



**Workplace Code of Conduct
and Compliance Benchmarks**

Agriculture Sector

October 2022

Table of Contents

A. PREAMBLE3

B. FARM CATEGORIES3

C. APPLICABILITY OF THE BENCHMARKS TO FAMILY MEMBERS WORKING ON THE FAMILY FARMS5

D. IMPLEMENTATION PROCESS – MINIMUM AND PROGRESS BENCHMARKS.....5

E. GLOSSARY OF TERMS6

F. FLA WORKPLACE CODE OF CONDUCT8

G. AGRICULTURE COMPLIANCE BENCHMARKS9

1. Employment Relationship.....9

2. Nondiscrimination17

3. Harassment or Abuse20

4. Forced Labor.....23

5. Child Labor26

6. Freedom of Association and Collective Bargaining.....30

7. Health, Safety and Environment34

8. Hours of Work39

9. Compensation.....44

A. PREAMBLE

The FLA's Workplace Code of Conduct (COC) defines labor standards that aim to achieve decent and humane working conditions in the supply chain of affiliated companies. The COC is based on International Labor Organization standards and internationally accepted good labor practices. All companies affiliated with the FLA are expected to comply with all relevant and applicable laws and regulations of the country in which workers are employed, and to implement the COC in their applicable facilities. When differences or conflicts in standards arise, affiliated companies are expected to apply the highest standard and the one most favorable to workers.

The FLA COC is accompanied by a set of Compliance Benchmarks that are specific to the agriculture sector. These benchmarks recognize the special circumstances of agriculture work, from farms with informal labor structures to farms that have formal employment relationships, and provide guidance to companies on how to implement the COC requirements through their agricultural supply chains.

The Agriculture Compliance Benchmarks were developed based on FLA's experience in the agriculture sector and through consultation with stakeholders. Regarding the applicability of the Benchmarks, a distinction has been made between two types of farming operations:

- *Farms with informal labor structures*
- *Farms with formal labor structures*

During Independent External Monitoring (IEM) conducted at farming operations, the FLA monitors compliance with the Agriculture Benchmarks and produces a public report that highlights gaps to meet the standards. The FLA expects affiliated companies to make improvements when standards are not met, and to develop sustainable mechanisms to ensure ongoing compliance. It is the ultimate responsibility of the affiliate company to ensure maintenance of standards in their supply chain, including supplier farms. They can do so by collaborating with their other upstream suppliers and implementing partners and facilitating the process for smallholder farmers.

B. FARM CATEGORIES

The FLA recognizes that compliance expectations with the Benchmarks might differ between smallholder farms operating through family networks and with very few occasional/casual workers with informal employment relationships and farms operating with formal employment relationships, usually employing a permanent or seasonal workforce. Some benchmarks do not apply at all to smallholder farms while with respect to others, smallholder farms would need a longer timeframe to meet the standards. The document setting out the Agriculture Benchmarks distinguishes between standards that apply to *Farms with Informal Labor Structures* and *Farms with Formal Labor Structures*.

The below table describes the criteria used by the FLA to define whether a farm falls into one or the other category.

BOX: Definition of farms with informal and formal labor structures

| | |
|--|---|
| <p>A farm is considered as informal if it meets <u>one or more</u> of the following criteria (includes farms operated by sharecroppers):</p> | <p>A farm is considered as formal if it meets <u>one or more</u> of the following criteria:</p> |
| <ul style="list-style-type: none"> • Farm work is conducted by immediate and extended family members (without formal labor relations); • Workforce may also be supplied by neighbors in an informal relation or a mutual agreement; • The grower may exceptionally have one or more permanent workers in a formal relationship; • The grower may hire some additional workers on a day-to-day basis for specified activities (often in an informal relationship); • The farm does not systematically track or keep records of workers' employment; • The size of the land under cultivation is equal or similar in size to the average of small properties in the region and considered a small-scale farm by peer farmers; • Most of the farmer's/sharecropper's income comes from the farm, but it is possible that they have a secondary source of income. | <ul style="list-style-type: none"> • Farm work is executed by hired staff with formal labor relations; • The farm has dormitories, canteens and other facilities for permanent and seasonal workers; • The farm hires a seasonal workforce via temporary contracts or through agencies; • The farm can have one or more of the following units: Processing unit, packinghouse, storage facilities, refrigeration chambers, and transport terminals. • The size of the land cultivated (rented and own land) is considered as medium or large scale in the local context and by peer producers and the owners themselves; • Management of the farm is professionalized; • The farm maintains records regarding employment procedures and practices; • The farm buys and processes products from third party farms (small-scale or large/medium-scale). |

C. APPLICABILITY OF THE BENCHMARKS TO FAMILY MEMBERS WORKING ON THE FAMILY FARMS

In many countries, the agriculture sector is composed of smallholders, i.e. single families producing in small plots of land for intermediaries and ultimately global buyers. In these family models, the producer usually holds primary ownership of the land and is responsible for production, with spouses and children play subsidiary roles that contribute to the family business. Employment terms for family members might differ from usual employer-employee relationships.

Nevertheless, in order to safeguard the basic minimum rights for the family members, a selection of FLA benchmarks apply to family members working on the family farms. These include:

- Non-discrimination
- Harassment or Abuse
- Forced Labor
- Child Labor
- Health, Safety and Environment
- Access to Grievance Mechanisms (covered under ER)
- Access to training (covered under ER)

D. IMPLEMENTATION PROCESS – MINIMUM AND PROGRESS BENCHMARKS

The Agriculture Compliance Benchmarks contain minimum requirements that farms with informal and formal labor structures are required to meet from the time that farms are covered by the FLA monitoring program, and some additional requirements – so-called progress benchmarks – that farms are required to meet after a period of time. If non-compliances with the minimum requirements are identified, FLA-affiliated companies are expected to collaborate with (or provide support to) producers to establish an improvement plan that would allow the producer to be able to comply with the benchmark standard by the following year.

The timeline to meet the progress benchmarks will be decided on a case-by-case basis, taking into consideration stakeholder feedback and will be communicated to the assessors. The affiliated company will be expected to implement the progress benchmarks in the timeframe agreed upon by stakeholders and demonstrate progress over the years.

The below table provides an example of how the benchmarks should be read:

| 2. Non Discrimination (ND) | | | |
|--|---|--|--|
| Code provision: No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin. | | | |
| References: (1) Discrimination is <i>any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation</i> (ILO Convention 111). (2) Additionally, the following conventions need to be considered: ILO Convention 100 on Equal Remuneration, ILO Convention 183 on Maternity Protection, and ILO Convention 156 on Workers with Family Responsibilities. | | | |
| No. | Benchmarks | Applicable to Farms with Informal Labor Structures | Applicable to Farms with Formal Labor Structures |
| ND.1 | General Compliance Nondiscrimination | | |
| ND.1.1 | Employers shall comply with all national laws, regulations and procedures concerning nondiscrimination. | x | x |

Description of FLA Workplace Code element

References to international conventions and protocols.

X = Minimum benchmark -- requires immediate compliance; or x = Progress benchmark – must be met after x years (TBD)

Benchmark (grouped by issue)

E. GLOSSARY OF TERMS

Agriculture means all forms of activities connected with growing, harvesting and primary processing of all types of crops; breeding, raising and caring for animals; and tending of gardens and nurseries.

Agricultural Farm Worker is any person engaged either permanently or temporarily, irrespective of legal status, in activities related to agriculture as defined above and receiving a payment. The tasks can be related to any of the production phases.

Family Worker is a relative of the farmer/producer/sharecropper who is running the farm involved in the farm activities either permanently or temporarily. A worker is considered as family worker when he or she lives on the farm premises in the same household of the farmer/producer.

Permanent Workers are workers with permanent, undetermined contract relations. The termination of a permanent worker contract is subject to legal conventions. Employment contracts can be terminated by workers or by employers.

Temporary Workers are workers with working relations for a certain period. They can have full-fledged contracts for the period of harvest, for example, or daily or monthly contract assignments. Seasonal workers are part of this category.

Sharecroppers are farmers who grow their crop on farmland owned by another person or another farmer. Normally, they payment to the land owners for the land use is up to 50% of the harvest. Sharecroppers may have formal contract relations with the land owner or have an informal relationship following local practices.

Employers include all personnel involved directly and indirectly in the production of agriculture output. These can include farmers, transporters, processing units, labor contractors, all third party agents, tier one suppliers and participating companies.

Small-scale Farms are mostly family-run farms, where the work is conducted by immediate and extended family members of the farmer. The farmer may hire some additional help on a day-to-day basis for specific activities, usually recruiting local workers.

Medium/large-scale Farms are farms that maybe owned by a family or corporation and require employment of workers for a number of activities during peak seasons every crop cycle. Formal employer-employee relationships exist in the work place. Workers can reside on the farms on a seasonal basis.

Processing Units are facilities dedicated to processing farm-produced raw materials (for e.g., seeds, fiber, fruits, etc.) either owned or contracted by the FLA affiliated company.

Plantations are estates on which fixed annual crops are grown. Plantations are considered large-scale agriculture and have labor requirements throughout the year. Workers may reside on the plantations on a permanent basis or travel to it as required.

Cooperatives are organizations of growers with a recognized registered structure, and with defined governance and operations systems and processes that are designed to improve the growers' ability to produce and market their crops.

Minimum benchmark: A management practice, formal procedure, routine or infrastructure element that the farm has to comply with as a minimum requirement.

Progress benchmark: A management practice, formal procedure, routine or infrastructure element that the farm implements in order to improve the attendance of the code provisions. Progress benchmark items should be reached after x years (TBD) of monitoring and remediation.

F. FLA WORKPLACE CODE OF CONDUCT

EMPLOYMENT RELATIONSHIP: Employers shall adopt and adhere to rules and conditions of employment that respect workers and, at a minimum, safeguard their rights under national and international labor and social security laws and regulations.

NONDISCRIMINATION: No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin.

HARRASSEMENT OR ABUSE: Every employee shall be treated with respect and dignity. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.

