COMPANY: Syngenta
COUNTRY: Turkey
PROVINCE: Konya
MONITOR: A. Kadir Tasdelen
AUDIT DATE: 11 – 14 August 2014
PRODUCTS: Sunflower
NUMBER OF GROWERS/WORKERS: 10 / 18
NUMBER OF GROWERS/WORKERS INTERVIEWED: 10 / 18
NUMBER OF FARMS VISITED: 10
TOTAL AREA COVERED IN AUDIT: 190.92
PROCESSES: Pollination

To view more about the FLA’s work with Syngenta, please visit the FLA website [here](#).
### Non-compliances Overview and Table of Content

#### 1. Code Awareness

| GEN 1 | Establish and articulate clear, written workplace standards. Formally convey those standards to Company Growers as well as to supply chain Organizers. | Noncompliance 6 |
| GEN 2 | Ensure that all Company growers as well as supply chain Organizers inform their workers about the workplace standards orally and through the posting of standards in a prominent place (in the local languages spoken by workers) and undertake other efforts to educate workers about the standards on a regular basis. | Noncompliance 7 |
| GEN 3 | Develop a secure communications channel, in a manner appropriate to the culture and situation, to enable Company employees, Supervisors and employees of supply chain organizers to report to the Company on noncompliance with the workplace standards, with security that they shall not be punished or prejudiced for doing so. | Noncompliance 8 |

Other (Company Internal Grievance Policy and Procedures)

#### 2. Forced Labor

| F.1 | General Compliance Forced Labor |
| F.2 | Freedom in Employment |
| F.3 | Employment Terms/Voluntary Agreement |
| F.4 | Employment Terms/Prohibitions |
| F.5 | Debt/Bonded Labor |
| F.6 | Wage Advances |
| F.7 | Free Disposal of Wages/Cash and In-Kind Compensation |
| F.8 | Recruitment through Referrals |
| F.9 | Freedom of Movement |
| F.10 | Grower-Controlled Living Quarters |
| F.11 | Worker Ability to Terminate-Freedom of Movement |
| F.12 | Individual Contracts (Verbal / Written) |
| F.13 | Personal Worker Identification and Other Documents |
| F.14 | Bonded Labor |

Others
### 3. Child Labor

| CL.1  | General Compliance Child Labor |
| CL.2  | Child Labor                      | Uncorroborated Noncompliance | 9 |
| CL.3  | Proof of Age Documentation       | Noncompliance                | 10 |
| CL.4  | Other Means of Age Verification  |                           |
| CL.5  | Government Permits and Parental Consent Documentation | Noncompliance | 11 |
| CL.6  | Employment of Young Workers       | Noncompliance | 12 |
| CL.7  | Hazardous Work for Young Workers  |                           |
| CL.8  | Education of Young Workers        |                           |
| CL.9  | Children on Premises              |                           |
| CL.10 | Removal and Rehabilitation of Child Laborers |             |
|      | Others                            |                           |

### 4. Harassment or Abuse

| H&A.1 | General Compliance Harassment and Abuse |
| H&A.2 | Discipline/Fair and Non-discriminatory Application |
| H&A.3 | Discipline/Worker Awareness | Noncompliance | 13 |
| H&A.4 | Discipline/Training |
| H&A.5 | Discipline/Monetary Fines and Penalties |
| H&A.6 | Discipline/Access to Facilities |
| H&A.7 | Discipline/Physical Abuse |
| H&A.8 | Discipline/Verbal Abuse |
| H&A.9 | Violence/Harassment/Abuse |
| H&A.10 | Sexual Harassment |
| H&A.11 | Punishment of Abusive Workers/Others |
| H&A.12 | Grievance Procedure | Noncompliance | 14 |

| Others |                           |

---
## 5. Non-Discrimination

| D.1 | General Compliance Non-Discrimination |
| D.2 | Employment Decisions |
| D.3 | Sex-Based Wage Discrimination |
| D.4 | Marital Status or Pregnancy |
| D.5 | Protection and Accommodation of Pregnant Workers and New Mothers | Noncompliance | 15 |
| D.6 | Health Status |
| D.7 | Discriminatory Violence/Harassment/Abuse |

