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CERTIFICATION AND DUE DILIGENCE



Challenges to Protect Human Rights
in Supply Chains



CONTAR
Conferência Nacional dos Trabalhadores
Assalariados e Associados do Trabalho

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PRESENTATION

The National Confederation of Rural Wage Workers has a history of relentless struggle to defend human rights and combat the worst forms of labour. To this end, it carries out several research, training and advocacy actions focused on topics such as due diligence and the private governance systems of top global supply chains.

Therefore, CONTAR has participated in and supported partnerships that bring together labour unions, non-governmental organizations, governments, and even employers' associations to promote social dialogue in order to protect the human rights of all workers, communities and traditional populations – that is, the most vulnerable population.

In Brazilian agriculture, human rights violations are not isolated cases – on the contrary, they are an integral part of a production model focused only on increasing the profits of large corporations and major supermarket chains.

By supporting the publication of this work, CONTAR hopes to provide workers, unions and other civil society organizations with inputs to help them design strategies to defend human rights, especially in supply chains.



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INTRODUCTION

The entire Brazilian population – especially family farmers, rural wage workers, indigenous people and traditional populations – live and interact directly or indirectly with agribusiness, now seen as one of the most important sectors of Brazil's economy. It is worth 500 billion dollars a year, and that figure is expected to reach 1 trillion in 2024.

Despite agribusiness's economic importance for the country and the undeniable wealth it creates, its relationship with society is not always harmonious. That is mainly because, as a result of the role it plays in the economy, its interests are imposed on everyone, even if human rights violations come with it. As for family farming and rural wage earners, their relations with agribusiness are full of conflict, since their interests do not converge.

Family farming is known to produce 70% of all food consumed in Brazil and has huge potential to reach the international market, but it struggles to defend its rights and receive the same government support that has been given to agribusinesses.

In recent decades, large agribusiness has modernized, incorporating technological innovations into its production models, which has allowed it to increase productivity in smaller areas. However, this modernization has not reached agribusiness's relations with society, especially workers.

In Brazil, for example, the average rate of rural workers without formal contracts is very high: around 60% of the existing 3.9 million workers. In some states such as Sergipe, Bahia, Pará and Tocantins, unregistered workers account for more than 80% of the workforce. Agribusiness plays an important role in all of those states, and its products are sold in the domestic market and exported to several countries around the world.



A cartoon illustration of a family sleeping in a room infested with bedbugs. A man, a woman, and a child are all sleeping, with bedbugs visible on their bodies and the furniture. A table with a skull and crossbones symbol is also present.

A cartoon illustration of two men in a field. On the left, a man with a beard and a straw hat, wearing a red shirt and blue pants, holds a shovel and a small potted plant. On the right, a larger man with a wide smile, wearing a yellow plaid shirt, blue pants, and a tall yellow hat, holds a large red rifle. They are standing on green grass with small green plants in the background.

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There is an inexplicable contradiction in rural Brazil, especially considering that modernization of agriculture did not effectively change workers' lives or even reduce human rights violations. For example, it is unacceptable that an activity that generates millions of dollars has not eliminated forced labour from its supply chain. The same can be said of rural violence: in recent years, we have seen an escalation of violence against workers.

All these problems were denounced to the authorities over time, but history shows that, despite some advances, the scenario is worsening. What is to be done? What tools could workers use to fight so many violations of their rights?

There is no precise answer to these questions, but some tools can strengthen the fight against inequalities and improve the living and working conditions of the rural population – especially if we consider that Brazilian agribusiness's products are sold all over the world and some international laws try to encourage best practices and combat the marketing of products resulting from exploitation and violation of human rights and environmental standards.

This publication is intended to introduce workers to one of these tools: the supply chain certification process and socioenvironmental responsibility labels, which will be described below.



WHERE DOES RURAL WEALTH GO?

Everyone knows that not all Brazilian agribusiness's products stay in the country. Brazil has become a major exporter of so-called agricultural commodities. Of its ten largest commodities exported, seven come from agriculture and livestock: soybeans, poultry, raw sugar, cellulose pulp, soy meal, beef, and coffee beans. We also export rice, grapes, mangoes, apples, melons and other rural products such as concentrated orange juice.