FORCED LABOR: There shall be no use of forced labor, including prison labor, indentured labor, bonded labor or other forms of forced labor.

CHILD LABOR: No person shall be employed under the age of 15 or under the age for completion of compulsory education, whichever is higher.

FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING: Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.

HEALTH, SAFETY AND ENVIRONEMENT: Employers shall provide a safe and healthy workplace setting to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employers' facilities. Employers shall adopt responsible measures to mitigate negative impacts that the workplace has on the environment.

HOURS OF WORK: Employers shall not require workers to work more than the regular and overtime hours allowed by the law of the country where the workers are employed. The regular work week shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest in every seven-day period. All overtime work shall be consensual. Employers shall not request overtime on a regular basis and shall compensate all overtime work at a premium rate. Other than in exceptional circumstances, the sum of regular and overtime hours in a week shall not exceed 60 hours.

COMPENSATION: Every worker has a right to compensation for a regular work week that is sufficient to meet the worker's basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any fringe benefits required by law or contract. Where compensation does not meet workers' basic needs and provide some discretionary income, each employer shall work with the FLA to take appropriate actions that seek to progressively realize a level of compensation that does.

G. AGRICULTURE COMPLIANCE BENCHMARKS

1. Employment Relationship

| Employment Relationship (ER) | | | | Comments: |
|---|--|---|---|---|
| Code provision: Employers shall adopt and adhere to rules and conditions of employment that respect workers and, at a minimum, safeguard their rights under national and international labor and social security laws and regulations. | | | | |
| Comment: Formal employment relationship benchmarks do not apply to family members workers involved in the production activities, with the exception of benchmarks ER.22 (access to training for family members) and ER.25 (access to grievance procedure). A worker is considered as family worker when living on the farm premises in the same household of the farmer/producer. When family members are migrating as a group to get seasonal work on a farm, they are considered as hired workers and the benchmarks apply. | | | | |
| No. | Benchmarks | Applicable to Farms with Informal Labor Structures | Applicable to Farms with Formal Labor Structures | X means it is a minimum benchmark to comply with x means it is a progress benchmark that needs to be met after x years (to be defined) |
| ER.1 | General/Human Resource Management Systems | | | |
| ER.1.1 | Employer shall have written terms and conditions of employment, job descriptions, rules of compensation, and working hours for all positions. In the case of workplaces with informal labor structures, employers should be able to describe verbally all of the above terms and conditions and clearly communicate them to workers. | X | X | |
| ER.1.2 | Employers shall assign responsibility for the administration of human resources to a clearly defined and adequately qualified staff member or staff members and ensure workers at all levels receive communication and training about existing policies and procedures or any revisions. | | x | |
| ER.1.3 | Employers should implement a regular review process of policies, procedures and their implementation in a consultative manner and amend when warranted. | | x | |
| ER.2 | General/Documentation and Inspection | | | |
| ER.2.1 | Employers shall maintain on file all documentation needed to demonstrate compliance with the FLA Workplace Code and required laws, at the farm itself or externally with the sourcing company, intermediary, cooperative or an accountant or administrator. | x | X | |
| ER.2.1.1 | Employers shall make these documents available to third-party assessors commissioned by the FLA and shall submit to unannounced inspections. | x | X | |

| | | | | |
|-------------|---|---|---|--|
| ER.3 | Recruitment and Hiring/Proof of Age Documentation | | | |
| 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. | X | X | |
| ER.3.1.1 | Employers shall take reasonable measures to ensure such documentation is complete and accurate. | X | X | |
| 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. | X | X | |
| ER.4 | Recruitment and Hiring/Employment Agency Recruitment Practices | | | |
| | Employers shall not use employment agencies/labor contractors that rely on any practice that is linked to: using false information to recruit workers; restricting workers' freedom of movement; requiring workers to pay recruitment and/or employment fees; withholding from workers a copy of their employment contract in their native language that sets forth the general terms and conditions of engagement and employment; retaining possession or control of workers identification and other documents like passports, identity papers, work permits, and other personal legal documents; punishing workers for terminating employment. | X | X | |
| ER.5 | Recruitment and Hiring/Employers Agreement with Employment Agencies, Labor Contractors or Referrals | | | |
| ER.5.1 | No worker hired by an employment agency or a labor contractor shall be compensated below the legal minimum wage. The same rights as provided for directly hired contract workers apply for workers hired via an employment agency or labor intermediary. | X | X | |
| ER.5.2 | Fees associated with the employment of workers shall be the sole responsibility of employers. No worker hired via an employment agency or a labor contractor shall pay a fee or get a reduction by applying a fee over his salary. | X | X | |
| ER.5.3 | Workers shall not be engaged to work in a farm by a family member, friend, or associate in order for that family member, friend or associate to receive continuing remuneration, consideration, or any other return from the employer. This prohibition does not refer to normal references, referral bonuses or standard employment recruitment practices. | X | X | |
| ER.6 | Recruitment and Hiring/General Principles on the Use of Contract, Contingent, Temporary, Casual, Daily, Seasonal or Migrant Workers | | | |

| | | | | |
|-------------|--|---|---|--|
| | Employers shall have in place written policies and procedures regulating the recruitment and hiring of contract/contingent/temporary/casual/daily/seasonal/migrant workers. In the case of workplaces with informal labor structures, such policies and procedures do not have to be available at the farm itself but externally with the sourcing company, intermediary, cooperative or an administrator. | x | x | |
| ER.7 | Recruitment and Hiring/Conditions of Hiring Contract, Temporary, Casual, Daily, Seasonal or Migrant Workers | | | |
| | Employers may hire temporary, casual, daily, seasonal or migrant workers only when: | | | |
| ER.7.1 | contract or temporary employment is allowed by national law; | X | X | |
| ER.7.2 | the production requirements or peculiarities of the labor market do not allow employers to hire permanent workers; | X | X | |
| ER.7.3 | the permanent workforce of the farm is not sufficient to meet the production needs during peak season or activities; | X | X | |
| ER.7.4 | unusual or extraordinary circumstances may result in great financial loss to the producer if delivery of goods cannot be met on time; | X | X | |
| ER.7.5 | work that needs to be done and is outside the professional expertise of the permanent workforce; | X | X | |
| 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; | X | X | |
| ER.7.7 | farm rules and regulations apply to contract, temporary, casual, daily, seasonal or migrant workers the same as for permanent workers; | X | X | |
| ER.7.8 | contract, temporary, casual, daily, seasonal or migrant workers are given priority when the farm is seeking ‘new’ permanent employees provided they have the relevant skills required. | X | X | |
| ER.8 | Recruitment and Hiring/Invalid Use of Contract, Contingent, Temporary, Casual, Daily, Seasonal or Migrant Workers | | | |
| | Employers shall not: | | | |
| ER.8.1 | use contract, temporary, casual, daily, seasonal or migrant workers on a regular basis for the long-term or multiple short-terms; | | X | |
| ER.8.2 | hire contract, temporary, casual, daily, seasonal or migrant workers as a means to support normal business needs on a continuous basis or as regular employment practice; or | | X | |
| ER.8.3 | make excessive use of fixed-term contracts or schemes where there is no real intent to impart skills or provide regular employment. | | X | |

| | | | | |
|--------------|---|---|---|--|
| ER.9 | Terms and Conditions/Employment Terms | | | |
| ER.9.1 | Workers should be made aware of the employment terms under which they are engaged. | X | X | |
| ER.9.2 | Employment terms shall be those to which the worker has voluntarily agreed, provided those terms do not fall below: | | | |
| ER.9.2.1 | provisions of national laws; | X | X | |
| ER.9.2.2 | freely negotiated and valid collective bargaining agreements; or | X | X | |
| ER.9.2.3 | the FLA Workplace Code. | X | X | |
| ER.9.3 | There can be no employment terms (including in written or verbal contracts or any other instruments or in any formal or informal recruitment arrangements) which allow employers: | | | |
| ER.9.3.1 | to hold wages already earned; or | X | X | |
| ER.9.3.2 | use earned back wages as penalties; and | X | X | |
| ER.9.3.3 | in any way punishes workers for terminating employment. | X | X | |
| ER.10 | Terms and Conditions/Apprenticeship | | | |
| | Employment terms for apprenticeships must be in compliance with local legislations. | X | X | |
| ER.11 | Terms and Conditions/Other Special Categories of Workers | | | |
| | 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. | X | X | |
| ER.12 | Terms and Conditions/Communication | | | |
| 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. | X | X | |
| ER.12.1.1 | Employers shall inform workers that any form of harassment or abuse in the workplace shall be subject to disciplinary measures. | X | X | |

| | | | | |
|--------------|--|---|---|--|
| ER.12.2 | Where a union exists on the farm, employers shall make available a copy of the collective bargaining agreement to all workers and other interested parties. | X | X | |
| ER.13 | Terms and Conditions/Supervisor Training | | | |
| 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. | X | X | |
| ER.13.2 | Employers shall ensure that all supervisors are trained in national laws, regulations, and the FLA Code, and the appropriate practices to ensure compliance. | x | X | |
| ER.13.3 | Employers shall inform supervisors that they should not use any form of harassment or abuse to maintain labor discipline. | x | X | |
| ER.13.4 | Trainings should be updated on a regular basis and training records maintained. | | x | |
| ER.14 | Administration of Compensation/Termination Payouts | | | |
| ER.14.1 | Employers shall handle termination payouts taking into account national legal requirements. | | X | |
| ER.14.2 | Employers shall not demand that workers sign any declaration of good health, waivers or releases of other rights as a condition of receiving severance pay or other legal benefits from the company, and shall not threaten to withhold benefits if workers do not sign. | | X | |
| ER.15 | Administration of Compensation/Wage Advances | | | |
| ER.15.1 | If consistent with prevailing labor practices, the employer may make advance payments or advances against payment to the workers to book their time. Wage advances shall not exceed three months pay or legal limits, whichever is less. The farmer will not pay advances or loans against assets such as jewels, property documents, land deeds, and other valuables of the worker. These advances shall be interest free and cannot bind the worker as a bonded labor. | X | X | |
| ER.15.2 | Advances shall only be made following clearly established rules, which have been communicated to workers. | X | X | |
| 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). | X | X | |
| ER.16 | Administration of Compensation/Free Disposal of Wages | | | |
| ER.16.1 | Employers may not limit in any manner the freedom of workers to dispose of their wages. | X | X | |
| ER.16.2 | Wages must be paid on regular working days and in principle at or near the workplace. Workers must be free from any coercion to make use of enterprise or works stores. | X | X | |
| ER.17 | Administration of Hours/Time Recording System | | | |
| ER.17.1 | Employers shall have in place policies for managing all working hours, overtime, and leave records in normal and exceptional circumstances. | | X | |