## 6. Health and Safety

| H&S.1 | General Compliance Health and Safety |
| H&S.2 | Document Maintenance/Worker Accessibility and Awareness | Noncompliance | 16 |
| H&S.3 | Written Health and Safety Policy |
| H&S.4 | Health and Safety Management System |
| H&S.5 | Communication to Workers | Noncompliance | 17 |
| H&S.6 | Access to Safety Equipment and First Aid | Noncompliance | 18 |
| H&S.7 | Personal Protective Equipment |
| H&S.8 | Chemical Management and Training |
| H&S.9 | Chemical Management for Pregnant Women, Young Workers and Family Members residing in the farm |
| H&S.10 | Protection Reproductive Health |
| H&S.11 | Machinery Maintenance and Worker Training |
| H&S.12 | Medical Facilities |
| H&S.13 | Drinking Water |
| H&S.14 | Rest Areas |
| H&S.15 | Living Quarters |

Others
<table>
<thead>
<tr>
<th>7. Freedom of Association and Collective Bargaining</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOA.1 General Compliance Freedom of Association</td>
<td></td>
</tr>
<tr>
<td>FOA.2 Right to Freely Associate</td>
<td></td>
</tr>
<tr>
<td>FOA.3 Grower Interference and Control</td>
<td></td>
</tr>
<tr>
<td>FOA.4 Anti-Union Violence/Harassment/Abuse</td>
<td></td>
</tr>
<tr>
<td>FOA.5 Right to Collective Bargaining/Unorganized Workers</td>
<td>Others</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. Hours of Work</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOW.1 General Compliance Hours of Work</td>
<td></td>
</tr>
<tr>
<td>HOW.2 Rest Day Noncompliance 19</td>
<td></td>
</tr>
<tr>
<td>HOW.3 Meal and Rest Breaks</td>
<td></td>
</tr>
<tr>
<td>HOW.4 Overtime Noncompliance 20</td>
<td></td>
</tr>
<tr>
<td>HOW.5 Over Time/Positive Incentives</td>
<td></td>
</tr>
<tr>
<td>HOW.6 Public Holidays</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9. Wages, Benefits and Overtime Compensation</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>WBOT.1 General Compliance Wages, Benefits and Overtime Compensation Noncompliance 21</td>
<td></td>
</tr>
<tr>
<td>WBOT.2 Minimum Wage Noncompliance 22</td>
<td></td>
</tr>
<tr>
<td>WBOT.3 Timely Payment of Wages Noncompliance 23</td>
<td></td>
</tr>
<tr>
<td>WBOT.4 In-kind Compensation</td>
<td></td>
</tr>
<tr>
<td>WBOT.5 Advance Payments</td>
<td></td>
</tr>
<tr>
<td>WBOT.6 Worker Wage Awareness</td>
<td></td>
</tr>
<tr>
<td>WBOT.7 Record Maintenance Noncompliance 24</td>
<td></td>
</tr>
<tr>
<td>WBOT.8 Employer Provided Services</td>
<td></td>
</tr>
<tr>
<td>WBOT.9 Additional Benefits</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10. Miscellaneous</th>
<th>Page #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security Registration Noncompliance 25</td>
<td></td>
</tr>
</tbody>
</table>
Code Awareness:
GEN 1 Establish and articulate clear, written workplace standards. Formally convey those standards to Company Growers as well as to Seed Organizers.

Noncompliance

Explanation: Workplace standards are established and conveyed to the Supply Chain Organizer through contractual agreements. However, it cannot be demonstrated that workplace standards are formally and systematically conveyed to growers. The awareness trainings on Syngenta’s CoC do not seem to be sufficient as the growers could hardly recall any details.

Source: Interviews with workers and growers, farm visits

Plan Of Action:
The aim is to influence as many growers as possible in the production areas by conducting awareness trainings and distributing communication materials.

Growers will be trained prior to the season. The trainings will cover Syngenta’s CoC with a particular focus on Child Labor, HSE issues and employment relationship that have been defined as high risks in the country risk matrix. In addition, grievance channels and discipline procedures will be emphasized during the trainings. Beside trainings, Syngenta will place posters and banners in villages and distribute additional educational materials for children of labor families.

Syngenta agronomists are responsible for the implementation of the action plan.

