

TOWARDS EFFECTIVE OPERATIONAL GRIEVANCE MECHANISMS AT RA- CERTIFIED FARMS AND GROUPS

(EMERGING) GOOD PRACTICES, IMPROVEMENT PATHWAYS
AND RESOURCING IMPLICATIONS

Request for Expressions of Interest / proposals
August 2021

Contact: Henk Gilhuis (Manager Research and Impacts), hgilhuis@ra.org
Phone: +31 6 36546265

**RAINFOREST
ALLIANCE**



Table of Contents

1. Background to this research	3
a) Grievance mechanisms are meant to protect human rights and to continuously improve the operations of certified farms/groups	3
b) Grievance mechanisms are an essential component of a farm/group level due-diligence system (“assess-and-address system”).....	3
c) Barriers to access and lack of remedy are known challenges to implementing effective GMs 4	
d) Historic audit data gives some insights as to likely challenges to implement GMs	5
e) RA wants to learn from (emerging) good practices and improvement pathways to support certificate holders with implementing their GMs.....	6
2. Rationale and objectives of this research	6
3. How will RA use the findings?.....	7
4. Research questions	7
Question 1: What are the prevailing ideas and practices regarding grievance mechanisms across a range of certificate holders?	7
Question 2: What are the main challenges to implementing, using and auditing GMs?	8
Question 3: What (emergent) good practices and improvement pathways can be observed with regard to implementing GMs?.....	8
Question 4: What is the level of effort and what are cost-effective ways of implementing GMs in a few typical scenarios?	8
5. Design and methodology	9
6. Profile of research / consultancy group.....	9
7. Budget and Planning	9
8. Deliverables.....	10
Annexes.....	11
Annex 1: References	11
Annex 2: Key documents of the RA Standard containing criteria and procedures on grievance mechanisms	12
Annex 3: Overview of criteria on grievance mechanisms in previous and current RA / UTZ standards.....	13



1. BACKGROUND TO THIS RESEARCH

a) Grievance mechanisms are meant to protect human rights and to continuously improve the operations of certified farms/groups

Rainforest Alliance's [2020 Sustainable Agriculture Standard](#) for farms requires that certified operations (individual farms and groups of smallholders) implement a grievance mechanism (GM) that group-members, workers and other stakeholders can access to bring complaints / grievances to the attention of farm or group-management. This grievance mechanism (GM) is meant to be an instrument for (potentially) aggrieved parties to seek remedy, and for management to take corrective actions, ideally before problems escalate. Complaints / grievances may range from unintentional mishaps to human rights abuses such as discrimination, child labor, forced labor, and sexual and workplace harassment. Rainforest Alliance's requirements on the grievance mechanism are modeled after UN Guiding Principles [29](#)¹ and [31](#), published in 2011. The UNGPs have instituted grievance mechanisms as means to identify adverse human rights impacts of business operations, and their underlying causes, so that business can adapt their practices accordingly and remediate any adverse impacts. Principle 31 lays out 8 criteria for the effectiveness of GMs.

b) Grievance mechanisms are an essential component of a farm/group level due-diligence system ("assess-and-address system")

A grievance mechanism was already mandatory in RA's previous farm standard (2017) as well as the 2015 UTZ Code of Conduct for individual farms and groups. In the [2020 Sustainable Agriculture Standard](#) the GM remains a core requirement, carrying more weight now as it needs to be embedded in a so-called "[assess and address system](#)"². Importantly, certificate holders also have to provide remedy when adverse human rights impacts have been detected, following procedures outlined in the [remediation protocol](#) (annex 4 to the standard).

The main changes in the 2020 Standard, in comparison to the 2017 RA Standard and the pre-merger UTZ Standard, regarding the GM are:

- In the 2017 RA and the 2015 UTZ standards the GM was allocated to the "internal management system" (IMS). The 2020 Standard determines that grievances are to be handled by a grievance committee with decision making power, including at least one worker representative.
- This grievance committee has to liaise with an Assess-and-Address Committee and a Gender Committee, two other committees instituted by the 2020 RA Standard.
- The Assess-and-Address Committee is integrated by a management representative and a worker representative and is responsible for managing the Assess and Address system, which focuses specifically on preventing, detecting and remediating cases of child labor, forced labor, discrimination and workplace violence/ harassment.
- The Gender Committee is responsible for implementing, monitoring, and evaluating measures that promote gender equality and women's empowerment. This committee is also involved in the remediation of cases concerning gender-based violence and gender-based discrimination.

