



# Recommendations for Inspection of Social Standards

Tools and Methodologies for  
Implementation of Chapter 8 on  
Social Justice of the IFOAM Basic  
Standards

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International Federation of Organic Agriculture Movements

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### **Disclaimer**

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## **Part A: IFOAM SOCIAL AUDIT METHODOLOGY GUIDANCE DOCUMENT**

### **Working Summary of the SASA Project Final Report**

#### **1. INTRODUCTION**

This guide presents recommendations about social standards auditing methodologies in the agricultural sector based on pooling experiences of the participating initiatives in the SASA project that conducted several pilot audit exercises, stakeholder workshops and discussions.

In the course of this Guide, the most appropriate approaches to the evaluation of the IFOAM Accredited Certifiers Harmonized Social Standards as a development of IFOAM Basic Standards Chapter 8: Social Responsibility ( a standards for standards) will be suggested.

This guide comprises recommendations for the auditing of the most relevant and appropriate social parameters:

- Freedom of association and right to collective bargaining
- Working hours
- Seasonal workers, contracts and undocumented workers
- Child labour
- Health and safety
- Wages/compensation
- Discrimination
- Basic treatment and disciplinary practices
- Forced labour

These guidelines entail general basic lines of action rather than a set of definitive ‘best management practices’. They have been written on the basis of high quality standard setting and verification systems.

#### **2. GENERAL AUDITOR SKILLS AND METHODOLOGIES**

Key social auditing principles and methods point out the importance of verifying implementation rather than relying on documentation only and the need to set the time of the audits so that they coincide with events likely to demonstrate the actual compliance with certification requirements.

The concept of progressive achievement in social auditing is stressed here, recognising that achieving social change is a process that requires time. In this sense, the efforts of the audited enterprise to ameliorate difficult situations have to be recognized.

For each standards issue, the international reference points, including International Labour Organization (ILO) conventions and relevant national legislation examples have been taken into consideration.

##### **2.1. Auditor Skills**

A key role for auditors is to find verifiable evidence of compliance (or non-compliance) to the certification standards. There are some basic qualities that all good auditors share: objectivity, transparency and professionalism.

### 2.1.1 Objectivity

Biases are just a normal factor in human beings, auditors included. Auditor bias can be more easily checked where there is/are other auditor/s with whom observations and findings can be shared and discussed. Nevertheless, this advantage has to be balanced with the higher cost of a multiple auditor system (audit team).

Conflicts of interests are other influential factor in objectivity. Greater levels of objectivity are possible when the auditor is independent (no vested interest; no economic, social or other ties) of the organisation that is to be audited.

Auditors will base their conclusions on two types of evidence:

- a. Objective evidence that is tangible and verifiable and would be interpreted in a similar manner by other auditors; and
- b. More subjective evidence, such as interpretations made through document reviews and interviews

For those aspects that are more difficult to verify, auditors should use the results of several data sources that confirm the same information to make decisions. For example, conducting further worker interviews, reviewing payroll records for any discrepancies between seasonal and permanent workers, and raising the issue with management (while protecting the anonymity of workers), among other options.

### 2.1.2 Knowledge

- a. Knowledge of, and familiarity with, the regional context as well as an understanding of the technical, social, cultural, political and economical characteristics of the organisation to be audited are important auditor requirements.
- b. Basic knowledge in the crops to be audited and a good knowledge of the cultural characteristics of the region is also important.
- c. Knowledge of the standards of the certification system, understanding the basis and adaptability of these standards to socio-cultural and economic, geographic conditions and to the specific productive system being audited.
- d. Knowledge and understanding of the country's labour regulation framework and its relation to the cultural context and practices (this matter is to be taken into consideration in the later certification evaluation system).

### 2.1.3 Auditor training and professional ethics

The following factors are important in determining the professionalism of the inspector:

- a. Training in auditing processes (see auditor training and requirements document);
- b. Training on the interpretation of social standards;
- c. Experience in participating in social audits, first as an observer and then as an auditor;
- d. Maintenance of regular contact with local groups and being knowledgeable about local labour issues including disputes among actors;
- e. Compliance with an established professional code of conduct;
- f. To establish reputation of fairness and objectivity for themselves and their organisations.
- g. Confidential treatment of data obtained during the audit (the auditor sign a conflict of interest declaration)

#### 2.1.4 Auditor Skills

Auditors need good interviewing, observation, information gathering, analytical and synthesis skills. Certifiers must clearly understand this issue and invest adequate resources in training and capacity building of auditors. Training is especially important on interpretation of standards and auditing methodologies such as how to conduct interviews and carry out field observations, among others.

An auditor must be good at searching for objective evidence, making sample selections, defining the auditing plan as well as analysing and synthesising the large amount of data collected. And all this in the short time usually allocated for an audit. Time management skills, ability to organise the audit to make the most effective use of time, and strong analytical and synthesis capacity are most important amongst the auditor skills.

Methodologies of investigation. These may include:

- a. Review of documents;
- b. Interviews and conversations with the diverse parties of an organisation (workers, managers, administrators, technicians);
- c. Site inspections of the diverse components of the production system (production area, warehouses, assembly, etc.);
- d. Consulting and communicating with stakeholders;
- e. Knowing how to cross-check the information collected in a way that allows for good decision-making.

To gain the trust of the workers and gain access to invaluable data the auditor should possess a friendly, respectful attitude with good communication skills, using appropriate interview techniques, placing himself on the same level as the person being interviewed. Auditors need to be sure of what they need to find out and how to ask questions to obtain them..

#### 2.1.5 Composition of the audit team

Experts on specific topics are included in the audit team to contribute to the search for evidence in critical areas. Gender balance in the audit team is important, ensuring that it reflects the need for women to interview women. When cost and number is no object, a well balanced audit team will include an agricultural technician knowledgeable of the crops and areas being audited, a person with good social science background, somebody conversant on work laws and accounting, etc.

#### 2.2. Auditor Role

Auditors facilitate and lead an auditing process, initiating the relationship with the organisation to be audited and determining the guidelines of the audit with management.

Auditors provide an interpretation of the standards clarifies and explain the level of compliance, but they should not be an advisor.

Using the right tone of voice, auditors motivate workers and staff to offer necessary and precise information and documentation.

### 3. OVERVIEW OF AUDITING METHODOLOGIES

#### 3.1. Document review prior to audit (or in preparation), and on site document review

Document review is a critical auditing technique that demonstrates that there is a continuous improvement process in case of non-conformities and that there are corrective measures put in place to address these. It is a part of a method of triangulation, between what the company has documented, what is required by the standards and what is applied by the organisation.

However, a social audit can never depend on a documentation review alone; the greatest risk within an audit is that the auditor ends up auditing the documentation rather than the effectiveness of the system.

Visual inspection and worker interviews demonstrate commitment on the part of the organization to social protection and that workers understand this commitment.

#### 3.2 List of Documents Prior to in situ Auditing

It is important to send to applicants well in advance a documents list, which must be as precise as possible. This will help the applicant prepare for the inspection and have all the needed documents ready, facilitating and speeding up the review, making it possible to spend more time doing interviews and field visits.

#### 3.3 Document review

The audit team looks for two types of documentation with respect to the management system: policy level document and operative documents. Some of the social issues to cover with the document review are:

- Copies of Standard Contract;
- Pay roll
- Overtime policies and procedures;
- Accident data
- Monthly output data
- Copies of previous inspections by regulating authorities
- Social security; and
- Agreements between the workers' organisation and the certification applicant.

The verification of claims made in the documents needs to be undertaken in a methodological way especially with standards such as salary and how it is paid (per hour, per piece, etc.) and working hours.

Internal Control Systems have special requirements that are dealt with in IFOAM Smallholder Group Certification Manuals.

#### 3.4 The challenge of insufficient information:

One of the major challenges in social auditing is when an organisation does not have the information required by the auditor. In case of subcontracted operations, the applicant may not have sufficient information on social issues. Since documentation of the operation is the basis for the demonstration of compliance with the standards, the auditor must make very clear to the applicant before the audit what type of information will be required and at which level of details.

### 3.5 Site inspection and visual observation

Visual inspection is a method of verifying whether the information presented in the documentation is actually applied in the different areas of the farm. Visual observation capacity is an important auditor quality and can only partly be supported by checklists.

Issues reviewed in the field include technical matters such as the production system, packing sites, occupational health and safety and environmental issues such as how agrochemicals are stored and applied, whether emergency equipment is properly signed and available or whether workers are provided with access to basic services such as potable water, sanitary services or physical spaces for eating.

The auditor (an individual or a team) must make clear to the managers prior to any certification process pre-contract that they should give the audit team access to all areas of the farm without interfering in the audit process.

### 3.6 Timing and structure of the inspection:

The visit should be carried out at a time and in a manner that strategic sites and operations of the production system and those that are in high risk could be covered.

**Audit Timing:** it is important to take into consideration the time of cultivation so that the different activities conducted by different workers can be inspected. Some of the factors to be considered when scheduling inspections are:

a. The production system: Although the risks involved in the use of agrochemicals in organic production are minimized, health and safety risks factors associated with applications should be taken in consideration while scheduling inspections.

b. Pay days: If there are doubts in relation to the method of payment and salary verification the audit should be scheduled during a payday.

c. Breaks and rest areas: Auditors should make sure that the breaks are taken and the physical spaces provided are adequate.

d. Working hours: Auditors should check whether (and how) workers are asked to work overtime hours, and whether unaccounted 'clean up' time is being worked. If shifts are worked, auditors should audit each shift.

### 3.7 Interviews:

Interviews with workers including temporary, permanent or undocumented workers are the main source of information to demonstrate compliance with social standards and with what is described in the documentation. It is critical to cross check everything that the auditors are trying to verify related to working hours, salary, social security, and freedom of association.

Conversations are a more informal method, seeking to establish confidence with the worker. The use of this technique is recommended when one has to explore workers' perceptions in the field, in the housing sector and in the industrial area of the company. First, the auditor asks the worker permission to interrupt his/her activity, and then the auditor places him or herself at the same physical and psychological level as the worker. The auditor starts a conversation with the worker, maybe related to the activity that the person is working on or with a general question and then begins asking very basic questions about his

contract status, working conditions, salary, number of hours worked, family situation, among other issues.

The structured interview is a more formal method characterized by a one-directional flow of information useful when enquiring with technical, professional or administrative staff and managers.

Under no circumstance should the managers be present during worker/smallholder interviews, nor should they receive any specific information on what was said to the audit team. It is very important to explain to the worker who the auditor is, what his/her current function is, the scope of the audit, that the auditor does not represent the management or the government, and that any data or information the auditor could supply to the management will not include their names. Audits can check that employees who participated in interviews have not been punished later on because of something they are suspected of having said to the auditor.

The number of people to be interviewed depends on the size of the organization, the complexities of the issues and situations checked, the amount of evidence to be found and the opportunities provided during the field or factory visit, etc.

A random sample of workers could be defined, ensuring at the same time the presence of all different salary and working areas levels: for example, four workers for each one hundred workers, but with no less than twenty workers, except in small farms where at least ten workers should be interviewed.

Interviews with individual workers and union representatives or with the representative of the existing workers' organisations are useful in order to evaluate the contract and the worker's and contractor's functions and responsibilities, salary, discrimination, social security, freedom of association and bargaining, and knowledge about occupational health and safety practices.

It is important to avoid making the interviewee feel intimidated, be it for the number of interviewers, language or gender. This is particularly the case in discussions on sensitive issues such as sexual harassment. The place in which the interview takes place should be familiar and comfortable for the interviewees, for example the workers' normal working environment.

Interviewing technique is a specialized field of the social sciences. Although the auditor is not expected to be an expert in that area, a sort of vocational inclination towards social aspects is a definite plus. The auditor should try to acquire a more detailed knowledge of interviewing techniques.

