



[2018]

## FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURAL REPORT

**Company:** Syngenta

**Country:** Thailand

**Crop:** Corn

**Production Process:** Detasseling

**Assessment Location:** Phop Phra District, Tak Province

**Monitor:** Ms. Wipawadee Panyangnoi/Ms. Patramon Sukprasert

**Assessment Dates:** 14-17 December 2018

**Number of assessed farms:** 16

**Total area covered:** 116 Acre

**Number of farmers interviewed:** 15

**Total number of workers:** 88

**Number of workers interviewed:** 47

To view more about the FLA's work with Syngenta, please visit the FLA website [here](#).

To access the FLA Agriculture Monitoring Benchmarks, please visit [this page](#).

## Employment Relationship

### Compliance Status

Element	Benchmark	Compliance status	Farms
Human Resource Management System	ER.1.1	In compliance	0
	ER.2.1 (Progress Benchmark)	In progress	All farms
	ER.2.1.1(PR)	Not Initiated	All farms
Recruitment and Hiring	ER.3.1	Noncompliance	All farms
	ER.3.1.1	Noncompliance	All farms
	ER.3.1.2	Noncompliance	All farms
	ER.4	N/A	0
	ER.5.1	N/A	0
	ER.5.2	N/A	0
	ER.5.3	In compliance	0
	ER.6 (PR)	Not Initiated	All farms
	ER.7.1	In compliance	0
	ER.7.2	In compliance	0
	ER.7.3	In compliance	0
	ER.7.4	In compliance	0
	ER.7.5	Noncompliance	All farms
	ER.7.6	Noncompliance	All farms
	ER.7.7	In compliance	0
ER.7.8	In compliance	0	
Terms and Conditions	ER.9.1	In compliance	0
	ER.9.2.1	Noncompliance	All farms
	ER.9.2.2	Noncompliance	All farms except Farm 12
	ER.9.2.3	Noncompliance	All farms
	ER.9.3.1	Noncompliance	Farm 13
	ER.9.3.2	In compliance	0
	ER.9.3.3	In compliance	0
	ER.10	N/A	0
	ER.11	Noncompliance	All farms
	ER.12.1	Noncompliance	All farms
	ER.12.1.1	In compliance	0
	ER.12.2	N/A	0
	ER.13.1	Noncompliance	All farms
	ER.13.2 (PR)	In progress	All farms
ER.13.3 (PR)	Not Initiated	All farms	
Administration	ER.15.1	In compliance	0
	ER.15.2	In compliance	0
	ER.15.2.1	Risk of noncompliance	Farm 13
	ER.16.1	In compliance	0
	ER.16.2	In compliance	0
	ER.17.2 (PR)	Not Initiated	All farms
	ER.17.3 (PR)	In compliance	0
	ER.17.4 (PR)	Not Initiated	All farms
Worker Involvement	ER.18.1	Noncompliance	All farms except Farm 12
	ER.18.2 (PR)	In progress	All farms except Farm 3, 11, 12
Right to Organize and Bargain	ER.19	In compliance	0
Work Rules and Discipline	ER.20.1	Noncompliance	All farms
	ER.20.2	Noncompliance	All farms
	ER.20.3 (PR)	Not Initiated	All farms
	ER.20.4	Noncompliance	All farms
	ER.20.6	Noncompliance	All farms
	ER.20.7	Noncompliance	All farms

	ER.20.8	Noncompliance	All farms
	ER.20.9 (PR)	Not Initiated	All farms
	ER.20.11	Noncompliance	All farms
Access to Training for Family Members	ER.21	In compliance	0
HSE Management System	ER.24.1.	Risk of noncompliance	Farm 16
	ER.24.2 (PR)	Not Initiated	All farms
	ER.24.3	In compliance	0
	ER.24.4 (PR)	Not Initiated	All farms
	ER.24.4.1 (PR)	Not Initiated	All farms
	ER.24.4.2 (PR)	Not Initiated	All farms
	ER.24.4.3 (PR)	Not Initiated	All farms
	ER.24.4.4 (PR)	Not Initiated	All farms
	ER.24.4.5 (PR)	Not Initiated	All farms
	ER.24.4.6 (PR)	Not Initiated	All farms
Grievance Procedures	ER.25.1 (PR)	Not Initiated	All farms
	ER.25.2 (PR)	Not Initiated	All farms
	ER.25.3	Noncompliance	All farms
	ER.25.4	In compliance	0

### Employment Relationship Assessment Summary

#### Proof of Age Documentation

**Benchmarks:**

**ER.3.1:** Employers shall verify proof of age documentation for all young workers in the farm at the time of their employment and work towards collecting and maintaining all documentation necessary to confirm and verify date of birth of all workers, including long term and casual workers.

**ER.3.1.1:** Employers shall take reasonable measures to ensure such documentation is complete and accurate.

**ER.3.1.2:** In those cases where proof of age documentation is not readily available or unreliable, employers shall take all necessary precautions which can reasonably be expected of them to ensure that all workers are at least the minimum legal working age, including requesting and maintaining medical or religious records of workers, or through other means considered reliable in the local context.

**ER.7.5:** work that needs to be done and is outside the professional expertise of the permanent workforce;

**ER.7.6:** contract, temporary, casual, daily, seasonal or migrant workers receive at least the minimum wage or the prevailing industry wage whichever is higher, and all legally mandated benefits such as social security, other forms of insurance, annual leave and holiday pay;

**Noncompliance  
in all farms**

**Findings/Noncompliance  
Explanation:**

- 1) There is an informal but not legal procedure of maintaining age proof documents, which has been practiced and accepted by farmers (the village chief provides a white paper card to each worker who pays a fee of THB 300). Although this is not legal, it is accepted by authorities who refrain from arresting the workers if they stay within the village boundary and are above 15 years of age). Most migrant workers have applied for the card. This practice was not observed during the last audit. However, it is not the case when hiring daily wage workers. Thus, the incidence of child labor has a higher chance to be found among daily wage workers. In addition, the monitoring team also observed young workers in some farms but there were no documents maintained.
- 2) Hiring of daily workers is not based on their professional expertise or skills but only on the availability of workers.
- 3) None of the workers receive fair minimum wage (at par with other industry wage) nor benefits. Recruitment system in the area is informal. It is mostly done through their own networks. The employment has no contract even if it is a long-term employment. Some workers have been working in the farms for over five years, but are still considered as temporary workers as they have no explicit workdays, holidays,

	leave, nor the legitimate registration and employment stability. <u>Source:</u> Interview with a village chief, workers and farmers			
<b>Company Action Plan:</b>	<p>1) Syngenta understands the importance of maintaining age proof documents at the workplace. This will really help in identifying the child labors and young workers in the farm. Slowly we will educate the growers about the importance of maintaining the age proof document at the workplace. We will start monitoring that the photocopies of the age proof documents are maintained by the growers at the farm. This will take some time and will be implemented phase by phase to cover entire farms in four years of time</p> <p>2) Basically, agricultural work is not skillful work, but we can classify some of the work as semi skillful. Therefore, in such an unorganized sector the workers are appointed based on availability and further trained as per our requirement. This is a common and accepted method of recruitment of workers. But surely if technical workers are needed, Syngenta will develop a policy of workers recruitment accordingly.</p> <p>3) As per discussion with a local authority, contract farming is considered to be seasonal and impermanent. However, Syngenta will try to create a worker's contract that the farmer can consider implementing with workers who work in the farm for a long time. This contract must be fair for both the farmer and the worker and needs to be consulted with the legal team. The contract will include the conditions such as social benefit, working hours, holidays, leave and payment conditions. This document is a local document alignment with Thai labor law and Syngenta CoC. will be managed by Syngenta growers.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Discussion with local authority will initiate to get more clarity on white paper procedure and conditions.	Understand and collaborate to support the workers to follow local authority conditions.	Oct 2019 – Mar 2020	FLP Team
	Training at farm level to the workers on FLP standards.	Increased knowledge among farm workers on FLP standards.	Nov 2019 to Feb 2021	Field Production team
	The worker's recruitment procedure will be created with consultation of the legal team.	Implement the procedure at farmer level and expect to cover 50% of farms in 2019 and 100% in 2020.	July, 2019	FLP Team Field Production team
	Permanent worker's contract will be implemented with volunteers of the farmer.	Contract between farmer and permanent worker. The pilot covers 10% in 2019 and expands to cover 100% for permanent workers within 2020.	Pilot 10% in Dec 2019 and 100% in Dec 2020	FLP Team Field Production team

## Terms and Conditions

### Benchmarks:

**ER.9.2.1:** provisions of national laws;

**ER.9.2.3:** the FLA Workplace Code.

**ER.11:** Employers shall ensure that all legally mandated requirements for the protection or management of special categories of workers, including migrant, juvenile, contract/contingent/temporary, casual, daily, home workers, pregnant or disabled workers, are implemented.