¹ "To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted". (UNGP Principle 29)

² See code criteria 5.1, [Assess and Address Guidance](#), [Assess and Address Monitoring Guidance Tool](#)



- The 2020 RA Standard introduces a [Remediation Protocol](#) (annex 4 to the standard) that prescribes how grievances are to be investigated and remediated. This protocol is mandatory.
- A [guidance document on the grievance mechanism](#) provides additional explanation and practical guidelines as to how to implement and operate the GM. Although guidance documents of the standard are not binding, they do clarify different functions and processes and functions as a benchmark for an effective GM. This guidance covers a.o. safeguarding complainants / victims from reprisals, investigating complaints, processes of referral, consulting complainants on the remediation measures and monitoring the GM's operations and effectiveness.

These changes mark a shift from an binary approach focused on compliance (yes/no) towards a due diligence approach (continuous improvement, building on a compliance "bottom line"). Certified farms and groups now have to conduct an in-depth risk analysis, to serve as a basis for a management plan meant to mitigate any human rights risks identified. A grievance mechanism enables workers, group-members and other stakeholders to raise complaints and report cases of human rights infringements. Certificate holders also need to provide (access to) remedy.

The 2020 Standard also introduces two mandatory indicators related to the grievance mechanism (see criteria 5.1.3 and 5.1.4), which certificate holders have to report on.

- The number of potential cases identified by the monitoring system and referred to the grievance mechanism (by gender, age, and type of issue)
- The number and percentage of confirmed child labor, forced labor, discrimination and workplace violence and harassment cases remediated in accordance to the Remediation Protocol (by gender, age, and type of issue)

As part of regular audits, certification bodies will inspect the records of the Assess-and-address system to evaluate its performance, in order to verify if the system and the grievance mechanism are working properly.

c) Barriers to access and lack of remedy are known challenges to implementing effective GMs

A cursory review of the literature on grievance mechanisms indicates that much research has focused on *international* grievance mechanisms, with fewer studies looking into *operational* level GMs of local production facilities such as farms and groups of smallholders. Handling grievances can be resource-intensive, amongst others because investigating grievances and resolving disputes requires special skills from all parties involved.

In one of the rare empirical studies on operational grievance mechanisms that included RA certified farms, researchers found that complainants faced local barriers, such as power inequality, fear of reprisals, and farm management controlling the access of outside parties to its workers. Researchers concluded that (...) "*for many workers, the prospects of accessing remedy are weak, particularly in relation to recurring, structurally entrenched sources of grievance, and risks of retaliation for perceived troublemakers are often very real*"³.

Operational level grievance mechanisms are unlikely to be effective as standalone tools or mechanisms. GM's need a (management) mandate to receive and resolve grievances, and to be properly embedded in a farm or group's management system. Given the potential conflict of interest between a complainant and farm/group management, GMs can (theoretically) also be set up to function independently from management. Such is the case

³ Macdonald and Balaton-Chrimes, 2016, *Human Rights Grievance-Handling in the Indian Tea Sector*.



for example of hotlines, where grievances are routed to an independent party. This is not a set up prescribed by the 2020 RA standard, however.

Be as it may, effective grievance mechanisms are usually embedded in wider systems (internally and/or externally) to ensure that complaints are dealt with adequately and escalated to higher / outside instances when operational GMs do not provide remedy. Even so, there may be disconnects between different elements of a grievance system, leading to complaints “falling between the cracks” and remaining unresolved. In such situations the assumed positive feedback loop from complaints to continuous improvement postulated in RA’s theory of change is unlikely to materialize.

Design and implementation gaps may occur when users don’t have the necessary information about the GMs available to them, or when GMs lack transparency or do not result in remedy. Trust in the GM and its capacity to provide remedy are mutually reinforcing factors that make or break a grievance mechanism. Fear of reprisals, barriers to worker organization, and the prevalence of patrimonial norms are other known barriers to effective GMs.

