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Assessment of the fundamental right to a safe and healthy working environment in Nepal's cardamom sector

Analytical summary



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► Preface

Plantations, in particular the tea and cardamom sectors, are important drivers of socio-economic growth in Nepal. However, despite their importance and potential for growth and job creation, the sectors are characterized by poor working conditions, lack of information and awareness on fundamental rights issues, including on the right to a safe and healthy working environment, low levels of productivity and skills, inadequate access to public services, and weak trade union presence. Work in these sectors is particularly vulnerable for women, who are often subjected to various forms of workplace harassment, including sexual harassment and discrimination.

In response to these challenges, the ILO implemented the *Safety + Health for all plantation workers in South Asia: Nepal component* project, under the ILO's global Safety + Health for All flagship programme, funded by the Government of Japan. The Nepal component was linked to the wider project, which simultaneously addressed the conditions of workers in plantations in India and Sri Lanka.¹ In order to help create a safe and healthy working environment, the project focuses on three core objectives:

- i. generate and share knowledge on constraints and opportunities to improve the safety and health of workers in the plantation sector in South Asia;
- ii. strengthen national and local institutions to better promote and protect the safety and health of plantation workers in India, Nepal and Sri Lanka; and
- iii. develop or strengthen workplace and industry level practices and initiatives to promote the safety and health of workers, in the plantation sector in India, Nepal and Sri Lanka.

In line with the first objective, the Nepal component of the project partnered with SMS Environment & Engineering Pvt. Ltd, a Nepalese consulting firm, to carry out diagnostic assessments on the realization of the fundamental right to a safe and healthy working environment in the tea and cardamom sectors. Recognizing that fundamental principles and rights at work are interrelated, inseparable and mutually reinforcing, the research also collected data on the realization of freedom of association, the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

The goal of the assessments was to establish a robust knowledge base and develop effective strategies to enhance the realization of the right to a safe and healthy working environment in the tea and cardamom sectors. The assessments included a combination of in-depth interviews (IDI), key informant interviews (KII), focus group discussions (FGD), and observations, designed in accordance with the ILO research manual *Assessment of the Implementation of Fundamental Principles and Rights at Work in the Workplace* (ILO, 2023).²

¹ See ILO, [Safety + health for all plantation workers in South Asia: project details](#), 2021.

² ILO, [Research Manual - Assessment of the implementation of fundamental principles and rights at work in the workplace](#), 2023.

The purpose of this analytical summary is to frame the findings of the diagnostic report on the right to a safe and healthy working environment in Nepal's cardamom sector, highlighting its links to collective bargaining and discrimination, and to provide actionable recommendations. A separate report offers a similar analysis for the tea sector.

Nepal is set to graduate from least developed country (LDC) status in 2026, unlocking new opportunities for economic growth and global integration. However, this transition will also present challenges for export-oriented industries to maintain and improve their international competitiveness. With this graduation, there will be increased expectations regarding the realization of the right to a safe and healthy working environment. Therefore, we hope that this report will inform the stakeholders in promoting decent work in a key sector vital to Nepal's economy.

Numan Özcan

Director, ILO Country Office for Nepal

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► List of abbreviations

AEC	Agriculture Enterprise Centre
DFTQC	Department of Food Technology and Quality Control
FGD	Focus Group Discussion
FLCEN	Federation of Large Cardamom Entrepreneurs of Nepal
FNCCI	Federation of Chambers of Commerce and Industry
FPRW	Fundamental principles and rights at work
FSSAI	Food Safety and Standards Authority of India
IDI	In Depth Interview
ILO	International Labour Organization
KII	Key Informant Interview
LCEAN	Large Cardamom Entrepreneurs Association of Nepal
LDC	Least developed country
MOALD	Ministry of Agriculture and Livestock Development
MoLESS	Ministry of Labour, Employment and Social Security
NARC	Nepal Agriculture Research Council
NPR	Nepalese Rupee
OSH	Occupational Safety and Health
PAN	Permanent account number (PAN)
PPE	Personal protective equipment
TEPC	Trade and Export Promotion Centre

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The research for the diagnostic analysis was conducted by the SMS Environment and Engineering Pvt. Ltd, Nepal (a local research service provider) under the supervision of Tsuyoshi Kawakami (ILO), Bharti Birla (ILO), Laetitia Dumas (ILO), Bina Kunwar Thapa (ILO) and Swagat Raj Pandey (ILO). The analytical summary was later prepared by William Kemp (consultant) under the supervision of Justine Tillier (ILO), Saloman Rajbanshi (ILO), and Bandana Aryal (ILO). The analytical summary benefited from the observations provided by Insaf Nizam (ILO) and Tsuyoshi Kawakami (ILO). The cardamom sector stakeholders, including workers working in the cardamom fields and factories, employers' organizations, workers' organizations, and government offices responsible for labour rights provided information as per the requirements of the diagnostic analysis.

This report was developed as part of the ILO Safety + Health for All Plantation Workers in South Asia project, funded by the Government of Japan, and implemented under the ILO's Safety + Health for All flagship programme.



1. Background and context

1.1. The cardamom sector in Nepal

Nepal is the world's primary producer of large cardamom, accounting for 68 per cent of the global market.³ The sector is considered to have significant potential for growth and job creation, with much of its potential currently unrealized. Cardamom production has grown to span 53 of Nepal's 77 districts, though is concentrated primarily in the east of the country.⁴

Nepalese large cardamom (*amomum subulatum Roxburgh*) is known locally as 'alainchi' and referred to as 'black gold' or 'black cardamom'. It belongs to the ginger or *zingiberaceae* family of plants and is processed in two stages: primary processing, which involves harvesting, curing, drying, and secondary processing, which includes cutting, grading, sorting and packing.⁵

The cardamom sector makes a significant contribution to Nepal's economy. It is the country's largest agricultural export, and second largest export overall, making it a key contributor to the country's trade balance and foreign currency reserves.⁶ It also important for employment, with estimates suggesting that between 66,000 and 70,000 households are engaged in cardamom production throughout Nepal.⁷ More than 95 per cent of large cardamom comes from these individual farmers, while a small number of larger enterprises are engaged in secondary processing.

Although the cardamom sector offers significant potential for growth and job creation, workers often face poor working conditions. These include low wages, long hours, physically demanding and hazardous tasks, and a lack of social security. Cardamom farmers face common safety and health hazards and risks such as the handling of heavy materials, long and irregular working hours, work in heat and extreme weather conditions, and exposure to pesticides and other agrochemicals. Workplaces also often lack basic sanitation facilities and health services. Workers on small farms are subject to further occupational safety and health (OSH) challenges where workplaces double as living spaces, such as where pesticides are stored in family houses.

Work in the sector is also associated with other challenges regarding the realization of fundamental principles and rights at work. Women have important but often underacknowledged roles in the sector, typically performing repetitive and tedious work that is low paid or unpaid.⁸ As with most small farmers at the production side of Cardamom in Nepal, workers typically work informally and family farms and bartering the wages. These informal workers often fall outside of the protection of Nepal's legal and regulatory framework and coverage of the national social security system, even though they are technically included under their principle of universal coverage. Their situation is exacerbated by a lack of the realization of the right to freedom of association which hinders effective collective bargaining to negotiate improvements in their working conditions and safety and health at work.

³ Krishana Prasain 'Large cardamom could be Nepal's trade booster', in The Kathmandu Post, June 25 2024.

⁴ Nepal, Ministry of Agriculture and Livestock Development, [Statistical Information on Nepalese Agriculture -2019/2020](#), 2021.

⁵ Nepal Trade Information Portal, [Large cardamom](#), no date, accessed 7 August 2024.

⁶ Ibid.

⁷ Ibid.

⁸ The International Bank for Reconstruction and Development and The World Bank, [Understanding the role of women home-based workers in value chains of large cardamom and allo in Nepal](#), 2019, pp. 10-11.

To date, there has been a lack of research to corroborate these decent work deficits and to build a knowledge base to develop policies to realize occupational safety and health (OSH) and interrelated fundamental principles and rights at work (FPRW) issues in the cardamom sector. Assessing the realization of OSH and interrelated FPRW can help develop policies to promote decent work, including a safe and healthy working environment, for all in the cardamom sector in Nepal.

1.2. Fundamental principles and rights at work in Nepal

Nepal, like all ILO Member States, is obligated to promote and realize the principles concerning FPRW. As of a decision at the 110th Session of the International Labour Conference in June 2022, the ILO Declaration on Fundamental Principles and Rights at Work includes the right to a safe and healthy working environment.