**ER.12.1:** Employers shall regularly inform workers about workplace rules, health and safety information, and laws regarding workers' rights with respect to freedom of association, compensation, working hours, and any other legally required information, and the FLA Code through appropriate means, including posted in local language(s) throughout the workplace's common areas or in the surrounding community. In the case of workplaces with informal labor structures, these communication and awareness raising activities could be done with support from supply chain intermediaries such as cooperatives, organizers, tier one suppliers or the participating company.

**Noncompliance  
in all farms**

<i>ER.13.1: Farmer, sharecropper or any kind of supervisor who is leading workers shall have knowledge of the local labor laws and the FLA Code.</i>		<b>Noncompliance in 15 farms</b>		
<i>ER.9.2.2: freely negotiated and valid collective bargaining agreements; or</i>				
<i>ER.9.3.1: to hold wages already earned; or</i>				
<b>Findings/Noncompliance Explanation:</b>	<p>1) Farmers and workers know little about labor rights and labor standards. Also, farmers do not have enough knowledge and interest in promoting labor rights to the workers, except about hiring child workers. Workers know about minimum wages in other sectors and realize that what they earn is little.</p> <p>2) There are many limitations making workers accept working conditions. Some workers hold the village chief document which is not a legal document. This limits them to negotiate with farmers for better benefits. They also have no freedom of movement causing them to remain working in farms.</p> <p>3) There is a general concern among seed organizers, Syngenta, farmers and workers about the migrant workers' legal status. However, considering profits and wages farmers and workers earned, it is not easy for them to be legally registered.</p> <p>4) Most of the workers in Farm 13 got paid once a month, supposedly at the end of the month but according to the workers, it is common for them to receive late payment.</p> <p>5) Communication between employers and workers was made orally covering compensation and working hours however, other issues under labor code are not covered.</p> <p><u>Source:</u> Interview with workers, farmers, seed organizers, company staff and a village chief.</p>			
<b>Company Action Plan:</b>	<p>1) Syngenta is having the major concern on this that workers should know their rights and that is the reason we have collaborated with FLA and a comprehensive program has been designed to address these issues. We are working from more than eight years on this we were able to create hopes of improvement. We are already aligned with LLC (Labor Law Clinic) if required we will take help of them to sensitize the workers in this area.</p> <p>2) For point no 2 and 3 we have already launched a program on migrant workers finding out the solutions of all the issues with the Help of ILO, LLC and FLA. As this is a nationwide problem it will take little time for its improvement. But for sure Syngenta is more serious on this and working hard to dilute this issue</p> <p>3) As above.</p> <p>4) The payment terms and conditions are mutually agreed between the growers and workers and implemented. Syngenta has a role only to observe if they are paid as per the agreements and ensure there are no concerns from both the parties. However, such agreements are verbal and challenging to track.</p> <p>5) The agreements are verbal, and Syngenta is encouraging the growers and workers to formalize it with a written contract. However, Syngenta will plan training for all growers and workers during the seasons on workplace standards and sensitize them on a regular basis on workers' rights.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Train the trainer on Thai labor law for production staff and contact farmers.	Improve knowledge and awareness of the target group.	Dry season 2019	FLP Team

	Discuss with local authority on the workers' rights and conditions.	To create the understanding of complex situations and possible solutions must be aligned with the community and authority based on the Thai legal system.	Dry Season 2019/20	FLP
	Syngenta will support registration processes by collaborating with related organizations.	Encourage the farmer to increase the number of registered workers year by year.	Dry season 2019/20	FLP Team Field Production team
	The dedicated training for field production staff will be arranged by FLA Lead and invited stakeholder on the labor law.	Training to cover 10% of the contract farmer starting from September 2019.	Dry season 2019/20	FLP team and local production team

## Administration

### Benchmarks:

*ER.15.2.1: Advances must be properly documented, and their receipt and accuracy must be confirmed by the recipient worker, in writing whenever possible (e.g. signature, thumbprint).*

**Risk of noncompliance in one farm**

### Findings/Noncompliance Explanation:

42 words

There is no transparent system about advance payment. However, each party has their own records about how much money has been advanced but there is no receipt available. This leads to risk of engaging in unverified documentation.

Source: Interview with workers, farmers

### Company Action Plan:

Syngenta will develop an applicable form for advance payment in properly record and maintained. This form will be developed in consultation with growers and workers. The form will contain the key information such as date, name of worker, amount, term and expected payback date. The signature both the farmer and worker must be in place including the date of written form. Since it is not mandatory from the authority, Syngenta will select and encourage the farmer to use this form to start off using a demo form that can be extended if there are no concerns from the farmer. The form must be maintained by the farmer and be available for Syngenta staff to audit if needed.

### Deadline Date:

Activity	Outcome	Timeline	Responsible
Develop a form to record advance payment and maintain the document.	Application form for implementation.	Distribute to 10% of the contract farmer in Dry season 2020 as demo and will expand to cover 100% by Dry season 2021.	FLP Team and local production team

## Worker Involvement

### Benchmarks:

*ER.18.1: Employers shall have a clear and transparent system of worker and employer communication that enables workers to consult with and provide input to the employer or the company management. This might include regular conversation between workers and employer, suggestion boxes, workers committees, designated spaces for worker meetings, and meetings between employer and workers' representatives. For small farms with informal labor structures, this means that the workers can openly reach and communicate with the producer/farmer.*

**Noncompliance in 15 farms**

### Findings/Noncompliance Explanation:

There are no formal forms or channels to communicate between workers and farmers. Workers communicate informally with the farmer. In one farm however, a worker negotiated with the farmer to change the type of payment and employment from monthly to get a share of total production. But only one such case was observed during the assessment.



	<u>Source:</u> Interview with workers, farmers			
<b>Company Action Plan:</b>	<p>We appreciate the observation of the assessor on this point. But simultaneously we must note that such scenarios are rare and not often happenings. However, Syngenta will develop a procedure to record such negotiations and payments and keep them for internal understanding. Verbal and informal communication between the farmer and the worker are now existing at farm level as it is a general practice in the community. Syngenta will initiate and facilitate a new formal forum that will help to develop the efficiency of communication between the farmers and the workers. This activity must be engaged with the community lead, and NGOs and the specific topic will focus on payment conditions and benefits. The expected solutions for improving the living conditions that are acceptable for both farmers and workers.</p> <p>Syngenta will record the minute and summarize the meeting with the signature of all participants included in the minute record.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Engage with local stakeholders: authority, community lead, NGO, farmers and workers.	To create a new possibility forum to discuss between growers and workers.	Dry season 2019/20 and continue every season.	FLP Team and local production team

### Work Rules and Discipline

**Benchmarks:**

- ER.20.1: Employers shall have disciplinary rules and practices that embody a system of progressive discipline (e.g. a system of maintaining discipline through the application of escalating disciplinary action moving from verbal warnings to written warnings to suspension and finally to termination).*
- ER.20.2: Any person supervising workers shall be aware of the disciplinary rules and practices.*
- ER.20.4: The disciplinary system shall be applied in a fair and non-discriminatory manner and include a management review of the actions by someone senior to the manager who imposed the disciplinary action.*
- ER.20.6: Disciplinary rules and practices shall be clearly communicated to all workers.*
- ER.20.7: Workers must be informed when a disciplinary procedure has been initiated against them.*
- ER.20.8: Workers have the right to participate and be heard in any disciplinary procedure against them.*
- ER.20.11: The disciplinary system shall include a third party witness during imposition, and an appeal process. In case of smallholder settings, existing appeal mechanism at community level is acceptable.*

**Noncompliance  
in all farms**

**Findings/Noncompliance Explanation:**

No existence of systemic disciplinary rules was found; thus, no communication has been undertaken. Although none of the workers mentioned that they had experienced disciplinary actions or issues in the farms.