Looking at the wider system, the effectiveness of GMs does not depend only their design, but also on how they are embedded in and linked to other forms of local organizing and social pressure, especially in situations of high inequality. For this reason, it stands to reason that the position of workers’ organizations and unions at the workplace also needs to be strengthened, and that workers need to be represented in the governance of grievance mechanisms (Miller-Dawkins et al 2017). As said, the 2020 RA standard now determines that workers have to be represented on the grievance committee.

d) Historic audit data gives some insights as to likely challenges to implement GMs

Whereas the 2020 Standard has just begun to be audited, and we don’t know how yet how well it will be implemented in different contexts, a review of non-conformities of the previous RA and UTZ standards indicates the type of obstacles likely to occur in practice. The most recurring non-conformity on the GM-requirement was that these were not known to group members and/or workers.

Other non-conformities were related to the GM’s accessibility and transparency:

- Information on the GM was not available in local languages, for migrant workers, buyers or suppliers.
- The mechanism was not accessible to illiterate complainants
- Anonymous complaints were not possible
- The mechanism had no safeguards regarding no-retaliation
- Complaints were not being recorded
- There was no procedure to handle complaints
- There were no forms or channels to submit complaints
- Complaints were not acted upon
- There were no records of corrective action and/or remediation.

In the public consultation in preparation of the 2020 RA Standard, some stakeholders voiced concerns about the new GM requirements, e.g. on how to implement these, and the thresholds for auditing and assessing compliance. Other concerns raised were:

- Accessibility: how to deal with local languages and illiteracy? What are “appropriate communication channels”? How to make the GM accessible for vulnerable groups such as migrant workers?
- How to ensure a GM is “culturally appropriate”?
- How does the new GM requirements relate to existing grievance mechanisms?



- Scope: what issues are covered by the GM? Who can access the GM?
- How to ensure impartiality and due process?
- How to include workers in the governance of the GM?
- How to balance transparency / reporting / monitoring of the GM with confidentiality and privacy?

Stakeholders expressed a need for *implementation* guidance and concrete examples of GMs that meet the new criteria. To support implementation RA published an extensive [Guidance Document](#) for the farm/group management and the grievance committee on how to set up an operational GM. RA also accompanied a number of field pilots to guide and monitor a dozen of certificate holders in implementing the new requirements on the Assess and Address system and the grievance mechanism.

e) RA wants to learn from (emerging) good practices and improvement pathways to support certificate holders with implementing their GMs

The experience of the “early implementers” pilots indicates that the Assess & Address system and GM are considered challenging to implement, for a variety of reasons.

- The risk of duplicating with existing structures and grievance mechanisms.
- Recruiting qualified committee members and obtaining a clear mandate for different committees (Grievance Committee, Gender Committee and Assess-and-Address Committee)
- Obtaining management support for the GM.
- Privacy and confidentiality policies which may conflict with information sharing for audits.
- Local laws can affect the functioning of (grievance) committees in several ways:
 - Local legislation may require committees on social topics that may overlap or conflict with the ones required by RA
 - Producers may feel less motivated to implement new committees if they think that local laws and regulations sufficiently deal with human rights concerns
- Cultural norms

As for the certification bodies responsible for auditing certified farms and groups, some have referred to the Assess-and-address system as too complex to verify.

2. RATIONALE AND OBJECTIVES OF THIS RESEARCH

- a) The 2020 Sustainable Agriculture Standard has introduced more comprehensive and detailed requirements to ensure that (risks of) human rights violations are systematically assessed and addressed at farm/group level, amongst others by means of an operational level grievance mechanism;
- b) RA's experience with the first wave of standard implementers shows that implementing the new GM requirements is challenging for farms and groups;
- c) RA has published a detailed guidance document on GMs to support implementation, and would like to complement this with realistic examples of how certificate holders are overcoming implementation barriers and charting their own improvement pathways in this regard;
- d) There is a growing interest of downstream value chain actors to implement human rights due diligence in their supply chains, but little is known about the level of effort and costs of implementing such systems at operational level, and how the associated costs can be shared equitably between value chain actors;
- e) RA wants to monitor and evaluate over the next 3-5 years how grievance mechanisms will have evolved in the hands of certificate holders of the 2020 RA Standard. The quality



of implementation is a crucial intermediate outcome to establish the contribution of grievance mechanisms to better upholding human rights in day-to-day business operations of farms and producer groups.

