



Protection of workers' rights

E. Protection of workers' rights

Agriculture is an important source of employment and income, particularly in developing countries and rural areas. It employs almost one-third of the global labor force and two-thirds of the world's poor (ILO, 2017; ILOStat, 2017). Despite the heterogeneity of agricultural activities around the globe, some features are common between geographies and production systems. Agricultural workers often face deficits of available decent work, regularly receiving low wages and incomes for tasks that are performed in poor and even hazardous conditions (ILO, 2014a). Workers also have very few resources available for protection and compensation in terms of access to health care, wages, and income, insurance, and benefits (FAO, 2016a; FAO, ILO & IUF, 2007).

Creating optimum employment opportunities within agriculture and livestock is an essential driver for rural development and for more equitable and inclusive societies (FAO & ILO, 2010). Income inequalities and the lack of optimum working conditions adversely affect the contribution of the agricultural sector towards the reduction of rural poverty and achieving sustainable development. It also has a negative impact in terms of productivity, as human capital in rural areas –which is indispensable for the success of agricultural endeavors– suffers from significant erosion (FAO, & ILO, 2010; ILO, 2013).

SAN's vision of decent work conditions for agricultural workers is based on the provisions of international and local labor legislation, to ensure respect for human and labor rights by encouraging work opportunities that provide fair income; workplace security; freedom for workers to express their concerns, organize and actively participate in the decisions that affect their lives; and equal opportunities and treatment for all women and men. To achieve that vision, SAN offers a set of practical requirements and recommendations that guide the agricultural sector towards the creation of decent work conditions and the eradication of:

- forced, compulsory and slave labour;
- discrimination and harassment at the workplace;
- the worst forms of child labour;
- the use of any arrangements or mechanisms designed to eliminate or reduce pay and benefits due to workers; and
- any other labor practices that invalidate or harm equality of opportunity or treatment in employment, including equal pay for men and women for work of equal value.

SAN's approach also encourages:

- the regulation and supervision of young workers' conditions;
- the respect and support for the workers' right to establish and join workers' organizations of their own free choice;
- the establishment of grievance mechanisms to receive and follow up on workers complaints;
- the regulation of working hours, rest periods and vacation benefits according to international and local standards; and
- the payment of at least the legal minimum wage or the wage negotiated collectively.

E.1. Sustainability goals: General compliance with applicable legislation

Outcomes	ID	Performance Indicators /Best practices
All workers receive the rights and benefits covered by applicable legislation	E101	Operations comply with all applicable labor legislation and demonstrate compliance with legal labor requirements.
	E102	Operations only work with service providers and hiring-intermediaries that have all licenses and legal permits for their operations, can provide evidence of compliance with applicable legislation, and can provide a list of the full recruited workforce and their correspondent labor agreements.
	E103	Operations keep records of all hired workers, including basic information (worker's name, gender, hire date, and age), working conditions (job type or description of tasks, number of regular working hours per period, and their gross and net pay for regularly worked hours, or the agreed pay rate), and labor agreement (signed or marked by the worker).
	E104	Operations implement hiring practices that grant all legal labor benefits (regarding working conditions, compensation, schedule and provided infrastructure) to all their workers. Short-term hiring and firing to avoid legal benefits are not practiced.
	E105	Workers have been informed and are aware of their rights and of the operations' mechanisms to comply with applicable labor legislation.
	E106	Operations have written labor agreements with workers, compliant with applicable legislation and including job description; working hours and overtime regulations; pay rate, benefits, and deductions; annual paid vacation leave; protection from loss of pay in the case of illness, disability, or accident; sanction and grievance procedures, collective bargaining agreements (where implemented); and notice period for contract termination.
	E107	Smallholder operations can use verbal agreements with workers if permitted by applicable legislation and always in compliance with the conditions established by the relevant regulations and authorities.