ILO Member States are obligated and committed to:

- ▶ freedom of association and the effective recognition of the right to collective bargaining;
- ▶ the elimination of all forms of forced or compulsory labour;
- ▶ the effective abolition of child labour;
- ▶ the elimination of discrimination in respect of employment and occupation; and
- ▶ a safe and healthy working environment.

To date, Nepal has ratified 11 ILO Conventions, including 7 fundamental conventions. These include: the Forced Labour Convention, 1930 (No. 29); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); the Equal Remuneration Convention, 1951 (No. 100); the Abolition of Forced Labour Convention, 1957 (No. 105); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Minimum Age Convention, 1973 (No. 138); and the Worst Forms of Child Labour Convention, 1999 (No. 182). However, Nepal has not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Occupational Safety and Health Convention, 1981 (No. 155); and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), though all ILO Member States have the obligation to respect, promote and realize all FPRW

The Government of Nepal has taken a number of actions to safeguard the FPRW of workers. In 2015, Nepal promulgated its Constitution which guarantees FPRW for all workers. Meanwhile, the Labour Act, 2017, contains provisions for OSH, gender equality and non-discrimination in the workplace, as well as for freedom of association and collective bargaining. The Right to Employment Act (2018) protects workers from discrimination and provides that no person should be discriminated against on the grounds of gender, nationality, religion, skin colour, language, religion, migrant status, or other characteristics.⁹

The ILO Country Office for Nepal has provided technical and financial assistance to the Government to help promote and achieve FPRW.¹⁰ However, significant challenges remain for Nepal in ensuring that FPRW are upheld, including in building awareness of FPRW and in reaching often remote target groups.¹¹

⁹ Nepal Law Commission, [The Labour Act, 2017](#), 2017; and [Right to Employment Act, 2018](#), 2018.

¹⁰ ILO, [‘Nepal - International Labour Standards country profile’](#).

¹¹ ILO, [Nepal Decent Work Country Programme 2018-2022](#), 2018.

Child labour remains an issue in over a fifth of rural areas. In 2018, 1.1 million children were subjected to child labour, 87 per cent of whom were working in agriculture, and with a significant number of children having to carry out hazardous work. Women's labour force participation in Nepal is less than half that of men, and women are more likely to be in long-term unemployment. Meanwhile, Dalits, a traditionally marginalized class, earn on average 47 per cent less than Khas Arya, and while bonded labour systems were abolished in 2000, former victims and their descendants are often vulnerable and face limited opportunities for decent work.

In recent years, there has been heightened recognition by tripartite constituents of the need to intensify the promotion of safe and healthy working environment, and its important role alongside the realization of other interrelated FPRW, including in economic sectors with hazardous work such as agriculture and plantations.¹² Furthermore, while Nepal's Constitution recognizes the fundamental right of workers and employers to associate freely and engage in collective bargaining, collective bargaining and workplace cooperation have been in decline in Nepal and within existing subnational social partner structures, awareness of the legal and policy frameworks for promoting decent work remains insufficient.¹⁷

These challenges highlight the need for more work to be done to ensure the effective realization of OSH and interrelated FPRW in Nepal. A focus on these issues can help promote decent work and the sustainable development of the sector.

1.3. Relevant labour laws and policies relating to working conditions and safety and health at work

1.3.1. Labour provisions

The primary legal instruments concerning labour law in Nepal are the Labour Act, 2017 and the Labour Rules, 2018. These instruments set minimum standards working conditions, including in relation to FPRW. The Labour Act prohibits forced labour (Clause 3), child labour (Clause 5), discrimination on the basis of gender, origin, religion, colour and various other grounds (Clause 6), provide for Equal remuneration for work of equal value (Clause 7), rights to form and join trade unions (Clause 8), and rights to remedy in case of infringements of rights conferred under the law (Clause 9).

The Labour Act categorizes employment into five types:

- i. **Regular employment:** regular work that is not based on fixed times, casual or piece-rate work;
- ii. **Work-based employment:** employment provided specifying the performance of particular work or service;
- iii. **Time based employment:** work covering a fixed period;
- iv. **Casual employment:** work that lasts seven days or less in a calendar month; and
- v. **Part-time employment:** work of less than 35 hours per week, typically paid at an hourly rate.

¹² ILO, [Decent Work Country Programme for Nepal 2023-2027](#), 2024.

The Labour Act contains a number of provisions relevant to the working conditions of cardamom workers. These include provisions on:

- ▶ **Working hours:** 8-hour workdays and 48-hour working weeks. Overtime should not exceed 4 hours a day or 24 hours a week, remunerated at 1.5 times regular pay. 30-minute breaks mandated after every 5 hours of work;
- ▶ **Minimum wages:** hourly (NPR 66), daily (NPR 500) and monthly (NPR 13,893); as well as provisions for deductions, holiday pay etc.¹³
- ▶ **Leave:** workers should have one leave day per week, 14- and 13-days public leave for women and men respectively, and one day of home leave every 20 days. Replacement leave is provided for workers working on public holidays.
- ▶ **Maternity and paternity:** up to 14 weeks fully paid maternity leave, with compulsory leave from two weeks before to six weeks after delivery.
- ▶ **Social security:** mandated by the Labour Act and supported by the Social Security Act 2017 and Social Security Regulations, 2018. Contributions are set at 31 per cent of the basic salary (11 per cent from the employee and 20 per cent from the employer). This covers medical treatment, health, maternity protection, accident and disability protection, dependent family protection, and pensions.
- ▶ **Medical insurance:** the employer must provide medical insurance of at least NPR 100,000 annually and accident insurance of at least 700,000 annually for all workers.
- ▶ **Compensation:** Disputes regarding occupational diseases are settled by a committee of specialized medical practitioners and published.

The Labour Act covers all workers and all employers, regardless of the number of workers employed. This means it includes all workers in the cardamom sector, including those who are often self-employed, employed temporarily, and who work informally. However, implementation of the Labour Law to these workers remains challenging, without formal contracts, often performing seasonal work, in remote areas where labour inspection and enforcement is often limited.

1.3.2. OSH laws and policies

Chapter 12 of the Labour Act includes a number of OSH provisions that apply to workers in the cardamom sector. These include duties for employers to:

- ▶ provide a safe and healthy working environment, ensure no adverse effects from chemical or physical materials, provide OSH training, maintain safe workplace access, and provide personal protection equipment (PPE) at no cost to the worker;
- ▶ formulate a workplace policy on safety and health;
- ▶ form a safety and health committee including employer and worker representatives in enterprises with 20 or more workers;
- ▶ report accidents or occupational diseases to the Labour and employment Office within seven days of occurrence;
- ▶ make arrangements to prevent communicable diseases and provide additional leave for treatment if necessary;
- ▶ make arrangements for pregnant workers not to be assigned tasks that adversely affect their pregnancy; and

¹³ Nepal Gazette Part 5, Volume 73, Number 24, dated August 17, 2023 (2080-04-32).

- ▶ be responsible for medical expenses and/or compensation for occupational diseases unless covered by the Social Security Fund.

The adoption of the Labour Act was followed by the adoption of the National OSH Policy, 2019, and a National OSH Profile. Based upon the provisions in the Labour Act, the National OSH Policy provides a structured approach to achieving safety and health at work across all sectors in the country. It includes provisions related to promoting a culture of prevention, strengthening the legal framework, building institutional capacity, promoting social dialogue, awareness raising and education, data collection and monitoring and protecting vulnerable workers. In April 2023, the Ministry of Labour, Employment and Social Security (MoLESS) entered into a decision to form a national tripartite OSH committee for the process of developing a national OSH programme. The ILO *Safety + Health for All Workers in South Asia* worked with MoLESS in the process of developing this programme, which included consultations with employers and employers' associations, workers and workers' organizations, local government, provincial government, federal government, OSH experts, inter-ministerial concerned officials and other stakeholders. The OSH programme reviews legal provisions, policies, and administrative structures for implementation and inspection and highlights institutional roles, identifying gaps in policy and capacity, and presenting recommendations for policymakers and is seen as a launch point for developing further interventions for improved OSH management systems in the workplace.¹⁴

1.3.3. Discrimination

The Labour Act protects all workers against discrimination in respect of employment in two key areas:

- i. **Prohibition on discrimination:** Clause 6 of the Labour Law prohibits discrimination on “the ground of religion, colour, sex, caste, tribe, origin, language, ideological conviction or other similar ground”. Giving preference of suitable tasks to women or people with disabilities is explicitly excluded from discrimination as a positive measure.
- ii. **Prohibition on discrimination in remuneration for equal work:** Clause 7 of the Labour Law provides that workers receive equal remuneration for work of equal value, regardless of gender, or the other characteristics outlawed from discrimination in Clause 6.