Source: Interview with farmers

**Company Action Plan:**

Syngenta will work with key farmers to create a disciplinary rule that can apply at farm level. These rules will include working place conditions such as:

- Hour of work including break
- Do's and don'ts
- Job description
- PPE expectation
- Emergency contact, etc.

The full written disciplinary rules will be posted at the worker's residence while short and communicative material will develop to make it easy to understand for the permanent and daily worker.

<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Identify key farmers for development and implement disciplinary rules.	To create a disciplinary rule for workers at least two to three groups of workers per village.	Dry season 2019/20 and continue every season.	FLP Team and local production team

## HSE Management System

**Benchmarks:**

*ER.24.1: Health, safety and environmental rules shall be communicated to all workers in the local language or language spoken by workers if different from the local language.*

**Risk of  
Noncompliance  
in one farm**

**Findings/Noncompliance  
Explanation:**

Most of the farms had decent HSE systems however the monitoring team observed that one farm could not communicate the HSE expectations and rules with the workers due to language barrier.

Source: Interview, observation

**Company Action Plan:**

The activity of basic HSE usually reminds the growers and workers whenever a field production team visits the field. For this risk to be identified, Syngenta will improve the communication that can be understandable by the workers. The pictogram will be developed to support this communication of HSE expectation and rules.

**Deadline Date:**

Activity	Outcome	Timeline	Responsible
Develop a pictogram on HSE and worker's rules.	The poster will be placed at the worker's residence and communicated during the working day.	Expected to cover permanent workers 100% by end 2019 and 80% daily workers by 2020.	FLP Team and local production team

## Grievance Procedures

**Benchmarks:**

*ER.25.3: FLA-affiliated companies shall make sure that a confidential non-compliance reporting mechanism is available for farmers and workers in the supply chain (such as members of cooperatives or suppliers of seed organizers). Through this channel, any code violation can be communicated to the company in the event that the local and farm level grievance redress mechanisms fail to sufficiently address the issue.*

**Noncompliance  
in all farms**

**Findings/Noncompliance  
Explanation:**

There is a written grievance procedure shared with company staff in Thai, but effective communication to the farmers and workers is not made. Farmers are expected to inform the workers or workers are expected to identify what is written on the poster. Despite the presence of posters in all the farms, none of the workers interviewed had any knowledge of the purpose of the number. Additionally, the hotline operator only speaks Thai while all workers are not Thai or do not speak fluently Thai; they speak Burmese or Karenese.

Source: Interview, observation

**Company Action Plan:**

Existing grievance channel had been developed for communication in all production locations including Tak location. Syngenta will make more effective communication in the farmer meeting at least three times per season. The written phone number will also add the specific number for field staff who can speak Karenese language. The special meeting for permanent workers will be set during the season to train them on topics as follows: FLA CoC, rules and grievance channel. This training will be arranged in Thai or Karenese or Myanmar language depending on the participants.

Syngenta do have the contact numbers for placing the grievances, and we have kept suggestion boxes with all grower leaders houses to place written grievances. This is also communicated to growers and workers during pre-season and mid-season meetings.

**Deadline Date:**

Activity	Outcome	Timeline	Responsible
Three times farmer	Knowledge improvement	Dry season 2019/20	FLP Team and local



	training. One time special training for permanent workers.	of existing grievance channels.		production team
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## Non-discrimination

### Compliance Status

Section	Benchmark	Compliance status	Farms
General Compliance	ND. 1	Noncompliance	Farm 6, Farm 8
Recruitment and Employment Practices	ND.2.1	Noncompliance	All farms
	ND.2.3	Noncompliance	All farms
Compensation Discrimination	ND. 3	Noncompliance	Farm 6, Farm 8
Discrimination in Training and Communication	ND. 4	Risk of noncompliance	All Farms
Marital or Pregnancy-Related Discrimination Health-Related Discrimination	ND.5.1	In compliance	0
	ND.5.2	In compliance	0
	ND.5.3	In compliance	0
	ND.6.1	In compliance	0
	ND.6.1.1	Risk of noncompliance	All farms
	ND. 7	In compliance	0
Health-Related Discrimination	ND.8	In compliance	0
	ND. 9	In compliance	0
	ND.11	In compliance	0

### Non-discrimination Assessment Summary

General Compliance	
<p><b>Benchmarks:</b></p> <p><b>ND.1:</b> Employers shall comply with all national laws, regulations and procedures concerning non-discrimination.</p> <p><b>ND.3:</b> There shall be no differences in compensation for workers performing equal work or work of equal value based on gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group, ethnic origin, employment status (e.g. local workers vs. migrant workers), or membership in unions or other workers' representative bodies.</p>	
<b>Findings/Noncompliance Explanation:</b>	<p>Gender based wage discrimination was identified in two farms. The workers doing the same task earn differently. Women workers in Farm 8 earn 130 THB while male workers earn 150 THB. In Farm 6, female workers are paid 150 THB while a male worker gets paid 160 THB for doing the same job, for the same working hours.</p> <p><u>Source:</u> Interview with the workers.</p>
<b>Company Action Plan:</b>	<p>Syngenta will also not accept any type of discrimination including the wage-based discrimination. We accept this is observed by the assessors we will investigate internally and immediately stop this happening again.</p> <p>Syngenta has already a policy of non-discrimination in place and we will educate the growers and workers on stringent implementation of this on regular basis.</p> <p>To improve these conditions, Syngenta will collaborate with the local organization in areas, such as local offices, labor protection and welfare and local NGOs, to provide the training for the contract farmer. Training will be arranged for field staff and general training will be ranged for the farmer in the starting month of the planting</p>

	season: September for dry season and March in wet season. The training will contain the regulations, conditions and penalty provision if any case happens.			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Identify local CSO for training on discrimination promote. Intensive training for field staff and farmers for the regulations and conditions.	Improve knowledge and farm level implementation of discrimination standard.	Dry season 2019/20	FLP Team and Local field production team

### Recruitment and Employment Practices

**Benchmarks:**

**ND.2.1:** Recruitment and employment practices shall be free from any type of discrimination.  
**ND.2.3:** If not provided by law, employers must provide protection to workers who allege any type of discrimination in recruitment and employment practices.

**Noncompliance  
in all farms**

**Findings/Noncompliance  
Explanation:**

It seems like the employers decide which task should be responsible for which gender. Thus, we learn that only male workers are recruited to do the so-called hard work activity which means applying pesticides, spraying chemicals, lifting heavy objects. When asked whether female workers would be hired if they want to do the hard work, farmers state that women refuse. This is because heavy work reserved only for male workers has become the norm.

Source: Interview

**Company Action Plan:**

To re-emphasize the gender and wage discrimination with the farmers, in every farmer meeting Syngenta will encourage the farmer to ask a voluntary job between male and female workers. This will be part of a job assignment for every task.

The Grower Documentation Kit (GDK) was initiated and distributed to 100% of the farmer since 2017 with the aims to ensure that farmer's awareness on age and gender verification system via phase-wise intervention. Syngenta staff will randomly check the usable and effectiveness of this kit.

In addition, the field production team will continue farmer sensitization activity through training and one-to-one conversation during the pre-season meeting.

