

# Sustainable Supply Chain Initiative – Social Benchmarking Criteria

## Primary Production Scope

*(including Aquaculture Activities in collaboration with the Global Sustainable Seafood Initiative (GSSI) and Sustainable Trade Initiative (IDH))*

Draft for Public Consultation

29<sup>th</sup> September 2020



## Overview

This document lists all SSCI Draft Social Criteria for Primary Production Scope, which are intended to benchmark third-party sustainability standards/programmes that cover land-based agricultural and aquaculture scope.

The draft criteria are developed by the SSCI Technical Working Group for Primary Production.

The development also involved the Aquaculture Expert Panel, which was set up in collaboration with the Global Sustainable Seafood Initiative (GSSI) and Sustainable Trade Initiative (IDH), to review the criteria applicability to aquaculture activities. CGF SSCI would like to thank the GSSI Team and IDH Team for their continued support throughout this development.

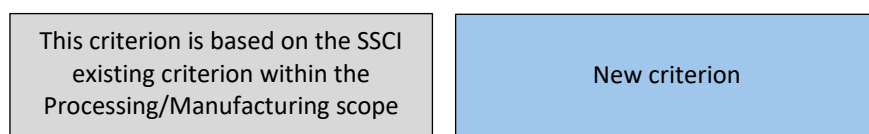


For more information, please visit the CGF SSCI website.

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# 1. Management System



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<b>1.01 The standard shall require that a written human rights policy statement is in place, approved at the most senior level.</b>	<p>The criterion is taken from the UNGP, Chapter 16, which requires a policy commitment to meet the responsibility to respect human rights.</p> <p>The UNGP state: As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (a) Is approved at the most senior level of the business enterprise;</p>
<b>1.02 The standard shall require that the human rights policy statement is communicated to all personnel.</b>	<p>The criterion is based on the UNGP, Chapter 15, which requires the policy commitment to be communicated to all personnel.</p> <p>The UNGP state: "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (...) (d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties (...)"</p>
<b>1.03 The standard shall require that clear responsibility is assigned for the implementation of the human rights policy statement.</b>	<p>The criterion is taken from the UNGP, Chapter 16, which requires the policy to be reflected in operational policies and procedures.</p> <p>The UNGP state: "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (...) (e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise."</p>
<b>1.04 The standard shall require that personnel in relevant business functions receives adequate training on human rights. Training attendance shall be documented.</b>	<p>The criterion is taken from the UNGP, Chapter 16, and the 66/137. United Nations Declaration on Human Rights Education and Training, Article 10, which encourages the private sector and other relevant stakeholders to ensure adequate human rights education and training for their staff and personnel.</p> <p>The United Nations Declaration on Human Rights Education and Training states: "Civil society institutions, the private sector and other relevant stakeholders are encouraged to ensure adequate human rights education and training for their staff and personnel."</p> <p>The UNGP state: Internal communication of the statement and of related policies and procedures should make clear what the lines and systems of</p>

	accountability will be and should be supported by any necessary training for personnel in relevant business functions.
<b>1.05 The standard shall require that the requirements on human rights are communicated to relevant business partners and other relevant parties.</b>	<p>The criterion is based on the UNGP, Chapter 16, which requires the policy to be reflected in operational policies and procedures necessary to embed it throughout the business enterprise.</p> <p>The UNGP state: "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties;"</p>
<b>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.</b>	<p>The criterion has been added to reflect standard industry practice as required by ISO 9001.</p> <p>The ISO 9001:2015 states: "4.4.2 To the extent necessary, the organization shall: a) maintain documented information to support the operation of its processes; b) retain documented information to have confidence that the processes are being carried out as planned."</p>

## 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	Source
<b>2.01 The standard shall require that all applicable national legal requirements are complied with.</b>	<p>The criterion is taken from the UNGP, Chapter 23, which requires compliance with all applicable laws.</p> <p>The UNGP state: "In all contexts, business enterprises should: (a) Comply with all applicable laws (...)"</p>

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<p><b>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.</b></p>	<p>The criterion is based on the UNGP, Chapter 23, which requires compliance with applicable laws. The requirement to apply the highest level of protection is derived from the statement that businesses should honour the principles of internationally recognized human rights.</p> <p>The UNGP state:        "In all contexts, business enterprises should: (a) Comply with all applicable laws, (b) Seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements (...)"</p>
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### 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	Source
<p><b>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.</b></p>	<p>The criterion is taken from the ILO Declaration on Fundamental Principles and Rights at Work, Art. 2, ILO C105, Art 1 &amp; 2 and ILO C29, Art. 2, which require all work to be voluntary and prohibit the use of any form of forced or compulsory labour. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>The ILO Declaration on Fundamental Principles and Rights at Work states: Declares that all Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination</p> <p>ILO C105 states: "Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour"</p> <p>ILO C29 states: "For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance and paid regularly as agreed."</p>

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<p><b>3.02 The standard shall require that the producer does not force any person to work under the menace of any penalty or sanction.</b></p>	<p>The criterion is taken from ILO C105, Art 1 &amp; 2 and ILO C29, Art 1 &amp; 2, which require that workers are not to be forced to work under the menace of any penalty. It is also based on the CGF Priority Industry Principle (CGF PIP) #1 and 3.</p> <p>ILO C29 states: "For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."</p> <p>ILO C105 states: "Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour"</p> <p>CGF PIP #1 states: " Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p><b>3.03 The standard shall indicate whether prison labour is used by the producer.</b></p> <p><b>The standard shall require that no involuntary prison labour is used.</b></p> <p><b>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.</b></p>	<p>The criterion is taken from ILO C29, Art 2, which specifies under which conditions prison labour is not considered a form of forced labour.</p> <p>ILO C29 states: "Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include-- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;"</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Human Trafficking &amp; Forced Labour, ii, ILO C110, Art. 13 and ILO C181, Art 7, and the CGF Priority Industry Principle (CGF PIP) #2, which state that no fee or cost for recruitment shall be charged to the worker.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "ii. Recruitment of Migrant Workers: No fee or cost for recruitment shall be charged directly or indirectly, in whole or in part, to the worker. If an exception is made, it should be in the interest of the workers concerned, and after consulting the most representative organizations of employers and workers. All costs related to recruitment should be disclosed to the workers."</p> <p>ILO C181 states:</p>

