

ANNEX 6

GUIDANCE DOCUMENT: THE RAINFOREST ALLIANCE ASSESS & ADDRESS APPROACH

Public Consultation: Draft Version 2.0

INTRODUCTION

Sustainable agriculture is intrinsically linked with the livelihoods of millions of farmers, families, and their communities. To support sustainable livelihoods, the Rainforest Alliance standard establishes requirements related to labor rights, a living wage, decent living and working conditions, and support for local communities. These requirements align with the UN Guiding Principles on Business and Human Rights (UNGPs), the OECD-FAO Guidance for Responsible Agricultural Supply Chains, relevant ILO conventions, and other multi-stakeholder concepts such as living wage, developed in coordination with the Global Living Wage Coalition.

There is no place in Rainforest Alliance Certified farms for human rights abuses such as discrimination, forced labor, child labor, and workplace harassment and violence. We are committed to engaging and working with stakeholders to ensure that such human rights abuses do not occur. Our experience over many years, and that of several leading human rights organizations, has shown that merely prohibiting these human rights abuses, is insufficient to promote sustainable improvements for workers. This approach drives these practices underground, making them harder for auditors to detect and for certificate holders to prevent and mitigate.

That's why our new standard adopts an 'assess and address' (A&A) model, in keeping with the UNGPs' focus on human rights due diligence, capacity-building, and continuous improvement. We will require our Certificate Holders to commit to compliance with all applicable laws and to respect internationally recognized human rights standards. However, we recognize the high risk of certain labor violations within agricultural supply chains, and therefore we will require producers and producer groups to commit to continuous improvement, put a rigorous risk assessment and mitigation system in place, and take immediate action on any cases of discrimination, forced labor, child labor, and workplace harassment and violence. Many leading companies have adopted such approaches in their global supply chains. This model goes beyond a narrow prohibition approach in its ability to truly drive long-lasting change. The approach is further detailed in the criteria 3.1.

GENERAL ASSESS & ADDRESS APPROACH

The Assess and Address approach is a step-by-step methodology and can be outlined as follows:



1. Commit and communicate

Objectives:

A clear designation of accountability for assessing and addressing discrimination, forced labor, child labor, and workplace harassment/violence issues; there is a good level of awareness and understanding of these issues among all members of farm/group management.

General guidance:

For smallholder contexts, a minimum of one member of group management must be appointed for this role. For medium and large farms, a committee of multiple persons must be appointed; inclusion of at least one woman in the committee is strongly recommended. The responsible person(s) or committee is competent, knowledgeable about the topic(s), and accessible to and trusted by group members (small farms) and workers (smallholder and medium/large farms). This person/committee should be able to speak the local language and knows local norms and values.

Demonstration of competence includes formal qualifications, and/or attendance certificates of training courses, and/or proven experience.

The Rainforest Alliance will provide training materials to guide this awareness-raising process, which will cover the basic concepts of child labor, forced labor, and workplace harassment and violence; policies and procedures for preventing and addressing these issues on the farm(s); and best practices.

2. Risk mitigation

Objective:

Farm/group management has in place a specific risk mitigation plan based on the Rainforest Alliance's knowledge of risks in the country/sector and the Certificate Holder's implementation of the Rainforest Alliance Risk Assessment and Mitigation Tool (see Annex 7).



General guidance:

The requirement does not apply to farms/groups where the Rainforest Alliance's own knowledge finds the risks of child labor, forced labor, discrimination and/or workplace harassment to be low.

If the risks are found to be medium or high, the Risk Assessment and Mitigation Tool will specify mitigation measures that must be taken to meet this criterion, and the farm/group will also be required to do a more in-depth risk assessment (criteria 3.1.5 and 3.1.6) as part of its improvement plan and identify additional risk mitigation measures.

All risk mitigation measures will take into account applicable laws.

The Risk Assessment and Mitigation Tool is available for public comment (see Annex 7).

3. Monitoring

Objective:

Farm/group management has increased capacity to verify whether the risk mitigation activities are effective in reducing identified risks and to identify incidents of discrimination, forced labor, child labor, and workplace harassment and violence on an ongoing basis. The intensity of the monitoring is dependent on the level of risk.

General guidance:

Farm/group management is required to put in place a monitoring system as a Core requirement. The ongoing implementation and development of this system will be assessed over time as a mandatory improvement.