The objectives of this research are to:

- a) Characterize and benchmark the current set up and functioning of grievance mechanisms across a range of RA certified farms and groups;
- b) Identify the main barriers and challenges experienced by certified farms and groups to implement GMs according to the requirements and guidance of the 2020 RA Sustainable Agriculture Standard;
- c) Identify (emergent) good practices and improvement pathways with regard to implementing (more) effective GMs. This search should focus primarily on RA certified farms and groups, but – in case good practices turn out not to be found – can also extend to other cases outside the realm of RA certified value chains.
- d) Estimate the level of effort and costs of implementing and auditing effective grievance mechanisms, based on a few typical and realistic implementation contexts / scenarios.

3. HOW WILL RA USE THE FINDINGS?

RA intends to use the findings and recommendations of this research to support farms and groups in implementing the RA 2020 Standard (e.g. training, technical advice, tailored interventions and guidance materials). Although not a primary objective of this exercise, findings and recommendations may also bear on the content of the standard as such. RA might take these into account in future revisions of the standard. The benchmarking and costing exercise will be used to advocate with buyers for a stronger commitment and better targeted investments to address human rights risks in certified supply chains. We believe that improving transparency on human rights compliance in supply chain will act as an incentive and trigger payments for better social compliance from buyers, but we are also aware of the risk that some buyers might choose to disengage from suppliers with higher human rights compliance risks.

4. RESEARCH QUESTIONS

Question 1: What are the prevailing ideas and practices regarding grievance mechanisms across a range of certificate holders?

- a) **Design and scope:** which target group(s)/stakeholders can use the GM(s)? For which type of grievances/complaints does the GMs have a mandate?
- b) **Governance and legitimacy:** who is responsible for the GM(s)? How are committees integrated, and decisions made along key stages of grievance handling? (e.g. admissibility, investigation, safeguarding, adjudication, referral, remediation, conflict of interest).
- c) **Accessibility:** How are users informed about the GM? Is the GM accessible for all intended users without fear of reprisals?
- d) **Procedures and outcomes:** how transparent, neutral, predictable and equitable are the procedures and outcomes?
- e) **Trust:** How much do different stakeholders trust the GM? Why so?
- f) **Remediation:** Does the GM provide access to remedy? In which cases? What type of remedy?



- g) **Monitoring:** which data about grievances and resolutions is recorded? In what form? How is this information used by the certificate holder and other parties?
- h) Is the GM a source of **continuous improvement** by farm / group management? Why/how so?

This benchmark can be construed as a balanced score card characterizing different levels of implementation. A good example of such a benchmark report can be found in ICI's [assessment of Child Labor Monitoring and Remediation Systems](#).

This benchmark, in addition to differentiating levels of implementation and (emergent) good practices, can be built on a number of case studies of [improvement pathways / implementation strategies](#) pursued by certificate holders to implement effective GM(s). The purpose of this exercise is not to prescribe how implementation *should* be done (this is covered by RA's Guidance Document on Grievance Mechanisms and the Remediation Protocol), but to ascertain first and foremost *how* it can be done under realistic conditions, acknowledging the fact that managing a GM is not the core business of farms and producer groups.

Question 2: What are the main challenges to implementing, using and auditing GMs?

The RA standard has introduced a mandatory grievance committee (with worker representation) and stipulates that the grievance committee should work together with an assess-and-address committee and a gender committee. Furthermore, certificate holders need to put in place referral mechanisms with external actors for remediation. This might be challenging, as it requires embedding the GM in internal management systems (e.g. annual risk assessment, improvement plan and compliance evidence for external auditing, external links for referral of cases).

Question 3: What (emergent) good practices and improvement pathways can be observed with regard to implementing GMs?

This research should identify (emergent) good practices that show how different farms and producer groups have overcome implementation obstacles and improved the effectiveness of their GMs in day to day practice. These experiences and trajectories in overcoming implementation obstacles is of interest to RA and the wider community of certificate holders. RA's intent is not to add more requirements and prescriptions to the existing ones in the RA Standard, annexes and guidance documents. Instead, the findings will serve as a reality check to estimate the level of effort needed to implement effective GMs following the RA standard. To the extent that the experience of currently certified farms/groups does not allow to identify replicable good practices, the research may need to broaden the search and look beyond certified farms/groups.