Nepal's Labour Laws, 2018, reinforce the anti-discrimination provisions of the Labour Act, prohibiting discrimination, safeguarding equal remuneration for work of equal value and outlining grievance mechanisms for workers who feel they have been subject to discrimination.

1.3.4. Freedom of association and collective bargaining

The Trade Union Act 1992 and Trade Union Rules 1993 protect workers' right to organize and bargain collectively. Workers can form enterprise-level trade unions, engage in collective bargaining, and follow decisions made by authorized trade unions. The government appoints registrars for trade union registration and can restrict activities that disturb enterprises.

¹⁴ See, ILO, [Occupational safety and health profile for Nepal](#), 2022.



2. Objectives

The objective of the study was to assess the realization of the fundamental right to a safe and healthy working environment in the cardamom sector in Nepal. It also looked at interlinkages with the elimination of discrimination in respect of employment and occupation and freedom of association and the effective recognition of the right to collective bargaining. Despite the potential issues regarding child labour and forced labour identified in section 1.2. above, assessment of the realization of the FPRW for the elimination of child labour and abolition of forced labour were considered outside of the coverage of the assessment, as they require specific focus and expertise that extend beyond the scope of this study.

The assessment reviewed the legal framework applicable in the sector and conducted direct observations, interviews and group discussions in cardamom plantations and processing facilities to identify strengths, weaknesses, and gaps in the realization of OSH and its interlinkages with the other FPRW.

This analytical summary reviews and analyses the findings of the assessment of the cardamom sector, to bring to light the key observations that the report has made on the realization of OSH and interrelated FPRW and provides actionable recommendations to constituents to promote a safe and healthy working environment in the sector.

Nepal is set to graduate from Least Developed Country (LDC) status in 2026, a process that will create new opportunities for economic growth and integration with the global economy, but that will also create new challenges for export-oriented sectors, in maintaining and developing their competitiveness. The graduation process further means there will be higher expectations for the realization of OSH and interrelated FPRW in Nepal. It is therefore intended that this report will support constituents in achieving this goal within this key strategic sector of the economy.



3. Methodology

3.1. Design of tools and data collection methods

The methodology for the diagnostic assessment of the realization of OSH and two interrelated FPRW in the cardamom sector in Nepal was based upon the guidance included in a draft of the ILO Research Manual *Assessment of the implementation of fundamental principles and rights at work in the workplace*. The Research Manual contains practicable steps on assessing FPRW situations at the workplace, identifying and analyzing constraints in their application, establishing the concerns and needs of tripartite constituents and other stakeholders in the sector, and identifying opportunities and approaches to improve their realization. It also contains primary research tools, including tools and handbooks for delivering questionnaires, focus group discussions and semi-structured interviews.¹⁵

As per the Research Manual, the methodology was based on combined analysis of standardized information (through questionnaires), qualitative information (through semi-structured interviews) and of existing information and secondary data (using statistics, publications, project documents etc.). The diagnostic assessment primarily utilized qualitative data, supported by quantitative data, in order to evaluate the implementation of realization of OSH and interrelated FPRW in the cardamom sector. The data collection methods included:

- ▶ desk study;
- ▶ in-depth interviews (IDIs);
- ▶ key informant interviews (KIIs);
- ▶ focused group discussions (FGDs); and
- ▶ observations.

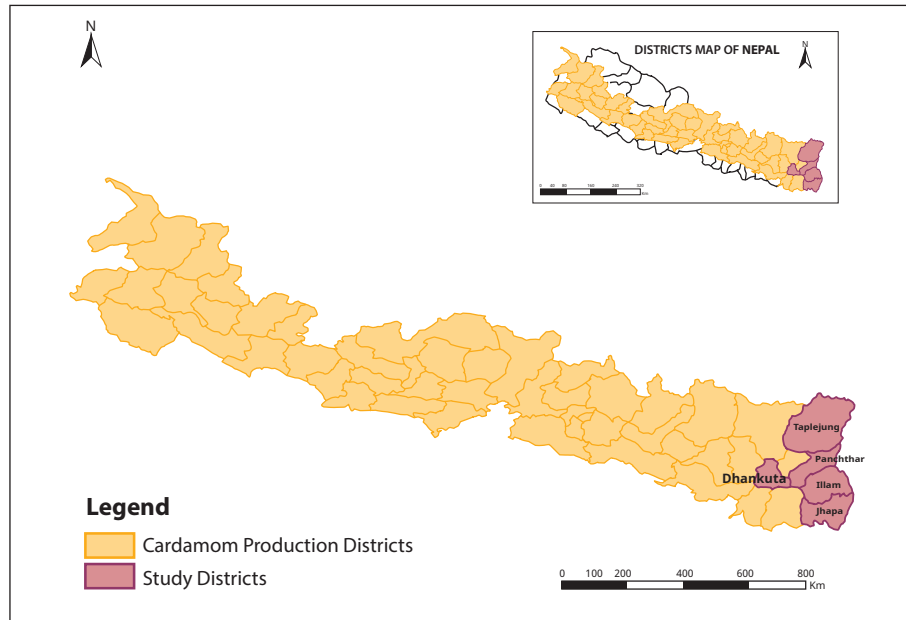
The guidance and tools provided in the ILO Research Manual were adapted to the national context using Nepalese legislation and through consultations between the national service provider and the ILO country office. A checklist was developed comprising OSH provisions of the Labour Law, 2017 and listing potential hazards in the cardamom sector based on desk review and discussions with sectoral experts. After translation to Nepalese, the tools and checklist were validated and amended to the local context through pilot testing.

3.2. Assessment process

From the cardamom producing districts in Nepal, the five main producing districts were selected for the study, all located to the east of the country (see Figure 1). This sample group of districts comprised the Dhankuta, Ilam, Jhapa, Panchthar and Taplejung districts. Of these five districts, four (Dhankuta, Ilam, Panchthar and Taplejung) are engaged in primary processing, while the other (Jhapa) is engaged in secondary processing.

¹⁵ ILO, [Research Manual - Assessment of the implementation of fundamental principles and rights at work in the workplace](#), 2023.

► **Figure 1: Districts studied in the diagnostic assessment**



Using purposive sampling, farmers and enterprises were selected from the districts for both primary and secondary processing. Respondents within each enterprise were then selected using random sampling. This process was conducted in consultation with the Federation of Large Cardamom Entrepreneurs of Nepal (FLCEN). Across the two processing stages, a sample group of 31 farmers/enterprises was selected. In order to access the workplaces, support was provided by the Federation of Large Cardamom Entrepreneurs of Nepal, the Large Cardamom Entrepreneurs Association of Nepal, the Chamber of Commerce and Industry, and the Labour and Employment Office.

From the sample group:

- **31 enterprises were selected:** 25 engaged in primary processing and six in secondary processing (each in Jhapa);
- **a total of 73 IDIs were conducted:**
 - **43 in primary processing:** 25 with farmers/employers and 18 with workers;
 - **30 IDIs in secondary processing:** six with farmers and 24 with workers;
- **five KIIs were conducted** with resource persons from different tripartite constituents (representatives from the labour inspectorate, employer representatives/chambers of commerce, trade union representatives etc.)¹⁶; and
- **four FGDs** were conducted with workers.

The data was collected between September and October 2022, guided by the tools of the adapted ILO Research Manual and national checklist. This raw data was then processed through transcription, coding, analysis and interpretation in the diagnostic assessment. Finally, this analytical summary will be published and shared with tripartite constituents for their use and information.

¹⁶ The Factory/Labour Inspector of Labour and Employment Office, Jhapa; the Federation of Large Cardamom Entrepreneurs of Nepal; the Large Cardamom Entrepreneurs Association of Nepal; the Ilam Chamber of Commerce & Industry; and the Dhankuta Chamber of Commerce & Industry.

3.3. Limitations of the study

While the study follows the methodology of the ILO Research Manual, there are several limitations that arose throughout the study that could affect the findings and/or their applicability. Firstly, it should be noted that the study's scope was limited to just five of the major producing districts, which may not provide a full representation of the situation across the whole cardamom producing region of Nepal. Secondly, the ILO had not previously worked with the employers and workers in the study, meaning that there is no guarantee that they fully grasped often complex concepts such as FPRW and safety and health at work, in order to effectively engage with the process. Regarding questions on discrimination, the data gathered from the survey team revealed little regarding the potential issues, likely signalling either an issue with workers' understanding of the associated terms and concepts, or with the application of the study. Finally, the assessment relies on self-reporting of data from employers, workers, government, and other stakeholders, which can introduce biases, particularly regarding often sensitive subject matters such as working conditions, wages, occupational accidents and work-related diseases, discrimination and unionization.

These limitations do not negate the findings of the study but mean that they should be interpreted with caution and awareness of the potential biases. They can also provide the basis for further research which supplements the findings and addresses some of its limitations.





