



Ethical Charter for Responsible Labor Practices Measurement Criteria

Standards and Indicators of Performance

Version 1.0, February 2018

Introduction

In late 2015, the Boards of Directors of the Produce Marketing Association (PMA) and United Fresh Produce Association (UFPA) formed a Joint Committee on Responsible Labor Practices, with a dual mandate: (1) create an industry-wide framework to promote and reinforce worker respect and dignity, and (2) proactively support opportunities for harmonization and convergence of positive efforts throughout the global fresh produce and floral supply chains.

The Joint Committee developed an Ethical Charter for Responsible Labor Practices (Charter), adopted by the PMA and UFPA Boards in 2018, which contains values and guiding principles intended to set a framework for responsible labor practices. The Charter is based on a foundation of employment law, good management systems and sound occupational safety and health practices.

This Measurement Criteria translates the Charter concepts to real-world application in fresh produce and floral production. The document provides a description of conformance with the Charter via measurement criteria – or benchmarks – to provide a method for evaluation and comparison against actual workplace practices.

This document will enable:

1. Interested parties to learn about what the Charter means in practice;
2. A consistent standard for companies to measure themselves against;
3. Standards or certifications to benchmark their system; and/or
4. Tools for employers to self-assess their performance.

Note that this document is not intended to be, nor should it be construed as, legal guidance, given that specific legal requirements will differ per jurisdiction. The criteria do not prescribe the approach that companies must take to be in conformance; it is recognized that companies will apply these principles in different ways per their circumstances. The measurement criteria are meant to offer guidance to companies and auditors to make reasoned judgments about conformance with the Charter.

Ultimately, workers and employers in the industry require respect and mutual prosperity to have a thriving and sustainable business for the coming generations. We will only succeed if we lay a foundation for implementing industry expectations in an effective and efficient manner to ensure broad reach, common expectations and better communication between growers and trading partners. This guide is one of the pillars supporting the development of an enabling environment for the observation of responsible labor practices.

Ethical Charter for Responsible Labor Practices

We believe that everyone deserves to be treated with dignity and respect. We are committed to respecting workers' rights and protecting their safety and health, while recognizing the cultural and legal differences found throughout the industry and the world. As an industry, we care about the wellness, respect and safety of the workers who help us offer the wide variety of fresh fruit, vegetables and flowers consumers enjoy.

The guiding values and principles set out in this Ethical Charter provide a framework for coordinated, focused action across the industry. When growers, labor agencies, packers, distributors, foodservice operators, marketers and retailers of fresh produce and flowers work together to assure ethical working standards, everyone in the supply chain benefits and consumer confidence in our products is enhanced. Responsible labor practices are the right thing to do and our success as an industry depends on it.

Our Values

- We believe that work in the fresh produce and floral industries should provide economic opportunity for all involved. Employers, workers, their families, and communities should benefit financially as a result.
- We respect, value, and encourage mutually beneficial efforts and a positive relationship between the employer and the employee, and intend to support efforts that strengthen that relationship.
- We operate in a spirit of cooperation, learning and transparency with our workers, trading partners and other stakeholders.
- We support transparency in our supply chains about labor conditions, policies, and practices, as permitted by law, with the aim of improving the work environment and giving workers opportunities for success.
- We seek to inspire continual learning and progress across the produce and floral supply chain, through education and an exchange of ideas and best practices in implementation of these principles.
- We believe in accountability throughout the supply chain and among all stakeholders to deliver our shared vision of responsible labor practices. These values can only flourish because of our day-to-day behavior and actions, with each of us working within our individual area of responsibility and strengths.

Our Guiding Principles

Respect for Laws at Work

Legal Compliance

Employers shall adhere to the law and regulations as established by the applicable jurisdiction.

Occupational Safety & Health

Workers shall be provided a safe, hygienic, and sanitary environment at both work-related sites, and at any housing mandated or provided by the employer. Employers shall adopt reasonable measures to identify hazards and control occupational risk of injury and illness. Examples of such safeguards may include, but are not limited to, the following: industrial hygiene and sanitation programs; injury and illness prevention; emergency preparedness and response; chemical safety; equipment and machine safety; ergonomics; ventilation and lighting.

Wages & Benefits

Workers shall be paid for all work performed. Employers must comply with all applicable legal requirements regarding legal eligibility to work, benefits and wages (including wages for overtime premiums and/or minimum compensation for any payment arrangement based on productivity). Employers must provide leave and benefits as required by law. Payments will be made in accordance with any applicable contract terms and pay calculation shall be transparent to workers.