E.2. Sustainability goal: No-forced labor

Outcomes	ID	Performance Indicators /Best practices
<p>All workers receive all the rights and benefits afforded by the Forced Labor Convention, 1930 (No.29), the Abolition of Forced Labour Convention, 1957 (No. 105) and the Protocol of 2014 to the Forced Labour Convention, 1930 (P029).</p>	E201	<p>Operations do not engage in forced, compulsory or slave labor, covering all situations in which persons are coerced to work through use of violence or intimidation, or by more subtle means such as accumulated debt, retention of identity papers or threats of denunciation to immigration authorities.</p>
	E202	<p>Operations have recruitment processes that:</p> <ul style="list-style-type: none"> – are compliant with applicable legislation; – do not require retention of workers documents (such as work permits, passports, and IDs); – do not require workers to pay recruitment fees; and – demonstrate that workers are not indebted or coerced to work.
	E203	<p>Operations maintain personal records of all their workers, both hired directly and through intermediaries. Records include basic information about each worker and their working conditions and labor agreements, such as personal information, wages, contracts, and employment time.</p>
	E204	<p>Operations do not force workers to work or stay at the workplace, such as security mechanisms, armed guards, threatening gestures or signs, or financial loans. Labor agreements do not contain clauses that restrict free movement of workers, retention of documents or unjustified wage deductions.</p>
	E205	<p>Operations document all money or benefit retentions applied to workers and demonstrate that such retentions comply with applicable legislation and the established labor agreements.</p>
	E206	<p>Operations' human resource procedures and sanction systems do not include compulsory work or extra hours; restrictions on free movement; physical or psychological punishment; fines or illegal deductions from wages; nor control of worker access to food, water, toilets, canteens, medical care, health clinics or their homes.</p>
	E207	<p>Labor by soldiers or prisoners or those working under the regimen of imprisonment, is prohibited, even when permitted by local regulations or other legislation.</p>

E.3. Sustainability goal: Discrimination and harassment-free work environments

Outcomes	ID	Performance Indicators /Best practices
<p>All workers receive all the rights and benefits afforded by the Discrimination Convention, 1958 (No.111) and the Equal Remuneration Convention, 1951 (No. 100).</p>	E301	Operations do not engage in any form of discrimination during labor hiring, training, task assignment, labor benefits assignment, workplace promotions; and other activities that may offer opportunities for better conditions, pay, or advancement to workers.
	E302	Operations treat all workers with respect and clearly communicate their policies for a discrimination and harassment free workplace.
	E303	<p>Operations do not make distinction, exclusion, or preference to invalidate or harm equality of opportunity or treatment in employment, working conditions and payments, based on the workers':</p> <ul style="list-style-type: none"> - ethnicity, color, gender, sexual orientation, tribe, caste, religion, political opinion, national extraction, or social origin; - nationality or migratory status; - civil status; - present or future medical conditions; - family condition, including pregnant women and parents with children, or any other protected status as included in applicable legislation; - affiliation or membership to a worker's organization; - history of having filed complaints within established grievance mechanisms.
	E304	Operations base their recruitment procedures solely in the competences and skills required for the position being filled.
	E305	Operations provide temporary and part-time workers (both national and foreign) with all rights and benefits as defined by applicable legislation.
	E306	Operations protect vulnerable people or groups, and encourage respect between workers, by mechanisms such as gender committees and training activities.
	E307	Operations do not allow nor promote any of the following conducts between their workers: threats or rewards to solicit sexual favors; sexual advances; sexual comments offensive to the receptor; insults based on the worker's gender; or display of sexual material or gestures.
	E308	Operations implement a documented grievance system to receive discrimination and harassment related complaints. The grievance system includes mechanisms to receive and investigate reports of potential discrimination and harassment situations, and corrective actions and sanctions to deal with such cases. The grievance system also allows workers to contact external organizations, when they experience that internal mechanisms are not effective.

Outcomes	ID	Performance Indicators /Best practices
All workers receive all the rights and benefits afforded by the Discrimination Convention, 1958 (No.111) and the Equal Remuneration Convention, 1951 (No. 100).	E309	Operations address the specific requirements of women for maternity leave and breastfeeding; and assign women to tasks that are not harmful to their health and/or the health of their children.
	E310	Workers confirm that they are not subject to threats, intimidation, sexual abuse, or harassment, nor verbal, physical, or psychological mistreatment within the operation.
	E311	Workers are familiar with and understand the operations' policies and actions to encourage respect in the workplace; and can demonstrate how to apply this knowledge into their routine activities.

E.4. Sustainability goal: Workers' freedom of association

Outcomes	ID	Performance Indicators /Best practices
All workers receive all the rights and benefits afforded by the Freedom of Association Convention, 1948 (No.87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).	E401	Operations respect and support the workers' right to establish and join workers' organizations of their own free choice.
	E402	Operations inform existing and new workers about available workers' organizations for them to join, and do not impede in any way workers from joining or forming organizations or having contact with other groups to be informed of their organizing rights and alternatives.
	E403	Operations and workers' organizations do not force workers to join the organizations. Enrollment is always voluntary.
	E404	Operations facilitate the workers' organization activities, including free access of the organization's representatives to the operations' properties, allowing workers to freely participate in workers' organizations activities and allowing workers' communications with their representatives regarding their working conditions.
	E405	When the number of employees is less than the minimum required by law to create a worker organization, operations implement other effective mechanisms between workers and the operations' management to negotiate on workers' rights and conditions.
	E406	Workers are familiar with workers' organization and their work and confirm that they can freely exercise their right to organize or collectively negotiate their working conditions with the operations' administration.
	E407	Workers' representatives confirm they can perform their tasks freely, without restrictions or influence of the operations' administration.