Overview of the cardamom sector and its stakeholders

4.1. Cardamom production in Nepal

Nepal is the world's largest producer of large cardamom. From 2018 to 19, Nepal produced almost 8,000 tonnes of large cardamom, almost two-thirds of the total world production.¹⁷ It exports the vast majority of this cardamom to India, with exported produce having to meet the standards specified by the Food Safety and Standards Authority of India (FSSAI).¹⁸ While the demand for Nepalese cardamom exists in countries such as Bangladesh, Pakistan and the Arab States, these markets, and therefore the full trade potential of cardamom, are considered underexploited.¹⁹

Cardamom is traditionally cultivated in the hills and mountains of eastern Nepal. Production spans 53 districts, though the majority occurs in just five: Taplejung (27 per cent), Sankhuwasava (21 per cent), Panchathar (12 per cent), Ilam (10 per cent) and Khotang (8 per cent).²⁰ While production has become more widespread throughout Nepal, farmers themselves have reported declining productivity owing to the spread of diseases, in part due to climate change and inadequate rainfall during drier months.²¹

Cardamom production thrives in environments with shaded areas and high humidity, typically at altitudes of between 600 to 2000 meters above sea level. Cardamom plants grow best in temperatures between 10 to 22°C and require 2000 to 4000 millimetres of annual rainfall. The plants generally start producing in their third year after planting, following a process that includes land preparation, transplanting, and irrigation.

4.1.1. Stages of cardamom production and processing

There are two main stages involved in the production and processing of large cardamom. Depending on the slope of the fields, pods are harvested from cardamom plants between the middle of August and end of November. The primary processing involves planting, cultivating and harvesting, and the cleaning, curing and drying of cardamom pods, that typically takes place in the farmer's fields. Once dried, the pods are sent to secondary processing units for cutting, grading and packing, ready for sale and export.

Each of the individual steps involved in cardamom production and processing involves specific tasks and can be associated with particular hazards and risks (see Table 1). These include:

¹⁷ Rajib Dhakal, 'Cardamom: cultivation and status in Nepal', in *Krishi Patrika*, June 13, 2021.

¹⁸ Nepal Trade Information Portal, *Large cardamom*, no date, accessed 7 August 2024.

¹⁹ Krishana Prasain, 'Large cardamom could be Nepal's trade booster', in *The Katmandu Post*, June 25 2024.

²⁰ Nepal Trade Information Portal, *Large cardamom*, no date, accessed 7 August 2024.

²¹ Abhinaya Pathak et al., 'Value Chain Analysis of Forest products of Koshi Hill districts of Nepal: Challenges & Opportunities for Economic Growth', Forest Action Nepal and RRN, 2014.

- i. **planting and weeding:** planting takes place between June and July when there is sufficient moisture in the soil. Prior to this, the land must be prepared by clearing undergrowth and weeds. These are manual processes and involve hazards and risks such as exposure to heat and sunlight, physical strain and musculoskeletal disorders from manual labour and exposure to agrochemicals.
- ii. **harvesting:** once harvested, cardamom must be separated from its roots. This process is done manually, typically using knives and sickles, before cleaning the plants for curing. Harvesting involves hazards and risks such as slipping, tripping, cuts, musculoskeletal disorders, and bites from snakes or hornets.
- iii. **curing:** in the curing stage, ripened capsules are heaped for two to three days, then stripped, cleaned and dried. This determines the quality of the cardamom. Workers can be exposed to hazards and risks such as slipping, tripping, manual handling injuries and musculoskeletal disorders.²²
- iv. **drying:** cardamom must then be dried for safe storage and sale. This typically occurs in traditional wood-fired dryers and occasionally using modern dryers. Traditional dryers often lead to blackened capsules with a smoky flavour, while modern dryers produce a higher quality product but are less accessible due to cost. Exposure to heat and smoke can lead to heat stress, burns, and respiratory issues.²³
- v. **cutting, grading and packing:** the cardamom's tail is removed with scissors and the pods are graded by quality and packed in polyethylene sacks. Workers are exposed to hazards and risks such as dust inhalation, repetitive strain injuries and cuts.²⁴

²² Sanjay Mande et al., 'A study of large-cardamom curing chambers in Sikkim' in *Biomass and Bioenergy* 16, no. 6 (1999), pp. 463-473.

²³ Jiban Shrestha et al., [Large cardamom in Nepal: Production practice and economics, processing and marketing](#), Nepal Agricultural Research Council. 2018, p. 5.

²⁴ Jiban Shrestha et al., [Large cardamom in Nepal: Production practice and economics, processing and marketing](#), Nepal Agricultural Research Council. 2018, p. 5.

► **Table 1: Summary table of hazards and risks associated with primary and secondary processing of cardamom**

Process	Tasks involved	Potential OSH hazards and risks
Primary processing		
1. Planting	Land preparation, transplanting, and irrigation	Exposure to sunlight, high humidity, and extreme temperatures leading to dehydration and heat stress; physical strain from manual labour, risk of injuries from improper tools, exposure to chemicals.
2. Weeding	Manual weeding	Strain on the back, shoulders, and limbs; risk of musculoskeletal disorders (MSD); exposure to sharp tools causing cuts and scratches.
3. Harvesting	Harvesting cardamom pods using knives or sickles	Slips and trips due to wet or sloping land; cuts from sharp tools; bites from snakes or hornets; musculoskeletal strain from repetitive motion.
4. Cleaning	Manual cleaning of harvested pods	Physical strain from repetitive motions; cuts from sharp tools.
5. Curing	Heaping and curing the cardamom pods	Slipping, tripping, manual handling injuries and musculoskeletal disorders.
6. Drying	Drying the cardamom pods using traditional or improved dryers	Heat stress, smoke inhalation from traditional dryers; risk of burns; poor air quality leading to respiratory issues.
Secondary Processing		
7. Cutting and Grading	Removing cardamom tails, sorting by size/quality	Exposure to dust, which can lead to respiratory problems; strain in limbs, back, hips, and neck from repetitive tasks; risk of cuts from sharp tools (scissors).
8. Packaging	Packaging cardamom in sacks	Dust exposure; risk of cuts from handling packaging materials; strain from lifting and carrying heavy sacks.
9. Storage	Storing packaged cardamom	Potential for musculoskeletal injuries from lifting and stacking; exposure to dust.

► *Figure 2: Farmers harvesting cardamom*



► *Figure 3: The cardamom curing process*



► *Figure 4: Cardamom drying in a traditional dryer*



4.2. Tripartite constituents and stakeholders in the cardamom sector

The Nepalese cardamom sector involves various key actors including government bodies, employers' associations and trade unions. These actors play key roles in the development of the industry in Nepal, addressing aspects including working conditions and workers' rights, research and policy making to trade promotion.

4.2.1. Government

Government bodies involved in the cardamom sector include:

- ▶ **Department of Food Technology and Quality Control (DFTQC):** Ensures food quality, safety, and certification.
- ▶ **Labour and Employment Office:** Tasked with enforcing labour laws, ensuring minimum wages, social security, and upholding OSH standards, under MoLESS, as stipulated in the Labour Act, 2017. The Office is responsible for ensuring a safe and healthy workplace, free from hazards and risks, and the settlement of individual and collective bargaining and disputes.
- ▶ **Ministry of Agriculture and Livestock Development (MoALD):** Responsible for agriculture policy formulation, programme planning, budgeting, and implementation. It oversees the Department of Food Technology and Quality Control (FTQC), Nepal Agricultural Research Council (NARC), and Nepal Cardamom Development Centre in Ilam (which also conducts research and provides extension services to the farmers).
- ▶ **Ministry of Commerce Trade and Export Promotion Centre (TEPC):** Facilitates trade and export, provides trade data, supports international trade fairs and develops trade policies.
- ▶ **Nepal Agriculture Research Council (NARC):** Conducts qualitative research in agriculture.

4.2.2. Employers' associations

Employers' associations in the cardamom sector in Nepal include:

- ▶ **Agro Enterprise Center (AEC):** Under the umbrella organization of the Federation of Nepalese Chambers of Commerce and Industry (FNCCI), the AEC supports agribusiness development and promotion, through trade fairs, trainings, workshops, policy advocacy, business plan formulation etc, including in the cardamom sector.²⁵
- ▶ **Federation of Large Cardamom Entrepreneurs of Nepal (FLCEN):** Established in 2006, the FLCEN promotes and supports business in Nepal's cardamom sector. The central office is located in Birtamode, Jhapa, which is key for cardamom trade.²⁶

²⁵ Federation of Nepalese Chambers of Commerce and Industry, '[About Introduction](#)', no date, accessed 13 August 2024.

