

THE CONSUMER GOODS FORUM

Sustainable Supply Chain Initiative | Primary Production Scope – Social Criteria | Comments Received from Stakeholders/Public Consultation | 26th of May 2021

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Introduction

This document consists of all comments received from the stakeholders (including scheme owners, international/industry associations, NGOs, academics, and others) during the public consultation phase between September to December 2020. We held one consultation call each for scheme owners, general stakeholders and also for CGF members. CGF SSCI's online public consultation on the Primary Production scope ended on the 1st of December 2020. We received 15 submissions on the online platform and via email.

In total, there were 67 stakeholders with who CGF SSCI consulted regarding the draft criteria among which:

- 28 are companies and service providers
- 22 are scheme owners
- 5 are foundations, independent consultant and academics
- 12 are industry/international associations, international organisations and NGOs.

The document is structured by:

- **Overarching Comments:** all comments which are not necessarily found at the criteria level but include information/suggestions from the stakeholders.
- **Overarching Comments per chapter:** all comments which are not necessarily associated with a specific criterion but relevant at the chapter level.
- **Comments per criterion:** all comments received which are associated with a specific criterion.

Should you have any questions, please contact the CGF SSCI Team at ssci@theconsumergoodsforum.com.

Overarching Comments

Themes/Summary	Stakeholder Comments	SSCI Responses
Clarity on the “Producer” term	The term producer needs to be clarified throughout the chapters.	SSCI will define producer in our glossary. This definition will serve as a reference for schemes but is not intended to exclude certain categories or definitions of producers.
More differences in the Processing/Manufacturing and	<ul style="list-style-type: none"> • There seem to be more differences between the Processing Scope and Producing Scope. A lot of 	SSCI is an iterative process and began with our work in the Processing Scope. Certain added criteria are

<p>Primary Production scope – please ensure consistency.</p>	<p>requirements in the Producing Scope, and missing in the Processing Scope, are conceptually also applicable at the Processing Scope – but lacking at this point (most notably the requirements on Chemical use). From a consistency point of view, aligning requirements to the extent possible, is desirable.</p> <ul style="list-style-type: none"> ○ The draft requirements are a mix between standard content, assessment evidence (record availability) and audit process requirements (“auditors shall do...”). This needs purification in order to work with the various scheme documents. ○ There are occasions where scope-drift creeps in between social and environmental criteria – suggest having a clean split between these. ○ Most notably: as SSCI will spans a range of commodities and supply chains, chances are more than likely that small-scale producers are affected by this benchmark. The current draft requirements, however, are putting a very high bar for small-scale producers. Arguably a too high bar. This needs to be checked with schemes operating in the small-scale producer space in order to be well defined for these circumstances. ● The requirements of the SSCI Processing and Manufacturing benchmarking requirements are already formulated in a detailed way, the requirements for the Primary Production are even more detailed. We would like to ask you to consider a higher-level approach and 	<p>particularly relevant to the primary production scope and were added at this time. The language and discussions surrounding these criteria will be used to inform potential revisions of the processing scope in the future.</p>
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	<p>less detail in formulating the requirements, see our recommendations at the different clauses</p> <ul style="list-style-type: none"> as new criteria are added as compared to the manufacturing standard also for requirements which are equally applicable to a factory setting but have not been integrated in that set of criteria. It is like the bar for farms is higher than the bar for factories. 	
Human Rights Due Diligence Reference is needed.	The review captures very important issues. however, there is no mention of Human Rights Due Diligence which in my opinion is becoming very relevant topic in our line of work. in addition, the sections on Child labour, Freedom of association, and discrimination could be strengthened.	The SSCI works with our CGF Human Rights Coalition – Working to end Forced Labour to expand our coverage of human rights due diligence approaches.
Risk for small farmers to be left behind as SSCI criteria may be unattainable	<ul style="list-style-type: none"> In its current form the proposal has the potential to severely impact existing initiatives to deliver social improvements and wider, continuous improvement programmes. The breadth of social requirements of the SSCI far exceeds such evaluations in place. Focussing efforts on alignment would compromise their ability to support the change they already strive for and are working on. Alignment with the SSCI Primary Production Standard would make most agricultural standards unattainable for farmers, both in terms of performance level, effort, and costs. This would exclude most farming operations, and especially small-scale farmers, around the world from being engaged in assuring and improving social performance through SSCI recognised standards. Whilst SSCI will not be a new standard it will very likely be perceived as a threshold that all other standards and approaches must achieve. Especially in global organisations, the benefits of having a 3rd party benchmark of the diverse social audit programmes that exist today will easily be seen as a simple reference that must be achieved for the business as a whole. Regulatory and societal pressures favouring 	The approach taking by the SSCI when it comes to small farmers is one of transparency. We have asked the schemes to provide clear definitions, policies, and procedures while balancing documentation checks and validating performance. We also recognise that other approaches may exist but at a minimum, recognised schemes must be open and transparent in the way they handle small-scale farms.

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	<p>compliance approaches above continuous improvement approaches may add to the risk of SSCI becoming a threshold for sustainable farming standards.</p> <ul style="list-style-type: none"> • The unintended consequence of a very positive intent will be a weakening of the position of farm-based sustainability standards that take a more holistic and continuous improvement approach, upon which many global organisations rely for supporting a drive towards higher social and environmental performance. • This should be referenced as SSCI Consumer Social Compliance Benchmark and not SSCI Primary Production Standard as this confirms better the intended scope of application of the SSCI. It will allay major concerns of farm level sustainability schemes on yet more overheads being put upon farmers and confirm it is not intended as a “new standard” in any case. • Strengthening the focus and the scope for application of the Benchmark for it to become more applicable to farm level operations and allow a larger set of standards to meet or aspire to SSCI Compliance. • Specific implementation guidelines are developed to reinforce the scope of application and where these are intended, and where not intended, for use. Such guidelines support the way GCF positions and communicates about this initiative. 	
<p>Revisit the focus on the availability of written policies especially for small farms</p>	<ul style="list-style-type: none"> • Several criteria are extremely focused on the availability of written policies, written procedures which I consider not applicable for small to medium sized farms. Implication for us would be that we need to rule by exception i.e. explicitly take advantage of the allowance made under the Scheme Management Criteria that some requirements can be lifted for small 	<p>The approach taking by the SSCI when it comes to small farmers is one of transparency. We have asked the schemes to provide clear definitions, policies, and procedures while balancing documentation checks and validating performance. We also recognise that other approaches may exist but at a minimum, recognised schemes must be open and transparent in the way they handle small-scale farms.</p>

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	<p>farms. This means we might need to shift to a definition of small farm that encompasses businesses larger than our 5 workers</p> <ul style="list-style-type: none"> • Suggest increasing attention to accurate record keeping. Double books and/or falsified records undermine all audit data. 	
Living Wage	<ul style="list-style-type: none"> • We however feel one essential criterion is missing: we would like to have a statement relating to living wage under element 10. In the consultation webinar of 24/11/2020 Thomas was indicating that the concept of having a living wage will be further explored in the coming year. We would like to have a reference to this intention as e.g. a footnote in the present text. • It would be helpful to acknowledge that paying living wages should be aspirations/obligations of any supply chain and a first guidance on definitions and methodologies would be helpful. 	Living wage is a topic that is often discussed within the SSCI Coalition. We continue to develop our understanding of both industry expectations and how schemes approach this topic on the ground.
Other human rights issues (e.g. gender lens, refugee workers/social protection issues)	<ul style="list-style-type: none"> • Oxfam notices again in SSCI a tendency to focus "social issues" on labour conditions in facilities and on employed workers only. In our opinion "social issues" should also include human rights issues related to local communities' human rights and small-scale suppliers (often family based) rights. We are noting that these are addressed in a new element 14, on half a page. Unfortunately, and compared to the 35 pages in total on "workers' rights" the new element is still rather poorly developed in our opinion. • Are there any regulations/clause for the refugee workers without any kind of social protection/not even registered in the country where they reside? • (c) all the criteria and processes mentioned there should be also reviewed with a gender lens. We believe that this is important to reflect this in the benchmarking. Could SSCI give us more clarity on what are the plans for this? 	The SSCI serves to provide information on credible schemes and criteria that are aligned with fundamental expectations of a social sustainability programme. Schemes can approach social sustainability topics in several ways and our criteria will evolve as the industry evolves and new topics emerge.

1. Chapter 1. Management System

Overarching Comments for Chapter 1

Explicit Reference to the Human Rights Due Diligence Processes

- We feel also that the present criteria under 1 are missing out on processes of human rights due diligence. These should be made more explicit, e.g. the scheme requires a robust human rights due diligence framework, with a risk assessment, active mitigation, and solution-seeking all the way up and downstream the supply chain.

Explicit Reference to the Promotion of Gender Equality and Women's Empowerment

- We would also suggest that a criterium is added re. the promotion of gender equality and women's empowerment, both in the workplace as well as in relationships with communities and small-scale suppliers. E.g. the scheme has a policy statement in which it ensures women's full and effective participation across its own operations and supply chains and provides equal opportunities for leadership at all levels; and the company publicly discloses data on women's status and representation at every level of its operations in regard to participation, pay and benefits.

Missing Element: Public Accountability and Transparency / Disclosure of Reports and Documents on Human Rights Issues in the Supply Chain

- This brings us also to another missing element a criterium re. public accountability and transparency: disclosure of reports and documents re. human rights issues in the supply chain.

Suggestion to putting grievance mechanism for all under Chapter 1

- Finally, we want to connect to element 12 Grievance mechanisms: in the present element 12.01 *The standard shall require that a written procedure to address complaints or concerns is established. The grievance mechanism shall be accessible to all workers and external parties* again a bias is shown towards grievance mechanisms for workers..... Grievance mechanisms should be also available for communities and small-scale suppliers. We would therefore suggest putting grievance mechanisms (for all) under this element 1 Management system.

Include the reference to Recruiters and Labour Agencies within the scope

- The chapter also needs to include recruiters and labour agencies within the scope, as the producer is often not the (only) one that hires workers. Many schemes apply to the farm level and the farmers themselves. In the case of hired labour, in those schemes, the requirements are for the farmers to be held accountable for it. The question lies on whether the schemes will be held accountable for labour agencies used.

Overarching response

All comments received are of particular importance to the development of the SSCI criteria - from human rights due diligence aspect, gender lens to public accountability and disclosure. It is important to note that SSCI is a benchmark, thus setting criteria exclusively for third-party schemes/standards ensuring that they meet a level expected by the industry. SSCI's work is designed to encompass key social compliance topics that are understood as mandatory to cover in assessments of global supply chains. Certain topics are addressed by third-party sustainability schemes in ways that cannot be captured in a benchmark at this time. Rather than foreclose on innovation, the SSCI looks at topics that the industry has deemed vital for any credible scheme to cover. Other topics will be included as we develop more consensus around specific approaches that are necessary to conduct credible assessments.

Transparency is also of high importance to SSCI. In its criteria, SSCI aims to highlight the importance of key issues to be indicated in assessment or audit reports both in the Social Criteria and in the Scheme Management part. This means requiring the schemes to include transparent information in their assessments/audit reports, which ensures visibility of risks/cases of human or labour abuses or non-compliances.

Recognising the complexity of the situation, the SSCI also works with the CGF Human Rights Coalition – Working To End Forced Labour (HRC) that focusses on the set-up and development of human rights due-diligence system, initially in Own Operations and among palm oil suppliers, designed to identify and address forced labour issues – from ensuring a policy is in place, a gender lens/policy integrated, risk assessment, mitigation strategy, grievance mechanism to the need for public reporting. For more information, please visit the CGF HRC's website [here](#).