Working Hours

Employers manage working hours in accordance with applicable laws, recognizing that agricultural labor needs vary by season, crop and task, and workers are sometimes needed for shorter or longer time periods than a standard workweek. Employers provide rest periods if needed to support a safe and healthy workplace. Employers inform workers about their expectations regarding hours of work and gain their agreement at time of hiring.

Respect for Professional Conduct

Communication and Worker Protections

Direct communication between management and their employees is the most effective way of resolving workplace issues and concerns. All workers should have both the right and responsibility to voice questions, report in good faith any improper or wrongful activity, or discuss opportunities and/or grievances. To do so, there should be a fair, transparent, and accessible channel of communication to provide input to management and to resolve workplace issues. Employers should encourage timely disclosure of concerns and shall prohibit retaliation against anyone who, in good faith, reports concerns.

Ethical Recruitment

Employers shall recruit workers ethically. Abusive, deceptive, fraudulent, or corrupt practices are unacceptable at any stage of the recruitment and selection process. No worker should pay for a job; employers shall bear the costs of recruitment and placement. If third-party labor contractors are utilized, appropriate due diligence is performed to ensure their commitment to uphold the Ethical Charter.

Management Systems and Continuous Improvement

Employers commit to integrating sound management systems (such as policies, processes, education and training, documentation, communication, and feedback channels) that sustain and demonstrate compliance with applicable labor, employment, occupational health and safety laws governing the employer. Employers should look to these systems to continuously improve performance against compliance objectives.

Responsible Purchasing Practices

Companies purchasing commercial quantities of produce and floral products understand and seek to mitigate the impact of their planning and purchasing practices on the commitments in this Ethical Charter.

Respect for Human Rights

Employment is Freely Chosen

Employers must not tolerate modern day slavery – such as forced or compulsory labor, debt bondage, involuntary prison labor or the trafficking of persons. Employers commit to a work environment where employment is freely chosen and not performed under threat, coercion, force, or menace of penalty.

Freedom of Association

Employers follow applicable law regarding freedom of association and collective bargaining and workers' equal right to refrain from such activity.

Humane Treatment and Non-Harassment

Every worker deserves to be treated with dignity and respect and should not be subject to physical, sexual, psychological, or verbal harassment or abuse, coercion, or the threat of such conduct. Employers address the need to prevent sexual harassment with education, communication and disciplinary procedures that demonstrate that such behavior will not be tolerated.

Non-Discrimination

Equal employment opportunities are respected, including respect for all individuals. Workers deserve a workplace free from unlawful discrimination in any form, where employment decisions are based only on the requirements of the job.

Protection of Children and Young Workers

Respecting and supporting children's well-being requires employers to actively safeguard children's interests, preventing harm at the workplace. Young people who can legally work also desire and deserve economic opportunities, but need age-appropriate work and appropriate supervision. Employers commit to prevent children and/or young workers from performing work that is mentally, psychologically, physically, or socially dangerous or harmful, or that hinders compulsory education. Employers do not hire anyone below the legal age of employment or younger than 15 where no minimum employment age exists.

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Respect for Laws at Work

Legal Compliance

Employers shall adhere to the law and regulations as established by the applicable jurisdiction.

Legal Compliance

Company complies with all legal requirements of the jurisdictions in which they do business, including but not limited to, those relating to labor, employment, anti-corruption and occupational safety and health, and where applicable, farm labor contractor laws and/or housing and transportation safety requirements.

Occupational Safety & Health

Workers shall be provided a safe, hygienic, and sanitary environment at both work-related sites, and at any housing mandated or provided by the employer. Employers shall adopt reasonable measures to identify hazards and control occupational risk of injury and illness. Examples of such safeguards may include, but are not limited to, the following: industrial hygiene and sanitation programs; injury and illness prevention; emergency preparedness and response; chemical safety; equipment and machine safety; ergonomics; ventilation and lighting.

Legal Compliance in Health & Safety

Employers comply with applicable occupational health and safety laws and regulations.

Policies and Procedures

Employers have policies and procedures to identify and guard against hazards and prevent injury and illness. These may include but are not limited to policies and procedures covering: industrial hygiene and sanitation; chemical safety; equipment and machine safety; fire safety, ergonomics; ventilation, lighting, and structural safety.

Employer has an established health and safety training program pursuant to which it periodically trains workers on health and safety policies and procedures, and risk mitigation.

Accidents and injuries are investigated and documented (to include corrective actions).