Body language, tone of voice, facial expressions and eye movements are other important factors that must be considered during interviews. Language barriers are difficult to overcome and the use of a translator is not free of limitations. The understanding of social auditing purposes and techniques, absence of conflicts of interests (closeness either to the interviewees or the employer), considerations of gender, nationality, social groups, etc. are all potential generators of bias on the part of the translator, something that is difficult - when not impossible - for the interviewer to detect and neutralize. Clear protocols should be elaborated, and later reviewed with the translator before he or she is contracted. Auditors should have well-developed techniques for cross checking information during interviews, and apart from interviews.

### 3.8 Discussion groups/focus groups

The discussion group (or focus group) technique is used to discuss certain problems or topics (i.e. discrimination, freedom of association, sexual harassment, etc.) that due to their nature would benefit from a discussion among a group of workers or producers rather than between two individuals.

The aim of the discussion group is to provoke and touch on the sensibilities of the participants to facilitate a free-flowing discussion between them. It is important that the audit team plans the process beforehand. The number of people participating in such a discussion group is crucial: a group of six to eight people is recommended. The selection may be at random or chosen to address particular criteria. The auditor acts as facilitator in the discussion, but special care will be necessary not to 'lead' participants towards particular outcomes.

### 3.9 Producer assemblies

Attending a small producers' assembly and observing how it is carried out, as well as the level of participation of producers, is one of the best techniques to evaluate democracy, transparency and the level of knowledge on certification of the organisation.

### 3.10 Checklists

The checklist deals with all of the requirements of the standards; it is a tool to support or guide the auditor as to how, in what manner, and by what means each and all of the standards' requirements are complied with. However, a checklist is not necessarily a rigid order for the auditor to follow; he/she should adapt it to the particular circumstances of the operation being audited.

### 3.11 Stakeholder consultation

Consultation with neighbours, local communities, NGOs, unions, and local or national government are used to evaluate the participation in, and contribution to, of the production unit in the community, and may help to point out specific social problems to be taken up during the audit.

### 3.12 Progressive achievement

Achieving social and environmental change requires a process over time. But IFOAM organic standards system is the least amenable to progressive achievement requirements. Standards establish what organic means and specific performance have to be complied with in order to ensure the integrity of organic production and processing. However, even with organic certification there are possibilities for social standards verification to evaluate progressive achievements. Instead of auditors verifying social standards compliance of a certification applicant directly, an alternative or complementary approach is for auditors to verify that there is a process in place and the progress being made. This does not mean to say that concrete performance benchmarks cannot also be evaluated at the same time as the process requirements. While major non conformities must be corrected before certification is granted, in the case of minor violations to the standards certification can be granted with requirements for correction within a defined time period or a progressive correction schedule.

A score system which evaluates the different degrees of compliance with ideal requirements, establishing different thresholds of compliance depending on the severity of the issue, with minimum values required for major non compliances

and a minimum total score can be devised. This will guarantee compliance with major issues and at the same time allows for progressive improvements.

In many cases, understanding how a compliance outcome was arrived at (and how it will be maintained) can provide the best indication of whether such an outcome will be sustainable.

#### 4. SOCIAL STANDARDS ISSUES AND AUDITING METHODOLOGIES

##### 4.1 Considerations for freedom of association and the right to collective bargaining

Section 8.4 of the harmonized IFOAM Social Standards have wording inspired in ILO Conventions (relevant ILO Conventions texts and other pertinent standards are to be found in SASA Final Report on Social Standards and Social Auditing Methodologies) states:

*The certification applicant provides information on employees' freedom of association rights as well as time and spaces for workers to meet and discuss their rights and, if workers so choose, to democratically elect representatives and form an organization to represent their interests and negotiate working conditions.*

The auditor must find ways to verify the employer's attitude towards unions and workers' organizations, whether formal or informal. Interviews with workers are one of the most efficient methods to achieve this purpose. The certification applicant must not only accept willingly workers' organizations but the employees should receive information on their rights on freedom of association and to choose their own representatives, eventually forming an organisation to represent their interests and negotiate working conditions.

Social verification initiatives must adapt standards and auditing methods so that they can continue to guarantee, account and verify the application of social standards whether the employer is the certification applicant, or subcontractors. Organisations must account also for the right of subcontractors' employees to associate freely and bargain collectively of subcontractors.

##### 4.1.1 Challenges in standards setting and verification

###### a. The role of unions:

a.1. Standards of social certification organisations emphasise choice and the voluntary nature of associating freely and bargaining collectively. While recognising the importance of unions, it needs to be understood that the role of social verification systems is to verify that employers honour workers rights to associate freely and bargain collectively, not that all workers must be members of unions, or that a union exist at every facility/plantation. Freedom of workers to chose not to join the workers organization also has to be respected. This equally applies to worker associations that may be established with the support of employers, with employers 'coercing' employees to join. The most critical issue indeed is not the form of the worker organisation in place, but whether workers have the freedom and the conditions that allow them to form a group and hold meetings in full confidence and without any intimidation, and whether there exist

mechanisms for workers to communicate to employers about concerns and possible improvements in working conditions.

a.2 Standards verification activities (i) can create tension with unions active in the workplace due to a wrong perception that the unions themselves are being evaluated instead of the certification applicant, and (ii) need to be sensitive to possible “overfacilitation” by employers of employee rights. That is, audits must verify that employers are not interfering with freedom of association by guiding or managing the processes, giving preference to particular forms of worker associations over others. Therefore, to assert the distinction between skewing the organisation of workers towards forms desirable to the employer and providing neutral information and opportunities for workers to make their own decisions democratically is important.

b. Conflict with national laws

While IFOAM as one of SASA organisations base their standards in ILO conventions and in national law, if national legislation conflicts with, or constrains, freedom of association and right to collective bargaining, such tensions must be addressed.

A possible approach when national laws contradict ILO Conventions is to work with employers to establish ‘parallel means’ for workers to organise and be represented.

c. New structural relationships between employers and employees

c.1 Subcontracting: IFOAM harmonized social standards require that the certification body determines whether the applicant makes a sincere effort to establish and require that subcontractors comply with the social standards of the certification body. However, auditing is often difficult and access to appropriate records and requirements of particular documentation needs to be agreed long before audits take place.

c.2 Employees as employers: distinctions between workers and employers are often not clear. Problems in determining wage composition (such as workers foregoing minimum wage in return for ownership), and also of verification of freedom of association and collective bargaining rights arise. Possible solutions: worker-owned enterprise models, including German co-determination structures, and the separation of trade union representative roles and elected board members.

d. Low rates of organization in agriculture.

Low rates of organising present a challenge for social certification bodies that may consider to what extent they should actively encourage and support the development of worker’s organisations where none currently exist, through inclusion of some requirement in their standards, at the same time being mindful of non-interference of an employer in worker’s organisations.

e. Provision for information

With respect to applying this to workplaces with existing unions or worker’s organizations, requiring employers to provide information about options could be a source of tension with unions, especially if the information borders on

encouraging workers to consider alternative unions. Information provision should be in line with ILO Convention 98, Article 2,

The provision of facilities should be offered neutrally so as to not favour one group of workers over another. In addition, the employer should not interfere with nor participate in workers' meetings, unless specifically invited by the workers to participate.

#### 4.1.2 *Recommendations on social auditing guidance/ methodologies*

With respect to social auditing guidance and suggested verification methodologies, five recommendations to be considered in auditing freedom of association and right to collective bargaining have been made:

a. Audit employers not unions;

The focus of the audit process is on the activities of the employer with respect to standards compliance, not the activities of the trade union.

Verification processes can lead, and have led in the past, to tension with trade unions active in the workplace, audit training and verification methodologies should include:

- Raising awareness about the role of social certification systems with trade unions will help to address this issue.
- Engagement with unions is something that could be initiated from the outset of a certification process inviting union representatives to participate in initial assessments and discussions with the certification applicant.
- Interviews with union representatives as part of the normal audit process; unions may be approached formally to participate in audits.
- Working over time to build relationships and understanding with trade unions about certification and verification processes reduce tensions and provide access to an important additional source of data on organisational performance against standards requirements.

b. SASA organisations share contacts on subject matter with experts for audits.

c. Verification process includes offsite interviews: certification bodies should involve groups like local trade unions and NGOs in the audit process since these groups are key informants of any likely complaints against the certification applicant for violation of social principles that might undermine the credibility of the social certification. In offsite interviews costs will need to be considered (consulting other organisations may mean a longer audit that will increase costs) and confidentiality of the applicant must be addressed.

#### 4.1.3 *Suggested means of verification:*

- Recognition of workers' rights in writing by the management
- Collective bargaining agreement or agreement between workers committee and management
- Copies of agreements signed by union leaders
- Lists of unions active on the plantation/facility
- Records of union meetings or meetings of workers
- Documentation provided by local unions on meetings held
- Testimony of union leaders confirming that the employer does not hinder or interfere with their organizing activities

- Testimony of workers that management is willing to allow them the use of meeting rooms for private workers' meetings upon request
- Testimony of workers regarding discrimination and, if possible, former workers
- Workers confirm that there has been no disciplinary action taken by management against organizing activity
- Workers can report frequency of worker committee meetings and/or the names of a representative on the committee. Workers are aware of recommendations that have been made by the committee to management; and workers know what management's response has been to committee recommendations and there is evidence of management's report or actions taken on that item (if no union exists)
- Social Policy of Company
- Percentage of unionised workers
- Internal communication records
- Review agreements on collective bargaining as well as response and implemented actions by the employer
- Evidence of resolution of disputes without recourse to military or police intervention
- Interviews with national/regional union representatives
- Workers/unions confirm that union organisers have access to the workers/workplace – this is especially important for large farms
- Workers confirm that union/worker representatives were freely nominated by workers and freely elected

## 4.2 Consideration for working hours

### 4.2.1 *Background*

Based on legislation and additional consultations with worker organizations, certification organizations should analyse forms of overtime averaging agreements (i.e. an annual limit of working hours or an averaging agreement over three to six weeks), particularly those negotiated with trade unions or worker organizations, to allow certain flexibility and address additional working hours requirements in peak periods. Such an agreement would have to be in line with current national labour legislation as per ILO Convention C184

### 4.2.2 *Usual working hours and overtime*

General national labour legislation on working hours is not directed towards the requirements of agricultural work. The largely unregulated workdays in agriculture tend to be longer than eight hours. In peak seasons, employers want workers to work longer hours and often workers are discriminated if they do not accept working overtime. Many employers argue that a sixty-hour week (including overtime) is not enough to harvest crops that ripen in short periods. The issue of working hours is also connected to the issue of a living wage/remuneration and health and safety: workers often wish to, or have to, work longer hours in order to increase their income. At times, they prefer to give up their rest days as well. All this may affect workers' health and safety in the job. In some countries, some type of legislation exists where agreements

between government, unions and workers can be worked out to averaging working hours over a certain period of time to allow for more flexibility.

ILO Conventions and national labour laws regulate this matter; further details and references can be found in SASA's final report. There are some agreement among standard setting and verification organisms dealing with the agricultural labour scene:

1 It is generally agreed that a working week shall not exceed 48 hrs normal working time and that that a way needs to be found for working hours to be regulated more flexibly with respect to the seasonality of agricultural production.

2 It is commonly agreed that one day rest after six working days, even in peak period times should remain in the standards. This notwithstanding, the present real situation even in certification bodies with social standards, is far from ideal. In this respect the following issues should be considered by verification bodies:

- The voluntary nature of overtime: Workers must know if overtime is mandatory before signing an agreement.
- Workers' health and safety and type of work: strenuous or dangerous work would require more rest time if longer hours need to be worked; alternatively longer hours need to be limited more strictly.
- Overtime allowance is not used as an excuse by companies not having to hire additional labour during peak periods. (employers might be asked to justify that the cost of hiring more personnel during the period would negatively impact the farm's economic sustainability)
- Workers' bargaining power: it must be proved that workers do have real bargaining power.
- Additional rest breaks during work should be part of the overtime negotiations
- Remuneration of overtime at a premium rate
- With respect to the allocation of overtime work, special consideration is given to workers such as parents who need to return home to care for their children.
- Certification applicants should in any case be required to plan and predict their workforce/working hours needs.