The SSCI serves to provide information on credible schemes and criteria that are aligned with fundamental expectations of a social sustainability programme. Schemes can approach social sustainability topics in a number of ways and our criteria will evolve over time as the industry evolves and new topics emerge.

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This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope	New criterion
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Draft Benchmarking Criteria	Comments Received	SSCI Responses	Final Criteria
1.01 The standard shall require that a written human rights policy statement is in place, approved at the most senior level.	<ul style="list-style-type: none"> Clarify if this (and other written policies) are applicable for every farm, regardless of size. The Fairtrade standard for hired labour requires that the companies have different policies e.g. policy prohibiting sexual harassment, child labour and remediation policy and many others. Would this also be considered as human rights policies? This criterion is suitable for a factory environment but it does not correspond to the management practices of a farm business. Suggestion is to require social standards at primary production level to focus on management awareness of human rights impact of their business and availability of procedures to protect workers according to human rights principles. As mentioned already in our comments on the ASO draft we would like to have a clear definition of human rights policy: what are elements of such a policy? This is necessary as also schemes might only 	<p>The definition of human rights policy will be included in the glossary of terms.</p> <p>Schemes can set their own smallholder definition at this time. They can have exemptions for documentations but these need to be explicitly mentioned.</p>	The standard shall require that a written human rights policy statement is in place, approved at the most senior level.

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	define human rights as “workers” rights and forget about community/small scale suppliers rights. It should also include salient and material human rights (it must be clear that the definition understands ‘risks to people’ rather than just ‘risks to the company’).		
1.02 The standard shall require that the human rights policy statement is communicated to all personnel.	<ul style="list-style-type: none"> As above. What do you mean by "personnel"? Does it include temporary workers provided by external agencies? frequently in Europe and Northern America, the primary production company doesn't hire directly the workers but require the service of an external agency. Most Human Rights abuses are linked to this way of working and Primary Production ORGANIZATION refuse any responsibility for this. Similar as G3 comment - focus on human right policy misplaced. 	SSCI added a definition of “personnel” in the glossary of terms. The definition of human rights policy will also be included in the glossary of terms.	The standard shall require that the human rights policy statement is communicated to all personnel.
1.03 The standard shall require that clear responsibility is assigned for the implementation of the human rights policy statement.	<ul style="list-style-type: none"> As above. Assigning clear responsibility is ok, however the focus on the human right policy statement is misplaced. Statement is understood as documented policy. Hence, if G3 is adapted, this is ok. 	The definition of human rights policy will be included in the glossary of terms.	The standard shall require that clear responsibility is assigned for the implementation of the human rights policy statement.
1.04 The standard shall require that personnel in relevant business functions receives adequate training on human rights. Training	<ul style="list-style-type: none"> As above. 	SSCI added a definition of “personnel” in the glossary of terms.	The standard shall require that personnel in relevant business functions receives adequate training on human rights. Training attendance shall be documented.

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attendance shall be documented.			
1.05 The standard shall require that the requirements on human rights are communicated to relevant business partners and other relevant parties.	<ul style="list-style-type: none"> As above. Does it include hiring agencies, workforce providers? ... Define relevant parties: the leverage of farms (especially smallholders) and the room of manoeuvre can be very limited, as compared to other business upstream and downstream in the supply chain. Is this criterion realistic? 	SSCI added a definition of “personnel” in the glossary of terms.	The standard shall require that the requirements on human rights are communicated to relevant business partners and other relevant parties.
1.06 The standard shall require that records and documentation are maintained to demonstrate compliance with the standards' requirements in accordance with the national legal requirements, whichever affords the highest level of adherence.	No comments received.		The standard shall require that records and documentation are maintained to demonstrate compliance with the standards' requirements in accordance with the national legal requirements, whichever affords the highest level of adherence.

2. Chapter 2. Compliance with International Labour Standards and National Legislation

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope

New criterion

Draft Benchmarking Criteria	Comments Received	SSCI Responses	SSCI Final Criteria
2.01 The standard shall require that all applicable national legal requirements are complied with.	<ul style="list-style-type: none"> Included at the beginning of Fairtrade standard as a reference: Fairtrade International requires that companies always abide by national legislation on topics covered by this standard, unless that legislation conflicts with internationally recognized standards and conventions, in which case the higher criteria prevail. However, if national legislation sets higher standards or ensures more favourable conditions for workers on an issue than Fairtrade International, then it prevails. The same applies to regional and sector-specific practices. The recently revised Small Producer Organisation Standard also introduced a new requirement on compliance with the national legislation. Specify in which areas this applies (e.g. labour law, OHS, right of land, business licenses, insurance, etc) 	<p>As the SSCI is a benchmark and not a standard, the definition on which relevant areas/legislations the standard apply is at the schemes' discretion.</p> <p>Please refer to Criteria 2.02 which states that the standard "shall require that whichever affords the highest level of adherence for workers is audited against." The phrasing of "unless that legislation conflicts with internationally recognised standards and conventions" may be problematic in a country-by-country basis. As international conventions must be signed for it to take effect in the country, if the relevant countries have not signed the conventions, the criterion will thus be rendered invalid for the scheme.</p>	The standard shall require that all applicable national legal requirements are complied with.

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2.02 The standard shall require that if applicable national legal requirements set a different level of adherence than set by the scheme, the scheme shall require that whichever affords the highest level of adherence for workers is audited against.	<ul style="list-style-type: none"> As above. The term of comparison should not be set against the requirements set by the scheme but by requirements drawn from applicable ILO conventions. 	SSCI works towards the highest level of adherence of workers' protection. In some cases, this will be national legal requirements and, in many cases, the schemes will draw upon applicable ILO conventions or other international guidelines for their requirements.	The standard shall require that if applicable national legal requirements set a different level of adherence than set by the scheme, the scheme shall require that whichever affords the highest level of adherence for workers is audited against.

3. Chapter 3. No Forced, Bonded and Prison Labour

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope

New criterion

Draft Benchmarking Criteria	Comments Received	SSCI Responses	Final Criteria
3.01 The standard shall require that the producer does not engage in, support or tolerate forced labour. All workers shall enter into employment voluntarily and may terminate employment with reasonable notice.	<ul style="list-style-type: none"> Clarify definition of 'producer' - does it include sub-contractors or workers not directly employed by the producer? The Fairtrade standard for hired labour in requirement 3.2.1 states that 'Your company does not directly or indirectly engage in, support or tolerate forced labour, including bonded or involuntary prison labour. You must explain this to all workers. Here, the standard ensures that the company explains this to workers. The guidance section of the requirement is more elaborate. We recommend amending to 'The standard shall require that all workers shall enter into employment voluntarily and CONTRACTS STATE THAT WORKERS may terminate employment with reasonable notice WITHOUT PENALTY'. Employment contracts should clearly specify the circumstances in which a worker can terminate his or her contract without penalty, given reasonable notice, 	<p>SSCI will include a definition of "producer" in the glossary of terms.</p> <p>The SSCI criteria include the requirement to ensure communication to workers with regards to "terms and conditions on loans/advances" (3.07), "employment terms and conditions" (10.01) "wage deductions" (10.08), "grievance mechanism" (12.01)</p> <p>SSCI is a benchmark and aims to not be overly prescriptive for schemes. The intent of this criterion is for the standard to require the producer on forced labour and that their workers enter into employment voluntarily and may terminate employment with reasonable notice.</p>	<p>The standard shall require that the producer does not engage in, support or tolerate forced labour. All workers shall enter into employment voluntarily and may terminate employment with reasonable notice.</p>

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	and in accordance with national law. The notice period should be waived in situations where the worker has suffered harassment or abuse or is a victim of trafficking in persons. In such cases, the employer should also be responsible for paying the cost of return transportation for the affected worker.		
3.02 The standard shall require that the producer does not force any person to work under the menace of any penalty or sanction.	<ul style="list-style-type: none"> This is a form of forced / bonded labour (already covered in 3.01?) Hence, disciplinary procedures should be explained to workers. 	<p>This criterion is focused on penalty/sanction. While this issue can be classified into practices/indicators of forced labour, given forced labour is such a complex issue, a separate criterion is needed following 3.01 to ensure that this issue is not overlooked.</p> <p>The requirement for the disciplinary procedure to be explained to workers is available in criterion 6.03.</p>	The standard shall require that the producer does not force any person to work under the menace of any penalty or sanction.
3.03 The standard shall indicate whether prison labour is used by the producer. The standard shall require that no involuntary prison labour is used. Where voluntary prison labour is used, such workers shall be subject to the same terms and conditions as other workers	<ul style="list-style-type: none"> Recommend removing allowances for voluntary prison labour. This is a different requirement to the equivalent in the Manufacturing and Processing Scope - is there a justification for this Misuse of prison labour not allowed in the Fairtrade standards. "The standard shall indicate whether prison labour is used by the producer" is not a clear requirement and it doesn't add anything to this requirement. Besides this, in our opinion, this clause is already covered by clause 3.01 and clause 6.01, 	The criterion intends to ensure that where prison labour is used, it is noted and that no involuntary prison labour is used. Where used, the workers have to be subject to the same terms. Forbidden prison labour outright may not correspond to the actual situation where prison labour is still used in some countries and as a way of reintegration to societies for prisoners/parolees. As a benchmark, SSCI aims to cater to all schemes/standards - thus they are free to exceed the benchmark and prohibit all forms of prison labour.	<p>The standard shall indicate whether prison labour is used by the producer.</p> <p>The standard shall require that no involuntary prison labour is used.</p> <p>Where voluntary prison labour is used, such workers shall be subject to the same terms and conditions as other workers as provided by the standard.</p>

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as provided by the standard.	<p>why add this specific clause or these specifics to this clause?</p> <ul style="list-style-type: none"> • We recommend adding: This standard shall require that no involuntary prison labour OR PRISON LABOR THAT VIOLATES BASIC HUMAN RIGHTS is used. • Prison labour-should be in line with domestic laws and ILO Conventions 29 and 105. Yet, amfori's position for the producers using prison labour in China - not recommended. If prison labour is used by the producer, we recommend checks the justification of such. • This requirement should allow for "applicability". Prison Labour is illegal in South Africa and therefore, it is physically not possible and therefore unnecessary to make mention of the fact in the Standard. It is referred to in the Standard's guidance notes but does not serve as a pertinent code requirement. • Has there been any discussions at the TWG level on military labour or just limited to prison labour? There are some emerging reports on the use of military labour in agricultural sector. <ul style="list-style-type: none"> ○ It would be helpful to raise the topic with the TWG and potentially consider including it in the draft criteria. 		

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3.04 The standard shall require that no fees or related costs are charged (directly or indirectly, in whole or in part) to applicants and workers for services directly related to recruitment that may lead to situations of forced or compulsory labour.	<ul style="list-style-type: none"> Mentioned in the guidance section of requirement 3.2.1 of the Fairtrade Hired Labour Standard. 	N/A	The standard shall require that no fees or related costs are charged (directly or indirectly, in whole or in part) to applicants and workers for services directly related to recruitment that may lead to situations of forced or compulsory labour.
3.05 The standard shall require that no monetary deposits, financial or collateral guarantees or personal possessions are demanded as a condition of employment.	<ul style="list-style-type: none"> Mentioned in the guidance section of requirement 3.2.1 of the Fairtrade Hired Labour Standard. In addition, no salary, benefits, property, or documents should be withheld in order to force workers to continue working. 	The intent of the criterion already covers the need to ensure that no salary, benefits, property or documents are withheld to force workers to continue working.	The standard shall require that no monetary deposits, financial or collateral guarantees or personal possessions are demanded as a condition of employment.
3.06 The standard shall require that workers are not held in debt bondage, or forced to work for an employer, or any other entity to pay off debt.	<ul style="list-style-type: none"> Already covered by 3.01. 	While relevant, this criterion is focused on debt bondage. A separate criterion is still needed following the 3.01 to ensure that this issue is not overlooked.	The standard shall require that workers are not held in debt bondage, or forced to work for an employer, or any other entity to pay off debt.

