

C. Using the application framework to assess smallholders'/workers' working conditions

This tool comprises a series of questions which suppliers can use to benchmark the labour situation on smallholdings they source from against those labour standards set out in the application framework in section A.2. It aims to enable suppliers to identify the starting point, or baseline, from which they can plan the action that will be required in order to bring standards up to those specified in A.2.

C.1 Introduction

Suppliers (often referred to as 'purchasers' in these guidelines) need some way of benchmarking labour conditions on smallholdings in order to develop any action plan for improvement. This tool comprises a list of questions that can be used for this purpose. Each question is derived from the indicator rows of the application framework (Toolkit, section A). Where possible, these questions have been written in an open-ended manner to avoid yes/no answers. This should enable respondents to provide full information, and the questioner to gain a full picture of the respondent's situation.

The answers to the questions may come from your own records and observations but in many instances the information may need to come from smallholders/workers themselves. Note that workers include members of the smallholder's family as well as employees. Guidance on assessing smallholders' needs and priorities is given in the Toolkit, section B. The questions may need to be adapted to suit the circumstances of your company.

Abbreviations

PPE	personal protective equipment
SH	smallholder
SHE	smallholder employer
TU	trade union

C.2 Employment is freely chosen

- Which of the SHs'/workers' documents, if any, are kept by you/SHE or intermediary (eg, identity papers or passports)?
- Are any SHs/workers indebted to you/SHEs or an intermediary?
- Are SHs/workers ever fined for any reason? If so, what for?
- How is the movement of SHs/workers restricted within the farms, if at all?
- Do SHs/workers report any deception or coercion in the terms of work or recruitment?



C.3 Freedom of association and the right collective bargaining are respected

- How do you safeguard the SHs'/workers' freedom to establish or join organisations and trade unions of their own choosing and to participate in the activities of such organisations?
- How do you/SHE ensure that the SHs/workers can bargain collectively without fear of reprisal?
- What is your/SHE's level of awareness of the relevant TU representation for SHs/workers?
- What is the level of awareness and knowledge of SHs/workers of the existence of relevant TU representation?
- Which TUs or other such organisations do SHs/workers belong to?
- Where do representatives of SHs/workers' organisations/TUs meet?
- How is this information communicated (eg, notices pinned up in collection centres)?

C.4 Working conditions are safe and hygienic

- What is the condition of equipment/facilities provided to SHs/workers (eg, adequate light, temperature and air quality in grading facilities)?
- How do you/SHEs handle suspected cases of occupational illness reported by SHs/workers?
- How are the specified health checks for SHs/workers undertaken (eg, who provides them and how often)?
- How are minor injuries/accidents attended to on SH farms (eg, do they have first aid kits)?
- How familiar are the SHs/workers with the first aid kit?
- How are accidents on SH farms recorded (eg, accident logbook)?
- How aware are SHs/workers that they should record accidents?
- Are SHs/workers able to use PPE without difficulty? Can they demonstrate correct use of that equipment?
- What type of occupational health and safety training is offered and/or provided for the SHs/workers?
- What evidence is there of occupational health and safety training given to SHs/workers (eg, records)?
- What is the level of awareness and knowledge of occupational hazards among SHs/workers (eg, can they demonstrate safe handling)?
- Which SHs/workers are trained on handling of pesticides?
- Where particular pesticides and/or chemicals are specified, what advice (eg, washing facilities required for post-pesticide spraying) is given to SHs/workers?
- Where do those working on the farm wash after work?
- Where do SHs/workers obtain their drinking water from (ie, is potable water available on the farm)?
- Where do SHs/workers store their food while working on the farm?
- What type of toilet facilities (catering for both sexes) are available for the SH/workers?
- What provisions exist on SH farms to ensure pregnant or nursing SHs/workers do not undertake work hazardous to them or their child?
- How are the special provisions for pregnant women and nursing mothers communicated to them?
- Where do nursing mothers breastfeed during working hours?



C.5 Child labour shall not be used

- What type of policy on child labour (eg, minimum age, wages, protection against hazards) do you/SHEs have on SH farms?
- How are the provisions of the child labour policy communicated to the SHs/workers?
- How do you/SHEs guarantee that the child labour policy is implemented?
- What proportion of the children/young people working on SH farms attend school?
- What proportion of those are contracted to work on the SH farms are children/young people?
- How much combined time do the children/young people working on the farm require for travel to and from work and school, and time spent in school?