Section 8.1, paragraph G of the harmonized IFOAM Social Standards have wording inspired in ILO Conventions and states:

*G) Working hours*

*An annual limit of working hours or an averaging agreement over three to six weeks can be put in place to allow certain flexibility and address additional working hours requirements in peak periods. Such an agreement has to be in line with current national labour legislation as per ILO Convention C184.*

#### 4.2.3 *Suggested means of verification:*

- Overtime wage records matched against time sheets/hourly records
- Accounts and other wage related documentation
- Quantity produced compared to number of workers – calculation of total production divided by number of workers to assess the extent to which overtime or take-home work may be utilised
- Company corrective action plan to address any problems with working hours. This plan is executable and verifiable.
- National laws (if existing)
- Worker testimony
- Levels of fatigue-related accidents not excessive for the type of industry/activity
- Records review on accidents or diseases together with records of incapacitations

### 4.3 Considerations for seasonal workers, contracts and undocumented workers

#### 4.3.1 *Background:*

The following four interrelated issues need to be examined together: seasonal and temporary workers, written contracts, subcontracting and non-documented workers.

Seasonal and temporary workers often enjoy fewer rights and have less protection than permanent workers. It is also noted that some companies, instead of employing workers permanently, hire and fire workers on a continuous temporary base to avoid paying social benefits.

Legal contracts (not necessarily need to be in written format) ensure that workers' rights are protected and that workers understand their employment conditions and how their pay has been calculated.

By outsourcing or sub-contracting employment of their labour force companies avoid responsibility for social security and benefit payments, similar to the situation of seasonal and temporary workers. Companies need to be required to take responsibility for everyone working on their property even though subcontracted to ensure workers' rights.

Migrant and seasonal workers often have legal problems in securing rights of residence and work. Undocumented workers with an illegal residence status are common in agriculture labour markets. This places the worker in a very weak position, as far as both social security and bargaining power. Migrants, seasonal and temporary workers often tend not to join or have adequate access to trade unions.

It is the farmer's responsibility by law to check that workers have identification documents; however, the farmer is not required by law to verify the authenticity of the documents presented. Yet, for a certification body to focus specifically on the issue of documentation status of workers may not lead to an outcome that would be in the best interests of workers. In order to ensure that workers' rights are protected while at the same time not breaching any national laws and regulations,

a sensitive approach is needed. Certification programs should look first to improve social and human conditions, rather than focusing on verifying legal status of workers.

References on legislation and ILO Conventions can be found in SASA final report.

In IFOAM harmonized social standards the aforementioned issues are dealt with in the following standards language:

IFOAM Harmonized Social Standards, Section 8.1, paragraphs A and D, state:

A) Contract *the employment contract must de-fine at the least the following points: job description, the scope and limits of the job, the type and amount of remuneration.*

D) Sub-contracted workers

*Sub-contracted workers working on the farm enjoy the same rights and working conditions as those employees hired directly by the company.*

#### 4.3.2 Issues on discrimination

All workers should have the same rights, regardless of the length of time employed, their status or their contracting type. As these categories of workers belong to the most vulnerable groups, they are explicitly noted in standards and/or guidance.

Section 8.5, of the harmonized IFOAM Social Standards have wording inspired in ILO Conventions, state:

*There is no discrimination (distinction, exclusion, or preference) practised that denies or impairs equality of opportunity, conditions, or treatment based on individual characteristics and group membership or association. (please adopt specific groups outlined and for activities covered by non-discrimination; see above)*

*For example: All employees, irrespective of their gender, skin colour and religion, receive the same pay and are afforded the same opportunities.*

#### 4.3.3 Undocumented workers/Requirement of a contract

Legal contracts ensure that workers' rights are protected and that workers understand their employment conditions and how their pay has been calculated. This is particularly important for vulnerable groups of workers such as temporary, seasonal and migrant workers.

IFOAM Harmonized Social Standards Section 8.1.C establishes:

C) Undocumented workers/Requirement of a contract:

*Legally binding contracts (not necessarily written) between employer and employee are required. Evidence exists that all workers have been informed of their rights (which is part of a contract) in accordance with Conventions C 82, C 97 and C 143 and Recommendation R 151.*

#### 4.3.4 Temporary/seasonal workers

Temporary and seasonal workers often enjoy fewer rights and have less protection than permanent workers. Social certification systems must ensure that employment conditions for temporary workers are the same as for permanent workers in regard to social benefits, remuneration as per the same job category, working hours and rest breaks/days. In addition, in accordance with ILO convention C 184, temporary and seasonal workers should receive the same safety and health protection as permanent workers.

IFOAM Harmonized Social Stds. Sect. 8.1 B:

B) Temporary/seasonal workers

*Temporary/seasonal workers receive the same benefits and employment conditions as permanent workers [in accordance with national legislation]<sup>1</sup>, even if they work only for a short period of time. Records need to be kept for verification.*

#### 4.4. Considerations for child labor standards verification

##### 4.4.1 Background

The issue of child labour is usually at the forefront of discussions when dealing with labour concerns with respect to the agricultural sector. Organisations ranging from the International Labour Organisation (ILO) to most of the social monitoring initiatives globally pay much attention to children and young workers especially in developing countries as most of the agricultural labour and thus child labour is found in Africa, Asia, and Latin America.

The two most important components of standard setting and verification with regard to child labour in agriculture deal with:

- **Education:** Some parents may feel that formal education is not beneficial, especially when they depend on the work of their children for income. Besides, education in rural communities is often inadequate or not affordable
- **Health and safety:** agriculture presents some of the greatest risks to workers, and special attention must be paid to children in terms of physical injuries during dangerous working situations and, even if organic agriculture does not depend on dangerous agrochemicals, eye irritation, skin problems, and fever and headaches caused by exposure to even mild pesticides have to be prevented.  
If a child labour situation is detected it should be brought to the attention of management and placed immediately into the existing remediation program. Farm management must show to auditors a register of all young workers currently employed on the farm and demonstrate that they are in compliance with the standard regulations on the amount of hours worked and health and safety precautions for young worker

#### 4.4.2 Child labour

Article 32 of the United Nations Convention on the Rights of the child provides the “right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”

Child labour in the agricultural sector standards assures that neither children nor young workers be exposed to hazardous conditions and that educational opportunities are encouraged.

Nevertheless, a distinction needs to be made with respect to child labour on family farms since children supplement household family work with farm work, in particular when time sensitive tasks have to be completed.

**Definition of child:** Any person less than 15 years of age, unless local minimum age law stipulates a higher age for work or mandatory schooling, in which case the higher age would apply. If, however, local minimum age law is set at 14 years of age in accordance with developing-country exceptions under ILO Convention 138, the lower age will apply.

**Contracted child labour:** Children sometimes accompany their parents and take part as hired labour for large-scale export plantations. This form of contracted child labour is not acceptable

IFOAM Harmonized Social Stds. Sect. 8.6:

*Children are allowed to work on their family's farm or a neighbouring farm provided that:*

*Such work is not hazardous or dangerous to their health and safety,*

*It does not jeopardise the children's educational, moral, social and physical development, Children are supervised by adults or have authorization from legal guardian*

#### 4.4.3 Young workers

There are many instances where young workers ranging in age from fourteen to seventeen seek to work in order to earn extra money, or to begin contributing to the family income. However, they must not be exposed to harmful conditions and have access to educational opportunities.

**Definition of young worker:** Any worker over the age of a child as defined above and under the age of 18.

#### 4.4.4 *Detecting child labour*

Detecting child labour can often be difficult, as many workers can appear younger or older than their actual age. Auditor skills in worker interviews in asking questions about how long a worker has been employed in a location, what year he/she started can be helpful. The chief goal of the interview should be to find out how underage workers are treated, how they feel about the workplace conditions, and whether they have access to legally required schooling. It is important to avoid asking a child their age directly. Other questions such as asking if they remember a certain event in history can be helpful in detecting age.

#### 4.4.5 *Suggested means of verification:*

The following are possible ways to verify issues related to child and young labour:

- Employment records, including 6 months prior to audit date
- Enrolment lists and participation lists (attendance) from local schools
- Spraying records
- Plans for work allocation
- Birth certificate/local record/passport of workers
- Comparisons of height by national norm, verified by the National Ministry of Health or local UN offices
- Record of payment of stipend, tuition, books and/or uniforms by company (SA8000)
- Workers' knowledge of company policies and programs
- Worker testimony
- Time schedules and pay records of youth workers
- Local school records.
- Testimony of trade unions and local NGOs
- Record of tuition, books payments
- Register including the following information:
  - Date of birth (day, month and year)
  - Name and surnames.
  - Names and surnames of the parents or guardians.
  - Place of origin or permanent residency.
  - Type of work carried out on the farm.
  - Specification of the number of hours worked.
  - Salary received.

## 4.5 Considerations for health and safety standard setting

### 4.5.1 *Basic Requirements*

Health and safety conditions for agricultural workers, especially in terms of machinery and agrochemicals, are some of the most dangerous working conditions in the world. Health and safety is a critical social issue in agriculture along with information and training identification of hazards, maintaining records, and informing workers of the hazard potential of certain substances and activities all constitute the basis for risk assessment in place.

### 4.5.2 *Shared principles*

- Employers should provide a safe and healthy working environment for their workers.
- Health and safety training is important to ensure compliance to standards;
- Health and safety improvements will be to the economic advantage to the farm as well in reducing accidents.
- The use of personal safety equipment in the standards

### 4.5.3 *Enforcement and responsibility on Health and Safety protection for workers*

Often a question arises on whose responsibility it is to provide and enforce a safe and healthy work environment for workers services – the government or the employer. Irrespective of the legal answer to this question, for the purposes of social certification systems, it is clearly the responsibility of the employer to provide a safety and health workplace including adequate safety equipment, appropriate signs and ensuring that emergency equipment is up to date, functioning and in use (such as first aid kits, eye wash facilities and fire extinguishers). A number of weaknesses can often be found during audits including the a lack of training on agrochemical use, lack of adequate safety equipment, and the absence of a system or procedure in place in case of an emergency.

### 4.5.4 *Evaluating compliance*

Compliance to a specific standards requirement can be met and be demonstrated in different ways depending on the size of the farm and on the production context, through more complex and formalised mechanisms or through more simple and informal ways.

The existence of an H&S committee that meets regularly and keep records of meetings are a helpful tool in the prevention and remediation of H&S situations. Agricultural workers and their families are often excluded from formal forms of health and safety and social protection. Certification applicants also need to take into account the community in which they operate because environmental damage can and will cause chronic and delayed health and safety repercussions not only for workers, but also for the entire community, this issue needs to be addressed.

#### 4.5.5 IFOAM Harmonized Social Standards:

*All certification applicants should be required to meet basic requirements including potable drinking water, latrines or toilettes, a clean place to eat, adequate protective equipment and access to adequate medical care.*

*The employer is responsible for safety and health at the place of work. If necessary, this includes instructing the employees on any dangers inherent in their place of work. Where more than 10 people are employed, guidelines entitled "Safety on the Job" are to be drawn up.*

#### 4.5.6 Recommendations on social auditing methodologies

- Include a health and safety expert as part of the audit team. This may be particularly useful in high-risk operations.
- When evaluating the risk assessment (hazard identification and minimisation), auditors should check to see if minimum procedures and requirements have been articulated including exit procedures, operational fire safety equipment, and chemical wash facilities in case of emergency.
- If so, then auditors should check to see if workers are aware of these requirements and procedures and are properly trained.
- For smallholder audits, auditors will rely more heavily on worker interviews, as documentation will generally be less.