Deadline Date:
End of April 2015 for growers and labor contractors
**Code Awareness:**

GEN 2 Ensure that all Company growers as well as Seed Organizers inform their workers about the workplace standards orally and through the posting of standards in a prominent place (in the local languages spoken by workers) and undertake other efforts to educate workers about the standards on a regular basis.

**Noncompliance**

**Explanation:** The awareness of workers on Syngenta’s CoC is very limited due to lack of information. The information material, such as the booklets developed by Syngenta is not distributed to workers. The workers are shortly briefed regarding work-related issues on their first working day, but an effective training covering CoC elements and grievance procedures is missing.

**Source:** Interviews with workers and growers, farm visits

**Plan Of Action:**

Given the nature of fieldwork in Turkey, it is very difficult to hire the same labor group during the production season. Due to strong competition with other seed companies and other agricultural businesses around the production areas, labor groups can change on a daily basis (work from one field to another, from one company to another). Therefore, the training sessions are not effective. However, Syngenta has committed to continue these trainings to raise awareness on the “Seed Man Project”.

The aim is to influence as many workers and growers as possible on the production sites by conducting awareness trainings and distributing communication materials.

Weekly training sessions for workers will be organized every Tuesday during the season. Labor providers (gang master or middle man) and growers will be trained before the season. The trainings will cover the Syngenta’s CoC with a particular focus on Child Labor, HSE issues and employment relationship that have been defined as high risks in the country risk matrix. In addition, grievance channels and discipline procedures will be emphasized during the trainings. Beside trainings, Syngenta will place posters and banners in villages and distribute additional educational materials for children of labor families.

Syngenta agronomists are responsible for the implementation of the action plan.

**Deadline Date:**

End of April 2015 for growers and labor contractors

End of August 2015 for workers
Code Awareness:

GEN 3 Develop a secure communications channel, in a manner appropriate to the culture and situation, to enable Company employees, Supervisors and employees of Seed organizers to report to the Company on noncompliance with the workplace standards, with security that they shall not be punished or prejudiced for doing so.

Noncompliance

Explanation: The hotline dedicated to grievances is malfunctioning:

- Most of the workers are not aware of the exact purpose of the hotline and which issues the hotline can be used for;
- The IMS did not implement a record system when calls are received and to track how grievances are treated;
- The hotline is a toll-free line when a specific operator is used; however, phone calls from other operators are subject to charge.

Source: Interviews with IMS, Syngenta’s agronomists, workers and growers, records review, farm visits

Plan Of Action:

- During the production season, three calls have been received and recorded. According to our local grievance procedure, the project implementation team organized a team meeting and evaluated the grievances. Although none of them had any ID or production location information, the complaints were taken seriously and actions were defined and immediately applied. During the training sessions with workers in 2015, the grievance procedure will be explained. Additionally, the workers will be informed about the calls received and the actions taken during the weekly training sessions.
- The hotline is a toll free number when calling from one specific operator only. Due to Syngenta’s Turkey policy and the agreement with the service operator, the toll-free hotline service must be procured from that company. Syngenta prefers this service provider based on its broader coverage area, signal strength and popularity. All printed communication materials are prepared to include the phrase “The hotline is toll-free when called through... service provider” and trainings will still include a reminder for the toll free hotline.
- The previous hotline number is being forwarded to the new number. Therefore, when somebody places a call through either number, he/she can reach the grievance channel regardless. Nevertheless, the new number will be imprinted on all communication materials in 2015.

Deadline Date: July-August 2015
Child Labor: Child Labor
CL.2 Growers shall not employ children younger than 15 (or 14 where the law of the country of production allows) or younger than the age for completing compulsory education in the country of production where such age is higher than 15.

Uncorroborated Evidence of Noncompliance

Explanation: Interviews with IMS staff, workers and growers showed a risk of child labor although no case was detected during the assessment. The labor contractors are not careful and selective enough when collecting workers from their homes in terms of age requirements and required age documentation. This creates issues when children arrive on farms and face Syngenta’s ID check. Since children are already at the farm and identified too late in the verification process, there is a high risk that children end up working on the farms.

The risk of child labor is even higher when growers are hiring workers directly for farm activities without Syngenta’s intervention (outside peak times), as growers do not implement any age verification system by themselves.