According to data from the WTO, five countries buy more than 50% of Brazil's farming production: China (soy, cellulose pulp, timber, beef, pork and poultry); the United States (forestry products, coffee, tobacco and its products); the Netherlands (soy, forestry products, juices – mainly orange juice); Germany (soy, coffee and meat); and Russia (beef, pork, poultry – chicken and turkey – sugar cane products, and tobacco). Therefore, Brazil exports its agricultural products to the main rich countries, playing a prominent role in the international market.

WHY IS THIS QUESTION IMPORTANT?

Would you eat an apple knowing that it was picked by a child? Would you drink a cup of coffee knowing that it was planted by forced labour? Would you eat a bell pepper after learning that 91.8% of the samples analysed by Brazilian health control agency Anvisa in 2018 contained poison above legal levels?

Knowing the destination of Brazilian agribusiness products is important for finding out if purchasing countries have rules to protect human rights and the environment. For example: are orange juice buyers aware of the working conditions of employees and farmers in the industry? Do people who drink Brazilian coffee know about its production process in the states of Minas Gerais, Espírito Santo or Bahia? Do foreign buyers know that family farming can also supply coffee and orange juice, for example, produced in a more sustainable way?

Therefore, if we do not know who buys our products, how can we ask these questions? We need to find out who is at the other end of the line.



BUT WHY SHOULD WE ASK THESE QUESTIONS? DOES ANYONE REALLY CARE?

Yes. Many consumers in the world demand to know the sources of everything they eat. Many supermarkets like to know – or at least they should like to know – how and where products sold on their shelves are produced.

For many countries, knowing product information – batch, expiration date, production method, among others – is not enough. They need to know if workers enjoy their basic rights, if there is respect for the environment, among others.

ARE ALL THOSE WHO BUY OUR GOODS CURIOUS ABOUT THESE QUESTIONS?

Of course not! But we can say that many feel embarrassed and lose a lot of money when they sell products from supply chains that do not respect workers' rights or that grow based on conflicts with neighbouring communities and family farming.



THEN WHAT? CAN WE DO ANYTHING ABOUT IT?

More and more, the world is saying: Hey, not like that! It is no use demanding red apples if they

are red as a result of workers' blood! It is no use demanding that apples shine or chocolate does not stick to its packaging if the carnauba wax was extracted by forced labour in the Brazilian states of Piauí and Ceará.

This change has been under way on the basis of public and private international regulations designed to define and encourage production standards that comply with basic guarantees related both to product quality and the way in which that activity is developed.



According to the United Nations Guiding Principles on Business and Human Rights, actors must investigate, monitor, prevent and take measures to reduce the risk of human rights violations in supply chains. These duties are the responsibility of corporations at the top of supply chains and should reach all those with whom they have direct or indirect relations. In other words, a supermarket that sells sugar in Germany must monitor working conditions not only on the properties of a sugarcane mill from which it buys directly but also on the properties that supply raw materials to that mill. For example, between 2015 and 2022, the United Kingdom and France – and Germany more recently – passed regulations under which companies must create tools to monitor their supply chains, that is, they have to define ways to collect data that enable them to identify problems. According to the same laws, companies' commercial contracts must include clauses according to which their partners will have to commit to human rights. In 2022, the European Union passed a directive that includes environmental and human rights standards for supply chains.

In short, what these countries are saying is: we do not want goods produced in violation of human rights on our tables or the shelves of our supermarkets.

In addition to the laws passed by countries and international bodies, the market itself started to demand basic quality standards from industries. Some of those rules define orange size, peel colour, production methods and pesticides to be used. Others are directly related to supply chain sustainability, demanding that the activity be economically viable and socially beneficial, and do not compromise the future of the planet itself.

These standards, associated with national legislation and other sources such as International Labour Organization (ILO) conventions, set limits to economic activities. All workers must know them since they are crucial to establish tools to combat violation of rights.

WHAT IS CERTIFICATION AND WHAT IS IT FOR?

Certification is nothing more than the verification procedures to which a company voluntarily submits to prove that its activities comply with a certain standard. When producers apply for this process, they allow their activities to be analysed by an audit organization or firm. If the procedure confirms that they comply with the requirements defined in the standard, a seal is granted so that everyone can identify them.



By showing these labels to the world, agribusiness can add value to its products, enter new markets and consequently make more and more money. That is why labels have become objects of desire for many companies that are not always exactly committed to best practices.