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	<p>"Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers."</p> <p>CGF PIP #2 states: "No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p> <p>ILO C110 states "The expenses of the journey of recruited workers to the place of employment, including all expenses incurred for their protection during the journey, shall be borne by the recruiter or employer."</p>
<p><b>3.05 The standard shall require that no monetary deposits, financial or collateral guarantees or personal possessions are demanded as a condition of employment.</b></p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, ii, which prohibits the withholding of deposits or documentation and the imposition of financial fees as a means to restrict worker's ability to terminate employment. It is also based on the CGF Priority Industry Principle (CGF PIP) #1, 2 and 3.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Employers shall not use means to restrict a worker's ability to terminate employment, for example by requiring deposits, withholding employee documentation, threats or use of violence, imposing financial penalties or requiring payment of recruitment fees."</p> <p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p> <p>CGF PIP #2 states: "No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iv, which prohibits be held in debt bondage or forced to work for an employer in order to pay off an actually incurred or inherited debt. It is also based on the CGF Priority Industry Principle (CGF PIP) #3. The ILO Guiding Principles to Combat Forced Labour state: "Workers shall not be held in debt bondage or forced to work for an employer in order to pay off an actually incurred or inherited debt."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>



<p><b>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.</b></p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iv, which prohibits that loans to employees are used as a means to bind workers to employment and requires that workers are duly informed of loans terms and conditions. It is also based on the CGF Priority Industry Principle (CGF PIP) #3 and ILO C110, Art 16.</p> <p>ILO C110 states: "The competent authority shall limit the amount which may be paid to recruited workers in respect of advances of wages and shall regulate the conditions under which such advances may be made."</p> <p>The ILO Guiding Principles to Combat Forced Labour state: " (...) wage advances, and loans to employees shall not be used as a means to bind workers to employment. Advances and loans, and deductions from wages made for their repayment, shall not exceed the limits prescribed by national law. Workers shall be duly informed of the terms and conditions surrounding the granting and repayment of advances and loans."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Human Trafficking &amp; Forced Labour, iii, which prohibits confiscating or withholding worker identity documents for the purpose of binding workers to employment. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "iii. Document Retention: (a) Practices such as confiscating or withholding worker identity documents or other valuable items (e.g. work permits and travel documentation) are prohibited. (b) However, if requested by workers, employers may provide secure storage for such documents. Workers must then be free to access them at any time upon request. (c) Employers shall not retain personal documents for the purpose of binding workers to employment."</p> <p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p>

<p><b>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:</b></p> <p><b>a. it is the choice of the worker to utilise the storage</b></p> <p><b>b. storage is documented and</b></p> <p><b>c. workers have free access to their possessions.</b></p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Human Trafficking &amp; Forced Labour, iii, which requires that if employers provide secure storage for identity documents, workers must be free to access them at any time. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "(...) if requested by workers, employers may provide secure storage for such documents. Workers must then be free to access them at any time upon request."</p> <p>CGF PIP #1 states: " Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p>
<p><b>3.10 The standard shall require that the producer demonstrates that, when employment agencies are used, they are required to:</b></p> <p><b>a) be licensed or certified by the competent national authority, if applicable,</b></p> <p><b>b) be compliant with applicable national legal requirements and</b></p> <p><b>c) be compliant with the standards' requirements on forced labour and recruitment fees, and</b></p> <p><b>d) do not engage in fraudulent or corrupt recruiting practices.</b></p> <p><b>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.</b></p>	<p>The criterion is taken from ILO C181 Art 7, which requires a system of licensing or certification for private employment agencies and from the ILO General principles &amp; operational guidelines for fair recruitment, Chapter B, 15, that require companies to perform due diligence regarding recruitment activities, ensure legal compliance of labour recruiters and having an evaluation procedure of parties involved in recruitment. It is also based on the CGF Priority Industry Principle (CGF PIP) #2.</p> <p>ILO C181 states: "A Member shall determine the conditions governing the operation of private employment agencies in accordance with a system of licensing or certification, except where they are otherwise regulated or determined by appropriate national law and practice."</p> <p>ILO General principles &amp; operational guidelines for fair recruitment states: "B. Responsibilities of enterprises and public employment services They should undertake due diligence regarding their recruitment activities. (...) enterprises should engage workers only through compliant labour recruiters, including public employment services and private recruitment agencies. Where it is not feasible to verify directly the conduct of all the parties involved in recruitment, there should, at a minimum, be a contractual obligation requiring labour recruiters to work with third parties operating in accordance with legal requirements (...), (...) The enterprise should have in place a procedure for evaluating other parties involved in the recruitment process."</p> <p>CGF PIP #2 states: "No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p>

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<p><b>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.</b></p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, vii, which prohibits to confine or imprison workers to the workplace or related premises. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Coercion shall not be used to physically confine or imprison workers to the workplace or related premises, for example employer-operated residences."</p> <p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p>
<p><b>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.</b></p>	<p>The criterion is based on the UNGP, Chapters 15 &amp; 22, which require remediation of any adverse human rights impacts.</p> <p>The UNGP state: "Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes."</p>
<p><b>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.</b></p>	<p>The criterion is taken from ILO C110, Part II, Art 6, which prohibits that the recruiting of the head of a family involves the recruiting of any member of his family.</p> <p>ILO C110 states: "The recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his family."</p>
<p><b>3.14 The standard shall require that the producer does not compel workers to make use of stores or services operated by the employer.</b></p> <p><b>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.</b></p>	<p>The criterion is taken from the ILO Guiding principles to Combat Forced Labour, ILO C095, Art. 7, ILO C29, Art.14 and C110, Art. 27 &amp; 30, which prohibit compelling workers to use stores or services operated by the undertaking and requires that goods and services are provided at fair and reasonable prices.</p> <p>ILO Guiding Principles to Combat Forced Labour states: "iv. Coercion in Wage Payment, including Debt Bondage and Bonded Labour: (h) Workers shall not be compelled to make use of stores or services operated in connection with an undertaking. Where access to other stores or services is not possible, employers 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. vii. Freedom of Movement: Coercion shall not be used to physically confine or imprison workers to the workplace or related premises, for example employer-operated residences. Mandatory</p>

	<p>residence in employer operated residences shall not be made a condition of employment."</p> <p>C095 states        "1. Where works stores for the sale of commodities to the workers are established or services are operated in connection with an undertaking, the workers concerned shall be free from any coercion to make use of such stores or services.        2. Where access to other stores or services is not possible, the competent authority shall take appropriate measures with the object of ensuring that goods are sold and services provided at fair and reasonable prices, or that stores established and services operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned."</p> <p>C029 states        "5. Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools."</p> <p>C110 states:        "Where food, housing, clothing and other essential supplies and services form part of remuneration, all practicable steps shall be taken to ensure that they are adequate and their cash value properly assessed."        "Where works stores for the sale of commodities to the workers are established or services are operated in connection with an undertaking, the workers concerned shall be free from any coercion to make use of such stores or services."        "Where access to other stores or services is not possible, the competent authority shall take appropriate measures with the object of ensuring that goods are sold and services provided at fair and reasonable prices, or that stores established and services operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned."</p>
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## 4. No Child Labour