Source: Interviews with IMS, workers and growers, record reviews, farm visits

Plan Of Action:
Since the FLA program has been run in Turkey for the last three years, Syngenta was able to collect a considerable amount of data regarding labor information. This data will enable Syngenta to preselect and screen under-aged workers before arriving to the field. We will prepare a worker list with respect to area prior to the season and distributed them to the labor contractors to preselect and underage labor.

The contract between service provider and the labor contractor (middle man or gang master) will be reviewed according to the disciplinary procedure. Therefore, the revised contract will include punitive terms. Labor contractors will be trained and informed about the terms that will be in the revised “new contract”, which prohibits child labor.

Deadline Date:
End of April 2015 for labor contractor trainings and the worker list preparations
End of August 2015 worker training and age verification in the field
Child Labor: Proof of Age Documentation
CL.3 Company will assist the grower in maintaining proof of age documentation for all young workers in the farm and is recommended to maintain proof of age documentation for all workers in the farm, including long term and casual workers.

Noncompliance

Explanation: The growers do not have any age verification system in place for workers they hire for low season activities such as hoeing and land preparation. Although labor contractors have some form of age verification process in place through ID checks, the system is not reliable. There is some confusion with regard to age calculation.

Source: Interviews with workers, growers, intermediary trader and Syngenta company representative, field visits, record reviews

Plan Of Action: Syngenta and the labor contractors will maintain and track records of recruited casual workers during the peak season, working days, and wage records.

The meaning and value of the payroll sheet will be shared with growers during grower training sessions.

The HR service provider will be trained particularly on Child Labor, HSE issues and employment relationship that have been defined as high risks in the country risk matrix. In addition, grievance channels and discipline procedures will be emphasized during the training sessions. All calculations for workers’ age will be based on the start date of the season.

Deadline Date: April 2015
Child Labor: Government Permits and Parental Consent Documentation

CL.5 Growers shall abide by all the relevant rules and procedures where the law requires government permits or permission from parents as a condition of employment.

Noncompliance

Explanation: Syngenta’s labor contractors made a mistake with age calculation. Workers born between 01.01.1999 and 01.01.1997 were considered young workers. This miscalculation can lead to a deviation of a few months up to one year depending on the date of birth of the child. Consequently, parental consents are missing for young workers who were born before January 1997 and considered young workers as per local law requirements.

In addition, the parental consent letter template as provided by Syngenta does not have a place for the required signature and date of signature. Therefore, the template does not make it clear when parents signed the form.

Source: Interviews with labor contractor, Syngenta's agronomists, workers and growers, record reviews

Plan Of Action: The HR service provider will be trained particularly on Child Labor, HSE issues and employment relationship that have been defined as high risks in the country risk matrix. In addition, grievance channels and discipline procedures will be mentioned during the training sessions. All calculations regarding workers’ age will be based on the start date of the season.

Deadline Date: April 2015
**Child Labor: Employment of Young Workers**

CL.6 Growers shall comply with all relevant laws and regulations that apply to young workers, i.e., those between the minimum working age and the age of 18, including those relating to hiring, working conditions, types of work, hours of work, proof of age documentation, and overtime.

**Noncompliance**

**Explanation:**
The legal requirement for a rest day is not implemented properly. Young workers are not entitled to at least 24 consecutive hours of paid rest in every seven-day period. They are only offered an unpaid rest day. Consequently, young workers prefer continuing to work and earn as much as possible during the season.

**Source:** Interviews with labor contractor, Syngenta’s agronomists, workers and growers, records review

**Plan Of Action:**
Syngenta and the HR service provider will initiate a program to hire a certain number of workers for the total production period, and put them on payroll for this certain period instead of the daily-based payroll. This will ensure transparency and accountability since working periods can be traced more effectively.

**Deadline Date:** July-August 2015
Harassment or Abuse: Discipline/Worker Awareness
H&A.3 Grower will follow disciplinary practices that are fair and are clearly understood by the workers. The grower will take necessary steps to ensure that the farm’s disciplinary procedure is clearly understood by the workers.

Noncompliance

Explanation: There are no clear written disciplinary procedures available at the farm level. Disciplinary procedures are mainly handled through the labor contractor or grower who verbally inform workers about the expected work quality. However, there is no information regarding disciplinary measures in case of failure.

