

### Discussion Questions: CASE STUDY Doe v Nestlé USA, 2005

- 1) According to the case study, what happened to the plaintiffs on the cocoa plantation? What was the extent of Nestlé's knowledge of the labour conditions on the plantation?
- 2) On Nestlé's website, they state that they are against all forms of slavery, have a zero-tolerance approach, have adopted the UNGP, and expect their business partners to comply with international law. Do you think that this is the truth? Why would their website be so different from what the defendants are alleging?
  - a) In 2012, Nestlé stated that discovering child and slave labour is difficult because of the lack of documentation. Do you think that this is a reasonable excuse?
    - i) [https://www.nestle.com/sites/default/files/2012\\_csv/ruraldevelopment/sourcingoverview/tacklingchildlabour/documents/12-03-21%20background%20document%20%20guidance%20on%20child%20labour.pdf](https://www.nestle.com/sites/default/files/2012_csv/ruraldevelopment/sourcingoverview/tacklingchildlabour/documents/12-03-21%20background%20document%20%20guidance%20on%20child%20labour.pdf)
- 3) The Chocolate Manufacturers Association has stated that further legislation is not needed to solve this problem. Harkin-Engel Protocol in 2001 gave companies the primary responsibility to eradicate child and slave labour in their production chain; however this protocol is voluntary, non-binding, and self-regulatory.
  - a) Why do you think this has failed to stop child and slave labour in the chocolate industry?
- 4) Why do you think chocolate companies like Nestlé have neglected to seek evidence much for child labour/slavery in on the plantations?
- 5) The Ivory Coast government has committed to end child labour and slavery, but only funded one police anti-trafficking force at a budget of USD\$5000 a year, in the capital city of Abidjan. This is several hours drive from the plantations and has proved ineffective. Why do you think the Ivory Coast government has done so little?
- 6) Do you think that Nestlé's business practice on the Ivory Coast constitutes aiding and abetting slavery?
- 7) What incentive do you think Nestlé would have for neglecting to root out and eradicate child labour and slavery on their cocoa plantations? What incentives do you think would inspire action from companies like Nestlé?