| | | | | |
|--------------|--|---|---|--|
| ER.17.2 | Accurate time records shall be maintained by employers, including overtime, breaks, and leave. If time recording systems are not part of the local practices or if smallholders are illiterate, rudimentary manual record on working days and working hours for each worker is acceptable. | x | X | |
| ER.17.3 | Employers shall not maintain multiple time-keeping systems and/or records. | x | X | |
| ER.17.4 | If not provided by law, employers must provide protection to workers who allege existence of multiple time-keeping systems or falsification of work time records. | x | X | |
| ER.18 | Informed Workplace/Worker Involvement | | | |
| 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. | X | X | |
| ER.18.2 | Workers shall be consulted regularly (verbally or in writing) on all matters concerning them. | x | X | |
| ER.18.3 | In the absence of a union, employers shall be open to having a committee with worker representation freely chosen by workers that regularly meets and treats concerns and suggestions of workers. | | x | |
| ER.19 | Industrial Relations/Right to Organize, Bargain and Participate in Legal Strikes | | | |
| | Employers shall respect all laws, rules and procedures protecting the rights of workers to organize, bargain collectively, and participate in strikes consistent with ILO principles and jurisprudence. | X | X | |
| ER.20 | Work Rules and Discipline | | | |
| 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). | X | X | |
| ER.20.2 | Any person supervising workers shall be aware of the disciplinary rules and practices. | X | X | |
| ER.20.3 | Supervisors shall be trained on the proper handling of disciplinary rules and practices. | x | X | |
| ER.20.4 | The disciplinary system shall be applied in a fair and nondiscriminatory manner and include a management review of the actions by someone senior to the manager who imposed the disciplinary action. | X | X | |
| ER.20.5 | Employers shall maintain written records of all disciplinary actions taken and records shall be accessible to FLA or third parties mandated by FLA to assess these practices. | | x | |
| ER.20.6 | Disciplinary rules and practices shall be clearly communicated to all workers. | X | X | |

| | | | | |
|--------------|---|---|---|--|
| ER.20.7 | Workers must be informed when a disciplinary procedure has been initiated against them. | X | X | |
| ER.20.8 | Workers have the right to participate and be heard in any disciplinary procedure against them. | X | X | |
| ER.20.9 | Workers must sign all written records of disciplinary action against them. | x | X | |
| ER.20.10 | Records of disciplinary action must be maintained in the worker's personnel file. | | x | |
| 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. | X | X | |
| ER.21 | Access to Training/Family Members | | | |
| | Family members (spouses and adult children) involved directly or indirectly in agriculture production shall have access to all training and awareness raising activities conducted for the workers and growers on the farms. | X | X | |
| ER.22 | Skills Development/Training | | | |
| ER.22.1 | Employers shall have written policies and procedures and implement practices that encourage ongoing training of all categories of workers with the goal of raising or broadening skills in order to advance in their careers within the farm or beyond. | | x | |
| ER.22.1.1 | The policies and procedures should include how workers will be informed of training opportunities, eligibility requirement for participation, if the training will be compulsory or voluntary, if it will take place during or after working hours, and if the training time will be compensated | | x | |
| ER.22.2 | Trainings shall be documented and workers shall clearly understand what is required of them in order to advance to the next level of their current position. | | x | |
| ER.23 | Skills Development/Promotion, Demotion and Job Reassignment | | | |
| ER.23.1 | Employers shall have written policies and procedures with regard to performance review, promotion, demotion, and job reassignment that are transparent and fair in their implementation. | | x | |
| ER.23.2 | Policies and procedures shall be communicated to the workforce and reviewed regularly. | | x | |
| ER.24 | Health, Safety, and Environmental Management System/Policies and Procedures | | | |
| 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. | X | X | |
| ER.24.2 | Employers shall have a clearly written policy with all relevant HSE procedures aimed, at a minimum, at compliance with legal minimum health, safety, and environmental standards, regulations and procedures. For small farms with informal labor structures, written policies can take the form of basic HSE documents or information. | x | X | |
| ER.24.3 | Employers shall have a designated responsible person for HSE issues on the farm. For | X | X | |

| | | | | |
|--------------|---|---|---|--|
| | small farms, this could be the responsibility of the farmer directly. | | | |
| ER.24.4 | The health, safety, and environmental policies shall contain the framework for a comprehensive health, safety, and environmental management system within which the following are clear and regularly tested and reviewed: | x | X | |
| ER.24.4.1 | employers' responsibilities, | x | X | |
| ER.24.4.2 | workers' rights and duties, | x | X | |
| ER.24.4.3 | responsibilities of designated personnel, | x | X | |
| ER.24.4.4 | procedures that enable workers to raise health, safety, and environmental concerns | x | X | |
| ER.24.4.5 | procedures for reporting death, injury, illness and other health and safety issues (for instance, near-miss accidents) and environmental emergencies, and, | x | X | |
| ER.24.4.6 | protection to workers who allege health, safety, and environmental violations. | x | X | |
| ER.24.5 | Environmental policies shall commit to minimize environmental impacts with respect to energy, air emissions, water, waste, hazardous materials, and other significant environmental risks. | x | x | |
| ER.25 | Grievance Procedures | | | |
| ER.25.1 | Employers shall have in place a procedure that allows a direct settlement of the grievance by the worker and the immediate supervisor. Where this is inappropriate or has failed, there should be additional options 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 facility. | x | X | |
| ER.25.2 | Employer shall ensure that grievance procedures and applicable rules are known to workers and that the grievance channel is easily accessible. | x | X | |
| 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. | X | X | |
| ER.25.4 | The company shall create awareness of this communication and non-compliance reporting mechanism to its service providers and suppliers. | X | X | |

2. Nondiscrimination

| Non Discrimination (ND) | | | | Comments: |
|---|--|--|--|---|
| <p>Code provision: No person shall be subject to any discrimination in employment, including hiring, compensation, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, social group or ethnic origin.</p> <p>References: (1) Discrimination is <i>any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation</i> (ILO Convention 111). (2) Additionally, the following conventions need to be considered: ILO Convention 100 on Equal Remuneration, ILO Convention 183 on Maternity Protection, and ILO Convention 156 on Workers with Family Responsibilities.</p> <p>Comment: On farms where farmer’s family members and hired workers work together, workers who are not part of the family itself shall not be discriminated against by family members. The Non Discrimination benchmarks apply to producers’ family members when acting as indirect employers on the farm. The Non Discrimination protections also applies to family workers who should not suffer discriminatory practices by the employer/producer/owner.</p> | | | | |
| No. | Benchmarks | Applicable to Farms with Informal Labor Structures | Applicable to Farms with Formal Labor Structures | X means it is a minimum benchmark to comply with x means it is a progress benchmark that needs to be met after x years (to be defined) |
| ND.1 | General Compliance Nondiscrimination | | | |
| | Employers shall comply with all national laws, regulations and procedures concerning nondiscrimination. | X | X | |
| ND.2 | Recruitment and Employment Practices | | | |
| ND.2.1 | Recruitment and employment practices shall be free from any type of discrimination. | X | X | |
| ND.2.2 | Employment policies and practices, including job advertisements, job descriptions, and job performance/evaluation policies and practices shall be free from any type of discriminatory bias. | | X | |
| 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. | X | X | |

| | | | | |
|-------------|--|---|---|--|
| ND.3 | Compensation Discrimination | | | |
| | There shall be no differences in compensation for workers performing equal work or work of equal value on the basis of 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. | X | X | |
| ND.4 | Discrimination in Training and Communication | | | |
| | 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. | X | X | |
| ND.5 | Marital or Pregnancy-Related Discrimination | | | |
| ND.5.1 | Employers shall not require pregnancy testing of female workers, except as required by legal health and safety provisions. In cases that it is required by law, employers shall not use (the results of) such tests as a condition of hiring or continued employment. | X | X | |
| ND.5.2 | Employers shall not threaten female workers with dismissal or any other employment decision that negatively affects their employment status in order to prevent them from getting married or becoming pregnant. | X | X | |
| ND.5.3 | Employers shall not, on the basis of a woman's pregnancy, make any employment decisions that negatively affect a pregnant woman's employment status, including decisions concerning dismissal, loss of seniority, or deduction of wages. | X | X | |
| ND.6 | Protection and Accommodation of Pregnant Workers and New Mothers | | | |
| ND.6.1 | Employers shall abide by all protective provisions in national laws and regulations benefitting pregnant workers and new mothers, including provisions concerning maternity leave and other benefits; prohibitions regarding night work, temporary reassignments away from work stations 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. | X | X | |
| 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. | X | X | |
| ND.6.2 | Workers living with their children on agriculture production sites shall have access to convenient and affordable day care services for their children. | | X | |
| ND.7 | Health-Related Discrimination | | | |

| | | | | |
|--------------|--|---|---|--|
| | Employers shall not, on the basis of a person’s health status, make any employment decisions that negatively affect the person’s employment status, including decisions concerning recruitment, termination, promotion, or assignment of work, unless such decision is dictated by the inherent requirements of the job or a medical necessity to protect the worker and/or other workers. | X | X | |
| ND.8 | Medical Examination | | | |
| | Employers are allowed to require routine medical examination to assess general fitness as a condition for recruitment or continued employment but shall not include testing for any disease or illness, such as HIV/AIDS, that does not have an immediate effect on a person’s fitness and is not contagious. | X | X | |
| ND.9 | Confidentiality of Health Status | | | |
| | Employers shall respect the confidentiality of workers’ health status and not undertake any action that could lead to a breach of said confidentiality, including screening, whether by direct or indirect testing (for instance, by making an assessment of risk behavior), or asking questions about previously taken tests or medications. | X | X | |
| ND.10 | Reasonable Accommodation for Health Reasons | | | |
| | Employers shall take measures to reasonably accommodate workers with (chronic) illnesses, including HIV/AIDS-related illnesses, which could include rearrangement of working time, the provision of special equipment, opportunities for rest breaks, time-off for medical appointments, flexible sick leave, part-time work and return-to-work arrangements. | | X | |
| ND.11 | Respect of Culture and Religion | | | |
| | Employers shall guarantee that workers and their families living on-site can freely express elements of their cultural identity, such as clothing, music, language, food, and celebrations. Areas of social, cultural or religious significance are clearly identified, delineated, and preserved on the premises of the farm. | X | X | |

3. Harassment or Abuse

| Harassment or Abuse (H/A) | | | | Comments: |
|--|---|--|--|---|
| Code provision: Every employee shall be treated with respect and dignity. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse. | | | | |
| References: References on basic rights and against abuse: a) Universal Declaration of Human Rights (1948) b) International Covenant on Civil and Political Rights (1966) c) Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975) | | | | |
| No. | Description | Applicable to Farms with Informal Labor Structures | Applicable to Farms with Formal Labor Structures | |
| H/A.1 | General Compliance Harassment or Abuse | | | X means it is a minimum benchmark to comply with x means it is a progress benchmark that needs to be met after x years (to be defined) |
| H/A.1.1 | Employers shall comply with all national laws, regulations and procedures concerning discipline, violence, harassment or abuse. | X | X | |
| H/A.1.2 | Workers at the farm shall not be subject to any corporal punishment, sexual harassment, oppression, coercion or any other kind of mental or physical abuse or intimidation, disregarding whether they are family members without a formal contract or hired staff. | X | X | |
| H/A.2 | Discipline/Monetary Fines and Penalties | | | |
| | Employers shall not use monetary fines and penalties as a means to maintain labor discipline, including for poor performance or for violating employer rules, regulations, and policies. | X | X | |
| H/A.3 | Discipline/Access to Facilities | | | |
| | Access to food, water, toilets, medical care or health clinics or other basic necessities shall not be used as either reward or as a means to maintain labor discipline. | X | X | |
| H/A.4 | Discipline/Physical Abuse | | | |
| | Employers shall not use any form of – or threat of – physical violence, including slaps, pushes or other forms of physical contact as a means to maintain discipline of workers, disregarding whether they are family members without a formal contract or hired staff. | X | X | |

| | | | | |
|--------------|---|----------|----------|--|
| H/A.5 | Discipline/Verbal Abuse | | | |
| | Employers shall not use any form of verbal violence, including screaming, yelling, or the use of threatening, demeaning, or insulting language, as a means to maintain discipline, disregarding whether they are family members without a formal contract or hired staff. | X | X | |
| H/A.6 | Discipline/Psychological Abuse | | | |
| | Employers shall not use any form – or threat – of psychological abuse, such as forcing workers to sign letters of self-criticism or posting names of workers subject to disciplinary measures as a means to maintain discipline, disregarding whether they are family members without a formal contract or hired staff. | X | X | |
| H/A.7 | Discipline/Freedom of Movement | | | |
| | Employers shall not unreasonably restrain the freedom of movement of workers, including movement in canteens, during breaks, using toilets, accessing water, or accessing necessary medical attention, as a means to maintain discipline. | X | X | |
| H/A.8 | Violence/Harassment or Abuse | | | |
| H/A.8.1 | Employers shall ensure that the workplace is free from any type of violence, harassment or abuse, be it physical, sexual, psychological, verbal, or otherwise. This also applies to workers who are brought to the farm by employers, labor contractors or service providers. | X | X | |
| H/A.8.2 | Employers shall refrain from any action, and shall take all appropriate action to ensure that all workers refrain from any action, that would result in an intimidating, hostile or offensive work environment for workers. | X | X | |
| H/A.8.3 | If not provided under law, employers must provide protection to workers who allege harassment or abuse violations. | X | X | |
| H/A.9 | Sexual Harassment | | | |
| H/A.9.1 | Employers shall refrain from any act of sexual harassment, including inappropriate remarks, condescending or paternalistic attitude with sexual implications undermining dignity; and any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats; and any unnecessary physical contact such as touching, caress, pinching or assault. | X | X | |
| H/A.9.2 | Employers shall not offer, or take any action that may suggest an offer of, recruitment, continued employment, promotion, improved working conditions, preferential work assignments or other preferential treatment in exchange for a sexual relationship. | X | X | |
| H/A.9.3 | Employers shall not subject workers to prejudicial treatment of any kind in retaliation for refused sexual advances or corrected inappropriate behavior. | X | X | |

| | | | | |
|---------------|--|---|---|--|
| H/A.9.4 | Employers shall refrain from any action, and shall take all appropriate action to ensure that all workers refrain from any action, that would result in a sexually intimidating, hostile or offensive work environment for workers. | X | X | |
| H/A.9.5 | Employers shall designate a trusted person staff (or a third party) to be responsible for addressing any complaints regarding sexual harassment. This person shall be known to workers and be easily accessible to them. | | x | |
| H/A.10 | Security Practices/Body Searches | | | |
| | All security practices shall be gender appropriate and nonintrusive, so that the dignity of workers concerned is protected when a search is undertaken. | X | X | |
| H/A.10.1 | Searching of bags and other personal items to prevent theft is acceptable. | X | X | |
| H/A.10.2 | Body searches and physical pat downs shall only be undertaken when there is a legitimate reason to do so and upon consent of workers, unless a state official with the power to do so (e.g. police officer) has ordered the search. Body searches shall not be undertaken in public and the person who undertakes the search shall be of the same sex as the person who is being searched. | X | X | |
| H/A.11 | Training of Security Staff | | | |
| | Employers shall provide training to security staff on the issues of non-harassment and non-discrimination. | | X | |
| H/A.12 | Punishment of Abusive Workers/Supervisors/Managers/Workers | | | |
| | Employers shall have a system to discipline supervisors, managers or workers who engage in any physical, sexual, psychological or verbal violence, harassment or abuse, through measures such as compulsory counseling, warnings, demotions, and terminations or a combination thereof regardless of whether such action was intended as a means to maintain labor discipline. | | X | |
| H/A.13 | Discipline/Worker Awareness | | | |
| | Employers shall only apply corrective measures and discipline which are well explained to workers and are with the intention of continuous improvement. | X | X | |

4. Forced Labor

| Forced Labor (F) | | | | Comments: |
|--|--|--|--|---|
| <p>Code provision: There shall be no use of forced labor, including prison labor, indentured labor, bonded labor or other forms of forced labor.</p> | | | | |
| <p>References: (1) According to ILO Forced Labor Convention (No. 29) and Abolition of Forced Labor Convention (No. 105) forced or compulsory labor includes: a) Forcing workers to work or stay at the workplace, preventing them from being hired or from continuing to work, including for poor performance or for violating company rules, regulations, and policies; b) Control of worker access to food, water, toilets, canteens, medical care or health clinics as a means to discipline or reward workers; c) Withholding workers' salaries, documents, IDs, benefits, property or any rights acquired in the course or due to the status of work or stipulated by law; d) Restricting the workers' freedom of movement to and from their employer-provided housing, unless such movement would compromise the residents' security; e) Labor by prisoners or those working under the regimen of imprisonment, even when permitted by local regulations or other laws. (2) Engaging in human traffic and use of trafficked labor is prohibited, even when permitted by local regulations or other laws.</p> | | | | |
| No. | Description | Applicable to Farms with Informal Labor Structures | Applicable to Farms with Formal Labor Structures | X means it is a minimum benchmark to comply with x means it is a progress benchmark that needs to be met after x years (to be defined) |
| F.1 | General Compliance Forced Labor | | | |
| | 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. | X | X | |
| F.2 | Freedom in Employment | | | |
| | All workers shall have the right to enter into and to terminate their employment freely. | X | X | |
| F.3 | Debt/Bonded Labor | | | |

| | | | | |
|------------|--|---|---|--|
| F.3.1 | Employers shall not bind workers to employment as a condition of fulfilling terms of a debt to a third party or to the employer. | X | X | |
| F.4 | Freedom of Movement | | | |
| F.4.1 | If workplace entrances are locked or guarded to prevent non-employee access to the premises for security reasons, workers shall have free egress at all times, subject to work rules. | X | X | |
| F.4.2 | No employment term or disciplinary practice shall confine or restrict workers' freedom of movement. | X | X | |
| F.5 | Employer Controlled Residence | | | |
| F.5.1 | Employers shall not require workers to live in employer-owned or -controlled residences as a condition of recruitment, continued employment or to receive the same terms of employment and working conditions as other workers in the same position. | | X | |
| F.5.2 | Employers shall not subject workers to any undue influence to persuade workers to live in such residences. | | X | |
| F.5.3 | The freedom of movement of workers and their families who live in employer-owned or -controlled residences shall not be unreasonably restricted, except for valid reasons such as health and safety (e.g., after chemical application). | X | X | |
| F.6 | Work of Family Members | | | |
| F.6.1 | Spouses and adult children of hired workers are not required to work, unless voluntarily contracted. | X | X | |
| F.6.2 | Employers shall not make the employment of a worker or an offer of housing conditional on the employment or their spouses. | X | X | |
| F.6.3 | If more than one member from the same family/household is hired by the employer/producer on the same farm, each one should have separate contract with no linkage to other members. | X | X | |
| F.6.4 | Farm owners' spouses and adult children have the right to work elsewhere. | X | X | |
| F.7 | Freedom of Movement/Workers Ability to Terminate | | | |
| | Employers shall not utilize practices that restrict workers freedom of movement or ability to terminate his or her employment. Examples of such practices include, but are not limited to: | | | |
| F.7.1 | (the threat of) physical or mental coercion; | X | X | |
| F.7.2 | requiring deposits; | X | X | |
| F.7.3 | imposing financial penalties; | X | X | |
| F.7.4 | requiring recruitment fees; | X | X | |

| | | | | |
|-------------|---|---|---|--|
| F.7.5 | denying and hampering access to, and renewal of, identity papers and/or work permits or any other personal legal (identification) documents; | X | X | |
| F.7.6 | partially or fully retaining salaries, benefits or any other rights acquired by workers or stipulated by law; | X | X | |
| F.7.7 | hindering workers to leave work for emergency reasons. | X | X | |
| F.8 | Forced Overtime | | | |
| | The imposition of overtime where workers are unable to leave the work premises constitutes forced labor. | X | X | |
| F.9 | Personal Workers Identification and Other Documents | | | |
| | 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. | X | X | |
| F.10 | Storage for Employee Documents | | | |
| | Employers shall provide at employee request secure storage for employee documents such as passports, identity papers, travel documents, and other personal legal documents. Such storage shall be freely accessible to workers. | | X | |

5. Child Labor

| Child Labor (CL) | | | | Comments: |
|--|--|--|--|---|
| Code provision: No person shall be employed under the age of 15 or under the age for completion of compulsory education, whichever is higher. | | | | |
| References: 1) Child refers to any person less than 15 years of age, unless local minimum age law stipulates a higher age for work or mandatory schooling, in which case the higher age would apply. If, however, local minimum age law is set at 14 years of age in accordance with developing country exceptions under the ILO Convention 138, the lower age will apply. 2) Child labor refers to any work by a child younger than the age(s) specified in the above definition of a child, except for light work as provided for by ILO Convention 138, article 7. 3) ILO Convention 182 – Worst Forms of Child Labor. 4) Further references: Guiding Principles of the UN Convention of the Rights of Children (UNCRC, 1989). | | | | |
| No. | Description | Applicable to Farms with Informal Labor Structures | Applicable to Farms with Formal Labor Structures | X means it is a minimum benchmark to comply with x means it is a progress benchmark that needs to be met after x years (to be defined) |
| CL.1 | General Compliance Child Labor | | | |
| | Employers shall comply with all national laws, ratified international conventions, fundamental labor rights, regulations and procedures concerning the prohibition of child labor. | X | X | |
| CL.2 | Child Labor/Minimum Age | | | |
| | 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. | X | X | |
| CL.3 | Light Work | | | |

| | | | | |
|--------------------|--|-----------------|-----------------|--|
| | <p>In accordance with national laws and ILO Convention 138, children aged 13-15 (no younger than 12 years in countries that have applied for ILO exemption) may be involved in light work on farms provided that:</p> <p>The work is not dangerous and not harmful to their health or development, and specifically</p> <ul style="list-style-type: none"> • should not involve use of or exposure to chemicals, • should not involve carrying heavy loads (children should not lift loads more than 15% of their body weight at any time), • should not involve the use of farm equipment, dangerous tools, ploughs, tractors, machetes, sharp tools, saws, or power engines, • should not involve working on heights (not more than 6 feet) such as in trees or on ladders, or in confined places such as silos or storage areas, and • should not involve strenuous work and extreme conditions such as standing or bending for several hours, working in high temperatures, and not having breaks. <p>The work does not prejudice their attendance at school and is done within reasonable time limits after school or during holidays. Specifically:</p> <ul style="list-style-type: none"> • working hours should not exceed 14 hours per week, • no work should take place before 6:00 am and after 8:00 pm, and • there should be at least one full day (24 hours) rest per week. <p>The work is appropriate to the child’s age and physical condition and does not jeopardize the child’s social, moral or physical development.</p> <p>The child’s parents provide supervision and guidance and maintain all documents as required by the law.</p> <p>Other criteria specific to in-scope commodities or as defined by the national government in the country, that are not lower than the ILO standard on light work.</p> | <p>X</p> | <p>X</p> | |
| <p>CL.4</p> | <p>Child labor/Right to education</p> | | | |
| <p>CL.4.1</p> | <p>Resident and migrant children whose parents are involved in farm activities shall have guaranteed access to quality education. If there are no schools available in the area where children live or stay, the employer shall work with local authorities and/or other relevant stakeholders to facilitate access to education or provide alternative forms of</p> | <p>x</p> | <p>x</p> | |

| | | | | |
|-------------|--|---|---|--|
| | schooling on the farm or in nearby communities. | | | |
| CL.4.2 | Where children of the workers below school age live on or near the farm, the employer shall provide access to decent and appropriate day-care facilities. | | x | |
| CL.5 | Government Permits and Parental Consent Documentation | | | |
| | Employers shall abide by all relevant rules and procedures where the law requires government permits or permission from parents as a condition of employment of young workers. | X | X | |
| CL.6 | Employment of Young Workers | | | |
| 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. | X | X | |
| CL.6.2 | Employers shall maintain a list of all young workers, their entry dates, proof of age and description of their assignment. | X | X | |
| CL.7 | Hazardous Work for Young Workers | | | |
| | No person under the age of 18 shall undertake hazardous work, i.e., work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of persons under the age of 18. Such work includes, but is not limited to, the application of agricultural chemicals, pesticides, and fertilizers, use of farm equipment tools and machinery, lifting or moving of heavy materials or goods, or carrying out hazardous tasks such as underground or underwater or at dangerous heights. Every activity performed by a young worker must be supervised by an adult. | X | X | |
| CL.8 | Apprenticeships and Vocational Training | | | |
| CL.8.1 | Employers may allow temporary workplace and apprenticeship education programs for young workers (14 or 15 – 18 years old) which are customary seasonal employment so long as such persons are closely supervised and their morals, safety, health, and compulsory education are not compromised in any way and all local, state and national laws regarding the employment of young workers are observed. | x | X | |
| CL.8.2 | Employers shall comply with all regulations and requirements of apprentice or vocational education programs. | x | X | |
| CL.9 | Children on Premises | | | |

| | | | | |
|--------------|--|---|---|--|
| | 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. | X | X | |
| CL.10 | Removal and Rehabilitation of Child Laborers | | | |
| CL.10.1 | If a child laborer is found working on a farm, all relevant downstream suppliers, including the participating company, shall immediately assess the situation at the child's household level and shall engage with relevant stakeholders to find a sustainable remediation solution that is in the best interest of the child. | X | X | |
| CL.10.2 | If child labor is found to be a systemic issue in a particular supply chain, the participating company shall in consultation with upstream suppliers, employers and other stakeholders devise an action plan for its remediation, if possible through an area- and community based approach. | x | x | |

6. Freedom of Association and Collective Bargaining

| Freedom of Association and Collective Bargaining (FOA) | | | | Comments: |
|--|--|--|--|---|
| <p>Code provision: Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.</p> <p>References: (1) <i>Form and Join Trade Unions of Their Choice:</i> Workers have the freedom to form and join any trade union they choose, free of any form of interference from employers or competing organizations set up or backed by the employer (ILO Convention 98, Article 2). (2) Workers, without distinction, have the right to join or form trade unions of their choice (ILO Conventions Nos. 87 and 98). (3) Where the right to freedom of association and collective bargaining are restricted by law, the employer shall facilitate, and not hinder, the development of parallel means for independent and free organization and bargaining (ILO conventions Nos. 87, 98 and 135). (4) <i>Bargain collectively:</i> Collective bargaining is understood to be the voluntary negotiation between employers and organizations of workers in order to establish the regulation of terms and conditions of employment by means of collective agreements (ILO Convention 98, Article 4).</p> | | | | |
| No. | Description | Applicable to Farms with Informal Labor Structures | Applicable to Farms with Formal Labor Structures | X means it is a minimum benchmark to comply with x means it is a progress benchmark that needs to be met after x years (to be defined) |
| FOA.1 | General Compliance Freedom of Association | | | |
| | Employers shall comply with all national laws, regulations and procedures concerning freedom of association and collective bargaining. In countries where no formal union exist, employers shall respect freedom of association and collective bargaining which apply to representative worker organizations elected and recognized by workers working on the farm or in the region. | X | X | |
| FOA.2 | Right to Freely Associate | | | |
| | Workers and smallholders, without distinction whatsoever, shall have the right to establish and to join organizations of their own choosing, subject only to the rules of the organization concerned, without previous authorization. The right to freedom of association begins at the time that workers seeks employment and continues through the course of employment, including eventual termination of employment and is applicable as well to unemployed and retired workers. | X | X | |
| FOA.3 | Legal Restriction/Alternative Means | | | |

| | | | | |
|--------------|---|---|---|--|
| | When the right to freedom of association and collective bargaining is restricted under law, employers shall facilitate and not obstruct legal alternative means of workers association. | X | X | |
| FOA.4 | Anti-Union Violence/ Harassment/Abuse | | | |
| | Employers shall not use any form of physical or psychological violence, threats, intimidation, retaliation, harassment or abuse against union representatives and workers seeking to form or join an organization of their own choosing. | X | X | |
| FOA.5 | Anti-Union Discrimination/Dismissal, Other Loss of Rights, and Blacklisting | | | |
| FOA.5.1 | Employers shall not engage in any acts of anti-union discrimination or retaliation, i.e. shall not make any employment decisions which negatively affect workers based wholly or in part on a workers' union membership or participation in union activity, including hiring; termination; job security; job assignment; compensation; promotion; downgrading; transfer; (vocational) training; discipline; and assignment of work and conditions of work including hours of work, rest periods, and occupational safety and health measures, formation of a union, previous employment in a unionized facility, participation in collective bargaining efforts or participation in a legal strike. Such decisions include for instance the use of blacklists or restrictions in training, or rest periods of the worker. | X | X | |
| FOA.5.1.1 | Employment decisions include: hiring; termination; job security; job assignment; compensation; promotion; downgrading; transfer; (vocational) training; discipline; and assignment of work and conditions of work including hours of work, rest periods, and occupational safety and health measures. | X | X | |
| FOA.6 | Restoration of Workers Rights/Reinstatement | | | |
| | Workers who have been unjustly dismissed, demoted or otherwise suffered a loss of rights and privileges at work due to an act of union discrimination shall, subject to national laws, be entitled to restoration of all the rights and privileges lost, including reinstatement, if they so desire. | X | X | |
| FOA.7 | Protection of Union Representatives | | | |
| | Employers shall comply with all relevant provisions where national laws provide special protection to workers or worker representatives engaged in a particular union activity (such as union formation) or to worker representatives with a particular status (such as founding union members or current union office holders). | X | X | |
| FOA.8 | Severance Pay | | | |
| | Employers shall not offer or use severance pay in any form or under any other name as a means of contravening the right to freedom of association, including attempts to prevent or restrict union formation or union activity, including strikes. | X | X | |

| | | | | |
|---------------|--|---|---|--|
| FOA.9 | Employer Interference | | | |
| FOA.9.1 | Employers shall refrain from any acts of interference with the formation or operation of workers’ organizations, including acts which are designed to establish or promote the domination, financing or control of workers’ organizations by employers. | X | X | |
| FOA.9.2 | Employers shall not interfere with the formation or operation of workers’ organizations, with the right of workers to draw up their constitutions and rules, with government registration decisions, to elect their representatives in full freedom, to organize their administration and activities, and to formulate their programs. | X | X | |
| FOA.9.3 | Employers shall not interfere with the right to freedom of association by favoring one workers’ organization over another. | X | X | |
| FOA.9.4 | In cases where a single union represents workers, employers shall not attempt to influence or interfere in any way in workers’ ability to form other organizations that represent workers. | X | X | |
| FOA.10 | Use of Police and Military Forces | | | |
| | Employers shall not in any way threaten the use of or use the presence of police or military, to prevent, disrupt or break up any activities that constitute a peaceful exercise of the right to freedom of association, including union meetings, assemblies and strikes. | X | X | |
| FOA.11 | Facilities for Worker Representatives | | | |
| | Worker representatives shall have the facilities necessary for the proper exercise of their functions, including access to workplaces. | | X | |
| FOA.12 | Right and Obligation to Collective Bargaining | | | |
| FOA.12.1 | Employers shall recognize the rights of workers to free and voluntary collective bargaining with a view to the regulation of terms and conditions of employment by collective agreements. | X | X | |
| FOA.12.2 | Employers and worker representatives shall bargain in good faith, i.e. engage in genuine and constructive negotiations and make every effort to reach an agreement | X | X | |
| FOA.13 | Right to Collective Bargaining/Exclusive Bargaining and Other Recognized Union | | | |
| FOA.13.1 | Employers shall bargain with any union that has been recognized by law or by agreement between the employer and that union, provided such agreement does not contravene national law, as a, or the exclusive, bargaining agent for some or all of its workers. | | X | |
| FOA.13.2 | Smallholders have the right to bargain collectively in accord with the enterprise that purchases their product. | X | | |
| FOA.13.3 | Smallholders and farms with informal labor structures shall abide by agreements regarding conditions in the sector or the region, or alternatively bargain with worker | X | | |

| | | | | |
|---------------|--|----------|----------|--|
| | representatives recognized as representatives of the staff. | | | |
| FOA.14 | Right to Collective Bargaining/Unorganized Workers | | | |
| | Employers can only engage in collective bargaining with representatives of unorganized workers when no workers' organization exists. | X | X | |
| FOA.15 | Right to Collective Bargaining/Compliance with Collective Bargaining Agreement | | | |
| | Employers, unions and workers shall honor in good faith, for the term of the agreement, the terms of any collective bargaining agreement they have agreed to and signed. | X | X | |
| FOA.16 | Right to Collective Bargaining/Validity of Collective Bargaining Agreement | | | |
| FOA.16.1 | Collective bargaining agreements that have not been negotiated freely, voluntarily and in good faith shall be considered not applicable. | X | X | |
| FOA.16.2 | Provisions in collective bargaining agreements that contradict national laws, rules and procedures or offer less protection to workers than provisions of the FLA Workplace Code shall also be considered not applicable. | X | X | |
| FOA.17 | Rights of Minority Unions and their Members | | | |
| | Unions not recognized as a bargaining agent of some or all of the workers in a facility shall have the means for defending the occupational interests of their members, including making representations on their behalf and representing them in cases of individual grievances, within limits established by applicable law. | | X | |
| FOA.18 | Right to Strike/Sanction for Organizing or Participating in Legal Strikes | | | |
| | Employers shall not impose any sanction on workers organizing or having participated in a legal strike. | X | X | |
| FOA.19 | Right to Strike/Replacement Workers | | | |
| | Employers shall not hire replacement workers in order to prevent or break up a legal strike or to avoid negotiating in good faith. | X | X | |
| FOA.20 | Deduction of Union Dues and Other Fees | | | |
| | Employers cannot deduct union membership fees or any other union fees from workers' wages without the express and written consent of individual workers, unless specified otherwise in freely negotiated and valid collective bargaining agreement. | X | X | |

7. Health, Safety and Environment

| Health, Safety and Environment (HSE) | | | | Comments: |
|---|--|--|--|--|
| <p>Code provision: Employers shall provide a safe and healthy workplace setting to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employers' facilities. Employers shall adopt responsible measures to mitigate negative impacts that the workplace has on the environment.</p> | | | | |
| <p>References: (1) Products banned by the Rotterdam Convention and Stockholm Convention (2) Agrochemicals with technical grade Class Ia / Ib active ingredients according to the classification of the World Health Organization (WHO)</p> | | | | |
| No. | Description | Applicable to Farms with Informal Labor Structures | Applicable to Farms with Formal Labor Structures | X means it is a minimum benchmark to comply with x means it is a progress benchmark that needs to be met after x years (to be defined). |
| HSE.1. | General Compliance Health, Safety, and Environment | | | |
| | Employers shall comply with all national laws, regulations and procedures concerning health, safety, and the environment. | X | X | |
| HSE.2 | Document Maintenance/Workers Accessibility and Awareness | | | |
| | All documents required to be available to workers and farmers 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 spoken by the workers if different from the local language. If the workers are illiterate, efforts shall be made to provide pictorials of the required documents that the workers can understand. | x | X | |
| HSE.3 | Notification and Record Maintenance | | | |
| HSE.3.1 | Employers shall notify the relevant national and/or local authorities of all illnesses and accidents and environmental emergencies as required by applicable laws. | X | X | |
| HSE.3.2 | All illness, safety, accident, and emergency reports shall be maintained for at least three years. | | X | |
| HSE.4 | Permits and Certificates | | | |

| | | | | |
|--------------|--|---|---|--|
| | Employers shall at all times be in possession of all legally required and valid permits and certificates related to health, safety, and environmental issues, such as those related to the purchase and storage of chemicals, fire safety inspections, inspection of machinery, and (chemical) waste disposal, where relevant. | X | X | |
| HSE.5 | Evacuation Requirements and Procedure | | | |
| HSE.5.1 | All applicable, legally required elements of safe evacuation (e.g. posting of evacuation plans, installation and maintenance of an alarm and emergency lighting systems) shall be complied with. Wherever applicable such as in living quarters or/and enclosed areas, or in case of fires, animal evacuation procedures shall be created and complied with. | X | X | |
| HSE.5.2 | Where appropriate, workers shall be trained in evacuation procedures at least once per year. | X | X | |
| HSE.6 | Safety Equipment and First Aid Training | | | |
| HSE.6.1 | All safety and medical equipment (e.g. first aid kits) shall be available, maintained and stocked as prescribed, and easily accessible to workers. | X | X | |
| HSE.6.2 | A sufficient number of workers shall be trained in first aid and fire safety. | X | X | |
| HSE.7 | Personal Protective Equipment | | | |
| | Workers shall be provided at no cost with all the appropriate and necessary personal protective equipment (e.g. gloves, eye protection, hat, boots, protective mask, hearing protection) to effectively prevent unsafe exposure (e.g. inhalation or contact with chemicals, noise, dust) to health and safety hazards, including chemical waste. | X | X | |
| HSE.8 | Use of Personal Protective Equipment | | | |
| | Workers shall be provided with training on the use and maintenance of personal protective equipment. | X | X | |
| HSE.9 | Chemical Management | | | |
| HSE.9.1 | Chemicals and hazardous substances in use must be allowed by local law or by international standards. | X | X | |
| HSE.9.2 | All chemicals and hazardous substances shall be properly labeled 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. | X | X | |
| 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. | X | X | |

| | | | | |
|---------------|---|---|---|--|
| HSE.10 | Chemical Training | | | |
| | Workers shall receive training, appropriate to their job responsibilities, concerning the hazards, risks and the safe use of chemicals and other hazardous substances. | X | X | |
| HSE.11 | Chemical Management/Pregnant Women and Young Workers | | | |
| HSE.11.1 | To prevent unsafe exposure to hazardous chemicals and hazardous substances, appropriate accommodations shall be made for pregnant women and workers under the age of 18, as required by applicable laws or the provisions of the FLA Workplace Code, in a manner that does not unreasonably disadvantage workers. | X | X | |
| HSE.11.2 | If not provided by law, employers must provide protection to workers who allege violations of accommodations to prevent unsafe exposure to hazardous chemicals and hazardous substances for pregnant women and workers under age 18. | X | X | |
| HSE.12 | Protection Reproductive Health | | | |
| HSE.12.1 | Employers shall ensure that women are not engaged in work that constitutes a substantial risk to their reproductive health. | X | X | |
| HSE.12.2 | If not provided by law, employers must provide protection to workers who allege women are engaged in work that constitutes a substantial risk to their health. | x | X | |
| HSE.13 | Ventilation/Electrical/Facility Installation and Maintenance | | | |
| | For indoor workplaces, all necessary ventilation, plumbing, electrical, noise and lighting services shall be installed and maintained to conform to applicable laws and to prevent or minimize hazardous conditions to workers in the facility. | x | X | |
| HSE.14 | Machinery Safety, Maintenance and Workers Training | | | |
| HSE.14.1 | All production machinery, equipment and tools shall be properly guarded and regularly maintained. | X | X | |
| HSE.14.2 | Where appropriate, workers shall receive training in the proper use and safe operation of machinery, tractors, equipment and tools they use. | X | X | |
| HSE.14.3 | Employers shall ensure safety instructions are either displayed or posted near all machinery or are readily accessible to the workers in language(s) spoken by workers. Where workers are illiterate, the instructions should be depicted by pictograms. | X | X | |
| HSE.14.4 | Workers shall not suffer any negative consequences for refusing to work with machinery, equipment or tools that are not properly guarded or reasonably considered unsafe. | X | X | |
| HSE.15 | Ergonomics | | | |
| HSE.15.1 | Employer shall provide an ergonomic evaluation of all workplaces and offer ergonomic trainings if appropriate to worker groups in field and processing work. | | x | |