Socioenvironmental responsibility standards include requirements associated with working conditions and relations with communities. Therefore, they can be important tools for improving living and production conditions, but they will only achieve this goal if they make sure that the process is accessible to all, being transparent and participatory. Knowing the standards is essential for society to monitor the way these labels are granted and prevent misuse of such an important instrument, and for family farming to identify potential markets for its products.

WHY SHOULD WE INSPECT IT?

The verification process for certification does not happen just once. Upon receiving a label of good practices, a company commits to monitoring its activities so that the requirements are complied with. For a company or organization, losing a label is worse than not having one, especially when that loss is a result of external complaints, since it shows that the certification process has failed or has not been conducted with the necessary earnestness. Losing a label may have the following consequences:

- Loss of credibility in the international market by the label itself, audit firms, and the certified product;
- Financial losses resulting from the decrease in market value of companies and their products;
- Suspension of purchase/export contracts in the international market;
- Trade barriers that prevent the access of those products to certain countries;

From the point of view of product quality, Brazilian companies exporting beef and poultry have already suffered losses due to non-compliance with hygiene standards set by the United States and the European Union. With regard to working

conditions, companies with important shares in the world market have recently had some of their properties included in the so-called Dirty List of Slave Labour.

In all these cases, in addition to the financial losses, the image of the companies and the country was badly damaged abroad. Therefore, there is no doubt that this monitoring can be very useful so that workers and society can put pressure on agribusinesses – first, to demand that all companies observe certain principles in their activities; second, to ensure that socioenvironmental responsibility labels are not granted to companies that do not observe these principles.

CERTIFICATION SCHEMES

Certification schemes were created to inform consumers and society as whole about the quality of a product, process or service.

As a way to publicize and identify certified companies and products, the market started to use some symbols (labels) to enable society not only to guide consumption decisions but, above all, to verify if that company is effectively committed to the principles established under certain standards. For a company to be able to use the seal of a certification scheme, it must adopt its norms and rules.

In our daily lives, we come in contact with a wide variety of labels, which include various types of information. Some are related to the technical quality of the products, such as the coffee purity seal and the organic production label, for example.



Label granted by the Brazilian Association of Coffee Industries to guarantee a pure product, without any mixing or adulteration.



It ensures that agricultural production, at all stages, is developed with respect for the environment, guaranteeing pesticide-free, quality food products. Others seek to identify companies committed to combating the worst forms of labour and promoting decent work in their supply chains, such as the 'Child-friendly company' label and the SA800 label.



Label granted by ABRINQ Foundation that attests to the company's commitment to combating child labour and carrying out actions that benefit children and adolescents.



International standard that identifies companies developing their activities by monitoring working conditions and without employing forced and child labour.

SOCIOENVIRONMENTAL RESPONSIBILITY STANDARDS

Socioenvironmental responsibility standards are the rules of conduct set by certification schemes aimed at promoting good social and environmental practices when supplying goods, products and services. These rules set limits to the way in which a certain activity is performed, that is, if it respects human rights, preserves the environment, and undertakes to prevent or minimize the adverse impacts of its activities on society and the planet. These rules seek to encourage companies to make commitments that go beyond profit, such as fighting the worst forms of labour and defending human rights. Companies that seek to demonstrate their commitment to positive environmental and social impacts must adopt these standards.



Labels granted by socioenvironmental certification 's help consumers identify companies 'committed' to supply chain sustainability and to minimizing the impacts of their activities on people and communities in general. A company committed to socioenvironmental standards cannot, for example, operate in ways that harm the environment or violate the rights of workers and traditional populations.

SOME SOCIOENVIRONMENTAL RESPONSIBILITY STANDARDS APPLICABLE IN AGRICULTURE



GLOBALG.A.P.

This label indicates sustainable farming with strict control over production and responsible monitoring of the health and safety of employees and animals.



FAIRTRADE

Fairtrade verifies balanced social and environmental standards in the supply chain, based on principles related to fair trade and sustainable development.



Rainforest Alliance certifies that production adopts good practices in terms of both its sustainability and its management of the environment and its workers.



UTZ attests to sustainable production that respects environmental and workers' rights, and the supply chain's commitment to best practices.