#### 4.5.7 Suggested means of verification:

- Site visit to agrochemical warehouse, equipment storage location
- Statements from management
- Testimony of workers and worker representative for OH&S
- Certificates of conformity/inspection of local health, safety and fire inspectorates
- Testimony of farmers/workers handling/storing/spraying agrochemicals on training- ask for descriptions of handling procedures
- Testimonies of national trade unions, NGOs, local citizens and local community authorities
- Record Books and documentation is complete and up to date
- Training records and instruction guidelines
- Information delivered by suppliers of agrochemicals for producers
- Statutes and minutes from meetings of OH&S committee
- Procedures for selection of OH&S committee members
- Testimony of members of OH&S committee
- Accident reports with written documentation and analysis of trends in injury/illness experience and in hazards found
- Annual safety and health program evaluations with written narrative reports, recommendations for changes, actions plans and verification procedures

- Safety switches are within easy reach of workers in case of machinery malfunction
- Emergency exits are clearly marked, aisles are unblocked and exit doors are unlocked
- Adequate first aid supplies and trained First Aid personnel are available on site
- Medically competent personnel can be reached in case of emergencies and employees are trained to contract appropriate medical and emergency service providers
- Evidence exists of functional fire extinguishers/sprinkler systems, and fire escapes adequate for size of facility; fire extinguishers are charged, visible and accessible to all workers
- Fire drills take place regularly; are conducted in native languages of employees and fire safety reports are maintained up-to-date
- Lavatory facilities are hygienic, functional and segregated per local requirements and sufficient in number for the size of workforce; and washing facilities are available nearby to avoid contamination of food by substances used or encountered at work
- Management maintains rotation schedules that regulate the amount of time workers are exposed to extremely hot or cold rooms or exposed to toxins
- Workers doing heavy lifting are wearing back stress-reduction safety belts and steel capped shoes
- Workers standing all day are standing on padded floors, not just concrete
- Protective equipment is freely available and in consistent use
- Test to ensure that water is potable
- Test on level of toxic substances used in the factory
- Worker appearance: do workers have injuries, rashes, or other signs of exposure to harmful substances or inappropriate use of machinery, lack of protective clothing?
- Records of medical tests of workers
- Procedures for the time defined to not allow workers to enter the fields after each type of pesticide application.

#### 4.6 Considerations for wages/compensation standard setting

##### *4.6.1 Background: Minimum wage requirements*

(1) Agricultural minimum wages tend to be quite low; (2) Agricultural workers do not always understand how they are paid and payments are not necessarily made in a way that is convenient for them; (3) Many farm workers rely on pay by production (piecework) and consequently choose to work longer hours (including overtime) to make more money; and (4) Workers are often not paid for unproductive time due to conditions beyond their control. Management must pay workers for unproductive time

due to conditions not depending on workers, except when unproductive time is due to weather conditions.

#### *4.6.2 In kind payment (housing, food etc.)*

Payment for services provided by the employer such as housing and food is often deducted from worker wages and they have no other option but to use such services. The voluntary or mandatory nature of the payment has to be determined and the value attributed to such allowances shall be fair and reasonable.

Section 8.1 of the harmonized IFOAM Social Standards have wording inspired in ILO Conventions (relevant ILO Conventions texts and other pertinent standards are to be found in *SASA Final Report on Social Standards and Social Auditing Methodologies*) The standard states:

#### E) Wages:

*Wageworkers must be paid at least the legal national minimum wage or the relevant industry standard, which ever is higher.*

*Workers must be paid in cash, or in a form that is convenient to them.*

*Where the certification applicant uses pay by production (piecework) system, the established pay rate must permit the worker to earn the minimum wage or relevant industry average (which ever is higher) under average daily working conditions.*

#### *4.6.3 Living wages:*

Minimum wages considered by national legislation do not always meet the basic needs of workers. Although some social standards bodies propose different methods to calculate and assess the adequacy of wages, there is no exact and consistent method that will lead to a satisfactory and precise value.

Consultation with workers, their representatives and other institutions such as local labour rights NGOs, government agencies and research institutions to obtain an initial point of reference, checked by a market basket survey and poverty line assessment.

In the United States, living wage is defined as “A living wage designed to ensure low-wage workers and their families can live above the poverty level” and it usually ranges from 100% to 130% of the poverty line.

There are also many variations, which need to be taken into account: country and cultural differences, variations among regions within a given country, as well as urban versus rural living standards. It is therefore impossible for a single certifier or auditor to manage all this information, Further comments regarding estimation of an acceptable living wage are given in the SASA final report.

#### *4.6.4 Other benefits*

Housing given on top of salary, transportation to and from work, social benefits above legal requirements, etc. are to be considered when appraising fairness of work retribution and social responsibility of the employer.

#### *4.6.5 Verification of correct payment and payment records*

If the country has labour laws, the legal requirements of recording make it easier to check compliance with minimum wages payment. Nevertheless, there can be a number of different legal or quasi legal payment methods that complicate verification. If a company subcontracts workers, the verification of compliance with payment of minimum wages can become quite difficult. Intermediary arrangements between workers and producers and the lack of documentation can make verification difficult.

In cases where the farm uses to pay by production (piecework) system, the auditors must verify how the farm ensure that production quota is reasonable.

Farm workers' union could play a role in making sure that the minimum wage was complied with for all employees. Unions involvement in the verification process may be a delicate matter.

#### *4.6.6 Recommendations on social auditing guidance/methodologies*

Considering the difficulties in calculating living wages, reaching to an agreement between the employer and the workers would be an ideal to be reached. A gradual increase of wage levels (and social security benefits) to a living wage level could be permitted as long as there is a clear plan for achieving this.

#### *4.6.7 Suggested means of verification*

- Wage slips
- Accounts and other wage related documentation
- National laws (if existing)
- Statistics available from government or other agencies
- Contracts
- Worker testimony
- Wage adequacy confirmed by worker interviews/local government data/local experts
- See wage analysis – quantitative: poverty line assessment, market basked survey, process oriented: comparison with unionised company, worker consultations (see SA 8000 guidance document E.2)
- Hiring procedures of company
- Payment procedures of company
- Copy of Collective Bargaining Agreement where salaries are negotiated
- When the payment system is by piecework, review the agreements between the trade union or worker organisation on the average number of piece by hour and number of hours need to reach the minimum salary. If there is not agreement on this, interview several workers to calculate an average of pieces per hour.

#### 4.6.8 Suggested means of verification of living wage

- Evidence that workers have been consulted
- How is the living wage determined? Do workers confirm that this is a living wage?
- Verification by external sources
- Auditors should assess whether workers feel they must work overtime hours in order to earn a living wage
- Evidence available that net salary paid is sufficient to cover costs of basic necessities and above national /local minimum salary
- Consideration given to cost of local transport and basic food costs at work in assessing adequacy of wages?

#### 4.7. Considerations for discrimination

##### 4.7.1 Background

Racial (for ethnic minorities, indigenous and tribal peoples) and other forms of discrimination against migrant workers, discrimination of those with HIV/AIDS, denial of opportunities, education and training for those with a disability, and discrimination based on religion and age also remain priority matters to be addressed.

Pilot audits and the experiences of SASA partner bodies also indicate that verification of non-discrimination by auditors presents challenges, particularly with regard to impact of broader social and cultural discrimination in the work place. A basic principle to be audited is compliance with equal opportunity and treatment for all employees and contractors.

##### **Groups specified for non-discrimination and activities in which discrimination is not allowed according to SA8000**

<b>Groups</b>	<b>Activities / Scope</b>
Race	Hiring
Caste	Remuneration
National Origin	Access To Training
Religion	Promotion
Disability	Termination
Gender	Retirement
Sexual Orientation	Tenets and practices of all groups listed, except
Union Membership	age, for which no specific tenets and practices are
Political Affiliation	assumed
Age	

##### 4.7.2 Verifying and auditing

The verification of non-discrimination is recognised as a significant challenge. Non-discrimination is particularly tricky when discrimination of groups is embedded in the social and cultural context within which the certification applicant operates, such as the treatment of women.

Guidance on auditing and verification of non-discrimination needs to recognise and prioritise underlying principles over prescriptive requirements, specially in the context of cultural and religious matters. The cultural context may be taken into account to verify that there is non-discrimination though there is segregation, providing that the segregated groups receive equal conditions and benefits. (i.e. Muslims separate women from men, and this segregation is to be admitted; but both segregated groups should receive equal treatment)

For auditing and verification, it is also recognised that discrimination overlaps with the considerations of other standards issues, such as exposure of pregnant women to pesticides (health and safety), discrimination for expressing the right to organise (freedom of association), and the treatment of seasonal and migrant workers.

Verification of these standards will inform whether the certification applicant complies with discrimination requirements and vice versa.

#### *4.7.3 Recommendations on social auditing/guidance methodologies:*

IFOAM social standards require verification of the points included in the IFOAM Harmonized Social Standards dealt with in Section 8.5, cited above.

#### *4.7.4 Suggested means of verification:*

- Testimony of workers
- Employment records
- Payrolls
- Training records
- Minutes/Reports of specific activities related to disadvantaged/minority groups within the organisation
- Membership lists of committees, especially the Joint Body and where existing, the workers committee
- Procedures in place to prevent discrimination/harassment, coercion and for the hearing of such cases if they arise
- Conversation and group discussion techniques.
- Third party interviews
- Job announcements
- Records of rejected applicants for positions and worker reports about the hiring process
- Worker population includes members from diverse social/ethnic groups in the local population
- Workers report that they are able to observe religious holidays
- Interviews with dismissed workers
- Field visits to observe infrastructure conditions in the different environments, safe labour atmosphere, personal protection equipment, bathrooms, houses (when provided by the company)
- Review the conditions of housing assignments, medical check-ups and other services that the business offers to all workers

## 4.8. Considerations for disciplinary practices

### 4.8.1 Background

Organisations need a system of disciplinary practices to maintain effective operations. Employers need to have transparent performance review and discipline mechanisms, and ensure that disciplinary practices do not violate basic human rights.

### 8.2 Suggested means of verification

- Documents support existence of appeal procedures
- A procedures log is maintained of any violation of the discipline policy and it is up-to-date on cases requiring discipline and corresponding actions
- Workers, unions and local NGOs know the disciplinary procedures and feel able to register appeals without any negative repercussions
- Workers are familiar with the company discipline policy, their rights vis-à-vis management and the procedures for filing complaints accordingly
- Observation – physical and attitudinal comportment of workers

Section 8.2 of the harmonized IFOAM Social Standards state:

*In cases where production is based on violation of basic human rights and clear cases of social injustice, that product cannot be declared as organic.*

*The certification applicant shall not engage in or support the use of corporal punishment, mental or physical coercion, and verbal abuse*

## 4.9. Considerations for forced labor

### 4.9.1 Background

A worker's right to freely enter into employment and terminate employment when she/he desires is widely recognized as a human right. While slavery forced labour still exists in some countries, there are several other less evident means of indebting an employee to a plantation breaching this human right. It is important to clarify the concept and the standards regarding forced labour. ILO Convention 29 defines forced labour as "all work or service, which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."

### 4.9.2 Challenges in verification

Forms of forced labour such as debt bondage and prison labour for a private business entity are explicitly prohibited, but lodging deposits, retainment of personal documentation, recruitment agencies with unreasonable service fees and unfair loan or credit schemes managed by the employer, guards intimidating workers, are all ways in which forced labour is manifested.

Cultural considerations often complicate determining when a situation of apparent forced labour is the result of a cultural trait which de verification body cannot interfere.

Migrant workers also deserve as they are less likely to be protected by trade unions and are often less aware of their basic rights. Auditor should verify contracts signed with recruitment agencies in order to ensure that the elements included in the contracts do not compromise workers' rights.