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

New criterion

Draft Benchmarking Criteria	Source
<p><b>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.</b></p> <p><b>If however, local minimum age law is set at 14 years of age in accordance with ILO Convention 138, this lower age may apply.</b></p> <p><b>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.</b></p> <p><b>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.</b></p>	<p>The criterion is taken from the ILO C138, Art. 2, and ILO C010, Art.1, which established the minimum age for work.</p> <p>ILO C138 states: "The minimum age (...) shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. (...) a Member whose economy and educational facility are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO R117, chapter X which establishes the requirements for apprenticeship schemes.</p> <p>ILO R117 states: "46. Systematic long-term training for a recognised occupation taking place substantially within an undertaking or under an independent craftsman should be governed by a written contract of apprenticeship and be subject to established standards."</p>
<p><b>4.03 The standard shall require that young workers under 18 are not employed at night or in hazardous conditions or hazardous work.</b></p>	<p>The criterion is taken from the ILO C138, Art. 3, which prohibits young persons under 18 years of age to carry out dangerous work and from ILO R190 which considers work at night as dangerous.</p> <p>ILO C138 states: "The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is</p>

	<p>carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years."</p> <p>ILO R190 states: "II. Hazardous work 3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to: (a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer."</p>
<p><b>4.04 The standard shall require that age verification mechanisms are established for all workers and valid age verification records are maintained.</b></p>	<p>The criterion is taken from ILO R190, Chapter V, which requires age verification records.</p> <p>ILO R190 states: "The following measures should be taken to facilitate the verification of ages: (b) employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;"</p>
<p><b>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.</b></p> <p><b>The remediation plan shall be documented and verified and actions put in place to avoid recurrence.</b></p>	<p>The criterion is based on the UNGP, Chapters 15 &amp; 22, which require remediation of any adverse human rights impacts.</p> <p>The UNGP state: "Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes."</p>
<p><b>4.06 The standard shall require that if the employment of children 13 to 15 years of age on light work is allowed</b> <b>(a) it is not likely to be harmful to the health or development of the child,</b> <b>(b) it does not prejudice their education and</b> <b>(c) it is in line with applicable national legal requirements.</b></p>	<p>The criterion is taken from the ILO C138, Art. 7, and ILO C010, Art.2, which establish the requirements for light work.</p> <p>ILO C138 states: "National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is-- (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received."</p>

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	<p>ILO C010 states: "For purposes of practical vocational instruction the periods and the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest, provided that such employment shall not reduce the total annual period of school attendance to less than eight months."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO C138, Art. 7, and ILO C010, Art.2, which establish the requirements for light work.</p> <p>ILO C138 states: "National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is-- (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received."</p> <p>ILO C010 states: "For purposes of practical vocational instruction the periods and the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest, provided that such employment shall not reduce the total annual period of school attendance to less than eight months."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the UN Convention on the Rights of the Child, Art. 28, which recognises the right of the child to education.</p> <p>The Convention states: "Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates."</p>

## 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

Draft Benchmarking Criteria	Source
<p><b>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.</b></p>	<p>The criterion is taken from the ILO Declaration on Fundamental Principles and Rights at Work, ILO C87, Art. 2, ILO C110, Art 59 and ILO C141, Art 3, which establish worker's and employees right to establish and join organisations of their own choosing without previous authorisation, as well as R163, Chapter II, which requires the recognizing of representative employers' and workers' organisations for the purposes of collective bargaining;</p> <p>The ILO Declaration on Fundamental Principles and Rights at Work states: Declares that all Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation.</p> <p>ILO C87 and C110 state: "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation."</p> <p>ILO C141 states: 1. All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations, of their own choosing without previous authorisation. 2. The principles of freedom of association shall be fully respected; rural workers' organisations shall be independent and voluntary in character and shall remain free from all interference, coercion or repression. 3. The acquisition of legal personality by organisations of rural workers shall not be made subject to conditions of such a</p>



	<p>character as to restrict the application of the provisions of the preceding paragraphs of this Article.</p> <p>4. In exercising the rights provided for in this Article rural workers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.</p> <p>5. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Article."</p> <p>ILO R163 states: "As appropriate and necessary, measures adapted to national conditions should be taken so that (a) representative employers' and workers' organisations are recognised for the purposes of collective bargaining;"</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO C98, Art. 1 and C110, Art. 58, which require the provision of worker protection against acts of anti-union discrimination and C135, Art. 1 which prohibits the penalisation of worker's representatives based on their status or activities as worker's representatives .</p> <p>ILO C98 and C110 states: "Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment."</p> <p>ILO C135 states: "Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO C135, Art. 2, which requires appropriate facilities are afforded to worker's representatives to enable them to carry out their functions promptly and efficiently.</p> <p>ILO C135 states: "Such facilities in the undertaking shall be afforded to workers' representatives as may be appropriate in order to enable them to carry out their functions promptly and efficiently."</p> <p>ILO R149 states: "(ii) problems which may arise concerning the access of organisations of rural workers to their members should be dealt with in a manner respecting the rights of all concerned and in accordance with the terms of the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Workers' Representatives Convention, 1971;"</p>
<p><b>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</b></p>	<p>The criterion is taken from the ILO R163 and R149, Chapter II, which require the facilitation of collective bargaining.</p> <p>ILO R163 states: "2. In so far as necessary, measures adapted to national conditions should be taken to facilitate the establishment and growth, on a voluntary basis, of free, independent and representative employers' and workers' organisations. (...)</p>

<p><b>worker representatives to enter into a dialogue about workplace issues.</b></p>	<p>Measures adapted to national conditions should be taken, if necessary, so that collective bargaining is possible at any level whatsoever, including that of the establishment, the undertaking, the branch of activity, the industry, or the regional or national levels.”</p> <p>ILO R149 states: "11. Appropriate measures should be taken to ensure that there is effective consultation and dialogue with rural workers' organisations on all matters relating to conditions of work and life in rural areas."</p>
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## 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

Draft Benchmarking Criteria	Source
<p><b>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.</b></p>	<p>The criterion is based on ILO C111, Art. 1 &amp; 2, and C110, Art. 1 which require equal opportunities and treatment in respect of employment and occupation and the elimination of discrimination on the basis of distinctions, exclusions or preferences.</p> <p>ILO C111 states: "(...) the term discrimination includes-- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (...) to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof."</p> <p>ILO C110 states: "Each Member which ratifies this Convention undertakes to apply its provisions equally to all plantation workers without distinction as to race, colour, sex, religion, political opinion, nationality, social origin, tribe or trade union membership."</p>