CERTIFICATION STEPS

1) DESIGNING THE NORMS

The certification process is always preceded by the creation of the rules that determine the parameters to be observed on a daily basis by the company to be certified. At this stage, norms, policies and procedures are created that define, among other things, the type of audit applicable, monitoring frequency, makeup of the audit team, non-conformities to be checked, and rules to be followed in order to obtain, keep or lose the certificate. There are three types of audits:

a) First-party audits

First-party audits are those conducted by companies themselves to verify, for example, their own rules guiding their daily activities.

b) Second-party audits

Second-party audits are those conducted by companies to monitor their supply chains and observe compliance with certain guidelines. For example, Nestlé established the Responsible Sourcing Standard, which aims to ensure a sustainable supply chain that increasingly reduces impacts on the planet's resources. Compliance with the standard is guaranteed by an audit process conducted by Nestlé itself in its supply chain, such as milk producers under contract farming, for example.



Another company that also adopts standards using second-party auditing is Starbucks, a US-based multinational that owns the world's largest coffee shop chain. Through a partnership with SCS Global Services, the company created the Coffee and Farmer Equity (C.A.F.E.) Practices standard to guarantee product quality, commitment to best labour practices, and environmental protection. In 2018, forced labour was found on one of the farms certified by Starbucks in the state of Minas Gerais.

c) Third-party audits

Third-party audits are those performed by independent auditors accredited by those responsible for the label to carry out the procedure. That is, it is external audit directly linked to the company or organization that designs the standard.



Under the rules of the FSC standard, which guarantees that forestry production complies with environmental rules and respects the rights of workers, local communities and indigenous populations, the verification process must be conducted by an independent certifier. FSC has an internal system (A.S.I. – Assurance Services International) that verifies whether audit firms are complying with standards and certification procedures.

2) ACCREDITATION OF AUDIT FIRMS

In the case of labels that provide for third-party audits, after the standard's norms and rules are created, firms/organizations considered suitable to conduct audits are accredited. Therefore, each label approves and is responsible for those who will verify compliance with its rules.

3) COMPANIES APPLY FOR A CERTAIN LABEL

Despite being required by the domestic and foreign markets, the decision to undergo a verification process to obtain a label of good practices is voluntary. Therefore, once the rules have been created, certification only begins when the company decides to apply it or the market requires it.



4) HIRING THE CERTIFIER AND TAKING PREPARATORY STEPS

Once this option is made, the company has to hire one of the firms accredited by the label's owner or manager. Then the first steps are taken, such as defining the scope of certification, clarifying the audit's goals, which aspects will be addressed, and which rules will be verified.

The next step is the previous analysis of all documents – both those required by the standard and others that may help to assess whether the company effectively complies with its rules. Some certifiers, such as Imaflora, usually consult other databases, in addition to those required by the rules, such as the National Register of Employers Caught Using Slave Labour (the so-called DIRTY LIST).



Then the team that will assess the company in terms of the certification's norms and rules is defined. It must include professionals specialized in the areas that will be audited. That is, if the standard covers conditions at workplaces, the team must include at least one auditor with skills and experience in assessing working conditions. If one of the audit's goals is to assess how pesticides are applied, the presence of an agronomist is essential. Thorough certification schemes set rules for training auditors to ensure that these professionals enjoy credibility and are impartial and ethical in their work.



In summary, this first step of the procedure ends with planning all the steps of the audit.

¹To ensure credibility of socioenvironmental certification schemes, rules were created for designing socioenvironmental standards. The main reference is ISEAL, an international organization that supports the development and use of reliable and effective sustainability schemes

5) FIELD AUDIT

After setting the goals, conducting previous research, and defining the team that will monitor the process, the audit itself starts. Its main steps are:

a) Opening meeting

The opening meeting is conducted by the lead auditor and kicks off the audit process. It highlights: the audit's goals as well as the standard and the certification rules to be verified; the confidentiality agreement between certifier and company; the need for teams to have access to areas and documents necessary to conduct the audit; and the fact that interviews with workers should be conducted without the presence of other people from the company, especially managers and supervisors. Channels and mechanisms for suggestions and complaints about the performance of the audit team are also shared. At that point, activities taking place at the company are verified in order to select those areas and activities to be inspected during the audit.

b) Document analysis

At this stage, the auditors examine all documents related to the company's activities to verify whether they comply with the rules, for example, environmental licenses, documents indicating legal land status, collective bargaining agreements.



c) Field visit

The next step is a visit to the property to conduct on-site inspection of activities, check facilities and accommodation, visit work fronts, speak with company officials (managers, team leaders and other professionals) and lower-rank workers.

