



Rainforest Alliance Policy on Auditing Methodologies for Freedom of Association and Trade Union Freedom In the Rainforest Alliance Sustainable Agriculture Standard

June 2018
Version 3.1

The Rainforest Alliance works to conserve biodiversity and ensure sustainable livelihoods by transforming land-use practices, business practices, and consumer behavior.

More information?

For more information about the Rainforest Alliance, visit www.rainforest-alliance.org or contact info@ra.org

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Policy

Issue Date:	Binding date:	Expiration date:	Replaces:
April 5th, 2019	Immediate	Until next review	RA-P-SP-2-V3 Policy on Freedom of Association
Developed by:		Approved by:	
Senior Manager, Standards		Chief Sustainable Supply Chains Officer	
Linked to (name of documents):		Reference criterion or clause number:	
Rainforest Alliance Sustainable Agriculture Standard 2017, version 1.2.		Critical criterion 4.4	
This policy is applicable to:		Type of organizations (if applicable):	
<ul style="list-style-type: none"> • All investigation audits related critical criterion 4.4. • Certification and surveillance audits in certified organizations that have been subject to complaints related to critical criterion 4.4 in the 12 months before the audit. • Anytime at the discretion of the certification body or at the request of Rainforest Alliance. 		<ul style="list-style-type: none"> • Certification Bodies. • Farms and group administrators. 	
Crops:		Regions:	
All crops.		All regions.	

1. Introduction

Rainforest Alliance is a growing network of people who are inspired and committed to working together to achieve our mission of conserving biodiversity and ensuring sustainable livelihoods. For more information about Rainforest Alliance, visit our website: <http://www.rainforest-alliance.org>.

2. Policy

2.1. *Definition of worker organization*

Rainforest Alliance authorizes the following, adjusted definition of **Worker Organization**, to replace the current definition in the Terms & Definitions section of the 2017 Rainforest Alliance Sustainable Agriculture Standard:

“Any voluntary, independent organization of workers for furthering and defending their rights and interests¹.”

2.2. *Planning the audit*

- a) The certification body assigns enough time and personnel to carry out investigation audit related to freedom of association, to deliver solid, objective support evidence.
- b) In the case of certification or surveillance audits, at least 0.5 additional auditor-day is expected, if complaints have been received during the past 12 months.
- c) All members of the audit team assigned to carry out an audit related to freedom of association have read and fully understood the Social Audit Techniques training module, or have passed the SA 8000 lead auditor training course.

¹ Adapted from the definition in ILO Convention C087 Freedom of Association and Protection of the Right to Organize, Article 10.

- d) If deemed necessary, the certification body may include a freedom of association specialist as part of the audit team. Rainforest Alliance may also request the CB to include such specialist.
- e) The certification body shall not inform in advance the certificate holder that it will carry out an investigation audit related to freedom of association. The rules outlined in the "Investigation Audit" section of the Certification Rules apply.

2.3. Pre-audit interviews

- a) Before the audit opening meeting with the certified organization representatives, or during the audit, when meeting before the audit is not possible, the audit team and the worker organization(s) leaders that submitted the complaint convene², in order to find out more details about it, and whenever possible, to find out the names of the workers that belong or belonged to the worker organization, or of community leaders that may share information related to the complaint. Should the worker organization(s) representative refuse to meet with the audit team, this shall be registered in the audit notes along with information about when the worker organization was contacted and the suggested meeting point.
- b) The audit team must use official publicly available information and, when possible, contact the relevant authorities, representatives of the Ministry of Labor, judges, as well as other government officials, to verify whether there are any law suits, or demands against the certified organization, especially those related to labor issues, such as freedom of association.
- c) The audit team finds out whether there are any resolutions from the courts that may demonstrate a violation of workers' labor rights. A complaint that was not proven in court or that did not result in a resolution or in a sentence yet, is not *per se* a proof of nonconformity.

² This meeting could be replaced by a remote conversation, when the worker organization is located in a geographically distant area.

- d) At the worker organization's leaders or at the workers' request, the audit team may record the written testimony of each of the interviewees, and then send them a copy of said testimonies. These testimonies will not be made public and can only be used within the context of the audit.