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3.07 The standard shall require that if the possibility of advances and loans to workers is provided, a written policy about the terms and conditions is in place that is communicated to workers in an understandable manner. These terms (and related interest rates) shall not be used to bind workers to employment.	<ul style="list-style-type: none"> Already covered by 3.01. 	While relevant, this criterion is focused on debt bondage. A separate criterion is still needed following the 3.01 to ensure that this issue is not overlooked.	The standard shall require that if the possibility of advances and loans to workers is provided, a written policy about the terms and conditions is in place that is communicated to workers in an understandable manner. These terms (and related interest rates) shall not be used to bind workers to employment.
3.08 The standard shall require that no personal documents or any valuable possessions, such as identity or immigration papers, work permits or travel documents are confiscated, retained, nor shall workers be required to lodge them with the employer and/or recruiter.	<ul style="list-style-type: none"> Mentioned in the guidance section of requirement 3.2.1 of the Fairtrade Hired Labour Standard. 	N/A	The standard shall require that no personal documents or any valuable possessions, such as identity or immigration papers, work permits or travel documents are confiscated, or retained, nor shall workers be required to lodge them with the employer and/or recruiter.

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3.09 The standard shall require that if a secure storage option for personal documents and valuable possessions is provided, it shall be ensured that: a. it is the choice of the worker to utilise the storage b. storage is documented and c. workers have free access to their possessions.	No comments received.	N/A	The standard shall require that if a secure storage option for personal documents and valuable possessions is provided, it shall be ensured that: a. it is the choice of the worker to utilise the storage, and b. storage is documented, and c. workers have free access to their possessions
3.10 The standard shall require that the producer demonstrates that, when employment agencies are used, they are required to: a) be licensed or certified by the competent national authority, if applicable, b) be compliant with applicable national legal requirements and c) be compliant with the standards' requirements on forced labour and recruitment fees, and d) do not engage in fraudulent or corrupt recruiting practices.	<ul style="list-style-type: none"> Requirement D) d) do not engage in fraudulent or corrupt recruiting practices. It is very desirable. But it should be included that sentence in past and supported by a judge decision. Otherwise, the auditor will not have how to support to check or where to check on this! d) has not engage in fraudulent or corrupt recruiting practices as indicated by a judge decision. Subcontracting /use of employment agencies is only allowed for non-regular work, or in special circumstances, if they are unable to contract directly in the Fairtrade Hired labour standard. "Where an employment agency recruits and hires employees to make them available to the producer under the agency's supervision, the standard shall 	Limiting the requirement to require a judicial decision may put a certain limitation for other "fraudulent" or "corrupt" recruiting practices that may not necessarily be captured or legally adjudicated. The criterion intends to ensure that the producer can provide reasoning regarding their choice of recruitment agencies and understands the recruitment practices of the selected agencies. It is part of the producer's due diligence to better understand that their selected employment agencies can not engage in fraudulent/corrupt practices. Reviewing a legal decision may be one of the possible strategies among others and can be used by schemes to identify issues.	The standard shall require that the producer demonstrates that, when employment agencies are used, they are required to: a) be licensed or certified by the competent national authority, if applicable, and b) be compliant with applicable national legal requirements, and c) be compliant with the standards' requirements on forced labour and recruitment fees, and d) do not engage in fraudulent or corrupt recruiting practices. Where an employment agency recruits and hires employees to

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<p>Where an employment agency recruits and hires employees to make them available to the producer under the agency's supervision, the standard shall require that the employment agency is compliant with all the requirements of the standard.</p>	<p>require that the employment agency is compliant with all the requirements of the standard. " This is already mostly covered by the first part of this requirement and isn't in the Processing & manufacturing BMR. Why needs this to be added to the PP BMR?</p> <ul style="list-style-type: none"> • Recruitment for aquaculture workers is sometimes informal which poses a challenge for monitoring and remediating conditions. Therefore, formalization of labour supply chains is an important step whenever possible. Where broker registration systems are weak or non-existent, employers should move progressively towards direct hiring or contracting with brokers whose performance has been determined to be ethical through on-going monitoring. • The standard should be perfectly aligned with the ILO Conventions. <ul style="list-style-type: none"> ○ The compliance with national legal requirements is problematic when those are not aligned with ILO conventions. 		<p>make them available to the producer under the agency's supervision, the standard shall require that the employment agency is compliant with all the requirements of the standard.</p>

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3.11 The standard shall require that the producer does not restrict worker's freedom of movement. The producer shall not require workers to remain at the workplace at the conclusion of their working hours or confine them in any worker accommodation.	<ul style="list-style-type: none"> What about ensuring that the workers are able to leave the workplace? (e.g. a remote farm, after dark - is transport provided so workers are able to leave?). 	This is an area we can explore in future versions of the SSCI criteria.	The standard shall require that the producer does not restrict worker's freedom of movement. The producer shall not require workers to remain at the workplace at the conclusion of their working hours or confine them in any worker accommodation.
3.12 The standard shall require that if cases of forced or compulsory labour have been found, the producer shall implement effective remediation, such as compensation for personal and material damages. The remediation actions taken shall be verified and recorded.	<ul style="list-style-type: none"> Recommendations for improvements to existing items: 3.12 The standard shall require that if cases of forced or compulsory labour have been found, the producer shall implement effective remediation, such as compensation for personal and material damages. The remediation actions taken shall be verified and recorded. Recommending changing “such as” to “including” to ensure that reimbursement is considered mandatory. This is also desirable. But it is not likely that a standard will allow a producer found in a non-forced labour compliance under the monitoring system of the scheme. It will be denied certification and then, how or why, will require compensation to the victims. Unless the producer is brought before the Judicial system, which is not part of the certification process. 	The criterion is based on the UNGP where a company has caused or contributed to adverse human rights impacts, it should ensure remediation. Verification may include, for example, independent confirmation, follow-up audits, remediation plan progress monitoring and/or other acceptable remediation practices.	The standard shall require that if cases of forced or compulsory labour have been found, the producer shall implement effective remediation, such as compensation for personal and material damages. The remediation actions taken shall be verified and recorded.

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	<ul style="list-style-type: none"> The recently revised Small required Standard in requirement 3.3.6. This will be aligned with the Fairtrade Hired labour standard during the next revision 		
3.13 The standard shall require that spouses, children of workers or any other family members are not allowed or required to work, unless separately and voluntarily contracted in accordance with the standards' requirements.	<ul style="list-style-type: none"> This is a different requirement to the equivalent in the Manufacturing and Processing Scope - is there a justification for this? Included in the Fairtrade hired labour standard in requirement 3.2.2. Children of workers older than legal working age (domestic vs. UN Child Rights Conventions and ILO). In the smallholder context, children of workers often do not need a contract (e.g. for a 15-year old son in the family labour context). It would be good to clarify whether the scope will be applicable or not at the family farms whether the scope will be applicable or not. When they are members of core family, this should be considered as family farms. 	This element is relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.	<p>The standard shall require that spouses, children, or any other family members of workers are not required to work.</p> <p>Where family members are allowed to work, they shall be separately and voluntarily contracted in accordance with the standards' requirements.</p>

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<p>3.14 The standard shall require that the producer does not compel workers to make use of stores or services operated by the employer.</p> <p>Where access to other stores or services is not possible, producers shall ensure that goods or services are sold or provided at fair and reasonable prices, without the aim of indebting or otherwise coercing the workers concerned.</p>	<ul style="list-style-type: none"> The words of ‘producer’ and ‘employer’ are both used in this section and afterwards. Is this intentional or should be consistent? This is a different requirement to the equivalent in the Manufacturing and Processing Scope - is there a justification for this? 	<p>This element is relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.</p>	<p>The standard shall require that the producer does not compel workers to make use of stores or services operated by the employer.</p> <p>Where access to other stores or services is not possible, producers shall ensure that goods or services are sold or provided at fair and reasonable prices, without the aim of indebting or otherwise coercing the workers concerned.</p>

4. Chapter 4. No Child Labour

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope

New criterion

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<p>4.01 The standard shall require compliance with the minimum age for work as defined by applicable national legal requirements or the age of completion of compulsory education, whichever is higher. The minimum age for work shall not be less than 15 years.</p> <p>If, however, local minimum age law is set at 14 years of age in accordance with ILO Convention 138, this lower age may apply.</p> <p>The Scheme may allow for the exceptions of performing light work when in accordance with ILO Convention C138 and in line with applicable national legal requirements.</p>	<ul style="list-style-type: none"> This makes allowances for workers under 15 if allowed by law/ILO. Does not align with company standards. Recommend removing allowances for 14-year-old workers. The Fairtrade Hired Labour standard makes no exception of when a child under the age of 15 is allowed to work even if it is light work. The Hired Labour standard also requires a child labour policy (req 3.3.3) and a child labour remediation policy (3.3.4). What about fishing boats (are they included in this part of the SSCI standard (I refer to ILO convention 88 which set a minimal age of 16 to work on a ship. But maybe it is considered as "conversion" and managed in another standard? How do we balance the limitation for 14 years of age at minimum versus the possibility of children of 13 years of age working? 	<p>The language of this criterion is aligned with the ILO child labour conventions. The minimum age for work is 15 years of age and the ILO allows for 14 years of age to be the lower age in some countries. Light work would also be allowed for 13 years of age in line with the ILO Convention C138. If a scheme allows light work, it needs to provide assurance in the assessment by providing details on any children under the age of 16 years of age that are found to be present and/or working for the producer in the audit/assessment report.</p> <p>This criterion is also interlinked with the light work criterion on 4.06 – please see below, which highlights that scheme may allow for a light work provision providing they meet the three (3) conditions.</p> <p>A child labour remediation policy is already in the criterion 4.05.</p>	<p>The standard shall require compliance with the minimum age for work as defined by applicable national legal requirements or the age of completion of compulsory education, whichever is higher. The minimum age for work shall not be less than 15 years.</p> <p>If however, local minimum age law is set at 14 years of age in accordance with ILO Convention 138, this lower age may apply.</p> <p>The Scheme may allow for the exceptions of performing light work when in accordance with ILO Convention C138 and in line with applicable national legal requirements.</p>

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The Scheme shall require that details on any children under the age of 15 years that are found to be present and/or working for the producer are reported in the audit or assessment report.	<ul style="list-style-type: none"> ○ CGF SSCI: The minimum age for work is 15 years of age. Light work would also be allowed for 13 years of age in line with the ILO Convention C138. If your programme allows light work, you have to provide assurance in the assessment by providing details on any children under the age of 15 years of age that are found to be present and/or working for the producer in the audit/assessment report. ○ This criterion is also interlinked with the light work criterion on 4.06 – please see below, which highlights that programmes allowed for a light work provision providing they meet the three (3) conditions as mentioned in the criterion 4.06. 		The Scheme shall require that details on any children under the age of 15 years that are found to be present and/or working for the producer are reported in the audit or assessment report.
4.02 The standard may allow for training/apprenticeship schemes and shall verify that these are not exploitative and are in line with applicable national legal requirements.	<ul style="list-style-type: none"> • Training is desirable to be monitor. However, the scheme scope is the employment of employees. These trainees are not employees and labour regulations are not applicable. • Not allowed in the Fairtrade standards. 	<p>The criterion intends to ensure that schemes covering training/apprenticeships are ensuring that trainees are actually trainees and not misclassified workers.</p> <p>SSCI will welcome all schemes approaches that strive for higher standards than what has been set by the benchmark.</p>	The standard may allow for training/apprenticeship schemes and shall verify that these are not exploitative and are in line with applicable national legal requirements.