PAY ATTENTION:

- The auditors' field visit is not a surprise; it is previously scheduled, which may allow ill-intentioned companies to hide real working conditions.
- Interviews during field visits are based on samples, i.e. only some workers are heard. Companies should not choose or direct the workers who will be heard.
- Workers cannot be heard in the presence of supervisors, crew chiefs and other managers.
- Consulting labour unions is not mandatory, that is, auditors may decide to speak directly with rural workers or family farmers.

d) Closing meeting

At the closing meeting, the audit's results are presented, that is, the points where the company complies or not with the certification's rules, verified by the audit team through document assessment, interviews and field visits.

Report preparation and document organization
After that, a report is prepared with all the information on the activities conducted (audit goals, previous document analysis, field visits, etc.). The audit firm's report may or may not recommend certifying the activity or product (granting the label).

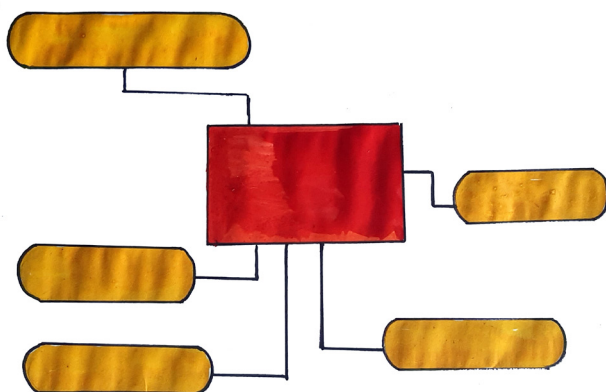
6) ANALYSIS OF REPORTS BY CERTIFIERS

Once all the steps defined in the certification process have been carried out, the managers or owners of the labels receive the report and all documents relevant to the activity.

IMPORTANT:

- Unions may influence decision-making even if they are not formally heard by certifiers, since potential issues not found during verification can be pointed out to auditors and label owners through certification schemes' grievance channels.
- This influence may occur before or even after the label is granted, as complaints about possible violations of the rules have a direct impact on the

process. Recently, after receiving complaints from Repórter Brasil, UTZ suspended a label that had been granted to a coffee farm in Minas Gerais state. Audit firms are responsible for conducting the verification process, but the final responsibility for the certification decision rests with label owners (certification schemes). It is the latter's responsibility to analyse whether audit firms complied with the procedures set out in the standard and whether audited companies act in accordance with the standard's guidelines. Based on this information, the label owner decides whether to certify that company/chain.



DO I HAVE TO COMPLY WITH ALL RULES TO BE GRANTED A LABEL?

NO! Some certification schemes design their norms based on the idea of continuous improvement, that is, they allow some of their requirements to be met over time and not necessarily at the first audit. In these cases, minimum parameters are often set so that companies can be certified based on critical and non-critical criteria.

Critical criteria can be defined as those related to the core goals of the standards and therefore cannot be disregarded under any justification. For example: for labels that verify a company's commitment to the best working conditions, the absence of forced labour or slavery is a critical criterion. Non-compliance with critical criteria jeopardizes the credibility of the label, the certification scheme, the certifier, and all certified companies.

Non-critical criteria are those that companies do not need to observe in full and which may be gradually met. These are the so-called continuous improvement norms, that is, they are criteria that companies undertake to improve over time. An example of a non-critical criterion is organizing a plan to pay living wages as provided for in the Rainforest Alliance standard. Companies certified by Rainforest Alliance commit to complying with this requirement within the deadlines set by the

certification's rules. The certifying company is responsible for verifying compliance with these deadlines.

Each label sets its own critical and non-critical criteria. Knowing the type of responsibility set by the norms is crucial to identify them.

AGRICULTURAL PRODUCT CERTIFICATION SCHEMES

Next, we will present how socioenvironmental certification schemes applicable to agricultural products address human rights at work and how unions can dialogue with certified producers and companies as well as certification bodies and schemes. Three schemes were selected: Rainforest Alliance, Bonsucro and RTRS (Roundtable on Responsible Soy Association).

WHAT DO I NEED TO KNOW IN ADVANCE?

1) Goals of the certification scheme

Every socioenvironmental certification scheme has its purpose, that is, it aims to offer certain social, environmental and economic guarantees. These reasons are usually expressed in the certification's public statements and requirements.