Source: Interviews with labor contractor, Syngenta’s agronomists, workers and growers, records review

Plan Of Action: The disciplinary procedure was agreed upon before the season started; however, it could not be added to the stakeholders’ contracts (grower’s service provider and labor contractors (middle man or gang master)). Each of them will have unique disciplinary terms, which will be signed off by all parties prior to the season. The terms will be explained to all stakeholders during the training sessions.

Since Syngenta has a direct contract with the service provider, the workers do not have a direct contract with Syngenta. Hence, Syngenta may not directly enforce the disciplinary terms over the workers. However, the service provider is responsible to fulfill the contract terms with Syngenta. The contract states that the labor contractor has to apply disciplinary rules in the field.

Deadline Date:

Contract reviews - March 2015
Training sessions –April- May 2015
## Harassment or Abuse: Grievance Procedure

H&A.12 Company shall have in place grievance procedures that allow first an attempt to settle grievances directly between the worker and the grower but, where this is inappropriate or has failed, it is possible for the worker to have the grievance considered at one or more steps, depending on the nature of the grievance and the structure and size of the enterprise. Company shall ensure that workers know the grievance procedures and applicable rules.

### Noncompliance

**Explanation:**

The grievance procedure is not clearly documented. Syngenta provides limited training sessions to grower and workers regarding grievance procedures provided to growers and workers about the grievance procedure and its implementation remain limited.

Also, as described under GEN.3, the hotline dedicated for grievances is not functioning properly.

**Source:** Interviews with IMS, Syngenta's agronomists, workers and growers, records review, farm visits

**Plan Of Action:**

The grievance procedure was shared with the auditors on the first day of assessment. As Syngenta continues the training sessions, the hotline procedure will be shared with the workers. In addition, the grievance procedure will be printed on the workers’ contract.

During the production season, three calls have been received and recorded. According to our local grievance procedure, the project implementation team organized a team meeting and evaluated the grievances. Although none of them had any ID or production location information, the complaints were taken seriously and actions were defined and immediately applied. During the training sessions with workers in 2015, the grievance procedure will be explained. Additionally, the workers will be informed about the calls received and the actions taken during the weekly training sessions.

### Deadline Date:

- **End of April - Worker contracts update**
- **End of August - Training of workers**
Non-Discrimination: Protection and Accommodation of Pregnant Workers and New Mothers

D.5 Growers shall abide by all protective provisions in local laws and regulations benefiting pregnant workers and new mothers, including provisions concerning maternity leave and benefits, prohibitions regarding night work, temporary reassignments away from work and work environments that may pose a risk to the health of pregnant women and their unborn children or new mothers and their new-born children, temporary adjustment of working hours during and after pregnancy, and the provision of breast-feeding breaks and facilities. Where such legal protective provisions are lacking, growers shall take reasonable measures to ensure the safety and health of pregnant women and their unborn children. Such measures shall be taken in a manner that shall not unreasonably affect the employment status, including wages and benefits, of pregnant women.

Noncompliance

Explanation: There are no measures taken for ensuring the safety and health of pregnant women. There is no system to identify pregnant women and to take the necessary precautions to protect them without affecting their employment status.

Source: Interviews with IMS, Syngenta staff, workers and growers

Plan of Action: Despite of Syngenta’s many initiatives, awareness on Health and Safety in the field remains very limited due to workers’ culture and beliefs. The level of awareness is expected to increase day by day through weekly training sessions. These training sessions will cover Syngenta’s CoC with a particular focus on Child Labor, HSE issues and employment relationship that have been defined as high risks in the country risk matrix. Besides training sessions, Syngenta will place posters and banners in villages and distribute additional educational materials for children of labor families.

Contracts for daily workers will also include terms related to health and safety measures for pregnant women. The contracts will obligate workers to inform agronomists about any pregnancy conditions accordingly so that pregnant workers are assigned to work without any risk for their pregnancy. Furthermore, health and safety procedures for pregnant women will be reiterated during the training sessions.

Deadline Date:
April 2015 – Daily-based worker contract
July-August 2015 - Worker trainings
Health and Safety: Document Maintenance/Worker Accessibility and Awareness

H&S.2: All documents required to be available to workers and growers by applicable laws (such as health and safety policies, MSDS, etc.) shall be made available in the prescribed manner and in the local language or language(s) spoken by the workers if different from the local language. If the workers are illiterate, the company shall make an effort to provide pictorials that the workers can easily understand.