Risk Mitigation and Industrial Hygiene Practices

Employers have a program pursuant to which they can effectively identify, prioritize, and mitigate risks of occupational injuries and illnesses on a continual basis. Such a program may include, but not be limited to the establishment of systems, training and oversight to promote good health and enforce and maintain good personal hygiene, field sanitation, prevention of heatstroke and sunstroke, prevention of repetitive motion injuries, safe handling of machinery and electricity, vehicle safety, building safety, and preventing or controlling exposures that endanger life, health, or physical condition (such as sight, hearing, loss of limb, or similar). Employers provide and maintain job-related personal protective equipment. Relevant information concerning chemicals and handling instructions, for example material safety data sheets, are available in a language understandable by those handling chemicals and that handling instructions are followed.

Employer-Provided Housing

If housing is secured, provided, or mandated, in connection with the work to be performed, it conforms to applicable occupancy, structural, health, sanitation, and safety laws and regulations.

Housing has conditions and infrastructure to ensure safety, sanitation, decency, privacy, and security.

Measures are in place to prevent overcrowding in housing and sleeping arrangements, using industry-recognized standard measures of overcrowding for the area or region, such as the total number of persons in a unit, the ratio of persons to floor space in square feet; and the person-to-size ratio adjusted for household composition, structure type, location, or lot size.

Employers forbid sleeping or camping in the fields.

Emergency Preparedness and Response

Employer has an emergency response plan to prepare for, and respond to, fire, natural disaster, or accidents or other emergencies. The plan shall have a designated person who is responsible for implementation of the plan. First aid is available at the worksite. Emergency contact information for local authorities is accessible and understandable, and workers have the means to contact the authorities in the event of an emergency.

Wages and Benefits

Workers shall be paid for all work performed. Employers must comply with all applicable legal requirements regarding legal eligibility to work, benefits and wages (including wages for overtime premiums and/or minimum compensation for any payment arrangement based on productivity). Employers must provide leave and benefits as required by law. Payments will be made in accordance with any applicable contract terms and pay calculation shall be transparent to workers.

Minimum Wage Legal Compliance

Compensation paid to workers complies with all applicable laws and regulations for a standard work week, such as minimum wages, premium pay, piece rate, contract rate, or alternative forms of compensation, collective agreements, rest and meal periods.

Compensation meets minimum legal standards and/or collective agreements, as applicable.

Time and payroll records are available to demonstrate that the correct minimum wage was paid.

Wage Legal Compliance with Piece Rate

Employers ensure that all workers receive wages at least equivalent to the legal minimum wage for the time worked. A process is in place and operating to guarantee minimum wage rates are paid even when workers are paid by piece rate.

Direct, Timely Payment in Legal Tender and Wage Statements

Employers pay wages in legal tender to their workers, at a time not to exceed thirty days; this can be done via cash, check, money order, or direct deposit, by them or a qualified payroll service.

Employers provide an understandable wage statement to workers that includes sufficient information to verify the accuracy of what they have earned and how many hours they worked.

Legal Withholdings and Deductions

Deductions and withholdings are legally compliant.

Any deductions for goods or services are made at fair market value and on a voluntary basis.

Taxes, social security, insurance, and any other government required withholdings are correctly calculated and submitted to the applicable government authority or enterprise within the legally required timeframe and documented accordingly.

Pay-roll records should be understandable and accurately reflect the deductions and withholdings.

Wage deductions are not used as a disciplinary measure.

Payment for Work Related Activities

Workers are paid for any time that they are required to be on the employer's premises or on duty at the prescribed work location (such as a radius of work), including but not limited to: time spent on mandatory activities such as training or meetings; time spent traveling from one work site to another during the workday and after arrival at first work site; time spent traveling to and from a new assignment away from a usually prescribed work location.

Commuting time to and from the regular work site is not compensable. If employers provide optional daily transportation, then it is a benefit and not compensable time.

Legal Benefits

Employers provide and pay for all legally required benefits, leaves, and bonuses.

Working Hours

Employers manage working hours in accordance with applicable laws, recognizing that agricultural labor needs vary by season, crop and task, and workers are sometimes needed for shorter or longer time periods than a standard workweek. Employers provide rest periods if needed to support a safe and healthy workplace. Employers inform workers about their expectations regarding hours of work and gain their agreement at time of hiring.

Legal Compliance in Working Hours

Employers comply with all applicable laws and regulations governing working time, including, but not limited to: the number of hours workers can be required to work (each day, week and/or month); young workers' hours of work; recording working time; time record keeping; leave, rest days and/or holidays; as well as rest periods, meal intervals or other breaks.