<p><b>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.</b></p>	<p>The criterion is taken from ILO C190 , Art. 9 which requires a workplace policy on violence and harassment and the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iii, which prohibits the use or threat of physical or sexual violence, harassment and intimidation against the worker, his/her family or close associates with the aim of coercion. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>ILO C190 states: "Each Member shall adopt laws and regulations requiring employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work, including gender based violence and harassment, and in particular, so far as is reasonably practicable, to: (a) adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment."</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Employers shall not exact work or service from any person under the menace of any penalty. This includes the use or threat of physical or sexual violence, harassment and intimidation against the worker, his/her family or close associates with the aim of coercion."</p> <p>CGF PIP #1 states: " Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p>
<p><b>6.03 The standard shall require that written disciplinary procedures are in place and they are effectively communicated to workers.</b></p>	<p>The criterion is based on the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, v, which prohibits the use of disciplinary measures the result in obligation to work. The SSCI criterion further operationalises this requirement. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Disciplinary measures should not include sanctions that result in an obligation to work."</p> <p>CGF PIP #3 states: " No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p><b>6.04 The standard shall require that records of all disciplinary action are kept.</b></p>	<p>The criterion is taken from the GSCP Reference Code, Criterion 4.6, which requires written disciplinary procedures and the recording of disciplinary actions.</p> <p>The GSCP Reference Code states: "Suppliers shall establish written disciplinary procedures and shall explain them in clear and understandable terms to their workers. All disciplinary actions shall be recorded."</p>

## 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	Source
<p><b>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.</b></p>	<p>The criterion is taken from ILO C155, Art. 16 and ILO C184, Art. 6 &amp; 15, requiring safe workplaces and from ILO R115, Chapter VI, which requires housing standards in order to ensure structural safety and reasonable levels of decency, hygiene and comfort of worker accommodation.</p> <p>ILO C155 states: "1. Employers shall be required to ensure that, so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health. 2. Employers shall be required to ensure that, so far as is reasonably practicable, the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken."</p> <p>ILO R115 states: "(...) the competent authority should, in order to ensure structural safety and reasonable levels of decency, hygiene and comfort, establish minimum housing standards in the light of local conditions and take appropriate measures to enforce these standards."</p> <p>ILO C184 states: "In so far as is compatible with national laws and regulations, the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work." "The construction, maintenance and repairing of agricultural installations shall be in conformity with national laws, regulations and safety and health requirements." "Measures shall be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable permanent workers in agriculture."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.3.2, which requires the allocation of OHS responsibility, accountability and authority for the development, implementation and performance of the OSH management system.</p> <p>ILO ILO-OSH 2001 states: "The employer and senior management should allocate responsibility, accountability and authority for the development, implementation and performance of the OSH management system and the achievement of the relevant OSH objectives."</p>

<p><b>The standard shall indicate the person(s) and/or entities responsible for this system on the audit report.</b></p>	
<p><b>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.</b></p> <p><b>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.</b></p> <p><b>All trainings shall be documented.</b></p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.4, and ILO C184 Art. 7, which requires that documented OHS training programs cover all members of the organization and requires refresher training at appropriate intervals.</p> <p>ILO ILO-OSH 2001 states: "(...) training programmes should: (a) cover all members of the organization, as appropriate; (...) (f) be documented, as appropriate and according to the size and nature of activity of the organization."</p> <p>"provide effective and timely initial and refresher training at appropriate intervals;"</p> <p>ILO C184 states: (b) ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to workers in agriculture, including information on the hazards and risks associated with their work and the action to be taken for their protection, taking into account their level of education and differences in language;</p>
<p><b>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.</b></p>	<p>The criterion is based on the ILO-OSH 2001, Chapter 3.4, which requires training to be provided to all participants at no cost and during working hours, if possible.</p> <p>ILO ILO-OSH 2001 states: "Training should be provided to all participants at no cost and should take place during working hours, if possible."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.10 and C184, Art. 7, which requires the identification of hazards and risks to workers and hazard prevention and control procedures and arrangements.</p> <p>ILO ILO-OSH 2001 states: "Hazards and risks to workers' safety and health should be identified and assessed on an on-going basis." "Hazard prevention and control procedures or arrangements should be established"</p> <p>ILO C184 states: "(...) carry out appropriate risk assessments in relation to the safety and health of workers and, on the basis of these results, adopt preventive and protective measures to ensure that under all conditions of their intended use, all agricultural activities,</p>

	workplaces, machinery, equipment, chemicals, tools and processes under the control of the employer are safe and comply with prescribed safety and health standards;"
<p><b>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.</b></p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.5, which requires the maintenance of records of work-related injuries, ill health, disease and incidents.</p> <p>ILO-OSH 2001 states: "OSH records should be established, managed and maintained locally and according to the needs of the organization. They should be identifiable and traceable, and their retention times should be specified." "OSH records may include: (...) (b) records of work-related injuries, ill health, diseases and incidents;"</p> <p>ILO R192 states: "To give effect to Article 7 of the Convention, a set of measures on safety and health at the level of the undertaking should include: (...) (d) procedures for the recording and notification of accidents and diseases;"</p>
<p><b>7.07 The standard shall require that the cause of health and safety incidents is determined when they occur. Appropriate corrective actions are taken to prevent recurrence of similar incidents.</b></p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.5, which requires the maintenance of records of work-related injuries, ill health, disease and incidents.</p> <p>ILO-OSH 2001 states: "OSH records should be established, managed and maintained locally and according to the needs of the organization. They should be identifiable and traceable, and their retention times should be specified." "OSH records may include: (...) (b) records of work-related injuries, ill health, diseases and incidents;"</p>
<p><b>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.</b></p>	<p>The criterion is taken from ILO C155, Part IV, Art. 16, and R192 which requires the provision of PPEs at no cost to protect from residual risks and measures to ensure its use and maintenance.</p> <p>ILO C155 states: "(...) where residual hazards/risks cannot be controlled by collective measures, the employer should provide for appropriate personal protective equipment, including clothing, at no cost, and should implement measures to ensure its use and maintenance."</p> <p>ILO R192 states: "(iv) in so far as the risk remains, provision and use of personal protective equipment and clothing, at no cost to the worker;" "(a) adequate personal protective equipment and clothing, and washing facilities for those using chemicals and for the maintenance and cleaning of personal protective and application equipment, at no cost to the worker;"</p>