²⁶ Large Cardamom Entrepreneurs Association of Nepal, '[About us](#)'

- ▶ **Large Cardamom Entrepreneurs Association of Nepal (LCEAN):** The LCEAN is involved in promoting the use and consumption of Nepali large cardamom among domestic consumers, developing the international market for cardamom and lobbying the government of Nepal for the sustainability of the sector.

4.2.3. Trade unions

There are three types of union structures in Nepal, as established by the Trade Union Act 1992: plant/enterprise-level unions, national federations, and national confederations. The Joint Trade Union Coordination Centre (JTUCC) serves as the umbrella body coordinating major trade unions, including affiliates of the International Trade Union Confederation (ITUC) such as All Nepal Federations of Trade Unions (ANTUF), General Federations of Trade Unions (GEFONT), and Nepal Trade Union Congress (NTUC).²⁷

In theory, the central trade unions (NTUC, GEFONT, and ANTUF) represent workers' interests in the cardamom sector. However, as per the diagnostic analysis below, unionization appears to be very low in the cardamom sector in Nepal, with none of the surveyed workers being a member of a union. This is in contrast with the country's tea sector, where while union presence is not strong, unions do exist and collective bargaining takes place. As discussed below, this is a major barrier to freedom of association and the effective recognition of the right to collective bargaining in the cardamom sector and consequently means that these FPRW are not effectively realized, nor do they contribute to the effective realization of the right to safe and healthy workplaces. Ensuring that representative organizations of workers promote their development in the sector, target increased membership among workers, and engage in bipartite and tripartite social dialogue and collective bargaining processes is an essential step to realizing these rights.

²⁷ International Labour Organization, [Workers and Employers Organization in Nepal](#), no date, accessed 26 July 2024.

5.

Findings

5.1. Types of enterprises

The cardamom sector in Nepal is characterized by a mix of established and newer enterprises. Over half (56 per cent) of the surveyed cardamom farmers engaged in primary processing had established their operations between 2000 and 2010. This was a period of expansion for the sector, driven by increased demand and favourable agroclimatic conditions. The remaining 44 per cent started their operations between 2010 and 2020, which was a continued period of growth for the sector following the early 2000s boom. All of the surveyed primary processing farms were proprietors, owning and managing the land where cardamom is produced, and were typically small-scale and family-run businesses.

Enterprises involved in secondary processing handle the cutting, grading, and packaging of cardamom. Two-thirds of the secondary processing units surveyed were established between 2010 and 2020, reflecting the sector's expansion in recent years, following the initial growth of farming enterprises in the first decade of the 21st century. One of the surveyed enterprises had been in operation since the 1980s, demonstrating a longstanding presence of the cardamom industry in the region, despite the recent trend towards growth in farms, enterprises and production. As opposed to the family-run farms, all secondary processing units surveyed were privately-owned enterprises.

Operating hours vary slightly between enterprises engaged in primary and secondary processing. The primary processing units surveyed typically operated for either 48 (52 per cent of enterprises) or 56 hours (48 per cent) per week. This highlights that some workers work beyond the standard 48 hour working week in the sector. All secondary processing units operated consistently with 48 hour working weeks.

5.2. Employment conditions

5.2.1. *Employment composition*

The employment composition of the workforce varied considerably between the primary and secondary processing enterprises surveyed. Both sectors exhibited a strong gendered division of labour, however, with considerably more men engaged in primary processing, and more women engaged in secondary processing.

Primary processing units were found to not employ permanent workers at all, with all workers employed on a temporary basis. Among these workers, 37 percent were women and 63 per cent were men.

Secondary processing units employed a low proportion of permanent workers, with 17 per cent of all workers permanent and the remaining 83 per cent temporary. Notably, the majority (83 per cent) of the permanent workers were men. Similarly, the majority of the temporary workers were women (72 per cent). Overall, 63 per cent of secondary processing workers were women. This highlights a gendered division of labour in the cardamom sector, with women more likely to work in secondary processing, but women far more likely to hold permanent positions (see Table 2).

► **Table 2: Employment composition among surveyed workers in the cardamom sector**

Type of Employment	Primary Processing (men)	Primary Processing (women)	Primary total	Secondary Processing (men)	Secondary Processing (women %)	Secondary total
Permanent Workers	N/A	N/A	0	30 (83%)	6 (17%)	36 (17%)
Temporary Workers	91 (63%)	54 (37%)	145 (100%)	51 (28%)	131 (72%)	182 (83%)
Total	145			218		

All primary processing workers stated that the wages that they received were less than daily minimum wage approved by the government. Among the workers of secondary processing units, the majority (83 per cent) were receiving at least the daily minimum wage.

Regardless of whether they are employed on a temporary or permanent contract, none of the workers, across primary and secondary processing enterprises, were employed under formal written working contracts. Employers and workers instead relied on informal verbal working agreements. Alongside the high incidence of temporary work and informal work and low wages, particularly in primary processing, this indicated potential vulnerabilities for workers. Even though all workers are covered by the national labour laws and regulations, informal workers often slip through the cracks in their effective implementation and in social protection measures. Promoting the formalization of work, including formal written contracts for temporary workers can provide clarity on terms of employment, enhance job security, and strengthen compliance with labour regulations. Meanwhile, the creation of permanent jobs in the sector can help provide stability for workers and to promote stability for building a foundation for freedom of association and collective bargaining in the sector.

5.2.2. Affiliation to social security fund and insurance

The social security situation among surveyed workers highlighted and underscored the prevalence of informal work, particularly among farmers engaged in primary processing. The farmers did not possess permanent account numbers (PANs), nor pay taxes, suggesting that they largely operate outside of the formal economy and therefore the labour law and regulations, including OSH provisions, and the social security system.

In contrast, secondary processing firms were registered, with PANs, and are subject to income tax, indicating a higher degree of formalization. Nevertheless, none of the enterprises surveyed were registered with the national social security fund, highlighting a significant gap in the provision of social protection, even for workers who worked in the more formalized part of the sector.

Furthermore, the majority of surveyed workers lacks the protection of formal insurance and compensation. None of the enterprises surveyed had group insurance policies nor structured compensation systems for injured workers. However, some workers were covered by informal safety nets: 20 per cent of primary processing farmers and 67 per cent of secondary processing employers reported that they covered the medical costs of injured workers. Nevertheless, this ad-hoc and informal approach to worker safety highlights the need for more formalized and reliable social security and OSH management systems in the cardamom sector.

5.3. Occupational safety and health issues

5.3.1. Accidents at work

Employers and workers were surveyed on accidents at work including in relation to exposure to chemicals, falls from height, traffic accidents, accidents during commuting and accidents due to fire or electricity.

Occupational accidents were identified as a concern among employers in the sector, though mostly in relation to minor cuts. In primary processing, 24 per cent of surveyed farmers reported that workers had experienced minor cuts while using sickles during harvesting. In secondary processing, one employer reported that six workers had sustained minor cuts while using scissors to cut the tails off cardamom capsules. While these injuries were considered minor, they highlight the physical hazards involved with manual work in the sector, which involves the handling of sharp tools. Meanwhile, the surveyed workers perceived their work to be a 'little hazardous'. They believed that there was a minor risk due to cutting tools, and some workers confirmed that they had experienced minor cuts, but did not believe that there were risks from chemicals, fire or electricity, falling from heights or other categories of accidents.

Given the high levels of occupational hazards and risks and low level of regulatory OSH enforcement in the sector, the number of accidents reported to the survey team was low, and it is possible that accidents were underreported. This might be due to the lack of awareness and understanding regarding OSH hazards and risks at work that employers and workers demonstrated in the survey, or due to the lack of formal systems for recording accidents and injuries in place. It is important to educate and train the sector's employers and workers on OSH, heighten awareness of workplace safety, and developing effective OSH management systems with appropriate reporting mechanisms can help address this issue.

► **Table 3: Accidents reported by employers to the survey team**

Accident reported	Primary Processing (%)	Secondary Processing (%)	Type of accident
Yes	24	17	Minor cuts
No	76	83	Minor cuts

5.3.2. Worker health

The perception and awareness of the level of risk to workers' health between primary and secondary processing is low (see Table 4). In primary processing, hazards and risks including chemical exposure, biological hazards, excessive noise, heat stress, smoke inhalation, poor hygiene, fatigue, work-related stress, poor air quality and alcohol consumption were not considered significant risks among the surveyed farmers, nor to be causing ill health for their workers. Meanwhile, workers also reported that their work was not harmful to their health, and that there were no diseases associated with their work. 72 per cent of workers felt their general health was 'good', while the remaining 28 per cent considered their health to be 'fair'. No worker reported that they had ever suffered from breathing problems, visual disturbances, skin diseases, blood disorders, hearing problems, sleep disorders or fatigue. However, some had occasionally suffered from muscle and bone pain, allergies, digestive problems, fever, and/or headaches.