Noncompliance

Explanation: Syngenta does not make health and safety documentation available to growers and workers. Although Syngenta has done a lot regarding health and safety documentation, Syngenta is keeping the documentation for its own staff members.

There are no records and documents kept at the farm level. In addition, Syngenta does not spend enough efforts to raise growers’ and workers’ awareness on health and safety documents.

Source: Interviews with IMS, Syngenta staff, workers and growers, record reviews, farm visits

Plan Of Action:

As part of the FLA program, Syngenta allocates a considerable amount of budget on health and safety documentation. Moreover, the project leader overlooks all expenses and the majority of all expenses is related to health and safety issues. All records are maintained and controlled.

Syngenta has published booklets, notebooks for children, brochures and many other types of communication materials to explain Syngenta’s CoC and Health and Safety in the field. Those communication materials were distributed during the training sessions and meetings. In addition, they are also displayed in the fields and villages. The project implementation team provides workers with all PPE records and maintains the records and all inventories during the production season.

Syngenta has committed to continue these training sessions to raise awareness on the production sites. The goal is to influence as many workers and growers as possible by conducting the awareness trainings and distributing communication materials.

Deadline Date:

January 2015 – Budgeting

July-August 2015 – Distribution of communication materials and PPE’s

October 2015 – Inventory check and record control

November 2015 – Budget control
Health and Safety: Communication to Workers
H&S.5 The health and safety policy shall be communicated to all workers in the local language or language(s) spoken by workers if different from the local language.

Noncompliance

Explanation: Although Syngenta or the Chemical Suppliers distributed the PPE to the farms, workers and growers often do not wear or use them. Workers and growers are not aware of the risks of not using PPE, especially with regards to spraying activities and handling other chemicals. Hence, the level of awareness and Syngenta’s control mechanisms are insufficient.

Source: Interviews with workers, growers and IMS Staff, field visits

Plan Of Action:

Despite of Syngenta’s many initiatives, awareness on Health and Safety in the field remains very limited due to workers’ culture and beliefs. The level of awareness is expected to increase day by day through weekly training sessions held every Tuesday. Labor providers (gang master or middle man) and growers will be trained before the season. These training sessions will cover Syngenta’s CoC with a particular focus on Child Labor, HSE issues and employment relationship that have been defined as high risks in the country risk matrix. In addition, grievance channels and disciplinary procedures will be emphasized during the trainings. Besides training sessions, Syngenta will place posters and banners in villages and distribute additional educational materials for children of labor families.

Deadline Date:

End of April 2015 for growers and labor contractors
End of August 2015 for workers
Health and Safety: Access to Safety Equipment and First Aid
H&S.6 Company should ensure that growers and workers have access to safety equipment and first aid.

Noncompliance

Explanation: Syngenta could not ensure that growers and workers have access to first aid kits. First aid kits are only available in Syngenta’s agronomists’ cars during the peak season. Therefore, workers do not have access to first aid kits if agronomists are not at the location.

Source: Interviews with workers, growers and the Syngenta’s agronomists, farm visits

Plan Of Action:
In Turkey, the general traffic law requires every vehicle to have a first aid kit. Thus, agronomists comply with the national traffic law and have first aid kits in their cards while travelling from field to field due to their job responsibilities.

However, the worker transportation vehicles remain on the field during the day and is accessible based on workers’ needs. Based on this fact, the contract with labor contractors will include an article requiring a first aid kit in each vehicle, as required by Turkish traffic law.

The agronomist will have the right to randomly check and control the presence of the first aid kit in the transportation vehicle. Furthermore, training sessions will cover first aid kit requirements.

Deadline Date:
End of April - Worker contracts update
End of August- Training of workers
Hours of Work: Rest Day

HOW.2 Workers shall be entitled to at least one day off in every seven-day period. In case workers have to work for several days without a day off due to the requirement of the production cycle, they can do so as far as they voluntarily agree to it.

Noncompliance Explanation: The rest day requirement is not implemented properly. According to the Turkish labor law, one rest day shall be given to every casual worker in every seven-day period. Companies are legally required to compensate rest days. However, since casual workers are hired by Syngenta through labor contractors to work from one field to another and from one company to another, it is difficult to trace the exact number of workdays for each worker.