<p><b>7.09 The standard shall require that arrangements are in place for providing first aid and medical assistance for any workplace incidents.</b></p>	<p>The criterion is taken from ILO C155, Part IV, Art. 18, R192, Chapter III and C110, Art. 90 which requires the provision of adequate first aid and medical assistance in the event of accidents.</p> <p>ILO C155 states: "Emergency prevention, preparedness and response arrangements should be established and maintained. (...) They should: (...) (c) address first-aid and medical assistance, (...)"</p> <p>ILO ILO-OSH 2001 states: "Emergency prevention, preparedness and response arrangements should be established and maintained. These arrangements should identify the potential for accidents and emergency situations and address the prevention of OSH risks associated with them. The arrangements should be made according to the size and nature of activity of the organization. They should: (...) (c) address first-aid and medical assistance, firefighting and evacuation of all people at the worksite; and (...)"</p> <p>ILO R192 states: "To give effect to Article 7 of the Convention, a set of measures on safety and health at the level of the undertaking should include: (...) measures to deal with accidents and emergencies, including first aid and access to appropriate transportation to medical facilities;</p> <p>C110 states: "Medical services shall be of a standard prescribed by the public authorities, shall be adequate having regard to the number of persons involved, and shall be operated by a sufficient number of qualified personnel."</p>
<p><b>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.</b></p> <p><b>Workers are allowed to use these facilities when needed.</b></p>	<p>The criterion is taken from ILO R164, Chapter II, and R192, Chapter III, which require the provision of sanitary installations and drinking water.</p> <p>ILO R192 states: "To give effect to Article 19 of the Convention, employers should provide, as appropriate and in accordance with national law and practice, to workers in agriculture: (a) an adequate supply of safe drinking water; (...) (d) separate sanitary and washing facilities, or separate use thereof, for men and women workers;</p> <p>ILO R164 states: "As appropriate for different branches of economic activity and different types of work and taking into account the principle of giving priority to eliminating hazards at their source, measures should be taken (...) in particular in the following fields: 3. (o) sanitary installations, washing facilities, facilities for changing and</p>

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	<p>storing clothes, supply of drinking water, and any other welfare facilities connected with occupational safety and health;"</p>
<p><b>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.</b></p>	<p>This criterion is taken from ILO C110, Art. 12, which provides requirements for the transport of workers to the place of employment.</p> <p>ILO C110 states: "1. The recruiter or employer shall whenever possible provide transport to the place of employment for recruited workers. 2. The competent authority shall take all necessary measures to ensure-- (a) that the vehicles or vessels used for the transport of workers are suitable for such transport, are in good sanitary condition and are not overcrowded;"</p>
<p><b>7.12 The standard shall require that the machinery and equipment is:</b> - compliant with national or other recognised safety and health standards, - appropriately installed, maintained and safeguarded and - operated only by trained workers.</p>	<p>This criterion is taken from ILO C184, Art. 9, defining requirements for agricultural machinery.</p> <p>ILO C84 states: "machinery, equipment, including personal protective equipment, appliances and hand tools used in agriculture comply with national or other recognised safety and health standards and be appropriately installed, maintained and safeguarded."</p>
<p><b>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.</b></p>	<p>While there is no specific reference to water-based risk, this criterion is inspired from the ILO C155 on the Occupational Safety and Health Convention and the ILO R164 on the Occupational Safety and Health Recommendation.</p>



## 8. Chemical Management

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

New criterion

Draft Benchmarking Criteria	Source
<p><b>8.01 The standard shall require that chemical safety procedures are in place to protect workers from exposure to hazardous substances.</b></p>	<p>This criterion is taken from ILO C184, Art. 13, which requires preventive and corrective measures for chemical use and handling.</p> <p>ILO C184 states: "there are preventive and protective measures for the use of chemicals and handling of chemical waste at the level of the undertaking. 2. These measures shall cover, inter alia: (a) the preparation, handling, application, storage and transportation of chemicals; (b) agricultural activities leading to the dispersion of chemicals; (c) the maintenance, repair and cleaning of equipment and containers for chemicals; and (d) the disposal of empty containers and the treatment and disposal of chemical waste and obsolete chemicals.</p>
<p><b>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 national legal requirements.</b></p>	<p>This criterion is taken from the FAO, Guidelines on Good Practice for Ground Application of Pesticides, chapters 3.2, which prohibits the use of unregistered pesticides.</p> <p>The FAO guideline states: In many, but not all, countries legislation is in place to control and regulate the manufacture, importation, distribution and sale of pesticides. Products are registered for use, after local field evaluation for safety and efficiency and only approved and recommended products can be used.</p>
<p><b>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.</b></p>	<p>This criterion is taken from the FAO, Guidelines on Good Practice for Ground Application of Pesticides, chapters 3.3, which requires safe storage of pesticides and 2.3 which requires the label to be attached to the container".</p> <p>The FAO guideline states: "Pesticides must be kept in a dedicated store, which is accessible in case of emergency and can be locked when not in use." "The manufacturer's product label is the main source of information for the end user. It must be written in an appropriate local language, so that it can be read and understood by users. Label terminology must be understood by pesticide users. The label is attached to the product container and is usually reproduced on the outer container or wrapper of the transport container or carton. In most countries, adhering to the label recommendation is a legal obligation."</p>

<p><b>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.</b></p>	<p>This criterion is taken from ILO C184, Art. 7, and ILO OHS 2001, chapter 3.4, which establish the requirements for adequate health and safety training.</p> <p>ILO C184 states: "ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to workers in agriculture, including information on the hazards and risks associated with their work and the action to be taken for their protection, taking into account their level of education and differences in language;"</p> <p>ILO OSH 2001 states: "3.4.1. The necessary OSH competence requirements should be defined by the employer, and arrangements established and maintained to ensure that all persons are competent to carry out the safety and health aspects of their duties and responsibilities. 3.4.2. The employer should have, or should have access to, sufficient OSH competence to identify and eliminate or control work-related hazards and risks, and to implement the OSH management system. 3.4.3. Under the arrangements referred to in paragraph 3.4.1, training programmes should: (a) cover all members of the organization, as appropriate; (b) be conducted by competent persons; (c) provide effective and timely initial and refresher training at appropriate intervals; (d) include participants' evaluation of their comprehension and retention of the training; (e) be reviewed periodically. The review should include the safety and health committee, where it exists, and the training programmes, modified as necessary to ensure their relevance and effectiveness; and (f) be documented, as appropriate and according to the size and nature of activity of the organization. 3.4.4. Training should be provided to all participants at no cost and should take place during working hours, if possible."</p>
<p><b>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.</b></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: "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 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> <p>ILO R190 states: "II. Hazardous work</p>