"The Rainforest Alliance label means that the specific product or ingredient was grown on farms certified with the Rainforest Alliance's Sustainable Agriculture Standard and/or the UTZ Code of Conduct. For herbs and spices, we recognize the Union for Ethical Bioproducts (UEBT) Standard, combined with additional elements of the Rainforest Alliance Sustainable Agriculture Standard."²



"Bonsucro offers a credible, metric certification process to demonstrate commitment to environmental and social sustainability in sugarcane. The Bonsucro certificate is internationally recognized and respected. When you obtain a certificate, you will be able to improve your image, achieve sustainable sourcing goals and establish partnerships to jointly address sustainability issues."³

²Source: https://www.rainforest-alliance.org/pt-br/intuicoes/o-que-certificado-rainforest-alliance-significa/?_ga=2.228810521.427324164.1655315489-897601335.1651066215. Accessed June 15, 2022. • ³ Source: <https://www.bonsucro.com/wp-content/uploads/2021/01/Certification-benefits-2020-EN.pdf> Accessed June 15, 2022.



"[RTRS] ensures that soy was produced under environmentally correct, socially fair and economically feasible conditions, with zero deforestation and zero conversion. It is applicable to the production of soy and corn for distinct purposes: human consumption, balanced animal feed, biofuels."⁴

2) Which crops are assessed by a certification scheme?

Bonsucro exclusively certifies sugarcane and RTRS soy and corn. The Rainforest Alliance, on the other hand, applies to a wider range of products, such as bananas, cocoa, coffee, flowers, fruits, herbs and spices, nuts, palm oil and tea.

3) Scope and rules of certification schemes

As mentioned, certification schemes are voluntary processes and adopt different methodologies to define how their rules and standards should be applied. By defining the scope of their rules and standards, certification schemes determine the scope of certification.

To define the scope, a certification scheme makes a series of decisions, such as:

- a) Will the certification be limited to organic production or will it include conventional agriculture?
- b) Will the certification rules apply only to companies' own and leased areas or will they also apply to their suppliers' areas?
- c) Will different indicators apply to large, medium and small properties to consider the difference between these producers' profiles?
- d) Will the socioenvironmental requirements applicable to agricultural areas also apply to the processing industry?

In addition to the issues above, the certification scheme makes a number of other decisions that shape the structure of the rules so that a rural producer (or an agricultural company) can be certified.

Scope of Rainforest Alliance, Bonsucro and RTRS Certification Schemes

Rainforest Alliance – The Rainforest Alliance certification scheme applies to conventional agricultural production systems. The certification standard's requirements apply to entire farms and not just to production areas. The number and types of farms – owned or leased by companies or belonging to suppliers – are defined by the certified property/company.

Bonsucro: This certification applies to conventional agricultural production systems. The requirements of the standard are applicable to mills and farms. The number and types of farms – owned or leased by companies or belonging to suppliers – are defined by the certified property/company.

RTRS – The RTRS standard applies to conventional agricultural production systems. Its requirements apply to entire farms and not just to production areas. The number and types of farms – owned or leased by companies or belonging to suppliers – are defined by the certified property/company.

4) Certification of agricultural production compared to certification of the other links in the supply chain

Once agricultural production is certified, the other links in the supply chain that process these products must also be certified. This is called chain of custody certification and aims to trace certified products – which has had all its social and environmental conditions assessed – from the moment it leaves the property until it reaches the shelves for final consumers. Traceability is essential to avoid mixing it with raw materials that were not produced under the same guarantees.

By focusing only on traceability, chain of custody certification usually does not include social and environmental requirements. That has always been strongly criticized, especially by labour unions, which point out that products are granted socioenvironmental labels without considering the working conditions in the other links in supply chains. Therefore, some certification schemes started to include basic indicators related to working conditions and health and safety to be applied to chain of custody certification processes.

5) Applicable rules

Certifications undergo periodic reviews, which sometimes change their norms and rules and mandatory requirements, and may add annexes, guides and guidelines.

⁴ Source: <https://responsiblesoy.org/certificacao?lang=pt-br> Accessed June 15, 2022.

HUMAN RIGHTS AT THE WORKPLACE UNDER THE RAINFOREST ALLIANCE, BONSUCRO AND RTRS CERTIFICATIONS

The three certification schemes examined here have principles, criteria and indicators related to human rights at the workplace. In the table below, we list relevant topics in terms of human rights at the workplace for workers and union representatives, and whether or not the topic is addressed by the Rainforest Alliance⁵, Bonsucro⁶ and RTRS⁷ certification schemes.