#### 4.9.3 Recommendation on social auditing guidance and verification

IFOAM Harmonized social standards are written in the following terms:

Section 8.7 of the harmonized IFOAM Social Standards :

*Certification applicant shall not engage in or support forced labour including bonded labour according to ILO conventions 29 and 105. The company must not retain any part of workers' salary, benefits, property, or documents in order to force workers to remain on the farm. The company must also refrain from any form of physical or psychological measure requiring workers to remain employed on the farm. Spouses and children of contracted workers are not required to work on the farm.*

#### 4.9.4 Suggested means of verification:

- Employment records
- Written social policy
- Company does not have original documents such as passports or birth certificates
- Employees confirm that they are not asked to lodge deposits, either of identity papers or money
- Employees confirm that they have other purchasing options besides having to accrue debt with the company or company-related organisations (stores, housing facilities) or in cases where that is not possible, these goods are subsidized and made available at or below market cost
- Employees handbooks, training manuals, grievance procedures, contracts, or combinations of these documents exist and employees are aware of their purpose and the extent to which they benefit workers, thus demonstrating the voluntary nature of employment
- Workers confirm the above, and if security guards are covering their dormitories, workers do not feel forced to remain against their will
- Workers family members are allowed to visit freely
- Workers do not have a large or long-running debt with the company, which they have no other way to pay except to keep working

## Part B: IFOAM CHECKLIST FOR INSPECTIONS OF SOCIAL STANDARDS

### Introduction:

- The checklist is working with a score system.
- Score 2 is defined as the norm (according to the social standards, proposal ACB Task force)
- There are mainly two scores below the norm and one definition above
- All aspects of one score have to be fulfilled to mark it. If one aspect is not fulfilled, the inspector will mark the score below and write an additional remark, which aspects are fulfilled in addition
- The qualification is obtained adding the points obtained for each section
- There might be section of absolute minimum standards (e.g. child labour). Not fulfilling means that the operation will be decertified.
- The definition and point setting will be done individually by each certifier

### Sources for IFOAM Checklist for Inspections of Social Standards:

Proposal ACB Task force Social Standards (Jorge Casale (Argencert), Manfred Fürst (Naturland) & Robert Simmons (ICS)  
Nature & More/Eosta Score Table ([www.eosta.com](http://www.eosta.com); [www.natureandmore.com](http://www.natureandmore.com)), Argencert Score Table;  
SASA Final Report on Social Standards and Social Auditing Methodology: Lorenzen, Neil, Corbo and Courville, August 2004

#### 5.1. Conditions of employment

Are there ten or more workers working on the operation? (including all type of workers: seasonal, temporary, migrant, foreign, casual, part-time, permanent, sub-contracted workers)

Yes

No  Inspector can continue with point 8.2.

<b>Contracts</b>			
<i>Criteria: Employment contracts, information policy, mutual understanding/agreement between employer and workers</i>			
0	1	2 (Norm)	3
<ul style="list-style-type: none"> <li>- There are no employment contracts</li> <li>- The workers are only minimally informed about the scope of the job as well as type and amount of remuneration.</li> </ul>	<ul style="list-style-type: none"> <li>- There are employment contracts but only for permanent workers.</li> <li>- Employment contracts do only include imprecise and insufficient information about job description, scope and limits of the job as well as type and amount of remuneration.</li> <li>- Workers are only insufficiently informed about their rights and duties.</li> <li>- There is only little mutual understanding between employer and workers.</li> </ul>	<ul style="list-style-type: none"> <li>- Employment contracts for all workers.</li> <li>- No cases of faulty or not documented workers.</li> <li>- Employment contracts do define job description, scope and limits of the job as well as type and amount of remuneration, working hours, overtime and rest periods and social benefits.</li> <li>- All workers are informed about their rights and duties in an understandable manner.</li> <li>- There is a basic mutual understanding between employer and workers.</li> </ul>	<p>In addition to score 2:</p> <ul style="list-style-type: none"> <li>- There is a good mutual understanding between employer and workers.</li> </ul>

Comments: \_\_\_\_\_

\_\_\_\_\_

<b>Equal treatment of all workers, independently of their employment status</b>			
<i>Criteria: equal rights and benefits for all workers independently of their employment status</i>			
0	1	2 (Norm)	3
<ul style="list-style-type: none"> <li>- Strong discrimination with respect to salaries or benefits, work advantages, conditions between local and foreign, permanent and temporary workers for work of equal value</li> <li>- Employer hires and fires workers on a continuous temporary base to avoid responsibility for social security and benefit payments</li> </ul>	<ul style="list-style-type: none"> <li>- Discrimination with respect to salaries or benefits, work advantages, conditions for work of equal value between permanent and temporary workers may exist.</li> </ul>	<ul style="list-style-type: none"> <li>- All workers, independently of their employment status have similar rights, receive similar social benefits and other privileges and face similar working conditions for work of equal value</li> </ul>	<ul style="list-style-type: none"> <li>- All workers independently of their employment status have equal rights, receive the same social benefits and other privileges and face the same working conditions than permanent workers for work of equal value.</li> <li>- Employer informs the foreign employees about how to apply for a work permit and does assist them to obtain it.</li> </ul>

Comments: \_\_\_\_\_

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<b>Wages</b>			
<i>Criteria: Minimum wage*, remuneration and payment of „unproductive time“**</i>			
0	1	2 (Norm)	3
<ul style="list-style-type: none"> <li>- Wages are below official minimum wages or when dealing with processors relevant industry wages.</li> <li>- In the case of pay by production (piece wage) the pay rate does not permit the worker to earn the official minimum wage.</li> <li>- No or irregular remuneration.</li> </ul>	<ul style="list-style-type: none"> <li>- Wages of all workers are in line with official minimum wages or when dealing with processors relevant industry wages.</li> <li>- In the case of pay by production (piece wage) the pay rate does only permit the worker to earn the official minimum wage by an above or average daily scope of work per person.</li> <li>- Training sessions and other kinds of unproductive work are not remunerated or below average daily wage in the piece wage.</li> </ul>	<ul style="list-style-type: none"> <li>- Wages of all workers are in line with official minimum wages or when dealing with processors relevant industry wages.</li> <li>- Remuneration is done regularly and documented for all workers.</li> <li>- In the case of pay by production (piece wage) the wage earned by an average daily scope of work per person is above the official minimum wage.</li> <li>- Training sessions and other kinds of unproductive work are remunerated by an average daily wage rate</li> </ul>	<ul style="list-style-type: none"> <li>- Wages of all workers are <b>clearly above</b> legal minimum wages or when dealing with processors relevant industry wages.</li> <li>- Remuneration is done regularly and documented for all workers.</li> <li>- In the case of pay by production (piece wage) the wage earned by an average daily scope of work per person is <b>well above</b> official minimum wage.</li> <li>- Training sessions and other kinds of unproductive work are remunerated by an average daily wage rate.</li> <li>- Special security measures on pay day to protect workers from theft.</li> </ul>

- \*Where minimum wages defined by national legislation do not meet basic needs of workers a living wage has to be calculated, ensuring low-wage workers and their families to live above the poverty line.
- \*\*unproductive time: working time losses due to conditions beyond the control of workers, except working time losses due to weather conditions, which could not be avoided despite a good management

Comments: \_\_\_\_\_  
 \_\_\_\_\_

<b><i>In kind payment (food, housing etc.)</i></b>			
0	1	2 (Norm)	3
<ul style="list-style-type: none"> <li>- In kind payments for food or housing etc. are deducted from wages</li> <li>- Deductions for food or housing are extremely above local prices; exploitative deduction.</li> </ul>	<ul style="list-style-type: none"> <li>- Workers cannot freely choose type of remuneration preferred</li> <li>- If in kind payment is obligatory, but prices are at least at market prices</li> </ul>	<ul style="list-style-type: none"> <li>- All workers can freely choose type of remuneration preferred.</li> <li>- In case of in kind payment this is accepted by the worker and at fair price (at cost)</li> </ul>	<ul style="list-style-type: none"> <li>- All workers can freely choose type of remuneration preferred</li> <li>- In case of in kind payment this is accepted by the worker and must be at least subsidised</li> </ul>

Comments: \_\_\_\_\_  
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<b>Working hours</b>			
<i>Criteria: Documentation, voluntary nature of overtime, agreement between workers and employer, periods of rest (rest days)</i>			
0	1	2 (Norm)	3
<ul style="list-style-type: none"> <li>- Weekly working hours far above national labour legislation.</li> <li>- No trustworthy documentation about working hours or/and overtime available</li> </ul>	<ul style="list-style-type: none"> <li>- Weekly working hours and rest days are as a rule in line with national labour legislation but documentation about working hours is not sufficient.</li> <li>- Overtime is obligatory not only during peak season and not remunerated separately.</li> </ul>	<ul style="list-style-type: none"> <li>- Weekly working hours and rest days are in line with national labour legislation.</li> <li>- Daily working hours and overtime of each worker are documented.</li> <li>- Clear written agreement about a maximum 6 weeks peak season overtime requirements, defining maximum hours of overtime, rest periods and remuneration.</li> <li>- Overtime is remunerated extra</li> <li>- Employer takes care that rest breaks/days are also guaranteed during peak season</li> </ul>	<p>In addition to score 2:</p> <ul style="list-style-type: none"> <li>- Daily working hours and overtime of each employee are documented in working time sheets.</li> <li>- Overtime is voluntary, remunerated at a premium rate and overtime wage records are kept.</li> <li>- Special consideration is given to workers who need more flexibility in working hours (parents, young workers studying etc.)</li> </ul>

Comments: \_\_\_\_\_  
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<b>Social benefits</b>			
<i>Criteria: basic coverage for maternity, sickness and retirement, policy on wages and social benefits (social justice)</i>			
<b>Is national social security legislation complied with?</b>			
Yes <input type="checkbox"/>	No <input type="checkbox"/>		
0	1	2 (Norm)	3
<ul style="list-style-type: none"> <li>- No basic coverage for maternity, sickness and retirement</li> <li>- No or only few records</li> <li>- In case of 10 or more workers <b>no</b> policy on social justice (wages and social benefits)</li> </ul>	<ul style="list-style-type: none"> <li>- Basic coverage for maternity, sickness and retirement independently of legislation requirements at least guaranteed for permanent workers</li> <li>- Records, existing but may be faulty especially for non permanent workers</li> <li>- In case of 10 or more workers some kind of policy on social justice (wages and social benefits)</li> </ul>	<ul style="list-style-type: none"> <li>- Basic coverage for maternity, sickness and retirement independently of legislation requirements is guaranteed for all workers</li> <li>- Up to date records and no cases of delayed compliance</li> <li>- In case of 10 or more workers policy on social justice (wages and social benefits) existing and made known to all workers.</li> </ul>	<ul style="list-style-type: none"> <li>- Social security payments surpass legal requirements and basic coverage for maternity, sickness and retirement guaranteed.</li> <li>- Timely payments and good records</li> <li>- In case of 10 or more workers policy on social justice (wages and social benefits) existing and made known to all workers.</li> <li>- Extra social benefits such as additional medical insurance, funerary insurance, membership to a private retirement fund educational fund etc.</li> </ul>

Comments: \_\_\_\_\_  
 \_\_\_\_\_

Are there major NON-Compliances (Major deviations)?  yes ( to be dealt with high priority)  no  
 If one of the following chapters are answered with score 0

5.2. Human Rights			
<i>Criteria: Basic human rights are respected, please put especial attention to points 8.3 to 8.7</i>			
<b>Any case of human right violation or social injustice?</b>			
Yes <input type="checkbox"/>		No <input type="checkbox"/>	
Disciplinary practices			
0	1	2 (Norm)	
<ul style="list-style-type: none"> <li>- Physical abuse of workers</li> <li>- Mental or physical coercion</li> <li>- Inhuman or degrading treatment or punishment</li> <li>- Corporal punishment</li> </ul>		<ul style="list-style-type: none"> <li>- Working conditions protect the dignity, physical and mental health of all workers</li> <li>- No verbal abuse</li> <li>- Disciplinary practices do not violate basic human rights</li> <li>- Fairness and transparency in disciplinary practices</li> </ul>	

Comments: \_\_\_\_\_  
 \_\_\_\_\_

5.3. Forced labour			
<i>Criteria: No use of forced labour, employer does not retain any part of workers salary, benefits, legally held or acquired property or documents</i>			
0	1	2 (Norm)	3
<ul style="list-style-type: none"> <li>- Pressing suspicion of forced labour, indications from independent sources such as NGO existing.</li> <li>- Family or dependants are forced to work on the operation.</li> <li>- Employer retains personal documents or any part of workers salary etc. to prevent or delay worker from leaving the job</li> </ul>	<ul style="list-style-type: none"> <li>- No indication of forced labour</li> <li>- Family or dependants are expected to work on the operation</li> <li>- Workers whose family or dependants are not working in the operation seem to be excluded from benefits</li> <li>- Employer does not retain workers documents for times longer than demanded by law</li> <li>- Employer does not retain any part of workers salary, benefits etc.</li> </ul>	<ul style="list-style-type: none"> <li>- No indication of forced labour.</li> <li>- Family and dependants have the right to off-operation employment.</li> <li>- Workers whose families or dependants are not working on operation are not discriminated at all</li> <li>- No kind of manoeuvre to prevent or delay worker from leaving the job</li> </ul>	