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	<p>3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:</p> <p>(d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;</p>
<p><b>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.</b></p>	<p>This criterion is taken from the FAO, Guidelines on Good Practice for Ground Application of Pesticides, chapters 3.7 and 4.3, which requires personally hygiene measures and PPE decontamination after use.</p> <p>The FAO guideline states: "Avoiding exposure by using PPE and by paying attention to personal hygiene by washing exposed parts of the body after work and before eating, smoking and toileting will minimize risk." "Personnel protective equipment must also be fully decontaminated after use, dried, and then stored in a well-ventilated store."</p>
<p><b>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.</b></p>	<p>This criterion is taken from the FAO, Guidelines on Good Practice for Ground Application of Pesticides, chapter 3.1, which requires the surveillance of workers handling pesticides.</p> <p>The FAO guideline states: "Operator health surveillance: the health of operators exposed to pesticides must be monitored. The surveillance should cover health records and medical checks, which can alert medical authorities of any health changes, which might be related to exposure during work. Health surveillance can also indicate that safety practices and the selection and use of PPE remain adequate for the products being used. The hazard potential of the selected product, combined with the length of time of operator exposure during use will determine the health surveillance techniques and their frequency."</p>

## 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	Source
<p><b>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.</b></p>	<p>The criterion is taken from ILO R164, Chapter II, which requires fire prevention measures at the workplace and from R115 Which requires fire protection measures at worker's housing accommodation.</p> <p>ILO R164 states: "II. Technical Fields of Action (...) measures should be taken (...) in particular in the following fields: (m) prevention of fires and explosions and measures to be taken in case of fire or explosion;"</p> <p>ILO R115 states: "The housing standards (...) should relate in particular to (...) (d) appropriate protection against heat, cold, damp, noise, fire, (...)"</p>
<p><b>9.02 The standard shall require that all employees are informed or made aware of emergency and fire safety procedures.</b></p>	<p>"The criterion is taken from the ILO-OSH 2001, Chapter 3.10, which the provision of emergency training.</p> <p>ILO-OSH 2001 states: "provide relevant information and training to all members of the organization, at all levels, including regular exercises in emergency prevention, preparedness and response procedures."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.10, which requires firefighting and evacuation arrangements.</p> <p>ILO-OSH 2001 states: "10.3.1. Emergency prevention, preparedness and response arrangements should be established and maintained. These arrangements should identify the potential for accidents and emergency situations and address the prevention of OSH risks associated with them. The arrangements should be made according to the size and nature of activity of the organization. They should: (...) (c) address first-aid and medical assistance, firefighting and evacuation of all people at the worksite;"</p>
<p><b>9.04 The standard shall require that workers have the right to remove themselves from imminent serious danger without seeking permission nor facing retaliation.</b></p>	<p>The criterion is taken from ILO C155, Art. 13, which protect the worker right to remove himself from danger.</p> <p>ILO C155 states: "A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from</p>

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	<p>undue consequences in accordance with national conditions and practice.”</p> <p>ILO C184 states: "Workers in agriculture shall have the right: (...) to remove themselves from danger resulting from their work activity when they have reasonable justification to believe there is an imminent and serious risk to their safety and health and so inform their supervisor immediately. They shall not be placed at any disadvantage as a result of these actions."</p>
<p><b>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.</b></p>	<p>The criterion is taken from ILO C184, Art 15., which requires installation to be in conformity with laws and regulations and safety and health requirements.</p> <p>ILO C184 states: "The construction, maintenance and repairing of agricultural installations shall be in conformity with national laws, regulations and safety and health requirements."</p>
<p><b>9.06 The standard shall require that if accommodation facilities are provided or mandated, these are located to prevent agrochemical exposure and other hazards.</b></p>	<p>The criterion is not specifically defined in international reference frameworks; however this is considered an industry expectation</p>
<p><b>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.</b></p>	<p>This criterion is taken from the guidance note by IFC and the EBRD: Workers’ accommodation: processes and standards</p> <p>The IFC and ERBD guidance note states: "Where a client provides accommodation for workers, the accommodation shall be appropriate for its location and be clean, safe and, at a minimum, meet the basic needs of workers. In particular, the provision of accommodation shall meet national legislation and international good practice in relation, but not restricted, to the following: the practice for charging for accommodation; the provision of minimum amounts of space for each worker; provision of sanitary, laundry and cooking facilities and potable water; the location of accommodation in relation to the workplace; any health, fire safety or other hazards or disturbances and local facilities; the provision of first aid and medical facilities; and heating and ventilation. Workers’ freedom of movement to and from the employer-provided accommodation shall not be unduly restricted."</p>

## 10. Wages, Benefits and Terms of Employment

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

New criterion

Draft Benchmarking Criteria	Source
<p><b>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.</b></p>	<p>The criterion is taken from ILO C095, Art. 14, which requires that workers are informed of the conditions in respect of wages under which they are employed before they enter employment and when any changes take place. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 and C110 state: "Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner-- (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed;"</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p><b>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.</b></p>	<p>The criterion is taken from ILO General principles &amp; operational guidelines for fair recruitment, Chapter III, 8, which require that the terms and conditions of a worker's employment are specified preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements.</p> <p>ILO General principles &amp; operational guidelines for fair recruitment states: "The terms and conditions of a worker's employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements."</p>
<p><b>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 applicable national legal requirements.</b></p>	<p>The criterion is taken from ILO R198 , Chapter I, 4, which requires combating disguised employment relationships.</p> <p>ILO R198 states: "National policy should at least include measures to: (...) (b) combat disguised employment relationships in the context of, for example, other relationships that may include the use of other forms of contractual arrangements that hide the true legal status, noting that a disguised employment relationship occurs when the employer treats an individual as other than an employee in a manner that hides his or her true legal status as an employee, and</p>

	<p>that situations can arise where contractual arrangements have the effect of depriving workers of the protection they are due;"</p>
<p><b>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).</b></p>	<p>The criterion is taken from ILO C131, Art. 2, and C110, Art. 25, which requires the payment of minimum wages or wages as agreed through collective bargaining. The criterion was further specified to require that the highest level is applied if collective agreements or industry standards require the payment of higher wages than the legal minimum wage.</p> <p>ILO C131 states: "1. Minimum wages shall have the force of law and shall not be subject to abatement, and failure to apply them shall make the person or persons concerned liable to appropriate penal or other sanctions. 2. Subject to the provisions of paragraph 1 of this Article, the freedom of collective bargaining shall be fully respected."</p> <p>ILO C110 states: "(...) shall take the necessary measures to ensure that the employers and workers concerned are informed of the minimum rates of wages in force and that wages are not paid at less than these rates in cases where they are applicable"</p>
<p><b>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.</b></p> <p><b>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.</b></p>	<p>The criterion is taken from ILO C095, Art. 12 and ILO C110, Art. 33, which requires wages to be paid regularly and the Guiding Principles to Combat Forced Labour, Chapter iv, which requires payments to be paid in a timely manner. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 states: "Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award"</p> <p>ILO Guiding Principles to Combat Forced Labour state: "Wages shall be paid regularly (...). Wage payments shall not be delayed or deferred such that wage arrears accumulate."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p> <p>ILO C110 states: "Wages shall be paid regularly." "Wages payable in money shall be paid only in legal tender, and payment in the form of promissory notes, vouchers or coupons,</p>