The Rainforest Alliance will provide training/guidance materials to guide farm/group management in implementing this monitoring mechanism.

The mechanism would monitor such issues as whether the policies and procedures required by the standard are in place, whether the risk mitigation measures established are being implemented, and whether they are having an impact on the prevalence of violations. The mechanism will collect, analyze, and report data to enable measurement of such efforts and the extent to which they were effective. The outcomes and learnings of the mechanism should be shared with the person(s)/committee responsible for these topics and be used to adjust risk mitigation measures where necessary.

This monitoring mechanism will be separate from but linked to, the grievance mechanism required by criterion 1.5. The management representative/committee implementing the monitoring system will assist in resolving issues raised through the grievance mechanism, and in monitoring whether grievances were addressed adequately.

4. Remediation

Objective:

If any labor violations occur, the farm/group management has clear guidance on how to address them, to ensure the victim is protected and taken care of where necessary, corrective measures have been implemented and that the violation does not recur.

General guidance:

The Rainforest Alliance Remediation Protocol is currently in development, but an initial framework for this protocol is available for public comment (see Annex 8).



Consequences for Certification Rules

During the audit under the A&A system, the auditor will verify compliance with the A&A system. If during an audit, an auditor identifies a case of discrimination, forced labor, child labor, or workplace harassment/violence, the auditor must immediately invoke the remediation protocol and further investigate the case. The investigation would examine such issues as the degree to which the issue(s) found were prevalent on the farm, the severity of the impact on the victim(s), and whether the violations were perpetrated deliberately. Based on these findings, the farm would either be given a chance to remediate, identify the root cause, and implement corrective actions, be suspended pending additional investigation, or decertified/not be certified. The rules for certification (work in progress) would further elaborate on this, and will also address such issues as the duration and frequency of audits and the use of announced vs. unannounced audits.

ISSUE-SPECIFIC ASSESS & ADDRESS GUIDANCE

In addition to the general Assess and Address guidance above, the following issue-specific guidance also applies:

1. Discrimination

Introduction

Rainforest Alliance considers discrimination in the workplace a grave abuse of human rights which is prohibited on RA certified farms. For the exact definition, please refer to definition section. This control point also considers the right of freedom to express cultural identity, as long as it does not interfere with health and safety. The Assess & Address approach is risk-based, aiming to address risks of abuse before the abuses can occur. If risks are present, farms will be provided training and tools to mitigate them; where abuses are found – depending on their prevalence, severity, and whether they were perpetrated deliberately – farms will be provided training and tools to remediate them. By preventing and addressing discrimination, Rainforest Alliance aims to create workplaces where all persons feel respected.

Objective

All workers, employees and other relevant actors have the same rights and opportunities and are treated in an equal way, regardless of their race, color, sex, sexual orientation, gender, caste, religion, political opinion, national extraction or social origin

General guidance

It is essential to realize that discrimination in the workplace can take many forms and might be based on aspects like:

- Race, color, sex, sexual orientation, gender, caste, religion, political opinion, national extraction or social origin;
- Nationality or migratory status;
- Civil status; Medical condition;
- Family condition, including pregnant women and parents with children, or any other protected status as included in applicable laws;
- Worker organization membership or being an organizer;
- Having filed complaints within the complaints or grievance mechanisms; Unequal opportunities for gender when appointing management positions;
- Political, religious, social, sexual or cultural opinions and convictions,
- Views or affiliations of workers.

Particular attention should be given to the right to speak one's language and to make sure that workers who don't dominate the local language, have access to the relevant information and training in a language that is accessible for them.



Vulnerable groups like women, indigenous people, migrants, young people are prone to suffer discrimination and measures should be taken to visualize and protect them — questions in the general risk assessment tool support in that.

Registering and monitoring data like wages, presence in management positions, leadership, access to resources and other benefits per risk group, especially female workers, is essential to identify and monitor differences that can indicate that discrimination is taking place.

2. FORCED LABOR

Introduction

Forced labor is prohibited on Rainforest Alliance certified farms (please refer to Definitions section for full Rainforest Alliance definition of forced labor). The Assess & Address approach is risk-based, aiming to address risks of abuse before the abuses can occur. If risks are present, farms will be provided training and tools to mitigate them; where abuses are found – depending on their prevalence, severity, and whether they were perpetrated deliberately – farms will be provided training and tools to remediate them. We are committed to engaging and working with stakeholders to ensure that forced labor does not occur.