TOPIC	Rainforest Alliance	Bonsucro	RTRS
Abolishing child labour	●	●	●
Abolishing forced labour	●	●	●
Freedom of Association and Collective Bargaining	●	●	●
Combating discrimination at the workplace	●	●	●
Health and safety	●	●	●
Combating violence, abuse and harassment at the workplace	●	●	●
Caution in using and handling pesticides	●	●	●
Promoting gender equality	●	●	●
Protecting maternity	●	●	●
Work contracts	●	●	●
Wages not lower than the minimum wage, national floor, or the legal wage of that specific professional category	●	●	●
Living wages	●	●	●
Working hours and overtime	●	●	●
Compliance with applicable labour legislation	●	●	●
Complaints and grievance mechanism	●	●	●
The standard requires service providers to meet requirements as well	●	●	●

⁵Sustainable Agriculture Standard – Agricultural production requirements. Version 1.1. June 2020. Accessed June 15, 2022. • ⁶Bonsucro Production Standard. Version 5.1. January 2022. Accessed June 15, 2022 • ⁷RTRS Soy Production Standard V.4.0. December 2021. Accessed June 15, 2022

OPPORTUNITIES FOR UNION ORGANIZATION

Given the commitments made by Rainforest Alliance, Bonsucro and RTRS to promote human rights at the workplace, it is possible to list some opportunities for union organization, especially for those representing workers from certified properties or companies.

Regarding certified properties/companies

- To monitor whether the working conditions offered throughout the year correspond to the commitments made.
- To strengthen channels for social dialogue on issues relevant to workers and unions.
- To use complaint and grievance channels to formalize complaints regarding working conditions and/or non-compliance with the requirements set out in certification standards; and negotiate improvements for workers.

Regarding certification schemes and certifiers

- To request that union representatives be consulted during audits so that they can present their considerations about certified properties and companies.
- To file formal complaints when the attempt to solve any matter of non-compliance with the certified property/company has not been successful.
- To contribute to the processes of reviewing the rules to include any adjustments they consider necessary to improve certification schemes for workers and unions.

PAY ATTENTION!

When making a complaint to a certifier, it is important to provide the greatest possible level of detail. The complaint should preferably be made in writing and include location, photos and any data that may help to describe it. Auditors and certification organizations are responsible for treating all data with confidentiality and responsibility to respond to all complaints filed.

Annex I – Requirements related to human rights at the workplace in agricultural certification standards

The table below lists principles, criteria and indicators contained in the certification standards on human rights in the workplace. Important: This list is intended to help locate requirements within standards. Some of the topics include more than one requirement and may not be indicated in the list.



TOPIC	Standards's requirements		
	Rainforest Alliance	Bonsucro	RTRS
Abolishing child labour	5.1.1	2.3.4	2.1.5
Abolishing forced labour	5.1.1	2.3.3	2.1.1
Freedom of Association and Collective Bargaining	5.2.1	2.4.1 2.4.2	2.4
Combating discrimination at the workplace	5.1.1 5.3.8	2.3.1	2.1.7 2.1.8
Health and safety	5.6	2.1	2.3
Combating violence, abuse and harassment at the workplace	5.1.1	2.3.2	2.1.9
Caution in using and handling pesticides	4.6.3	4.5.2	2.2.3
Promoting gender equality	1.6.1	-	-
Protecting maternity	5.5.3	-	2.5.7
Work contracts	5.3.1	2.2.1	2.2.1
Wages not lower than the minimum wage, national floor, or the legal wage of that specific professional category	5.3.3	2.2.4 2.2.5	2.5
Living wages	5.4	2.2	-
Working hours and overtime	5.5.1	2.2.2	2.5.3
Compliance with applicable labour legislation	1.2.1	1.3.1	1.1.2
Complaints and grievance mechanism	1.5.1	1.4	2.1.10
The standard requires service providers to meet requirements as well	1.2.2 5.3.9	-	2

WORKERS' STANCES

Over the last few years, unions and other civil society organizations have denounced the weaknesses of Due Diligence Laws passed around the world and private governance systems created by major brands. Many of these criticisms share a common point: the absence of workers' representation in the process.

