



A-9. Additional Guidance and Clarification - Farmer and Worker Fairness Pillar

Purpose:

The purpose of this document is to provide guidance and clarification for farmers and workers in determining compliance with the Regenerative Organic Certified® Framework – Farmer and Worker Fairness Pillar. The scope of this pillar includes guidelines for farmers and workers at the farm level.

Scope and Applicability

This document applies to all Regenerative Organic Certified® applicants and certified operators against the Regenerative Organic Certified® Framework, regardless of product, size, or any other characteristic. The guidance and clarification in this document apply to all workers within the operation.

Farmer and Worker Fairness

1.3 Labor Laws, Legal, & International Conventions Compliance	
Additional Guidance	Terms of employment are documented and communicated to workers in their local language and in a manner that is culturally appropriate and assures their understanding.
2.3 Work Restrictions for Children and Young Workers	
Additional Guidance	<p>The term “young workers” replaces “children”.</p> <p>Young workers between the ages of 15-18 years old (including those residing on the farm and those of migrant workers) should not engage in hazardous work that jeopardizes their health, or safety, such as heavy lifting, exposure to dangerous agriculture production activities, including exposure to chemicals/pesticides.</p> <p>Young workers under 18 do not perform work, that jeopardizes education and emotional or physical development.</p>

3.2 Hiring Practices	
Additional Guidance	The operator has a transparent process in place for recruiting and hiring workers.

3.3 Contractors	
Additional Guidance	<p>Due to many factors contributing to the challenge of labor shortages that are beyond the control of even the most well-intentioned Operator, the use of contracted labor providers may be inevitable.</p> <p>These criteria intend to ensure that all workers connected to a Regenerative Organic Certified® site get access to fair working conditions, regardless of whether they are hired directly by the Operator or through a contracted labor provider.</p> <p>The Operator must have a process in place for ensuring that all contracted labor providers meet legal requirements by local labor laws and that labor providers comply with the Regenerative Organic Certified® Social Standards.</p> <p>All workers, whether employed by the Operator or a contracted labor provider must receive, at a minimum, legally required benefits.</p> <p>The Operator formally recognizes the Employer Pays Principle and requires that all contracted labor providers demonstrate they also formally recognize the Employer Pays Principle. This formal acknowledgment must be documented in some form.</p>

4.2 Disciplinary Procedure	
Additional Guidance	This requirement does not conflict with “at will” employment laws in the USA.

5.2 Equal Pay	
Additional Guidance	The operator must share this commitment with the entire workforce.

6.1 Protection Against Retaliation	
Additional Guidance	<p>Representatives of worker organizations may access workers within reasonable limits (such as pre-scheduled times etc.)</p> <p>The operation has a Freedom of Association policy in place.</p>

7.1 Worker Voice	
Additional Guidance	<p>Workers have a safe, anonymous, and accessible channel for communicating feedback to management.</p> <p>Examples of these could include (but are not limited to):</p>

	<ul style="list-style-type: none"> ▪ Periodic worker surveys conducted through a third party whereby workers can contribute concerns, ask questions, and offer suggestions ▪ A suggestion box is available in an accessible area for workers to submit comments and suggestions ▪ Results of the Regenerative Organic Certified® audit and any corrective actions are communicated with workers and/or worker committees ▪ A documented process exists for receiving feedback from the workforce about non-conformances and improvement plans
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7.3 Employment Contracts & Terms

Additional Guidance	<p>As per 3.3, due to many factors contributing to the challenge of labor shortages that are beyond the control of even the most well-intentioned Operator, the use of contracted labor providers may be inevitable.</p> <p>This criteria intend to ensure that all workers connected to a Regenerative Organic Certified® site get access to fair working conditions, regardless of whether they are hired directly by the Operator or through a contracted labor provider.</p> <p>Operators must have a documented process for onboarding labor providers whereby expectations associated with legal compliance and compliance with this standard are communicated.</p> <p>The operator must ensure that auditors have access to workers, worker files, payroll, and timecard records for all workers, including for those workers provided through labor contractors. It is recommended that Operators discuss this access with contracted labor providers in advance of the audit. If labor contractors deny access to workers or request records, this will result in non-conformance.</p>
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7.4 Interns and Apprentices

Additional Guidance	<p>Operators may use internships and apprenticeships, including for youth, in the spirit in which these have been established i.e., to educate, to develop, and to create opportunity but avoid any possibility of the arrangement being exploitative.</p>
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8.2 Commitment to a Living Wage

Additional Guidance	<p>If a worker is paid by piece rate, a worker must receive the equivalent wage rate of the official minimum wage (including eligible benefits if applicable), regional average wages, or by a CBA if one is in place- whichever is higher. Operators must assess the living wage gap for all workers hired through contracted labor providers and be able to demonstrate they have discussed with labor provider(s):</p> <p>1) If wage gaps against the target living wage estimate; and</p>
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	2) Received a statement from the labor provider about why a living wage cannot be paid.
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9.1 Hours of Work

Additional Guidance	<p>Overtime is voluntary and agreed to in writing or verbally. A system is in place demonstrating that workers voluntarily opt-in when overtime is offered and that they are not retaliated against in any way for being unable or unwilling to perform overtime.</p> <p>An accurate and reliable timekeeping system must be in place. Even if workers are paid by piece rate, their working hours must be accurately documented.</p> <p>Workers do not work more than 60 hours per week on a regular basis and paid 15-minute breaks are provided at a minimum of every 4 hours.</p> <p>Workers shall be given 24 hours of rest within a seven-day period. If workers are not working full time (e.g., 5 or fewer days per week) and the worker agrees to give up their 24-hour rest day, this is documented in writing and signed by the worker. Full-time workers may be asked to give up their rest day, in these cases, the Operator must receive the consent of the worker in writing.</p> <p>The Operator must carefully monitor the hours worked by its workers to ensure that hours do not pose health and safety risks to the worker or others (e.g., risk of fatigue). To reduce the risk of overtime at the workplace, operators implement a policy requiring workers to only work beyond a certain number of hours with supervisor or management approval. Other practices for operators to reduce the risk of overtime in the workplace includes:</p> <ul style="list-style-type: none"> • Determine whether the request for the worker to work additional hours is reasonable. • Review any relevant local legislation or industry best practices for stipulations about requesting a worker to work additional hours or overtime. • Create a production management plan for reducing these risks and evaluates options to reduce the need for overtime on an ongoing basis. • Rotating or increasing the number of staff, if necessary, to alleviate the need for staff to work longer hours. <p>Special labor agreements. Exemptions may be granted to small- and medium-scale operations in the Global North. Additional documentation is required:</p> <ul style="list-style-type: none"> • Any special labor agreement is voluntary and agreed in writing with each worker.
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	<p>The operation must create a production management plan, and monitor, assess, and document hours worked by the workers to ensure that they do not pose health and safety risks to the worker or others.</p> <ul style="list-style-type: none">• If applicable, requirements of seasonal agricultural worker programs are followed by the operation (e.g.: H2A in the USA, and TFW in Canada).
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