<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Grower training on Thai labor law with emphasize on the discrimination for recruitment. GDK distributes to 100% farmers. Training for record of the farm activity and labor cost.	Grower's awareness to follow discrimination conditions. Grower had a record for a whole production season and kept at farm level for internal monitoring.	Dry season 2019/20	FLP Team and Local field production team

### Discrimination in Training and Communication

**Benchmarks:**

**ND.4:** Employers shall guarantee that all workers have equal access to training and capacity building and no discrimination takes place based on the characteristics noted above, nor on literacy or location of the workers. Training and communication should be given in the native language accessible to workers.

**Risk of  
Noncompliance  
in all farms**

**Findings/Noncompliance  
Explanation:**

The training materials or staff have not been developed for Burmese and Karenese speaking workers therefore there is a risk of non-inclusion of the migrant workers if the training is conducted.

Source: Interview, observation

<b>Company Action Plan:</b>	<p>The gist of the policy and procedure shall be made available to all the seed organizers, farmers and workers through visual mediums. The appropriated materials such as posters, banners and pictograms will be developed and posted in accessible and simple forms for the workers to communicate them on Syngenta fair labor policy and conditions. The materials shall be developed in Thai language and translated Myanmar Language by a professional person.</p> <p>During the worker training, Syngenta already had field staff who can speak Karenese so we can communicate to the Karen workers. In addition, Syngenta will invite the trained Burmese speaker to provide information to the worker.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	<p>Continue to translate the communication materials to Myanmar language.</p> <p>On farm training for farmers and workers and especially for daily workers.</p>	Local language materials are posted at farm level.	Dry season 2019/20	FLP Team and Local field production team

<b>Marital or Pregnancy-Related Discrimination</b>				
<p><b>Benchmarks:</b></p> <p><i>ND.6.1.1: Where such legal protective provisions are lacking, employers shall take reasonable measures to ensure the safety and health of pregnant women and their unborn children.</i></p>				<p><b>Risk of Noncompliance in all farms</b></p>
<b>Findings/Noncompliance Explanation:</b>	<p>While no dismissal of pregnant women was found, there is no policy or guidelines to ensure compliance of the law which would state that the employer shall not terminate employment of a female employee on the grounds of pregnancy. Besides, employers had no knowledge about protective provisions benefiting pregnant workers and thus there were no provisions in place in their farms.</p> <p><u>Source:</u> Interview, observation</p>			
<b>Company Action Plan:</b>	<p>Syngenta will develop and compact the communication materials that promote the special protection for young workers and pregnant women under Thai Labour Protection Law policy shall be developed along with terms and conditions.</p> <p>Syngenta will ensure that the specific guidelines for pregnant workers recruitment are included in the workers hiring policy.</p> <p>The Syngenta team in each production village will develop and promote the emergency call, first aid, and occupational health and safety training. Such information shall be disseminated with the farmers, when needed during emergencies.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	<p>Develop a compact of the communication materials that promote the special protection for young workers and pregnant women under Thai Labour Protection Law policy.</p>	<p>Local language materials are posted at farm level.</p> <p>Farmers and workers improve knowledge on special protection for young and pregnant workers.</p>	Dry season 2020/21	FLP Team and Local field production team

## Forced Labor

### Compliance Status

Section	Benchmark	Compliance status	Farms
General Compliance	F.1	Risk of Noncompliance	Farm 13
Freedom in Employment and Movement	F.2	In compliance	
	F.3	Noncompliance	Farm 13
	F.4.1	In compliance	
	F.4.2	Noncompliance	Farm 13
	F.5.1	In compliance	
	F.5.2	In compliance	
	F.5.3	In compliance	
	F.7.1	In compliance	
	F.7.2	In compliance	
	F.7.3	In compliance	
	F.7.4	In compliance	
	F.7.5	In compliance	
	F.7.6	In compliance	
	F.7.7	In compliance	
F.8	In compliance		
Work of Family Members	F.6.1	In compliance	
	F.6.2	In Compliance	
	F.6.3	In compliance	
	F.6.4	In compliance	
Personal Workers Identification and Other Documents	F.9	Noncompliance	Farm 13

### Forced Labor Assessment Summary

General Compliance	
<p><b>Benchmarks:</b></p> <p><i>F.1: Employers shall comply with all national laws, regulations and procedures concerning the prohibition of forced labor and human trafficking in any stage of the agriculture production process.</i></p>	<p><b>Risk of Noncompliance in one farm</b></p>
<p><b>Findings/Noncompliance Explanation:</b></p>	<p>There is a provision in the new law that prohibits confiscation of worker's documents. The team observed that a farmer had confiscated a worker document on the pretext of keeping the documents safe. This creates risk of freedom of movement. Most farmers' understanding of forced labor was only limited to physical and mental coercion particularly in the forms of threats and intimidations and not the trends concerning modern slavery.</p> <p><u>Source:</u> Interview</p>
<p><b>Company Action Plan:</b></p>	<p>Workers recruitments are purely the understanding between growers and workers</p>

	<p>and in this case the workers are two steps away from Syngenta’s direct control. But will ensure that the workers recruitment policy there will be clear guidelines on such type of bondage and growers and workers will be encouraged to follow the guidelines very stringently. Syngenta Internal legal team will help in developing this policy document.</p> <p>To make it more efficient, training will be created in different sessions between farmers-Thai language and workers-Myanmar language.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Farmer and permanent worker training on Thai Labor Law in agricultural sessions by external experts.	Farmers and workers can improve knowledge of Thai labor.	Dry season 2019/20	FLP Team

### Freedom in Employment and Movement / Personal Workers Identification and Other Documents

**Benchmarks:**

- F.3: Employers shall not bind workers to employment as a condition of fulfilling terms of a debt to a third party or to the employer.*
- F.4.2: No employment term or disciplinary practice shall confine or restrict workers’ freedom of movement.*
- F.9: Workers shall retain possession or control of their passports, identity papers, travel documents, and other personal legal documents. Employers may obtain copies of original documents for record-keeping purposes, or as ID substitute.*

**Noncompliance in one farm**

<b>Findings/Noncompliance Explanation:</b>	<p>One of the main reasons that workers become indebted is not being able to pay monthly or seasonal payments. Thus, they need advances to make a living and they must continue working in the farm to pay back the employers. Some farmers also retain workers documents, the monitoring team observed one farmer had retained the worker documents. This has a consequence on worker's mobility as they need to carry the documents to prevent any prosecution and/or extortion by police.</p> <p><u>Source:</u> Interview</p>			
<b>Company Action Plan:</b>	<p>It is important that the farmers as employers must follow Thai labor law, but the Syngenta production team is not an expert on the legal aspect. Syngenta will develop an action to improve the situation by approaching the local organizations such as labor law clinic, department of labor protection and welfare to emphasize on the terms, conditions and penalty of individual labor law. This external training program must be set and align with the availability of those external stakeholders. The topic of wage payment and freedom of employee’s movement and penalty of personal workers identification will be emphasized in this training.</p> <p>To make it more efficient, training will be created in different sessions between farmers-Thai language and workers-Myanmar language. Syngenta also plans to work with FLA and develop a long-term plan to address migrant workers’ issues.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Farmer and permanent worker training on Thai Labor Law in agricultural sessions by external experts.	Farmers and workers can improve their knowledge of Thai labor.	Dry season 2019/20	FLP Team

## Child Labor

### Compliance Status

Section	Benchmark	Compliance status	Farms
General Compliance	CL.1	Noncompliance	Farm 2
Minimum Age	CL.2	Noncompliance	Farm 2
Immediate Family Members	CL.3	In compliance	
Right to Education	CL.4.1 (PR)	Not Initiated	All Farms
Young Workers	CL.5	In compliance	
	CL.6.1	Noncompliance	Farm 1, 2, 11, 12
	CL.6.2	Noncompliance	Farm 1, 2, 11, 12
	CL.7	In compliance	
Apprenticeships and Vocational Training	CL.8.1 (PR)	In compliance	
	CL.8.2 (PR)	In compliance	
Children on Premises	CL.9	Risk of Noncompliance	Farm 9, 13
Removal and Rehabilitation of Child Laborers	CL.10.1	In compliance	
	CL.10.2 (PR)	Not Initiated	All Farms