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	<p>or in any other form alleged to represent legal tender, shall be prohibited."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter iv, which requires that performance-related or piece-rate paid workers shall not earn less than the legally mandated minimum wage.</p> <p>ILO Guiding Principles to Combat Forced Labour state: "Workers that earn wages calculated on a performance-related or piece-rate basis shall not earn less than the legally mandated minimum wage."</p>
<p><b>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.</b></p>	<p>The criterion is taken from ILO C095, Art. 14 and C110, Art. 34, which require the provision of information of wages at the time of each payment. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 and C110 state: " Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner (...) (b) at the time of each payment of wages, of the particulars of their wages for the pay period concerned, in so far as such particulars may be subject to change."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p><b>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.</b></p>	<p>The criterion is taken from ILO C095, Art. 8 and C110, Art. 31, which limits the deductions from wages. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 and C110 state: "Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>



<p><b>10.09 The standard shall require that no deductions from wages are made as a disciplinary measure unless allowed by applicable national legal requirements.</b></p>	<p>The criterion is based on ILO R085, Art. 1 and C110, Art. 31, which requires limitation of wage deductions. It is further taken from the GSCP Reference Code, Criterion 6.5, which states that no deduction shall be made as a disciplinary measure. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO R085 states: "1. All necessary measures should be taken to limit deductions from wages to the extent deemed to be necessary to safeguard the maintenance of the worker and his family."</p> <p>ILO C110 states: "1. Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award."</p> <p>The GSCP Reference Code states: "Suppliers shall not make any deductions from wages which are unauthorised or not provided for by national law. Suppliers shall not make any deduction from wages as a disciplinary measure."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p><b>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.</b></p>	<p>The criterion is based on ILO C001, Art. 6, ILO R116 and R110 which require a premium overtime pay rate. A reference to collective agreement was added in the criterion.</p> <p>ILO C001 states: "(...) the rate of pay for overtime shall not be less than one and one-quarter times the regular rate."</p> <p>ILO R116 states: "Overtime work should be remunerated at a higher rate or rates than normal hours of work."</p> <p>ILO R110 states: "The rate of pay for any hours in excess of the hours of work provided for in Paragraph 29 worked in conformity with Paragraphs 30, 31 and 32 should not be less than one and one-quarter times the regular rate."</p>
<p><b>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.</b></p>	<p>The criterion is taken from the ILO C184, Art. 21, which requires social insurance equivalent to enjoyed by workers of other sectors.</p> <p>ILO C184 states: "In accordance with national law and practice, workers in agriculture shall be covered by an insurance or social security scheme against fatal and non-fatal occupational injuries and diseases, as well as against invalidity and other work-related health risks, providing coverage at least equivalent to that enjoyed by workers in other sectors."</p>

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	<p>Such schemes may either be part of a national scheme or take any other appropriate form consistent with national law and practice."</p>
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## 11. Working Hours

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

New criterion

Draft Benchmarking Criteria	Source
<p><b>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.</b></p> <p><b>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.</b></p>	<p>The criterion is based on ILO C001, Art. 2, limiting working hours to a maximum of 48 in the week. The limitation of total working hours to 60h per week is taken from the ETI Base Code. References to cases when national legislation set higher or lower weekly working hours have been added.</p> <p>ILO C001 states: "The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week"</p> <p>ILO R110 states: "The hours of work of any person employed on a plantation covered by Paragraph 1 above should not exceed eight in the day and 48 in the week (...)" "where persons are employed in shifts it should be permissible to employ persons in excess of eight hours in any one day and 48 hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and 48 per week.</p> <p>The ILO Code of practice on safety and health in agriculture states: "19.2.3. Extended workdays (over eight hours) should be contemplated only if: (a) the nature of the work and the workload allow work to be carried out without increased risk to safety and health; (b) the shift system is designed to minimize the accumulation of fatigue."</p> <p>The ETI Base Code states: Working hours may exceed 60 hours in any seven-day period only in exceptional circumstances (...).</p>
<p><b>11.02 If the standard grants exceptions to the limit of total weekly working hours, these shall:</b> <b>(a) be allowed only in clearly defined exceptional circumstances,</b> <b>(b) be in line with applicable national legal requirements, and</b> <b>(c) require that the producer demonstrates that appropriate</b></p>	<p>The criterion is based on ILO C001, Art. 2, 3 &amp; 4 and R110 chapter V specifying exceptions to the limit of hours of work and for averaging of working hours.</p> <p>ILO C001 and R110 state: "c) where persons are employed in shifts it should be permissible to employ persons in excess of eight hours in any one day and 48 hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and 48 per week."</p>

<p><b>safeguards are taken to protect the worker's health and safety.</b></p> <p><b>The standard shall require that, if averaging of working hours is acceptable during peak periods, averaging shall be:</b></p> <p><b>(a) clearly defined,</b> <b>(b) in line with applicable national legal requirements, and</b> <b>(c) require that the producer demonstrates that appropriate safeguards are taken to protect the worker's health and safety.</b></p>	<p>"The limit of hours of work prescribed in Article 2 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of "force majeure", but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.</p> <p>"The limit of hours of work prescribed in Article 2 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day."</p>
<p><b>11.03 The standard shall require that workers agreed to work overtime and that overtime requirements do not result in forced labour.</b></p>	<p>The criterion is based on ILO C29, Art. 2, which requires work to be performed on a voluntary basis. It is further taken from the ILO Guiding Principles to Combat Forced Labour, Chapter vi, which explicitly requires overtime to be voluntary. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C29 states: "For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."</p> <p>ILO Guiding Principles to Combat Forced Labour state: "(a) Workers shall not be forced to work overtime above the limits permitted in national law and collective agreements under the menace of a penalty, for example the threat of dismissal."</p> <p>CGF PIP #3 states: " No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p><b>11.04 The standard shall require that overtime is not requested on a regular basis and that overtime records are maintained.</b></p>	<p>The criterion is based on ILO C011, Art. 2, which sets basic weekly working hours at 48h, which implies that overtime shall not be requested on a regular basis. The criterion is further taken from the GSCP Reference Code, Criterion 7.2, which prohibits the request of overtime on a regular basis.</p> <p>ILO C001 states: "The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week"</p> <p>The GSCP Reference Code states: "Suppliers shall respect that the standard allowable working hours in a week are 48, excluding overtime. Workers shall not on a regular basis be required to work in excess of 48 hours per week."</p>