Objective

Farmers, farm management, and workers in Rainforest Alliance certified supply chains have the knowledge, tools, and resources to effectively identify, mitigate, monitor, and remediate risks of forced labor.

General guidance

See the draft Risk Assessment and Mitigation Tool (Annex 7) for further information and to comment on the Rainforest Alliance's proposed approach to forced labor risk assessment and mitigation. See the draft Remediation Protocol framework (Annex 8) for further information and to comment on the Rainforest Alliance's proposed approach to forced labor remediation.

3. CHILD LABOR

Introduction

The Rainforest Alliance considers child labor a grave child and human rights violation. (please refer to Definitions section for full Rainforest Alliance definition of child labor.) The eradication of child labor in agriculture is a crucial step to achieve a world where sustainable farming is the norm, as stated in Sustainable Development Goal 8.7.

Objective

Assure the elimination of child labor on all farms and the protection of the rights of children; their rights to health and safety, and their right to education and integral development. The A&A approach requires for child labor specifically: the assessment of child labor risks and to prevent and take action to address the risks in partnership with communities and where possible in cooperation with existing child protection initiatives or mechanisms.

General guidance

Addressing child labor is part of the core criteria (requirements for the first certification). Farm management communicates and raises awareness, knows to distinguish between child work and child labor, conducts a risk assessment; implements necessary measures to mitigate child labor risks and to prevent child labor; monitors cases of child labor and remediates found cases of CL.

Commit and communicate

Tackling child labor requires a community-based approach. Child labor liaisons will be responsible for leading prevention, identification, and remediation of child labor cases at the



community level. The child labor liaison is responsible for raising awareness of child labor, hazardous child labor, and child trafficking. Child labor liaisons are trusted, knowledgeable, and experienced persons.

Risk assessment

To determine whether there is a risk of child labor and whether this risk is low, medium, or high, a child labor risk assessment tool must be applied. This tool will include questions such as:

- What types of child labor are most likely to occur in the group? (hazardous work, work during school hours, domestic labor, etc.). And in which the year? And within which activity at the farm?
- Is there is a national list of work deemed to be hazardous? Are any agricultural practices included?
- Is there national legislation on child labor? Does this specify minimum working ages?
- Is there a National Action Plan on child labor? Are there resources or initiatives that can be used?
- In which areas or communities is child labor most likely to occur and how should we prioritize our resources?
- Are there any local community-based initiatives against child labor? Do they cover the communities relevant to group members and could their monitoring or data collection efforts support the group's work on child labor prevention, identification, and remediation?
- Do workers/group members earn a living wage/living income, which allows them to meet basic needs such as food, water, housing, education, healthcare, transport, and clothing?
- Is sufficient adult labor available?
- Are group members aware of the meaning and risks of child labor, and do they know to distinguish between child work and child labor?
- No trafficking cases have been reported by media or police over the last five years?
- Is there a (governmental) system in place which ensures free and compulsory education?
- What is the compulsory age for school attendance?
- Do all group member children and children of workers of school-going age attend school regularly?
- How is the school infrastructure, and what is the quality of the education?
- Are there local child protection organizations the group could partner with?

Risk Mitigation

The Rainforest Alliance requires a risk-based, continuous improvement approach to tackle child labor, meaning that the findings of the risk assessment will inform the type of actions that need to be implemented to eliminate child labor. Risk mitigation measures include sharing information about hazardous work and child trafficking. Examples of risk mitigation measures are community meetings and training about the benefits of education and the detrimental effects of child labor. Effective ways to mitigate the risks of child labor are encouraging school attendance and improving the quality of education.

Monitoring/Assessment

Actions were taken to prevent, identify, and remediate (cases of) child labor should be documented to ensure monitoring of progress towards the elimination of child labor. The Rainforest Alliance requires keeping records of communications, the risk assessment, a list of child labor liaisons and the communities they cover, a list of children identified as victims of child labor or at risk of child labor; and the remediation actions taken (e.g., actions to encourage school attendance).