E.5. Sustainability goal: No-child labor and regulation of young workers.

Outcomes	ID	Performance Indicators /Best practices
<p>Children under 15 years are not hired, and all worst forms of child labor are eradicated; according to ILO's Minimum Age Convention, 1973 (No.138) and Worst Forms of Child Labor Convention, 1999 (No. 182).</p>	E501	<p>Operations do not allow children (minors under 15) as workers within their activities scope, nor allow them to perform tasks in exchange for in-kind payments.</p>
	E502	<p>Operations do not allow minors (younger than 18 years) to be engaged in any of the following worst forms of child labor:</p> <ul style="list-style-type: none"> - all forms of forced compulsory or slave labor; - debt bondage and serfdom; - sale and trafficking of children; - use, procuring or offering of a child for prostitution, to produce pornography or for pornographic performances; - use, procuring or offering of a child for other illicit activities; - work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children; including: <ul style="list-style-type: none"> • handling of pesticides, hazardous substances, or residues; • operating, assisting to operate, or cleaning power machinery or dangerous tools; • activities requiring physical exertion beyond the child's safe capacity, such as heavy lifting of loads heavier than 20% of a minor's body weight; • work on steep slopes of more than 50%, near cliffs or drop-offs, or on roofs or ladders; • work in storage areas, silos, and construction sites; and • night work.
<p>All workers receive all the rights and benefits afforded by the Freedom of Association Convention, 1948 (No.87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).</p>	E503	<p>Operations do not allow nor requests that children from the operations' management and workers, carry out activities to assist their parents in their work.</p>
	E504	<p>Operations take a proactive approach towards preventing child labor and take into consideration the inputs of communities and minors to develop a system to prevent and remediate child labor.</p>
	E505	<p>Children may participate in tasks that are traditional to children in the operations' region and that are undertaken for the purpose of transmission of the family's or local culture. In such cases, children are always supervised by an adult member of their family, and tasks do not deprive them from their fundamental rights (education, health, integrity, and safety).</p>

Outcomes	ID	Performance Indicators /Best practices
<p>Young workers' conditions are regulated according to the Minimum Age Convention, 1973 (No.138) and Worst Forms of Child Labor Convention, 1999 (No. 182).</p>	E506	<p>If permitted by local legislation, operations may hire young workers (minors between 15 and 17 years old) as long as operations:</p> <ul style="list-style-type: none"> – demonstrate compliance with all related legal requirements; – do not contravene any of the dispositions about child labor and work harmful for children; – implement specific procedures for the hiring of young workers; – assure that young workers' work schedule allows them to attend legally compulsory school activities/lessons; and – assure that young workers' schedules do not exceed 8 hours a day, and 48 hours a week, and do not work extra-time; allowing them a minimum consecutive period of 12 hours' overnight rest, and at least one full day of rest for every six consecutive days worked.
	E507	<p>Operations use and can provide reliable sources of information or official documents to determine the age of the workers, such as: birth certificate, passport, school certificate, vaccination cards or other public health records with birthdate; or baptismal or other church/religious institution's record/document with birthdate.</p>
	E508	<p>Operations train young workers in the competences necessary to perform their tasks safely.</p>
	E509	<p>Young workers confirm that they are aware of the terms of their labor agreements, that they know how to safely perform their tasks and that they have received training in how to reduce risks and prevent accidents.</p>

E.6. Sustainability goal: Fair salaries and wages

Outcomes	ID	Performance Indicators /Best practices
All workers receive at least the minimum wage afforded by applicable legislation and labor regulations.	E601	Operations pay the legal minimum wage, or the wage negotiated collectively, whichever is higher, to all their workers. In cases where workers are paid by piece or quota, operations establish a pay rate that allows workers to earn at least the legal minimum wage for a 48-hour standard working week.
	E602	Operations include in-kind payments as part of the minimum wage only if permitted by applicable legislation and never exceeding 30% of it.
	E603	Upon hiring, operations explain all payment reductions that are not legally required (such as housing, food, or other services) and get consent from the worker to make such deductions.
	E604	Operations do not charge workers nor deduct from their payment the costs of tools, equipment and gear required to perform their assigned tasks.
	E605	Operations implement payment policies and procedures for paying all wages and benefits such as bonuses and special expenses, on time and in full; and provide workers with payment receipts that detail applicable in-kind portions and any deduction or retention.
	E606	Workers are familiar with payment policies and procedures and understand and agree with the applicable deductions to their salaries.