Question 4: What is the level of effort and what are cost-effective ways of implementing GMs in a few typical scenarios?

Different stakeholders have voiced concerns about the potential costs of a grievance mechanism. There is a risk that GMs get implemented in a minimalistic way. This research will make a cost estimation based on a few typical situations / scenarios: large farms / hired labor versus smallholder groups (producer-led or trader-led); different human rights risk levels; different geographies / cultural settings. Typical cost categories will include setting up a GM, selection and training of grievance committee, recurring costs of operation and monitoring, mitigation measures, remediation measures and monitoring / reporting.

We expect an informed estimation of the level of effort (e.g. in terms of commitment, expertise, workload, types of activities) and costs associated with the implementation of



effective GMs in a few typical scenarios. Ultimately, this should lead to identifying realistic and cost-effective solutions that work for all stakeholders.

5. DESIGN AND METHODOLOGY

We think that a mixed-methods or an purely qualitative design is the most appropriate for this study. A statistical / probabilistic design is probably not cost-effective, but we invite researchers to propose a design and sampling approach that could enable us to gather data and insights from a range of situations along the implementation continuum that probably will range from "incipient" via "sufficient" to "above the mark". The overall population consists of 2.750 certified farms / groups, comprising 1,6 million workers and 1,7 million smallholders/group members, working in a large number of countries and sectors / value chains. Different country / crop combinations have been rated as to their [risk level for human rights infringements](#).

We invite researchers / consultants to propose an appropriate design and methodology, sequencing and budget that they consider the best fit for these questions.

These facts and figures [facts and figures](#) of the RA program provide an overall an idea of the scope of the RA certification program. We would like the report to be based on a cross section of certificate holders in 4 key sectors covered by the RA standard (coffee, cocoa, tea, fruits) so that findings can also serve as a qualitative baseline for future evaluations of the 202 RA Standard regarding GMs.

By way of example (the sample framework and selection of countries / cases is to be agreed upon during the inception phase)

Type of certificate holder		# Cases	Countries	Main human rights risks
Member-led groups	Cocoa	2	Ghana	[see risk maps]
	Tea	2	Malawi	
Trader-led groups	Cocoa	2	Cote d'Ivoire	
Large farms	Coffee	2	Uganda	
	Pineapple	2	Costa Rica	
	Tea	2	Kenya or China	
	Banana	2	Guatemala	
count		16	8	

The location and names of RA certified farms / groups can be browsed on the [Impacts dashboard](#).

An Excel-list of all 2.750 RA certificate holders can be downloaded [here](#). The variables include crop, country, farm size, # of workers (m/f) and # of group members.

6. PROFILE OF RESEARCH / CONSULTANCY GROUP

We are looking for a specialized research / consultancy organization with a proven track record designing and implementing research / consultancy services on the implementation of human rights principles and policies in agricultural value chains, having worked for / with standard systems and/or private companies. Candidates should have substantive consulting / research experience regarding the implementation of the UNGPs in the business sector through a variety of policies and mechanisms.

7. BUDGET AND PLANNING

Indicative budget: EUR 65.000 (excl. VAT)



Planning:

- Expressions of interest: 30th Aug 2021 (3 weeks from publication)

Expressions of interest letters should include the following information:

- Motivation for taking up this assignment
- Names of lead researcher/ consultant and team members
- Track record for this assignment
- Budget indication
- Availability regarding to the proposed timeline

The expressions of interest letters will be used to select a maximum of 3 candidates to present a full proposal

- Proposals including budget and planning: 22nd September 2021 (3 weeks from pre-selection)
- Interviews, selection and contract: 1st October 2021
- Inception report: 15th November 2021 (6 weeks after contracting)
- Final Report: April 2022 (3 to 4 months after inception report)

8. DELIVERABLES

- Inception report and presentation
- Draft final report and presentation
- Final report and presentation