2.4. Audit interviews

- a) The presence of the audited or certified organization's managers or their representatives during interviews with workers is not permitted. The worker organization may provide a place for the interviews.
- b) When security is ensured, the interviews related to workers' labor rights violations take place outside of the certified organization's limits, unless the workers request otherwise. These interviews should preferably take place before the audit opening meeting, and during non-working hours and days, unless the workers request it otherwise.
- c) The audit team interviews all workers that have reportedly suffered violations of their right to freedom of organization, collective bargaining, or have been discriminated or mistreated because of their participation in a worker organization. Other workers must be interviewed as well, in order to cross-check the information.
- d) Individual and group interviews shall take place in a private, confidential setting, where interviewees feel free to speak. The auditor checks the interviewees' remuneration is not affected as a result of his or her participation in the interview. The auditor tells interviewees they could report any reprisals resulting from their participation in the interview to the CB; options to complain include free methods, such as email.
- e) Workers that belong to a worker organization, and those who do not, are interviewed separately.

- f) Auditors always start interviews by introducing themselves, clearly explaining the purpose of their visit, the type of questions they will ask, and ensuring the interviewee the confidentiality of the topics treated during the interview.
- g) Auditors register the names and positions of each interviewee, but this information is not disclosed under any circumstance with other parties than the certification body and the Rainforest Alliance. Should interviewees refuse to provide their names, the auditor shall register so in the audit notes.
- h) Auditors inform workers and their representatives how to contact the certification body and the Rainforest Alliance.

2.5. Audit report and certification decision

- a) A significant number of concurrent, consistent workers' testimonies is considered enough evidence when assessing compliance with criteria related to freedom of association. Documentary evidence is not always necessary to raise a nonconformity against this criterion, but the audit team must cross-check the information received from all interviewed workers, before issuing a nonconformity.
- b) Audit report reviewers and the person or committee making the certification decision always determines whether a nonconformity on critical criterion 4.4 (freedom of association) triggers a nonconformity on zero tolerance critical criterion 4.3 (discrimination).

3. Feedback

- a) After the conclusion of the audit and certification process, the certification body must provide the worker organization involved in the audit with a copy of the of the audit report summary.
- b) The CB shall send the worker organization the link to the audited organization's public summary report, once it is ready.

Annex 1. Examples of nonconformities

Below, a list of possible situations that could be detected during an audit, and that may result in a nonconformity with critical criterion 4.4. This section is intended only as list of examples of nonconformities an organization may have, and does not cover all possible situations an auditor may find.

- a) The certified organization deliberately avoids informing workers they have the right to establish or join a worker organization of their choice, and to collectively bargain.
- b) The certified organization does not inform workers about all the available worker organization options, so the workers' choice may be influenced by the employer, in favor of a worker organization linked to the employer.
- c) Workers mention that they are not free to establish or join a worker organization of their own choice or to collectively bargain, without previous authorization.
- d) Discrimination for establishing or for belonging to a worker organization may include the dismissal of workers or not facilitating their access to promotions, medical services or other benefits.
- e) Most of the workers avoid participating in, or speaking about activities related to the worker organization.
- f) The certified organization does not provide facilities for the worker organization to meet and operate, even when required by the law.
- g) The certified organization deliberately hinders the communication between workers and the worker organization representatives.
- h) The certified organization tries to influence the worker organization's decisions by offering its leaders or members, gifts or other extraordinary benefits.
- i) There are *de facto* organizations or groups that prevent the formation of a worker organizations.
- j) There have been layoffs of groups of workers in a short period of time, and the hiring of similar number of workers immediately afterwards.

- k) Decisions by the worker organization depend on the approval or are influenced by the certified organization.
- l) The certified organization does not communicate, and refuses to communicate with the worker organization representatives.
- m) Worker organizations are not allowed to draw up their own constitution and rules, or elect their representatives in full freedom.
- n) The worker organization is not allowed to affiliate to other national or international organizations.
- o) Certified organizations with fewer workers than those required to establish certain types of worker organizations are not allowed to collectively bargain.
- p) Workers are forced to join a specific worker organization.
- q) The mere existence of a worker organization does not imply that the certified organization complies with critical criterion 4.4, as some worker organizations may be openly or slyly influenced, or directed by the employer. Some signs to be aware of are:
 - Workers do not know who their representatives are.
 - Workers do not know where the worker organization meetings take place, or how often they occur.
 - Workers are unaware of recent or future negotiations with the employer, and do not know how to contribute or to be heard.
 - Workers do not participate in the election of their representatives.