| | | | | |
|---------------|---|---|---|--|
| HSE.15.2 | Employers shall train workers in proper lifting techniques, and items such as lifting belts shall be provided. | x | X | |
| HSE.16 | Medical Facilities | | | |
| HSE.16.1 | Medical examinations must be provided to all workers according to legal provisions. | | X | |
| HSE.16.2 | Medical facilities shall be established and maintained as required by applicable laws. In case of no local law, the employer shall ensure that the workers are able to utilize local service providers in case of medical emergencies and have the local medical officer's contact address available to the workers. In the case of a medical emergency, e.g., injury or sudden illness, growers will not unreasonably delay allowing a worker to have access to medical treatment. | X | X | |
| HSE.16.3 | An appropriate stock of medical first aid supplies shall be maintained at all times with valid expiration dates. | x | X | |
| HSE.17 | Access to Water and Sanitation | | | |
| HSE.17.1 | Safe and clean potable water for drinking shall be freely available at all times, within reasonable distance of the workplace. For farm settings in water-stressed regions where access to potable water is not always guaranteed, employers shall work with local authorities and other partners to provide clean water in sufficient volume and quality to guarantee the wellbeing of hired and family workers. | X | X | |
| HSE.17.2 | Clean and private sanitation facilities should be available within reasonable distance of the workplace. Employers shall not place any undue restrictions on using sanitation facilities in terms of time and frequency. | x | X | |
| HSE.18 | Food Preparation | | | |
| | When food is provided to the workers, it shall be adequate, nutritious, prepared, stored, and served in a safe and sanitary manner. | | X | |
| HSE.19 | Living Quarters | | | |
| | In case the workers reside on the premises of the farms, the employer shall ensure that living quarters provided to the workers are safe, meet health, safety, and environment standards, including fire safety, sanitation, electrical, mechanical, and structural safety and do not pose any risk to the workers or their families. Workers residing in temporary accommodations, such as tents, must reside in facilities that do not put their health and lives at risk. | x | X | |
| HSE.20 | Childcare Facilities | | | |
| | Childcare facilities shall not physically overlap with production areas and children shall not have access to production areas. | | X | |

| | | | | |
|---------------|--|---|---|--|
| HSE.21 | Rest Areas | | | |
| | Employers shall make provision for rest and breaks areas for the workers. These areas should provide protection against extreme weather conditions and wild animals and should have facilities for health emergencies. | x | X | |
| HSE.22 | Workers Transport | | | |
| | Employers shall make sure that workers are transported in safe vehicles that meet safety standards such as seat capacity, safety belts, lights and brakes. | x | X | |

8. Hours of Work

| Hours Of Work (HOW) | | | | Comments: |
|---|--|--|--|--|
| <p>Code provision: Employers shall not require workers to work more than the regular and overtime hours allowed by the law of the country where the workers are employed. The regular work week shall not exceed 48 hours. Employers shall allow workers at least 24 consecutive hours of rest in every seven-day period. All overtime work shall be consensual. Employers shall not request overtime on a regular basis and shall compensate all overtime work at a premium rate. Other than in exceptional circumstances, the sum of regular and overtime hours in a week shall not exceed 60 hours.</p> | | | | |
| <p>References: ILO Convention No. 14, ILO Conventions No. 47 (Forty Hour Work Week), ILO Convention No. 147 (Night Work), ILO Convention No. 175 (Part-Time Work) and 103 and national legislations.</p> | | | | |
| No. | Benchmarks | Applicable to Farms with Informal Labor Structures | Applicable to Farms with Formal Labor Structures | X means it is a minimum benchmark to comply with x means it is a progress benchmark that needs to be met after x years (to be defined). |
| HOW.1 | General Compliance Hours of Work | | | |
| HOW.1.1 | Employers shall comply with all national laws, regulations and procedures concerning hours of work, public holidays and leave. | X | X | |
| HOW.1.2 | In countries where local law does not set out hours of work specific to the agriculture sector, the participating company shall consult with local stakeholders representing the employers (farmers), workers and civil society to define the hours of work. As a general principle, the total hours of work: (1) shall not exceed the number of work hours freely (individually and/or collectively) agreed upon by workers, including that all overtime work is consensual; (2) shall not adversely affect workers' physical and mental health; (3) shall allow for adequate breaks and rest periods during a working day, as determined by the workers, including at least 24 consecutive hours of rest in every seven-day period; and (4) shall be fully compensated according to legal requirements or worker agreements, whichever is more favorable to workers. | X | X | |

| | | | | |
|--------------|--|---|---|--|
| HOW.1.3 | Other than in exceptional circumstances or during short-term seasonal work as described under HOW.2, the total weekly work hours (regular work hours plus overtime) shall not exceed 60 hours per week or the legal limit, whichever is lower. The upper limit during a working day shall not exceed 12 hours. | X | X | |
| HOW.1.4 | When workers' accommodations and transport is organized by the employer, or when workers are transported from one site to another during a working day, travel time to the field shall be part of working time calculation. | X | X | |
| HOW.2 | Rest Day | | | |
| | 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. | X | X | |
| HOW.3 | Meal and Rest Breaks | | | |
| | 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. | X | X | |
| HOW.4 | Protected Workers (Pregnant or Nursing Women and Young Workers) | | | |
| 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. | X | X | |
| HOW.4.2 | Employers shall maintains a list of all pregnant, nursing women and young workers who are subject to special protection regarding working hours and guarantee compliance with special legal provisions. | x | X | |
| HOW.4.3 | If not provided by law, employers must provide protection to workers based on international standards and best practices governing work hours limiting the nature, frequency and volume of work performed by pregnant or nursing women or young workers. | X | X | |

| | | | | |
|--------------|--|---|---|--|
| | | | | |
| HOW.5 | Overtime/Calculation over Period Longer than One Week | | | |
| HOW.5.1 | 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. | X | X | |
| HOW.5.2 | Payment of overtime rates is unaffected by a calculation that spreads total hours over more than one week. | x | X | |
| HOW.6 | Forced Overtime/Exceptional Circumstances | | | |
| HOW.6.1 | Employers shall not require workers to work more than the overtime hours allowed by the law of the country where the workers are employed. | X | X | |
| HOW.6.2 | All overtime work shall be voluntary. | X | X | |
| HOW.6.3 | Regular working hours and overtime is duly recorded in whatever means that are locally available and validated by the workers. For farms with informal labor structures, basic recording system shall be introduced to record workers' name, working days and payment and progressively work toward more detailed hours of work recording system. | x | X | |
| HOW.7 | Exceptional Circumstance/Overtime Explanation | | | |
| | Employers shall be able to provide explanation for all periods when the exceptional circumstances exception has been used. Clear communication and consultation will be held with workers and any extended hours of work will be levied upon obtaining (verbal / written) consensus from the workers. | X | X | |
| HOW.8 | Public Holidays | | | |
| HOW.8.1 | Employers shall provide workers with all official public holidays as required under national laws, regulations and procedures. | X | X | |
| HOW.8.2 | Employer may engage with workers on a specific working scheme which allows workers to work on holidays if voluntarily agreed by the workers without any pressure to accept or retaliation if refuse. | X | X | |

| | | | | |
|---------------|--|---|---|--|
| HOW.8.3 | Employer provides the workers with an annual calendar of holidays in advance in order to allow them better planning. | | X | |
| HOW.9 | Annual Leave | | | |
| | Where permanent or long-term workforce is hired, employers shall provide workers with paid annual leave as required under national laws, regulations and procedures. For farms with informal labor structures hiring annual workers, arrangements can be made between producer and workers as long as it ensures a fair remuneration for the amount of work performed during the year. | X | X | |
| HOW.10 | Annual Leave/Determination | | | |
| HOW.10.1 | Employers shall not impose any undue restrictions on workers' use of annual leave. The time at which annual leave is taken is determined by employers in consultation with workers, taking into account work requirements and the opportunities for rest and relaxation available to workers. | X | X | |
| HOW.10.2 | Employer anticipates planning of leaves as far as possible in order to allow each worker the maximum of personal planning. | | x | |
| HOW.11 | Annual Leave/Restrictions | | | |
| | Any workplace restrictions or procedures applicable to taking annual leave (e.g., requiring a minimum period of service before being allowed to use annual leave, written requests to be submitted a certain time before the annual leave) must be in line with national laws, regulations and procedures and must be communicated in full to all workers. | x | X | |
| HOW.12 | Annual Leave/Wage Payments | | | |
| HOW.12.1 | Employers shall provide workers taking annual leave their normal or average wages for the full period of annual leave in advance before leaving on holidays, unless specified differently under national laws, regulations and procedures. | x | X | |
| HOW.12.2 | All payments of leaves are duly recorded and signed by workers. | x | X | |
| HOW.13 | Leave/Retaliation | | | |
| | Employers shall not impose any sanction on workers for requesting or taking any type of leave, such as annual, sick, or maternity, in line with all applicable rules and procedures. Employers shall also not penalize workers for leaving work for emergency reasons when the workers went through the defined process for informing the employer. | X | X | |
| HOW.14 | Sick Leave | | | |

| | | | | |
|---------------|---|---|---|--|
| | Employers shall provide workers with sick leave as required under national laws, local provisions, regulations and procedures. | X | X | |
| HOW.15 | Sick Leave/Restrictions | | | |
| | Employers shall not impose any undue restrictions on sick leave. Any workplace restrictions or procedures regarding sick leave (e.g. informing the employer as soon as possible, the provision of medical certificates, the use of designated doctors or hospitals) must be in line with national laws, regulations and procedures and must be communicated in full to all workers. | x | X | |
| HOW.16 | Calculation of Absences | | | |
| | Absences from work for reasons beyond the control of workers, such as sick leave or periods during which workplace operations are suspended, shall not be counted as annual leave nor shall they be deducted from calculations concerning length of service, unless specified differently under national laws, regulations and procedures. | x | X | |
| HOW.17 | Suspension of Work | | | |
| HOW.17.1 | Employers can only suspend work in accordance with national laws, regulations and procedures or in cases of impact of weather conditions or natural events. | | X | |
| HOW.17.2 | Workers shall be paid in full during periods of suspension, unless national laws stipulate otherwise, workers and their representative organizations agree otherwise, or the relevant national authorities authorize the alternative arrangement between workers and employers. | | X | |