Mitigating Impact on Health & Safety from Working Hours

As part of their program to mitigate the risks of occupational injuries and illnesses, employers assess work schedules, including hours of work, work shifts, days of rest and rest breaks, and take appropriate mitigation measures to permit work to be performed safely.

Advanced Communication of Overtime Hours

If legal overtime is a condition of employment, workers are apprised of that fact at the beginning of their employment.

Transparency of Hours

Employers have a timekeeping system (appropriate to the size of the company) for the accurate and complete tracking and reporting of work and leave time, and which enables accurate calculation of pay.

The time recording system used makes hours of work (including overtime) transparent to both the worker and the employer.

Respect for Professional Conduct

Communication & Worker Protections

Direct communication between management and their employees is the most effective way of resolving workplace issues and concerns. All workers should have both the right and responsibility to voice questions, report in good faith any improper or wrongful activity, or discuss opportunities and/or grievances. To do so, there should be a fair, transparent, and accessible channel of communication to provide input to management and to resolve workplace issues. Employers should encourage timely disclosure of concerns and shall prohibit retaliation against anyone who, in good faith, reports concerns.

Communication Channels

Employers employ effective communication methods to routinely inform workers of company policies/procedures as well as their duties, obligations, and rights, in a manner that is easily understood by them. A variety of communication methods, formal/informal or spoken/written, may be needed depending on the size and structure of the company, the composition of the workforce, and the complexity of the message.

Employers implement and maintain management systems for worker consultation or engagement and have a program in place pursuant to which workers can make their views known to management on issues that affect them. Workers are actively encouraged to voice questions, report in good faith any improper or wrongful activity, or discuss opportunities, with either a supervisor or senior management.

Employers should make workers aware of the methods and programs they use for communication, consultation, or engagement. Depending on the workplace, employers may need to take into consideration the cultural and language differences of all workers when promoting the understanding of, and the ability to participate in, methods or programs used for communication, consultation, or engagement.

Dispute Resolution

Employers have a mechanism for resolving workplace complaints, when they occur. All workers can use it. Employers require labor contractors to have their own similar mechanisms.

The mechanism deployed includes processes for how complaints or disputes are submitted, for their review and determination, and for reporting back to the parties involved.

Employers encourage timely reporting of any actual or potential wrongdoings.

Non-Retaliation

Workers and management representatives are not terminated or otherwise retaliated against for documenting and/or reporting, in good faith, any actual or potential wrongdoings, or for participating in the ongoing auditing and compliance with the Ethical Charter, or for encouraging co-workers to take similar action.

Ethical Recruitment

Employers shall recruit workers ethically. Abusive, deceptive, fraudulent, or corrupt practices are unacceptable at any stage of the recruitment and selection process. No worker should pay for a job; employers shall bear the costs of recruitment and placement. If third-party labor contractors are utilized, appropriate due diligence is performed to ensure their commitment to uphold the Ethical Charter.

Transparency of Terms of Employment

Employers shall obtain workers' informed consent to the terms of employment without deception, threat, or coercion. Employers provide a written statement of terms of employment to each worker and explain verbally to enable review and understanding where needed. The written statement shall include, but not be limited to, a description of the nature of the work, terms and conditions of employment (e.g., compensation, benefits and working hours, housing arrangements where applicable) and shall be accurate and understandable.

Employer Pays Principle

Workers do not pay labor contractors, recruiters, agencies, suppliers, sub-contractors, or other third parties, to obtain or keep their jobs. The costs of recruitment, selection, and hiring are paid, or reimbursed, by the employers.

Employers have a clear forward-facing policy on the "employer pays principle," specifying the range of costs to be met by workers vs employers (which at minimum includes the "employer pay costs" listed below) and any expectations and timelines for reimbursement.

Employers have a mechanism to monitor debt-bondage risks, including but not limited to monitoring that workers are not being, or have not been, charged unauthorized fees or costs for their jobs, and that they have not been subjected to an arrangement under which they are unable to cease work due to obligations such as debt or collateral owed to the employer or a labor contractor. If workers paid any recruitment fee or costs listed below to obtain their jobs, then they shall be reimbursed as soon as practical by employers upon discovery, unless otherwise prohibited by law.

Employers pay costs for job-related items, including but not limited to: work visa, documentation or translation fees, medical testing, or costs of training/orientation. For foreign migrant workers, employer pays transportation costs (including all taxes and fees) associated with travel from sending country to receiving country and the return journey at the end of the contract.