C.6 Living wages are paid

- What criteria do you/SHEs use in calculating production costs that are compatible with paying a living wage to SHs/workers?
- Do you/SHEs offer remuneration to SHs/workers that equals or exceeds the production cost?
- Have the SHs been shown how to calculate their own costs of production?
- How are piecework rates for SHs' workers agreed and calculated?
- Do you/SHEs have records showing how piece rates/prices are agreed/calculated, including where prices are set by auction?
- How do you/SHEs establish that SHs/workers' records of payment correlate with yours/theirs?
- What evidence is there that SHs/workers understand the mode of payment and deductions?
- What are the provisions in the contract between you and the SHs (eg, volume and product specifications, penalty clauses used by the buyer)?
- What mutual obligations (eg, regarding payments and deductions) are specified in the contract between SHEs and workers?
- What differences are there in the type of contracts offered to male and female workers by the SHE (eg, contracts precluding women from working when pregnant)?
- Do all parties honour the terms of the contracts?
- What is the rate of contract violation among: (estimates are expected here, not exact figures)
 - your company/SHEs _____%
 - SHs _____%
 - workers _____%
- Where do SHs receive their inputs from (eg, locally or from you)? If you supply inputs, do you offer them at cost price?

C.7 Working hours are not excessive

- How often (during a year) are SHs/workers obliged to work excessive hours (ie, more than 48 hours a week)?
- What are the pay rates for workers' overtime on SH farms?
- What evidence is there that workers understand the pay rates for overtime?
- Do records show appropriate overtime payments that correlate with SHs/workers' records?
- How many rest days do workers receive on average?
- How do you/SHEs make sure that overtime does not interfere with the parental responsibilities of SHs/workers?



C.8 No discrimination is practised

- What are the contents of your/SHE's anti-discrimination policy (eg, no discrimination in hiring, promotion etc based on ethnicity, gender etc)?
- How is the anti-discrimination policy communicated to your staff? How is it communicated to SHs/workers?
- What is the level of awareness and knowledge of the provisions of the anti-discrimination policy among SHs/workers?
- How often do women SHs/workers participate in training?
- What evidence is there that SHs/workers can raise issues without fear of discrimination or penalty?
- How are women SHs/workers paid for their production/work (eg, directly or indirectly)?
- What is the difference in wages paid to workers from ethnic minorities?
- What mechanisms are in place to make sure that women workers are not precluded from working when pregnant?
- What type of labour hiring policy (eg, equal opportunities) do you/SHEs have in place in the SH farms?

C.9 Regular employment is provided

- How is information regarding regularity of orders/employment communicated to SHs/workers?
- Are SHs given copies of notices regarding fluctuations in demand (eg, in collection centres)?
- Are workers informed of the likelihood of future work where possible?
- How well informed are you/SHEs about labour or social security laws?
- Which labour or social security laws govern the relationship between you/SHEs and SHs/workers?
- What is the level of implementation of labour and social security laws on the farms?
- How are workers informed of their employment status and criteria for that status?

C.10 No harsh or inhumane treatment

- How do SHs/workers perceive the terms of work, recruitment and working practices (eg, free from abuse, intimidation, threats or harassment)?
- To what extent do women on farms suffer sexual harassment? If they do, when is this most likely to occur (eg, in return for access to services/inputs or orders, overtime)?
- How often do female workers report that overtime is used as a tool for sexual harassment?

C.11 Complaints mechanism

- What type of complaints system do you/SHEs have in place?
- Do you/SHEs have contact details for government inspectors, or for an independent complaints channel such as a local trade union, NGO or SH/Ws' association?
- How are SHs/workers made aware of the complaints procedures provided by you/SHEs?
- Do SHs/workers feel free to use the complaints system?
- What are the common concerns raised by the SHs/workers through the complaints system?
- What corrective action/s have been made in response to the concerns raised by the SHs/workers?



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C.12 Code of practice

- What is the level of awareness and knowledge among SHs/workers of the key requirements of the ETI Base Code and their entitlements under it?