Syngenta and the labor contractor have not yet found and implemented a system for checking and tracking legally required rest days. Consequently, no rest day is remunerated and workers prefer working on their owed rest day to make more money.

Source: Interviews with workers, growers, Syngenta staff and labor contractor, record reviews.

Plan Of Action: Syngenta and the HR service provider will initiate a program to hire a certain number of workers for the total production period, and put them on payroll for this certain period instead of the daily-based payroll. This will ensure transparency and accountability since working periods can be traced more effectively.

Deadline Date: July-August 2015
**Hours of Work: Overtime**

HOW.4 No worker shall be expected to work for more than 8 hours per day, excluding the breaks. In extraordinary circumstances, the daily working hours can be extended to 10 hours.

**Noncompliance**

**Explanation:**
During the peak season, workers work more than the legal limit of working hours, excluding breaks. The growers and Syngenta do not compensate workers for overtime and do not pay the legally required overtime premium. Hence, Syngenta is violating local law regarding overtime work.

Additionally, workers are not informed of overtime premiums, overtime hours and conditions prior to taking overtime.

**Source:** Interviews with workers, growers, labor contractor and Syngenta company representatives.

**Plan Of Action:**
Syngenta and the labor contractors will keep records of casual workers, which are hired for the peak season. Syngenta will track and record working hours, workdays and respective wage calculation. If the working time exceeds 8 hours per day, it is compensated according to Turkish Law. As an example, during the religious holiday, some workers had to work in the field and they were compensated with the overtime premium pay, which was twice as much as the usual payment.

Training sessions will emphasize workers’ rights on working hours and appropriate compensation. In addition, workers will be informed and encouraged to use grievance channels in case of compensation violations.

**Deadline Date:**
End of August - Training of workers
Wages, Benefits and Overtime Compensation: General Compliance

WBOT.1 Growers shall comply with all local laws, regulations and procedures concerning the payment of wages and benefits, including overtime compensation. In any case where laws and the FLA Workplace Code of Conduct are contradictory, the standard that provides the greatest protection for workers shall apply. Where provisions are lacking, growers shall take measures to reasonably accommodate matters concerning the payments of wages and benefits, including overtime compensation.

Noncompliance

Explanation: Syngenta does not adequately compensate workers for all working hours, as per local requirement, including payment of rest days and overtime premiums. As per local law, workers should be compensated with a wage of 50% more than the normal wage for overtime work, which exceeds 45 hours a week.

Source: Interviews with workers, Syngenta’s agronomists, labor contractor, growers, external information sources, daily agreements signed by workers.

Plan Of Action: Syngenta and the labor contractors will keep records of casual workers, which are hired for the peak season. Syngenta will track and record working hours, workdays and respective wage calculation. If the working time exceeds 8 hours per day, it is compensated according to Turkish Law. As an example, during the religious holiday, some workers had to work in the field and they were compensated with the overtime premium pay, which was twice as much as the usual payment.

Training sessions will emphasize workers’ rights on working hours and appropriate compensation. In addition, workers will be informed and encouraged to use grievance channels in case of compensation violations.

Deadline Date: End of August- Training of workers
Wages, Benefits and Overtime Compensation: Minimum Wage

WBOT.2 Growers shall pay workers, the legal minimum wage or the prevailing regional wage, whichever is higher.

Noncompliance

Explanation: Syngenta does not pay the legal minimum wage for regular working hours (not including overtime). The daily agreements signed by workers states a minimum daily wage of TL 27.02. However, workers receive TL 35 with the legal minimum wage at TL 29.70 net or TL 37.80 gross (for workers without Social Security registration). Therefore, with the majority of workers being not registered in the Social Security system, Syngenta should pay the gross wage of TL 37.80 gross.

In addition to this, the labor contractor deducts 10% from workers’ wages as a commission, which further decreases the net wage received by the workers.

Source: Interviews with workers, Syngenta's agronomists, labor contractor, growers, external information sources, daily agreements signed by workers and record reviews.

Plan Of Action:

Farm workers are under the scope of Code of Obligations. According to this code, workers are required to be remunerated in accordance with their contracts. Thus, wages cannot be less than the minimum wage.