Workers pay costs that are not specific to the job, including but not limited to: passport, replacement fees for lost documents, preparation for an interview including obtaining photos

or copies of documents, transportation to the interview location (recruitment center), expenses during leave time.

Worker also pays reasonable costs of employer-provided housing and meals if they meet applicable health and safety laws and regulations and are charged at fair market value, unless law or regulation in the applicable jurisdiction requires employers to pay those costs.

Ethical Conduct & Transparent Practices in Recruitment

Employers and labor contractors shall operate ethically at all stages of the recruitment and selection process. This includes advertising for applicants in a manner that discloses the true nature of the work. They do not engage in deceptive, fraudulent, corrupt, or collusive conduct. When dealing with international or foreign migrant workers, they operate in accordance with both, sending and receiving country laws or regulations. There shall be no discrimination in hiring due to any characteristic legally protected from employment discrimination.

“Contract substitution” is prohibited (i.e., new or supplemental agreements may not introduce other inferior terms and conditions of work). The details in the terms of employment provided to employees during recruitment or at the time of hiring is consistent with the actual details of conditions and responsibilities at the employment site, including wages and benefits, work conditions, and housing where applicable.

Responsible Labor Contractors

When not recruiting directly, employers should use legally compliant labor contractors who commit to upholding the responsible labor practices in the Ethical Charter. Labor contractors or intermediaries shall operate under legal, written contracts.

Employers have a process to engage only reputable contract labor agencies (e.g. those with a valid business license, legal compliance with the law or regulation, etc.). Due diligence of labor contractors should ensure they are licensed as required and should assess their capacity and willingness to comply with applicable laws and regulations and the Ethical Charter. Where problems are found, follow up assessments to evaluate the success of any remediation procedures are performed. Employers take appropriate action when a labor contractor rejects or fails to cooperate in due diligence or is unwilling or unable to remedy a violation of labor law or human rights.

Management Systems and Continuous Improvement

Employers commit to integrating sound management systems (such as policies, processes, education and training, documentation, communication, and feedback channels) that sustain and demonstrate compliance with applicable labor, employment, occupational health and safety laws governing the employer. Employers should look to these systems to continuously improve performance against compliance objectives.

Commitment, Strategy, Policies & Procedures

The owner or most senior management level (such as CEO or board of directors) commits to responsible labor practices.

Employers have a strategy for addressing labor practices, which is based on an assessment of the risks and opportunities related to workers' rights, safety, and welfare, and is integrated into the broader business strategy. Employers use tools to identify risks to workers and the causes for those risks. The strategy addresses at a minimum all national, state, provincial and other local laws and regulations pertaining to the workplace and seeks to drive the implementation of sound human resource practices.

Employers have operational policies and procedures to ensure delivery of the strategy and achievement of the stated targets. Employers allocate sufficient resources to implement the policies and procedures.

Training

Employers' commitments to responsible labor practices are communicated throughout the company, alongside applicable policies, and procedures. Persons who are responsible for implementing the policies and procedures are given appropriate training and resources to be able to conduct the necessary activities.

Monitoring Performance

Employers evaluate practices to learn whether they are working well, or poorly, and why. If practical and feasible, worker input is solicited in the evaluation.

Employers maintain a system of documentation that enables the monitoring and oversight of all labor, employment, and health and safety practices in the workplace.

Continuous Improvement

Employers shall have a program to engage in continuous improvement of processes and social compliance.

Employers analyze areas for root causes of noncompliance or other problems to reduce the risk of reoccurrence.

There is designated company staff assigned to oversee this program with appropriate authority and responsibility for ensuring that corrective actions are performed, including making amendments to policies and processes or updating training requirements, if and as needed.

Respect for Human Rights

Employment is Freely Chosen

Employers must not tolerate modern day slavery – such as forced or compulsory labor, debt bondage, involuntary prison labor or the trafficking of persons. Employers commit to a work environment where employment is freely chosen and not performed under threat, coercion, force, or menace of penalty.

Voluntary Labor

Employers prohibit forced labor, involuntary prison labor, bonded labor, debt bondage, indentured labor, or the trafficking of persons.

Debt Mitigation

Work is exchanged only for compensation. Employers do not hold monetary deposits, land deeds or other type of collateral in exchange for employment.

Employers do not charge workers for any training or education required on the job.

Where housing, food or daily transportation is made available, workers' acceptance and use of it is voluntary, and their cost are reasonable.

Pay advances are permissible but do not exceed three months' pay or the applicable legal limit, whichever is less.