### Child Labor Assessment Summary

General Compliance / Minimum Age	
<p><b>Benchmarks</b></p> <p><i>CL.1: Employers shall comply with all national laws, ratified international conventions, fundamental labor rights, regulations and procedures concerning the prohibition of child labor.</i></p> <p><i>CL.2: Employers shall comply with ILO Convention 138 and shall not employ anyone under the age of 15 or under the age for completion of compulsory education, whichever is higher. If a country has a specified minimum age of 14 years due to insufficiently developed economy and educational facilities, employers might follow national legislations but must work to progressively raise the minimum age to 15 years.</i></p>	
Noncompliance in one farm	
<b>Findings/Noncompliance Explanation:</b>	<p>The team observed a female child labor in one farm doing detasseling work. Although no age proof document could be obtained (she is an international immigrant from Myanmar with no formal documents), it was confirmed from various sources (interviews with farmers and family members) that she was 14 years of age. Also, the farmer confirmed that Syngenta emphasizes no use of child work in the farms, but he provided work to the girl since her mother wanted her to work and the farmer needed workers for detasseling. The girl said that she didn't want to do the work. She further added that she was working for the first time in this farm although she has been working in other farms for over a year. She was being paid THB 150 which was the same rate as other adult workers. In another farm, a child labor was suspected but due to lack of strong evidence (the worker did not want to conduct interviews), more details could not be obtained. The presence of child labor in the farm is non-compliance under the Ministerial Regulation concerning Labor Protection in Agricultural Work 2014. [Please note that a detailed report with farm and worker details has been sent to Syngenta with a purpose of initiating immediate action].</p> <p><u>Source:</u> Observation and interview</p>
<b>Company Action Plan:</b>	<p>Syngenta team has visited the place and observed that the child labor was not working now. Syngenta team has educated the growers not to repeat this again.</p> <p>1) Syngenta will create the policy and procedures for age proof of young/child labor document that contain necessary information for age proof for the young workers. This required document must be available for verification by the farmer or Syngenta supervisor. The policy and procedure will be communicated to the farmers at farm level for implementation.</p> <p>2) Syngenta continuously promote the child labor policy in every meeting in the planting season. Many channels of communication were initiated and obviously seen by farmers and workers. It was found that the understanding of the labor law is not an issue but at the farm level had difficulties and complexity for both farmers and</p>



	<p>workers. However, Syngenta will try to raise this issue to discuss with the farmer leader and farmer to find the solution that possible to remove the child labor from the field.</p> <p>3) To approach the key authority on the child labor is one of the opportunities to improve this condition. Syngenta will consult with local control authority: Subdistrict Administrative Organization (SAO), to emphasize the issue and can be the key stakeholder to improve this community condition.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	<ul style="list-style-type: none"> <li>- Consult with the legal team on 3<sup>rd</sup> worker policy.</li> <li>- Approach SAO for consultation with local conditions.</li> <li>- Small group meeting between farmer and SAO.</li> </ul>	<p>Policy for hiring 3<sup>rd</sup> worker in agricultural sector (daily worker).</p> <p>Know the conditions of local authority.</p> <p>Farmers follow the conditions for daily worker hiring.</p>	Dry season 2019/20	FLP Team

Young Workers				
<p><b>Benchmarks</b></p> <p><i>CL.6.1: Employers shall comply with all relevant laws that apply to young workers, (e.g., those between the minimum legal working age and the age of 18) including regulations related to hiring, working conditions, types of work, hours of work, proof of age documentation, and overtime.</i></p> <p><i>CL.6.2: Employers shall maintain a list of all young workers, their entry dates, proof of age and description of their assignment.</i></p>				<p><b>Noncompliance in four farms</b></p>
<b>Findings/Noncompliance Explanation:</b>	<p>The monitoring team identified around ten young workers (one Karen with Thai national and nine migrant workers from Myanmar). None of the assessed farms maintained a list of young workers. Proof of age documentation could not be shown during the interviews. Their working hour and wages were equal to that of adult workers. Although farmers had some awareness level about restriction on child labor, there was no such awareness about the use of young workers in the farm.</p> <p><u>Source:</u> Observation and interview with workers and farmers</p>			
<b>Company Action Plan:</b>	<p>Syngenta continuously promote the child labor policy in every meeting in the planting season. Many channels of communication were initiated and obviously seen by farmers and workers. It was found that the understanding of the labor law is not an issue but at the farm level had difficulties and complexity for both farmers and workers. However, Syngenta will try to raise this issue to discuss with the farmer leader and farmer to find the solution that possible to remove the child labor from the field.</p> <p>To approach the key authority on the child labor is one of the opportunities to improve this condition. Syngenta will consult with local control authority: Subdistrict Administrative Organization (SAO), to emphasize the issue and can be the key stakeholder to improve this community condition.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	<ul style="list-style-type: none"> <li>- Approach SAO for consultation with local conditions.</li> <li>- Small group meeting between farmer and SAO.</li> </ul>	<p>Know the conditions of local authority.</p> <p>Farmers follow the conditions for daily worker hiring.</p>	Dry season 2019/20	FLP Team

Children on Premises	
<b>Benchmarks</b>	<b>Risk of</b>

**CL.9:** The employer shall ensure that children (including those residing on the farm and those of migrant workers) are not exposed to dangerous agriculture production activities, including exposure to chemicals/pesticides.

**Noncompliance  
in two farms**

**Findings/Noncompliance  
Explanation:**

In the farms that have children around, parents usually take the kids with them while working. This is because the parents want to ensure their kids safety otherwise no one would look after the children. However, this can lead to other risks such as exposure to residual chemicals.

Source: Observation and interview

**Company Action Plan:**

Syngenta continuously promote the child labor policy in every meeting in the planting season. Many channels of communication were initiated and obviously seen by farmers and workers. It was found that the understanding of the labor law is not an issue but at the farm level had difficulties and complexity for both farmers and workers. However, Syngenta will try to raise this issue to discuss with the farmer leader and farmer to find the solution that possible to remove the child labor from the field.

To approach the key authority on the child labor is one of the opportunities to improve this condition. Syngenta will consult with local control authority: Subdistrict Administrative Organization (SAO), to emphasize the issue and can be the key stakeholder to improve this community condition.

Syngenta will also explore if such children can be enrolled in the nearby childcare facilities if available instead of bringing them into the field.

**Deadline Date:**

Activity	Outcome	Timeline	Responsible
<ul style="list-style-type: none"> <li>- Approach SAO for consultation with local conditions.</li> <li>- Small group meeting between farmer and SAO.</li> </ul>	Policy for hiring 3 <sup>rd</sup> worker in agricultural sector (daily worker). Know the conditions of local authority. Farmers follow the conditions for daily worker hiring.	Dry season 2020/21	FLP Team

## Health, Safety and Environment

### Compliance Status

Section	Benchmark	Compliance status	Farms
General Compliance	HSE.1.	In compliance	0
Documents, Permits and Certificates	HSE.2 (PR)	In compliance	0
	HSE.3.1	N/A	0
	HSE.4 (PR)	In compliance	0
Evacuation Requirements and Procedure	HSE.5.1 (PR)	Not Initiated	All farms
	HSE.5.2	Noncompliance	All farms
Safety Equipment and First Aid	HSE.6.1 (PR)	Not Initiated	All farms
	HSE.6.2 (PR)	Not Initiated	All farms
	HSE.16.3 (PR)	Not Initiated	All farms
Personal Protective Equipment	HSE.7 (PR)	In progress	All farms
	HSE.8	In compliance	0