Remediation

The Rainforest Alliance will develop a child labor remediation protocol. Remediation activities should be designed and implemented by child labor liaisons in collaboration with the family



and child protection experts. If a case of child labor is found, group management, or it is a representative/committee, must immediately invoke the remediation protocol and seek to remedy the issue in line with the remediation plan. Examples of remediation are:

- Providing children with a copy of their birth certificate so that they can go to school
- Supplying children with school uniforms or books, combined with long-term income-generating activities for parents
- Arranging saving schemes, income generating activities or credit facilities for parents so that they are less reliant on the children's work and can support their education
- Supporting the community to request improvements in local school provision. This could include, for example, helping group members to write to the local Education Office to ask a school to be established in their community.
- Organization and training of youth on occupational health and safety older than 18 to perform hazardous activities, such as spraying.
- The hiring of the child's immediate or extended family member, if available.

4. WORKPLACE HARASSMENT AND VIOLENCE

Introduction

Workplace harassment and violence, including sexual harassment, is one of the gravest human rights abuses that can take place in the workplace and is not accepted by the Rainforest Alliance. For the full definition, please refer to the definition section. The Assess & Address approach is risk-based, aiming to address risks of abuse before the abuses can occur. If risks are present, farms will be provided training and tools to mitigate them; where abuses are found – depending on their prevalence, severity, and whether they were perpetrated deliberately – farms will be provided training and tools to remediate them.

Objective

Protect all workers' physical and psychological integrity and make sure that the workplace is a safe place to be for all workers and other relevant actors.

General guidance

The person/committee responsible for human rights issues should meet regularly with the person/committee accountable for gender issues (Chapter 1.4, Management, Gender). In the situation of a concrete case of (sexual) harassment and violence where women are involved, close coordination with the gender person/committee should be established to make sure that measures are taken in a coordinated and proper way, according to the protocol. Especially for the issue of sexual harassment, it is essential that the responsible person is highly knowledgeable about the issue and how to deal with victims respectfully, is neutral, trusted and accessible by the workers, preferably a woman and can speak their own language.

Within the risk assessment, specific attention will be for vulnerable groups like women, especially unmarried and/or unaccompanied women, and youth and conditions of the workplace

Risk mitigation measures will focus on policies and procedures to be in place, training and awareness raising and assessment and adjustment of workplace conditions like working hours (after dark), location and presence of bathrooms separated by sex, separated transport, lighting, entrances, etc.

Remediation measures need to focus on both the victim and the harasser and include separation of victim and harasser, avoiding retaliation against a victim, support of healing process of the victim, corrective measures towards harasser varying from verbal and/ or written warning from the management in light cases to job termination in severe cases. Local laws need to be followed.



In all cases, but especially in the case of sexual harassment, the employer has an obligation to inform the complainant/victim about the findings of the investigation, the disciplinary action taken against the harasser, what preventive measures will be undertaken to prevent future (sexual) harassment, and proposed future disciplinary action to be taken if the conduct continues.

References

- ILO Convention no. 111 (1958) concerning Discrimination in Respect of Employment and Occupation
- ILO Convention no. 100, (1951). Equal Remuneration Convention: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_Ilo_Code:C100
- Convention on the Elimination of all Forms of Discrimination against Women, adopted by the General Assembly on 18 December 1979.
- United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly on 13 September 2007.
- ILO, (1930). Forced Labour Convention (No. 29). Available at: http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::no:12100:p12100_instrument_id:312174.
- ILO, (1957). Abolition of Forced Labour Convention, (No. 105). Available at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C105.
- ILO, (2014). P029 - Protocol of 2014 to the Forced Labour Convention, 1930. Available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029.
- ILO, (2014). R203 - Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203). Available at https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:R203:NO.
- Verite. Responsible Sourcing Tool. Available at: <https://www.responsiblesourcingtool.org/>.
- ILO - Convention 138 on Minimum Age (1973) https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID,P12100_LANG_CODE:312283,en:NO
- ILO - Convention 182 on Worst Forms of Child Labour (1999) https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182
- ILO - R190 - Worst Forms of Child Labor recommendations (1999) https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R190
- For tea operations in Burundi, Ethiopia, Kenya, Malawi, Mozambique, Rwanda, Tanzania, Uganda, and Zimbabwe, see the Rainforest Alliance Policy for Additional Social Auditing Methods for Sexual and Psychological Violence against Women.
- Sexual harassment at Work, Factsheet ILO,
- How to address sexual harassment and other forms of gender based violence. Providing a Roadmap & response for plantation management, IDH, 2018, see <https://www.idhsustainabletrade.com/uploaded/2018/12/Kenya-Roadmap-2018-final.pdf>.