Loans to workers may be made, only under the following conditions: Any reasonable wage deductions for repayments is disclosed and agreed to in writing prior to any deduction. Repayment terms do not inflate the worker's indebtedness or cause the worker to be bound to the employer. The authorized wage deductions are within legal limits and ensure sufficient income for necessities, except for the final wage payment, which may be used to discharge any remaining debt.

Freedom of Movement

Employers do not restrict workers' freedom of movement inside the place of production or any employer-provided facilities, including accommodation, except where legally required or necessary for legitimate safety, security or business reasons.

This includes:

- Workers are free to terminate and leave their employment.
- Workers have free and complete access to their own passports, identity documents and residency papers. Secure and accessible storage to safeguard these documents or other valuables should be made available to workers if they occupy employer-provided, secured or mandated housing, but their use is voluntary, unless otherwise required by law or regulation.
- Workers may freely access drinking water and sanitary facilities during the work shift and are not penalized as a result.
- Employer-provided or agent-provided housing permits free movement and are never locked to prevent egress. Restrictions, such as curfews, are acceptable only if they are either reasonable, or based on legal ordinances, or to safeguard the health and safety of workers.
- Migrant workers are free to return to their home country or domicile during periods of annual or personal leave without having to pay any form of deposit or being subject to threats of termination or retaliation.
- Surveillance is not used for intimidation or control. Workplace monitoring is narrowly tailored in time, place, and manner; employers notify workers of all monitoring.

Respect Workers' Decision to End Their Employment

Workers freely elect to begin work and are similarly free to end the employment relationship. Employers do not use threats or menace of penalty to force or coerce workers to remain in their jobs.

Employers do not withhold any payments or entitlements owed, upon termination. This includes, but is not limited to, withholding of: wages, bonuses, accrued but unused leave, or other allowances already earned. Similarly, employers do not charge early termination fines or cause the forfeiture of deposit or savings accounts. Employers pay all final wages within the standard pay period detailed in the terms of employment.

Except where expressly required by law or regulation, employers do not require workers to, or otherwise deduct for, lodging deposits or security payments. Employers reimburse all applicable and authorized deposits or security payments as expressly required by law or regulation, or employment contract.

Employers shall arrange and pay for the repatriation of foreign migrant workers at the conclusion of their contracts. Employers also repatriate workers if they terminate the contract for any reason before the contract end date, except in case(s) of documented gross misconduct or illegality.

Freedom of Association

Employers follow applicable law regarding freedom of association and collective bargaining and workers' equal right to refrain from such activity.

Legal Compliance in Freedom of Association and Collective Bargaining

Employers comply with all applicable laws and regulations regarding freedom of association and collective bargaining.

Protection of Workers' Free Choice

Employers shall respect the rights of workers to join, form, or assist a worker organization of their choice, or refrain from doing so, in accordance with applicable law, regulation and practice.

Humane Treatment & Non-Harassment

Every worker deserves to be treated with dignity and respect and should not be subject to physical, sexual, psychological, or verbal harassment or abuse, coercion, or the threat of such conduct. Employers address the need to prevent sexual harassment with education, communication and disciplinary procedures that demonstrate that such behavior will not be tolerated.

Prohibition against Harassment & Abuse

Employers treat every worker with dignity and respect and commit to providing a work environment that is professional and respectful, free of unlawful harassment and retaliation of any kind. The use by any person of verbal, physical, visual, or psychological threats, or abuse or harassment of any kind, sexual or otherwise, is not be tolerated.

Harassment or abuse is unwelcome conduct in the workplace, which a reasonable person would find threatening, intimidating, humiliating, hostile or offensive, and unrelated to the company's legitimate business interests. It can include conduct so severe or pervasive that it affects the worker's ability to perform the job. It also includes a situation when a job benefit, or continued employment, is made conditional on acceding to continued harassment or abuse, or in exchange for sexual favors. Harassment or abuse may be conducted by management against workers, by workers against workers, or workers against management.

Harassment Prevention

Employers take reasonable care to prevent harassment. This includes:

- The company clearly prohibits such conduct. Employers document prohibited behaviors, penalties for acts of harassment, and worker recourse in case of violations.
- Workers receive detailed communications on their rights and protections regarding harassment, in a manner that ensures they both receive and understand it.
- Managers, supervisors, and crew leaders receive training on recognizing and preventing unacceptable behaviors, and on effective responses, within six months of his/her hire and/or promotion, and then as needed or legally required.
- Employers maintain documentation on the training provided and communications issued (i.e., on what, to whom and when).