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4.03 The standard shall require that young workers under 18 are not employed at night or in hazardous conditions or hazardous work.	<ul style="list-style-type: none"> The Fairtrade Hired Labour standard in Req 3.3.2 is more elaborate. Why not exchange "conditions" by "work" instead of adding "hazardous work"? ILO R190 integrates hazardous conditions in the definition of hazardous work. 	SSCI included both "hazardous conditions" or "hazardous work" to ensure full coverage of protection against "hazards" for young workers. Conditions may change (e.g. weather-related, process-related) and "work" may be static. We aim to cover both.	The standard shall require that young workers under 18 are not employed at night or in hazardous conditions or hazardous work.
4.04 The standard shall require that age verification mechanisms are established for all workers and valid age verification records are maintained.	<ul style="list-style-type: none"> Is it possible that in case of lack of birth certificate, no examination should require children to be examined by a doctor? Sometimes young woman is obliged to stand naked in front of an employer and this is unacceptable. 	The intent of the criterion is to ensure that there is an age verification mechanism established and that the records are maintained. As the SSCI is a benchmark, we aim to avoid being overly prescriptive.	The standard shall require that age verification mechanisms are established for all workers and valid age verification records are maintained.
4.05 The standard shall require that if child labour was found, effective remediation procedures are in place that put the best interest of the child first. The remediation plan shall be documented and verified and actions put in place to avoid recurrence.	<ul style="list-style-type: none"> The standard shall require the existence of a plan of remediation. If child labour is found, the plan must be followed. However, the idea is that this plan is always there and check by the auditor. Not to wait until child labour is found to check that the plan worked. Rather the efficiency, the objective should be to have a coherent plan that is checked in each auditing. The Fairtrade Hired Labour standard in Req 3.3.4 is more elaborate. 	This criterion is focused on the standard having a remediation procedure in place should they detect child labour during an audit.	<p>The standard shall require that if child labour was found, effective remediation procedures are in place that put the best interest of the child first.</p> <p>The remediation plan shall be documented and verified and actions put in place to avoid recurrence.</p>
4.06 The standard shall require that if the employment of children 13 to 15 years of age on light work is allowed	<ul style="list-style-type: none"> The phrase 'does not prejudice their education' is not as clear as 'does not interfere with their schooling', used in 4.07. 	The comments were reviewed by the Technical Working Group and we believe they are aligned with the relevant international frameworks.	The standard shall require that if the employment of children 13 to 15 years of age on light work is allowed

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<p>(a) it is not likely to be harmful to the health or development of the child, (b) it does not prejudice their education and (c) it is in line with applicable national legal requirements.</p>	<ul style="list-style-type: none"> Please align with minimum age criteria of ILO 14-year-old is the limit! BASED ON CRITERIA 2.02 AND 4.01, LIGHT WORK SHALL NOT BE ALLOWED FOR CHILDREN UNDER 14 YEARS OF AGE. light work for 13 years old will required a contract, making the kid employees which is banned by ILO. Or allow (change the minimum age) in Clause 4.01 "The standard shall require compliance with the minimum age for work as defined by applicable national legal requirements or the age of completion of compulsory education, whichever is higher. The minimum age for work shall not be less than 15 years. <p>If, however, local minimum age law is set at 14 years of age in accordance with ILO Convention 138, this lower age may apply.</p> <p>The Scheme may allow for the exceptions of performing light work when in accordance with ILO Convention C138 and in line with applicable national legal requirements.</p> <p>The Scheme shall require that details on any children under the age of 15 years that are found to be present and/or working for the producer are reported in the audit or assessment report."</p>		<p>(a) it is not likely to be harmful to the health or development of the child, and (b) it does not prejudice their education, and (c) it is in line with applicable national legal requirements.</p>

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	<ul style="list-style-type: none"> Not allowed in the Hired labour standard. The Small producer organisation standard in req 3.3.9 specifies conditions under which children under 15 are allowed to work. For (a) Add to the health, development or wellbeing of the child. This criterion needs to also focus on young girls if they have to work on light work: i.e. hygiene, menstruation etc. And how is the payment made for the children between 13 and 15 years old. 		
4.07 The standard shall require that if family labour by children living on small-scale family farms is allowed, it (a) consists of light, age-appropriate duties that give them an opportunity to develop skills, (b) does not classify as child labour provided that the activities are safe and not harmful to their health and development, (c) does not interfere with schooling and leisure time, and (d) provides that children are under the supervision of an adult.	<ul style="list-style-type: none"> Suggest including in (c) does not interfere with schooling and leisure time, and (d) provides that children are under the supervision of an adult. That this adult is part of the nucleus included in the definition of family farm. Otherwise can be strange person that defeat the purpose of protection. 	The comments were reviewed by the Technical Working Group and we believe they are aligned with the relevant international frameworks.	<p>The standard shall require that if family labour by children living on small-scale family farms is allowed, it</p> <p>(a) consists of light, age-appropriate duties that give them an opportunity to develop skills, and</p> <p>(b) does not classify as child labour provided that the activities are safe and not harmful to their health and development, and</p> <p>(c) does not interfere with schooling and leisure time, and</p> <p>(d) provides that children are under the supervision of an adult.</p>

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4.08 The standard shall require that children of contracted workers living on-site, including children of migrant and temporary/seasonal workers are not prevented from attending schools by the producer.	<ul style="list-style-type: none"> Clarification needed that children of migrant worker need to be with the migrant worker in order to be relevant (i.e. if the children reside in another country (home), then this indicator is out of scope). 	The reference to “living on-site” should be able to clarify that the criterion is intended for children of migrant workers that are living on-site with their relatives (who are workers) working on-site.	The standard shall require that children of contracted workers living on-site, including children of migrant and temporary/seasonal workers are not prevented from attending schools by the producer.

5. Chapter 5. Freedom of Association and Effective Recognition of the Right to Collective Bargaining

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope

New criterion

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5.01 The standard shall require that all workers have the right to join or form trade unions or other worker organisations of their own choosing - or refrain from doing so - and to bargain collectively in accordance with applicable national legal requirements.	<ul style="list-style-type: none"> Recommend including an expectation of sensitivity training for supervisors/managers. The standard shall require that all workers have the right and <u>are free to join</u> or form trade unions or other worker organisations of their own choosing – or refrain from doing so – and to bargain collectively in accordance with applicable national legal requirements. Consider adding as follows: all workers have the right "and are free to" join or form trade unions or other worker organisations... As stated, 5.01 should be the legal minimum. For best practice, the employer should have a policy that demonstrates respect for the rights of workers to Freedom of Association and Collective Bargaining. Workers should be trained on their rights to organize and bargain collectively. Women should participate in unions commensurate with their representation in the workforce. There should be a freely negotiated collective bargaining agreement. 	<p>The language will be kept as is to allow for consistency between the Processing & Manufacturing scope. It is however a good suggestion to include the reference to “are free to join” and we will consider adding it in the next iteration of the criteria revision.</p> <p>We will include the suggested best practice as a point for consideration in the next iteration of the criteria with regards to putting the policy in place that demonstrate respects for the rights of workers to Freedom of Association and Collective Bargaining, and that workers are trained on their rights to organise and bargain collectively, and the fair representation of women in unions.</p>	<p>The standard shall require that all workers have the right to join or form trade unions or other worker organisations of their own choosing - or refrain from doing so - and to bargain collectively in accordance with applicable national legal requirements</p>

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5.02 The standard shall require that worker representatives or members of trade unions are not discriminated against or otherwise penalised because of their membership in or affiliation with a trade union or worker organisation in accordance with applicable national legal requirements.	<ul style="list-style-type: none"> • Mentioned and clearly elaborated in req 3.4.1 of the hired labour standard. • This is one of the most critical aspects of the benchmark to implement correctly. Important considerations include: How might auditors determine a lack of discrimination or penalization? Will auditors receive a list or recently terminated staff? Will auditors reach out to a selection of terminated employees? And in what ways will former employees be incentivized to discuss if the auditor can actually find them? Is the employer negotiating in good faith with worker organizations? <ul style="list-style-type: none"> ○ Given the culture of fear that real threats of termination create, many labour rights experts are concerned about the ability of workers in non-union representative organizations to receive this right and auditors to determine it is well supported. The implementation of a comprehensive and proactive anti-discrimination policy through procedures and practices is a good first step and can be strengthened by actively training managers and workers on the policy. 	<p>We acknowledge the need for schemes to mandate the requirement for auditors to check whether worker representatives are penalised, and this is the reason why the criterion is in place. SSCI will be conducting internal checks on the schemes' documentation and reports regarding this issue and for indications of discrimination/penalisation against worker representatives.</p>	<p>The standard shall require that worker representatives or members of trade unions are not discriminated against or otherwise penalised because of their membership in or affiliation with a trade union or worker organisation in accordance with applicable national legal requirements.</p>

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5.03 The standard shall require that duly elected worker representatives of trade unions and other worker organisations have access to where the employee is working to carry out their representative functions in accordance with applicable national legal requirements.	<ul style="list-style-type: none"> We recognize that even when national legal requirements are followed, there is still a risk of irresponsible practices. In addition to workplace access, for situations in which non-union workers are representatives there should be a requirement that workers have access to training or civil society organizations to share information about legal rights in the workplace. Beyond legal minimums, employers can support policies and practices with training, targeted programs, and empowerment of workers to support the implementation of good practice. If legal requirements are lower than ILO Conventions, ILO Conventions must be applied. 	Providing workers with access to training or civil society organisations to share information about legal rights is an interesting point. SSCI will consider adding it into the next iteration of the criteria revision.	The standard shall require that duly elected worker representatives of trade unions and other worker organisations have access to where the employee is working to carry out their representative functions in accordance with applicable national legal requirements.
5.04 The standard shall require that where there are no legal protections for the right to collective bargaining or freedom of association, the producer strives to engage workers through alternative lawful mechanisms of engagement to allow worker representatives to enter into a dialogue about workplace issues.	<ul style="list-style-type: none"> Generally, our Hired labour standard is stronger in regard to FOA req 3.4.1 - 3.4.9. To support alternate legal means of engagement, recommend that the language in 5.04 is “the producer engages workers through alternative lawful mechanisms...” instead of “the producer strives to engage workers...” Without a requirement for alternative means of engagement, the likelihood that it occurs is not promising. 	We intend to keep the same language as in the Processing/Manufacturing scope at this stage. However, the suggestion received on the possible change to “the producer engage workers through alternative lawful mechanisms” is relevant and will be added to the list of potential criteria to be modified in the next iteration of the criteria revision.	The standard shall require that where there are no legal protections for the right to collective bargaining or freedom of association, the producer strives to engage workers through alternative lawful mechanisms of engagement to allow worker representatives to enter into a dialogue about workplace issues.

6. Chapter 6. No Discrimination, Harassment or Abuse / Fair Treatment of Workers

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope

New criterion

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6.01 The standard shall require that equal opportunities and treatment in employment and occupation are respected. Workers shall not be discriminated in recruitment or employment practices based on any legally protected characteristics, and any personal characteristics that do not interfere with a worker's ability to do a specific job.	<ul style="list-style-type: none"> Fairtrade Standards are a stronger on No discrimination; e.g. No tests for pregnancy, HIV/AIDS or genetic disorders, Policy on disciplinary measures, Sexual harassment policy, No repercussions for grievance procedures etc. It is important to go the extra mile to ensure that migrant workers are treated equally to country nationals. This includes hours of work, access to training, membership in labour unions or worker organizations, etc. The employer, or subcontractors acting on its behalf, should explicitly prohibit the abuse of migrant workers, including the threat of denunciation to authorities as a means of coercion. And, workers should receive equal pay for work of equal value. 	Both of these points are noted and will be included for consideration in future iterations of the SSCI criteria.	The standard shall require that equal opportunities and treatment in employment and occupation are respected. Workers shall not be discriminated in recruitment or employment practices based on any legally protected characteristics, and any personal characteristics that do not interfere with a workers ability to do a specific job.