Most of the surveyed employers in secondary processing also considered that the work had not affected their workers' health. However, one employer acknowledged that poor air quality, physical effort and fatigue might be causing ill health among workers. Workers also generally felt that their work was not harmful to their health. Among those surveyed, 58 per cent of workers believed their health was 'good', while 42 per cent believed their health was 'fair'. However, half of the workers occasionally suffered from muscle and bone pain, visual disturbances, allergies, digestive problems, or fevers and/or headaches.

► **Table 4: Perception of worker health issues in the survey**

Hazard	Farmers (primary processing)	Workers (secondary processing).	Employers (secondary processing)
Chemical Exposure	Not mentioned	Not perceived as a significant health risk	Not perceived as a significant health risk
Biological Hazards	Not mentioned	Not perceived as a significant health risk	Not perceived as a significant health risk
Bad Air Quality	50% occasionally suffer from breathing problems	Not perceived as a significant health risk	17% view as a cause of sickness
Physical Effort and Fatigue	50% occasionally suffer from fatigue	Not perceived as a significant health risk	17% view as a cause of sickness
Excessive Noise	Not mentioned	Not perceived as a significant health risk	Not perceived as a significant health risk
High Temperature	Not mentioned	Not perceived as a significant health risk	Not perceived as a significant health risk
Exposure to smoke	Not mentioned	Not mentioned	Smoke inhalation as a concern of primary processing.
Lack of Hygiene	Not mentioned	Not perceived as a significant health risk	Not perceived as a significant health risk
Alcohol Consumption	Not mentioned	Not perceived as a significant health risk	Not perceived as a significant health risk
General perception of health at work	58% believe work does not harm health	100% believe work does not harm health	Perceived as a secondary problem
Perception of Work-related Illnesses	Breathing problems related to work	Did not relate any specific health issues to work	Sorting and grading cardamom might be detrimental

While few incidents of ill health were reported to the survey team, it is likely that a low level of understanding employers and workers of the health hazards and risks associated with their work, as well the health consequences that relate to them, contributed to an underreporting. Farmers in primary processing reported having no knowledge of the health impacts of their work, and only 33 per cent

of employers in secondary processing claimed to have some understanding of these impacts. It should be noted that workers were also likely often not aware that exposure to hazards and risks could manifest as ill health years after performing their tasks, particularly from prolonged exposure to hazardous work. As a limitation of the findings, it is worth mentioning that no interviews were conducted with clinics or medical services related to the workers. This is largely because there of a lack of formal medical services provided to workers.

The findings highlight a need to promote awareness and understanding of the relationship between OSH and worker health and of the OSH responsibilities of employers and workers. Employers should educate themselves and workers and make them aware of the health hazards and risks associated with their work and with the use of particular tools, exposure to chemicals and smoke etc. They also underscore a need for improved health surveillance, through occupational health services. Effective occupational health services can help promote worker wellbeing and improve productivity in the sector.

5.3.3. Alcohol and substance use

In the IDIs, all surveyed employers stated that alcohol consumption did not contribute to health issues among workers. However, the general observations of the survey team suggested that alcoholism was a potential issue to workers in the sector and could contribute to major health issues.

5.3.4. Absenteeism and sick leave

Perceptions of absenteeism were mixed across the surveyed enterprises engaged in primary and secondary processing. According to farmers, absenteeism was regarded as a lesser or secondary problem. However, employers in secondary processing viewed absenteeism to being a primary problem affecting the running of their businesses.

In primary processing, none of the employers reported that workers had fallen sick in the previous 12 months. Meanwhile, only three of the secondary processing units had either one or two of their workers fall sick over the period, with no impact on the number of working days performed, in some ways conflicting with their assessment of absenteeism as a major issue or suggesting that absenteeism was due to other factors.

5.3.5. Access to water and sanitary facilities

According to the IDI conducted with workers, the surveyed workers stated that they had free access to drinking water, non-potable water, toilets, and washbasins. However, no workers had access to showers, nor were there separate toilets and washbasins for women and men. It should be noted that the survey did not assess the quality of these facilities, only their availability to workers.

5.3.6. OSH committees

Across the enterprises engaged in both primary and secondary processing of cardamom, none of those surveyed had established OSH committees, despite it having been mandated by law for enterprises employing more than 20 workers to do so. The absence of OSH committees indicates a lack of formal structures dedicated to monitoring and improving workplace safety and health. Additionally, employers have not registered any OSH policies with the labour offices, further reflecting the gaps in OSH management systems within the sector.

5.3.7. Risk assessments

Across the primary and secondary processing units, none of the enterprises surveyed had conducted formal risk assessments. The absence of risk assessments means that potential hazards and risks were not being systematically identified, evaluated, nor mitigated, leaving workers potentially exposed to these hazards and risks. The lack of such a systematic approach is highly likely to contribute to a poor awareness and understanding of such hazards and risks and could be a contributing factor to employers and workers perceiving their work not to be hazardous, as well as low number of incidences of work-related accidents and diseases reported to the survey team.

Risk assessments are one of the key tools available for improving OSH management and promoting safe and healthy workplaces. The absence of risk assessments throughout the cardamom sector indicates a need for better safety protocols and preventive measures. Conducting regular risk assessments can help identify potential hazards and implement appropriate safety measures to help eliminate the health risks that have been identified above and any other hazards and risks that might exist in the sector.

5.3.8. Use of PPE

Provision of PPE was inconsistent across the surveyed enterprises in the cardamom sector. In primary processing, provision tended to be low. According to workers, 34 per cent of farmers provided safety boots and 24 per cent provided safety gloves (see Table 3). Furthermore, workers stated that they were not required nor trained to use the assigned PPE while working, limiting their effectiveness, even when provided. Many workers reported that they brought their own safety boots and gloves to work, however, these were often inappropriate PPE for the tasks being conducted, such as the use of rubber boots. Other PPE, such as working dresses/aprons, masks, safety goggles, safety helmets, and hearing protection were not provided by any employer.

In secondary processing units, all employers provided some PPE, however, this was incomplete. All provided masks to their workers and half also provided safety gloves (see Table 3). However, workers were not required to use the PPE that they were provided with, limiting the effectiveness of provision. All other types of PPE that the survey assessed (as listed above) were not provided to workers. As with primary processing, where PPE was provided, workers were not provided adequate training on its proper use.

► **Table 5: Provision of PPE to surveyed workers in the cardamom sector**

Type of PPE	Primary Processing	Secondary Processing
Safety Boots	36%	Not provided
Safety Gloves	24%	50%
Masks	Not provided	100%
Safety Goggles	Not provided	Not provided
Safety Helmets	Not provided	Not provided
Hearing Protection	Not provided	Not provided
Working Dress/Apron	Not provided	Not provided

The inconsistent provision and enforcement of PPE use represent significant gaps in safety and health at work in the cardamom sector, particularly given the relatively high levels of hazards and risks identified in both primary and secondary processing. While PPE should be a last resort to dealing with hazards and risks in the cardamom sector, provided where still needed to protect workers after implementing other OSH controls, it is important to protect workers in these cases. This equipment should be carefully selected, provided to workers at no cost and workers trained to and required to use it properly, in order to help promote safe and healthy workplaces in the sector.

5.4. Realization of other fundamental principles and rights at work

5.4.1. The elimination of discrimination in respect of employment and occupation

The diagnostic analysis examined whether there were instances of discrimination in respect of employment and occupation in the cardamom sector, in terms of gender, origin, origin, skin colour, religion, political opinion, social background, migratory status, disability, sexual orientation and marital status. Across various interviews, conducted with employers, employers' organizations and workers, no significant case of discrimination or harassment was reported to the survey team.

Employers in both primary and secondary processing stated that they did not discriminate against workers on the basis of gender or other characteristics in their recruitment practices. They also stated that women and men received equal wages for work of equal value, indicating gender equality in terms of remuneration. Furthermore, no cases of harassment were found to have taken place in primary or secondary processing enterprises surveyed, suggesting they either they are perceived to not take place, or go unreported. Meanwhile, workers reported that they did not experience, nor perceive, being discriminated in their work, and confirmed that women received equal pay for equal work.

While no instances of discrimination were reported to the survey team, this does not necessarily mean that they do not take place. The absence of reported cases or complaints could highlight a lack of understanding and awareness regarding issues of discrimination. There are prevailing issues with discrimination in Nepal, particularly against women and related to the history of systemic caste-based discrimination, including in terms of wages and employment rates. Despite the evidence from the survey, there is not necessarily any reason to believe the

cardamom sector would not be subject to these same inequalities. It is notable that even if the women included in the survey were receiving equal pay for equal work, they were disproportionately hired in lower paid roles and were more likely to be in temporary work. While employers expressed positive attitudes towards hiring workers with disabilities, in practice, no workers with disabilities had been hired. Furthermore, unlike in the tea sector in Nepal, trade unions do not exist to educate workers on issues relating to discrimination nor ensure that they are aware of the mechanisms to report and address grievances.²⁸ A lack of understanding of issues and responsibilities relating to discrimination is likely to have contributed to an underreporting of cases to the survey team.

The fact that almost all work takes place informally, without formal work contracts, means that workers are often not effectively covered by the labour laws and regulations adopted to protect them from discrimination. As per above, understanding of the issues related to discrimination among employers and workers appears to be low. Providing government grants, conducting labour inspections, and implementing regular awareness and training programmes could all help eliminate instances of discrimination in the cardamom sector. Developing trade unions in the sector to improve awareness of the issues amongst workers and provide a collective voice for marginalized groups would also help to eliminate discrimination in the sector.

5.4.2. Freedom of association and the effective recognition of the right to collective bargaining

As identified in the sections above, in theory, the central trade unions (NTUC, GEFONT, and ANTUF) represent workers' interests in the cardamom sector. However, in practice, no workers were found to be members of these unions. As a result, the surveyed workers did not engage in collective nor play a part in negotiating wages, working conditions, OSH standards and practices or conditions related to other work-related issues.

The surveyed employers and workers stated that workers were generally free to join unions. However, due to the informal nature of work in the sector, the predominance of temporary work and the lack of an organized labour movement, workers did not appear to practice the right to freedom of association. Employers showed some recognition of workers' rights to join a union, but due to their non-existence do not engage with workers' organizations. Labour disputes were reported to be rare, but where they did exist, they were resolved informally through communication between employers and workers. The lack of formal mechanisms for collective bargaining meant that workers lacked a collective voice to negotiate fair outcomes on these issues.

The findings of the diagnostic assessment suggest that while there is nominally the right to freedom of association, in practice freedom of association and collective bargaining are very weak in the cardamom sector. Freedom of association and collective bargaining are crucial for safeguarding workers' rights, promoting safe and healthy workplaces and effective OSH management systems, and for promoting strong industrial relations that benefit both workers and employers through peace and stability.

This can be assisted through government promotion of the formalization of work, and support for the establishment and development of trade unions in the sector, including through capacity building, provision of resources and awareness raising amongst workers. The ILO Collective Bargaining Convention, 1981 (No. 154) and its Recommendation (No. 163) provide guidance on measures to support and promote collective bargaining.

²⁸ See: ILO, Assessment of the fundamental right to a safe and healthy working environment in Nepal's tea sector, 2024.

5.5. Labour inspection and labour disputes

5.5.1. Labour inspection

While two-thirds of employers were aware of the existence of labour inspectors, none of the surveyed enterprises reported having received visits from them. Employers further reported that they do not report accidents or health issues to the labour office, owing partly to the largely informal nature of work in the sector.

Similarly, representatives of the labour inspectorate stated that they had not been able to visit farms or enterprises in the cardamom sector, though respondents also stated that the inspectorate had not received any specific complaints regarding the sector. Respondents highlighted that this was due to a lack of resources and of a sufficiently trained and adequately sized workforce to be able to carry out inspections in the often-remote areas where cardamom is produced.

The role of the labour inspectorate is critical in monitoring and realizing OSH and interrelated FPRW in the cardamom sector. There is a need for policies and the allocation of resources to build the capacity of labour inspectors to conduct inspections in the sector to ensure compliance with FPRW, including OSH standards. Employers and workers could also be trained on their responsibilities and rights regarding FPRW to help ensure better enforcement of laws and regulations.

5.5.2. Labour disputes

The surveyed employers reported that no labour disputes regarding OSH had taken place in the sector. However, given the absence of trade unions and collective bargaining in the sector, it is likely that workers lack the mechanisms to report their disputes and lack the collective voice to do so without fearing retribution. Promoting improved industrial relations, including through the establishment and promotion of sectoral trade unions, can help in improving social dialogue in the sector. This should be coupled with establishing grievance redressal mechanisms and promoting open communication between workers and management to better manage labour disputes.



6. Conclusions

The diagnostic assessment examined the realization of the right to a safe and healthy working environment in the cardamom sector in Nepal, alongside interrelated FPRW on discrimination and freedom of association and collective bargaining. It focussed on the two main stages of cardamom production: primary processing, i.e. the farming, harvesting, curing and drying of cardamom, and secondary processing, cutting, grading and packing cardamom for sale. The assessment surveyed employers, employers' organizations using IDIs, KIIs, FGDs and direct observations made during field surveys for data collection.

From the analysis of the findings of the diagnostic assessment it is possible to draw conclusions in a number of key areas:

- ▶ **Employment:** The primary concern regarding employment is that all surveyed workers in the primary processing sector and nearly all in the secondary processing sector were temporary and informal, with no formal contracts. In primary processing, many workers were paid below the minimum wage. The sector's seasonal nature creates a need for a flexible, temporary workforce. However, increasing the use of formal contracts and the number of permanent workers would help extend legal protections, ensuring fair wages, decent conditions, and a safe, healthy working environment for cardamom sector workers.
- ▶ **Legal and regulatory framework:** The 2015 Constitution and Labour Act 2017 provide a legal framework for a safe working environment and FPRW protections for cardamom sector workers. However, challenges persist due to informal work and workers operating in remote rural areas, where enforcement of OSH laws is weak. Low union density limits workers' ability to negotiate conditions, and many are excluded from the national social protection scheme. To address these issues, legal protections should be extended through the newly established national tripartite OSH committee and the implementation of the first national OSH programme.
- ▶ **OSH practice:** the diagnostic assessment identified hazards and risks associated with the different stages of primary and secondary processing of cardamom, indicating that work in the sector is hazardous. However, only minor accidents and health issues were reported by workers or their employers and in general they perceived their workplaces to be safe. Despite this, both employers and workers had limited understanding of OSH hazards, risks, and their health impacts. OSH management systems were absent, with no OSH committees or policies in place. Risk assessments were also non-existent. Absenteeism was a significant issue in secondary processing, though it was unclear whether it resulted from poor OSH conditions or low worker motivation. PPE provision was minimal, with only some farm workers receiving basic PPE (safety boots and gloves), and all secondary processing workers receiving masks. However, training on PPE use was inadequate across the sector. The lack of understanding, coupled with ineffective reporting and record-keeping, likely contributes to underreporting of accidents and diseases, creating a false sense of safety.

In relation to the realization of two interrelated FPRW:

- ▶ **Discrimination:** across the sector, no significant incidences of discrimination were reported to the survey team. However, discrimination, particularly against women, is an issue that often goes unreported, and it is highly likely that a lack of understanding among employers and workers of rights and responsibilities regarding discrimination led to underreporting of cases throughout the process. While enterprises and workers stated that there was equal pay for work of equal value in the sector, it is notable that women are typically employed in roles that were more likely to be temporary and lower paid than men. Meanwhile, no workers with disabilities had been hired across enterprises. A lack of active trade union presence to inform educate workers on these issues and provide dispute mechanisms for them, could also contribute to underreporting. Given the high prevalence of informal work and low level of labour inspection in the sector, it is likely that these mask issues regarding discrimination at work and that they require further attention.
- ▶ **Freedom of association and collective bargaining:** while in theory, trade unions exist that can represent workers in the sector, in practice, freedom of association and collective bargaining are close to non-existent in the cardamom sector. While workers are reportedly free to join trade unions, no cardamom sector workers were members of a union. Consequently, collective bargaining does not take place with representatives of workers at any level and workers do not have a collective voice regarding their working conditions, including in relation to safety and health at work and interrelated FPRW. There is a clear gap in terms of the effective realization of freedom of association and collective bargaining for workers that needs to be addressed to promote decent work in the sector.

7. Recommendations

From the assessment and conclusions on the realization of the right to a safe and healthy working environment, alongside interrelated FPRW on freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation, a number of measures can be taken to promote safety and health at work and ensure the effective realization of worker's rights in the cardamom sector in Nepal. Governments, employers, trade unions and workers each have important roles to play in this regard. These recommendations can help boost the sector in terms of increasing productivity, realizing its potential for sustainable growth and the creation of decent jobs within Nepal.