Commitment to Investigate & Take Action

Effective mechanisms exist for reporting harassment or abuse complaints, as well as for their investigation and response. A qualified individual will promptly investigate all harassment and abuse complaints, in a fair and thorough manner. The allegations and specifics of the ensuing investigation are kept confidential. If it is discovered harassment or abuse has occurred, the

employer takes immediate and effective corrective action; steps will also be taken, as necessary, to prevent any further harassment or abuse.

Employers provide assurances that a worker will be protected against retaliation for making a complaint or assisting in a complaint investigation.

Non-Discrimination

Equal employment opportunities are respected, including respect for all individuals. Workers deserve a workplace free from unlawful discrimination in any form, where employment decisions are based only on the requirements of the job.

Non-Discrimination Compliance

No person is subject to any discrimination in employment (including, hiring, salary, benefits, advancement, rewards, discipline, access to training, or in termination or retirement) due to any characteristic legally protected from employment discrimination.

There is no difference in pay for workers performing substantially similar work with a comparable composite of skill, effort and responsibility, absent bona-fide factors recognized by law.

Prohibited Inquiries and Medical Screening

Pregnancy testing, and any other medical tests prohibited by applicable law or regulation, are neither administered during the hiring process nor during employment.

Employers shall not ask females about pregnancy status, unless required for reasons for health and safety (such as potential chemical exposure).

Equal Opportunity

Equal opportunities for all workers are respected. Employers offer equal training and promotion opportunities to all workers with the same type and quality of work.

The allocation of less-desirable tasks, access to training and opportunities, working hours, pay, overtime, benefits, healthcare, union rights, collective bargaining agreements, disciplinary procedures, and termination policies are transparent and based on the principle of equal treatment.

Supervisors are trained in avoiding discriminatory practices.

Employers comply with all legal requirements for pregnant, post-partum and lactating women.

Women returning from maternity leave are given an equivalent position, pay and benefits as required by law or regulation.

Protection of Children & Young Workers

Respecting and supporting children's well-being requires employers to actively safeguard children's interests, preventing harm at the workplace. Young people who can legally work also desire and deserve economic opportunities, but need age-appropriate work and appropriate supervision. Employers commit to prevent children and/or young workers from performing work that is mentally, psychologically, physically, or socially dangerous or harmful, or that hinders compulsory education. Employers do not hire anyone below the legal age of employment or younger than 15 where no minimum employment age exists.

Minimum Age for Employment

All workers are of legal age of employment as established by applicable laws and regulations in the jurisdiction of employment. If not covered by law, workers are at least fifteen years old.

Employers do not employ anyone without confirming, via the use of legal documentation, that he/she is legally allowed to work.

Young Workers Protection

Employers shall have a program to comply with any regulatory restrictions or requirements applicable for those under the age of 18.

Employer programs should exempt workers under the age of 18 from performing any work likely to be hazardous (either by its nature or under the circumstance in which it is carried out) and are exempt from hours of work that conflict with compulsory education.

Mechanisms for implementation of the program are clearly defined, consistently applied, and documented. These mechanisms include a risk assessment of the workplace where hazards are identified and communicated and include applicable restrictions designed to protect young workers from health and safety risks.

Removal of Children

Childcare facilities, if made available at work, do not physically overlap with the actual worksite where work is performed. Where child care is not provided by the employer, a parent cannot bring his/her child to work. Non-employed children do not have access to production, harvest, or other work areas, except in the case of supervised tours or community programs.

In the event an underage worker is identified, he/she is removed from the workplace immediately and kept safe until he/she is handed over to his/her legal custodian or applicable government official.

Glossary

Bonded labor or debt bondage: 1) A person's pledge of labor or services as security for the repayment for a debt or other obligation. 2) A situation where labor is pledged in exchange for a high-interest loan and most or all the money earned goes to pay off the loan, which constantly increases. The laborer faces threats, coercion, violence, or intimidation if he or she tries to leave. 3) A practice in which employers give high-interest loans to workers whose entire families then labor at low wages to pay off the debt. In extreme cases, such debt is passed down generations of a family.

Child: Any person less than the minimum age of employment as established by the jurisdiction of employment. If not covered by law, then a child is anyone under 15 years of age, unless local minimum age law stipulates a higher age for work or mandatory schooling, in which case the higher age shall apply.

Company: Any organization within the produce or floral supply chain, including purchasers, suppliers and subcontractors.

Continuous improvement: An operational philosophy based on the premise that performance improvement is the ongoing responsibility of everyone in the company. Within this document it refers to the recurring process of enhancing the social performance management system to achieve improvements in overall performance consistent with a company's responsible labor practices strategy.

