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# PROTECTING HUMAN RIGHTS AND LABOR RIGHTS OF AGRICULTURAL WORKERS

The Role of SAN/Rainforest Alliance Certification



Sustainable Agriculture Network

Worldwide, 1.1 billion people work in agriculture, 300–500 million of them as hired employees<sup>1</sup>. Yet despite the critical jobs they perform, agricultural workers remain among the poorest and most vulnerable members of society. As leaders in social and environmental sustainability, the Sustainable Agriculture Network (SAN) and Rainforest Alliance are resolute in their mission and efforts to protect the rights and improve the livelihoods of agricultural workers.

SAN/Rainforest Alliance Certification – which requires compliance with the SAN Standards – provides a recognized mechanism to protect workers' rights, help workers meet basic needs, and provide fair and safe working conditions. The 2017 SAN Sustainable Agriculture Standard maintains the worker protections already addressed by the 2010 SAN Standard, in accordance with national laws, the UN Guiding Principles on Business and Human Rights, and the International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work. This includes the protection of workers' rights as defined by the ILO eight fundamental conventions<sup>2</sup>. The 2017 Standard further strengthens the mechanisms to ensure these rights through improved critical criteria (i.e., those criteria with which full compliance is a prerequisite for certification) and additional Continuous Improvement Criteria, alongside auditing protocols.

In the 2017 version of the SAN Standard, under Principle 4: Improved Livelihoods and Human Wellbeing, the Critical Criteria continue to:

- Prohibit forced labor, worst forms of child labor<sup>3</sup>, and worker coercion, harassment, or discrimination in any form;
- Uphold workers' rights to associate, organize, and collectively bargain, and ensure access to grievance mechanisms that allow objections to be made and reviewed without fear of reprisal by management;
- Ensure all workers receive “no less than the legal minimum wage or wages negotiated collectively, whichever is higher”;
- Ensure equal remuneration for equal work;
- Require employers to provide workers with access to potable water;
- Require that housing for employee and their families, when provided by farm management, is safe and hygienic (the 2017 SAN Standard includes four housing-related criteria that increase requirements over time);
- Ensure that workers use Personal Protective Equipment (PPE) and are trained on this and other precautions to reduce occupational health and safety risks;
- Require the implementation of effective management systems that transparently document policies and procedures, keep records, and establish improvement plans related to these and other labor-related criteria.

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1 <http://ilo.org/global/industries-and-sectors/agriculture-plantations-other-rural-sectors/lang--en/index.html>

2 The ILO fundamental conventions include the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), Right to Organize and Collective Bargaining Convention, 1949 (No. 98), Forced Labor Convention, 1930 (No. 29), Abolition of Forced Labor Convention, 1957 (No. 105), Minimum Age Convention, 1973 (No. 138), Worst Forms of Child Labor Convention, 1999 (No. 182), Equal Remuneration Convention, 1951 (No. 100), and Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

3 The SAN Standard adheres to the ILO definition of child labor.

Two new critical criteria have been added to the standard in 2017 that further reinforce the protection of temporary and contract workers as well as pregnant women and new mothers. These are:

**Critical Criterion 4.8:** The farm management and group administrator do not engage in arrangements or practices designed to eliminate or reduce pay and benefits that are due to workers, for example employing contract or temporary workers to do permanent or ongoing tasks.

**Critical Criterion 4.18:** Women who are pregnant, nursing or have recently given birth are not assigned to activities that pose risk to the woman's, fetus's or infant's health. In cases of job reassignment, there is no reduction in remuneration.

Additionally, some criteria that were previously non-critical (i.e., continuous improvement criteria) have been elevated to critical. These include:

**Critical Criterion 4.10:** Regular working hours of all workers do not exceed 48 hours per week, and there is at least one full day of rest for every six consecutive days worked. Workers receive one meal period break for every six hours worked.

**Critical Criterion 4.11:** All overtime is voluntary. Overtime does not result in a work week exceeding 60 total hours, except under extraordinary circumstances. All overtime is paid at the rate required by applicable law or as collectively negotiated, whichever is higher.

**Critical Criterion 4.14:** An Occupational Health and Safety Plan is developed and implemented.

**For a summary list of all labor-related critical criteria, see Annex 1.**

Some of the most significant enhancements in the 2017 SAN Standard have been made in the new Continuous Improvement System. This system recognizes that sustainability is a long-term process, requiring farm investments and management changes that can take time to implement. SAN/Rainforest Alliance certification can drive positive change by guiding producers along a stepwise process toward better social and environmental outcomes. The SAN Standard thus establishes three performance levels through which farms and farmer groups must progress. These are levels C (good), B (better), and A (best).