<p><b>11.05 The standard shall require that all workers have the right to breaks during work shifts.</b></p>	<p>The criterion is taken from ILO C001, Art. 8 and the GSCP Reference Code, Criterion 7.4, which requires the respect of workers right to breaks during work shifts.</p> <p>ILO C001 states: 1. In order to facilitate the enforcement of the provisions of this Convention, every employer shall be required (...) (b) to notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours;</p> <p>The GSCP Reference Code states: "Suppliers shall respect all workers right to breaks during work shifts (...).</p>
<p><b>11.06 The standard shall require that workers have the right to at least one rest day of consecutive 24 hours in every week.</b></p>	<p>The criterion is taken from ILO C014, Art. 2, and ILO C110, Art. 43, which requires at least one free day of consecutive 24 hours following 6 days worked.</p> <p>ILO C014 states: "The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours."</p> <p>ILO C110 states: "Plantation workers shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least 24 consecutive hours."</p>
<p><b>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.</b></p>	<p>The criterion is based on ILO C014, Art. 4, which allows for exceptions to the number of rest days under certain circumstances, and the ETI Base Code, Clause 6.6, which further specifies the acceptable exceptions.</p> <p>ILO C014 and C110 state: "1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist. 2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation."</p> <p>The ETI base code states: "Workers shall be provided with at least one day off in every seven-day period or, where allowed by national law, two days off in every 14-day period."</p>
<p><b>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.</b></p>	<p>The criterion is taken from ILO C132, Art. 3 and ILO C101, which entitle to an annual paid holiday, C183, Art. 4 and C110, Art 47 which entitle to maternity leave and R110 which entitle to sick leave.</p> <p>ILO C132 states: "Every person to whom this Convention applies shall be entitled to an annual paid holiday of a specified minimum length."</p>

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	<p>ILO C183 states: "On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks."</p> <p>ILO C101 states: "Any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void."</p> <p>ILO C110 states: "1. A woman to whom this Part of this Convention applies shall, on the production of appropriate evidence of the presumed date of her confinement, be entitled to a period of maternity leave. 3. The period of maternity leave shall be at least 12 weeks and shall include a period of compulsory leave after confinement. 4. The period of compulsory leave after confinement shall be prescribed by national laws or regulations, but shall in no case be less than six weeks; the remainder of the total period of maternity leave may be provided before the presumed date of confinement or following expiration of the compulsory leave period or partly before the presumed date of confinement and partly following the expiration of the compulsory leave period as may be prescribed by national laws or regulations." "While absent from work on maternity leave in accordance with the provisions of Article 47, the woman shall be entitled to receive cash and medical benefits."</p> <p>ILO R110 states: "Each Member should provide that compensation shall be payable to workmen incapacitated by occupational diseases"</p>
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## 12. Grievance Mechanism

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

New criterion

Draft Benchmarking Criteria	Source
<p><b>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.</b></p>	<p>The criterion is taken from the UNGP, Chapter 30, which requires that effective grievance mechanisms are available and Chapter 31 which requires the grievance process to be clear and known.</p> <p>The UNGP state: "30. Industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available. Effectiveness criteria for non-judicial grievance mechanisms 31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: (c) Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;"</p>
<p><b>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.</b></p>	<p>The criterion is taken from the UNGP, Chapter 31, which requires the grievance process to be accessible and based on the UNGP commentary to Chapter 31, which was adapted to require confidentiality.</p> <p>The UNGP state: "31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: (b) Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;"</p> <p>UNGP Commentary on Chapter 31 “(e) (...) confidentiality of the dialogue between parties and of individuals’ identities should be provided where necessary;”</p>
<p><b>12.03 The standard shall require that no worker or external party that lodged a complaint in good faith is retaliated against.</b></p>	<p>The criterion is based on the UNGP, Chapter 31, which requires grievance processes to enable trust from stakeholders. Enabling trust implies that workers that lodge a complaint are not disciplined, dismissed or otherwise retaliated against.</p> <p>The UNGP state: "31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: (a) L legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;”</p>

## 13. Business Ethics

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope	New criterion
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Draft Benchmarking Criteria	Source
<b>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.</b>	<p>This criterion is based on the OECD Guidelines for multinational enterprises which prohibits enterprises to offer or demand bribes.</p> <p>The OECD Guidelines state: Enterprises should not, directly or indirectly, offer, promise, give, or demand a bribe or other undue advantage to obtain or retain business or other improper advantage. Enterprises should also resist the solicitation of bribes and extortion.</p>
<b>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.</b>	<p>This criterion is based on the OECD Guidelines for multinational enterprises, which requires information to be disclosed in accordance to high quality standards.</p> <p>The OECD Guidelines state: "Information should be prepared and disclosed in accordance with high quality standards of accounting and financial and non-financial reporting."</p>

## 14. Responsible Farming Practices/Community Impacts

This criterion is based on the SSCI existing criterion within the Processing/Manufacturing scope	New criterion
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Draft Benchmarking Criteria	Source
<b>14.01 The standard shall require that the producer can demonstrate the right to use the land and water.</b>  <b>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)</b>	<p>This criterion is taken from ILO C169, Part II, Art. 14, which protects the rights of ownership and possession over the lands that traditionally occupied by tribal and indigenous peoples.</p> <p>The C169 states: "The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional</p>



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<p><b>consultations with the local populations.</b></p> <p><b>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.</b></p>	<p>activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect."</p>
<p><b>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.</b></p>	<p>The criterion is taken from ILO R192, Chapter III, which requires the protection of population in the vicinity and the general environment from risk resulting from the farming activity.</p> <p>ILO R192 states: "(e) appropriate measures to protect persons present at an agricultural site, the population in the vicinity of it and the general environment, from risks which may arise from the agricultural activity concerned, such as those due to agrochemical waste, livestock waste, soil and water contamination, soil depletion and topographic changes"</p>
<p><b>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.</b></p>	<p>The criterion is taken from ILO R192, Chapter III, which requires the protection of population in the vicinity and the general environment from risk resulting from the farming activity.</p> <p>ILO R192 states: "(e) appropriate measures to protect persons present at an agricultural site, the population in the vicinity of it and the general environment, from risks which may arise from the agricultural activity concerned, such as those due to agrochemical waste, livestock waste, soil and water contamination, soil depletion and topographic changes"</p>