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6.02 The standard shall require that the producer does not engage in, support or tolerate the use or threat of corporal punishment, mental or physical coercion, bullying, harassment, including sexual harassment, or abuse of any kind.	<ul style="list-style-type: none"> Example measures in place to prevent these may include: There is a written policy that prohibits physical abuse, bullying, and sexual harassment. Managers and workers are trained on the sexual harassment policy. Workers have access to grievance procedures to report harassment, and do not face retaliation for using them. Grievance procedures include access to third parties beyond direct employers and ensure equality of access and voice. That can include economic coercion and discrimination in addition to the others. 	There is another chapter specifically focused on Grievance Mechanisms that would cover these topics.	The standard shall require that the producer does not engage in, support or tolerate the use or threat of corporal punishment, mental or physical coercion, bullying, harassment, including sexual harassment, or abuse of any kind.
6.03 The standard shall require that written disciplinary procedures are in place and they are effectively communicated to workers.	<ul style="list-style-type: none"> The current verbiage is ‘The standard shall require that written disciplinary procedures are in place and they are effectively communicated to workers.’ Shall it highlight ‘disciplinary procedures compliant with local law’? The hired labour Standard in req 3.1.4 in addition requires a policy on disciplinary measures is in place. We recommend being more explicit in this criterion - THE STANDARD SHALL REQUIRE THAT DISCIPLINARY PROCEDURES ARE IN PLACE, do not include sanctions that obligate or coerce workers to work, AND THEY ARE EFFECTIVELY COMMUNICATED TO WORKERS. In addition, wages should 	The language will be kept as is to allow for consistency between the Processing & Manufacturing scope. It is however a good suggestion and we will consider adding it in the next iteration of the criteria.	The standard shall require that written disciplinary procedures are in place and they are effectively communicated to workers.

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	never be withheld as a form of workplace discipline.		
6.04 The standard shall require that records of all disciplinary action are kept.	No comments received.	N/A	The standard shall require that records of all disciplinary action are kept.

7. Chapter 7. Operational Health and Safety (OHS)

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope

New criterion

Draft Benchmarking Criteria	Comments Received	SSCI Responses	Final Criteria
7.01 The standard shall require that safe, healthy and clean conditions are provided in all workplaces, worker accommodation, and other facilities as provided or mandated.	<ul style="list-style-type: none"> What if accommodation is provided by a third part (worker agency?) 	Any accommodation provided to the worker should be part of the assessment by the standard.	The standard shall require that safe, healthy and clean conditions are provided in all workplaces, worker accommodation, and other facilities as provided or mandated.
7.02 The standard shall require that clear responsibility for the development, implementation and performance of the occupational health and safety management system and the achievement of the relevant occupational health and safety objectives is allocated. The standard shall indicate the person(s) and/or	<ul style="list-style-type: none"> In the original draft BMR was stated "The standard shall indicate the person(s) and/or entities responsible for this system on the audit report.". It's good that this is not enclosed in this requirement anymore, since it's not clear and doesn't add anything. 	N/A	<p>The standard shall require that clear responsibility for the development, implementation and performance of the occupational health and safety management system and the achievement of the relevant occupational health and safety objectives is allocated.</p> <p>The standard shall indicate the person(s) and/or entities responsible for this system on the audit report.</p>

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<p>entities responsible for this system on the audit report.</p>			
<p>7.03 The standard shall require that any person working on the farm receive effective health and safety training as required to carry out the duties and responsibilities of the job.</p> <p>Health and safety training are provided timely and repeated on a regular basis. It shall also be repeated for new or reassigned members of the producer and when changes in the process or machinery present new risks.</p> <p>All trainings shall be documented.</p>	<ul style="list-style-type: none"> Does it include temporary workers who are hired by an external agency? 	<p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p>	<p>The standard shall require that any person working on the farm receive effective health and safety training as required to carry out the duties and responsibilities of the job.</p> <p>Health and safety training is provided timely and repeated on a regular basis. It shall also be repeated for new or reassigned members of the producer and when changes in the process or machinery present new risks.</p> <p>All trainings shall be documented.</p>

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7.04 The standard shall require that health and safety training is provided to all workers of the producer at no cost. Trainings shall take place during remunerated working hours.	<ul style="list-style-type: none"> What if the working agency charge the workers? All workers (including young workers, migrant, a nonlocal language speaker's workers and children eligible to work) 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	The standard shall require that health and safety training is provided to all workers of the producer at no cost. Trainings shall take place during remunerated working hours.
7.05 The standard shall require that risk assessments are performed as appropriate to detect and assess potential threats to the health and safety of workers and effective measures are taken to address the findings from the risk assessment.	No comments received.	N/A	The standard shall require that risk assessments are performed as appropriate to detect and assess potential threats to the health and safety of workers and effective measures are taken to address the findings from the risk assessment.
7.06 The standard shall require that the producer maintains written records of all health and safety incidents including near misses in the workplace and all other facilities, as provided or mandated.	<ul style="list-style-type: none"> A definition of 'near miss' is needed here. Why the addition of "including near misses"? What is a near miss? What does this requirement add to the BMR? Isn't this something to be decided on by a CPO to add or not? 	A definition of near miss is included in the SSCI glossary.	The standard shall require that the producer maintains written records of all health and safety incidents including near misses in the workplace and all other facilities, as provided or mandated.
7.07 The standard shall require that the cause of health and safety incidents is determined when they occur. Appropriate corrective actions are taken	No comments received.	N/A	The standard shall require that the cause of health and safety incidents is determined when they occur. Appropriate corrective actions are taken to

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to prevent recurrence of similar incidents.			prevent recurrence of similar incidents.
7.08 The standard shall require that appropriate and effective personal protective equipment (PPE) is provided and used as needed. PPEs shall be provided free of charge to the workers. PPEs shall be maintained and replaced as necessary. Workers shall be instructed and monitored on its proper use.	<ul style="list-style-type: none"> Once again workers hired by the farmer or workers hired by a third part agency? 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	The standard shall require that appropriate and effective personal protective equipment (PPE) is provided and used as needed. PPEs shall be provided free of charge to the workers. PPEs shall be maintained and replaced as necessary. Workers shall be instructed and monitored on its proper use.
7.09 The standard shall require that arrangements are in place for providing first aid and medical assistance for any workplace incidents.	No comments received.	N/A	The standard shall require that arrangements are in place for providing first aid and medical assistance for any workplace incidents.

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7.10 The standard shall require that all workers are provided with free and accessible potable water along with accessible, clean, and private toilet facilities. Workers are allowed to use these facilities when needed.	<ul style="list-style-type: none"> Toilets need to be separated for women and men. And personal cleaning areas should be in good hygiene conditions. 	<p>The Technical Working Group discussed this issue and decided to keep the language consistent with the Processing & Manufacturing scope. The elements can be considered in the next iteration of the SSCI criteria.</p>	<p>The standard shall require that all workers are provided with free and accessible potable water along with accessible, clean, and private toilet facilities.</p> <p>Workers are allowed to use these facilities when needed.</p>
7.11 The standard shall require that if transport to the employment site is provided or mandated, the vehicle(s) used for the transport are safe and suitable, in good sanitary condition and not overcrowded, and comply with applicable national legal requirements.	<ul style="list-style-type: none"> This is a different requirement to the Manufacturing and Processing Scope. Is there a reason for this? Once again workers hired by the farmer or workers hired by a third part agency? How to check the transportation is safe and suitable? What are the criteria/documents to be checked? This should also be included in the Processing/Manufacturing scope. If not, why making it stricter to farms? If added here, please update the other. 	<p>This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.</p> <p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p>	<p>The standard shall require that if transport to the employment site is provided or mandated, the vehicle(s) used for the transport are safe and suitable, in good sanitary condition and not overcrowded, and comply in accordance with applicable national legal requirements.</p>
7.12 The standard shall require that the machinery and equipment is: - compliant with national or other recognised safety and health standards, - appropriately installed, maintained and safeguarded and	<ul style="list-style-type: none"> This is a different requirement to the Manufacturing and Processing Scope. Is there a reason for this? 	<p>This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.</p>	<p>The standard shall require that the machinery and equipment is:</p> <ul style="list-style-type: none"> - compliant with national or other recognised safety and health standards, and - appropriately installed, maintained and safeguarded, and - operated only by trained workers

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- operated only by trained workers.			
7.13 The standard shall require that appropriate safety and health procedures are taken around bodies of water that are involved in the production or directly connected to the production (where applicable), including oceans, lakes, irrigation canals, wastewater ponds, and water storage facilities. The procedures are appropriate to the size and type of production and level of risk and comply with all applicable national legal requirements. Emergency evacuation equipment and survival gear are accessible and of sufficient quantity and quality.	<ul style="list-style-type: none"> This is a different requirement to the Manufacturing and Processing Scope. Is there a reason for this? How does this interact with aquaculture and the overall scope (environmental vs social)? 	This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.	The standard shall require that appropriate safety and health procedures are taken around bodies of water that are involved in the production or directly connected to the production (where applicable), including oceans, lakes, irrigation canals, wastewater ponds, and water storage facilities. The procedures are appropriate to the size and type of production and level of risk, and comply in accordance with all applicable national legal requirements. Emergency evacuation equipment and survival gear are accessible and of sufficient quantity and quality.

8. Chapter 8. Chemical Management

Overarching Comments for Chapter 8

- The focus should be on chemical “risk” management and include substances beyond pesticides.

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope

New criterion

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8.01 The standard shall require that chemical safety procedures are in place to protect workers from exposure to hazardous substances.	<ul style="list-style-type: none"> What about standards systems that do not involve any work with chemicals or hazardous substances? Different requirement compared to Processing Scope - justifiable? Once again workers hired by the farmer or workers hired by a third part agency? Chemical safety procedures based on what? 	<p>If no chemicals are used, the scheme can demonstrate this via policy documentations. Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p> <p>Chemical safety procedures are based on applicable national laws or recommendations.</p>	The standard shall require that chemical safety procedures are in place to protect workers from exposure to pesticides and hazardous substances.
8.02 The standard shall require that only officially registered products are used. Where no official registration exists, the standard shall provide guidance based on Material Safety Data Sheets in accordance with applicable	<ul style="list-style-type: none"> Different requirement compared to Processing Scope - justifiable? If there is an official system, yet some products are not (allowed) in the system. How do you see it? 	<p>This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.</p> <p>If there was no official use of that product, then the MSDS will be applicable there.</p>	The standard shall require that only officially registered products are used. Where no official registration exists, the standard shall require that guidance is provided based on Material Safety Data Sheets in accordance with applicable national legal requirements.