Chemical Management	HSE.9.1	In compliance	0
	HSE.9.2	Noncompliance	Farm 11
	HSE.9.2.1	Noncompliance	All farms
	HSE.10	In compliance	0
	HSE.11.1	In compliance	0
	HSE.11.2	Not Initiated	All farms
Protection Reproductive Health	HSE.12.1	In compliance	0
	HSE.12.2 (PR)	Not Initiated	All farms
Infrastructure	HSE.13 (PR)	In compliance	0
	HSE.17.1	In compliance	0
	HSE.17.2 (PR)	In compliance	0
	HSE.19 (PR)	Not Initiated	All farms
	HSE.21 (PR)	In compliance	0
	HSE.22 (PR)	Not Initiated	All farms
Machinery Safety	HSE.14.1	In compliance	0
	HSE.14.2	In compliance	0
	HSE.14.3	In compliance	0
	HSE.14.4	In compliance	0
Ergonomics and Medical Facilities	HSE.15.2 (PR)	In compliance	0
	HSE.16.2	In compliance	0

### Assessment Summary

Evacuation Requirements and Procedure				
<b>Benchmarks:</b> <i>HSE.5.2: Where appropriate, workers shall be trained in evacuation procedures at least once per year.</i>				<b>Noncompliance in all farms</b>
<b>Findings/Noncompliance Explanation:</b>	<p>Although there is no closed space but the corn plantation involved plants in bigger sizes which raises a risk if workers are trapped during evacuation. There is no evacuation training ever provided nor any systems which would lead to a safe evacuation process.</p> <p><u>Source:</u> Interview</p>			
<b>Company Action Plan:</b>	<p>The farm is normally open to access in every side of the field. This is easy to access and exit during the field activity. However, Syngenta will initiate the connection with local emergency agencies to support the farmers and workers if any incident or accident happens in the field.</p> <p>The Syngenta team in each production village will develop and promote the emergency call, first aid, and occupational health and safety training.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Provide emergency contact number and post at key junction.	Accessible emergency contact number for workers at farm level.	Dry season 2019/20	FLP Team and Local production team

Chemical Management	
<b>Benchmarks:</b> <i>HSE.9.2: All chemicals and hazardous substances shall be properly labelled and stored in secure and ventilated areas and disposed of in a safe and legal manner, in accordance with applicable laws. Where relevant, Material Safety Data Sheets (MSDS) must be available as well.</i>	
<b>Noncompliance in one farm</b>	
<i>HSE.9.2.1: Labels shall be placed in the local language and the language spoken by workers, if different from the local language. Where workers are illiterate, the labels and instructions for their handling should be depicted by pictograms.</i>	
<b>Noncompliance in all farms</b>	
<b>Findings/Noncompliance</b>	Empty chemical bottles were seen scattered in a farm. The farmers said they are to be

<b>Explanation:</b>	<p>sold to garbage buyers. When it comes to instructions, workers hardly read them either because they are illiterate, or it is not in the local language (for migrant workers) or they usually just follow the employer instructions or their own discretion.</p> <p><u>Source:</u> Observation, interview</p>			
<b>Company Action Plan:</b>	<p>Syngenta continuously promotes the pesticide safe use project by collaborating with the crop protection team. The project includes the awareness of pesticide selection, storage, mixing, spraying and appropriate disposal of the waste. The material was already translated into the Myanmar language with a pictogram that allowed illiterate workers to understand events.</p> <p>Syngenta will increase awareness of pesticide and chemical use in the field by create the activity as follow:</p> <ol style="list-style-type: none"> <li>1. On farm training in collaboration with local organizations who can naturally speak Myanmar language. This training is expected to increase the workers' awareness of the pesticide safe use and to protect their health and environment.</li> <li>2. Post the big banner and poster about safety in the field including the appropriate PPE to protect the worker from pesticide and accident in working place condition.</li> <li>3. Create activity of the annual health check for farmers and workers will be arranged by collaborating with community health care centers.</li> </ol>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	<ul style="list-style-type: none"> <li>- Promote pesticide safe use and awareness training program.</li> <li>- Post and promote appropriate PPEs for workers.</li> </ul>	<p>Improve awareness of pesticide use for the Myanmar worker.</p> <p>Distribute PPEs for support workers.</p>	Dry season 2019/20	FLP Team and Local production team

## Hours of Work

### Compliance Status

Section	Benchmark	Compliance status	Farms
General Compliance	HOW.1.1	Noncompliance	All farms except Farm 11
	HOW.1.2	In compliance	0
	HOW.1.3	In compliance	0
	HOW.1.4	In compliance	0
Rest Day	HOW.2	Noncompliance	All farms
Meal and Rest Breaks	HOW.3	Noncompliance	Farm 13

Protected Workers	HOW.4.1	Noncompliance	Farm 1, 2, 4, 5, 11 and 12
	HOW.4.2 (PR)	Not Initiated	All farms
	HOW.4.3	In compliance	0
Overtime	HOW.5.1	Noncompliance	All farms except Farm 11
	HOW.5.2	In compliance	0
	HOW.6.1	In compliance	0
	HOW.6.2	In compliance	0
	HOW.6.3 (PR)	Not Initiated	All farms
	HOW.7	In compliance	0
Public Holidays and Leave General Compliance	HOW.8.1	In compliance	0
	HOW.8.2	In compliance	0
	HOW.9	N/A	0
	HOW.10.1	In compliance	0
	HOW.11 (PR)	N/A	0
	HOW.12.1 (PR)	Not Initiated	All farms
	HOW.12.2 (PR)	Not Initiated	All farms
	HOW.13	In compliance	0
	HOW.14	Noncompliance	All farms
	HOW.15 (PR)	In compliance	0
HOW.16 (PR)	Not Initiated	All farms	

### Hours of Work Assessment Summary

General Compliance				
<p><b>Benchmarks:</b></p> <p><b>HOW.1.1:</b> Employers shall comply with all national laws, regulations and procedures concerning hours of work, public holidays and leave.</p> <p><b>How.5.1:</b> Where national laws, regulations and procedures allow it, employers may calculate regular hours of work as an average over a period of longer than one week, provided all formal and procedural requirements attached to such calculation are met (for instance, obtaining official permission from the relevant authorities or observing limits to the period during which such calculations can be made). However, for the purpose of overtime calculation, regular hours of work may not exceed 48 hours per week, irrespective of whether national law provides or not a limitation.</p>			<b>Noncompliance in 15 farms</b>	
<p><b>Findings/Noncompliance Explanation:</b></p> <p>Generally, hours of work are not calculated in the assessed farms. All farms pay most workers at a daily rate at 150 THB a day regardless of the working hours. Most workers work from 7am to 5pm, which is over eight hours a day. In several cases, workers work up to six to seven consecutive days. Thus, it is likely that their work hours exceed 48 hours per week and there is only one assessed farmer who pays OT but without a proper hour calculation system. The farmer merely pays extra 20 THB when he realizes that the workers have extra-long days at work.</p> <p><u>Source:</u> Interviews</p>				
<p><b>Company Action Plan:</b></p> <p>We agree that the proper procedures are not followed in disbursing the wages in the majority of the farms. This needs major attention from the company. Syngenta has already started implementing the systematic wage disbursement system and recording of the wages, including working hours. This Indian team is helping us by sharing their experience of MW projects.</p> <p>We will take a step by step approach on this issue and design a work plan with proper timelines and coverage. The work plan will be ready by December 2020. Implementation will start as per the plan developed.</p>				
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Develop the work plan and start implementation.	Ensure a more complied and transparent system of wage disbursement.	Dec 2020 onwards	