ANNEXES

Annex 1: References

- ICI 2021, [Benchmarking study: Overview and definition of child labor monitoring and remediation systems](#)
- International Commission of Jurists, 2019, [Effective Operational Level Grievance Mechanisms](#)
- ISEAL, [Integrating new data to improve risk assessments and detection of forced labour in agricultural supply chains](#) (project and outputs)
- ISEAL, 2020 [Voluntary standards and FPIC: Insights for improving implementation](#)
- Macdonald and Balaton-Chrimes, 2016, [Human Rights Grievance-Handling in the Indian Tea Sector.](#)
- Miller-Dawkins et al 2017, [Beyond effectiveness criteria the possibilities and limits of transnational non-judicial redress mechanisms](#)
- NRI 2020, [MAKING HUMAN RIGHTS DUE DILIGENCE WORK FOR SMALL FARMERS AND WORKERS IN GLOBAL SUPPLY CHAINS](#)
- OECD-FAO, 2016 [Guidance for Responsible Agricultural Supply Chains](#)
- OCHR 2020 [Improving accountability and access to remedy for victims of business-related human rights abuse through non-State-based grievance mechanisms](#)
- Rees, C. 2008, [Grievance Mechanisms for Business and Human Rights: Strengths, Weaknesses and Gaps](#)
- SHIFT 2021, [Signals of Seriousness for Human Rights Due Diligence](#)



Annex 3: Overview of criteria on grievance mechanisms in previous and current RA / UTZ standards

The 2020 RA Sustainable Agriculture Standard replaces the previous 2017 RA/SAN Standard and the 2017 UTZ Code of Conduct.

STANDARD VERSION	2020 Rainforest Alliance Sustainable Agriculture Standard
2020 RA Standard	<p>1.5.1.</p> <p>A grievance mechanism is in place that enables individuals, workers, communities, and/or civil society, including whistle-blowers to raise their complaints of being negatively affected by specific business activities and/or operations of any nature, including technical, social, or economic nature. The grievance mechanism may be provided directly through collaboration with other companies, or through an industry program or institutionalized mechanism and is in accordance with the United Nations Guiding Principles (UNGPs) on Business and Human Rights. The grievance mechanism should be accessible, in local languages, and also for those who cannot read or do not have access to internet.</p> <p>The grievance mechanism should include at least the following elements:</p> <ul style="list-style-type: none"> • A grievance committee with decision making power, with knowledge about the grievances, that is impartial, accessible, and gender sensitive • The grievance committee is formed by at least one member/worker representative • The grievance mechanism has appropriate submission channels, for internal and external stakeholders, including workers, members, staff, buyers, suppliers, indigenous peoples, and communities • Anonymous grievances are accepted and confidentiality is respected • Human and labor rights grievances are remediated in accordance with the Remediation Protocol, and collaboration with the Assess-and-Address Committee and/or the Gender Committee/Person as appropriate, depending on the case • Grievances and agreed follow up actions are documented, and shared with the persons involved within a reasonable timeframe • Submitters of grievances are protected against employment/membership termination, retribution, or threats as a consequence of utilizing the grievance mechanism “

STANDARD VERSION	UTZ CORE CODE OF CONDUCT For group and multi-group certification
Producer Groups	<p>G.A. 28</p> <p>A procedure is in place for submitting and addressing complaints. This procedure is accessible for: group staff, group members, group member workers, buyers and suppliers, and anyone who wishes to file a complaint related to issues of compliance with the Code of Conduct.</p> <p>The group staff and group members are informed of the complaint procedure at the time of hiring/joining the group.</p> <p>The procedure:</p> <ul style="list-style-type: none"> - allows for complaints to be submitted anonymously, - addresses complaints in a clear and timely manner, - ensures no plaintiff will be penalized for submitting a complaint, and - does not interfere with other recognized complaint or grievance mechanisms (e.g. judicial, collective agreements).



Complaints and the corrective actions taken are adequately documented. Records of complaints from the government in case of (alleged) violations are made available to the auditor.

See also [UTZ Guidance Document – Internal Management System](#)

STANDARD VERSION [UTZ CORE CODE OF CONDUCT For individual and multi-site certification](#)

Individual farms (same text, except “workers” instead of “members”)

I.A. 21
 A procedure is in place for submitting and addressing complaints. This procedure is accessible for: all **workers**, buyers and suppliers, and anyone who wishes to file a complaint related to issues of compliance with the Code of Conduct.

Workers are informed of the complaint procedure at the time of hiring.

The procedure:

- allows for complaints to be submitted anonymously,
- addresses complaints in a clear and timely manner,
- ensures no plaintiff will be penalized for submitting a complaint, and
- does not interfere with other recognized complaint or grievance mechanisms (e.g. judicial, collective agreements).