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national legal requirements.			
8.03 The standard shall require that pesticides and other hazardous substances are safely stored in a way that minimizes risks, especially so they cannot be reached by children. All pesticides and hazardous substances are clearly labelled.	<ul style="list-style-type: none"> Different requirement compared to Processing Scope - justifiable? 	<p>This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.</p>	<p>The standard shall require that pesticides and other hazardous substances are safely stored in a way that minimizes risks, especially so they cannot be reached by children. All pesticides and hazardous substances are clearly labelled.</p>
8.04 The standard shall require that the OHS training program includes appropriate and adequate training in the safe application and the risks of pesticides and substances for all workers that handle or come into contact with pesticides or other hazardous substances.	<ul style="list-style-type: none"> Different requirement compared to Processing Scope - justifiable? Should standards require that trainings are being recorded and signed by workers? This is already covered by BMR 7.03 and 7.04. Why add this requirement when it's already covered? Once again workers hired by the farmer or workers hired by a third part agency? 	<p>This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.</p> <p>Documentation requirements could be included in a future iteration of the SSCI criteria. Currently, the criteria in Chapter 7 would cover documentation.</p>	<p>The standard shall require that the OHS training program includes appropriate and adequate training in the safe application and the risks of pesticides and hazardous substances for all workers that handle or come into contact with pesticides or other hazardous substances.</p>

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		Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	
8.05 The standard shall require that workers who are under 18 years, or pregnant or breastfeeding or other people that have relevant medical restrictions do not handle hazardous substances.	<ul style="list-style-type: none"> Different requirement compared to Processing Scope - justifiable? "CHANGE WORDING: SHALL REQUIRE. IT MAY CAUSE DISCRIMINATION AND ABUSE ISSUES DUE TO IMPOSITION BY PRODUCER. CHECK ORIGIN OF CRITERIA AND USE OF ""ARE NOT OBLIGATED TO PERFORM"" RATHER THAN "" SHALL REQUIRE"" 	<p>Based on feedback from the Public Consultation, we have revised this criterion into the following:</p> <p>8.05 The standard shall require that workers who are under 18 years do not handle hazardous substances.</p> <p>8.06 The standard shall require that workers who are pregnant, breastfeeding or have other relevant medical restrictions shall not be obliged to perform work using hazardous substances.</p>	<p>The standard shall require that workers who are under 18 years do not handle pesticides or hazardous substances.</p> <p>The standard shall require that workers who are pregnant, breastfeeding or have other relevant medical restrictions shall not be obliged to perform work using pesticides or hazardous substances.</p>
	<p>This criterion is taken from ILO C183, Art. 3, which requires the protection of pregnant and breastfeeding mothers and from ILO R190 that defines the exposition to hazardous substances as hazardous for young workers.</p> <p>ILO C183 states:</p> <p>"Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the</p>		

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	<p>health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child."</p> <ul style="list-style-type: none"> Once again workers hired by the farmer or workers hired by a third part agency? This criterion may open a door to some discrimination issues for pregnant or breastfeeding women, and even the young workers. The issue is that the criterion may potentially prohibit them from working and earn incomes – even when there are safety measures in place – which will open risks for discrimination. consider adding a provision for different options that cover different risk programmes (e.g. a criterion that allow for comfortable work or high-paying jobs) 		
<p>8.06 The standard shall require that people that handle or come into contact with pesticides or other hazardous substances have ready access to changing and washing facilities.</p>	<ul style="list-style-type: none"> Different requirement compared to Processing Scope - justifiable? Once again workers hired by the farmer or workers hired by a third part agency? 	<p>This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.</p> <p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p> <p>Note: people vs worker</p>	<p>The standard shall require that people that handle or come into contact with pesticides or other hazardous substances have ready access to changing and washing facilities</p>

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8.07 The standard shall require that all workers that handle or come into regular contact with identified hazardous substances shall undergo relevant or appropriate medical examinations as needed by applicable national legal requirements.	<ul style="list-style-type: none"> Consider using the phrase? '...shall undergo relevant AND appropriate medical examinations...' Different requirement compared to Processing Scope - justifiable? 	This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.	

9. Chapter 9. Building Safety and Emergency Preparedness

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope

New criterion

Draft Benchmarking Criteria	Comments Received	SSCI Responses	Final Criteria
9.01 The standard shall require that adequate documented emergency and fire safety procedures are in accordance with the standard and/or applicable national legal requirements, whichever affords the highest level of adherence, including in worker accommodation and other buildings or permanent structures as provided or mandated.	<ul style="list-style-type: none"> Why the addition of "In accordance with the standard and/or applicable national legal requirements, whichever affords the highest level of adherence"? This is already covered by BMR 2.02. Once again workers hired by the farmer or workers hired by a third part agency? 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	The standard shall require that adequate documented emergency and fire safety procedures are in accordance with the standard and/or applicable national legal requirements, whichever affords the highest level of adherence, including in worker accommodation and other buildings or permanent structures as provided or mandated.
9.02 The standard shall require that all employees are informed or made aware of emergency and fire safety procedures.	<ul style="list-style-type: none"> Term 'made aware' is not clear - what is the intent? To understand or know what to do? Practise vs outcome. Why not stayed with the phrasing of this BMR of Processing & Manufacturing? 	The final criterion has been tailored accordingly.	The standard shall require that all employees are informed or made aware of emergency and fire safety procedures.

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9.03 The standard shall require that fire exits, escape routes, firefighting equipment and fire alarms in buildings or permanent structures are properly marked according to national and industry standards. Fire exits and escape routes are open, accessible and clear of obstacles so as to permit safe evacuation in case of an emergency.	<ul style="list-style-type: none"> Does not include ensuring that there is a sufficient number of emergency exits. <ul style="list-style-type: none"> Recommend changing to “properly marked and functional” Recommend changing to “firefighting equipment including fire extinguishers/hoses and/or hydrants”. Do standards need to require special trainings concerning fire- and building safety? Suggest adding "enclosed" permanent structures. An airfield runway is a permanent structure but obviously, an escape route will not be necessary. Or a produce handling unit without walls and only roof, will have no need of fire exits. Why not stay with the phrasing of BMR processing & manufacturing, since this formulation is more restrictive by adding "in buildings or permanent structures"? 	<p>SSCI reviewed the feedback and will consider these suggestions for a future version of the criteria.</p> <p>The addition of buildings and permanent structures was included to address cases where farms without permanent structures were adversely impacted by the requirement to have fire escape plans or equipment.</p>	<p>The standard shall require that fire exits, escape routes, fire fighting equipment and fire alarms in buildings or permanent structures are properly marked according to national and industry standards. Fire exits and escape routes are open, accessible and clear of obstacles so as to permit safe evacuation in case of an emergency.</p>
9.04 The standard shall require that workers have the right to remove themselves from imminent serious danger without seeking permission nor facing retaliation.	<ul style="list-style-type: none"> "Having the right to remove themselves from imminent serious danger without seeking permission" does already mean without facing retaliation. Why does this need to be added in comparison to the BMR processing & manufacturing? 	<p>It is key to include the reference as recommended by the Technical Working Group to ensure that workers do not face retaliation nor need to seek permission to leave the premise if they come to believe that they are in serious imminent danger.</p> <p>The criterion will be considered in the next iteration of the Processing/Manufacturing criteria.</p>	<p>The standard shall require that workers have the right to remove themselves from imminent serious danger without seeking permission nor facing retaliation</p>

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9.05 The standard shall require that the construction, maintenance and repairing of building or permanent structures, including worker accommodation where provided or mandated, shall be in conformity with national laws, regulations and safety and health requirements.	<ul style="list-style-type: none"> BMR 2.01 requires the compliance with national laws, regulations and safety and health requirements. Why not stay with the phrasing of BMR processing & manufacturing for this requirement? 	SSCI often receives requests for guidance as to which requirements are necessary for a standard to meet. At a minimum, we expect national laws to be upheld for this criteria.	The standard shall require that the construction, maintenance and repairing of building or permanent structures, including worker accommodation where provided or mandated, shall be in compliance with national laws, regulations and safety and health requirements.
9.06 The standard shall require that if accommodation facilities are provided or mandated, these are located to prevent agrochemical exposure and other hazards.	<ul style="list-style-type: none"> Once again workers hired by the farmer or workers hired by a third part agency? Also, earthquake, floods and all kinds of natural disasters. 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	The standard shall require that if accommodation facilities are provided or mandated, these are located to prevent exposure to pesticides, hazardous substances and/or other hazards.
9.07 The standard shall require that if accommodation facilities are provided or mandated, these meet the basic needs of workers and are compliant with local laws and regulations.	<ul style="list-style-type: none"> This is a different requirement compared to Processing and Manufacturing Scope - justifiable? Compliance with local laws and regulations may be left out, since BMR 2.01 requires this already. Once again workers hired by the farmer or workers hired by a third part agency? Why is this criterion not part of the Manufacturing standard? We are setting the bar for primary production higher than for processing facilities. 	<p>SSCI often receives requests for guidance as to which requirements are necessary for a standard to meet. At a minimum, we expect national laws to be upheld for this criteria.</p> <p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p> <p>This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into</p>	The standard shall require that if accommodation facilities are provided or mandated, these meet the basic needs of workers and are in accordance with local laws and regulations.

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		adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.	

10. Chapter 10. Wages, Benefits and Terms of Employment

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope	New criterion
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10.01 The standard shall require that workers are informed about their employment terms and conditions in writing and in an understandable manner to the worker before they enter into employment.	<ul style="list-style-type: none"> Consider informing workers about employment Ts & Cs before migration, if applicable. Req 3.5.6 requiring legally binding contracts to all permanent workers and is very detailed on what is needed. In addition, workers should be made aware of their rights and responsibilities, both verbally and in writing, at the time of hire including all applicable laws and regulations of their home country, the country where the work is performed, and of any country and jurisdiction contracting the work. Ideally, the employer would have the means to verify that the terms are clearly understood and fully agreed to by the workers. The employer should also evaluate the effectiveness of its training and awareness efforts by measuring employee knowledge upon completion of training and periodically thereafter using surveys, interviews and other means. Farmers should check it is the case for temporary workers hired by a third part agency or workforce provider. Translated documents? And what if the workers are not able to read? Especially for farm workers. <ul style="list-style-type: none"> The standard shall not focus on the "written" documentation but on the cellar and understandable 	<p>The language will be kept as is to allow for consistency between the Processing/Manufacturing scope. It is however a good suggestion and we will consider adding it in the next iteration of the criteria.</p>	<p>The standard shall require that workers are informed about their employment terms and conditions in writing and in an understandable manner to the worker before they enter into employment.</p>

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	information. In agriculture, especially for seasonal workers, other forms of employment as compared to traditional contracts might be in use e.g. recruitment under government voucher schemes. These also constitute "formal verifiable working relationship" although do not have the form of a contract.		
10.02 The standard shall require that work be performed by individuals with a formal verifiable working relationship in accordance with applicable national legal requirements.	<ul style="list-style-type: none"> In circumstances where a nation does not have applicable legal requirements, the benchmark should be clear what will satisfy this requirement. Farmers should check it is the case for temporary workers hired by a third part agency or workforce provider. 	<p>The language will be kept as is to allow for consistency between the Processing/Manufacturing scope. It is however a good suggestion and we will consider adding it in the next iteration of the criteria.</p> <p>In the absence of national legal requirements, the scheme must present evidence that this criteria is being met.</p>	The standard shall require that work be performed by individuals with a formal verifiable working relationship in accordance with applicable national legal requirements.
10.03 The standard shall require that no employment arrangements are used in order to avoid obligations to workers under applicable national labour and social security laws and that the producer pays social security for all workers according to	<ul style="list-style-type: none"> The addition of "and that the producer pays social security for all workers according to applicable national legal requirements" is already covered by the first part of this requirement. So, the addition doesn't add anything, please leave it out. In circumstances where a nation does not have applicable legal requirements, the benchmark should be clear what will satisfy this requirement. 	<p>The language will be kept as is to allow for consistency between the Processing/Manufacturing scope. It is however a good suggestion and we will consider adding it in the next iteration of the criteria.</p> <p>In the absence of national legal requirements, the scheme must present evidence that this criteria is being met.</p>	The standard shall require that no employment arrangements are used in order to avoid obligations to workers under applicable national labour and social security laws and that the producer pays social security for all workers according to applicable national legal requirements.

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applicable national legal requirements.	<ul style="list-style-type: none"> What happens when the workers are employed by a workforce provider? 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	
10.04 The standard shall require that compensation for standard working hours meets or exceeds applicable legal minimum wages, industry standards or collective bargaining agreements (where applicable).	<ul style="list-style-type: none"> Whichever is highest? The standard should consider Living Wage/Living Income in the future / The standard shall calculate Living Wage gaps (keeping in mind the standard updates of Rainforest Alliance and Fairtrade -->LW/LI is a very important topic for retailers; many NGO's are requesting answers on LW/LI gaps considering differences in payments for female and male workers) Additional criteria in that context: The standard shall calculate and document living wage gaps. HL req 3.5.1. currently consulting on a living wage for banana workers in plantations and this will be rolled out to all plantations under the hired labour standard. What happens when the workers are employed by a workforce provider? 	<p>The language will be kept as is to allow for consistency between the Processing/Manufacturing scope. It is however a good suggestion and we will consider adding it in the next iteration of the criteria.</p> <p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p>	The standard shall require that compensation for standard working hours meets or exceeds applicable legal minimum wages, industry standards or collective bargaining agreements (where applicable).

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<p>10.05 The standard shall require that wages are paid regularly, in a timely manner and in full. All payments are made directly to the employee in legal tender or into a bank account in their name.</p> <p>The standard shall indicate whether and to what extent employees receive any in-kind payment or benefits. Any allowable in-kind payment or benefits shall be written in the employment terms and conditions.</p>	<ul style="list-style-type: none"> This goes further than the Processing and Manufacturing scope. Hired Labour req 3.5.5 requires Regular and documented payments to workers and is elaborate. What happens when the workers are employed by a workforce provider? 	<p>This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.</p> <p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p>	<p>The standard shall require that wages are paid regularly, in a timely manner and in full. All payments are made directly to the employee in legal tender or into a bank account in their name.</p> <p>The standard shall indicate whether and to what extent employees receive any in-kind payment or benefits. Any allowable in-kind payment or benefits shall be written in the employment terms and conditions.</p>
<p>10.06 The standard shall require that where a producer establishes a pay rate for production, quota or piece work, it allows workers to earn at least a wage which respectively meets or exceeds applicable legal minimum wages, industry standards, or collective bargaining agreements (where applicable) within standard working hours.</p>	<ul style="list-style-type: none"> HL req 3.5.3 in addition requires that information about this pay rate is transparent and available for all workers and worker organizations. What happens when the workers are employed by a workforce provider? 	<p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p>	<p>The standard shall require that where a producer establishes a pay rate for production, quota or piece work, it allows workers to earn at least a wage which respectively meets or exceeds applicable legal minimum wages, industry standards, or collective bargaining agreements (where applicable) within standard working hours.</p>

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10.07 The standard shall require that all workers are provided with written payslips for the pay period concerned each time that they are paid.	<ul style="list-style-type: none"> How to cope with fact that now e-pay is available as well while the current verbiage is ‘all workers are provided with written pay slips for the pay period....’ How can standards ensure that all workers are provided with written payslips? Workers’ signature necessary? What happens when the workers are employed by a workforce provider? 	The feedback has been reviewed and changes made to reflect the input.	The standard shall require that written payslips are maintained for all workers, and available upon request for the pay period concerned each time that they are paid.
10.08 The standard shall require that no deductions from wages are made unless permitted by applicable national legal requirements or a collective agreement. Workers are informed about any deductions in writing and in an understandable manner to the worker.	<ul style="list-style-type: none"> HL req 3.5.2 on no deduction on salaries. Guidance section of the standard provides example of deductions for services provided e.g. housing, and in some cases Premium loan repayments are deducted from the payroll. 	N/A	The standard shall require that no deductions from wages are made unless permitted by applicable national legal requirements or a collective agreement. Workers are informed about any deductions in writing and in an understandable manner to the worker.
10.09 The standard shall require that no deductions from wages are made as a disciplinary measure unless allowed by applicable national legal requirements.	<ul style="list-style-type: none"> L req 3.5.2 on no deduction on salaries. Guidance section of the standard provides example of deductions for services provided e.g housing, and in some cases Premium loan repayments are deducted from the payroll. What happens when the workers are employed by a workforce provider? 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	The standard shall require that no deductions from wages are made as a disciplinary measure unless allowed by applicable national legal requirements.

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10.10 The standard shall require that workers are compensated for all overtime as required by applicable national legal requirements or a collective bargaining agreement.	<ul style="list-style-type: none"> Hired labour standard in req 3.5.9 in addition ensures that the company does not require workers to work in excess of 48 hours per week on a regular basis. In addition, req 3.5.11 stipulates overtime work restrictions (the company does not require overtime work from its employees and that it should be voluntary. 3.5.12 stipulates the overtime work rates. The company compensates overtime at a premium rate. The premium rate is paid at a factor of 1.5 for work performed on regular workdays. What happens when the workers are employed by a workforce provider? 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	The standard shall require that workers are compensated for all overtime as required by applicable national legal requirements or a collective bargaining agreement.
10.11 The standard shall require that all workers are covered by an insurance or social security scheme protecting against occupational injuries and diseases according to applicable national legal requirements.	<ul style="list-style-type: none"> This requirement is not in the Manufacturing and Processing Scope - justification? Hired labour standard requirement 3.5.19 and adds equivalent benefits for migrant and seasonal/temporary worker in the guidance section. What happens when the workers are employed by a workforce provider? 	<p>This element is highly relevant for the primary production scope and thus added into the draft criterion. We may look into adopting the language of the primary production criterion in the next iteration of the processing/manufacturing scope.</p> <p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p>	The standard shall require that all workers are covered by an insurance or social security scheme protecting against occupational injuries and diseases according to applicable national legal requirements.

11. Chapter 11. Working Hours

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope

New criterion

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<p>11.01 The standard shall require that standard working hours conform to applicable national legal requirements, collective agreements, or industry standards, but shall not exceed 48h, excluding overtime.</p> <p>If applicable national legal requirements set total working hour limits greater than 60h per week, including overtime, the Scheme shall require that total hours worked are reported in the audit report.</p>	<ul style="list-style-type: none"> • '...but shall not exceed 48h. ' - specify 48h a week for clarity. • Consider documentation of working hours as well • What happens when the workers are employed by a workforce provider? 	<p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p>	<p>The standard shall require that standard working hours conform to applicable national legal requirements, collective agreements, or industry standards, but shall not exceed 48h per week, excluding overtime.</p> <p>If applicable national legal requirements set total working hour limits greater than 60h per week, including overtime, the Scheme shall require that total hours worked are reported in the audit report.</p>

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<p>11.02 If the standard grants exceptions to the limit of total weekly working hours, these shall: (a) be allowed only in clearly defined exceptional circumstances, (b) be in line with applicable national legal requirements, and (c) require that the producer demonstrates that appropriate safeguards are taken to protect the worker's health and safety.</p> <p>The standard shall require that, if averaging of working hours is acceptable during peak periods, averaging shall be: (a) clearly defined, (b) in line with applicable national legal requirements, and (c) require that the producer demonstrates that appropriate safeguards are taken to protect the worker's health and safety.</p>	<ul style="list-style-type: none"> 11.01 indicates only if national legislation allows, the standard include the exception to the 60 hours If applicable national legal requirements set total working hour limits greater than 60h per week, including overtime, the Scheme shall require that total hours worked are reported in the audit report. If allowed by law, then A) will not applied. and C) will not applied when 11.01 indicates only to inform of the total hours. SUGGEST: ALIGN THE CONCEPTS. WHEN THE EXCEPTION TO THE 60 HOURS CAN HAPPEN. BY LAW AND BY WISH OF THE STANDARD? IF IT IS BY LAW, THEN SHALL BE ALIGN WITH THE REQUIREMENTS OF THE LAW. Req 3.5.10 Exceptions are granted by the certification body. An exception is valid for a maximum of 12 weeks per calendar year. It will not allow workers to work more than 14 hours per day or more than 72 hours per week or more than 18 continuous working days without rest. What happens when the workers are employed by a workforce provider? amfori BSCI is only based on ILO Conventions here, so any national requirement that is conflicted with the 	<p>The language will be kept as is to allow for consistency between the Processing/Manufacturing scope. It is however a good suggestion and we will consider adding it in the next iteration of the criteria.</p> <p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p>	<p>If the standard grants exceptions to the limit of total weekly working hours, these shall:</p> <p>(a) be allowed only in clearly defined exceptional circumstances, (b) be in line with applicable national legal requirements, and (c) require that the producer demonstrates that appropriate safeguards are taken to protect the worker's health and safety.</p> <p>The standard shall require that, if averaging of working hours is acceptable during peak periods, averaging shall be:</p> <p>(a) clearly defined, (b) in line with applicable national legal requirements, and (c) require that the producer demonstrates that appropriate safeguards are taken to protect the worker's health and safety.</p>

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	ILO, how would the standard measure it?		
11.03 The standard shall require that workers agreed to work overtime and that overtime requirements do not result in forced labour.	<ul style="list-style-type: none"> This goes further than the Manufacturing and Processing Scope. Suggest. come back to the idea of using the term voluntarily. It is too broad to say that it does not result in forced labour (meaning not being able to move from work or being put in a place through paying a fee, working for not payment...) Hired labour standard requirement 3.5. 13 Your company grants workers at least 2 weeks of paid leave per year at minimum, not including sick and casual leave. Periods of annual leave are in line with national legislation and/or with agreements detailed in a specific or sectoral CBA, if either of these exceeds 2 weeks. What happens when the workers are employed by a workforce provider? 	<p>The language will be kept as is to allow for consistency between the Processing/Manufacturing scope. It is however a good suggestion and we will consider adding it in the next iteration of the criteria.</p> <p>Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.</p>	The standard shall require that workers agreed to work overtime and that overtime requirements do not result in forced labour.
11.04 The standard shall require that overtime is not requested on a regular basis	<ul style="list-style-type: none"> What happens when the workers are employed by a workforce provider? 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	The standard shall require that overtime is not requested on a

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and that overtime records are maintained.			regular basis and that overtime records are maintained.
11.05 The standard shall require that all workers have the right to breaks during work shifts.	<ul style="list-style-type: none"> What happens when the workers are employed by a workforce provider? 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	The standard shall require that all workers have the right to breaks during work shifts.
11.06 The standard shall require that workers have the right to at least one rest day of consecutive 24 hours in every week.	<ul style="list-style-type: none"> What happens when the workers are employed by a workforce provider? 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	The standard shall require that workers have the right to at least one rest day of consecutive 24 hours in every week.
11.07 If the standard grants exceptions to the number of rest days, these shall be clearly defined, in line with applicable legal requirements and it is demonstrated that appropriate safeguards are taken to protect the worker's health and safety. At a minimum, workers shall be granted 2 rest days, each of consecutive 24 hours, in a 14 days period.	<ul style="list-style-type: none"> Req 3.5.10 Exceptions are granted by the certification body. An exception is valid for a maximum of 12 weeks per calendar year. It will not allow workers to work more than 14 hours per day or more than 72 hours per week or more than 18 continuous working days without rest. What happens when the workers are employed by a workforce provider? 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	If the standard grants exceptions to the number of rest days, these shall be clearly defined, in line with applicable legal requirements and it is demonstrated that appropriate safeguards are taken to protect the worker's health and safety. At a minimum, workers shall be granted 2 rest days, each of consecutive 24 hours, in a 14 days period.

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11.08 The standard shall require that workers are granted paid leave (public and annual holidays, maternity/paternity leave, sick leave, etc.) in accordance with applicable national legal requirements.	<ul style="list-style-type: none"> What happens when the workers are employed by a workforce provider? 	Any worker on the producer site should be subject to the requirements of the standard, including agency & temporary workers.	The standard shall require that workers are granted paid leave (public and annual holidays, maternity/paternity leave, sick leave, etc.) in accordance with applicable national legal requirements.

12. Chapter 12. Grievance Mechanism

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope	New criterion
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Draft Benchmarking Criteria	Comments Received	SSCI Responses	Final Criteria
12.01 The standard shall require that a written procedure to address complaints or concerns is established. The grievance mechanism shall be accessible to all workers and external parties.	<ul style="list-style-type: none"> Hired labour standard req 3.5.27 has a very detailed grievance procedure. This is another critical area to get the implementation right, beyond just establishing a procedure. In addition to the criteria stated, the grievance procedure should also include special consideration for vulnerable populations, e.g. migrant workers. For example, the grievance mechanism should be 	The Technical Working Group reviewed the suggestions and updated the language to ensure that workers and external parties understand the grievance mechanisms.	The standard shall require that a written procedure to address complaints or concerns is established. The grievance mechanism shall be accessible and understandable to all workers and external parties.

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	<p>available in a language that they understand, with extra provisions made for illiterate workers, and workers should have access to independent organizations that could assess complaints.</p> <ul style="list-style-type: none"> • What happens when the workers are employed by a workforce provider? • Finally, we want to connect to element 12 Grievance mechanisms: in the present element 12.01 <i>The standard shall require that a written procedure to address complaints or concerns is established. The grievance mechanism shall be accessible to all workers and external parties</i> again a bias is shown towards grievance mechanisms for workers..... Grievance mechanisms should be also available for communities and small-scale suppliers. We would therefore suggest putting grievance mechanisms (for all) under this element 1 Management system. 		

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12.02 The standard shall require that the confidentiality of any complaint raised is provided, and information is revealed only as necessary to investigate and handle the complaint.	No comments received.		The standard shall require that the confidentiality of any complaint raised is provided, and information is revealed only as necessary to investigate and handle the complaint.
12.03 The standard shall require that no worker or external party that lodged a complaint in good faith is retaliated against.	<ul style="list-style-type: none"> • Term 'faces retaliation' sounds clearer than 'retaliated against'. • How will this be determined? Will workers be instructed how to file complaints and what an appropriate vs. retaliatory response to the complaint looks like? What are their options if they suspect retaliation? • What happens when the workers are employed by a workforce provider? 	SSCI cannot be prescriptive in all areas. It will be up to each applicant scheme to demonstrate how they are verifying this criterion.	The standard shall require that no worker or external party that lodged a complaint in good faith is retaliated against.

13. Chapter 13. Business Ethics

Overarching Comments for Chapter 13

Missing Element: Anti-Corruption and Assuring True Statements, and the relevance of having fair contracts with small-scale suppliers

- Tax: the standard shall require a responsible tax approach that complies with both the letter and spirit of the law in the countries where it operates and ensures the right amount of tax is paid, at the right time, in the countries in which it creates value.
 - Pre-competitive collaboration and public advocacy: the standard shall require evidence of engagement in advocacy that influences public authorities as well as participation in pre-competitive multi stakeholder sustainability initiatives.
 - Fair remuneration and bonus policy: the standard require the systematic and publicly reported ratio between the median and CEO total pay.

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope

New criterion

Draft Benchmarking Criteria	Comments Received	SSCI Responses	Final Criteria
13.01 The standard shall require that the producer prohibits any involvement in any act of corruption, extortion, embezzlement, nor in any form of bribery - either directly or indirectly.	<ul style="list-style-type: none"> • Suggest being explicit about the producer also holding their suppliers accountable. • Small producer organisation standard in req 1.1.8 requires trading with integrity. 	The language will be kept as is to allow for consistency between the Processing/Manufacturing scope. It is however a good suggestion and we will consider adding it in the next iteration of the criteria.	The standard shall require that the producer prohibits any involvement in any act of corruption, extortion, embezzlement, nor in any form of bribery - either directly or indirectly.

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13.02 The standard shall require that the producer does not falsify any information regarding their activities, structure and performance and is not involved in any act of misrepresentation in the supply chain.	<ul style="list-style-type: none"> Recommend adding Falsified, misrepresented and/or the absence of a valid business license as a critical issue. 	The language will be kept as is to allow for consistency between the Processing/Manufacturing scope. It is however a good suggestion and we will consider adding it in the next iteration of the criteria.	The standard shall require that the producer does not falsify any information regarding their activities, structure and performance and is not involved in any act of misrepresentation in the supply chain.

14. Chapter 14. Responsible Farming Practices/Community Impacts

Overarching Comments for Chapter 14

Some missing elements on the “do good” criteria rather than “do no harm” criteria.

- As mentioned above we note that this element is still poorly developed. We would request for a critical review of these. We already indicated in our comments to the ASO scope some potential examples (though these are focusing on seafood sector). There are now three criteria. These are very much “do no harm” criteria. We are of the opinion that schemes should contain “do good” criteria towards local communities and small-scale suppliers, like:
 - The standard shall require that local communities and small-scale suppliers have access to grievance mechanisms
 - The standard shall require a policy statement with a commitment to maximise local content via preferential employment for local communities, preferential use of local suppliers and capacity development for small-scale producers;
 - The standard shall require an explicit commitment to ensuring fair, transparent, stable and long-term sourcing from small-scale food producers.
 - The standard shall require fair and transparent contracts with small scale suppliers
 - The standard shall require the written documents in which evidence is provided that action plans and time-bound milestones are implemented that improve the ability of small-scale farmers to earn a living income, and reports progress at least annually.
 - The scheme distinguishes gender-based differences in its engagements with communities and small-scale suppliers and actively promotes gender equality and women’s empowerment.

Overarching Responses

We acknowledge the importance of all the elements highlighted in the comments. All of which will be considered in the next iteration of the SSCI criteria. It is however crucial to underline that SSCI is a benchmark, thus setting criteria exclusively for third-party schemes/standards ensuring that they meet a level expected by the industry. SSCI’s work is designed to encompass key social compliance topics that are understood as mandatory to cover in assessments of global supply chains. Certain topics are addressed by third-party sustainability schemes in ways that cannot be captured in a benchmark at this time. Rather than foreclose on innovation, the SSCI looks at topics that the industry has deemed vital for any credible scheme to cover. Other topics will be included as we develop more consensus around specific approaches that are necessary to conduct credible assessments.

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Transparency is also of high importance to SSCI. In its criteria, SSCI aims to highlight the importance of key issues to be indicated in assessment or audit reports both in the Social Criteria and in the Scheme Management part. This means requiring the schemes to include transparent information in their assessments/audit reports, which ensures visibility of risks/cases of human or labour abuses or non-compliances. In other words, the SSCI serves to provide information on credible schemes and criteria that are aligned with fundamental expectations of a social sustainability programme. Schemes can approach social sustainability topics in a number of ways and our criteria will evolve over time as the industry evolves and new topics emerge.

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This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope	New criterion
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Draft Benchmarking Criteria	Comments Received	SSCI Responses	Final Criteria
<p>14.01 The standard shall require that the producer can demonstrate the right to use the land and water.</p> <p>Where there is a transfer of ownership or usage of land from local people to producer, the standard shall require that such transfer is carried out through a free, prior, informed, consent (FPIC) consultations with the local populations.</p> <p>Where there is conflict over land and/or water use, the producer shall show evidence that the necessary action to resolve the conflict with relevant parties has been or is being taken.</p>	<ul style="list-style-type: none"> This requirement stretches beyond the scope of a management system audit and makes implementation very difficult. Can you elaborate and/or provide a practical example, please? In South Africa, no business will be able to register the business without the necessary documentation in place which will automatically grant them certain rights as per Common Law rules. What is it that the Standard must include (as one cannot audit outside the parameters of the business without consent from a variety of individuals and organisations)? 	<p>Key relevant information regarding this criterion will be checked by the SSCI independent experts during an office visit where auditing records and documentation/reports will be checked against the criteria.</p>	<p>The standard shall require that the producer can demonstrate the right to use the land and water.</p> <p>Where there is a transfer of ownership or usage of land from local people to producer, the standard shall require that such transfer is carried out through a free, prior, informed, consent (FPIC) consultations with the local populations.</p> <p>Where there is conflict over land and/or water use, the producer shall show evidence that the necessary action to resolve the conflict with relevant parties has been or is being taken.</p>

<p>14.02 The standard shall require that the producer avoids, remedies or mitigates negative impacts on protected areas and in areas with high conservation value within or outside the farm sites, which affect the livelihood of the local and/or indigenous population.</p>	<ul style="list-style-type: none"> It shall be included that impacts "which may arise from the agricultural activity concerned". Impacts can be generated by other activities outside of the farm sites. This principle goes further than ethical practices. Might belong under another standard such as Environmental. No idea how to implement this practically - would you mind providing some reasoning behind this code requirement? 	<p>The Technical Working Group reviewed the language and adopted some suggested language in response.</p>	<p>The standard shall require that the producer avoids, remedies or mitigates negative impacts, which may arise from the producer's activities, on protected areas and in areas with high conservation value within or outside the production sites, which affect the livelihood of the local and/or indigenous population.</p>
<p>14.03 The standard shall require that appropriate measures are taken to maintain the quality and availability of surface and groundwater used by local and/or indigenous populations.</p>	<ul style="list-style-type: none"> This also belongs to a Standard such as Environmental. How do you see this being monitored practically? How will indigenous populations be identified and what are the limitations here? How far, what radius etc. 	<p>Key relevant information regarding this criterion will be checked by the SSCI independent experts during an office visit where auditing records and documentation/reports will be checked against the criteria.</p> <p>The intention of the criterion is not to be prescriptive. The definition of indigenous populations will be relevant to the specific geographical setting of the country where the audit was being conducted.</p>	<p>The standard shall require that appropriate measures are taken to maintain the quality and availability of surface and groundwater used by local and/or indigenous populations.</p>

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15. Anti-Trust Caution

Introduction

Set out below is a proposed caution. The aim of this is to serve as a reminder to all participants of the antitrust law requirements.

Anti-trust caution

As representatives of Association members, it is our shared responsibility to ensure that this meeting is conducted in accordance with the Statutes of the Association which state:

"The association shall not enter into any discussion, activity or conduct that may infringe, on its part or on the part of its members, any applicable competition law. By way of example, members shall not discuss, communicate or exchange, any commercially sensitive information, including information relating to prices, marketing and advertising strategy, costs and revenues, trading terms and conditions with third parties, including purchasing strategy, terms of supply, trade programs, or distribution strategy"

Even though you will all have had antitrust training in your respective companies and been in situations like this many times before, we would nonetheless remind you that aside from the obvious violations, you should at all times refrain from discussing any company-specific information which is confidential and that you should not agree anything that limits the ability of companies to compete independently in the market place. You are best placed to judge what is and what is not commercially sensitive or confidential, and what are the relevant parameters of competing. Remember that these parameters may include the Sustainability strategy of your company, and you should not disclose confidential information relating to it.

Please also remember that failure to comply with antitrust laws may lead to serious consequences for you as an individual, for your companies and for TCGF itself. Such consequences include severe fines, private actions for damages and the imposition of criminal penalties, including imprisonment, under national laws.

With this brief antitrust admonition, we look forward to a successful meeting.