The twenty-seven continuous improvement criteria under Principle 4 address four areas of rights protection and social advancement: 1) employment conditions and wages; 2) living wage and fulfillment of essential needs for workers and their families; 3) occupational health and safety; and 4) community relations. The first three continuous improvement areas, with 25 criteria in total, are directly relevant to workers. Additionally, there is one worker related continuous improvement criterion under Principle 1.

A summary list of the worker-related continuous improvement criteria are found in Annex 2. Several of these criteria are new for the 2017 Standard and address important, high-risk social issues. These include:

## 1. Gender equality and empowerment of women

There are several new continuous improvement criteria intended to improve the position and wellbeing of female as employees. The 2017 SAN Standard also incorporates new measures to heighten security for women who are permanently or temporarily housed on farms. These criteria include:

**Criterion B 1.12:** The farm management and group administrator support equality and empowerment of women, including participation in training and education and equal access to products and services.

**Criteria B 4.25 and B 4.26:** Women are given at least 12 weeks fully-paid maternity leave to coincide with the birth of a child; flexible working schedules or work site arrangements are provided to new and nursing mothers as necessary.

**Criterion B 4.30:** Toilets are designed to maximize safety for women and children, including good sight lines to latrines.

## 2. Child labor

The worst forms of child labor remain prohibited by critical criteria in the 2017 SAN Standard. These criteria are designed to protect young workers and promote school attendance. Continuous improvement criteria go one step further by requiring farm management and group administrators to develop and implement child labor prevention and monitoring plans, and to provide access to basic education. The specific criteria are:

**Criterion B 4.24:** The farm management and group administrator develop and implement a child labor prevention and monitoring plan after considering the results of consultations with community members and minors.

**Criterion B 4.31:** The farm management and group administrator provide access to health care and basic education to all workers and their families.

## 3. Remuneration and essential needs

The 2017 SAN Standard improves prospects for workers with respect to remuneration – that is, the total amount of cash wages plus in-kind compensation provided to workers. It does this by enhancing requirements for employer-provided in-kind benefits and cash wage levels. For 2017, the SAN Standard has adopted the “living wage” approach, which aims to increase remuneration up to a level sufficient to support a decent standard of living for the worker and his or her family. This approach applies in all contexts (i.e., countries or parts of countries) for which a living wage benchmark has been established<sup>4</sup>. In addition, several other criteria help ensure that workers and their families are able to fulfill essential needs; these apply in all contexts, whether or not a living wage benchmark has been established:

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<sup>4</sup> Living wage benchmarks are the calculated value of living wages. The benchmarks that apply to the SAN 2017 standard are established by the Global Living Wage Coalition using the Anker Methodology and have been validated through multi-stakeholder processes. Benchmarks can be found at [www.globallivingwage.org](http://www.globallivingwage.org)

## Housing

- Criteria C 4.28:** When provided by the employer, worker housing meets enhanced requirements that are also consistent with ILO Guidance on Workers' Housing Recommendation 1961 (No. 115);
- B 4.30:** When provided by the employer, worker housing meets additional requirements that exceed the ILO Guidance; and
- A 4.32:** Worker housing meets Level B and C requirements plus provides space for recreation and drying clothes and upgraded sanitation and washing facilities.

## Health care and education

- Criteria C 4.29:** Farm management and group administrators develop and implement plans to provide workers and their families access to health care and education; and
- B 4.31:** Farm management and group administrators provide access to health care and basic education for all workers and their families.

## Cash wages

- Criterion A 4.27:** Wages are increased and adjusted for inflation at least annually.

## Living wages (where a living wage benchmark is available):

- Criterion C 4.29:** Farm management and group administrators negotiate, document, and implement a living wage plan with workers or through a collective bargaining agreement procedure
- Criterion A 4.33:** A living wage is paid to all workers. A portion of the living wage payment may include in-kind remuneration, pursuant to the plan in criterion C 4.29.

At the time of first certification, farms and farmer groups must comply with half of level C criteria and have time-bound processes in place to comply with all such

**Living wages** are remuneration received for a standard workweek by a worker in a particular place sufficient to afford a decent standard of living for the worker and her or his family. Elements of a decent standard of living include food, housing, education, health care, water, transport, clothing, other essential needs including provision for emergencies and unexpected events. (Global Living Wage Coalition)

As a member of the Global Living Wage Coalition, Rainforest Alliance and Sustainable Agriculture Network are working with five other standards systems, ISEAL Alliance and living wage experts Richard Anker and Martha Anker, to establish living wage benchmarks which serve as a common guidepost for all the member schemes, as well as participating farms, farm workers and companies.

criteria by Year 3. By Year 3, certificate holders must comply with all level C criteria and half of level B criteria. By Year 6, certificate holders must comply with all level B and level C criteria and half of all level A criteria. This provides flexibility for producers who find it challenging to fully achieve some of the level A criteria, within a six year timeframe, whilst requiring substantial progress across all sustainability outcome areas.