Therefore, it is important to bring to light the views of millions of rural employees on certification schemes, which are the object of analysis of this publication, considering that they should be the main beneficiaries of that tool. The National Confederation of Rural Wage Workers (CONTAR) is a high-level trade union organization representing 4 million workers in Brazil, which has a National Commission for Monitoring Production Chains. Its board has recently passed several considerations regarding these schemes and the large companies at the top of the supply chain. They include:

a) STANDARDS SHOULD REQUIRE MANDATORY PARTICIPATION OF UNIONS IN CERTIFICATION PROCESSES,

setting rules that provide for previous consultation and participation of these organizations during audits. Excluding unions at these stages certainly limits access to information about the practices of the companies verified, since consulting isolated workers without any kind of protection undermines the identification of risks at the work environment.

b) PRE-SCHEDULED AUDITS DURING OFF-SEASON SHOULD BE BANNED.

This is quite relevant since audits conducted on scheduled dates allow many employers to make working conditions up to show compliance with the standard's criteria. Another important observation is that audits conducted during off-season prevent effective verification of compliance with the requirements, given that the number of workers is very low during that period.

c) COLLECTIVE AGREEMENTS AND CONVENTIONS BETWEEN UNIONS AND CERTIFIED COMPANIES SHOULD BE MANDATORY

For CONTAR, its Federations and Unions, supply chains covered by collective bargaining agreements offer better working conditions due to the ability of the parties – employers and employees – to discuss continuous improvements through collective bargaining.

d) INFORMATION MUST BE AVAILABLE IN PORTUGUESE

Almost all of the information provided by companies and those responsible for standards is published in several languages but not in Portuguese, which prevents unions and workers from accessing it and to know the norms, conduct inspections, and use existing grievance channels.

e) COMPANIES SHOULD DISCLOSE INFORMATION ON THEIR SUPPLIERS

Major brands and large supermarket chains often publicize their commitment to the UN Guiding Principles on Business and Human Rights. Risk identification and prevention systems are minimal, and few companies disclose clear information about links in their supply chains. Such omission undermines the possibility of inspecting human rights violations and filing related complaints, considerably preventing the identification of the link between those that violate human rights and those that place such products on the market.

f) COMPANIES IN THE DIRTY LIST SHOULD BE BANNED FROM CERTIFICATION

It is common knowledge that the Brazilian government has a National Register of Employers who have subjected workers to forced labour, which is periodically disclosed in order to publicise information about those responsible for this serious violation. According to unions and other civil society organizations, consulting the Dirty List should be mandatory to prevent companies caught committing this crime from benefiting from labels that attest to their sustainable practices and commitments to the principles set in UN and ILO norms as well as in Due Diligence laws.

g) OTHER CONSIDERATIONS

In addition to the points described above, CONTAR's board highlights the importance of standards to further discuss and set clear criteria focused on guaranteeing women's participation in the rural labour market and protecting workers from abusive use of pesticides and outsourcing.

⁹ CONTAR'S National Commission for Supply Chain Monitoring includes union leaders and technical advisors from all over Brazil, who plan, monitor and carry out actions aimed at monitoring and denouncing human rights violations in supply chains. The commission was formally created in April 2021 as a result of CONTAR's joint work with OXFAM Brasil, Repórter Brasil, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF). It is one of the goals of Project 'Strengthening Union Action to Promote Human Rights in Supply Chains,' sponsored by Sage Fund.

FINAL CONSIDERATIONS

In recent years, governments' detachment from the process of inspecting working conditions is noticeable, especially in Brazil, where enforcement has suffered from budget cuts and the lack of auditors to carry out inspections. At the same time, private verification systems have increased considerably, causing a shift towards the private sphere of risk prevention, monitoring and mitigation actions to prevent human rights violations in supply chains.

It is essential to recognize the importance of assigning and demanding greater responsibility from large companies for violations existing in their supply chains. However, governments cannot be exempted from their duty to protect the most vulnerable parts of labour relations.

This publication aims to help workers, civil society organizations and trade unions to assess basic information on private governance systems and help them design action strategies that minimize the risks of human rights violations in supply chains. The information contained here underscores the importance of socioenvironmental responsibility labels and due diligence legislation while exposing flaws that may prevent these initiatives from reaching their goals, which will only be overcome through actions that ensure transparency, compliance with the law, and greater participation of civil society, especially workers through their unions.



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Apoio:

