

**CAMPS, CHILDREN, CHEMICALS, CONTRACTORS & CREDIT:
*Field Observations of Labour Practices in Plantations
& other Social Developments
in Savannakhet and Champasak.***

**Report for GAPE & JVC
With Funding from Oxfam Novib**

**R. Molina
2011**

About this Report

This report seeks to fulfil a gap in the documentation of the findings of this research project in English language with emphasis on the labour practices observed and its associated changes in the target communities. The intended audience of this report are the staff of GAPE and JVC, thus, there is assumed reader familiarity with the target sites so there is almost no background information on the socio-economic, historical, cultural characteristics of the communities and the physical land features of the study sites. In the preparation phase of this project, the Program Managers indicated a desire to be able to use the information collected in the research to improve program monitoring of the communities and/or to help better inform and direct policy-level advocacy strategies where relevant. Consequently, the real names of the village and companies *are* included to allow each organisation to follow up points of interest. However, real names of individuals who shared their stories are *not* included to ensure anonymity and to protect individual informants and study participants. Where possible, great care was taken to present results (particularly oral histories) separately (see the appendices). The report begins with a background of the study project, its objectives and the methods used to obtain the data including research limitations and a brief description of plantation development in the study sites or life before it. The *Findings* chapter follows and is divided into two parts. The first part provides detailed summary descriptions of work practices and conditions that are contrasted against key national legal instruments namely the Labour Law (2006) and, to a lesser extent, other laws. The second part identifies a few key emerging developments in the target communities observed in the course of the research. The final chapter deliberates on the original study questions.

Abbreviations

Bachiangchaleunsouk	Bachiang
DA	District Administration (Office)
Dau Tieng	Dau Tieng Viet-Lao Rubber Joint Stock Company
DAFO	District Agriculture & Forestry Office
DLMA	District Land Management Authority
GAPE	Global Association of People and the Environment
GOL	Government of Laos
JVC	Japan International Volunteer Centre
MDG	Millennium Development Goal
NGO	Non Government Organisation
NTFP	Non Timber Forestry Products
OHS	Occupational Health & Safety
Outspan	Outspan Bolovens Limited
PAFO	Provincial Agriculture & Forestry Office
PDR	People's Democratic Republic
PLUP	Participatory Land Use Planning
PRA	Participatory Rural Appraisal
QSG	Quasa-Geruco Joint Stock Company
WHO	World Health Organisation

Acknowledgements

The bulk of the empirical information in this report was collected by selected staff of GAPE & JVC. It is due to their perseverance, patience and commitment to both the research process and to the target communities that we have the information that we do. I wish to express my appreciation to them and also to the community informants – the men, women and children living in the villages where the stories were collected from – for sharing their invaluable time and frank insights. My personal thanks go to the GAPE & JVC staff who made all of that information accessible to me with essential translation assistance. Special acknowledgments go to Bountiem who acted as my interpreter in the field; Gerry and Phetdavanh for interpreting during the intensive workshop meetings; Sarinda and Charity for proofreading earlier drafts of the report. I also wish to thank both the Program Managers Glenn and Gerry for their encouragement, support and on-call advice throughout the research period. It has been a pleasure to work with the staff of GAPE & JVC and I am grateful to the senior management team of these organisations, especially to Ian, for the opportunity to be part of this project.

Notwithstanding the contributions made by the individuals above, the responsibility for errors and omissions in this report rests with me.

R. Molina
Research Coordinator

Table of Contents

<i>About this Report</i>	2
<i>Abbreviations</i>	3
<i>Acknowledgements</i>	3
<i>Table of Contents</i>	3
INTRODUCTION	5
Project Development & Rationale	5
Aim of the Study	5
Methods & Limitations	5
Study Sites	6
FINDINGS	11
<i>Part 1: Work Practices</i>	<i>11</i>
1.1 Labour Arrangements	11
1.2 Employment Contracts	13
1.3 Workforce	13
1.4 Child Labour	16
1.5 Remuneration	17
1.6 Income Tax	19
1.7 Hours of Work & Overtime	19
1.8 Leave	20
1.9 Health & Safety	21
1.10 Dispute & Resolution	23
<i>Part 2: Perspectives</i>	<i>25</i>
2.1 Migrants	25
2.2 Food Security	26
2.3 Social Differentials	27
2.4 Credit	28
CONCLUSION	29
MATTERS FOR CONSIDERATION	30
APPENDICES	33
1 Summary of Plantations in Target Villages	34
2 Individual & Family Case Histories: Savannakhet	36
3 Individual & Family Case Histories: Champasak	52
4 How much work are locals getting? Houayxai	63
5 Images Living in the Plantation: Houayxai	66
6 Images Living in Camp/Settlement: Nong Teuam	68
7 Images Hard at Work: Thongpao	69

INTRODUCTION

This section provides a brief background to the development and rationale for this study, the approaches taken and the study sites.

Project Development & Rationale

GAPE and JVC run various community development programs including those that support villagers to sustainably manage their natural resources. Over the last few years many of the communities in Savannakhet and Champasak (where JVC and GAPE work respectively) have been significantly affected by the granting of expansive economic land concessions to foreign investors. While there have been considerable studies already conducted on the major impacts of large economic land concessions on the livelihoods of villagers and the natural environment in Laos, the specific developments and local responses to the changes associated with the introduction of industrial tree plantations in the various target villages of GAPE and JVC were less understood. A spotlight on 'labour' changes evolved in the development of the research plan as this was an area that presented many issues for communities but both organisations had not previously investigated the situation before to any great depth.

Aim of the Study

Research Objectives:

- What has happened in relation to 'labour' in the communities where plantations have been established?
- Are the villagers benefiting from the establishment of plantations on their village lands?

Research Sub-objectives:

- Who is getting hired?
- What are the work practices for the workers?
- What adjustments have villagers had to make, if any?

Methodology and Limitations

The study utilised a qualitative design in which case studies were mostly developed to respond to the research (sub) objectives. The 'research team' was a select group of staff members from each organisation and a foreign consultant jointly hired by GAPE and JVC to coordinate the process. Most of the national staff were from the same ethnic group as the study communities and they were also from the general area of the study sites. They carried out the majority of the data collection in the field. This mostly involved holding individual and group interviews with community members.

The study sampled for diversity of experiences; thus staff initially used existing networks in the village to access participants of interest and then followed up on referrals. There was regular sharing of results and critical discussion of stories and observations collected so far with colleagues in the research team which led to further exploration and examination of priority observations back in the field. Secondary sources (both published and internal organisational reports) were reviewed to provide background information and/or to assist the researchers to understand emerging themes. Within each organisation and during the joint organisational workshop meetings, some skills-based “training” sessions were run to assist the researchers to improve interview techniques and to promote reflective and critical thinking and collaborative analysis.

Implementation of the study particularly the fieldwork was made possible by integrating research tasks into existing program work. Field visits were carried out between October 2010 and February 2011 inclusive.

There were some key limitations in the study which impacted on the focus of the research and the rigour and trustworthiness of the data and analysis. First, there are the limits related to memory recall of both the interviewers and interviewees. Some of the interviewers had not taken down notes during interviews or immediately after, drafting them sometimes at the end of the day. Among interviewees, some participants seemed to forget or were confused about some of the details of events that they recounted. The team dealt with this by one or a combination of means including multiple visits to the area, holding multiple discussions with certain participants, following up on the testimonies and experiences of others to cross-check validity of events, etc. The number of target villages included in the project from each organisation was different, and, it is important to note that each staff member’s level of interest in the research varied, thus affecting the quantity of cases and depth of topic explored in each case. Whilst some of the other data collected provided perspective and context to understanding the communities or situations and events better, they may not necessarily have been incorporated in the appendices. Lastly, in the team there were individuals with limited experience carrying out qualitative data collection and analysis and/or had limited language and communication skills which prevented rapid exchange of dialogue with some participants and colleagues. Some training was provided in the former case but it is acknowledged that some research skills cannot be acquired quickly. Where interpretation was necessary, all efforts were placed to maintain conceptual equivalence of what and how something was said over direct translation.

Study Sites

This study was conducted in a total of thirteen villages - three situated in Phine district, Savannakhet province and ten villages located in Paksong and Bachiengchaleunsouk districts in Champasak province.

The following identify the concession companies present in the target villages and either highlights key agreements between village and company representatives in the acquisition of village land for development of the plantations or briefly explains village life before the plantations were established.

1. ຫ້ວຍຊາຍ **HOUAYXAI**

Phine, Savannakhet

Pop. 675. Families belong to the Bru ethnic group. After multiple visits from district and company representatives over several months, village authorities eventually agreed to a land concession for Quasa-Geruco's rubber plantation in exchange for the company paying the village's 74 million kip debt owed to the electricity company. To date, the company has only paid 34 million kip.

2. ນາຄະນົງ **NAKANONG**

Phine, Savannakhet

Pop. 589. Families belong to the Bru ethnic group. Houayxai and Nakanong villages share a border. Quasa-Geruco illegally ploughed areas of Nakanong land near the border with Houayxai then claimed that they thought that that area was part of Houayxai. When the villagers complained to the district officials, the government officials recommended to them that since the land had already been cleared, Nakanong authorities should just sign over the area of land to the company and be compensated in return. The village authorities wanted one million kip compensation to be paid to each Nakanong household but the government authorities claimed that villagers were only entitled to 50,000 kip per hectare as the cleared area was state forest land.

3. ກາງໃໝ **KANGMAI**

Phine, Savannakhet

Pop. 314. Bru ethnic village. Quasa-Geruco cleared many gardens and paddy fields in addition to common forest land in 2007 to establish their rubber plantation angering many locals. Villagers who had connections to the Vice President of Laos sought central level government intervention resulting in some families having their land returned to them.

4. ທົ່ງເພົາ **THONGPAO**

Bachengchaleunsouk, Champasak

Pop. 494. The village started with seven Ta-oy families from Salavan in 1969. Prior to the concessions on their land, all the families were subsistence farmers, cultivating upland rice, growing coffee, soyabean, groundnuts and raising livestock. The village hosts two rubber plantation companies, Dak Lak and Dau Tieng.

5. ມົນຫລວງ **MUAN LOUANG**

Bachengchaleunsouk, Champasak

Pop. 1407. Main ethnic groups: Nya Heun, Nger, Ta Oy and Suaie. The village was first settled by three families from Champasak who were later joined by several other families from various places including Paksong. There are two companies growing rubber. Dak Lak arrived in 2006. In an introductory meeting, the district and cluster officials and company representatives gathered the villagers together. The officials asked the villagers about their livelihoods and the food security situation in the village. Most villagers stated that they were not

self-sufficient. The authorities responded by saying that they had invited the companies into the village to help raise the standard of living in the village by providing jobs for the villagers. The district officials said that the plantation would provide jobs for “villagers now, their children and grandchildren”. Affected families were offered 100,000 kip per square metre and additional compensation for other trees or crops growing on the land. Sixteen of thirty-four families had been compensated at the time data was collected. On the other side of the village, another company, Dau Tieng/Lao-Viet¹ was also conceded land to cultivate rubber. The village comprises of three sub-villages Muan Louang, Jiangxai and Lak 13.

6. ຫນອງເມັກ **NONG MEK**

Paksong, Champasak

Pop. 593. Families belong to the Nya Heun ethnic group. The village is host to two plantation companies Dak Lak and Outspan both of which grow coffee. Village authorities agreed to Dak Lak's plantation development in exchange for a water system, school furniture and notebooks but Dak Lak has only provided the water system to date. The village authorities did not agree to any clearing of land by Outspan. Nong Mek share a border with Nong Tuang, and Nong Tuang is a village that Outspan had provincial and district authority to take land from for their plantation. When Outspan cleared land in Nong Tuang near the village borders, they also cleared areas of land in Nong Mek village.

7. ຫ້ວຍຫວາຍ **HOUAYWAI**

Paksong, Champasak

Pop. 153. The village shares a village border with Nong Mek. Since the land that Dak Lak was after was the immediate area on both sides of the border between Houaywai and Nong Mek, the two villages and Dak Lak formed one agreement between all parties. The agreement stated that no private plots would be disturbed if individual families did not want to hand over their land. However, if villagers did want to give their land to the company, the company would have to compensate the affected families.

8. ນ້ຳຕວດ **NAMTUAT**

Paksong, Champasak

Pop. 173. Namtuat borders Nong Teuam. After Outspan cleared land in Nong Teuam near the border area Outspan ploughed into Namtuat fields and have since planted coffee. There is also another company in the village: Souksavan. Souksavan operates a coffee plantation on the state land that was conceded to them and they have a 2+3 agreement with villagers to grow coffee on villagers' private land. Souksavan's concession contract was to grow cotton but they have only ever grown coffee.

¹ Conflicting information obtained on the names of the concession companies present. Everyone agrees that there are 2 rubber concessions in the village: one run by Dak Lak and the other by either Dau Tieng or Lao-Viet –although they may be the same company. Participants related events and impressions on impacts for Muan Louang sub-village while others gave it for Muan Louang village; it was unclear which company was being discussed at times.

9. ລາສະສິນ **LAXAXIN**

Paksong, Champasak

Negotiations to clear land for Outspan's coffee plantation in this village first began in June 2010 and land clearing began in August 2010. An agreement was concluded between village and company representatives that in exchange for village-level approval for the concession the company would i) leave production land alone, ii) hire labourers from the village and iii) provide eleven wells across the village's four subvillages.

10. ຫລັກ28 **LAK 28**

Paksong, Champasak

Pop. 823. Families belong to Jrou and Brao ethnic groups. Dau Tieng planted rubber seedlings between June 2007 and February 2008. An agreement was drawn up between village and company representatives that the company would connect an electricity line to the village school and that the company would build a village meeting hall. The agreement was signed by both parties but after it was signed, the company representative wrote on top of his signature in Vietnamese language that "the assistance to the village will be given once the rubber is tapped from the trees". The village representatives did not understand the added statement at the time.

11. ໜອງເທື່ອມ **NONG TEUAM**

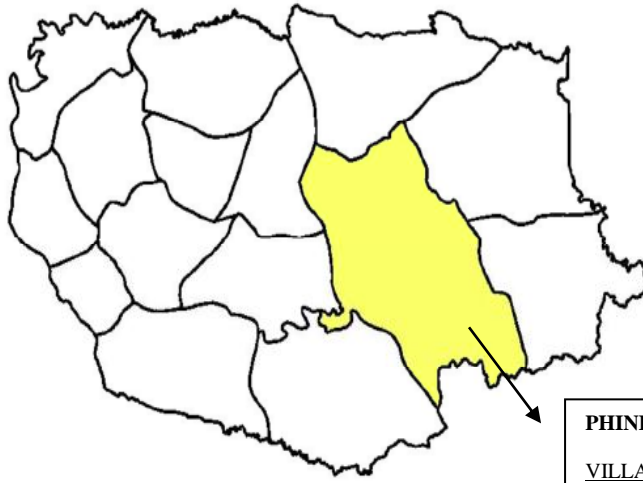
12. ໜອງຕັ່ງ **NONG TUANG**

13. ໜອງຫິນ **NONG HIN**

Paksong, Champasak

Total of about 198 families in these three villages; families belong to Nya Heun ethnic group. These villages border each other and are neighbours of GAPE project target villages Nong Mek, Houaywai and Namtuat. The village authorities from Nong Teuam, Nong Tuang and Nong Hin met with district and Outspan company representatives in February 2010 and they agreed to allow the company to survey their land only. Around the same time, the company had been granted a limited concession area across these three villages from provincial and district authorities. The company representatives met with village authorities to obtain village-level approval to clear the land but were always declined. Outspan nonetheless cleared large areas of their land. The total area of land across the three villages and in neighbouring villages that Outspan cleared is unknown but locals estimate that it is in excess of the amount that provincial and district authorities had granted Outspan. All the families in Nong Tuang lost their upland rice fields and many also lost produce gardens and other crop fields of cardamom, broom grass, etc. The majority of families in Nong Hin and Nong Teuam also lost valuable sources of food and cash crops.

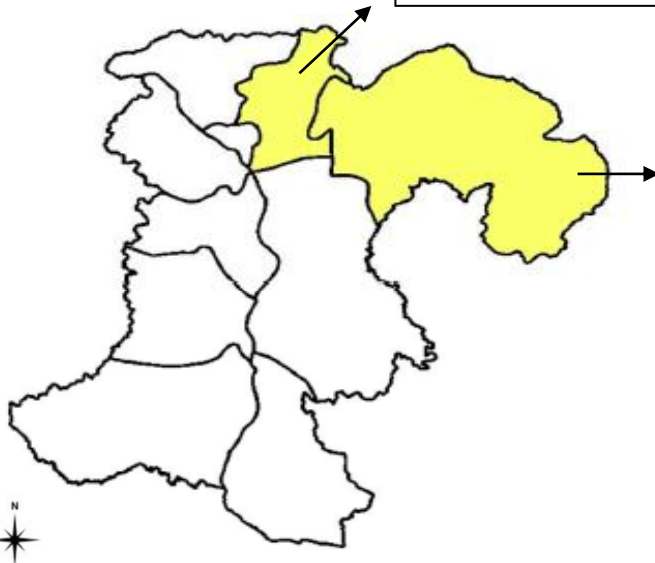
Savannakhet Province



PHINE DISTRICT

<u>VILLAGES</u>	<u>Company</u>
HOUAYXAI	<i>Quasa-Geruco</i>
NAKANONG	<i>Quasa-Geruco</i>
KANGMAI	<i>Quasa-Geruco</i>

Chamnasak Province



BACIENGCHALEUNSOUK DISTRICT

<u>VILLAGES</u>	<u>Company</u>
THONGPAO	<i>Dau Tieng, Dak Lak</i>
MIAN LOUANG	<i>Dau Tieng/Lao-Viet, Dak Lak</i>

PAKSONG DISTRICT

<u>VILLAGES</u>	<u>Company</u>
NONG MEK	<i>Dak Lak, Outspan</i>
HOUAYWAI	<i>Dak Lak</i>
NAMTUAT	<i>Outspan, Souksavan</i>
LAXAXIN	<i>Outspan</i>
LAK 28	<i>Dau Tieng</i>
NONG TEUAM	<i>Outspan</i>
NONG TUANG	<i>Outspan</i>

FINDINGS

The information in this section is divided into two parts. *Part I* summarises some of the key labour practices found on the plantations in the target areas. Excerpts of the Labour Code and other laws are referenced to provide definition for clarity and as a benchmark to consider the adequacy of the work conditions observed. *Part II* broadly identifies emerging local developments in communities brought about in response to or as a consequence of plantation labour.

Part I: Work Practices

1.1 Labour Arrangements

Labour Law 2006 (Art. 2, 3, 14)

Employee means a person working under the supervision of an employer while receiving compensation for work through salary or wages, benefits or other policies as regulated by laws, regulations and the employment contract. Employer means a person or organisation using employees for its activities by paying salary or wages, and providing benefits and other policies to the employees as regulated by laws, regulations and the employment contract.

Employers must ensure safe labour conditions, payment of salary or fair compensation and implement social security for employees.

The operations of job placement enterprises to supply labour to the domestic and foreign labour market shall be authorised by the labour administration agency.

Practice

- The District Justice official (also a qualified Lao lawyer) who accompanied the team in one particular field trip was asked who the law recognised as being the employer in a situation where a recruiter both supplied labour to a plantation company and the recruiter was directly paying the worker. The reply was that the employer in such a situation would be the recruiter not the company.
- Many workers are not employed by the plantation company directly. They obtained their job at the plantations through intermediaries referred to as ນາຍໜ້າ, which translates to “a recruiter”. There are Vietnamese and Lao recruiters.
- Of the Lao recruiters, there are generally two types. One type mostly introduces potential workers to other recruiters or to company representatives. For clarity, this report refers to this group of ນາຍໜ້າ who act on behalf of others as ‘recruiting agents’. The other type of “recruiter” organises work teams by actively bringing in workers and paying the labourers for their work directly. This report refers to this second group of recruiters generally as ‘gang masters’, ‘gang leaders’, ‘contractors’ or ‘subcontractors’.
- In the Vietnamese plantation companies, field supervisors and company representatives are mostly Vietnamese nationals. The village chief sometimes refers to the company focal point as a “recruiter” as this focal point would meet

with the village chief usually to ask about workers. Some Lao workers also referred to some of the Vietnamese management staff as “Vietnamese recruiters” as some workers were hired directly by them. The lack of contracts makes it difficult to determine whether Vietnamese management staff are employees of the company or if they themselves are labour contractors.

- Workers may be recruited to work by themselves (e.g. guards) but in many cases workers are grouped into labour units.
- A closer look at the composition of labour units reveal that there are two types of labour groups working in the plantations: one type consists of labour groups in which the workers may not know each other and were brought together by a gang leader or labour (sub) contractor. There are also labour groups consisting of ‘family teams’, i.e. family members (husband, wife and children) working in the plantations. This report does not apply the term ‘gang leader’ or ‘contractor’ to the family teams even though only one adult (usually the father/husband) directs the tasks that his family undertakes and collects the pay for the work completed by them.
- It was not always clear whether the Lao gang masters or the head of family labour units worked directly for the plantation companies or if they were sub-contracted by other gang masters to organise a team to complete a piece of work. Cases for both scenarios have been found.
- From the discussions with the workers, recruiting agents and gang masters, it seemed that many agents and gang masters worked alone or with the assistance of a spouse or a child, none of the agents or gang masters spoken to were part of a labour hire firm. The number of workers recruited by a gang master depended on the job that needed to be completed and the availability of potential workers.
- Lao recruiting agents and gang masters come from both the village where the plantations were established, as well as from other districts and provinces. For instance, workers reported that some of the “recruiters” supplying labour for Outspan in Paksong came from Attapeu and Sayaboury.
- Recruiters (specifically, the contractors) supply labour for the plantations both locally (i.e. permanent residents of the village where the plantation has been established) and from other districts. Gang masters who recruit from outside the village claimed that the locals (i.e. residents) are not interested in working for the companies. Conversely, some locals claimed that gang masters have turned their request for work down for a variety of inconsistent reasons such as: they only want single workers and/or female workers only and/or young workers under the age of 40. This is despite the fact that the recruiters are bringing in workers from outside the village who do not necessarily fit into those categories. In one case, the Thai and Lao recruiters in Namtuat finally told a local enquiring about work that they only wanted to hire labourers from Sekong and Attapeu because the workers from the (Namtuat) village “do not work well”.
- Contractors often provided transportation to and from the workers’ original district and the plantation site when the job was completed. Some gang masters claimed to look after the labourers if they got sick, or injured, or wished to return home before the work was completed. Some gang masters claimed to provide on-the-job training to the labourers.
- For many of the workers, employment at the plantation site lacks security, is casual and seasonal in nature.

1.2 Employment Contracts

Labour Law 2006 (Art. 3, 23, 24)

Work must be conducted under an employment contract between the employee and the employer. An employment contract is an agreement made between employee and employer or their representatives. Employees and employers must strictly comply with employment-related contractual obligations: employers must assign employees to work or positions that are stipulated in the employment contract, pay them salary or wages, and ensure their legitimate interests in accordance with the employment contract and the laws. The employment contract must stipulate the work place, the work to be performed, the level of wages and other policies that the employees should receive. Employment contracts must be made in writing between the employer and the employees in accordance with laws and regulations, based on the principles of equality and consensus. An employment contract may be made either for a fixed term or for an indefinite period depending on the agreement between the employer and the employee concerned.

Practice

- No written employment contracts were provided between workers and gang masters or recruiting agents.
- Permanent workers and those workers who believe that they are employed directly by the plantation company may not have a written employment contract - there were no full-time/permanent worker interviewed that could recall being provided with any documents outlining what work they were expected to undertake, the location of the work site, wages, the duration of the employment nor any other employer-employee obligations from the plantation company, even among those who collected their pay directly from the company field offices.
- Workers who worked regularly voiced their desire for a written contract because they were worried that they could lose their job at any time without notice or compensation.
- The period of time that casual workers are hired varies. Some recruiters required that their group of workers complete a piece of work (e.g. the weeding of a certain area), while others have required a minimum 15-day roster. A couple of local workers claimed that they have been able to negotiate work with different gang masters for fewer days. These negotiations are conducted verbally.

1.3 Workforce

Investment Law 2009 (Art. 66, 69)²

[Investors have the] right to hire labour forces are defined as follows: 1) to sign employment contracts with technicians and experts to work for the enterprise. In the case that the enterprise needs to import more physical and intellectual labourers than the number stipulated in the Labour Law, the investor has the right to propose to the

² Unofficial translation, accessed 31 May 2011, <www.dpichamp.com/indix.php/en/laws-and-regulations>.

government for consideration as deemed appropriate; 2) to allocate and assign labour forces into positions as required by the enterprise; 3) to apply policies or measures to labourer in non-discriminatory basis; 4) to apply other rights as set forth in the Labour Law and other regulations

Investors have the following obligations: to provide insurance and social security to the employees in the enterprise in accordance with laws and regulations, to promote and employ Lao citizens, to develop labour skills, to improve their technical capacity, and to transfer technology to Lao labourers.

Labour Law 2006 (Art. 25)

The labour unit has the right to accept such employee as it requires but shall give priority to Lao citizens, especially persons who are targets under poverty alleviation programmes. In the case of necessity, the labour unit may accept foreign employees but they must be a select [group] and be approved by the labour administration agency. Such acceptance shall be in the following proportion: For physical labourers, it is permitted to accept not more than 10% of the number of total employees in that labour unit; For workers having intellectual expertise to work, it is permitted to accept not more than 20% of the number of total employees in that labour unit. In the case of necessity, the import of foreign labour may exceed the proportions mentioned above, but approval from the government must be obtained.

Practice

- The workforce of the plantations consisted of both locals (defined here as the permanent residents of villages where the plantations were established), and migrants (Lao workers from other villages/areas or workers from other countries). There are housing camps for the Lao rural migrant workers and housing camps for Vietnamese expatriate staff. The 'migrant' group referred to in this report largely refer to Lao workers from other districts and provinces.
- Thongpao is the only study village that has a large number of permanent local wage workers. There are two plantation companies in Thongpao village and as at early 2011, about 150 locals are registered by the village chief as permanent workers for Dau Tieng. There are about 10 permanent workers for Dak Lak.
- Low numbers of local workforce were found in all other villages. Recent PRA results conducted by GAPE in early 2011 in Houaywai revealed that only about 67 Houaywai residents have ever worked for Dak Lak since the plantation was established in early 2010. In Houayxai, JVC conducted a PLUP survey that reached all households in early 2011 and the results revealed that even though 139 locals had worked for QSG at some point in 2010, only 8 of them were permanent workers. The average (median) number of days worked by the casual local labour force was about 20 days in dry season or 30 days in wet season. In a number of plantations, locals claimed that gang masters preferred to give work to villagers from other districts and provinces. However, many other locals said that they do not want to work for the plantation companies for the following reasons: low wages; too many discrepancies in pay and benefits; delayed pay; disputes with company staff supervisors; anger at the company for loss of land, reduced access to natural resources and/or the way in which land was appropriated. In a men's group discussion in Nong Mek, some of the men

explained that they would not have minded sharing some of the village land with the company but Outspan showed no respect to the villagers when it just cleared the land without regard for how locals were using that land. Discussions with villagers in Nong Hin and Nong Teuam indicated that few local residents work for Outspan. The few villagers who said that they worked for the company only worked for one to two days before quitting completely.

- While the casual or seasonal nature of the employment suit some locals – for instance, some 16-17 year old students who work for Dak Lak during the school holidays – several villagers have complained that the companies are sidelining locals to hire rural migrants from other districts/provinces or to bring in a workforce from Vietnam.
- Some locals claimed that age is a determining factor in being recruited. In Thongpao, locals claimed that the company and/or gang masters do not hire “older” locals. One woman in her fifties living in Thongpao claimed to have been denied work because she looks older than her age. In other study villages where there are few locals working permanently for the plantation companies, workers of all ages have been recruited. In Nakanong, all but one worker interviewed is aged between their 30s and late 60s.
- Imported workforce from other Lao districts/provinces. Some of the Lao migrant workers who labour at the Outspan plantations in Paksong come from other Champasak districts (Pathoumphone, Khong, Phontong); others are from Sekong and Attapeu. The migrant families staying at the housing camps in Houaywai at the Dak Lak coffee plantation in Paksong comes from various villages in Saysettha district in Attapeu. In Phine, gang masters have brought in labourers from neighbouring Savannakhet districts. From discussions with locals and some of the rural labour migrants, it is clear the migrants do not socialise with locals and do not make use of any of the host’s village’s institutions (e.g. schools). Many bring their own rice and collect food from the area so purchasing food from the host villagers is minimal. In the camp in Houayxai, migrant families cultivated gardens and raised chickens within the plantation.
- In addition to local residents and rural migrants, the companies have also utilised army reserves. Soldiers from the fourth division planted some of the rubber seedlings for QSG in Phine between July-Oct 2009. Informants claimed that a few hundred soldiers in total arrived in two lots of groups. Each group stayed for about 1.5 months to plant the rubber seedlings. Similarly, when Dak Lak set up their plantation in Paksong, soldiers from Army camps were also used as labourers to plant the coffee seedlings. Unlike the general rural migrant workers, locals reported that the soldiers bought food from locals regularly and mixed with the locals frequently, especially the local women.
- In Bachiengchaleunsouk (Bachieng) and in Phine, locals reported that Vietnamese labourers were also brought in to do some of the manual labour work in the earlier phases of plantation establishment but now the bulk of the Vietnamese expatriate staff remaining hold mostly managerial or oversight positions.
- Both men and women are hired to cut grass, weed, trim branches, apply compost, and other maintenance work. However only men seem to be hired to act as plantation guards and men usually spray the herbicides while the nursery is staffed by both men and women but mostly by women.

I.4 Child Labour

Protection of the Rights of Children 2006 (Art. 4)

The best interests of the child shall be the deciding factor in making decisions, in particular about issues relating to child care, appointment of guardians, adoption, education, medical treatment and the conduct of criminal proceedings against the child.

Labour Law 2006 (Art. 16, 41)

An employer may employ children who are at least fourteen years of age and less than eighteen years of age, provided that they do not work for more than eight hours a day and are not employed in sectors involving the performance of heavy work or that are dangerous to their health including overtime and overnight work.

Work should not exceed eight hours per day or forty-eight hours per week, irrespective of the type of salary or wages paid.

Practice

- Working minors (under the age of 18yrs) were found in almost all of the plantation sites despite repeated assertions from some local officials that workers are all over 18.
- With the exception of Thongpao, where many workers are permanent workers and no work is undertaken on Sundays, the other plantations have casual workers performing tasks every day of the 15-day roster period. Some working minors (like their adult counterparts) work consecutive rosters, thus effectively having no days off. In Paksong, villagers report that children work on the weekends if they go to school during the week.
- Many children at the plantations 'work' alongside parents filling bags with soil, digging holes, weeding, etc. In Nong Teuam for instance, one of the labourers from neighbouring Pathoumphone district brought her children – a 12-year old daughter and a 14-year old son to work for Outspan so that the three of them together could earn 75,000 kip per day (25,000 kip / worker / day).
- In one of the target villages in Paksong, the school teacher arranged for the students to work for Outspan for one day and the principal oversaw the children's labour in the field. The school children were aged between 10-14 years and they were mostly required to weed for the day. The money raised from the children's work reportedly went towards the school fund.
- About 10% of the Houayxai locals who worked for QSG in 2010 were between 11 and 13 years old inclusive. At least one case was found in which a 13-year old dropped out of school to work for the company.
- In two cases, there were claims that working children were either physically assaulted or verbally abused and threatened with physical assault by plantation supervisors.

I.5 Remuneration

Labour Law 2006 (Art. 44, 47, 49)

Employees' salary or wages may be paid at the beginning, middle or at the end of the month, before or after the completion of the work. The employer shall pay salary or wages to the employees based on time worked, such as: hourly, daily, monthly or on the basis of a specific work contract. All payment of salary or wages including allowances [and] bonuses shall be made on the basis of payment lists signed by the employees. All employees have the right to request their employer for the method of calculation of their salary or wages where it is necessary for clarification and ensuring conformity with the employment contract as agreed upon. Salary or wages of employees must be paid in cash, in full and on time, except where it is otherwise prescribed by government regulations or as specifically agreed between the employer and the employee. In addition to salary or wages, the employer may pay bonuses, allowances or additional benefits as an incentive to the workers in accordance with internal regulations of that labour unit.

Salary or wages must be paid to employees at least once a month at a fixed time, except for additional allowances, bonuses or other benefits which are determined by internal regulations of the labour unit. In respect of wages paid on a per unit of products basis, or in respect of hourly work, workers shall be paid at least twice a month.

Practice

- Wages differed slightly between plantations situated in different villages within the one company and between the companies.
- Generally, casual workers across the various target districts whose wages were calculated from a flat daily rate (25,000-30,000 kip) worked a 15-day roster. The 15-day roster period is termed *ခိာ* in the local lingo in Phine. If a worker does not complete the roster period, s/he is still required to wait until a certain date (i.e. the end of that 15 days) before receiving her/his wages. Disputes arise when the gang master and workers do not agree on the number of days the worker went to work.
- Other systems of payment identified include a combination of piece-rate and time calculation. Completion of different tasks carries different rates of pay. For instance, a worker may receive 200 kip for each hole filled with seedlings (Laxaxin). A few workers across the target sites who worked under this system favoured it as they felt that they had control over how much (how hard) they wanted to work; other workers disliked it because it was harder for workers to keep track of what was owed to them. The gang master and workers have to note the type of labour undertaken, its specific rate as well as how much work was completed each day for the roster period. Disagreements over how much work was completed between workers and gang masters perpetuated mistrust of many recruiters. Workers who are illiterate and/or have underdeveloped literacy skills rely completely on their gang leaders to work out their earnings. Some workers claimed that some of them were taken advantage of by recruiters. Other workers accepted explanations from gang masters that there was less pay to go around because the company only paid the gang master for the amount of work that the company was happy with. However, some of these workers said that even though the plantation supervisors watched the workers, the

supervisors did not direct them or train them, preferring to dock their pay for mistakes made.

- In some plantations, the piece-rate assumes that a group or labour unit (rather than an individual) will undertake the work. The rates found varied widely with no minimum or maximum number of workers per labour unit prescribed. For cutting grass in one hectare, a group in Lak 28 could be paid 110,000 kip / hectare; in Houaywai, 400,000 kip was the going rate per hectare.
- The gang leader often determines individual pay by dividing the pay between the workers equally or by how much work each labourer completes. The gang master may also agree to pay the workers a fixed daily rate or lump sum when the work is completed.
- In Thongpao, a variation of the group piece-rate system is used. Labourers are placed into groups and each group is assigned a specific task (with its attached rate). The pay for the group is calculated on these rates. However, the group or some members of it may sometimes be asked to undertake other tasks but their pay would still be calculated against the rate of the job that the group was initially assigned to do. This has given rise to pay disputes when the initial task assigned to the group pays less than the work actually performed by the group or when the total group output is naturally reduced because the efforts of some group members are diverted to other work which is not acknowledged.
- Many casual workers complained about having to wait a fortnight before getting paid.
- Migrants have the additional concern that they may have to forfeit their wages when their food supplies run too low. In Nong Teuam, the migrant labourers for Outspan need to bring enough food with them to the housing camps to last them for every new 15-day roster that they work. If they are in short supply of food or low in cash, the workers have no choice but to return home while they still have some food/funds. However, returning home effectively forfeits the wages for time already worked because the workers cannot collect their pay early.
- Workers reported many problems relating to pay including:
 - Frequent wage reductions: in Thongpao and Houayxai, some workers reported having their salary reduced a few times over a short period of time.
 - Low wages - Workers reported that the wages are insufficient to meet household costs especially when family members become ill.
 - Non-payment – Families in Muan Louang claimed that they were never paid for the seven months of work that they undertook for Dak Lak. There are also cases found of individuals who worked for Outspan but were never paid.
 - Partial/deferred/delayed payment: In Namtuat, a few workers reported that they were consistently paid only part of what was due to them to dissuade them from leaving.
 - Disputes over the number of days worked and/or how much work was completed: workers in both Bachieng and in Phine complained that the Vietnamese supervisors and Lao gang masters respectively took advantage of illiterate workers by noting down the correct time or amount of work done by the worker to receive full pay from the company, but would simultaneously tell the workers that a lower amount of work had been achieved to justify underpaying them.

- Wages were deducted for insurance benefits that may not exist or income tax that workers may not be required to pay (Nakanong, Thongpao).
- Workers also claimed that if one person in the labour group made a mistake, the entire unit is punished with pay deductions (Thongpao).

1.6 Income Tax

Tax Law 2005 (Art. 60, 61, 62)

Income tax on salaries is payable monthly through withholding when paying salaries.

Income from salary is subject to a progressive tax rate as provided in the table:

Levels	Taxable Monthly Salary at each Level	Basis of Calculation	Tax Rates	Salary at each Level	Tax each
1	300,000 Kip and below	300,000	0%	0	
2	300,001 [Kip] to 1,500,000 [Kip]	1,200,000	5%	60,000	

Practice

- During group discussions in Thongpao workers said that 60,000 kip income tax was being deducted automatically from their wages. They gave examples of how even casual workers who may have only worked for 4 days to earn 100,000 kip were only paid a net total of 40,000 kip. One worker said that he was supposed to receive 72,000 kip but was only paid 22,000 kip. He claimed to have been told by on-site supervisors that 50,000 kip was withheld for income tax purposes.

1.7 Hours of Work and Overtime

Labour Law 2006 (Art. 16, 17, 19, 48)

The following types of time lost shall be calculated as part of daily hours worked: time spent on technical preparation at the start and end of work; hourly breaks not exceeding 15 minutes, in certain sectors in which work is divided into different periods for different tasks or which operate on the basis of shifts; a 45-minute meal break per shift in respect of shift workers. The employer must establish an appropriate production schedule so as to enable workers to rest at least for five to ten minutes after having worked for two hours. Should a necessity arise for any technical or mechanical reason, work by rotation must be organised so that workers can rest appropriately.

Overtime shall not exceed forty-five hours per month or three hours per day, but it is prohibited to work overtime continuously every day, except in the case of an emergency such as combating natural disaster or an accident that would cause great damage to its labour unit.

Workers have the right to at least one day's rest within a week.

Overtime worked in the daytime on a regular working day shall be paid for on the basis of one hundred and fifty percent (150%) of the hourly wages of a regular working day for each hour worked; overtime worked at night on a regular working day shall be paid for on the basis of two hundred percent (200%) of the hourly wages of a regular working day for each hour worked; overtime worked in the daytime on a day of weekly rest or holiday shall be paid for on the basis of two hundred and fifty percent (250%) of the hourly wages of a regular working day for each hour worked; overtime worked at night on a day of weekly rest or holiday shall be paid for on the basis of three hundred percent (300%) of the hourly wages of a regular working day for each hour worked.

If a worker is assigned to work on a night shift, he shall be paid an additional bonus of not less than fifteen percent (15%) of the regular hourly wages for each hour worked from 10:00 a.m. to 5:00 a.m. the next morning.

Practice

- Casual labourers work irregularly and for a short period of time; however, some of the casual workers continue to work for as long there is work available so some are essentially labouring everyday without a break. In Houayxai, some casual workers laboured continuously for a whole season. In Lak 28, one of the worker's job was to spray herbicides everyday.
- Many of the day labourers reported working an average 8-hour day, give or take one hour.
- Workers who do not arrive to work on time are not able to work that day. They are sent home.
- Workers report that the only recess during working hours is a one-hour lunch break. One older woman was forbidden from taking a toilet break to relieve herself; other workers reported that they would be abused if they worked slowly, seemed tired or sick. Almost all adult and child-workers reported that the work was tiring and that it was the plantation supervisors, not the Lao gang masters, who did not allow workers to rest.
- Not being able to rest was a common reason given by workers who stated their preference to work for themselves and/or to work for smallholder families.
- The guards are required to work overnight in addition to doing some work during the day. It is unlikely that they receive a 15% bonus as their pay is similar to other (day) labourers.

1.8 Leave

Labour Law 2006 (Art. 20, 21)

Upon presentation of a medical certificate, workers that are remunerated on a monthly basis shall be entitled to sick leave with full pay for not more than thirty days per year. For the workers who work on a daily or hourly paid basis, per unit of production basis or on the basis of specific work contracts, they will be entitled to payment during sick leave in accordance with the social security policy only if they have worked for more than ninety days. The provisions of this article shall not apply to labour accidents or occupational diseases.

Workers employed under an employment contract made for an indefinite period or for a period of more than one year who have worked for one full year shall be entitled to fifteen days of annual leave. Workers in sectors involving heavy work or work which is hazardous to their health, as specified in Article 16 of this Labour Law, shall be entitled to eighteen days of annual leave with full pay at the normal rate.

Weekly rest days and public holidays shall not be counted in annual leave.

Practice

- A few of the permanent workers claimed that they can take leave easily enough as long as they give prior notice to the company.

1.9 Health and Safety

Labour Law 2006 (Art. 42, 54, 55)

Necessary measures to ensure labour safety and hygiene at the workplace include: Installing appropriate lights or sufficient natural light, limitation of excessive noise, [and] ventilation for air, dust and odours which are dangerous to health; A supply of clean drinking-water and water, showers, toilets, a cafeteria, and changing room for workers; A storage room where toxic substances can be kept safely without risk of leakage; The provision, free of charge, in a sector where necessary, of personal safety equipment and clothing required by workers engaged in production.

The employer shall furthermore ensure that workers acquire sufficient knowledge of the rules relating to their own safety and health and shall organise training courses on those issues. The measures mentioned above shall be free of charge to workers.

The employer must provide appropriate help to a worker who suffers from a labour accident or occupational disease, [and] in addition, the employer shall pay for the actual cost of the treatment or the social security organisation shall bear the costs certified by a doctor, if such employee is a member of the organisation.

A labour accident is an accident that results in injury, disability, handicap or death of workers as follows: During the performance of duties at the workplace or at any other place under the assignment of the employer or of a person acting on behalf of the employer; in a recreational area, cafeteria, or any other place within the scope of responsibility of the labour unit; during the commute from residence to workplace.

Practice

- Some of the illnesses and injuries experienced in the workplace (or attributed to being related to work) include a snakebite, a twisted ankle, blisters, cuts, falling off a handy tractor (one case resulted in death), headaches, backaches and other muscular pain, fatigue, stomach aches, breathing difficulties, dizziness, nausea, hair falling out.

- Workers and non-working locals are concerned with the health ramifications of the chemical herbicides. Some workers said that they experience difficulty in breathing and experience other symptoms (headaches, dizziness, nausea) soon after the plantation has been sprayed.
- Workers cutting grass say that on occasion the spraying is conducted in the same area where they are working but the workers cutting grass are not provided with protective clothing or breathing protection (Phine).
- Workers from all the plantations except in Nakanong say that the company provides protective gear for workers spraying the herbicides such as a mask for the breathing protection of the workers, eye protection and gloves, and in some places, rubber boots. In Nakanong, a few permanent workers interviewed claimed that the company did not provide protective gear for the workers who sprayed the chemicals.
- Additionally, there is much speculation among villagers that the illnesses and two deaths of local workers spraying the chemical herbicide in Nakanong, Kangmai, and neighbouring village Naseng was due to chemical poisoning.
- Some workers have told the research team that it would be ideal if protective clothing was provided for the workers as they get covered in herbicides during spraying.
- Proper training of the preparation, handing and use of the chemicals is suspect. One recruiter said that he has had to show or train the workers who have to spray the herbicides what to do as the Vietnamese overseers do not train the workers, however, the recruiter admitted to not having been trained on how to handle the chemicals.
- There were also reports of workers playing with the chemicals. One village chief claims that the workers who spray the chemicals sometimes played and joked with each other by spraying one another.
- Villagers reported that they have had skin problems from bathing in the river where empty containers of chemicals were disposed of.
- Herbicides used in Bachieng: (1) *Lyphoxim 41SL* (2) *Glyphosan 480DD*. Labels on both products are in Vietnamese language with picture warnings. The trade name *Lyphoxim 41SL* appears in the May 2010 list of registered pesticides in Lao PDR and is classified as “slightly hazardous” (Class III) by the World Health Organisation (WHO); the trade name *Glyphosan 480DD* is not on the list but other herbicides with the same active ingredient as *Glyphosan 480DD* – i.e. glyphosate IPA - are listed as eligible and registered pesticides.³ The glyphosate IPA herbicides are also considered to be “slightly hazardous” (Class III) by WHO.
- Permanent workers claimed that they have been told by on-site management that they have health benefits or insurance. However, in Nakanong the permanent workers have not even been able to access any medical (first aid) assistance for a painful blister/wart/cut. In Thongpao, some of the local workers said that getting small things like medicine for headaches is relatively easy from supervisors in the field but the company does not pay for any serious illnesses.
- One gang master claimed to have paid for the hospital expenses of two labourers who fell off his handy tractor on the way to work. The gang master said that the

³ ‘List of Eligible and Banned Pesticides in Lao PDR, May 2010’ in Poverty Reduction Fund II, *Simplify Pest Management Plan*, March 2011.

Vietnamese on-site supervisors came to visit the workers in hospital and brought the worker food.

- There were a few individual cases reported of on-site supervisors refusing toilet breaks, refusing to provide drinking water, verbally abusing workers or throwing things at workers or hitting them when they seemed to be working slowly or if they make a mistake.
- The housing camps for Lao workers had no observable provisions of potable water, no means of disposing litter and waste, or other observable sanitation measures and facilities. Migrant families have little interaction with the local villagers. Day to day living can be “lonely” as one migrant woman described it.

1.10 Disputes and Resolution

Labour Law 2006 (Art. 61, 62, 63, 65)

Labour disputes arise when the employer and employees cannot reach consensus on a labour issue. Labour disputes are divided into two types as follow: (a) Disputes concerning the implementation of the Labour Law, internal regulations of the labour unit, labour regulations, employment contracts, and other legislation relating to labour (b) Disputes relating to benefits, which refers to disputes relating to claims by employees for new rights and benefits which they request their employer to solve.

If a worker, trade union or workers' representative makes a claim against the employer who has acted in violation of the Labour Law, internal regulations of the labour unit, labour regulations, [or] the employment contract, the employer or its authorised representative must consider and resolve the problem in a reasonable time. During the consideration of the claim, the worker may propose that the trade union or workers' representatives also participate. If, after fifteen days from the submission of a claim to the employer, the employer has not called the relevant parties to solve the dispute or a consideration has taken place but no agreement has been reached, or an agreement has been reached but is not implemented, the worker has the right to request the labour administration agency to solve the dispute. Where the labour administration agency cannot resolve or can resolve only part [of the dispute] within fifteen days, the party that is not satisfied with the resolution has the right to file a claim with the people's court for adjudication. The labour dispute resolution committee comprises representatives of the labour administration agency, trade unions or representatives of employees, representatives of employers and other concerned sectors.

Workers, employers or their representatives shall not declare a work stoppage in the following cases: (a) in the event of a labour dispute relating to the implementation of laws and regulations and relating to the implementation of laws and relating to benefits; (b) during the process of resolution of unresolved matters; (c) during the settlement of the labour dispute by the court.

Practice

- The most common labour issues in the plantations related to pay and insufficient break time during working hours.

- Due to the casual and seasonal nature of the labour arrangement, many workers who experienced problems at work or were dissatisfied with resolutions simply stopped trying to get a job at the plantation and tried to find other work.
- There were few cases found where workers raised the wage issues directly with the people who paid them (gang masters or the plantation supervisors). In many cases, the workers' argument or evidence for increased pay was dismissed and workers in the end accepted the pay that was offered to them. Some of the common excuses provided by gang masters and/or plantation supervisors for the deductions in pay include income tax needing to be withheld and insurance/medical schemes that the worker needed to contribute to, differences in days worked or pieces of work completed. Some overseers did not provide the workers with a reason and simply told a worker who may have raised an issue that if that worker was dissatisfied with the pay then that worker should leave.
- There were also occasions when the overseer conceded to the workers' assessment that their pay was lower than it should have been and consequently paid the worker a little extra - although it was still not the correct amount that was due to the worker. One fifteen-year old female worker who questioned the on-site supervisor overseeing her labour unit why she was paid less than another worker who had taken days off was told that the company had made a mistake and he handed her 20,000 kip.
- In Thongpao, where there are two plantations, about 35 workers left Dau Tieng around the same time period due to pay dissatisfaction. A few workers alleged that certain Vietnamese plantation staff supervisors were cheating them from the pay that was due to them. It is unclear whether the decision to quit was a workers' group decision or if individual workers left on their own. Some of the workers went to work for Dak Lak. Dau Tieng complained to the district authorities about the locals not coming to work and a meeting was held in the village to resolve the issue. Company representatives and district public security/police were present and the outcome resulted in about 25 of the 35 returning to work for Dau Tieng.
- When dissatisfied workers usually lodged complaints to the village authority and/or to the district authorities, few were followed up. Village chiefs often worked for the plantation company themselves. The village chief in Thongpao is a guard and oversees workers; the village chief in Houayxai also holds a position of a guard.
- Workers mentioned that on occasions when the district authorities have been involved in their labour disputes, the authorities were usually from the departments of Agriculture and Forestry, District Administration, Public Security or Justice. A few of the workers explained that complaints/disputes would be submitted to representatives from one or a few of these offices as these government departments had brought the companies in to the village in the first place.
- In Kangmai, recruiters complained to QSG that workers would not agree to spray herbicides due to the low pay (25,000 kip) and perceived high health risks. Consequently, QSG agreed to recruiters' requests to raise the daily rate for workers who would spray the herbicides. The rate increased to 30,000 kip/day.

Part 2: Perspectives

2.1 Migrants

In the study areas in Phine and Paksong, and Muan Louang in Bachieng, a large non-local workforce supplies the bulk of the field labour for the plantation companies. Many workers come from other districts and provinces of Laos sometimes on their own but many with families in tow. In Houaywai, the four families staying at the plantation are from different villages in Attapeu. Together, they total 26 people: eight adults, and 16 children between the ages of 1 and 10. The duration of stay of the migrants across the plantations vary considerably. The two units of soldiers who worked in Houayxai stayed approximately six weeks each. The families who live in Houaywai intend to stay 5-6 months (Dec-May). In Houayxai, one family was found to have been living at the housing camp in the plantation for two years.

Living facilities in the camps are basic or non-existent. In Houayxai and Houaywai, the migrants had to build the shelters themselves. The walls and roofs are made of tarpaulin. In Paksong, Outspan built 4 small camps and they are adjacent to the roads near the plantation on the other side of the village where local residents live. The houses are made from wood and have corrugated metal roofs. Migrants are told that housing is free but workers have to share so crowding is a high likelihood in peak seasons in all camps. There were no indications of potable water near any of the housing camps. There may be measures to deal with sanitation issues in the housing camp but reports from locals suggest otherwise. In Nong Mek, villagers claim that the tracks that the migrant workers use are littered with rubbish and they witness some of the sewage flow because the camp is upstream from the village.

Rural to rural migration is part of a diversified livelihood strategy and even before the plantations were established many villagers travelled to various farms to seek work during harvests. Their stay however has not impacted villages in the same way as the migrants who come to work for the plantations. For one thing, plantation workers live within company grounds or near the plantation and village authorities have no official information about the migrant workers – how many workers are at the plantation sites at any time, where they are from or how long they will stay. Only the migrants living in Houayxai for two years officially registered their presence with the village chief of Houayxai. According to other village authorities, no other workers have done this. On the other hand, few village level authorities have sought to actively find out about the migrant workers. There is ambiguity as to whether the village chief has authority over/obligations to migrant workers because the camps are within company grounds. Thus, it is unsurprising that the response to Lao and Vietnamese migrant workers from locals and village authorities range from indifference to a little hostility. This is despite the fact that many locals may themselves have had labour (or other, eg. land) disputes with the companies. Village authority in Muan Louang say that they hear that Dak Lak do not pay the migrant workers and that in some cases, they have heard that some workers have had to sell their belongings to get enough money together to return home (Sekong, Attapeu, Salavan). Nevertheless, the village authorities do not involve themselves in the workers' matters even though their own locals have also reported being cheated out of their pay.

Village authority in Muan Louang say that they hear that Dak Lak do not pay the migrant workers and that in some cases, they have heard that some workers have had to sell their belongings to get enough money together to return home (Sekong, Attapeu, Salavan). Nevertheless, the village authorities do not involve themselves in the workers' matters even though their own locals have also reported being cheated out of their pay.

In other villages, locals and village authority believe that village problems and crime have increased since the establishment of the plantations generally and the consequent arrival of the rural migrants. In Nong Mek and Nong Teuam, some local residents claimed that migrant workers steal their crop. They say that the workers steal food because they want to save money but the residents also acknowledge that some workers steal because they may be hungry due to payment delays and that the migrants are vulnerable to these delays because they can only carry so much food with them. In Phine, locals attribute the disappearances of dogs to Vietnamese migrant workers because the Vietnamese are known to eat dog meat. Other factors that may contribute to some of the local indifference and dislike for the migrants living in the housing camps were related to seeing empty chemical containers thrown in the river, sewage and litter where the migrant workers have been (Paksong), over fishing in rivers by migrants (Phine), and competition for jobs in areas where local villagers want regular work.

The full extent of impact of these rural migrants on these host communities (and vice-versa) is not well known. However, it is clear that there is mistrust and misunderstanding between locals and migrants and that this is probably fuelled by both competition for jobs and lack of social interaction between the two groups.

2.2 Food Security

Food security remains a constant concern to the local residents of villages where plantations were established. In Phine, more communal land rather than private land was lost to QSG thus many of the fauna/wildlife that the area previously hosted when it was forest is gone. In Paksong, extensive clearing by Outspan has resulted in the loss of significant income and food sources for villagers – many of which were private gardens. In the wake of villagers' loss of own land (and the associated food and income sources) and diminished access to common food and other natural resources when gardens and forests were cleared, a job offering irregular work and insufficient or delayed pay is a poor substitute. It compounds the local villagers' anxieties and abilities to meet household food and basic necessities. The lack of sustainable food source is further exacerbated by the poorly planned influxes in population caused by the migrant workers.

For many workers:

- There is limited variety and availability of food in the immediate surrounding area. Due to insufficient time (one hour lunch break) spent foraging for food, preparing and eating it, workers suffer from lack of diversity and therefore nutrition in their diet.

- In some cases, workers cannot continue working for a plantation company because of lack of food supply in the area or they cannot afford to purchase more food or certain types of food like meat.
- Some permanent workers use their regular income status to obtain credit which they in turn use to buy food.

The challenges above are faced by local workers and migrant workers and their accompanying families. While some of the migrant workers bring family members to work alongside them, many migrant workers especially family teams only have the husband working for the company and earning income. The wives mostly look after the children and undertaking household chores which may include collecting food and water from the surrounding area. A few families raise animals and grow vegetable gardens at the camp site but many collect food, fuel and other supplies from their surroundings within and outside the village.

2.3 Social Differentials

The cases suggest that ນາຍໜັງ (recruiter) status⁴ is more esteemed than just being a regular worker and that acting as a recruiter may be a means of accessing more capital (e.g. pay, social respect, work flexibility, etc.). From the interviews it is clear that reliable and obedient workers are asked by recruiters to assist them to find other labourers (i.e. to act as a recruiting agent themselves) or to train new workers or oversee workers (gang masters). These trusted workers are able to work with many recruiters which in turn have provided some of them with flexibility to choose when they want to work.

Local authority persons are obvious choices for the company to help them obtain a supply of labour because they hold the political capital to mobilise labourers. Many of the village authority have acted as recruiters to varying degrees especially in plantations where most of the workforce is local or when the plantations were first established. Companies have approached the village chiefs and local institutions (army barracks, school, etc.) to obtain local workers. However, since the plantation workforce comprises of a non-local workforce too, companies also seek to contract individuals with vehicles as recruiters. In plantation sites where it has become necessary (or desired) to import labour from outside the villages hosting the plantations, people with vehicles have assumed an increasingly important role as intermediaries.

A similar pattern of people with vehicles assuming higher social status was also observed outside of the plantation – for instance in Muan Louang where families with vehicles have emerged as the *nouveau riche*. Prior to the establishment of plantation companies in the village, broom grass used to grow abundantly in Muan Louang and almost all the villagers used to be able to cut the grass and make brooms from it. Villagers generally worked for themselves. In 2006-2007, the villagers who

⁴ This report uses the term 'recruiter' to broadly refer to intermediaries who may only perform a recruiting agent role or to persons who bring in workers, organise work teams (may or may not work side by side with the workers), and may or may not pay the labourers for their work directly. The report refers to this second group of recruiters generally as 'gang masters', 'gang leaders', 'contractors' or 'subcontractors'.

had been promised jobs at the plantation by district authorities conceded large areas of land to Dak Lak company for a rubber plantation and most of the grass area was cleared. Several families went to work for the company but quit after seven months of not receiving pay. According to one villager, “Dak Lak does not do anything for the village”, and many villagers refuse to work for the plantation company. Instead, the villagers have returned to making brooms from broom grass. However, they no longer make and sell what they make as they had once done. Many are employed by a handful of local families. These families have vehicles and the means to purchase broom grass from markets (e.g. Paksong). They bring the raw materials to the workers’ homes (mostly women but a few men) and pay 30,000 kip per day or more if they need the brooms to be completed in a hurry. In some cases, the families will pay in advance. Some of the workers complete the work at home but many workers also gather together in an open shaded space outdoors. Each worker has their own orders to fill and the workers say that usually the families ask them to make whole brooms from beginning to end. Rarely do the orders only ask for brushes or broom handles. While these few families were not necessarily considered by villagers to have been wealthy before, they are now and they transport and trade the broom grass not only to Muan Louang but also to other villages in a similar predicament. Individuals with vehicles and/or with enough initial capital to buy the grass have risen economically and socially within the village to a new class of “businessmen” who no longer have to do the manual work of making a broom themselves as they once did. While the pay may only be marginally better than for plantation workers, the broom makers interviewed were considerably more satisfied with their work conditions than their plantation worker counterparts.

2.4 Credit

Many workers have come to realise that they cannot earn a big enough wage to meet their household needs and wants by only working in the plantations. For villagers who still have land, the priority among many interviewees seemed to be to continue to utilise their remaining land first and supplement their farming with casual and seasonal wage labour. However, among villagers who have little or no land left and where wage work is the primary income such as in Thongpao, villagers have begun to utilise credit to access basic necessities, including rice/food, and to purchase other consumer goods. Credit lenders have found a large customer base for their services in Thongpao which was for all intents and purposes a foreign concept up to a few years ago. A few villagers may have asked for assistance from relatives before but nobody went to lenders. The credit lenders are Vietnamese businessmen and they operate through the village chief. They do not lend money or cash but upon an agreed amount they will purchase the items that a working client desires (such as mattresses, bowls, televisions, rice etc.) and deliver them to the client. The client will pay back the agreed debt (cost of the item plus interest) in instalments. The village chief follows up with the villagers so that the businessmen only need to speak to him when they visit. The interest rate quoted by the village chief is 3% but in an example given by the village chief, a mattress that costs 100,000 kip in the market would require a family to pay back about 150,000 kip to the Vietnamese businessman if the businessman purchased it on the family’s behalf (this represents 50% interest). The finer terms of repayment seems to be negotiable though and subject to what a family in the end can pay. The village chief himself began providing rice credits to villagers. He purchases 20 bags of rice at 180,000 kip

/ bag and families who need rice can get a bag from him and pay him back about 200,000 kip a little at a time.

CONCLUSION

What has happened in relation to 'labour' in the communities where plantations have been established?

There is a dissonance between villagers' work expectations, day-to-day work realities and the legal regulatory framework – and these lead to poor outcomes for some workers. For many 'local' and 'migrant' workers, the work is irregular and casual which does not provide them with much security. The workload and occupational risks are understated in the pay and the structure of the work teams and the enforcement of new work disciplines underline the little control villagers have over their own labour. Some of the work practices observed are arguably discriminatory, exploitative and abusive. Additionally, there is a lack of recognition or consideration of the vulnerabilities associated with different sub-populations of labourers - such as children/young workers, seniors, migrant workers, and mothers who have to work and look after their children simultaneously – potentially increasing the health risks for these labourers. There are many workers who are (or feel that they are) being taken advantage of and cheated by individual unscrupulous recruiters/company staff. Official labour dispute resolution channels are somewhat impractical. The labour arrangements and casual status of most labourers discourage use of official labour dispute resolution mechanisms. When complaints have been made, the potential for impartial and fair outcomes (or the appearance of it) is somewhat compromised by one or a combination of (i) possible conflicts of interest arising from the involvement of persons in authority who also work for the companies (ii) possible conflicts of interest arising from the involvement of agencies that were instrumental to bringing about the establishment of the plantations in the first place (iii) a lack of (visible) involvement by labour and welfare-specific departments.

Are the villagers benefiting from the establishment of plantations on their village lands?

The benefit to villagers (overall) where the plantations have been established remains to be seen. The initial development of some plantations in several villages is riddled with controversy. Many villagers lost sources of food and income when areas of village land (private plots and common land) were conceded to plantation companies. The situation has generated both perceived and real obstacles for villagers to meet household food and basic necessities. Some villagers maintain that they never even gave consent to the company to appropriate land. In other cases, villagers claim that the services and compensation amounts agreed to or promised by company representatives have yet to be fulfilled. Representatives from a few villages remember negotiating or being promised specifically that locals would be given jobs. The 'job' itself is irregular and insecure in all but one plantation, the pay barely covers family expenses, and some of the work practices are arguably discriminatory, exploitative and abusive. Since the company and recruiters bring in labour from

other places too, the villagers must also compete for the jobs and share their reduced village natural resources (including food) with rural migrant workers and their families.

MATTERS FOR CONSIDERATION

Looking forward, some matters for consideration to tackle work deficits:

1. The system of using recruiters is not new or unfamiliar to locals; indeed, it appears to be the main means by which workers in plantations can move upward socially. However, gang master systems mean that workers are employed by one party (gang masters) even though the workers employment conditions are determined by another party (the plantation company), who may bear limited, if any, legal responsibility for the employment safety and standards of the labourer. For instance, workers may be put at higher risk of occupational health and safety (OHS) hazards because the gang master (which existing law may identify as the employer) has the OHS legal obligations to the worker but the gang master has no control over the OHS arrangements at the worksite. On the other hand, the plantation company has, for all intents and purposes, control over the OHS arrangements at the worksite but no seeming legal obligations to ensure the safety of workers whom they do not employ. Similarly, while it is the recruiters who hire labour on a casual basis, the irregular work situation which may lead to much job insecurity is arguably generated largely by the plantation company as the recruitment actions of gang masters - such as how many workers are hired and for how long – are in direct response to the labour demands of the plantation company. It should also be noted that companies may provide conditions that meet the minimum lawful standards to ensure job safety and social security but these provisions may be undermined or not passed on to the workers by unscrupulous contractors. Consequently workers are open to the potential exploitation of unethical individuals on both the recruiter and the company side. The findings suggest that many of the conditions that workers are unhappy with cannot be substantially improved without addressing, rethinking or clarifying the legal obligations of the multiple parties involved in (sub) contracting relationships. Since the current labour code cannot be fully applied and still protect workers in gang master hire arrangements, it may be worth 1) re-working the labour regulatory framework so that it acknowledges and clarifies legal obligations in indirect hire situations; or 2) advocate for ‘direct hire only’ arrangements in which every worker (casual or full-time) is an employee of the company.
2. The absence of work contracts excludes workers from the protection of the labour law. Two key advantages of having a labour contract is that the agreement is recognised by the law so workers could have recourse to the protection of the labour code, and a contract would clarify the employer’s (the gang master and/or the plantation company) obligations

to the worker. However, the vast majority of villagers in the target areas do not read or write so it may be equally important to bear in mind that if workers are expected to negotiate a written contract, they should also have access to the services of persons (preferably without interest, otherwise, declared interests) who can effectively communicate the contents of the contract, the workers' requests, and alternate channels for dispute resolution. From the experiences recounted by villagers on their negotiations with plantation companies on land concessions finding such people to help the villagers may prove to be quite difficult but is essential. Many public officials whom villagers came into contact with over land and compensation disputes seemed to be representing the company's interests to the villagers instead of remaining unbiased in the facilitation or adjudication of the matter.

3. Not all work that children engage in is harmful and there are many benefits for children engaging in non-harmful work. That said, many agricultural tasks are physically demanding so how old and able-bodied the children working are, their sex and gender, how long they have to work for, how much training and supervision they receive on-site and who they work with (i.e. are they in family teams, or do they work for a gang master, etc.) matters as these factors can significantly affect the risk of harm coming to them. Clearly, some of the work practices in the plantations are exploitative and some harm has already been done. It may be necessary to look into some situations and remove individual children from those working environments; however, caution should be exercised against the advocacy of blanket enforcement of the minimum legal working age without further research with working children or assistance to their families in these villages. Children work for many reasons; and sometimes children are not brought along by parents even to work but so that parents can look after them. It is not necessarily in the better interests of a child if parents leave their children to look after themselves at home or to leave them with extended family. To improve the welfare of (working or migrant) children in the target areas, a better strategy may be to focus efforts/interventions that would (1) improve living conditions (e.g. installing hygiene and sanitation facilities and potable water in plantation camps, extending services like immunisation through mobile clinics to include the population in the camps); (2) provide alternative or supplementary activity choices (e.g. making schooling available to migrant children if they wanted to go to the host village school) and (3) support a work environment respectful of its employees (e.g. being able to take breaks when needed, not being humiliated/verbally abused or hit for making a mistake, etc.).
4. Migrant workers and their families face the risk of both inferior working conditions and poor living conditions due in part to social exclusion from the host village and lack of clarity of the company's responsibilities toward workers living in the plantation. Migrants are at risk of being cut-off from essential local services whilst living on company land. Their vulnerability is partially sustained by a lack of recognition of their existence as both a sub-population of plantation labourers and as a sub-population in host

villages generally. It is advisable to (1) clarify what legal obligations, if any, companies may have towards workers and workers' families residing on the plantations regardless of whether they are direct employees or not, and ensure that the company provides or facilitates migrant workers' access to essential social services; (2) acknowledge this group of labourers who travel and live (with their families) in camps in plantation sites as being part of the host village community so that the group's needs and rights (including labour rights) are considered and provided for in village development planning and in the management of the village's natural resources and social and health related services. Finally, the needs and impact of migrant workers should be taken into account alongside the needs of and impact to host communities in assessing applications for and/or monitoring of foreign direct investments like tree plantations.

APPENDICES

APPENDIX I

Summary of Plantations in Target Villages⁵

District Province	Village	Company	Crop	Area (ha)	Start Yr	Mnth/Yr Expansions	Villagers Previously Used Cleared Land For ...	Families Affected
Paksong, Champasak	Nong Mek	Dak Lak	Coffee	172	2010		Collected NTFPs, coffee, cardamom	
		Outspan	Road, Coffee	6 & 22 (respectively)	2010	Asking for another 40ha	upland rice, coffee, other crops (used for incense sticks)	
	Houaywai	Dak Lak	Coffee	125 total 80 coffee	2010			
	Namtuat	Souksavan	Coffee	125	Beginning 2007		upland rice, coffee, broom grass.	
		Outspan	Coffee	9	May 2010			
	Laxaxin	Outspan	Coffee	80-100 ⁶	Sep 2010		coffee, broom grass, cardamom.	
	Lak 28	Dau Tieng	Rubber	267	Beginning 2007		upland rice, coffee, durian trees	
		(Outspan)	(Coffee)	(20 ha)	(not finalised) ⁷			
	Nong Teuam	Outspan	Coffee	96.87	Feb 2010	Aug clearing; –	upland rice, coffee, cardamom, bamboo, broom grass, banana trees, pineapple trees.	55 families (total village) est. crop loss value 5,193,220,000 kip (or US\$645,120 @ 8,040 kip/US\$).
	Nong Tuang	Outspan	Coffee	55.3	Feb 2010		upland rice, coffee, cardamom, bamboo, teak, broom grass, banana, pineapple, sugarcane, plants used in traditional medicine.	51/88 families est. crop loss value 25,702,536,000 kip (US\$336,136 @8,040 kip/US\$)
Nong Hin	Outspan	Coffee	120.5	Feb 2010		upland rice, coffee, cardamom, bamboo, rubber vine trees	48 families est. crop loss value 764,500,082 kip (US\$95,087 @ 8,040 kip/US\$)	

⁵ Source mainly from villagers' observations & recollections; some village authorities had some written records.

⁶ Collected 28/10/10: cleared 80,ha; allowed 100ha.

⁷ At time of data collection, Outspan had already visited this village but deal not finalised.

(cont)

District Province	Village	Company	Crop	Area (ha)	Start Yr	Mnth-Yr Expansions	Villagers Previously Cleared Land For ...	Used	Families Affected
Bachiang-chaleunsouk, Champasak	Thongpao	Dau Tieng	Rubber	150					
		Dak Lak	Rubber						
	Muan Louang ⁸	Dau Tieng/Lao-Viet	Rubber		2006/2007		upland rice, broom grass, burial grounds, paddy, gardens.	34	
		Dak Lak	Rubber						
Phine, Savannakhet	Houayxai	QSG	Rubber	792 already cleared, permission for 800	2009		burial grounds, upland rice, forest food and raw materials (other NTFP), animal grazing.		All – communal land
	Nakanong	QSG	Rubber	82	2008	Latest April 2010: 20ha	upland rice, yang bong, forest food (other NTFP), animal grazing		All – communal land
	Kangmai	QSG	Rubber	20 +	2007		paddy rice, upland rice, tamarind, mango, jackfruit		13 families had their land returned to them after central level intervention

⁸ Conflicting information obtained on names of companies present. Everyone agrees that there are 2 rubber concessions in the village: one run by Dak Lak and the other by either Dau Tieng or Lao-Viet which may be the same company. Muan Louang village consists of 3 sub-villages: Lak 13, Jiangxai and Muan Louang. Participants related events and gave impressions on impacts for Muan Louang sub-village while others gave it for Muan Louang village; it was unclear which company was being discussed at times. One company is situated in sub-village Muan Louang, the other within Jiangxai sub-village.

APPENDIX 2

Individual or Family Case Histories: Savannakhet⁹

HOUAYXAI

Phine, Savannakhet

1. Adult female, married with 2 children. Worked for QSG for 5 non-consecutive months and earned approximately 600,000 kip per month. She reports that one month's work was equivalent to working 30 consecutive days. Tasks entailed germinating seedlings, carrying the seedlings to the truck and clearing weeds. This woman said that she did not work consecutive months for QSG because she was unwell or had to care for family members who were unwell or had to tend to her rice fields. When she worked at QSG, she waited for the truck by the side of the road each morning at 7am with other workers to go to the plantation site. She received a 1-hour lunch break, the only break all day, and finished work at around 4.30pm. A truck took her and other labourers back to where they were picked up and she would arrive home after 5pm. Before the company was established in her village, she grew rice and collected NTFPs such as bamboo shoots, mushrooms and *saan* (similar to rattan). She reports that she does not like working for the company but does so because there is no longer a forest where NTFPs can be found and she cannot gain enough income from just growing rice.

This woman reports that workers' age ranged from 12 yrs to 40 yrs old. She has no contract with the company and is paid directly by the recruiter. When the recruiter first informed her about the job, he explained that the company had come to the village to improve the villagers' lives and that she would earn a lot of money. After having worked for the company, she says that the company has not improved their lives. The 600,000 kip/month is sufficient only to cover food expenses, such as rice and meat, but is not enough when she or a family member is sick and needs medicine. She received no assistance (insurance) from the company or recruiter to purchase medicine on occasions when she was ill. There was no security - when she did not work, she did not get paid. She also believes there is inequity in how the labourers are being paid and that her recruiter takes a cut from her pay. This is based on her discussions with other labourers performing similar tasks, where she discovered that some of them receive 700,000 kip/month for the same type and amount of work that she undertakes. She would like 800,000 - 900,000 kip per month to cover the family's expenses.

2. Adult male. Initial task for QSG was to advise company representatives (all Vietnamese) where they could clear land in the village for which this man was paid 30,000 kip per day. He was paid 50,000 kip per day for showing company representatives the locations of used upland areas, paddies and gardens. It is not clear if

⁹ The individuals and families at the centre of these stories came from various ethnic groups (Nya Heun, Brao, Jrou, Bru, Ta Oy, Lao, etc) and as I did not have enough appropriate pseudonyms for each case, I dispensed with applying any names altogether.

he did these jobs prior to, during, or after QSG obtained a concession lease in the village. After the company commenced their operations, he was offered a permanent job with the company as an overnight guard in the plantation with some additional weeding duties. To his knowledge, no written contract was ever drawn up. He claims that the company representatives told him that they would employ him for the duration of the project and that he would receive a salary of 900,000 kip /month but he only received 760,000 kip after the first month's work. When he questioned a field supervisor (all QSG senior management and field site managers/supervisors that the villagers/workers have come into contact with are Vietnamese) about the discrepancy in his pay, he was told that his gross monthly salary is actually 1.5 million kip, but 600,000 kip is deducted to pay for petrol so that the truck can take workers to different parts of the plantation. Deductions are also made for his insurance. Unhappy with the response, he talked to the senior manager who had offered the permanent position to him. The senior manager agreed to pay this man a net salary of 900,000 kip. After confirming with the senior manager, the site supervisor agreed to pay 900,000 kip net and asked this man not to tell the other workers as only he would receive that amount. He agreed to keep it quiet; however, this man claims to have never received 900,000 kip. He said that he continued to receive 760,000 kip for a short period of time until the Vietnamese supervisor was relocated to Vilayboully. The field supervisor who replaced him dropped his net salary further to 750,000 kip. The supervisor claimed the 10,000 kip deduction was for work insurance. This man ceased other attempts to correct his salary after being told by the replacement supervisor, "If you do not need 750,000 kip you can quit". This man believes that there is no insurance for workers because he was not provided medical assistance, medicine or funds to help him to buy medicine when he was sick or suffered from headaches or stomach aches.

This man's family reported that although his earnings help with expenses, they are unhappy that he is regularly away and that they have no time to spend time with him, a situation that he himself also rose. The job requires him to sleep at the plantation as he usually begins work at 5pm and finishes at 2pm the following day. There is no scheduled day off; he works 7 days a week. He needs approval from the company to take time off. This working schedule also leaves him almost no time to carry out any other work. Incidentally, he is also the village chief and the work at the company affects his ability to carry out official village headman duties. Independent reports from people with business in the village (e.g. district authorities, other village-level authorities, NGOs working in the village etc.) say that "working" in the village is "difficult" because official business in the village often requires the village headman's physical presence.

3. Male, 12 yrs old. Mentally challenged according to local villagers. This boy worked at QSG plantation. Workers and local authorities reported that on one occasion in the field, one of the Vietnamese site supervisors instructed him to go and undertake a specific task and when he did not seem to respond, the supervisor kneed him in the sternum/stomach area. The village headman reported the incident to the area police who then put the Vietnamese staff who hit the boy in jail. The village headman and the boy's family claimed that they wanted to also fine the man but according to the village headman, the boy's parents were not assertive enough in asking authorities for

compensation so none was received. The family reports that the boy is currently working in Thailand.

4. Adult male worked for the company every day for one month only and earned 750,000 kip. After working one month, he did not put in a request to continue working the following month as his wife was sick and he needed to take care of her. His wife died that month. The next month, he went back to the plantation to ask for a job but was not rehired. He went back at a later time to ask for work again and was refused a second time. No explanation was provided on either occasion on why he would not be rehired. The man says that "in the beginning when the company cleared the village land, villagers got work and lots of money. But the company does what they want and they ask the workers to stop when they don't want us anymore".

5. Adult male who worked for the company doing some weeding at the plantation. A recruiter (Lao man) announced that QSG needed some workers and that anyone who wanted a job would get one so he went along. He worked from 7am to 12pm and then 1pm to 4pm; received 25,000 kip per day. A work roster runs for 15 days, when he worked 15 days or less he was paid at the end of that roster period. However, when he worked two consecutive rosters (effectively working every day for 1 month) he received his pay in one lump sum at the end of the two roster period.

6. 50 year old female widow who used to be a teacher and lives with her daughter (case 7). Her family is one of the ten families who had a family members' grave (burial plot) ploughed by QSG during clearing of the land in part of the village's burial forest area.

This widower reported that after receiving her 1,000,000 kip compensation from QSG for ploughing her relative's grave, the village headman asked all ten families to contribute 100,000 kip each (one million in total) to a common fund for the benefit of the village such as sacrificing a cow or buffalo for all the villagers to share and eat. The families paid the 100,000 kip each, but to date, there has been no communal/village ceremony and no one knows what the one million kip has been spent on. Furthermore, since the families had to cover the costs of petitioning the district authorities in the first place (documents, transportation, etc.) which amounted to about 200,000 kip per family, the woman claims that she was only left with a net amount of 700,000 kip.

This widower began to work for the company in 2009, month five of the Lao calendar. Her job was initially to germinate the seeds (seedlings) and was paid 200 kip/bag. She also did some weed clearing for which she was paid 25,000 kip/day. She was not required to work a 15 day roster. She claims that working every day at QSG exhausted her and that the Vietnamese staff were 'controlling' and always pushing her and other labourers to work harder. They did not let the staff rest and they told her that if she was tired that she should, "go home". She does not believe they say this out of concern for the workers. They do not permit labourers to leave work early. In any case, this woman did not work for them every day. This woman did not go to work at the plantation to work when she had home duties to attend to (including working on her rice fields). She reports that she has no interest in becoming a regular or permanent

worker at QSG because of her age which she perceives to be old, home/farming duties, feelings of dizziness and nausea when chemicals are sprayed near her while working at the plantation and other symptoms of ill-health that she claims were caused from working at QSG. She says that the food she eats is not sufficient to give her the strength needed to work in the fields. She says that she does not have enough to eat, and food types (e.g. bamboo shoots, mushrooms, other vegetables) that used to be available in the forests in the past are rarely found now so she eats mostly a simple paste/dipping sauce (မိတ္တူ) with some rice during work lunch. She related an incident in which she asked the field supervisor if they could give her some water to drink. She claims that the supervisor got angry with her, refused her water, and told her to bring water from her house the next time. In the end, she was so thirsty that she drank from the stream. Soon after, she suffered severe stomach pains and needed to be hospitalised for three days. She believes that the water in the stream made her sick. She now brings a bottle of water with her to the field although she said that on some hot days the water she brings is not enough and supervisors still do not provide drinking water for the workers. She gave another example of another time in the field when she needed to relieve her bowels and the field supervisor refused to let her go. She said that the supervisor told her, "Go to the toilet after work back at your house. If you leave now to relieve yourself, you can't stay to work with us any longer".

Although she was not on a 15-day work schedule, this widower was still paid at the end of that period and there were times when the Lao recruiters paid her and other workers a few days late. Because she works irregularly on the days she wants, she uses different recruiters. She reported that she had never had problems receiving the correct amount of pay and attributed this to having completed her education and being able to count the number of days she had worked. At the request of one recruiter, she also introduced 20 people (potential labourers) to that recruiter for which the recruiter paid her a total sum between 100,000 - 200,000 kip.

At the time of writing she said that she had not returned to work at the plantation as she had to work on her paddy fields. She said that working on her paddy fields was still a priority. She estimates that even if she worked exclusively at the plantation, the wages earned would still not be enough for her family to get by.

7. Female, 16 yrs old. Worked at QSG. One late afternoon she happened to be working very slowly because she felt sick. She (and other workers) reports that the field managers/supervisors do not permit workers to leave before the shift is completed and if a worker should leave anyway, the company will dock half a day's pay. In this case, this 16 yr old did not want to leave and lose the afternoon's pay as she had already worked most of the day. A field supervisor threw a clump of soil (ခွံ့တိမ်မေ့၅) at her and shouted, "work or go home!" She threw the soil back at him. He picked up a length of wood (reported to be about the width and length of an adult arm) and motioned as if to hit her with it and she ran away (left the plantation) and has never gone back to work there again. Her mother, who was also working in the field and witnessed the scene, confirmed that the field supervisor did not hit her daughter. The mother said that if he

had hit her daughter, she would not know to whom she would be able to complain or how, and that her most likely response would have been to just completely stop working at QSG too.

8. Adult male. This man lost his booked or reserved land (ຈັບຈອງ) to the company and received no compensation. At the time the land was cleared, he had not been growing anything on it. However, it was there so that he could expand his rice fields in the future. He talked to the village headman first, but the chief's advice was that it was up to this man to talk directly with the authorities and/or to the company. He then talked to one of the Vietnamese QSG staff at the plantation site, who told him, "I can't give you anything. You can send your complaint/petition to the district authorities, but I don't think you will be able to do this because you have no money and it is not your land anyway". After hearing this from the QSG staff, this man no longer pursued compensation. He reports that he was not brave enough to follow it up and did not dare to ask the district authorities to help him.

In 2009, this man worked at the QSG plantation in the eighth and ninth month of the Lao calendar. His job was to cut grass. Before he came to work for the company, he said that he thought that the job would pay enough. He acknowledged that agricultural work was tiring, but expected that if workers were tired they would be able to rest. This was not the case. He had a 1-hour lunch break which he thought was not enough time to eat and rest and he said that he felt that the field supervisors rushed him and other workers to finish lunch quickly. He said that he brought drinking water with him to work, but when it ran out he filled it up once with stream water. He claims to have suffered stomach pains after drinking the stream water.

He said that he did not like working for the company because the Vietnamese supervisors and Lao recruiters were not fair, the work was physically tiring, he was tired of having to wait for his pay to come and he was also unhappy with the amount of pay he received which he thought did not reflect the work he put in.

He claims to have worked 30 days continuously, i.e. two 15-day work rosters back to back, but the recruiters still delayed paying him. He said that he then worked another 15-day roster and at the end of this 3rd ວິກ. (1- ວິກ is equivalent to a 15-day work roster), the recruiter paid him for the first ວິກ only. The recruiter disagreed with the number of days in a ວິກ that this man alleged to have worked. As this man could neither read nor write he kept count of the number of days he worked by breaking a stick each day that he went to work. However, the recruiter disregarded his system of counting claiming that he could have just broken more sticks to make it look as though he had worked more days. The recruiter said that he worked 12 days, this man claimed 15 days. In the end, this man took whatever money the recruiter paid him because no one else in his family could read or write either. His wife and son continue to still work for the company on an irregular basis, but this man refuses to work at QSG again.

Concerning other issues, he said that he used to like to go into the forest because it was shaded and cool. There were animals to hunt and different types of NTFPs to collect which his family could eat or sell. Since the company came, this man reports that the snails have disappeared as well as many of the other plants and animals that used to live in the forest. "There is barely enough to eat". He reports that even finding fish in the river is more difficult now. He claims that the company staff use electricity when they fish, killing more fish than necessary.

9. Male, 14 years old. Left school at 13 years of age to work for the company in July 2009. This boy wanted to help his family and has many siblings. His task at QSG was to plant the rubber seedling. For each seedling planted, he earned 800 kip. The recruiter counted how many trees he planted to determine how to pay him. In a one 15 day roster he made 200,000 kip. He said that he prefers to work than to study as he gets to earn money for his family.

10. Female, 45 years old. Interested to work at QSG but has never worked for them. Her husband and children worked for the company casually. Her husband earned around 700,000 kip per month and his job was to keep the buffalos off the plantation. Her husband worked three months and then left. He stopped working at the plantation because the area that he had to patrol was getting too far from the residential part of the village. Being too far away from the village residential area was a problem because her husband would not be able to come home to eat and he would then have to look for food and water in the area he was working. Some of the impacts to her family since the company came include:

- Loss of land where the family used to do upland farming – At time of data collection, she reports that her family has not been able to cultivate swidden rice for two years as the forests that are available are too far away for them.
- Loss of forests nearby so nowhere to collect food/NTFPs
- Nowhere to send animals
- Have to walk further to get clean/drinking water – walk to the springs.
- Before the family cultivated upland and lowland rice, now they only cultivate paddy fields but this is not enough so the family has also been planting rice between the rubber trees in the plantation. The plantation has yielded good rice harvests for the family because of the fertilisers.

11. Female, 40 years old. Worked irregularly for four months at QSG between December 2009 and May 2010. This woman did not have a written contract but obtained the work by approaching one of the Vietnamese staff directly. She worked for one month and received her salary directly from the Vietnamese staff. After one month, the staff told her that to continue working she would need to go through one of the Lao recruiters. She was not given an explanation and did not want to do that because she did not think that the recruiters could be trusted. She reports that many in the village say that the Vietnamese staff would not cheat the workers but that the Lao recruiters would. She related stories of recruiters' excuses for paying workers late. She heard that some recruiters would wait up to 10 days before paying and then would argue with the labourers, claiming that the labourer had only worked six days. From her own

experience, she found that getting paid by the Vietnamese staff was easier as they dropped off her pay at her house. However, under a Lao recruiter, she had to go to the recruiter's house to get paid. Sometimes the recruiters told her (and other labourers) to come back the next day or come back in a few days time and she would do so only to be told to come back again. However, going through a Lao recruiter had one specific advantage: the recruiter brought her to and from the plantation. When she was being paid directly by the Vietnamese staff she made her own way (i.e. walked) to and from the plantation.

Comparing work at the plantation and work in her own fields, this woman said that working her own fields was better because she could rest whenever she was tired and she kept the profits. However, at the plantation, she had to continue working even when she was tired and when it was time to go to work she had to stop whatever she was doing even if she was not yet finished (e.g. cooking).

12. Female, 18 years old. Originally from Khammouan province. This woman accompanied her mother to the plantation about two to three years ago and stayed to cook for her mother at the plantation and also to help her mother recruit other workers from neighbouring villages. The woman was unmarried at the time she came to live at the camp but is now married to a Vietnamese man and the couple have a baby (under 12 months old). The couple live in the Lao work camp (as opposed to the Vietnamese camp). Her mother continues to be a recruiter and is based in Setamouak. When her mother brings workers to the camp, this woman and her husband help them to get settled in and direct their work. This woman does not do any of the labouring in the plantation; she is mostly occupied with raising chickens, tending her garden and looking after her child. Her husband fishes along the river close to the camp. They buy rice from Setamouak village. This woman says that she does not associate with Houayxai villagers and refers to the locals (i.e. Houayxai villagers) as thieves since a generator was stolen some time ago.

13. Female, 30 years old. Originally from Vilayboully and lives at the camp. She has been working with the company for two years germinating the seedlings. She earns 600,000 kip/month. She said that she comes from a poor family and misses her family.

14. Adult female. Originally from Boulapa district in Khammouan. This woman came with her husband and their 3 year old child a month ago. Both she and her husband work in the plantation watering seedlings. Her husband will get paid 20,000 kip per day (600,000 kip for a month's work) and she was promised 25,000 kip per day but she only works on days when "the sun is not too strong" as she also has to bring her child and look after him. The working hours are 7-12, 1-4 and she has yet to be paid. This woman explained that the reason for coming to work at the plantation was due to last year's drought which led to very low levels of rice yields. She had heard about the work from friends/neighbours returning to the village and her family decided to go to Houayxai and work at the plantation with friends at the next departure. The friends that they had come to Houayxai with introduced them to the recruiter and the friends showed the couple how to do the job. The recruiter gave them some tarpaulin to set up a roof and

some walls around some a small basic wooden structure that would serve as their house. This woman said that she had never been to the centre or residential area of Houayxai village and that she remains within the plantation boundaries. She does not feel unsafe living in the plantation but admitted that she feels lonely at times. Her husband works everyday, and her friends left soon after they arrived so she does not have anyone else in the camp to talk to. She has a little garden set up to grow vegetables and she looks for and collects bamboo shoots within the plantation to supplement their food. They never buy meat (chicken) because it is too expensive. She said that she had heard that in Houayxai, chickens cost 50,000-60,000 kip because the Vietnamese workers buy most of the chickens. In her hometown, chicken would cost 15,000 kip. She is not sure when they will leave the plantation but says that the family needs to stay and work in the plantation for at least 3-4 months to cover both the travel expenses from their village to the plantation (over 200,000 kip) and to buy rice.

NAKANONG

Phine, Savannakhet

I. Male, 30 years old. Came to work for the company from June 2010 because a friend had asked him to but his friend was not a recruiter. This man worked a 15-day roster two or three times, but not consecutively. Every day the recruiter picked them up to take them to work. He worked from 7 to 5 cutting grass and weeding. His pay depended on how much work he had done. He could get 40,000 or 50,000 kip per day and received his money in 15 to 18 days at a time. This man reported that if workers cannot read nor write the recruiters can easily take advantage of illiterate workers. This situation happens because the workers who cannot write tell the recruiters how much work they did and the recruiters record the amount for the worker. This man said that the recruiters would write a lower amount for their own records but report the right amount worked by the labourers to the company to get the full amount of the labourers' pay. The recruiters would then pay the workers against the incorrect amount of work recorded in their books so that the recruiters could keep the difference. This man said that the workers do not get cheated if the labourer is able to write down how much work they did by themselves. This man said that the company seemed to be fine about hiring young and old workers as long as the labourers were strong. He had heard that QSG had workers who were as young as 12 years old and as old as 45 years old in its other plantation sites in other villages.

This man worked irregularly because he has other work to do at home. He reported that working at the company left no time to work with the family as he returned home around sunset. He says that life has been more difficult since the company came because it is more difficult to find food. The NTFPs are gone since the forest has been cleared. His family can no longer find the seasonal food that they used to get. The ponds where he used to catch frogs and fish are within plantation grounds and are owned by the company. This man said that buying food is a problem because he is not paid every day. He has to wait 15-18 days to get paid and the amount of money is not enough when

family members get sick or have to go to the health centre to buy medicine. (There is no health centre in this village. Villagers have to travel to the village cluster health centre).

2. Male, 31 years old. Has been a recruiter/sub-contractor for QSG since June 2009. Originally from Champhone district but was already living in Nakanong when the company came as his wife is from this village. He had heard that the company was looking for recruiters and that they wanted people who had a vehicle. This man (along with other contractors) attended monthly meetings with Vietnamese managers to determine what area in the plantation each contractor would be responsible for getting weeded. This man would then find the workers to do the job and take them to the plantation.

This man said that he does not recruit local labour because he claimed that the locals did not want to work with the company and many locals were busy with their own rice fields anyway. He finds and brings labourers from Donghem, Atsaphathong, Palanxai districts and from Naseng village in Phine. The labourers stay at the plantation camp site for the work period. When the work is finished, he brings the labourers back to their home villages. He said that the labourers from these places did not work continuously or regularly for him. Labourers generally worked for him two or three times. He chose these villages because he had heard that the locals from these villages harvested rice for other families.

This man also said that the work (usually weeding) required was not always in the plantation in Nakanong. At times, the Vietnamese would tell him to organise workers for QSG plantations in other villages. As the company paid a lump sum for an area to be weeded, it was up to the contractors to decide how many workers should be recruited, for how long and how much pay each labourer would receive. This man gave the example that for an area that the company would pay 600,000-800,000 kip on to be weeded, he would try to get 20 workers on it so that each labourer could potentially earn 40,000 kip.¹⁰ If he could not find (enough) workers, his wife would help and work too.

This recruiter/contractor claimed to take responsibility for his workers' health. He said that when labourers became sick – e.g. fever – he took them to his house so that his family could care for the sick labourer. This recruiter/contractor said that he had many expenses related to doing his job. He (not QSG) pays for the fuel and other maintenance and travel expenses related to bringing the workers from other areas to work on the plantation. He said that when the workers had problems and wanted to return home earlier, he would bring them back even though the work had not been completed and this would add to his expenses.

¹⁰ Information on the area size and how long it would take for a group to finish weeding that area was not clear.

3. Male, 40 years old. Started working for the company in the second month of the Lao calendar in 2010 and received 750,000 kip/month. The company had cleared one hectare of his land, but he argued with them and told them that it was his land so the company did not plant on it even though it had been cleared. This man came to learn that QSG was offering a permanent job when a company representative went to the village and announced it. QSG staff were looking for workers who were prepared to stay (live) on the plantation site.

Several villagers reported that only six locals (i.e. people from Nakanong) agreed. Many did not want to apply because they had never worked for a company before and felt that they had enough money to cover their expenses. Many thought that the locals should just continue upland rice farming. The six also thought the same way as the other villagers but these six also thought working for the company would be of some use in supplementing the household income.

The company gave the workers a uniform (shirt, hat/cap, shoes) and took on four of the six as guards to keep the buffalos away. However, when they began working, they were also asked to make fences and to weed during the day in addition to patrolling at night to keep the buffalos away. Between the eighth and tenth months of the Lao calendar, there are few buffalos wandering around so it is during these months that this man (and the other guards) would visit family. During the other months, this man visits home once a week. For food he picks up some rice from home weekly, and he and other guards would scout for vegetables in the plantation, catch fish in the river and make traps to catch wild animals. Before the company cleared the forest, this man said that villagers used to see a variety of wildlife such as monkeys, wild pigs, snakes and wild rats but now only the snakes and wild rats can be seen.

In the tenth Lao calendar month in 2010, the company representative added cutting grass to this man's duties. For every metre of grass cut after an initial 20 metres each day, QSG paid 83 kip/metre of grass. This man said that he put the extra money earned from cutting grass towards buying chilli and fish sauce.

This man reports that one of the advantages of the permanent job is that he can borrow money from villagers easily because they know that he receives a regular income.

4. Male, 45 years old and Male, 68 years old. They work as guards and have a similar history to case 3 above. When talking about the difficulties of getting paid, borrowing money or accessing food, the 45-yr old said "getting money is easy, finding food is difficult". The 68-yr old reported that his net salary is 740,000 kip (10,000 kip less than the other guards). He was told that the deduction was for insurance. However, he received no help at all the time he asked about insurance at the office for treatment of a painful blister. When these men want to go home or a couple of days off, they have to tell the company or they would have their pay docked. They say that they want a contract because even though there is no problem now, they are concerned that the Vietnamese staff can cut their salary or fire them at any time if they make a mistake.

5. Male, 52 year widower. This man works as a guard and has a similar history to cases 3 and 4. He works with another guard who is a 16 year old youth and they are responsible for guarding 1400 square metres against buffalos and they also help to build the fences. The two guards are unrelated to each other. While there are labourers whose job it is to make the fences, this man said that if he builds the posts for the fences it earns him 2000 kip per post. A post is placed every two metres. This widower and 16 year old guard both started their jobs towards the end of 2010. They are paid 750,000 kip per month each but neither of them have been given a uniform. They share a hut so they also cook and eat together. They drink the water from the stream but boil it first and they collect NTFPs near the river in the plantation. This widower said that the reason for working for QSG is to support his son to go to school. He is not sure how long he will continue to do this job but that it was his son who suggested to him that he should work for the rubber company. This man was determined not to do any spraying though. He says that he is sensitive to the chemicals because the smell bothers him even when he walks past a worker who has been spraying chemicals. For food he goes down to the river to catch fish, collect vegetables on the banks of the river and sets up traps to catch small wild animals. The Vietnamese supervisors have told him that he may grow rice in the plantation between the trees if he wished to and that if he raised chickens or ducks, the Vietnamese workers would buy them off him.

6. A couple (husband 62 years old & his wife 60 years old). This couple started working in the first month of the Lao calendar 2009 and are paid on how much work they finish. They receive 200 kip for each tree that gets fertilised. They also cut grass and put soil in plastic bags in preparation for planting seeds for which they receive 200 kip per bag. The husband reports that he is usually able to complete more than his wife. He is able to apply fertiliser to about 80-110 trees. The company told the couple that they would be paid fortnightly (i.e. at the end of a 15 day work period) but sometimes they are paid once a month.

7. Adult male. Villagers claim that this man died from the chemicals sprayed in the plantation. According to his wife, this man had gone to work for the plantation with two friends. His job was to spray the chemical herbicides and he slept in the plantation. He returned home after a week very sick with fever and his hair was falling out. Within a week she took him to the district hospital. The doctor prescribed some medicine but could not say what was wrong with him. This man took the medicine but did not get better and his wife took him to the local health centre. He was given an injection and sent home. At home, this man's wife also organised a ceremony to drive away any bad spirits that may be causing her husband's poor health. It took about three months for this man to recover. When he was better, he returned to work at the plantation to clear weeds. He weeded for about a week before going to work on his upland fields. He helped to cut down some of the trees and to burn the area in preparation for cultivating upland rice but soon after the burning period; this man became seriously sick again with similar symptoms. His wife recalled that near his death, his mouth/gums bled consistently. His wife said that she was not sure what her husband died from but villagers were certain that it was caused by exposure to the herbicides. There was

another worker whose job it was to spray the herbicide and he became seriously ill with similar symptoms although he recovered.

KANGMAI

Phine, Savannakhet

1. Male, 16 years old. Finished grade three primary school but did not continue studies as the village school only went up to grade 3 and his parents did not have the money to continue supporting his studies in a different village. He speaks basic Lao. He was hired by the man at the centre of case 3 (below) to cut grass and pull down branches at the plantation for two months. That man who recruited this boy showed him how to do the job but it was the Vietnamese staff who supervised all the workers. The Vietnamese were the “bosses” and they were the ones who told this boy off when he made mistakes. They also told him that they would fire him if he worked slowly. The recruiter of this boy paid this boy directly at the end of every day. Of the job itself, the boy said that his working hours were 7-12, 1-5. The lunch period was the only break in the day. The work unit that he was in comprised of the man who recruited him and several other people he did not know who were much older than himself (25-40yrs old). The supervisors generally walked around the field looking over the workers so there was no opportunity to stop and rest. On occasion if the Vietnamese staff walk away from the workers to smoke a cigarette then this boy also took that opportunity to have a little break. He said that working for the company was very different to being at home. The company was strict and workers had to keep working even when they were tired but working at home with the family is less strict and people can rest more. The boy worked every day of the two months. He said that even though the job was hard he liked having a job and being paid for it. The boy stopped working when his recruiter stopped too. The boy says that he would like to work at the plantation again but he does not feel that he can as there are no other recruiters known to him and he wants to work in a unit where he knows at least one other person.

2. Male, 30 years old. This man's paddy fields were close to the plantation site so he became acquainted with the Vietnamese staff. They asked him to work for the plantation. His job was to recruit workers, note down who they were and take them to and from work in his handy tractor. The QSG staff would let him know when labourers were needed and the type of job required. This man worked on commission: 5% for recruiting workers, 10% for their transportation. However, he claimed that his pay was not deducted from the workers wage but was simply calculated against it. That is to say, if this man brought a group of workers in to weed an area and they earned one million kip in total, then QSG would have paid one million kip to the workers plus 150,000 kip to this man.

In the beginning, the workers received 25,000 kip per day for any task payable on the 5th of the month. However, the task of having to spray chemical herbicides was not popular. This man found it difficult to find workers to who would spray the chemical herbicides. He said that labourers flatly refused to do that job after a while. The

labourers who sprayed the herbicides worked 7-11 and 2-4. The workers considered the pay rate too low for such a demanding job: the chemical tank that they had to carry around was heavy and the smell of the chemicals bothered them. This man relayed the workers' objections to the company and the company raised the rate for spraying herbicides to 30,000 kip per day.

This man said that the most challenging aspect of his job was maintaining the safety of the labourers. He said that transporting the workers on his handy tractor was risky because people could fall off and hurt themselves. He had already had two workers fall off and injure themselves. He felt responsible, brought them to the hospital and paid for their treatment. An injection alone cost him 400,000 kip. The QSG Vietnamese staff visited the workers in the hospital and brought them some food. This man said that he was also concerned for workers who sprayed the herbicides. He said that QSG did not provide any training to the workers and the workers in turn did not seem concerned about protecting themselves. QSG provided gloves and nose-mouth masks to workers but no protective clothing. This man told the labourers to try not to get the chemicals on their clothes and gave them directions on how to spray the chemicals.

This man worked for QSG for one year. As he mostly recruited from Kangmai only, he gave up working for QSG when it became too difficult to find locals interested in working at the plantation. The villagers said that they wanted to be paid their wage daily rather than once a month because several families lacked rice and did not want to have to wait a whole month to be able to buy their food. Additionally, QSG changed the payment system from being calculated on a daily rate to piece-rate which some workers had a problem with. The locals also did not like that the company did not provide tools for weeding. The workers had to bring their own. During the time this man spent working for the company, he was able to save enough money to improve his house and to buy cooking utensils.

3. Male, 49 years old. QSG cleared 15 hectares of land that this man had reserved for future use. They paid him 1.8 million kip compensation and promised to leave a small area within the 15 hectares free for him to grow rice on. QSG reportedly promised to also prepare the paddy field plot (i.e. clear land and make the bunds ready for rice planting) for him on that small area. This man claims to have had a written contract about this land compensation deal but had lost it. Additionally, the company and district staff also offered this man a job with QSG cutting branches and spraying herbicide. He was to earn 600,000 kip per month plus 4% commission if he could find other workers. He started work in the fifth Lao month of 2007 and stopped working for them two months later after a confrontation over the land compensation contract.

QSG had provided him with an area to cultivate rice as agreed but they would not complete preparation of the land as they had promised. Dissatisfied with the situation, this man told the District Governor about the agreement with the company. A week later, district and company representatives visited the proposed paddy plot and the company representatives confirmed that they would not make the bunds for him. At a later time and in response to the situation, this man pulled up several rubber seedlings

on the land that used to be his and proceeded to make the bunds himself. QSG staff noticed what he had done and fetched the police. When a policeman and company representatives arrived at this man's home to take him away, this man asked them to wait a moment. He called the Head of Police in Phine district and explained what was happening to him. The Head of Police sympathised with this man's situation and the phone was handed to the policeman accompanying the company staff member. The policeman was subsequently told by his boss (the Head of Police in the district) to leave this man alone because it was the company who had erred in the first place. The Head of Police reportedly said that since QSG did not fulfil its obligation this man could pull out the rubber seedlings. The following day the police, the district authorities who granted the company permission for the concession and company representatives visited this man to settle the dispute once and for all. The company would pay this man 2.6 million kip in lieu of making the bunds. After they paid him the money, they asked him to stay on as a recruiter only (not as a labourer) and he would continue to receive the commission. This man declined on the grounds that he preferred to seek more permanent work.

4. Male, 48 years old. When the company came, this man lost four hectares of paddy land. One hectare of the land was a ready paddy field while the other three hectares were still being prepared although the bunds were complete. The district authorities provided him with other land (four hectares) elsewhere in the village and gave him a document to confirm that he had rights to use that new piece of land. QSG cleared that area for him. However, QSG did not further prepare the land for paddy use (for e.g. they did not make the bunds for it) and this man said that he felt too old to undertake the necessary work to set up a paddy so he cultivated rice on three hectares of upland fields that he borrowed from his younger brother. The upland rice cultivation yielded less than his 4 ha paddy fields used to. He estimated that his family lost up to five months of rice supply. At the time of the field work, this man was not growing anything on the new four hectares of land.

This man started working for the company in the second Lao month of 2010. A company representative asked in a village meeting if there were locals interested in a job and he put his hand up. QSG told him that his job would be to stop cows, buffalos and other animals from entering the site. This man said that his initial thoughts about the job were quite positive. He thought that his life would become easier and that it may not even be necessary for him to plant rice as he would receive a wage and could buy rice. He was specifically responsible for overseeing about 24 hectares (3x blocks of 8 hectare plots). He found the job difficult and tiring for the first couple of months because the villagers had released their animals to wander and graze freely. To guard his area effectively he had to sleep in the plantation and often only ate in the mornings and evenings. His staple was rice and a basic sauce. Occasionally, his family brought him other food to eat (e.g. snails, vegetables and bamboo).

After the Lao New Year, the company added to his duties and asked him to cut grass and to build fences but they did not pay him additional wages. One time he had to spray herbicides all day and he said that he had difficulties breathing during and afterwards.

The Vietnamese supervisors taught him how to mix the chemicals with the water first (he was to mix one cup of the chemical with one bucket of water). He complained about the additional unpaid work to the district police and district administration – he went to these agencies because he said that these were the authorities who brought the concession company into the village in the first place – and the matter was resolved when the company agreed to pay him for any additional work in the future. For cutting wood to make a fence he received 200 kip per piece of wood and for cutting grass he received 200 kip per 6.25 square metres (2.5m x 2.5m, the area between the lines of trees). He did not have to spray the herbicides. He says that he was happy with this arrangement because he could earn an additional 10,000 kip per day if he undertook additional duties. When wet season began and the villagers no longer let their livestock wander loose, this man said that it was no longer necessary to sleep overnight in the plantation and he was able to come home in the evenings. This man collected his pay on the 6th of the month from the main company field office which is 4km from Kangmai. Concerning the general situation in the village, this man commented that there were less NTFPs and fewer animals with the clearing of forests in the village. Villagers were concerned about the health impact of the chemicals being sprayed. Villagers said that the workers who sprayed the chemicals lost their hair and were getting sick. Villages also reported that they came across many dead fish in the stream with blisters and some of the locals attributed this to the chemical herbicides running into the streams.

5. Adult female, married with nine children. At the end of 2007, the company bulldozed two hectares of her paddy land, the area of land that she reserved around the fields and even her rest-hut in the field. This woman had tamarind, mango and jackfruit orchards growing on the reserved land. Her relatives went to see the District Governor and the Justice office about the matter but the authorities reportedly told her relatives to go and see the company directly. The company in turn reportedly told her relatives to go see the district authorities. This went back and forth three times. Finally, a representative from the Justice office went to see what had become of their fields and to meet her husband and a company representative to resolve the issue. The Justice office reportedly told the company to pay her husband one million kip compensation and warned her husband that if his family continued to complain about the matter that he would be sent to jail. Her husband was furious as he wanted their land back not compensation for it. For this woman's part, she claimed to have asked the official in anger: "Do you eat rice or rubber?" Her family had no other land and had to ask relatives for work and food. At one point they thought that they may have even needed to permanently move to find a place where there was spare land. She described the state that her family had been reduced to as: "like a beggar".

In 2008, this woman and her two sons (12years old and 14years old) went to work with the company. Her husband refused to work for the plantation. This woman and her children dug holes and received 300 kip per hole. Between the three of them, they were paid 100,000 kip per day. This woman worked for three days only and stopped because the work was both too tiring and the wage earned was too low.

This family was one of the families that had their land returned to them after central level government intervened but there were things that had irrevocably changed. For instance, this woman said that in the family fields that had been originally cleared by the company, there had been many termite houses which were valuable because these termites significantly aided in the growth of specific rare wild mushrooms. When the mushrooms were in season a small bag of the mushrooms could be sold for 25,000 kip but at any other time of the year it could be sold for around 60,000 kip. Although the land had been returned to her family, the termites were gone.

This woman said that her life before the company came was better than it is now. Her family had constant food before. Comparing the work in the plantation to collecting and selling NTFPs, she said that she preferred the latter job. It was overall less tiring work trading at the market, she could eat and talk with other women at the marketplace, and she earned a great deal more cash from selling her crops than she did from digging holes in the plantation.

APPENDIX 3

Individual or Family Case Histories: Champasak¹¹

THONGPAO

Bachiengchaleunsouk (Bachieng), Champasak

1. Male, 32 years old. Works at Dau Tieng. Received 22,000 kip for every 15 seedlings planted. This man said that he can plant about 75 rubber seedlings in one day. For applying chemical compost this man receives 22,000 kip per 105 trees and in one day he says that he can apply the compost to 340 trees. He says that the rates for other jobs are:

A group of workers:	Job task	Pay
can do 75 in 1 day	planting seedlings	22,000 kip / 15 seedlings
can do about 100 trees if 1-2 yrs old, but about 80 trees if older in 1 day.	apply chemical fertilizer	22,000 kip / 105 trees if trees are 1-2yrs old; 22,000 kip / 85 trees if older
can do 340 trees in 1 day.	"	22,000 kip / 85 trees
	spray herbicide	39,000 kip / hectare
can do about 20-30ha in a day	cutting branches	5,000 kip / hectare

He says that the company provides the tools and he works 7-11, 1-4 but these hours are not exactly fixed. The type of work he needs to do and the need to complete it before he leaves are determining factors. He cannot choose the task he wants to do. He usually earns about 1.5 million kip in a month although in December 2010 he received 1.2 million kip. He brings food and drink to the field and eats there. He says that he can stop working for up to one month if he is busy but he needs to tell the company first.

2. Adult female. Has been working for one year at Dau Tieng and does the same work as the man in case 1 with the exception of spraying chemicals. This woman said that she thinks that she must not be asked to do spray chemicals because she is a woman. She receives 1-1.2 million kip usually but last December she received 800,000 kip. She says that she earns less than men who the same job as her because men are stronger and can finish more work than her (women).

3. Adult female. Works in the Dau Tieng nursery. This woman said that she was promised 500 kip per hole but when she digs the holes and plants the seedlings in them she says that she only gets 22,000 kip per day. There are 5 people who are responsible for 2 lines of rubber trees and 1 line has 450 holes. She also fills bags with the soil.

¹¹ The individuals and families at the centre of these stories came from various ethnic groups (Nya Heun, Brao, Jrou, Bru, Ta Oy, Lao, etc) and as I did not have enough appropriate pseudonyms for each case, I dispensed with applying any names altogether.

When she fills bags, she says that she is supposed to receive 22,000 kip for 120 bags. Some days she can fill 150 bags in a day. Some months she receives 400,000 kip but last month she was only paid 350,000 kip. She has to sign receipt for her pay before she receives the money and what she signs does not state how much she is to receive.

4. Female, 42 years old. She worked in the nursery for two years. The tasks in the nursery that she had to perform were: pull out the seedlings, cut its roots, in the bags mix the soil and sand and filter it, put seedling with the cut root in the bags with the soil, add fertiliser and other compounds, add earth and put in a seedling bed, water it, clean the debris in the nursery, spray growth hormones and provide shade for the seedling etc. She worked everyday continuously. However, when she wanted to take time off she did. She said that she had heard that if workers took more than three days off they would not be able to come back; however, she said that she did not think it was true as in her case she took more time than that off when she had other work to do or when she needed to rest. She said that she did not mind the job but she did not like it when they changed the work system by assigning tasks to groups instead of to individuals. Under this system, the group was assigned to undertake a certain job and their pay would be calculated against that rate, but in actual fact, the group was sometimes asked to do other tasks but would still be paid against what they were assigned to do and this presented a problem if the assigned task paid less. The system was also faulty because different members of the group were sometimes assigned to different tasks. She said that she found it hard to understand or track what the group and what she (as an individual) should have been paid within that group. Sometimes the pay was distributed evenly among the group, other times it was not. She was not sure if the group leaders were supposed to write down how much each person did. She did not like this system and she quit.

5. Adult female. Has been working in the Dau Tieng nursery for more than 3 years (since May 2007). To apply for the job, this woman had to attach six photos of herself in her application. For her first pay (a month's work) she received 1,100,000 kip. In her second month, she received 1,000,000 kip, and then some time after, 900,000 kip, 700,000 and 500,000 which is what she receives today for one month's work. Before she receives her pay, she is expected to sign receipt of it. When this woman first started her job, she said that the company spent about two hours explaining work rules (such as how much she would be paid for what tasks e.g. fill 120 bags for 22,000 kip; time-off which is three days; that if workers were 15-20 minutes late they would not be allowed to work that day; and how work would be allocated to her and that she would not have to carry out the same task everyday). There was no training provided on how to do any of the tasks. After the first year, she received 2 uniforms and a bonus of 50,000 kip in the Lao New Year. She said that in the 2010 Lao New Year, she and other workers did not receive a bonus. There are 25 workers at the nursery and this woman is one of five workers in the nursery who has been there since it was first established.

6. Female, 15 years old. Permanent worker and mostly digs and applies chemical compost for Dau Tieng. This teenager received 530,000 kip in December. The highest amount she has ever been paid in one month was 800,000 kip. In the months of June,

July and August she received 700,000 kip. This girl says that she does not know how they calculate her pay although she generally does the same thing each month. She cited another example a few months ago when she received 650,000 kip even though she had a couple of days off that month. Another time, this girl said that she worked everyday but another worker had days off during that month but that that worker received more pay than this girl did. She asked the site supervisor why she did not get paid as much and the supervisor said that they had just made a mistake. The supervisor apologised to her, pulled out 20,000 kip from his pocket and gave it to her.

This girl did not go through an application for this job. Her mother was the one who had applied and worked for the Dau Tieng for about two years. When her mother became too busy at home and needed to work more on the family's own plot, this girl took over her mother's place at the nursery. Her 16-year old brother also worked for Dau Tieng for one year in the beginning. He planted seedlings but only received 450,000 kip. In the final months of 2010, this girl's brother went to Paksong for the first time to look for work harvesting coffee.

This girl reports that at work she is treated well but that she gets a very sore back from having to bend over to apply the compost. She said that the people whom she works with (i.e. those in her work unit) were unrelated to her but that as she is one of the younger workers in the group, they take care of her "as though she were one of their daughters". One of the people in her work unit died in July 2010 when he fell off a handy tractor on the way to work. This girl said she found it quite sad because he was a nice old man and he was in their work unit. This girl says that she prefers going to work over going to school because she gets to earn money. She gives her earnings to her parents to help with food and amenities. If there is extra money leftover in the month, her parents give the rest of the money back to her. One of the things that she has spent money on for herself is face cream.

7. Adult female. Used to work at Dau Tieng but had a falling out with the site supervisors and now claims that she and the rest of her family will never be given a job there ever again. When she first began working at Dau Tieng, she received 1.5 million kip per month. (She defines this period as the time when the Vietnamese recruiter/supervisor was Mr. N). Under a new Vietnamese 'recruiter' (also the site supervisor) (Mr L), she was paid 800,000 kip per month. A few months later, the 'recruiters' changed yet again (to Mr T) and her monthly wage averaged between 300,000 – 400,000 kip. She complained to the village chief and to the Vietnamese staff. One day she had confronted Mr T and in anger hit him. She quit and started doing some casual work at Dak Lak plantation. Eventually, by April 2010, about thirty-five other labourers had decided to also stop working for Dau Tieng and some had started doing casual work for Dak Lak. Dau Tieng complained about this situation to the district authorities and to the village chief and a meeting was held in May at the village chief's house. The head of the company and district officials came (including officials from the district police and the area police and about 3-4 groups of villagers attended. The villagers complained about not having enough money to buy food since the pay kept dropping and they also raised their concerns over the chemical herbicides being used.

The company agreed to relocate the recruiter to another plantation site and twenty-five of the thirty-five went back to working for Dau Tieng. A few of the ten who did not go back to working for Dau Tieng were related to this woman. She said that although she did not ask to go back to work for Dau Tieng, her relatives had but the company refused to give them work. This woman and her relatives said that they will try to find regular/permanent work at Dak Lak but acknowledged that it would be difficult because they do not have many regular/permanent jobs for the villagers of Thongpao.

On a separate matter, this woman reported that Dau Tieng did not truly provide medical support benefits like the company said it did. She said that if a worker has a headache, the company will give out paracetamol tablets but they will not help anyone who has a serious illness. She related an event that occurred prior to the disagreement she had with the recruiter/supervisor when she still worked for the company. Her sister was very ill and needed to go to the hospital in Pakse. This woman took the stamped document from the village chief to the company to claim health insurance/benefits/assistance and the company staff at the main office said that they would look at her documents in a few days. The family waited and then went back to the company a couple of days later and was officially told to wait longer. One of the site supervisors whom she complained to gave her 100,000 kip from his pocket. This woman said that she thinks he did this because he felt sorry for her and her sister. As her sister was very ill, they stopped waiting and the family took her to the hospital in Pakse.

8. In this family, the father had been working for Dau Tieng. Since he was regularly receiving wages, he was able to obtain credit from (Vietnamese) men to obtain a television, satellite dish, and a simple entertainment unit (i.e. the furniture that holds the television and has additional shelves, etc). The total value that he had to pay back to the men was 2,900,000 kip. The father died without having repaid for the goods loan and the debt was passed on to his family. To date, only 500,000 kip has been paid off. The daughter in the family has an illness and is not physically strong so she cannot undertake agricultural work and the mother has to take care of her. There is a 17 year old son and he worked for Dau Tieng for 2 years but he only earned 300,000-400,000 kip per month. At the end of 2010, he left with a friend from the village to go to Paksong for the first time to seek coffee harvesting jobs. His mother said that he had heard that the pay is 500,000 kip per month plus food and board in Kodkie village. His plan is to go to this village and ask for work but if there was no work there, he would ask at neighbouring villages in Paksong. There is one other son but he has a family of his own so the mother cannot rely on him to provide for their food or to pay off the debt. The family still has a small parcel of land on which they grow rice but the mother says that the yields are very low. After milling, her last harvest only produced about 2 (50kg) sacks of rice and at the time of the interview, she had 1 bag left. She said that the poor yield partly had to do with her needing to take her daughter to Pakse hospital in September so she could not work in the fields and the trip and medical treatment also put them into more debt. She has had to 'borrow' / obtain credit for a bag of rice. The debt to the men who gave the credit to her husband is over a year old and according to the village chief was cancelled because there seemed to be no way of getting the money back from the family. However, at the time of the last field visit, the credit providers had

come to visit the village to monitor and collect dues from families. They did not collect any money from this family but they asked the village chief for information on this family's finances.

MUAN LOUANG

Bachiengchaleunsouk (Bachieng), Champasak

1. Female, 41 years old. Had broom grass (ໄຂ້ມ) growing on 3 hectares of land that was cleared by Dak Lak. This woman was given 400,000 kip / ha as compensation. She worked for Dak Lak but she claims to have never been paid. Her husband could not work because he was blind in one eye and had poor eyesight in the other. She now works for various families in the village to make brooms. Sometimes she only makes the brush and receives 300 kip per brush, other times she make the whole broom (the brush and the handle) from beginning to end for which she is paid 600 kip per broom. On an average day, she can make 30 brooms. She had never worked for others before and says that she is happy to have the opportunity to work for the families in the village. She considered life prior to losing her land to be better saying that even though they were just as "poor" before as they are now, at least then her family had land. She said that "the rich and poor had land alike before but now that the land is gone only the rich families are fine".

2. Male, 22 years. This man's family had two hectares of land before the company came, and back then he helped his family work their lands and he made brooms. He had been making brooms since he was ten years old. The company cleared one of his family's hectares along with the area of land where the bulk of the broom grass was growing in the village. However, he says that he and his family are doing well because they have a vehicle. He drives to Paksong to buy broom grass and sells it to villages like his own that have had their broom grass cleared by concession companies. This man sells the broom grass that he buys in Paksong mostly to families in Vangtao village near the Lao-Thai border where the residents there also make brooms. He said that when he was just a farmer and broom maker (before the company came) he earned four million kip per year, but now he considers himself to be a business man and he makes 1,500,000 kip per day in high season. He operates the business of trading broom grass from January to March inclusive every year. In the other months, he helps his family cultivate rice on their remaining one hectare of land.

3. Female, 19 years old. Works for families making brooms while also looking after her children. This woman receives 30,000 kip per day. Her family used to have four hectares of land. She has one hectare remaining on which she grows broom grass. She perceives the past (prior to the concessions in the village) to be better because her family had more land and she did not need to do paid work. Currently, both she and her husband have to work to make a living. Her husband works in a sawmill factory in Km 13 and receives 30,000 kip per day.

4. Female, 37 years old. Originally from Pakse and moved to this village because her husband is from here. This woman has been living in Muan Luang for 17 years. She only started making brooms when she came to live in this village. It took her 5-7 days to learn how to make it. She says there are three main stages in the making of a broom: cutting the broom grass, preparing it and then making the broom. She said that before the company came, they spent about 15,000 kip and a lot of labour time to put together 50 brooms and the profit was theirs. Now she works for various families and earns 30,000 kip for a day's work. She works from home. If families want her to make the brooms they will bring the broom grass and any other materials to her. The families determined the 30,000 kip rate but the families also pay her in advance and extra if the families need the brooms to be made quickly. Her relatives in Huay-gong Paksong have let her and her husband plant broom grass on their land and this woman's husband harvests it and sells the bulk of it for 2,500,000 kip at the markets in Paksong. They keep a little of the grass for her so that when this woman completes the orders for the families, she can then start on making brooms that she can sell.

5. Adult male. This man was at Dak Lak for about 3 months and left because he said the pay was not worth the work. He was digging holes and planting seedlings and received 400,000-500,000 kip per month.

LAK 28

Paksong, Champasak

1. Male, 22 years old, Jrou. Studied to grade 2 primary school level and born in Paksong. This man moved to the village about ten years ago. He was one of the first people from the village to work for the company but unlike everyone else, he needed to have a guarantee certificate from the village authorities to say that he was fit to work. One of his arms, from the elbow down, was amputated when he was a child. This man's job is to spray herbicides. He is paid weekly (every seven days) 25,000 kip per day and works continuously.

2. Male, 30 years old, Brao. Speaks Vietnamese and worked for the company for three years. One of this man's first jobs was to guide company representatives around so that they could survey the land. For this task, he was paid a daily rate of 30,000 kip. Later he worked in groups with other labourers. The groups received 60,000 kip per hectare for digging holes. If there were many people in the unit, the group could dig holes in up to ten hectares in one day. For planting seedlings, 20,000 kip was paid for every 25 seedlings planted; 190,000 kip per hectare for weeding; 22,000 kip per 85 plants fertilized and 20,000 kip per 6 hectares for pruning. In late 2009 or early 2010, the rate for pruning changed to 22,000 kip per 8 hectares. These were the different types of jobs that this man has undertaken for the company; he also recruited other labourers and supervised them. Other jobs that he recruited workers for but did not do himself include covering the base of the trees to protect it from the heat: 800 kip per tree. He often allocated a group of nine to ten people for this work. In working out the wages due to the individuals, he simply divided the amount by the number of individuals in the

group who worked that day. He himself received 25,000 kip per day for overseeing them. He no longer works for the company as he says the pay is too low. This man said that the company preferred to hire workers who were single (i.e. without a family of their own).

3. Male, 22 yrs, Jrou. Studied to grade 5 primary school level. Works for the company as a guard. This man thought that he would earn more money for his family but this expectation has not yet been fulfilled. He hopes that wages will increase in the future; but for now, he has constant work. He is worried that the chemicals that the company uses may affect his health and that food is more difficult to find as he no longer has land for production and there is no more forest to collect NTFPs. He feels that since the company came, the village is no longer peaceful.

4. Male, 36 yrs, Ta Oy. Studied to grade 5 primary school level. This man has never worked for the company and he is the sole provider for his family. He sees that since the company came, villagers have lost agricultural land and that there are less NTFPs to collect. This man says that people's labour and time are affected. He sees that the forest has been destroyed and that villagers do not have enough land to cultivate crops. His expectation of the company is that workers would have a good salary, that the work would be "normal" (i.e. not harder than what they already do), and that workers would have a certain amount of freedom and be happy, "not so tightly controlled". He heard that workers are forced to do overtime without extra pay. The main changes then related to having to follow the time and to work more for less money. He sees that the future holds more problems with land and that the population will increase.

5. Male, 40 years, married. Studied to grade 3 primary school level. Once worked for the company cutting grass. Some of the problems that this man sees from when the company came are the loss of land for agriculture and the use of chemicals to kill grass. Working with the company makes it hard to work with the family. Much of the natural forest was destroyed affecting collection of NTFPs. Difficulty in finding food to eat and sell. The company does not make contracts with individuals just goes through village chief. An expectation of working with the company is that income will be more than what they used to get for the family.

6. Male, 30 yrs, single. Studied to grade 6 primary school level. His job was to dig holes but he also had to measure the correct distance between the holes. Work was irregular and no contract. He said that villagers had lost land for planting their crops and the forest where NTFPs were collected. Before the company came, villagers collected and sold NTFPs earning themselves a good income.

HOUAYWAI

Paksong, Champasak

1. Male, 52years old. Studied to grade 5 primary school level and came to work with Dak Lak company at the recommendation of the village headman. Initially, this man's job

entailed helping the Vietnamese Dak Lak staff to understand the land area better so that they would know where to draw the borders of the plantation. Once the tractors arrived, this man acted as a guide for the drivers so that they would not clear villagers' lands unless prior agreement had been attained. He was paid a daily rate of 25,000 kip. He then dug holes and planted seedlings at 250 kip per hole. He also found other workers for the company but did not oversee or pay these workers. Six of the ten workers were locals (i.e. from Houaywai) and the others were from Senamnoy and other neighbouring villages. He says that the company followed regulations and the agreement with the village and he was paid everyday. He picked up his pay from the temporary office around 4.30 in the afternoon.

2. Male, 45 years old. Studied to grade 3 primary school level and has never worked with the company because this man is busy with his coffee gardens. He has four children in school. This man and his wife tend to their gardens but they hire people to work on them too. As Party representative in the village, he also provides advice to the village authority on several matters including dealings with the companies. He said that Dak Lak had consulted the village thoroughly and when the water system that Dak Lak built as part of their agreement had broken down, the village only waited one to months before Dak Lak repaired it.

3. Male, 49 years old, Enti. From Saysettha district in Attapeu. This man is at the camp with his wife and four children (ages from 3 to 8 years). None of the children attend school. He and his wife work round the clock cutting grass. They receive 400,000 kip for every hectare completed. When rice planting season will come, they intend to go back to their village to cultivate their paddy fields.

4. Male, 30 years old, Enti. Also from Saysettha district in Attapeu but from a different village to the other families staying at the camp. This man is at the camp with his wife and two children (8 or 9 years old and a 6 year old.). His eldest child has started school and used to go to school. They cut grass and earn 400,000 kip per hectare. They had heard about the job at Dak Lak in their village as other villagers had worked in Houaywai before them.

5. Male, 48 years old, Enti. This man is from Saysettha district and living at the camp site with his wife and four young children. Everyone helps to cut the grass. They also came to the camp in December 2010.

6. Male, 46 years old, Enti. From Saysettha district and living at the camp site. This man has ten people in his family (eldest child is about 10 or 11 years old) with him and the children help him to cut grass. They came to the Houaywai as they had finished harvesting rice in their own village. They intend to return in the wet season.

7. Male, 53 years old, Nya Heun. Studied to grade 5 primary school level and has lived in the village for about 34 years. When this man worked for the company, he applied fertiliser. He no longer works with the company as the wages were low and he had a lot of family work. He thought enforced hours of work. His expectations included learning

techniques for growing crops, regular employment and monthly wages but these expectations have not been fulfilled. In the future, he thinks that villagers will lose land, there will be conflicts and villagers will not have enough to eat with the loss of agriculture land. He is also worried about the negative effects of chemicals on villagers.

8. Male, 45 years old, Nya Heun. Studied to grade 2 primary school level and has been living in the village for about 15 years. This man worked for the company digging holes. The concession has affected him in several ways including: loss of farm land, difficulty in finding food, and anxiety over the health effects of the chemicals that the company uses, loss of income. While working for the company, he said that he had no time to work for the family. Nature has been destroyed and there are conflicts over land.

NONG MEK

Paksong, Champasak

1. Female, 39 years old. No longer lives with her husband, has five children, her eldest is a 16-year old girl who is now married. This woman has never worked for the companies. She has little inclination to work for Dak Lak because the pay is too low for the labour input and she heard that the staff are very “strict” and “controlling”. The pay at Dak Lak is 25,000 kip per day. She also does not want to work for Outspan because “[they] are not fair. They did not ask the villagers for permission to take their land before they started ploughing”.

2. Female, 16 years old. Currently studying in secondary school which is located in Pueygong, 7 km from Nong Mek and is in grade 3. During the school holidays, this girl went to work for Dak Lak for five days applying fertiliser and planting seedlings into the ground. She received 25,000 kip per day. This girl picked up her pay at the Dak Lak office which was 2 km from her house. Some of her observations of issues in the village include: the water streams were dirtier with defecation of workers at the camp site and for a while (August/September) residue from empty herbicide containers being disposed of in the streams.

3. Male, 35 years old. Was not affected by Outspan, and worked for them for three days. Did not like working for them because this man did not like to have to wait for his money so he found another job in a neighbouring village.

4. Female, 40 years old. She worked on her own land and had never worked for the companies. She said that she was not interested in working with them as she had heard that she would have to wait 2 weeks before receiving her pay.

5. Adult female. Has never worked for either Outspan or Dak Lak companies. This woman said that she was unhappy about the Dak Lak camp being upstream of the village as the sewage from the workers living in the camp would flow downstream. The track that she takes to get to her coffee garden is used by the workers and she claims that the workers leave rubbish (such as condoms and sanitary pads) along the track.

LAXAXIN

Paksong, Champasak

1. Female, 16 years old. Currently in Grade 4 secondary school. During the school holidays, a Lao recruiter came to her home and asked if this girl would like to earn “good money” by working for the plantation. She agreed to work during the holidays so she could help her family. She dug holes and planted seedlings in them for Outspan for one week. The pay was calculated on the number of holes filled with seedlings: 200 kip per hole and it was the recruiter who counted them. This student said that she was paid for the seven days of work that she did but was not sure if she was paid correctly. Other workers had already had some difficulties with this recruiter, they claim that that recruiter reports the correct number of holes to Outspan to receive the full amount but then tells the workers that he counted a smaller number of holes dug so that he can pay them less.

2. Female, 17 years old. Was studying at grade 5 secondary school level when this girl started working for the company at the end of August. The land had just been cleared and the company needed workers to dig holes and plant seedlings in the ground. She was paid 200 kip per hole and the recruiter paid her. Towards October, she was asked to make a covering from elephant grass over where the seedlings had been planted. She was paid 25,000 kip per day for this.

NAMTUAT

Paksong, Champasak

1. Male, 36 years old, Nya Heun. Was born in Nong Teuam and only studied up to Grade 1 secondary level. Has never worked with the company but would like to. He had heard that the company was only hiring single people with a preference for women but when he asked company representatives why then the company hired married men and women from Sekong and Attapeu, the staff told him that they did not hire locals (people from Namtuat) because Namtuat villagers do not work well.

2. Male, 43 years old. Studied to grade 2 primary school level and working hours were 7-4 at Souksavan. A Lao field supervisor signed his name in and out everyday that he worked in an attendance book. This man was paid regularly but never the full amount owed to him. For instance, after working the first ten days, he was only paid for six of them and the company told him that they would pay for the other four days the following week. He continued working but at the next pay, again he only received a partial payment. This man thinks they withheld paying the full amount to keep him from quitting because when he finally left, the company would not pay the total owed due to him. He worked a total of 24 days but was only paid for twenty of them. At a daily pay rate of 25,000 kip, the company withheld 100,000 kip that was due to him.

NONG TUANG, NONG TEUAM, NONG HIN

Paksong, Champasak

1. Male, 25 years old. Never worked with the Outspan because he finds the wage of 25,000 kip per day for clearing grass too low and if this man only wanted to work for a few days, he would still have to wait a fortnight before being paid. He said that he used to be able to grow enough on his land to be self-sufficient but some of his land is gone now. He refuses to work for the company and seeks out work in other villages – particularly Houay Ko and Nam Tang during coffee harvest. In Houay Ko, he is paid 30,000 kip per day, is paid everyday and he can rest and sleep when he wants.

2. Adult male. This man worked three days and then left when he realised that he would not be paid everyday. He did not like that he only received 25,000 kip which he found low but he expected to receive the money at the end of every day not in a fortnight's time.

3. Male 28 years old, Nya Heun. Studied to grade 5 primary school level. Never worked for the company. This man does not want to work for the company because he heard they were very strict with working hours and he has sufficient food. He sees that since the company came, there is less land for agriculture and for rice planting in the village and is worried about the company's use of chemicals. He said that he sees that nature has been destroyed, that villagers seem unhappy and there is conflict now over land use. Forests where NTFPs were collected and vegetation land have been destroyed. This man expected that there would be work for the villagers but does not think there is any future in this work and the work itself is irregular. He sees that Outspan has done 'nothing' to support the village. He said that he heard that the company pays wages late, that the income is not enough to support a family and that they enforce working hours. He anticipates that in the future, people will lose all their land and earning a living will be more and more difficult.

4. Adult male. Worked for Outspan briefly in the beginning of Outspan's operations. This man had seen the tractors come into the village and he approached the drivers to ask them what authority they had to be in the village. The drivers asked this man in return if he wanted a job and he agreed. His job involved counting how many hours the drivers worked. He was told that he would be paid 50,000 kip per day and he worked 36 days. This man said that he thought that the tractors were only clearing land that people did not use; he later found out that at night the tractors bulldozed villagers' fields. The company had also asked him if he could recruit ten people to some labour work for the company. This man found seven women and three men for the company. The company put them to work and the labourers were each paid 25,000 kip per day. However, this man claims that he was never paid for the 36 days that he worked. When he tried to follow up his pay with company representatives he was given various reasons for not being entitled to his pay. The company representative reportedly told him that the company did not have any money to pay him as his pay had already been used to pay other workers' wages. The labourers worked 6-11, 1-6, and this man worked 6-11, 1-5.

APPENDIX 4

How much work are locals getting? - HOUAYXAI¹²

BACKGROUND

1. This section provides a brief descriptive profile of the locals (ie. Houayxai residents) who work at QSG and their length of employment. The analysis is based on a village census undertaken over 3 days in January 2011 for the purpose of PLUP. No sampling variability is attributed to the statistic because it is calculated using data from the entire population.
2. Houayxai Village: The village consists of 133 families in 102 households. The population of 675 is essentially evenly divided between the sexes with females accounting for 51.4%. Ages range from under one to 90 years old with the median age of 15. About 47% of the village population are under the legal working age of 14 and 55% are minors (ie. under 18yrs old).

PROFILE OF THE LOCAL WORKERS: Brief Results and Conclusions

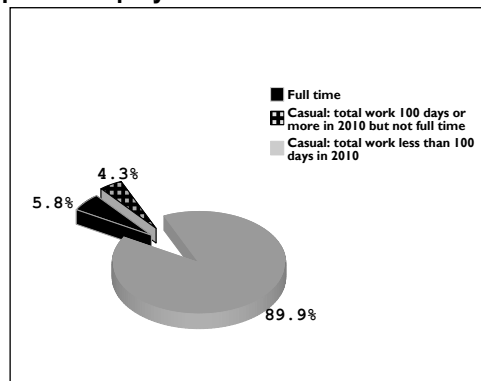
1. Of the total 152 individuals who responded that they sold their labour in 2010, 91% (N=139) worked for QSG and half (N= 70) are female. The local workforce consisted of 24% minors of which 62% are female; 27% of the 139 workers are 35 years or older. Ages of workers ranged from 11 to 60 years inclusive, with 28 years as the mean and median age. A little more than one in three in the village population within the legal working age (ie. 14years and over) worked for QSG in 2010. 10.7% of the 139 villagers who worked for QSG are were under the minimum legal working age of 14 years.
2. Of the 34 minors who worked for QSG, 15 were under 14 years old. Among the 14-17 year old age workers 13 of the 19 are female; moreover, these 13 female youth represent half of the total female population in the village within the same age bracket. Simply put, one in two female teenagers between 14-17 years of age worked for QSG in 2010.
3. The total population of villagers over 35 years old is 130, half of whom are women. Fewer than 10% are retired, and the majority work on their own plots, including 6 of the 18 who are 65 years or older. In addition to or in lieu of working on family plots, 38 of 130 villagers within the 35+ age group worked for QSG.
4. The majority of the 139 workers were not employed full-time. The total number of people who said they worked “full-time” (noted as 180 days wet season & 180 days dry season) was 8 including 1 female. Thus, the proportion of casually employed workers were: 88.7% (55/62) in the “last month” period; 91.2% (83/91) in wet

¹² Analysis conducted on SPSS for Windows 15.0 by author. The Project Manager advised that the data was collected from all households in the target population. The data collection dates: 27/1/11-30/1/11.

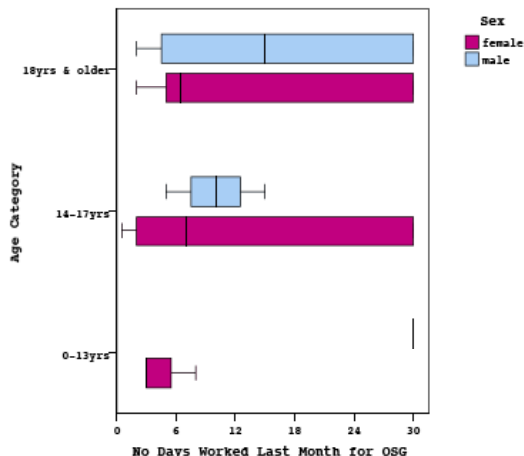
season 2010; 85% (45/53) in dry season 2010. Of the irregular workers, there were 6 (3 female) workers who worked a total of 100 days or more but did not consider themselves “full-time”.

5. The irregular workers in the “last month” season worked a median of 8 days with the minimum day worked being half a day and the maximum 30 days. In the wet season, the minimum number of days worked by a labourer was 2 days and the maximum 180 days. Workers worked a median of 30 days. In the dry season, the median number of days worked by labourers was 20 days with 2 and 180 as the minimum and maximum number of days.
6. Based on the results of the PLUPLA census, it would appear that many Houayxai local residents (1/3) are able to obtain employment at QSG, and much of that employment is during the wet season. However, job security eludes the vast majority of local workers. For local residents who are able to gain employment at QSG, the average duration of work is about one month in the wet season and/or 20 days in dry season. QSG have workers (one in ten) who are well below the legal minimum working age.

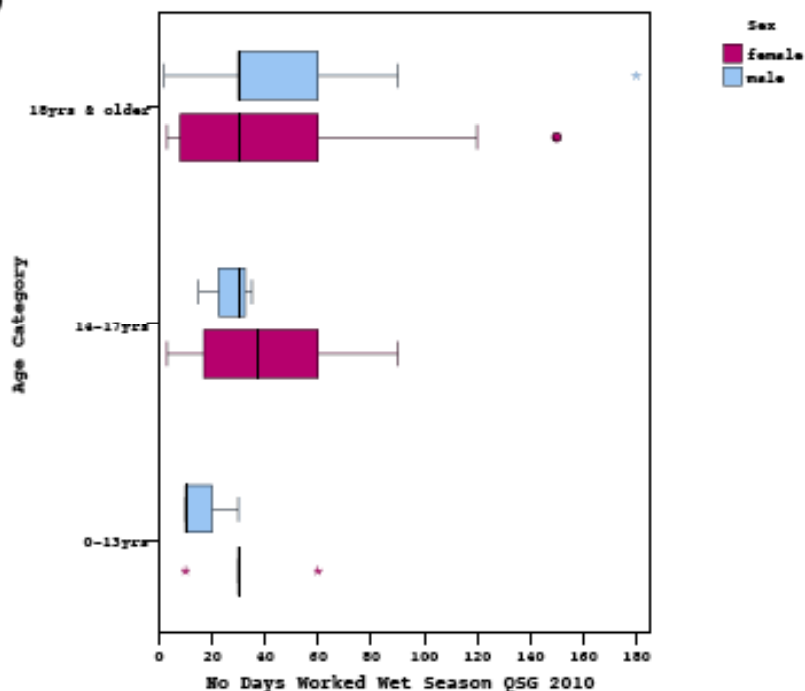
Types of Employment at QSG For Local Workers



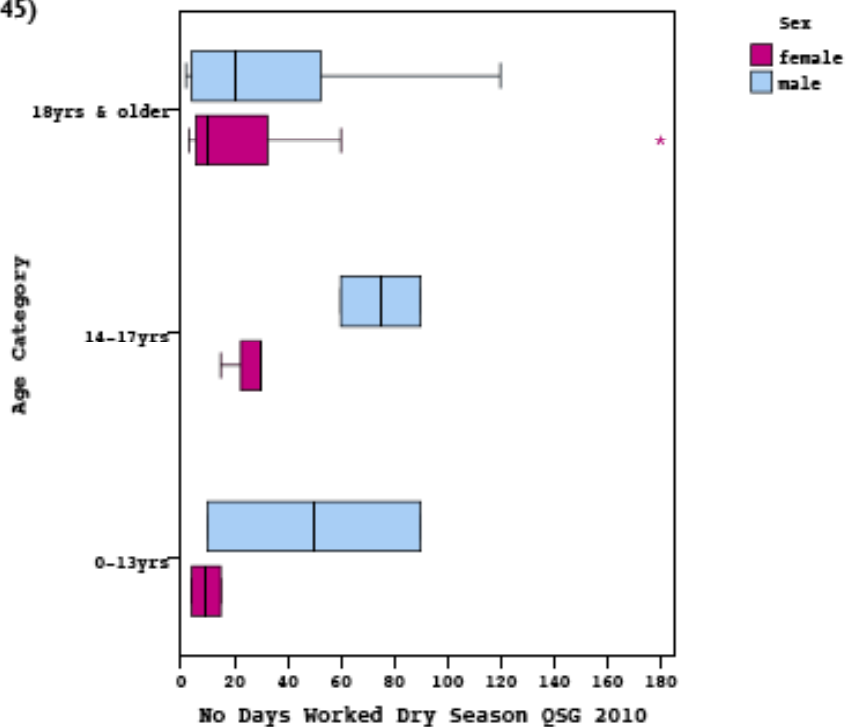
Characteristics of HXY villagers who were employed on a CASUAL basis – LAST MONTH (N=55)



Characteristics of HXY villagers who were employed on a CASUAL basis –
WET SEASON 2010 (N=83)



Characteristics of HXY villagers who were employed on a CASUAL basis –
DRY SEASON 2010 (N=45)



APPENDIX 5

Living in the Plantation: HOUAYXAI



Photo 1. Housing Camp for Lao workers in the Plantation



Photo 2. Some of the workers raise chickens.



Photo 3. Unoccupied housing space; workers to put the house together.



Photo 4. Rubbish left lying around; behind garden plot in the background of photo is an unseen stream.



Photo 5. Dinner for three adults and one 1-year old baby. Sticky rice not in photo but observed.



Photo 6. Unconnected pipes lying around
No well or water tank, no electricity in Lao camp but village is linked to the grid.



Photo 7. Guard's hut.



Photo 8. Recruiter's house close to but away from the Lao camp.



Photo 9. These buildings are in a different part of the plantation from where the Lao camp is situated. Villagers do not know purpose for the buildings which seemed to have just been completed at least on the outside in early 2011. At the time data was collected and photo taken there did not seem to be anyone occupying it. During construction phase, some villagers had speculated that the Vietnamese were building a hospital for themselves but no-one seems to think this any longer. There is a series of similar buildings behind the front building which this photo does not show; however, the whole compound would have many rooms. Other speculations for the compound's use include possibly a field office and/or living quarters for the Vietnamese staff.

APPENDIX 6

Living in the Camp/Settlement for the Migrant Workers: Nong Teuam



Photo 1. Workers or their family members on the road back to camp with supplies.



Photo 2. Migrant workers camps built adjacent to road. Three camps in Nong Teuam & one in Nong Hin.



Photo 3. Workers coming back to camp carrying their tool to cut grass and empty water bottles.



Photo 4 (above). The free accommodation for the migrant workers. One house 4m x 15m.

Photo 5 (middle-right). Adult woman with her child in yellow. She accompanied her husband to Paksong so he could work with the company. She does not work for the company - she cooks and minds their child. The little boy with the red shorts belongs to another family.

Photo 6 (right). Playing in the camp.



APPENDIX 7

Hard At Work: Thongpao



Photo 1. Cutting grass. Regular workers receive a uniform after 12 months. Part of the uniform is a hat (baseball cap type) but workers prefer wide brim hats and buy their own.



Photo 2. On the way to cut branches.



Photo 3. The nursery.



Photo 4 (above). Accommodation for Vietnamese staff.

Photo 5 (right). *Glyphosan 480DD* is not listed in of 'Eligible Pesticides in Lao PDR, May 2010' in Poverty Reduction Fund II, *Simplify Pest Management Plan*, March 2011, but its active ingredient glyphosate IPA is an eligible pesticide.