E.7. Sustainability goal: Existence of grievance mechanisms

Outcomes	ID	Performance Indicators /Best practices
All workers have access to grievance mechanisms at the workplace.	E701	Operations implement a documented grievance system to receive workers' complaints. The grievance system includes mechanisms to receive and investigate reports of potential violations of workers' rights, and corrective actions and sanctions to deal with such cases. The grievance system also allows workers to contact external organizations in general, or when they experience that internal mechanisms are not effective.
	E702	Operations allow workers the right to object the received payment when they do not agree with calculations or the contents of the labor agreement. Operations review the objections, and document the decisions made.
	E703	Operations do not subject workers that use the grievance mechanisms to employment termination, retribution penalties nor threats.

E.8. Sustainability goal: Regulation of working hours and vacation time.

Outcomes	ID	Performance Indicators /Best practices
All workers receive all the rights and benefits afforded by applicable legislation regarding working hours and vacation time.	E801	Operations ensure that regular working hours for all workers do not exceed 48 hours per week on average, with the calendar year as a basis for calculation.
	E802	Operations allow workers at least one meal period for every six hours worked; and one full day of rest for every six consecutive days of work, or two full days of rest for every twelve consecutive days of work.
	E803	Operations have a clear overtime policy for different positions, tasks, or jobs; and do not force workers to work additional hours. All overtime is voluntary.
	E804	Operations pay all overtime at the rate required by applicable legislation, or as collectively negotiated: whichever rate is higher. In absence of applicable legislation and collective agreements for overtime payment, operations pay all overtime at 1.5 times the regular wage level.
	E805	In the case of management positions and security guards, operations can apply an exception to the above regulations if permitted by local applicable legislation.
	E806	Permitted exception periods are applied by operations only when not prohibited by applicable legislation, and when they face the following situations: <ul style="list-style-type: none"> – possible loss of harvest, in the case of perishable fruits, vegetables, flowers and ornamental plants; or – imminent risk of loss or damage of infrastructure, machines, cattle or crop plants.
	E807	If operations apply exception periods (as defined above): <ul style="list-style-type: none"> – workers may work maximum 56 hours of work per week on average (during the exception period), with the calendar year as a basis for calculation; – workers may work maximum 10 hours of work per day on average, with the length of the exception period as a basis for calculation; and – operations take measures to reduce accident rates during overtime work periods, if these are higher than during periods of regular work hours.
	E808	Operations grant at least two weeks of paid vacation leave per year to all workers. This is equivalent to 10 days based on a five-day work week, or 12 days based on a six-day work week, with pro-rating for part-time and seasonal workers.

E.9. Sustainability goal: Gender equality

Outcomes	ID	Performance Indicators /Best practices
There is gender equality at the workplace.	E901	Operations do not engage in labor practices that invalidate or harm equality of opportunity or treatment in employment, based on gender-related reasons, including equal pay for men and women for work of equal value.
	E902	Operations include pregnancy tests or questions about pregnancy upon hiring only with the objective to protect the health of the woman or fetus/embryo/newborn, and without discriminatory consequences.
	E903	Operations encourage women to work as supervisors, at administrative and management level, to participate in leadership positions, and to participate in decision-making processes according to the operation's governance system.
	E904	Operations contact and encourage women – including those in remote areas, those without transportation, or those with limited literacy or language skills – to participate in training and support activities.
	E905	Operations base their recruitment procedures solely in the competences and skills required for the position being filled.
	E906	Operations support and facilitate their workers equal access to products and services.
	E907	Operations provide pregnant women at least twelve weeks of fully paid maternity leave, with at least six of those weeks being taken after giving birth; and arrange flexible work schedules or work site for women that are pregnant, have recently given birth or are nursing.
	E908	Operations do not assign women who are pregnant or have given birth in the last six weeks (or other time period as defined by applicable legislation or medical criteria, whichever is higher) to: <ul style="list-style-type: none"> – manual handling of loads; – activities subject to shocks, vibrations or movement; – work environment exposed to extremes of heat or cold or to hazardous materials; – application of pesticides, particularly those with reproductive toxicity; or – any other activities that pose risk to them, the fetus or the infant.
	E909	Operations do not reduce payment to women if job or tasks reassignment is necessary due to pregnancy or nursing.
	E910	Operations protect women at the workplace, and encourage respect between workers., by implementing mechanisms such as gender committees and training activities.