Comments: \_\_\_\_\_  
 \_\_\_\_\_

#### 5.4. Freedom of association and right to collective bargaining

*Criteria: freedom of association and assembly even if the right of freedom of association and collective bargaining are restricted under law, discrimination of trade union representatives*

0	1	2 (Norm)	3
<ul style="list-style-type: none"> <li>- Employer is openly discriminating against workers unions and other associations</li> <li>- Dismissal of worker or discrimination against workers because of union membership or union activities has occurred in the last year</li> </ul>	<ul style="list-style-type: none"> <li>- No indication of discrimination because of union membership or union activities but employer may hinder trade union representatives to meet workers</li> </ul>	<ul style="list-style-type: none"> <li>- No indication of discrimination because of union membership or union activities</li> <li>- Employer allows associative activities and collective bargaining</li> <li>- Employer provides independent information about workers freedom of association and collective bargaining.</li> </ul>	<p>In addition to score 2:</p> <ul style="list-style-type: none"> <li>- Employer grants time within working hours and provides physical facilities for meetings</li> <li>- Employer or management are not present during workers meetings.</li> <li>- Employer provides up to date and independent information about workers freedom of association and collective bargaining</li> </ul>

Comments: \_\_\_\_\_

\_\_\_\_\_

#### 5.5. Equal Treatment and Opportunities

*Criteria: no discrimination (distinction, exclusion or preference) on the basis of race, caste, national origin, political opinion, religion, gender, marital status, disability, HIV/Aids that denies or impairs equality of treatment, conditions and opportunity*

0	1	2 (Norm)	3
<ul style="list-style-type: none"> <li>- Obvious indications of discrimination</li> <li>- Pregnancy tests before or during employment</li> </ul>	<ul style="list-style-type: none"> <li>- Indications of systematic discrimination with respect to remuneration (wages, social benefits, other benefits) and opportunities (training, promotion)</li> </ul>	<ul style="list-style-type: none"> <li>- <b>No indication</b> of systematic discrimination with respect to remuneration (wages, social benefits, other benefits) and opportunities (training, promotion)</li> <li>- No indication of systematic discrimination in hiring practises</li> </ul>	<p>In addition to score 2:</p> <ul style="list-style-type: none"> <li>- Any discriminating behaviour such as gestures, language, physical contact that is sexually coercive, threatening, abusive or exploitative is condemned</li> <li>- Mutual respect and good interaction amongst different groups of workers (men and women, migrants and residents, blacks and whites etc) and with workers</li> <li>- Employer is actively engaged to reduce discrimination amongst workers (e.g. educational activities)</li> </ul>

Comments: \_\_\_\_\_

\_\_\_\_\_

## 5.6. Child labour

*Criteria: work not hazardous or dangerous to health, safety and development of children, no exploitative child labour, school attendance, working hours and rest periods*

0	1	2 (Norm)	3
<ul style="list-style-type: none"> <li>- Minors are engaged in work hazardous or dangerous to their health and safety and that may jeopardize their educational, moral, social and physical development</li> <li>- Minors are engaged in work not appropriate to their age</li> <li>- Minors are integrated in the operation as if they were adults (same working hours, rest periods)</li> <li>- Work interferes with a regular school attendance</li> </ul>	<ul style="list-style-type: none"> <li>- Minors are only engaged in work appropriate to their age</li> <li>- The work is not hazardous or dangerous to their health and safety and does not jeopardize their educational, moral, social and physical development</li> <li>- As a rule working hours and rest periods are in accordance with age</li> <li>- Work does not interfere with regular school attendance</li> <li>- No children below the age of 12 are working on the operation*</li> </ul>	<ul style="list-style-type: none"> <li>- Minors are only engaged in work appropriate to their age</li> <li>- The work is not hazardous or dangerous to their health and safety and does not jeopardize their educational, moral, social and physical development</li> <li>- Work does not interfere with education, good school attendance</li> <li>- Sufficient rest periods</li> <li>- Working hours of minors from 12 to 14 years age do not exceed 7 hours including travel and school</li> <li>- Working hours of young workers from 15-17 years age do not exceed 10 hours including travel and school</li> <li>- No children below the age of 12 are working on the operation*</li> </ul>	<p>In addition to score 2:</p> <ul style="list-style-type: none"> <li>- Working places for minors are subjected to especial safety precautions</li> <li>- Education and training offers for minors.</li> </ul>

\* children below 12 years are only allowed to supplement light household family work (time sensitive tasks)

Comments: \_\_\_\_\_

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			medical care and health education
<b>Access to food</b>			
<ul style="list-style-type: none"> <li>- Access to food is a problem</li> <li>- Meals have to be consumed at the working place in processing operations</li> <li>- Storage of food is not possible</li> </ul>	<ul style="list-style-type: none"> <li>- Sufficient alimentation of workers is not guaranteed or only with great efforts</li> <li>- Hygienic conditions for food storage and preparation are very poor</li> </ul>	<ul style="list-style-type: none"> <li>- All workers and their family can prepare their meals according to local eating habits</li> <li>- Cooking and dining facilities are sufficient and hygienic</li> <li>- Hygienic and safe storage of food is guaranteed</li> </ul>	<ul style="list-style-type: none"> <li>- All workers are provided with a free meal</li> </ul>
<i>Access to accommodation where workers depend on -operation accommodation</i>			
<ul style="list-style-type: none"> <li>- No or far to few accommodation</li> <li>- No or by far too few sanitary facilities</li> <li>- Workers have to sleep at working place or very close to working place</li> <li>- Accommodation offered is not safe</li> </ul>	<ul style="list-style-type: none"> <li>- Not enough accommodation</li> <li>- Accommodation offered far below local standards</li> <li>- Sufficient sanitary facilities, but hygienic deficiencies</li> </ul>	<ul style="list-style-type: none"> <li>- Sufficient accommodation for all workers and their families (at least local standard)</li> <li>- Sufficient sanitary facilities</li> <li>- Hygienic conditions in quarters and sanitary facilities meet local standards</li> <li>- Clear separation of working place and accommodation.</li> <li>- Safe accommodation</li> </ul>	<ul style="list-style-type: none"> <li>- Sufficient accommodation for all workers and their families above local standards</li> <li>- Sufficient sanitary facilities, separated for men and women</li> <li>- Good hygienic conditions in quarters and sanitary facilities</li> <li>- Clear separation of working place and accommodation</li> <li>- Good security measures in accommodation.</li> </ul>

Comments: \_\_\_\_\_

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## Part C: ANNEX

### 6. Checklist Argencert, Social Auditing Score Table, Draft Aug. 2004

This is a table of operator's compliance with his/her social responsibilities. The qualification is obtained adding the grades obtained in each section (from 0 to 4). A minimum of 30 points is needed to avoid setting a major non compliance to Chapter 8. This table is filled up during inspections. It is important to be aware that country compliance with social laws is mandatory and that Chapter 8 of the IBS specifies that non compliance with the social laws implies a serious non compliance. Considering that in most cases social legislation is extremely complicated and difficult to evaluate by a non labour law specialist, this table is not intended to gauge compliance with the law, but to qualify the general attitude of the operator regarding his/her social responsibilities.

#### C1 Contracts

0	1	2	3	4
<p><i>There are no contracts , or the contract does not define the job contracted, and the type and amount of remuneration.</i></p>	<p><i>The employment contract defines: job description, the scope and limits of the job, the type and amount of remuneration</i></p>	<p><i>- The employment contract defines: job description, the scope and limits of the job, the type and amount of remuneration</i>  <i>- Employees understand their basic obligations, although there may be some disagreement with the employer's interpretation.</i></p>	<p><i>- The employment contract defines: job description, the scope and limits of the job, the type and amount of remuneration.</i>  <i>- Employees understand their basic obligations, there is basic agreement with the employer's interpretation.</i>  <i>- The contract lists a few extra benefits beyond those guaranteed by the law</i></p>	<p><i>- The employment contract defines: job description, the scope and limits of the job, the type and amount of remuneration surpasses the legal requirements.</i>  <i>- Employees understand their basic obligations.</i>  <i>- There is thorough agreement with the employer's interpretation.</i>  <i>- The contract lists substantial extra benefits beyond those guaranteed by the law</i></p>

## C2 Temporary, migrant and undocumented workers

0	1	2	3	4
<p>- Employer hires and fires arbitrarily temporary employees and pays them arbitrarily.</p> <p>- Exists strong discrimination against temps in relation with permanent employees.</p> <p>- There are no minimum sanitary facilities in the field..</p> <p>- There are no employment records.</p> <p>- There are few or no records of compliance with labour laws.</p> <p>- There are undocumented or faulty documented workers in the operation and they are strongly discriminated as per salaries and social treatment.</p>	<p>- Employer hires and fires arbitrarily temporary employees and pays them the legal minimum</p> <p>- There is discrimination in relation to permanent workers.</p> <p>- There are no minimum sanitary facilities in the field.</p> <p>- Legal labour documents seem to be carried on and in order also for the temps</p> <p>- The operator seems to verify that the subcontractor apparently complies with the minimum social laws</p> <p>- There are undocumented or faulty documented workers in the operation and they seem to be discriminated as per salaries and social treatment.</p>	<p>- Employer hires and fires temporary employees according to a verbal contract and pays them the legal minimum.</p> <p>- The operator does not grant more rest periods than the legally established and does not offer resting facilities</p> <p>- There are minimum sanitary facilities in the field</p> <p>- Operator keeps minimum employment records.</p> <p>- The operator seems to comply with labour laws also for temps and migrant workers.-</p> <p>- The operator verifies that the subcontractor apparently complies with the pertinent social laws and that they are similar to those for the permanent employees</p> <p>- There are undocumented or faulty documented workers in the operation and they may be discriminated in certain</p>	<p>- Employer hires and fires temporary employees according to a written or verbal contract describing rights and responsibilities and pays them according to the agreement.</p> <p>- Grants ample time for lunch and provides resting facilities.</p> <p>- There are sufficient sanitary facilities in the field.</p> <p>- Correct employment records are available</p> <p>- The operator clearly complies with labour laws also for temps and migrant workers.-</p> <p>- The operator verifies that the subcontractor effectively complies with the pertinent social laws and that they are similar to those for the permanent employees</p> <p>- Temps and migrants receive the approximately the same social benefits as permanent workers.</p> <p>- There are undocumented</p>	<p>- There is no discrimination whatsoever with regard to permanent employees</p> <p>- Offers additional benefits such as lodging, rest, hygiene beyond the agreed salary.</p> <p>- Carry correct employment records in which the different categories can be seen, and assures that the employees understand them. –</p> <p>Operator fully complies with labour laws also for temps and migrants.</p> <p>- Operator compensates workers for subcontractor non compliances.</p> <p>- Verifies that migrants and temps have legal documentation and grants them</p>

		<i>social aspects</i>	<i>or faulty documented workers in the operation and they do not seem to be discriminated as per salaries and social treatment.</i>	<i>additional social benefits to guarantee same coverage as the permanent employees. - There are undocumented or faulty documented workers in the operation but they are not discriminated in any respect, receiving equivalent benefits as permanent workers..</i>
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### **C3 Salaries, including those in species**