Contract / work contract: An agreement on the terms and conditions under which a person agrees to perform duties as directed by the employer in return for an agreed wage. The agreement can be verbal or written.

Contract substitution: The practice of exchanging one contract for another that puts the worker at a disadvantage or substantially worsens the terms of employment without the worker's consent.

Corrective action: Action to eliminate the cause(s) and root cause(s) of a detected non-conformance or prevent recurrence.

Effective or effectiveness: Effectiveness refers to the degree to which a planned effect is achieved. Planned activities are effective if these activities are realized. Similarly, planned results are effective if these results are achieved.

Employer: One who employs the services of others; one for whom employees work and who pays their wages or salaries. This may include labor contractor, recruiter, or agent.

Human trafficking: The recruitment, transfer, harboring or receipt of persons, by means of the use of threat, force, deception, or other forms of coercion, for the purpose of exploitation.

Involuntary prison labor: Work performed by individuals who are incarcerated or under governmental detention that is mandatory in nature, where the individual is not compensated in wages, and is not part of a rehabilitation program whereby inmates acquire skills or education that would help them find a job after release.

Labor contractor: A person or company who recruits, solicits, hires, furnishes or transports workers for employment in exchange for payment, wages, salary, fees or other consideration, either for himself or on behalf of another. Common terms include: labor provider, labor agent, labor broker, labor intermediary, labor recruiters, private employment agencies, manpower agencies, including sub-agents. Sometimes, the contractors are paid by the site and the wages of the individual workers are paid by the contractor; the labor contractor is the employer of record, and continues to manage the workers as a “labor service” to a client.

Legally protected status: Protection varies by authority and applicable regulations. It may include such common characteristics as race, color, age, gender, sexual orientation, gender identity and expression, ethnicity or national origin, disability, pregnancy, religion, political affiliation, union membership, covered veteran status, protected genetic information or marital status.

Migrant Worker: A migrant worker is a person working sufficiently far away from his or her permanent residence that he or she requires housing during the term of employment. A migrant can be from within the same country or from another country. It often refers to a person who is engaged, or has been engaged, in a remunerated activity in a country in which they are not a national and where they do not intend to remain permanently or has purposely migrated on a temporary basis to another in-country region to seek and engage in a remunerated activity. In some countries / areas they can be defined as those who require special permits to work in that location.

Premium Pay: Premium pay is additional pay provided to employees for working certain types of hours or under certain types of conditions, as defined and regulated by applicable laws and regulations. For example, additional pay may be required for overtime, night shift work, holidays work or Sunday work, depending on the applicable jurisdiction.

Purchaser: Company purchasing commercial quantities of produce and/or floral products.

Purchasing practices: The day-to-day activities used by companies to develop products and bring them to market. It can encompass the following activities: development of artwork, tech packs or sample products; forecasting sales/volume; negotiating with suppliers on cost, delivery, and other terms; financial and inventory control; testing product aesthetics and

quality; deciding on placement of orders; production planning. Activities are typically organized in a process calendar of deadlines/key milestones for various work, meant to assure products can be produced and delivered by the needed in store date.

Radius of work: The location of fields where a worker performs the contracted duties, especially when work is not confined to a single farm but located within a nearby geography.

Risk assessment: A process to identify the health, safety and labor policies and practices of a company and to prioritize associated risks. As a component of risk analysis, it involves identification, evaluation, and estimation of the levels of risks involved in a situation, their comparison against benchmarks or standards, and determination of an acceptable level of risk.

Responsible sourcing: Consideration of whether goods are produced and purchased in a manner that demonstrates respect for the people who produce them.

Seasonal work: A job or task performed at certain seasons or periods of the year, and from its nature, cannot be continuous or carried on throughout the year.

Seasonal worker: A person employed in a temporary position on a seasonal basis.

Supplier/subcontractor: Any entity or individual(s) in the supply chain that directly provides the company with goods or services integral to, utilized in or for the production of the company's goods or services.

Temporary Worker: An individual is employed for less than one year or who occupies living quarters away from his / her domicile in connection with employment.

Worker: Any person that has been contracted to carry out a task. This includes farm owners and managers. Workers may be: permanent, seasonal, temporary, contract workers from a labor contractor, or migrant workers.

Worker organization: An autonomous voluntary association of workers organized for furthering and defending the rights and interests of workers. This includes, but is not limited to, organized labor, i.e. an association of workers united as a single, representative entity for the purpose of improving the workers' economic status and working conditions through collective bargaining with employers.

Young Worker: Any worker under the age of 18 but over the age of a child, as defined above.