you concerning our recent research on child labor in tobacco farming in the United States. We hope that this new research will help deepen our dialogue with you regarding concerns related to child workers in tobacco farming and further Philip Morris International's implementation of its Agricultural Labor Policy program throughout its global supply chain.

From May-October 2013 Human Rights Watch conducted research on child labor in tobacco farming in North Carolina, Kentucky, Tennessee, and Virginia. We interviewed approximately 140 children ages 7-17 who stated that they worked in tobacco farming in 2012 or 2013 or in both years, as well as children and parents who described other children working in tobacco farming.

The specific jobs children said they did on tobacco farms included: planting seedlings, weeding, thinning tobacco plants, repositioning plants that were leaning, topping, pulling off suckers, and applying pesticides.

On farms with flue-cured tobacco, children reported doing the following jobs: hand harvesting tobacco leaves, machine harvesting tobacco leaves, filling cages with tobacco leaves for drying, sorting tobacco leaves, and packing tobacco leaves.

On farms growing burley tobacco, children reported: cutting tobacco plants, carrying cut tobacco plants, spearing tobacco plants on sticks for hanging, carrying sticks with several tobacco plants, lifting sticks with several tobacco plants onto trucks or to workers to hang the sticks in the rafters of a barn, hanging sticks with tobacco plants in barns, taking down sticks of burley tobacco plants from barns, and stripping leaves off dried tobacco.

The vast majority of children with whom Human Rights Watch spoke were working for hire. Most children were hired by a labor contractor or a labor subcontractor. Some children were working directly for tobacco growers. Only a few children worked on family farms, without pay. A few of the very youngest children worked with their parents sporadically and without pay.

The vast majority of children interviewed by Human Rights Watch stated that they lived in the states in which they worked and worked primarily or exclusively in the summer months. Human Rights Watch also interviewed a few children who migrated to or within the United States for work.

Preliminary Findings

Health and Safety

Nicotine Poisoning/Green Tobacco Sickness and Other Health Risks

A majority of children interviewed by Human Rights Watch described experiencing symptoms consistent with acute nicotine poisoning (Green Tobacco Sickness) while working, including, variously, nausea, dizziness, lightheadedness, headaches, vomiting, and loss of appetite.

Some of these symptoms may be linked to pesticide exposure or working in conditions of high heat and high humidity without sufficient rest, shade, and hydration.

Nearly all children interviewed by Human Rights Watch said they lacked personal protective equipment, which would help minimize the amount of exposure to wet tobacco leaves and tobacco leaves that had been treated with pesticides or other hazardous chemicals.

Some also reported difficulty sleeping together with symptoms of nicotine poisoning.

Some children also reported itchy skin and skin rashes.

Some children also told Human Rights Watch that water from tobacco plants would splash into their eyes or mouth during topping or pieces of tobacco leaves would fall into their eyes or mouth while lifting sticks with tobacco plants to be hung in barns.

A few children reported respiratory and allergic symptoms while working in tobacco fields or in curing barns.

Exposure to Pesticides and Growth Regulators

Many children interviewed by Human Rights Watch reported that they saw tractors spraying pesticides or growth regulators in the fields in which they were working or in fields adjacent to the ones in which they were working. These children often reported being able to smell and/or feel the chemical spray as it drifted towards them. Many reported some or all of the following symptoms after coming into contact with the spray: burning eyes, burning nose, itchy skin, nausea, vomiting, dizziness, redness and swelling of the mouth, and headaches.

A few children interviewed by Human Rights Watch stated that they applied pesticides to tobacco plants with a handheld sprayer and backpack and a few reported operating tractors that were spraying pesticides on tobacco fields.

Extreme Temperatures

All children interviewed by Human Rights Watch stated that they often worked in high temperatures and high humidity typical for the summer months in North Carolina, Kentucky, Tennessee and Virginia, and many stated that they were expected to work without additional breaks in such conditions.

Water

Most children interviewed by Human Rights Watch stated that the contractor or grower provided water to them while working, usually from a cooler. Some children told Human Rights Watch that the water provided was not clean or drinkable. Other children told Human Rights Watch that employers did not provide water at all.

Lack of Shade

Many children interviewed by Human Rights Watch stated that they did not have the opportunity to shelter in shade during the work day. Some children reported that the shade available was inside vehicles used to transport the workers to the worksite, or in wooded areas, in the event the worksite was located near a wooded area.

Lack of Sanitary Facilities

Very few children interviewed by Human Rights Watch reported having access to a bathroom. Most children told Human Rights Watch that they would relieve themselves in wooded areas, if there were any near to the worksite, or refrain from relieving themselves at all during the day, including by declining to drink liquids. Some children told Human Rights Watch that a contractor or grower would drive them to a nearby gas station, store, or other public facility, or allow them to walk to a public facility or to the grower's home if it was located near the worksite, where children would use a bathroom.