Complaints and the corrective actions taken are adequately documented. Records of complaints from the government in case of (alleged) violations are made available to the auditor.

I.A.5
 There are no significant land use disputes with local communities
 Any unresolved land use **dispute** is addressed through an agreed upon **process** that includes:

- identification of all relevant parties and their rights,
- a procedure for mutually beneficial negotiation, and
- compensation for infringed land rights.

This applies to existing land and to acquisition of new lands.

Guide

I.A.5
 (...) The ultimate goal is that disputes are resolved, including compensation for infringed land rights. Therefore, the logic and reasonable interpretation is that the process to address the unresolved dispute cannot take an unlimited period of time.
 (...)
 Control point I.A.5 implies that a process to address an unresolved land use dispute must lead to a resolution within a reasonable period of time. To establish what is a reasonable period of time, the complexity of the dispute and the attitude of the parties involved must be taken into account. As a rule of thumb, a period of more than 5 years is generally to be considered unreasonable.

Source: UTZ [Guidance Note on Land Use Dispute Settlement](#)

STANDARD VERSION [2017 Rainforest Alliance Sustainable Agriculture Standard](#)

[Code](#) **4.9 (Critical criterion) Grievance mechanisms for workers**



STANDARD
VERSION

[2017 Rainforest Alliance Sustainable Agriculture Standard](#)

The farm management and group administrator implement complaints or grievance mechanisms to protect workers' rights. Workers also have the right to object to their received payment and have their objections reviewed and decided with decisions being documented. Workers are not subject to employment termination, retribution, or threats as a consequence of utilizing the complaint or grievance mechanism. The farm management and group administrator inform workers of the right to access external complaint and grievance mechanisms, including Rainforest Alliance authorized Certification Bodies, Rainforest Alliance or local authorities.

[Guide](#)

With regard to criterion 4.9

Objective: Facilitate accessible and effective mechanisms for workers to protect their rights.

General Guidance:

Workers are **aware of the existing grievance mechanisms** and how to use them.

- Complaints are **responded** to individually. All complaints and responses to complaints are **documented**.
- The use of these mechanisms by workers does not lead to distinction, exclusion or preference to invalidate or harm equality of opportunity or treatment in employment when having filed complaints within the complaints or grievance mechanisms.
- The mechanism is periodically evaluated for their **effectiveness**. The mechanism results are periodically analyzed by the farms and **corrective actions at the system level** applied.

[Code](#)

4.20 Free, prior and informed consent (FPIC)

Activities diminishing the land or resource use rights or collective interests of communities are conducted only after having received the communities' free, prior and informed consent (FPIC). The farm management and group administrator implement **complaints or grievance mechanisms** to protect community members' rights. If the farm management and group administrator diminish communities' land or resource use rights, mutually agreed **compensation** commensurate with the loss of use is negotiated with and provided to communities as part of the FPIC process. The farm management and group administrator **fully document** the FPIC process, including maps developed through the participatory process that indicate the location, boundaries, and planned uses of lands and other resources over which communities have legal, customary, or user rights.
(not applicable to smallholders)

See also [Rainforest Alliance Guide for Free, Prior and Informed Consent](#).

[Code](#)

4.22

The farm management and group administrator inform all workers offered employment in their native language about all terms of work, covering labor policies, procedures, rules and conditions either as stated in a collective bargaining agreement (where implemented) or as contained in the employer's proposed labor agreement.

[Guide](#)

4.22

Objective: Explain transparently all conditions of work and achieve that all workers fully understand their labor agreements.

General Guidance



STANDARD
VERSION

[2017 Rainforest Alliance Sustainable Agriculture Standard](#)

Verbal agreements are valid arrangements for smallholders and their temporary or partial workers and smaller farms with less than 10 employees, if permitted by law. The labor agreement covers: job description, working hours, payrate, overtime regulation, benefits and deductions, annual paid vacation leave, protection from loss of pay in the case of illness, disability or accident, **sanction and grievance procedures**, and the notice period for contract termination.

[Code](#)

4.46 Continuous Improvement Criteria (B-level)

The farm management and group administrator communicate openly with local communities to identify community concerns and interests related to the farm's or group administrator's operations. The farm management and group administrator develop and implement a **system to receive, respond to, and document** the resolution of **complaints** from communities.