Rest Day				
<p><b>Benchmarks:</b></p> <p><b>How.2:</b> Pursuant to any permanent or temporary contract, workers shall be entitled to at least 24 consecutive hours of rest in every seven-day period. If workers must work on a rest day, an alternative consecutive 24 hours must be provided within that same seven-day period or immediately following. For short-term seasonal work during peak activities (2-3 weeks), workers have the option to work more than seven days without a day off if they voluntarily agree with it, unless local law prohibits it. When the peak activity period exceeds 3 weeks, and the employer has control over the workers' schedule, the rest day provision must apply.</p>				<b>Noncompliance in all farms</b>
<p><b>Findings/Noncompliance Explanation:</b></p>	<p>There are no designated rest days. It depends on farms and production conditions. Workers can call it a rest day only when there is nothing to do in the farms. This is applicable to all types of workers, except workers who earn monthly payment. They work approximately 25 days per month. If they take extra days off, the salary will be deducted in accordance to a number of the extra days off.</p> <p><u>Source:</u> Interview</p>			
<p><b>Company Action Plan:</b></p>	<p>As per discussion with a local authority, contract farming is considered to be seasonal and impermanent. However, Syngenta will try to create a worker's contract that the farmer can consider implementing with workers who work in the farm for a long time. This contract must be fair for both the farmer and the worker and needs to be consulted with the legal team. The contract will include the conditions such as social benefit, working hours, holidays, rest day, leave and payment conditions.</p>			
<p><b>Deadline Date:</b></p>	<p><b>Activity</b></p>	<p><b>Outcome</b></p>	<p><b>Timeline</b></p>	<p><b>Responsible</b></p>
	<p>Syngenta will discuss with local authorities on the worker's rights and conditions. It will need to engage with local NGOs.</p>	<p>To create the understanding of complex situations. Possible solutions must be aligned with the community and authority based on the Thai legal system.</p>	<p>Dry Season 2019/20</p>	<p>FLP</p>
	<p>The dedicated training for field production staff will be arranged by FLA Lead and invited stakeholder on the labor law.</p>	<p>Training to cover 10% of the contract farmer starting from September 2019.</p>	<p>Dry season 2019/20</p>	<p>FLP team and local production team</p>

Meal and Rest Breaks				
<p><b>Benchmarks:</b></p> <p><b>How.3:</b> Employers shall provide reasonable meal and rest breaks which, at a minimum, must comply with national laws. In the absence of a local law, the meal and rest breaks will be provided as agreed upon between employers and workers.</p>				<b>Noncompliance in one farm</b>
<p><b>Findings/Noncompliance Explanation:</b></p>	<p>There is no clear regulation on this. Almost all assessed farms have similar break patterns including an hour at lunch and two short breaks in the late morning and afternoon. However, Farm 13 has only lunch break. In this farm, the workers were deprived of small breaks after they negotiated and complained with the employer about their low wages and delayed payment (as reported under Farm 6 in last year's assessment).</p> <p><u>Source:</u> Interview, observation</p>			
<p><b>Company Action Plan:</b></p>	<p>For Farm 13, Syngenta will approach the farmer to discuss this non-compliance issue. However, the negotiation process may need the middle person such as community leader or local NGOs. This process expected to find the possible solutions for the farmer and worker.</p> <p>In the meantime, Syngenta will create the communication materials to promote the</p>			



	working hours according to Thai Labor Law. These materials will be created in a pictogram, conveyed in the local language (Thai, Myanmar or Karen), distributed to farmers and posted in a place that is easily seen.			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Approach farmer in farm #13 to negotiate by a middle person.	Possible agreed solution between farmer and worker.	Dry Season 2019/20	FLP
	Continue to translate the communication materials to Myanmar language. Training for farmers and workers.	Local language materials are posted at farm level.	Dry season 2019/20	FLP Team and Local field production team

### Protected Workers

**Benchmarks:**

**How.4.1:** The workplace shall comply with all applicable laws governing work hours regulating or limiting the nature, frequency and volume of work performed by pregnant or nursing women or young workers.

**Noncompliance  
in six farms**

**Findings/Noncompliance  
Explanation:**

Young workers were identified in some farms, who work the same number of hours as adult workers and have exact same tasks. There is no system to monitor or control their working hours and tasks assigned.

Source: Interview with workers and farmers

**Company Action Plan:**

Syngenta will review the finding and analyze the root cause of the cases. In the meantime, Syngenta will develop the policy that proactively prevents the case and make the penalty for the repetition of non-compliances. The policy will be part of the production agreement that all the farmers should follow Thai Labor Law.

In addition, there are important that the farmers and workers need understand the Thai labor law therefore Syngenta will improve the situation as follow:

1. Syngenta will create a refresh training for field production staff and the farmers by collaborate with local organization such as labor law clinic, department of labor protection and welfare to emphasize on the terms, conditions and penalty of the child labor for Thai labor law to the farmers and permanent workers.
2. Syngenta staff aims to encourage farmers to collect age proof documents for all the workers employed in the farms by using the provided GDK. Syngenta field staff aims to ensure farmer awareness on age verification systems via phase-wise intervention by monitoring the implementation of the procedure at farm level. The farmers were encouraged to collect and maintain age proof documents of the young permanent workers only or for those workers who could be in the threshold age (between 11-14 years).
3. Initiate an age verification procedure will be put in place at the farms and farmer houses in the dry season production.

<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Create a procedure of age verification.	Implement of age verification process as pilot and continue in next production season.	Dry Season 2019/20 and next season	FLP

### Public Holidays and Leave

<b>Benchmarks:</b> <i>HOW.14: Employers shall provide workers with sick leave as required under national laws, local provisions, regulations and procedures.</i>		<b>Noncompliance in all farms</b>		
<b>Findings/Noncompliance Explanation:</b>	<p>Holidays and leaves are arranged informally. Farmers set terms and conditions of work, including holidays and leaves. When it comes to sick leave, workers are allowed to take days off without pay.</p> <p><u>Source:</u> Interview with workers and farmers</p>			
<b>Company Action Plan:</b>	<p>First of all, the observations from assessors are correct but for Syngenta it is a challenge that the workers are engaged on a casual basis and not permanently. We need to also understand and respect the local arrangements.</p> <p>As the auditor reports, the informal sector had no system and record for the working day and holidays. The practice of payment is normally daily payment. The farmer will pay only the day that worker works in their farm. Payments for sick leave do not happen in current situations. This is one of the systemic issues in Thailand not only for Syngenta. To start improving the conditions, Syngenta will invite the external expert on Thai Labor Law to train the staff and farmers. However, Syngenta will collaborate with experts from organizations in areas such as local offices, labor protection and welfare and NGO Labor Law Clinics to provide the training for the contract farmer.</p> <p>In addition, Syngenta will create a promotion material related to the Thai Labor Law and distribute it to all farmers in the beginning of the planting season and emphasize the farmer that should follow the law recommendations.</p>			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	<p>Identify local CSO for training Thai labor law.</p> <p>Intensive training for field staff and farmers for the regulations and conditions.</p>	Farm level improves on knowledge and implementation of the standard.	Dry season 2019/20	FLP Team and Local field production team

## Compensation

### Compliance Status

Section	Benchmark	Compliance status	Farms
General Compliance	C.1.1	Noncompliance	All farms
	C.1.2	In compliance	0
	C.1.3	In compliance	0
	C.1.4 (PR)	Not Initiated	All farms
Minimum Wage/Fair Compensation	C.2.1	In compliance	0
	C.2.2	Noncompliance	All farms
	C.2.3	In compliance	0
	C.2.4 (PR)	Not to be answered by monitors. The FLA is working on analysis the situation based on real wage data collected during IEMs.	
	C.2.5 (PR)	Not Initiated	All farms
	C.2.6 (PR)	Not Initiated	All farms
	C.3	In compliance	0
Farmer/Producer Income	C.4 (PR)	In progress	All farms