Lack of Hand Washing Facilities

Most children interviewed by Human Rights Watch stated that they did not have access to hand washing facilities. Many children stated that they rinsed their hands with water from the cooler provided, but did not use soap to wash their hands.

Some children told Human Rights Watch that a contractor or grower would drive them to a nearby gas station, store, or other public facility, or allow them to walk to a public facility or to the grower's home if it was located near the worksite, where children would be allowed to wash their hands.

Lack of Personal Protective Equipment

Almost none of the children interviewed by Human Rights Watch were given any kind of personal protective equipment by their employer.

Many children interviewed by Human Rights Watch wore black plastic garbage bags over their clothes to prevent their clothes from becoming soaked by water on the tobacco plants after rain or in high humidity conditions that created heavy dew. Children's parents typically bought the plastic bags for them to wear. Some children interviewed by Human Rights Watch did not wear plastic garbage bags because doing so made them overheat.

Most children interviewed by Human Rights Watch wore latex or cloth gloves, which in most cases they or their parents bought. Some child workers said that the gloves available were too large for their hands or it was difficult for them to perform the work at the pace required while wearing gloves, so they worked without them.

Several children told Human Rights Watch that they worked in bare feet or socks when the mud in the fields was deep and they lacked appropriate footwear.

Repetitive Motions and Lifting Heavy Loads

Children interviewed by Human Rights Watch described performing prolonged repetitive motions, including working bent over at the waist, twisting their wrists to top tobacco plants, crawling on hands and knees, or reaching above their heads for extended periods of time. Children reported muscle soreness, aches, and pain in their backs, shoulders, arms, hands, and fingers after engaging in repetitive motions.

Human Rights Watch interviewed child workers who reported loading heavy sticks of harvested tobacco plants onto flatbed wagons to be transported to barns for curing. Children also said they lifted heavy sticks of tobacco plants over their heads to other workers who would hang the sticks in the rafters of barns for curing.

Work with Dangerous Tools, Machinery, Heavy Loads, and at Heights

Some children interviewed by Human Rights Watch stated that they used hoes to remove weeds from tobacco fields, as well as axes or hatchets to cut burley tobacco during the harvest and spikes

to spear burley tobacco plants. Some children told us they sustained cuts and puncture wounds from working with these sharp tools.

A few children said they operated or worked in close proximity to dangerous machinery, including mowers used to trim tobacco plants, tractors used to harvest tobacco leaves, and balers used to compress leaves into bales. In Kentucky, Human Rights Watch interviewed a few children who drove tractors while working in tobacco. Some children reported injuries related to operating or being near heavy machinery.

Human Rights Watch interviewed children who told us they climbed into the rafters of barns, with and without ladders, to hang sticks of harvested burley tobacco to dry. Children described climbing to significant heights as crews of workers formed several tiers to pass sticks of tobacco upward to be hung in the barn for curing. While engaging in this work, children said, they straddled planks that were sometimes positioned two or three feet apart.

Wages and Hours

Wages

Most children we interviewed reported earning minimum hourly wage for their work. Some children reported being paid by check and some were paid in cash.

Some children interviewed by Human Rights Watch received less than minimum wage. Some children reported to Human Rights Watch earning more than minimum wage. Some children interviewed by Human Rights Watch said that they earned piece rate wages during the burley tobacco harvest based on the number of tobacco plants they cut and/or hung in barns.

Some children reported to Human Rights Watch problems with wages including deductions by the contractor or grower for water or for reasons that were not explained to them or because of what they believed were inaccurate recording of hours by contractors.

Working Hours

Children interviewed by Human Rights Watch described working long hours, typically between 10-12 hours per day, and sometimes more. Some children worked shorter days, because the day's work had been completed or because the contractor or grower allowed workers to end the day early due to heavy rain or very high heat. Other children reported working through adverse weather conditions.

Most children interviewed by Human Rights Watch worked 5 days per week; some worked fewer, and some children reported working 6 or 7 days per week.

Nearly all children interviewed by Human Rights Watch stated that they were allowed 2 or 3 breaks per day.

Education

Some children interviewed by Human Rights Watch had migrated for work and missed several months of school. Some children reported skipping days of school to work in tobacco. Some children reported working long hours after school that interfered with their ability to keep up with schoolwork.