0	1	2	3	4
<p><i>- Wage workers are paid at least the legal minimum wage.</i></p> <p><i>- Workers are paid in cash, or in a form that is legal but does not take in consideration the convenience of the worker</i></p> <p><i>-In case of piecework payment system, the established pay rate barely permits the worker to earn the legal minimum wage under average daily working conditions, and any</i></p>	<p><i>-Workers enjoy a few benefits beyond the legal minimum wage. Benefits may include the use of certain facilities such as cooking fuel, electricity, use of land or produce for home consumption.</i></p> <p><i>- In case of piecework payment system, the established pay rate barely permit the worker to earn the legal minimum wage under average daily working conditions.</i></p>	<p><i>- Workers receive lodging or the use of a house (as <b>part of salary</b> or wage)*, as well as enjoy <b>few</b> benefits beyond the legal minimum wage. Benefits may include the use of certain facilities such as cooking fuel, electricity, use of land or produce for home consumption.</i></p> <p><i>- In case of piecework payment system, the established pay rate sufficiently permits the</i></p>	<p><i>-Workers receive lodging or the use of a house (NOT part of salary or wage), and enjoy <b>substantial</b> monetary benefits beyond the legal minimum wage. Benefits may include the use of certain facilities such as cooking fuel, electricity, use of land or produce for home consumption.</i></p> <p><i>- In case of piecework payment system, the established pay rate permits the worker to earn more</i></p>	<p><i>-Salaries or wages are substantially beyond legal minimum wage. Workers receive lodging or the use of a house (NOT part of salary or wage), as well as <b>substantial</b> benefits beyond the legal minimum wage, that besides those mentioned before can include health benefits, children education, private</i></p>

<p><i>circumstance is used to justify bringing down the daily average.</i></p> <p><i>-Time spent by the worker in training and other unproductive time is not paid brings down the daily average for piecework payment.</i></p>	<p><i>-Some training and other unproductive time is paid just the legal minimum ..</i></p>	<p><i>worker to earn the legal minimum wage under average daily working conditions;</i></p> <p><i>- Adverse circumstances that may bring down the daily average does not lower the daily income.</i></p> <p><i>- All training and other unproductive time is paid the daily average of the last 30 days.</i></p>	<p><i>than the legal minimum wage under average daily working conditions.</i></p> <p><i>-- All training and other unproductive time is paid the daily average of the last 30 days.</i></p> <p><i>-Workers receive <b>some</b> of the extra benefits that receive wage earners.</i></p>	<p><i>retirement fund, etc. –</i></p> <p><i>In case of piecework payment system, the established pay rate permits the worker to earn well beyond the legal minimum wage under average daily working conditions and receives benefits equivalent to those received by workers on salary.</i></p> <p><i>- All training and other unproductive time is paid the daily average of the last 30 days plus some extra amount to encourage training</i></p> <p><i>- Workers receive the <b>same</b> benefits that receive wage earners.</i></p>
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**\* Payment in kind must be accepted by the worker.**

**C4 Working hours and extra time(\*)**

0	1	2	3	4
<p>- There is no documentation about agreement with workers on extra time to be worked beyond what is established by law and exceptional seasonal work load .</p> <p>- No records on working hours, extra time and weekly rest days.</p> <p>- There is no documentation about special agreements for peak season extra time worked.</p>	<p>- There are basic records on working times required by law but they are unclear and are not kept up to date, specially with reference to extra time and daily/weekly working hours.</p> <p>- It is doubtful if all workers are registered, specially temps and migrant.</p> <p>- There are doubts about the correct recording of hours worked and amounts paid.</p> <p>- Special verbal agreements for peak season extra time worked are mentioned, but not substantiated by workers.</p>	<p>- There are all records on working times required by law and they are clear and kept up to date, specially with reference to extra time and daily/weekly working hours.</p> <p>- There are no doubts about all the workers being registered, including temps and migrant.</p> <p>- There is no reason not to trust about the correct recording of hours worked and amounts paid</p> <p>- There is partial documentation for special agreements for peak season extra time worked.</p>	<p>-All records on working times required by law are clear, up to date, including extra time and daily/weekly working hours, as well as all documents regarding compliance with social aspects demanded by law, which hare kept in an orderly manner.</p> <p>- There is reasonably clear documentation about special agreements for peak season extra time worked</p>	<p>- There is un-doubtful documentation regarding working hours and amounts paid to all personnel, including temps and migrants.</p> <p>- Extra time is paid above the legal minimum.</p> <p>- Young workers are given special considerations.</p> <p>- Extra resting time, leaves and vacations are given for specially demanding work conditions and they are duly recorded</p> <p>- There is perfectly clear documentation about special agreements for peak season extra time worked, including very detailed conditions of the agreement.</p>

(\* ) An annual limit of working hours or an averaging agreement over three to six weeks can be put in place to allow certain flexibility and address additional working hours requirements in peak periods. Such an agreement has to be in line with current national labour legislation and must be documented and correctly recorded.

### C5 - Social Benefits

0	1	2	3	4
<ul style="list-style-type: none"> <li>- Legal requirements are barely complied with.</li> <li>- Records are badly kept;, some records are missing, specially those of temps and migrant workers.</li> <li>- There are a number of cases of delayed compliance with the legal requirements.</li> <li>- It is doubtful if all workers are registered</li> </ul>	<ul style="list-style-type: none"> <li>- Legal requirements are complied with.</li> <li>- Records are kept;, some records are missing, specially those of temps and migrant workers.</li> <li>- There are a few cases of delayed compliance with the legal requirements.</li> <li>- It is doubtful if all temps and migrants are registered.</li> </ul>	<ul style="list-style-type: none"> <li>- Legal requirements are complied with.</li> <li>- Records are kept in a fair orderly fashion.</li> <li>- There are no cases of delayed compliance with the legal requirements.</li> <li>- The company gives some assistance to workers in case of unexpected health problems, educational needs for the worker's children.</li> </ul>	<ul style="list-style-type: none"> <li>- Legal requirements are complied with.</li> <li>- Records are kept in good standing.</li> <li>- Compliance with the legal requirements is timely.</li> <li>- The company gives some assistance to workers and families in case of unexpected health problems, educational needs for children, etc.</li> </ul>	<ul style="list-style-type: none"> <li>- Besides what is required by law the company gives to workers and their families extra social benefits such as additional medical insurance, life insurance, membership to a private retirement fund, funerary insurance, membership to an educational fund for the worker and family, mutual fund partially supported by the company, economic assistance in special circumstances, etc.</li> </ul>

**C 6 – Human Rights, forced labour**

0	1	2	3	4
<ul style="list-style-type: none"> <li>- Operator does not respect some of the basic human rights of the workers.</li> <li>- There is no written or verbal disciplinary system.</li> <li>- There is no verification by the operator whether the worker understands the disciplinary system.</li> <li>- The operator retains workers' documents to force them not to leave the job.</li> <li>- Salaries are delayed as a means to force the worker not to leave the job..</li> <li>- Workers' IDs are retained with excuses</li> <li>- Workers whose families refuse to work in the operation are discriminated.</li> </ul>	<ul style="list-style-type: none"> <li>- Operator barely respects the basic human rights of the workers.</li> <li>- There is no clearly written disciplinary system.</li> <li>- Operator not always verify if the worker understands the disciplinary system.</li> <li>- The operator does not retain for long times workers' documents to delay their leaving the job.</li> <li>- Workers whose families refuse to work in the operation are some times discriminated.</li> <li>- Employer is reluctant to give references when the worker leaves the job.</li> <li>- Some of the extra benefits are not given if the worker's family refrain from working in the operation.</li> </ul>	<ul style="list-style-type: none"> <li>- Operator respects the basic human rights of the workers.</li> <li>- There is a reasonably written disciplinary system.</li> <li>- Operator almost always verifies that the worker understands the disciplinary system.</li> <li>- The operator returns workers' documents leaving him/her free to leave the job if he/she wants to do so..</li> <li>- Workers whose families refuse to work in the operation are frowned upon and are not given raises as often as others.</li> <li>- Employer is sometimes reluctant to give references when the worker leaves the job.</li> <li>- Extra benefits are reluctantly given if the worker's family refrain from working in the operation.</li> </ul>	<ul style="list-style-type: none"> <li>- Operator respects all human rights of the workers</li> <li>- There is a correct written and clear disciplinary system and verifies if the worker understands it.</li> <li>- No direct or indirect maneuver is done to avoid the worker leaving the operation, but is not very active in giving good references of the worker when he/she looks for other job.</li> <li>- The worker's family is not pressured to work in the operation.</li> </ul>	<ul style="list-style-type: none"> <li>- They have a transparent and clear policy and system for performance reviews and disciplinary practices</li> <li>- They have in place efficient mechanisms to communicate to workers the disciplinary practices and employees understand them.</li> <li>- Their disciplinary system include fair warning principles and further disciplinary actions are of progressively greater severity.</li> <li>- The operator does not retain any part of workers' salary, benefits, property, or documents in order to force workers to remain on the farm.</li> <li>- The operator facilitates the worker's leave from the job if he/she wants to search for a new job.</li> <li>- Spouses and children of</li> </ul>

				<i>workers are not required to work on the farm.</i>
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**C 7 - Freedom of association**

0	1	2	3	4
<p><i>- Even if the law guarantees freedom of association, no associative activity is seen among the personnel.</i></p> <p><i>- Employer's attitude is frankly discriminatory regarding unions and other associative forms.</i></p>	<p><i>- Hindrances to the inspector's interviewing personnel without the presence of management are evident.</i></p> <p><i>- Workers show reluctance to speak with the inspector</i></p>	<p><i>-The operator does not oppose to meetings of the employees, but these are not facilitated.</i></p> <p><i>- Does not accept to grant time for meetings during working hours.</i></p> <p><i>- Does not provide physical facilities for meetings.</i></p> <p><i>- Information about alternative associative forms is not given.</i></p>	<p><i>- The operator not only does not oppose to workers' meetings, but these are facilitated.</i></p> <p><i>- Grants a limited time within the working hours and provides physical facilities for the meetings.</i></p> <p><i>- Gives information about alternative association methods.</i></p>	<p><i>- The enterprise facilitates the relationships among the personnel offering sport facilities and recreation, and facilitating all kinds of communications with and among the personnel.</i></p> <p><i>- it favours the workers' organization in an environment of trust and mutual respect.</i></p> <p><i>- Promotes labour activities education.</i></p>

## C 8 - Discrimination

-1	0	1	2	3
<ul style="list-style-type: none"> <li>- There are obvious signs of prejudiced discrimination for race, age, gender and political or religious orientation.</li> <li>- Conflicts are polarized in base of sex, race, age, etc. and tend to be emotional</li> <li>- The employer discriminate women, regarding jobs, position, working time and salary.</li> <li>- Demands pre-employment pregnancy tests.</li> <li>- Demand HIV tests and discriminates the positives.</li> <li>- Refrain benefits to nursing mothers or women with very young children</li> <li>- Discriminates sexual orientation.</li> <li>- Handicapped are rejected</li> </ul>	<ul style="list-style-type: none"> <li>- There are obvious signs of discrimination of minorities.</li> <li>- The employer discriminate women, regarding jobs, position, working time and salary but do not require pre-employment pregnancy tests.</li> <li>- Only the legal benefits are granted to women..</li> <li>- Discriminates sexual orientation.</li> <li>- Handicapped are not encouraged to apply</li> <li>- Minimum nursing benefits are granted</li> </ul>	<ul style="list-style-type: none"> <li>- There are hidden signs of discrimination of minorities.</li> <li>- The employer discourage women to apply, and shows differences regarding jobs, position, working time and salary.</li> <li>- pre-employment pregnancy tests are not required, but vacancies are restricted to women</li> <li>- Few benefits are granted to women beyond those required by law.</li> <li>- Homosexuals, declared or suspected are discouraged to apply.</li> <li>- Handicapped applications are considered but not too freely granted.</li> <li>- Basic nursing benefits are granted..</li> </ul>	<ul style="list-style-type: none"> <li>- There are no signs of permanent discrimination.</li> <li>- Women may be discriminated when apply but once hired they are not discriminated.</li> <li>- Provides sufficient nursing time and care for small children.</li> <li>- There is no open opposition to positive HIVs, and to sexual orientation as long as these conditions are not too openly ventilated.</li> <li>- Some handicapped are hired for certain minor jobs.</li> </ul>	<ul style="list-style-type: none"> <li>- There are obvious signs of mutual respect and good interaction among and with workers.</li> <li>- Conflicts are not polarized and are solved on factic basis.</li> <li>- Women are not discriminated and ample maternity and child attention is given.</li> <li>- The employer cares for the education of the workers' children and the young and give time benefits to mothers and larger families.</li> <li>- Employment of the handicapped are openly pursued.</li> <li>- Private lives are respected and not discriminated.</li> </ul>