Government

- ▶ To ensure that workers in the cardamom sector are effectively covered by the protection extended to them in Nepal's constitution and labour law, there is a need to promote formalized working contracts, including permanent contracts for workers in the sector. While, in theory, all workers in Nepal are covered by national labour laws, informal workers in the cardamom sector tend to fall through the gaps in protection extended to them through existing law and regulations. This includes in terms of their safety and healthy at work, and in terms of working conditions, wages and access to the national social security system. The situation is exacerbated by a lack labour inspections across the sector, owing to a lack of resources of the labour inspectorate to inspect often remote locations. In formalizing work, the ILO Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) can provide guidance.
- ▶ In order to ensure safe and healthy workplaces in the cardamom sector, the Government of Nepal should:
 - (1) Ensure that the priorities and related activities planned in the National OSH Programme are implemented in the cardamom sector,
 - (2) Build a culture of prevention through awareness raising of the importance of OSH, including a focus on workers' health and promoting proactive measures to foster safe and healthy workplaces. Promoting tripartite social dialogue between governments, employers' organizations and trade unions on OSH is important in this regard;
 - (3) Strengthen OSH related legislation, policies and frameworks, and clarify the roles and responsibilities of entities at federal, provincial district and municipality levels;
 - (4) Strengthen the capacity of the labour inspectorate to promote and enforce OSH laws, particularly in the cardamom sector;
 - (5) Engage with the various government entities active at local level and foster their collaboration – including in the field of employment, labour, agriculture, education, health and trade - to promote OSH and other FPRW through their portfolio;
 - (6) Promote the development of occupational health services entrusted with essentially preventive functions and responsible for advising the employer, the workers and their representatives on OSH;

- (7) Improve the system for recording and notification of occupational accidents and diseases to improve understanding of OSH issues and orient policy decisions;
 - (8) Build its expertise and knowledge of specific OSH risks including chemical risks, biological risks and psychosocial risks to better identify and address these in the cardamom sector and promote further research in the area; and
 - (9) Encourage worker participation through tools, awareness raising and trainings, educating them on topics such as recognition of hazards, implementing safety protocols, preventative measures and use of PPE.
- ▶ While discrimination was not widely reported in the study, this may have been due to lack of awareness and understanding of employers and workers of their rights and responsibilities as to what constitutes discrimination, and a lack of formal reporting mechanisms for addressing it. To help eliminate discrimination in respect of employment and occupation in the cardamom sector, the Government should:
 - (1) Promote equality and non-discrimination policies at the employer level;
 - (2) Engage in and encourage social dialogue on issues relating to discrimination at both the national and enterprise levels;
 - (3) Implement awareness raising and education programmes on recognizing and preventing discrimination for both employers and workers;
 - (4) Strengthen enforcement mechanisms through working with the labour inspectorate or other independent bodies to conduct workplace inspections, investigate complaints of discriminations, and impose sanctions of violating parties;
 - (5) Improve monitoring and reporting through collecting and analysing data on employment trends, wage gaps, and complaints and incidences of discrimination; and
 - (6) Support victims of discrimination through redress mechanisms including legal assistance, counselling and compensatory schemes.
- ▶ Freedom of association and collective bargaining are almost non-existent in the cardamom sector. There is an urgent need to promote this FPRW. The government should:
 - (1) Strengthen the existing legal framework to ensure the rights to freedom of association and collective bargaining;
 - (2) Support the establishment, development and sustainability of representative organizations of employers and workers, including through programmes offering technical and financial assistance;
 - (3) Provide training and capacity building to employers and workers to promote engagement in social dialogue, including through awareness raising programmes and tools;
 - (4) Strengthen the capacity of the labour inspectorate to ensure compliance with national and sectoral laws and regulations in the often-remote areas where the cardamom sector operates in Nepal.

Employers' organizations

- ▶ Employers' organizations in the cardamom sector should:
 - (1) Develop and promote comprehensive OSH policies that align with the Labour Act, 2017;
 - (2) Provide training and capacity building to employers on OSH standards and practices;
 - (3) Advocate the integration of OSH into business strategies and help to ensure that OSH is considered a priority among their members; and
 - (4) Engage in social dialogue and collaborate with social partners to promote and implement effective OSH management systems; and
 - (5) Adopt and implement anti-discrimination policies and promote diversity and inclusion, including through training and awareness programmes with their members.

Employers

- ▶ Employers in the cardamom sector should make commitments to the principles of OSH and compliance with OSH regulations and show leadership in OSH at the organization level. Employers should make arrangements for effective OSH management systems, as per the 2017 Labour Act. Employers should:
 - (1) Formulate a workplace level OSH policy, in consultation with workers and representatives;
 - (2) Establish and ensure the efficient functioning of a safety and health committee with workers and their representatives and participate fully in bipartite committees;
 - (3) Integrate health promotion into their OSH policies, developing programmes that address issues such as alcohol and substance use, violence and harassment, physical activity, nutrition and work-related stress;
 - (4) Engage in continuous training and ensure that workers are well-informed about their rights, including the right to withdraw from work in the case of dangerous conditions;
 - (5) Make provisions for the safe use operation, storage and transportation of chemical, physical and biological equipment, as relates to work in both cardamom farms and processing facilities;
 - (6) Provide for OSH competence and training, to ensure that all workers been trained and are competent to carry out the safety and health aspects of their duties and responsibilities;
 - (7) Implement appropriate documentation for the OSH management system and for OSH records (including on work-related injuries, ill health, diseases and incidents), as per ILO-OSH 2001;
 - (8) Implement hazard prevention and control measures to eliminate risks, control risks/hazards, minimise risks and hazards that remain;

- (9) Provide personal protective equipment to the worker at no cost, as a last resort where hazards and risks cannot be controlled, train workers on their proper use and require workers to use them at all times when performing the tasks they are provided for; and
 - (10) Develop a mechanism to report the accidents to Labour Office within seven days.
- ▶ Employers should conduct awareness raising and training exercises with workers to understand their rights and responsibilities in relation to safety and health at work, discrimination and freedom of association and collective bargaining. Awareness raising tools, guides, posters, flyers etc. may be disseminated to promote good practice.
- ▶ Employers should support the development of trade unions in the cardamom sector through:
 - (1) respecting workers' rights to freedom of association and collective bargaining;
 - (2) facilitating and engaging social dialogue and engaging in collective bargaining with workers on working conditions and FPRW, including OSH;
 - (3) supporting unions by giving workers the time, space and resources needed to participate in union activities; and
 - (4) promoting awareness among workers about the rights and benefits of joining unions.
- ▶ Employers should promote the increased retention of workers in the cardamom sector, including through use of formalized working contracts and through issuing more permanent working contracts. Incentives to train and motivate workers and ensure safe and health working environments can help lower absenteeism and increase worker productivity.
- ▶ Employers should ensure compliance with national laws and regulations and engage with national schemes for the protection of workers. Through their representative organizations, employers should be encouraged to affiliate to social security fund and provide health and accident insurance to workers.

Trade unions

- ▶ Given that trade union presence is weak and unionization rates among workers are very low, the Government should promote the establishment and development of trade unions in the sector. This may involve providing technical capacity support and resources to help support union formation.
- ▶ Once established in the cardamom sector, trade unions should:
 - (1) Educate themselves on issues relating to FPRW, including OSH, in order to better engage in workers' issues and participate in social dialogue;
 - (2) Conduct awareness raising and training initiatives to help promote workers understanding of their rights and responsibilities. Unions can play a key role in informing workers in the cardamom sector on issues such as their responsibilities and rights regarding OSH, identifying and reporting discrimination at work, and about the benefits and practicalities of trade union membership;

- (3) Engage in social dialogue with the government and employers to promote formal working contracts and permanent work in the sector; and
- (4) Extend the coverage of existing collective bargaining agreements for better working conditions, including working hours, improved OSH and anti-discrimination practices.

Workers

- ▶ Workers should actively participate in workplace safety programmes and initiatives, including involving themselves in OSH committees and contributing to the development and implementation of safety policies and procedures.
- ▶ Workers should take responsibility for complying with OSH guidelines and actively participate in the activities of safety committees to address risks.
- ▶ Workers should understand reporting mechanisms and hazards, and promptly report any hazards, unsafe conditions, or incidents to their supervisors or safety officers.
- ▶ Workers should engage in training and education programmes to develop their understandings of workplace hazards, safe practices, and emergency procedures.
- ▶ Workers should be informed of and exercise their right to withdraw from dangerous work conditions and report safety concerns to employers or relevant authorities.
- ▶ Workers are responsible for the proper use and maintenance of PPE crucial for personal safety, as per the OSH policy and their trainings.
- ▶ Workers should collaborate and participate with their trade unions and participate on actions that relate to OSH, as well as other FPRW, and encourage them to enhance the role of unions in designing and implementing improvements to OSH management.



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