Questions

We are aware that Philip Morris International states in its Agricultural Labor Policy (ALP) that, “There shall be no child labor,” and specifies the following Measurable Standards:

- There is no employment or recruitment of child labor. The minimum age for admission to work is not less than the age for the completion of compulsory schooling and, in any case, is not less than 15 years or the minimum age provided by the country’s laws, whichever affords greater protection.
- No person below 18 is involved in any type of hazardous work.
- In the case of family farms, a child may only help on his or her family’s farm provided that the work is light work and the child is between 13 and 15 years or above the minimum age for light work as defined by the country’s laws, whichever affords greater protection.

We are interested in learning more about Philip Morris International’s implementation of this policy and the practices PMI has in place regarding child labor and other labor rights in the United States, as well as to receive the latest information regarding Philip Morris International’s implementation of the ALP policy globally. In particular, we are interested in the following information:

1. What types of tasks on tobacco farms does Philip Morris International consider to be “hazardous work” under its policy that “No person below 18 is involved in any type of hazardous work”? What steps does PMI take to enforce the prohibition on children working in these types of tasks in its global supply chain and, in particular, in its United States supply chain?
2. What is meant by the ALP measurable standard: “The minimum age for admission to work is not less than the age for the completion of compulsory schooling and, in any case, is not less than 15 years or the minimum age” in the context of the measurable standard: “No person below 18 is involved in any type of hazardous work”?
3. Given the ALP’s prohibition on persons under 18 being involved in hazardous work, how does Philip Morris International monitor for child labor on farms supplying tobacco to PMI or to intermediary companies from which PMI buys tobacco? Specifically, how does Philip Morris International conduct this monitoring in the United States?

4. How does Philip Morris International monitor the implementation of ALP policies concerning payment of wages to workers on tobacco farms in its supply chain and deductions from workers' wages (such as for provision of water, transportation, or the like) and working hours? Does PMI have a policy concerning breaks for workers?
5. What steps does Philip Morris International take to ensure that workers on tobacco farms in its supply chain, and not only growers, are informed about nicotine poisoning/Green Tobacco Sickness, risks associated with pesticide exposure, risks associated with dangerous tools, heavy machinery, and working at heights, and other health concerns? How does PMI monitor the implementation of these policies?
6. What policies does Philip Morris International have in place regarding the proximity of workers on tobacco farms in its supply chain to active spraying of pesticides or other hazardous chemicals by tractor, given the risk of workers' exposure to pesticides as a result of drift when working near tractors that are spraying? How does PMI monitor the implementation of these policies?
7. What mechanisms does Philip Morris International have to ensure the ALP standard: "Farmers shall recognize and respect workers' rights to freedom of association and to bargain collectively" is met on farms supplying tobacco to PMI and its subsidiaries and suppliers? Does PMI believe that freedom of association includes a process for employers to recognize employee associations for the purposes of collective bargaining? Has PMI established such a process on farms with which it contracts directly?
8. Has Philip Morris International identified or received any reports of child labor or other labor violations or other concerns about the treatment of workers on its tobacco fields in the United States either from workers or from others in 2011, 2012 and 2013? If so, what actions has Philip Morris International taken?
9. Does Philip Morris International have a mechanism whereby workers employed on farms in the United States supplying tobacco to PMI may submit complaints regarding labor practices or other concerns? If such a mechanism exists, what steps does PMI take to ensure that workers are informed of this mechanism and the manner in which they can use it? If such a mechanism exists, how many child workers or other workers have used it in 2011, 2012, and 2013? What steps does PMI take to ensure that workers who file complaints do not face retaliation?
10. We would be grateful to receive data on Philip Morris International's total tobacco purchases in the United States as well as its total tobacco purchases in each of the following states: North Carolina, Kentucky, Tennessee, and Virginia, in 2011, 2012, and 2013.

11. We would be grateful for data on how these numbers compare to Philip Morris International's tobacco purchasing in other countries.

12. We would be grateful for data on worker deaths and injuries, if possible disaggregated by age, gender, and ethnicity, for all countries from which Philip Morris International and its subsidiaries supply tobacco.

Human Rights Watch seeks to obtain information that will ensure accuracy in our reporting. We will be grateful if you can formally respond to this letter so that we can incorporate your perspective into our analysis and our report. We would welcome your response by January 24, 2014.

We would also like to arrange a meeting with you or senior Philip Morris International staff and Human Rights Watch experts on child labor to discuss the issues raised in this letter. You may reach us by email or phone to arrange a mutually convenient time for such a meeting (buchanj@hrw.org and +1 212 216 1857). We will also be in contact with your office in the coming weeks regarding a convenient time for a meeting.

Sincerely,



Arvind Ganesan
Director
Business and Human Rights Division



Jane Buchanan
Associate Director
Children's Rights Division