### C 9 - Minors and children employment

0	1	2	3	4
<p>- Minors of an age below that permitted by law are observed in the operation (*), and they are not listed in the records (documentation non existent or false)</p> <p>-Youngsters are integrated as if they were adults.</p> <p>- They are required to work the same number of hours and/or they are required beyond their abilities, and/or they are obliged to work in risky situations.</p>	<p>- - Minors of an age below that permitted by law are observed in the operation (*)</p> <p>- Youngsters are demanded to do difficult works similar to those of adults</p> <p>- The long working hours difficult their education or they do not have sufficient rest.</p>	<p>-No minors are observed working in the operation. (*)</p> <p>- Young workers do too demanding work inadequate for their age.</p> <p>- Young workers do NOT derive true benefits in terms of formation, education, training, life conditions, etc.</p> <p>- Extra working time are not required of the young, and they have sufficient daily time for rest and expansion.</p>	<p>- No minors are observed working in the operation.. (*)</p> <p>- Young workers do not do heavy work and no extra hours are required.</p> <p>- Young workers do derive experience useful for their work life.</p> <p>- Young workers are given working time benefits for study and other educational activities,</p>	<p>- No minors are observed working in the operation. (*)</p> <p>- The main reason for young people working is to provide them with work experience and education. They are rotated in a variety of jobs according to a training plan. Focus is placed on what the youngster can acquire as experience and not on what the operation can derive from the young worker.</p>

(\*) Cases of child work in family groups can be observed on occasions in groups of smallholders ; it has to be ascertained if these are cultural characteristics or if they are a case of child exploitation. Verify if the minors comply with the legal requisites of minimum education .

### C10 Safety on the job

1	2	3	4	5
<ul style="list-style-type: none"> <li>- Minimum legal norms of health in the job are not complied with</li> <li>- Inadequate, inconsistent, or inappropriate dispositions, or in need of improvement.</li> <li>- Safety equipment insufficient in number and poorly maintained.</li> <li>- Workers do not know the existence of safety equipment or are not trained in their use</li> <li>- First aid equipment lacking or in bad maintenance</li> <li>- No records of work accidents.</li> </ul>	<ul style="list-style-type: none"> <li>- Minimum legal norms on work safety are complied with, but there are few additional measures.</li> <li>- Only some workers receive an elementary training on work safety measures</li> <li>- There are warning signs in danger points.</li> <li>- First aid equipment in insufficient number or not well kept. Medicines past useful dates</li> <li>- No records of work accidents.</li> </ul>	<ul style="list-style-type: none"> <li>- Workers are informed on principles of work safety and health, but only a few receive proper training</li> <li>- There is safety equipment but insufficient in number. Questionable maintenance.</li> <li>- Few and/or not updated work accident records.</li> </ul>	<ul style="list-style-type: none"> <li>- Work health and safety measures exceed those required by law, and they are well maintained.</li> <li>- Safety and first aid equipment sufficient in number and well maintained.</li> <li>- Workers are informed and trained,</li> <li>- Sufficient safety signs supplemented by escape routes marked in floor and escape signs.</li> <li>- There are good records of accidents.</li> </ul>	<ul style="list-style-type: none"> <li>- Work health and safety measures show special consideration to personnel</li> <li>- Personnel fully and responsibly participate in the health and safety measures, and cooperates in avoiding accidents.</li> <li>- All workers receive training in work health and safety, and there is plenty promotion of safety measures.</li> <li>- Safety and first aid equipment is well maintained, sufficient in number, well located accessible and personnel knows how to use it.</li> </ul>

## ***ADDITIONAL SOCIAL CONDITIONS***

### **C11 Health attention of workers and their families**

1	2	3	4	5
<p><i>- There is little or no sanitary attention to workers and families.</i></p> <p><i>- Workers may not receive adequate sanitary benefits</i></p> <p><i>- Insufficient access to sanitary facilities due to distance and/or road conditions or lack of transportation</i></p>	<p><i>- Basic sanitary attention is provided for workers and families, but access is irregular or defective.</i></p> <p><i>- There are some measures for emergencies.</i></p> <p><i>- There is little, insufficient or no participation of the enterprise in acute interventions.</i></p>	<p><i>- Workers and their immediate families have access to health facilities (in place by medical attention or by para-medics. In case of urgencies transportation is provided and there is extraordinary financial help in acute emergencies.</i></p>	<p><i>Workers and families have full access to adequate medical facilities at all times (private clinics, public hospitals, emergency rooms, etc.)</i></p> <p><i>- Transportation and extraordinary financial measures are available if necessary.</i></p> <p><i>In case of chronic treatments there may be some help by the operator.</i></p> <p><i>- There is training on potential health risks.</i></p>	<p><i>- All workers and their families have access to complete medical care at all times.</i></p> <p><i>- Workers can freely choose among different possibilities of medical attention.</i></p> <p><i>- Preventive measures are taken, such as nutrition classes, information about sexual diseases, AIDS, etc. in order to promote a healthy life to all employees.</i></p>

**C12 On the Job training I: General**

0	1	2	3	4
<p><i>- Training of is elementary and performed by other more experience workers in the specific job.</i></p>	<p><i>- Workers are trained on the job by the supervisor.</i></p>	<p><i>- Training consists in theoretical classes in classrooms to groups of workers and practical training in charge of specially designated trainers.</i></p>	<p><i>- Well prepared training given by trained trainers and/or by specialists</i>  <i>- All employees can attend, although a special permit by the employer is needed.</i></p>	<p><i>- Training is extensive, and even if some times it goes beyond the strict requirements, it always relate to the job.</i>  <i>- The employee can select additional training and can negotiate with the employer financial assistance to attend them.</i></p>

**C13 On the job training II: Application of crop protectants**

0	1	2	3	4
<ul style="list-style-type: none"> <li>- Training of each individual worker in the general conditions of use of crop protectants is elementary , and just in charge of more experienced workers.</li> <li>- There are no records</li> <li>- There are no decontamination facilities.</li> </ul>	<ul style="list-style-type: none"> <li>- Employees are trained in the general conditions of use of crop protectants in their work station by the supervisor.</li> <li>- No records available.</li> <li>- There are no decontamination facilities close to crop protectants storing or handling areas .</li> </ul>	<ul style="list-style-type: none"> <li>- Training in the general conditions of use of crop protectants consist in theoretical classes by groups in classrooms, and practical training in the specific job by designated trainers.</li> <li>- Elementary records are available.</li> <li>- Elementary decontamination facilities close to crop protectants storing or handling areas.</li> </ul>	<ul style="list-style-type: none"> <li>- Training in the general conditions of use of crop protectants is well organized and given by specialty. trained people and/or external specialists.</li> <li>- All employees can attend, but need employer's permission.</li> <li>- Detailed records are available.</li> <li>- Acceptable decontamination facilities close to crop protectants storing or handling areas.</li> </ul>	<ul style="list-style-type: none"> <li>- Training in the general conditions of use of crop protectants is ample and even if it may go beyond what is strictly pertaining to the work, it is always related to the job.</li> <li>- The employee can choose additional courses and negotiate with the employer their financing.</li> <li>- Very comprehensive records are available.</li> <li>- Very good decontamination facilities close to crop protectant storing and handling areas.</li> </ul>

**C14 On the job training III: product handling and quality**

0	1	2	3	4
<p><i>No training on basic hygiene for handling of product given.</i></p> <p><i>- No records of training activities.</i></p>	<p><i>- Employees and subcontractors are perfunctory trained on basic hygiene for handling of product in their work station by the supervisor.</i></p> <p><i>- No record of training activities.</i></p>	<p><i>- Training on basic hygiene for handling of product is given to workers and subcontractors and consists in talks by groups in the work place.</i></p> <p><i>- Very basic recording of training activities.</i></p>	<p><i>- Training of workers and subcontractors on hygiene for handling of product is well organized and given by specially trained people and/or external specialists..</i></p> <p><i>- Good records of training activities</i></p>	<p><i>- Training of workers and subcontractors on hygiene for handling of product is ample.</i></p> <p><i>- Very comprehensive records of training activities.</i></p>

**C15 Education (available for the workers and their families)**

0	1	2	3	4
<p><i>- Employer does not show any interest in the general education of the employees and their families, <b>but demands from the employee certain minimum level of education..</b></i></p>	<p><i>The employer shows no special interest in the general education of the employee, but does not demand any kind of education.</i></p>	<p><i>The employer provides some education to some of the workers, and may pay for it.</i></p>	<p><i>The employer offers education to those employees that may be interested.</i></p> <p><i>- Permissions are given for the education to be followed within working hours</i></p>	<p><i>The employer provides education to employer and families, paying for it and making donations to local schools.</i></p>

## DESCRIPTION OF ARGENCERT SOCIAL SCORE SYSTEM AND TABLES

Dec. 2004

This table, developed following the structure of EOSTA's Nature and More Programme, examines 11 social following the proposed Harmonized Social Standard in compliance with Chapter 8: Social Responsibility of the IFOAM Basic Standards (IBS) and 5 additional social parameters as optionals. Each column contains indications of the degree of compliance with a given social parameter.

Example:

### **C1 Contracts**

0	1	2	3	4
<i>There are no contracts, or the contract does not define the job contracted, and the type and amount of remuneration.</i>	<i>The employment contract defines: job description, the scope and limits of the job, the type and amount of remuneration</i>	<i>- The employment contract defines: job description, the scope and limits of the job, the type and amount of remuneration - Employees understand their basic obligations, although there may be some disagreement with the employer's interpretation.</i>	<i>- The employment contract defines: job description, the scope and limits of the job, the type and amount of remuneration. - Employees understand their basic obligations, there is basic agreement with the employer's interpretation. - The contract lists a few extra benefits beyond those guaranteed by the law</i>	<i>- The employment contract defines: job description, the scope and limits of the job, the type and amount of remuneration surpasses the legal requirements. - Employees understand their basic obligations. - There is thorough agreement with the employer's interpretation. - The contract lists substantial extra benefits beyond those guaranteed by the law</i>

### SOCIAL AUDIT EVALUATION TABLE SYSTEM (complete)

	$V_i$	Social parameter i	$C_i \times V_i$
C1	V1	“ “ 1	$V1 \times C1$
C2	V2	“ “ 2	$V2 \times C2$
C3	V3	“ “ 3	$V3 \times C3$
		<b>Total Score</b>	<b><math>\Sigma V_i \times C_i</math></b>

Each file refers to one social parameter. For example:

C1: **Contracts**, and the “**weight**” that such parameter has (assigned by the CB according to the particular cultural and social circumstances of the audited project)

C2: **Salaries**, and the weight assigned to that parameter

C3: **Communication** in the job, and weight of this parameter

etc.

The “weight” of each parameter is multiplied by the Value of compliance of that parameter that the auditor found during the audit to the project. At the end, each social parameter will have a final score. Adding all scores we can have a TOTAL SCORE that measures the degree of compliance of the project with the social principles. This will also show the areas that need improvement.

The idea is that a minimum value of the TOTAL SCORE will be needed to consider that the Social Standards are complied with.

**SOCIAL AUDIT SCORE EVALUATION TABLE SYSTEM (SIMPLIFIED)**

<b>Social parameter i</b>		
Parameter 1		V1
“ 2		V2
“ 3		V3
etc.		
<b>Total Score</b>		<b><math>\Sigma V_i</math></b>

If any one parameter is found completely non compliant the Value assigned to that parameter will be zero and this constitutes a major non compliance. No certificate can be issued if there is a single major non compliance.

Each CB (Certification Body) will determine the range of total score that the project must reach in order to consider it compliant with the social principles. The ranges chosen can point out the three possible levels of compliance: compliant, minor non-conformity and major non conformity. If the total score does not reach the minimum value assigned by the Certification Body, a certificate cannot be issued.