[Guide](#)

Regarding 4.46 Objective

Identify and consider the local communities' opinions about farm activities that may possibly impact community resources.

General Guidance

- Farms identify nearby communities that are or can be affected by the farms operations; and identify local authorities and community leaders to establish clear communication mechanisms.
- Farms demonstrate the implementation of mechanisms to address complaints, appropriate to the community conditions (i.e.: literacy levels, accessibility), mechanisms can include facilitating the farms telephone number or main contact. Farms can provide evidence on addressing complaints and their follow-up actions.

[Code](#)

2.1. (Critical Criterion)

High Conservation Value (HCV) areas have not been destroyed from November 1, 2005 onward.

[Guide](#)

Regarding 2.1.

(...) **complaints** about destruction of HCV area types 5 and 6 will be verified through an investigation audit.

Technical
Guidance

(...) failure to respond to requests for improvements in occupational health, wage **complaints**, work schedules, access to training, and workplace harassment among other factors, are considered non-conformities with the respective criteria.

[Technical Modules Module 4: LIVELIHOODS AND HUMAN WELLBEING](#)

Technical Module

As part of the **management system**, the group administrator develops and implements a group governance structure, which establishes:

- Transparent rules and processes for managing and focusing on making decisions related to group members
- **Non-discriminatory criteria** for the selection of members
- Specific responsibilities for group members in terms of compliance with the applicable criteria of the 2017 Standard.
- The mechanisms, procedures or rules through which the administrative control and direction of the group members is exercised, as in the following examples:



STANDARD
VERSION

[2017 Rainforest Alliance Sustainable Agriculture Standard](#)

- Procedure for enrolling group members;
- Procedures for sanctions and **complaints**;
- Procedure for the identification and control of conflicts of interest;
- Procedures for evaluation and monitoring (internal inspection).

[Technical Module 1: EFFECTIVE PLANNING AND MANAGEMENT SYSTEM](#)

[Code](#)

1.16 (Level C criterion, mandatory from year)

The group administrator signs or marks agreements with all group members that include their obligations to conform to this standard and rights to resign or to **appeal** findings of non-compliance and its **resulting sanctions** with the group administrator. The group administrator implements sanctions and appeals procedures for non-compliance of group members with applicable criteria of this standard and with the group administrator's internal requirements.

Guidance

Regarding 1.16

Objective: Ensure that all group members are informed about and accept their obligations and rights.

There are written agreements that clearly describe the rights and obligations of members. These are marked, with the signature or fingerprint of each member.

- Members know about these agreements and their purpose; are aware of their rights and obligations, and are familiar with the procedures to exercise them.
- The group administrator has a documented sanction procedures, and can provide evidence of where sanctions have been or may be applied.

Technical Module

Regarding 1.16

The procedure describes the progressive sanction measures. It includes a description of the actions for informing the producer about the content and scope of the sanctions and **complaints** procedures.

It explains the steps group members must follow to **appeal** any taken decision.

[Technical Module 1: EFFECTIVE PLANNING AND MANAGEMENT SYSTEM](#)

Guidance

1.16 Objective: Facilitate accessible and effective mechanisms for workers to protect their rights.

General Guidance:

- Workers are aware of the existing grievance mechanisms and how to use them.
- Complaints are responded to individually. All complaints and responses to complaints are documented.
- The use of these mechanisms by workers does not lead to distinction, exclusion or preference to invalidate or harm equality of opportunity or treatment in employment when having filed complaints within the complaints or grievance mechanisms.
- The mechanism is periodically evaluated for their effectiveness.
- The mechanisms results are periodically analyzed by the farms and corrective actions at the system level applied.

2017 RA/SAN
Certification
Protocol

6.5 Investigation audit

a) Investigation audits are carried out in response to a **complaint**, reported incident, or substantial information regarding the performance of a certified organization relating to one or more critical criteria of the 2017 Standard.

(...)

e) Should the complaint that led to an investigation be confirmed, the audited organization will cover the costs of these audits. Otherwise, the Certification Body will cover the cost of the audit.



STANDARD
VERSION

[2017 Rainforest Alliance Sustainable Agriculture Standard](#)

f) Rainforest Alliance reserves the right to carry out investigation audits by itself when deemed necessary.