The definition of the minimum wage is determined in “Minimum Wage Regulation” and the Minimum Wage Commission is authorized to determine the amount of the minimum wage. The monthly gross minimum wage for the second half of 2014 is determined as 1.134 TLs while the net rate is 891.03 TLs, including a minimum living allowance of 80.33 TLs. This is only granted to insured employees registered at the Social Security System. Workers are paid 810.70 TLs, excluding the minimum living allowance of 80.33 TLs. The Code of Obligation directly refers to “minimum wage”. Thus, Syngenta should consider the gross amount for remuneration of the daily wages in order to avoid potential adverse consequences. However, it should be stated that there is no clear legal definition regarding whether the gross amount is applicable for remuneration of these workers. In the agricultural sector, businesses and employers generally tend to pay the net amount of daily wages. In addition, the minimum wage rates in agriculture businesses vary, depending on the type of work completed in the field.

In 2014, the minimum wage stated in the workers’ contract is 27.02TL. The minimum wage for tasselling tasks released by Chamber of Agriculture in the production areas is 33 TL, including the commission for labor contractors. Syngenta has paid 35 TL including commission and the workers earned 30 TL after the deduction of the commission.

In 2015, Syngenta will determine the wages by contacting the Chamber of Agriculture in order to stay in line with official minimum wage rate released by the government.

Deadline Date: May 2015 - Determining of the workers’ wage
Wages, Benefits and Overtime Compensation: Timely Payment of Wages

WBOT.3 All wages, including overtime compensation shall be paid within legally defined time limits. When law does not define time limits, compensation shall be paid at least once a month or as agreed between the worker and the grower.

Noncompliance

Explanation: Wages are not paid within the legally defined time frame. Since workers are mainly daily workers, the agreements are signed every day. However, payments are made only every one or two weeks instead of daily payments.

Source: Interviews with workers, Syngenta’s agronomists, labor contractor and growers, record reviews.

Plan Of Action: Syngenta cannot pay casual workers daily due to the volume of business. Furthermore, it was communicated to the workers that the payment is done biweekly, which was accepted by them. Payment terms will be added to workers contracts.

Deadline Date: May 2015 – Worker Contract update
Wages, Benefits and Overtime Compensation: Record Maintenance
WBOT.7 Company shall make efforts to educate and assist the growers in maintaining records of wages provided to the worker in cash or in-kind or both, and such records shall be acknowledge by the worker.

Noncompliance

Explanation: Syngenta and labor contractor keep records of recruited casual workers during the peak season, working days and received wages. However, growers do not keep any record of workers they directly hired. Moreover, they have not received any training regarding appropriate documentation and record maintenance.

Source: Interviews with workers, Syngenta’s agronomists, labor contractor and growers, record reviews.

Plan Of Action: The value and meaning of payroll sheets will be shared with growers during the training sessions.

Deadline Date: March-April 2015 – Grower trainings
10. Miscellaneous

Social Security Registration

Noncompliance

Explanation: Workers' social security (SS) registration is not implemented, as per local law requirements. Syngenta’s HR service provider does not see the need to register workers for social security arguing that temporary agricultural workers are exempted from this registration. However, this is a wrong interpretation of the Circular No 6111, as Annex 5 of Act No 5510 describes how this type of temporary agricultural workers can get social security benefits. Agricultural workers who repeatedly work a stated amount of days every year during a defined period of time must be considered as continuous workers and their social security registration and premium payment has to be arranged.

Source: Interviews with workers, Syngenta, labor contractor, growers and external information source, records review.

Plan Of Action:

The workers handling discontinuous tasks (less than 30 days) are exempted from Social Security requirements. Therefore, Syngenta or its contractor does not need to register workers, who work on discontinuous assignments.

Workers are provided with the option of being registered. For various reasons some of them refuse to get registered.

The Annex article 5 of Code 5510 regulates the rights of the workers to register them to the Social Security System by paying the premiums. This does not mean that the employer is obliged to register the workers to the system.

In their daily-based contracts, Social Security registration system is briefly described. In addition, the procedure regarding Social Security is explained during the training sessions. However, most of the workers do not want to register because of the burden of paper work and taxation responsibilities. Syngenta keeps continuing to encourage Social Security registration.

Deadline Date: Ongoing