All humans have equal worth and should be treated well. The criteria outlined in Principle 4 of the SAN 2017 Standard are thus intended to protect human and labor rights for agricultural workers and their families. Just as the SAN and Rainforest Alliance are committed to workers' wellbeing, we remain committed to supporting our community of farms and group administrators who hire workers and have made the conscious decision to produce sustainably. We believe that the path to sustainability is forged through thoughtful collaboration, and ultimately meets the best interests of farms, workers, businesses and consumers.

The full SAN Sustainable Agriculture Standard is available from <http://sanstandard2017.ag/>

## Annex 1: Summary of SAN Critical Criteria related to labor

(full criteria wording is available at [www.san.ag](http://www.san.ag))

No.	Criteria
4.1	No forced labor
4.2	No mistreatment of workers; no sexual harassment
4.3	No discrimination
4.4	Freedom of association and collective bargaining
4.5	Payment of minimum wage
4.6	No worst forms of child labor
4.7	Child laborers (under 15 years) not contracted and conditions for young workers (15-17 years)
4.8	No avoidance of benefits
4.9	Grievance mechanisms for workers
4.10	48 regular working hours and one rest day per week
4.11	Regulations on overtime
4.12	Access to drinking water
4.13	Basic conditions for housing
4.14	Develop and implement an Occupational Health and Safety plan
4.15	Use of Personal Protective Equipment (PPE)
4.16	Training on pesticide risks for pesticide handlers
4.17	All pesticide handlers use bathing facilities after application
4.18	Avoiding risk tasks for pregnant or nursing women

## Annex 2: Summary of SAN Continuous Improvement Criteria related to labor

No.	Criteria
<b>Level C</b>	
C4.21	Complete payment of worker wages on the date, in the place, and with frequency specified in contracts or through collective bargaining.
C4.22	All workers informed in their native language of the terms of employment, as stated in a collective bargaining agreement or employer’s proposed labor agreement.
C4.28	When housing is provided to workers, or workers with their families, this housing meets the conditions consistent with ILO Guidance on Workers’ Housing Recommendation No. 115.
C4.29	If a living wage benchmark is provided, living wage plans are documented and implemented. If no benchmark, access to health care and basic education is assessed and plans implemented.
C4.34	An Occupational Health and Safety (OHS) committee is chosen by workers for farms or group administrators with 20 or more workers. Their reviews/findings are considered in OHS plans.
C4.35	Farms implement Restricted Entry Intervals (REI) for persons entering pesticide application areas without PPE.
C4.36	Workers who handle WHO17 Class II or III organophosphates or carbamates are tested for cholinesterase levels and offered other work if higher than acceptable levels are detected.
C4.37	Workers diagnosed with temporary health conditions or disabilities that impair their ability to carry out their job are reassigned without penalty or a decrease in compensation.
C4.38	Workshops, storage areas, and processing facilities are designed and well identified for safe and secure storage of materials and equipped.
C4.39	Only authorized personnel have access to workshops, storage or processing facilities.
C4.40	First aid equipment is available and designated workers or group members are trained on first aid as specified in the OHS plan.

No.	Criteria
C4.41	The farm management and group administrator provide workers with medical examinations as specified in the Occupational Health and Safety plan. Workers have access to the results.
C4.42	Emergency showers and eye-washing facilities are provided near workshops, storage areas, and processing facilities where pesticides or other hazardous materials are used or stored.
C4.43	Working toilets and washing facilities are available at the work place for offices, processing areas, and other central facilities of farms and group administrators.
<b>Level B</b>	
B4.23	All workers receive at least two weeks of paid vacation leave per year with pro-rating for part-time or seasonal workers.
B4.24	Development and implementation of child labor prevention and monitoring plans after considering the results of consultations with community members and minors.
B4.25	Pregnant women receive fully-paid maternity leave of at least 12 weeks
B4.26	Women who are pregnant, nursing or have recently given birth are offered flexible working schedules or work site arrangements.
B4.30	When housing is provided to workers, or workers with their families, this housing meets the criteria C4.28 plus additional specifications on space per person.
B4.31	Access to health care and basic education for all workers.
B4.44	The farm management and group administrator document and implement procedures for emergency scenarios, provide training, and maintain equipment to minimize harm.
<b>Level A</b>	
A4.27	Increase of inflation-adjusted cash wages at least annually.
A4.32	When housing is provided to workers, or workers with families, this housing meets criteria B4.30 plus additional conditions for toilets, showers, and laundry and recreation areas.
A4.33	If a living wage benchmark is provided, the farm management and group administrator pay a living wage to all workers. Payment may include in-kind remuneration, pursuant to the plan.
A4.45	Farms provide shelter for meals and rest at work that protect from sun and weather.