9. Compensation

| Compensation (C) | | | | Comments: |
|---|---|---|---|--|
| <p>Code provision:</p> <p>Every worker has a right to compensation for a regular workweek that is sufficient to meet the worker’s basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any fringe benefits required by law or contract. Where compensation does not meet workers’ basic needs and provide some discretionary income, each employer shall work with the FLA to take appropriate actions that seek to progressively realize a level of compensation that does.</p> | | | | |
| <p>References:</p> <p>ILO’s Minimum Wage Fixing Convention 131 (1970) specifies in Article 3 (a) and (b) that the following two elements be taken into consideration in determining the minimum wage:</p> <p>(1) “The needs of workers and their families taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups;</p> <p>2) Economic factors, including the requirements of economic development, levels of productivity, and the desirability of attaining and maintaining a high level of employment.”</p> <p>The FLA defines compensation as total remuneration, in cash or in kind, payable by an employer to an employee; and basic needs as the minimum necessary for a worker and two dependents to have access to resources, including food, safe drinking water, clothing, shelter, energy, transportation, education, sanitation facilities and access to health care services.</p> | | | | |
| No. | Benchmarks | Applicable to Farms with Informal Labor Structures | Applicable to Farms with Formal Labor Structures | |
| C.1 | General Compliance Compensation | | | X means it is a minimum benchmark to comply with x means it is a progress benchmark that needs to be met after x years (to be defined). |
| C.1.1 | Employers shall comply with all national laws, Collective Bargaining Agreements in force, regulations and procedures concerning the payment of compensation to workers. | X | X | |

| | | | | |
|------------|--|---|---|--|
| C.1.2 | Other than lawfully required deductions, no other deductions may be made from a worker’s compensation without the written consent of the worker. Financial disciplinary measures are prohibited. | X | X | |
| C.1.3 | In countries where local law does not specify compensation specific to the agriculture sector, the participating company shall consult with local stakeholders representing the employers (farmers), workers, local government and commissions, and civil society to define the appropriate wage level. As a general principle, employers shall follow the minimum wage standards set for other sectors in the same region. | X | X | |
| C.1.4 | Where national laws, regulations and procedures do not address the payment of compensation to workers, employers shall follow all standards in the FLA Workplace Code that apply to administration and payment of compensation and, where applicable, shall provide an employment contract that includes stipulation of compensation payment to workers. | x | X | |
| C.2 | Minimum Wage/Fair compensation | | | |
| C.2.1 | Employers shall pay workers at least the legal minimum wage, the prevailing industry sector wage, or the wage pursuant to Collective Bargaining Agreements that are in force, whichever is higher, for regular working hours (not including overtime). Hourly or daily compensation shall be calculated based on the basis of the legal minimal wage, the prevailing industry sector wage, or the wage pursuant to Collective Bargaining Agreements that are in force, whichever is higher. Workers should also be informed by the employer about the legal minimum wage applicable to them. | X | X | |
| C.2.2 | Employers shall provide all legally required benefits to all workers. | X | X | |
| C.2.3 | Employers shall not set production targets at such a level that workers need to work beyond regular working hours as set under the FLA Workplace Code, excluding overtime, in order to achieve at least the minimum wage. | X | X | |
| C.2.4 | Where compensation for a regular workweek is not sufficient to meet workers’ basic needs and provide some discretionary income, each employer shall work with the FLA to take appropriate actions that seek to progressively realize a level of compensation that does. | x | x | |
| C.2.5 | Employers shall regularly check the wages paid to workers against the applicable legal minimum wage, prevailing wages, and wages established by Collective Bargaining Agreements in force against locally-recognized living wage calculations made by local governmental or non-governmental institutions, where available. | x | x | |

| | | | | |
|------------|---|---|---|--|
| C.2.6 | Employers shall regularly revise salaries to prevent loss of purchasing power for workers and to recognize the value of long-term and higher-skill workers. | X | X | |
| C.3 | Minimum wage/Piece rate payments | | | |
| | Employers shall ensure that the wages for daily, casual, long term, task specific or contract workers are paid in accordance with the national laws applied to regular workers. For work based on production quotas and piecework performed during normal working hours, workers must get paid the proportionate minimum wage or the relevant industry average wage, whichever is higher. | X | X | |
| C.4 | Farmer/Producer Income | | | |
| | Prices paid to the farmer/producer shall be sufficient to guarantee a fair compensation to the farmer and allow at least for payment of legal minimum or prevailing wages, whichever is higher, to hired workers. | X | X | |
| C.5 | Training and Probation Wage | | | |
| | Where probationary or training employment is legally allowed, the wage shall not be below the legal minimum and no workers shall work more than three months cumulatively in those employment categories. | | X | |
| C.6 | Timely Payment of Wages | | | |
| | 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. | X | X | |
| C.7 | Accurate Calculation, Recording and Payment of Wage/Prices | | | |
| 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). | X | X | |
| C.7.2 | FLA-affiliates shall ensure that farmers/producers receive payments and certification premiums through a traceable and reliable payment system. | X | X | |
| C.7.3 | Wage records should be authentic and accurate and should clearly demonstrate how wages, deductions, benefits, overtime and bonuses are calculated. | X | X | |

| | | | | |
|------------|---|---|---|--|
| C.7.4 | <p>Employers shall provide workers a pay statement each pay period and not less frequently than once a month, which shall show:</p> <ul style="list-style-type: none"> • earned wages, • wage calculations, • total number of hours worked, • regular and overtime pay, • bonuses, • all deductions, and • final total wage. <p>The payment statement shall be signed and agreed by the worker. For farms with informal labor structures, and where the illiteracy rate is high, proof of payment may be in the form of alternative means (such as using a witness or affixing a thumb print).</p> | x | X | |
| C.7.5 | No one can receive wages on behalf of a worker, unless the worker concerned has, in full freedom, authorized in writing for another person to do so. | X | X | |
| C.8 | Calculation Basis for Overtime Payments | | | |
| C.8.1 | Employers shall compensate workers for all hours worked. | X | X | |
| 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. | X | X | |
| 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. | X | X | |
| C.8.4 | Unless workers have voluntarily agreed to other arrangements, in countries where there is no legally established overtime premium, employees shall be compensated for overtime hours at the prevailing sectoral rate or at the internationally recognized overtime rate, of 150% on workdays and 200% on Sundays and holidays. | x | X | |
| C.9 | Deposit of Legally Mandated Deductions | | | |
| | All legally mandated deductions for taxes, social insurance, or other purposes shall be deposited each pay period in the legally defined account or transmitted to the legally defined agency. Employers shall not hold over any of these funds from one pay period to the other unless the law specifies that deposits are to be made less frequently than | x | X | |

| | | | | |
|-------------|---|---|---|--|
| | pay periods (e.g. monthly deposits, weekly pay). If the law does not specify, then deposits shall be made before the next pay period in all cases. | | | |
| C.10 | Voluntary Wage Deductions | | | |
| C.10.1 | Voluntary wage deductions for union membership, savings clubs, loan payments, etc. can only be made with the expressed and written consent of workers and fall within the limits and conditions specified by law or by collective bargaining agreement. | X | X | |
| C.10.1.1 | Written consent shall be documented in employee files, or, where applicable, be obtained in front of a trusted witness according to the local context. | X | X | |
| C.10.2 | All such voluntary deductions shall be credited to proper accounts and funds shall not be held illegally or inappropriately by employers. | X | X | |
| C.10.3 | Workers shall have access to regular and full information concerning the status of relevant accounts and the status and level of their payments. | X | X | |
| C.11 | Workers Awareness and Understanding of Compensation | | | |
| C.11.1 | Employers shall make every reasonable effort to ensure workers understand their compensation, including: | | | |
| C.11.1.1 | the calculation of wages, | X | X | |
| C.11.1.2 | incentives systems, | X | X | |
| C.11.1.3 | fringe benefits, and | X | X | |
| C.11.1.4 | bonuses they are entitled to at the workplace and under applicable laws. | X | X | |
| C.11.1.5 | Employers shall communicate in writing or orally where necessary to all workers all relevant compensation information in the local language or language spoken by the workers, if different from the local language. | X | X | |
| C.12 | Employer-Provided Fringe Benefits | | | |
| C.12.1 | All workers have a right to use or not to use services provided by employers, such as housing or meals. | X | X | |
| C.12.2 | Where employers provide workers with housing, meals or other services, there must be a document or instructions that clearly defines how workers can access these services. | x | X | |
| C.12.3 | Employers must provide goods and services at fair and reasonable prices, comparable to local market prices. | X | X | |

| | | | | |
|-------------|---|---|---|--|
| C.12.4 | Deductions for services to workers shall not exceed the cost of the service to employers. | X | X | |
| C.12.5 | Employers must be able to demonstrate the accuracy or reasonableness of these charges. | X | X | |
| C.13 | Compensation Disputes | | | |
| | Employers must establish a system through which workers can dispute compensation and receive clarifications in this respect in a timely manner. If not provided by law, employers must provide protection to workers who allege violations of compensation laws, regulations, and procedures. | x | X | |