Wage Payment and Calculation	C.6	Noncompliance	Farm 13
	C.7.1	Noncompliance	All farms
	C.7.2	In compliance	0
	C.7.3 (PR)	Not Initiated	All farms
	C.7.4 (PR)	Not Initiated	All farms
	C.7.5	In compliance	0
	C.8.1	Noncompliance	All farms
	C.8.2	Noncompliance	All farms
	C.8.3	Noncompliance	All farms
	C.8.4 (PR)	Not Initiated	All farms
	C.9 (PR)	In compliance	0
	C.10.1	In compliance	0
	C.10.1.1	In compliance	0
	C.10.2	In compliance	0
C.10.3	In compliance	0	
Workers Awareness	C.11.1.1	In compliance	0
	C.11.1.2	In compliance	0
	C.11.1.3	In compliance	0
	C.11.1.4	In compliance	0
	C.11.1.5	In compliance	0
C.13 (PR)	Not Initiated	All farms	
Fringe Benefits	C.12.1	In compliance	0
	C.12.2 (PR)	In progress	All farms
	C.12.3	In compliance	0
	C.12.4	In compliance	0
	C.12.5	In compliance	0

### Compensation Assessment Summary

General Compliance / Minimum Wage/Fair Compensation				
<p><b>Benchmarks:</b></p> <p><b>C.1.1:</b> Employers shall comply with all national laws, Collective Bargaining Agreements in force, regulations and procedures concerning the payment of compensation to workers.</p> <p><b>C.2.2:</b> Employers shall provide all legally required benefits to all workers.</p>			<b>Noncompliance in all farms</b>	
<p><b>Findings/Noncompliance Explanation:</b></p>	<p>There is no legal minimum wage enforced for the seasonal agricultural sector in Thailand. However, the law sets out paid sick leave, holiday and overtime pay for workers. None of the farms provide the benefits.</p> <p>There was no payment system wherein workers would be paid on a regular basis. In Farm 13, wages are not paid on time every 30 days as agreed between the farmer and the workers. According to the workers, the delay takes up to 15 days.</p> <p><u>Source:</u> Interview</p>			
<p><b>Company Action Plan:</b></p>	<p>The payment method and schedule are a big challenge for informal sectors like agriculture as Syngenta is not directly involved in the payment process. However, Syngenta will collaborate with the special organization in areas such as the local office of labor protection and welfare and the NGO Labor Law Clinic to provide the training for the contract farmer. Training for field staff and general training for farmers will be arranged in the starting month of the planting season: September in the dry season and March in the wet season. The training will contain the regulations, conditions and penalty provision if any case happens.</p>			
<p><b>Deadline Date:</b></p>	<p><b>Activity</b></p>	<p><b>Outcome</b></p>	<p><b>Timeline</b></p>	<p><b>Responsible</b></p>

	Syngenta will discuss with local authorities on the workers' rights and conditions. It will need to engage with local NGOs.	To create the understanding of complex situations. Possible solutions must be aligned with the community and authority based on the Thai legal system.	Dry Season 2019/20	FLP
	The dedicated training for field production staff will be arranged by FLA Lead and invited stakeholder on the labor law.	Training to cover 10% of the contract farmer starting from September 2019.	Dry season 2019/20	FLP team and local production team

### Wage Payment and Calculation

**Benchmarks:**

**C.7.1:** All payments to workers, including hourly wages, piecework, fringe benefits and other incentives shall be calculated, recorded, and paid in a manner that is convenient to workers (e.g., in cash, by bank transfer or check).

**C.8.1:** Employers shall compensate workers for all hours worked.

**C.8.2:** Employers shall comply with all applicable laws, regulations and procedures governing the payment of premium rates for work on holidays, rest days, and overtime. There might however be specific working schemes voluntarily agreed by the workers to work on holidays and rest days for short-term seasonal work, which would make this provision not applicable.

**C.8.3:** Workers shall be informed in writing or orally where necessary, in language(s) spoken by workers, about overtime wage rates prior to undertaking overtime.

**C.6:** All wages, including payment for overtime, shall be paid within legally defined time limits. Where no time limits are defined by law, compensation shall be paid at least once a month or upon completion of a seasonal task which takes less than a month. When workers are hired through contractors, brokers or external agencies, employers shall make sure that workers are paid according to the benchmark requirements.

**Noncompliance in all farms**

**Noncompliance in one farm**

**Findings/Noncompliance Explanation:**

- 1) Workers get paid on time in accordance with the agreement with their farmers except in farm 13 where workers are expected to get paid at the end of the month, but the workers said that it is quite common for them to be paid up to 15 days behind the schedule. Due to the uncertain payment date in Farm 13, the workers sometimes run out of cash, but they still need to purchase some necessities. They have learnt to buy groceries from a local shop on loan, but they must pay an extra 7-10% more than the general cost for the delay. "For example, a 35-baht product costs 38 baht when paying later," said a worker.
- 2) None of the farms have maintained records of the wages, working hours or overtime, although some farmers said that they maintained these records but could not produce the records for review.
- 3) The wages paid to workers do not calculate by hour rate but daily rate regardless of the hours worked. The general work hour is from 7am-5/6pm.
- 4) Workers under specific employers are usually free to go to work at other farms for extra daily compensation when there is no work at the main employers' farm. However, in Farm 5, a worker was found to be a permanent worker of the farmer's father, but she was brought to work at Farm 5 which can consider extra work. Though, she got no extra compensation. The farmer in Farm 5 did not pay her anything as the farmer of Farm 5 said his father hires her for the entire period and pays her in one lump at the end of the season.

Source: Interview with workers and farmers

**Company Action Plan:**

The payment method and schedule are a big challenge for the informal sector because there is not a systemic issue. However, Syngenta will collaborate with the special organization in the area such as the local office of labor protection and welfare and NGO- Labor Law Clinic etc. to provide the training for the contract farmer. The training for field staff and general training for farmers will be arranged in the starting month of the planting season: September in the dry season and March in the wet season. The training will contain the regulations, conditions and penalty provision if

	any case happens.			
<b>Deadline Date:</b>	<b>Activity</b>	<b>Outcome</b>	<b>Timeline</b>	<b>Responsible</b>
	Syngenta will discuss with local authorities the workers' rights and conditions. It will need to engage with local NGOs.	To create the understanding of complex situations. Possible solutions must be aligned with the community and authority based on the Thai legal system.	Dry Season 2019/20	FLP
	The dedicated training for field production staff will be arranged by FLA Lead. Stakeholders will be invited to discuss on labor laws .	Training to cover 10% of the contract farmer starting from September 2019.	Dry season 2019/20	FLP team and local production team

## Overview - Farms vs. Non-compliances

Total number of Farms: 16

	Employment Relationship	Non-discrimination	Harassment or Abuse	Forced Labor	Child Labor	Freedom of Association and Collective Bargaining	Health, Safety and Environment	Hours of Work	Compensation	Total
<b>% of farms with non-compliances or risk of non-compliances</b>	100%	100%	0%	6%	38%	0%	100%	100%	100%	
Farm No. 1	20	4	0	0	2	0	2	5	6	39
Farm No. 2	20	4	0	0	4	0	2	5	6	41
Farm No. 3	20	4	0	0	0	0	2	4	6	36
Farm No. 4	20	4	0	0	0	0	2	5	6	37
Farm No. 5	20	4	0	0	0	0	2	5	6	37
Farm No. 6	20	6	0	0	0	0	2	4	6	38
Farm No. 7	20	4	0	0	0	0	2	4	6	36
Farm No. 8	20	6	0	0	0	0	2	4	6	38
Farm No. 9	20	4	0	0	1	0	2	4	6	37
Farm No. 10	20	4	0	0	0	0	2	4	6	36
Farm No. 11	20	4	0	0	2	0	3	3	6	38
Farm No. 12	18	4	0	0	2	0	2	5	6	37
Farm No. 13	22	4	0	4	1	0	2	5	7	45
Farm No. 14	20	4	0	0	0	0	2	4	6	36
Farm No. 15	20	4	0	0	0	0	2	4	6	36
Farm No. 16	21	4	0	0	0	0	2	4	6	37
<b>TOTAL</b>	<b>321</b>	<b>68</b>	<b>0</b>	<b>4</b>	<b>12</b>	<b>0</b>	<b>33</b>	<b>69</b>	<b>97</b>	<b>604</b>