

**Minutes of the Human Rights Working Group (HRWG) Meeting**

**01 December 2022**

**Virtual Meeting**

**Time: 10:00am to 1:00pm (GMT +8)**

Attendance:

Name	Organisation	Constituency	Status
<b><u>Co-Chairs:</u></b>			
Noor Izlin Andrina (IA)	Sime Darby Plantation	Grower (MY)	Substantive Member
Eva Smulders (ES)	CNV	SNGO	Substantive Member
<b><u>Members:</u></b>			
Lim Sian Choo (SC)	Bumitama	Grower (IND)	Substantive Member
Tulio Diaz (TD)	Agropalma	Grower (ROW)	Substantive Member
Paloma Silva (PS)	Agropalma	Grower (ROW)	Alternate Member
Dumaria Panjaitan (DP)	Goodhope	Grower (IND)	Substantive Member
Carolyn Lim (CL)	Musim Mas	P&T	Substantive Member
Hu Ning Shing (NS)	Fujioils	P&T	Alternate Member
Suguna Murugan (SM)	Wilmar	P&T	Alternate Member
Laila Wilfred (LW)	Cargil	P&T	Substantive Member
Jaideep Bedi (JB)	Bunge	P&T	Substantive Member
Carola Galeppini (CG)	Unilever	CGM	2nd Alternate Member
Natasha Mahendran (NM)	Mars, Incorporated	CGM	Alternate Member
Sarah Smith (SS)	Kelloggs	CGM	Alternate Member
Amalia Falah (AF)	CNV	SNGO	Alternate Member
Flavio Linares (FL)	Solidaridad	SNGO	Substantive Member
Nursanna Marpaung (NM)	HUKATAN	SNGO	Alternate Member
<b><u>Secretariat: -</u></b>			
Leena Ghosh (LG)	RSPO Secretariat		



Prasad Vijaya Segaran (PVS)	RSPO Secretariat
Nithya Sarah Zachariah (NSZ)	RSPO Secretariat
Azlinah Al-Aydeross (AA)	RSPO Secretariat
Sitti Najihah (SN)	RSPO Secretariat

Minutes:

No.	Item and Main Discussion Points	Action Items												
<b>1.0</b>	<b>Welcome</b>													
	<ul style="list-style-type: none"> <li>Welcome by Co-chair and purpose of the meeting outlined</li> </ul>													
1.1	<u>RSPO Antitrust Guidelines, Consensus-Based Decision Making, Declaration of Conflict of Interest</u> <ul style="list-style-type: none"> <li>Read by the Co-chair and agreed upon by members.</li> </ul>													
1.2	<u>Welcome of New Members to the HRWG</u> <ul style="list-style-type: none"> <li>The following new HRWG members were welcomed:                             <table border="1" data-bbox="436 986 1276 1252"> <thead> <tr> <th>No.</th> <th>Member</th> <th>Organisation</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Dumaria Panjaitan</td> <td>Goodhope (Grower - IND)</td> </tr> <tr> <td>2</td> <td>Hu Ning Shing</td> <td>Fuji Oil (P&amp;T)</td> </tr> <tr> <td>3</td> <td>Suguna Murugan</td> <td>Wilmar (P&amp;T)</td> </tr> </tbody> </table> </li> </ul>	No.	Member	Organisation	1	Dumaria Panjaitan	Goodhope (Grower - IND)	2	Hu Ning Shing	Fuji Oil (P&T)	3	Suguna Murugan	Wilmar (P&T)	
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<b>2.0</b>	<b>Minutes of the Previous Meeting (29 August 2022)</b>													





<p>3.3</p>	<p>team would need specific documents in order to request for funds to commit towards the project.</p> <ul style="list-style-type: none"> <li>● Another P&amp;T member agreed and stated they would need specific information in the proposal, including a range of costs, KPIs, reporting tracking, etc., to meet their finance team’s criteria for providing funds for this project.             <ul style="list-style-type: none"> <li>○ The Secretariat acknowledged this comment and stated that a discussion will be held with the finance team on the process and required documents.</li> </ul> </li> <li>● A Grower suggested that these comments should be taken note of and finalised during the Gender Subgroup meeting</li> <li>● Another Grower member asked if this grant modality is open to all RSPO members             <ul style="list-style-type: none"> <li>○ The Secretariat confirmed that it is open to all RSPO members to contribute.</li> </ul> </li> <li>● A Grower member asked why a grant funding modality is being used for this project             <ul style="list-style-type: none"> <li>○ The Secretariat explained that this was a unique project because it was initially proposed by Oxfam and Unilever and it was later agreed that this project would be co-funded between RSPO Members and Secretariat. Contributions from Members would be through a grant modality. The baseline study is just the first milestone in the project. The next steps will look at scaling this project based on the outcome of this baseline study.</li> </ul> </li> <li>● It was decided that the Gender Subgroup will finalise the documents for funding and share them with the HRWG for the members to express commitment of funds.             <ul style="list-style-type: none"> <li>○ The Secretariat to find out the necessary process and documentation required from the HRWG members that indicated interest and to inform the Gender Subgroup for discussion.</li> </ul> </li> <li>● <b>The Women Safety Project was approved by the HRWG. It will be presented to the Standard Standing Committee (SSC) for endorsement.</b></li> </ul> <p><u>Labour Subgroup- Proposed Activities (Concept Notes)</u>  <i>Activity 1: Compilation of labour-related tools</i></p> <ul style="list-style-type: none"> <li>● The compilation of labour-related tools used by RSPO members.</li> <li>● The current excel list is to be designed in a separate template and shared on the RSPO website as a point of reference to members by 31 December 2022</li> </ul>	<ul style="list-style-type: none"> <li>● Secretariat to present the Women Safety Project to the SSC for endorsement</li> <li>● Secretariat to upload the compilation of labour-related tools on the</li> </ul>
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	<ul style="list-style-type: none"> <li>•</li> </ul> <p><i>Activity 2: Case Study/ Brown Bag Session - Temporary and Casual Workers: Protection of their rights and Identification of risks</i></p> <ul style="list-style-type: none"> <li>• An overview of the Concept note, which was previously circulated to the HRWG members via email, and in the HRWG meeting pack, was provided.</li> <li>• The goal is for Musim Mas to share the challenges, lessons learned and good practices in employing temporary workers. This will be done through a Brown Bag session which is to be conducted in Q1 2023. If it is successful, the format will be replicated for other human rights topics.</li> <li>• A Grower asked where this Brown Bag would be conducted.</li> <li>• A P&amp;T agreed with this activity and expressed that this activity would be very useful to provide a platform for shared learning.</li> <li>• A Social Non-governmental Organisation (sNGO) recommended sharing issues and challenges faced rather than just successes</li> <li>• Another sNGO agreed with this activity and asked what is the goal/ intended outcome of this project pertaining to the subject matter. A lot of the bigger companies do not necessarily have many temporary workers or face these issues.             <ul style="list-style-type: none"> <li>○ It was clarified that the activity will promote and encourage mid-sized growers and smallholders to participate in this experience.</li> </ul> </li> <li>• A Grower member asked for clarity on the legal compliance against the best practices.             <ul style="list-style-type: none"> <li>○ It was clarified that the session will present the harsh reality on the ground to make it more robust and holistic</li> </ul> </li> <li>• A sNGO informed that their organisation is currently running training in Honduras based on a baseline study on Decent Work, that mainly focused on Occupational Health and Safety (OHS), labour rights and conditions, ethics and transparency. Next year, when the report is available, they will be able to share the findings via a Brown Bag session.             <ul style="list-style-type: none"> <li>○ Another sNGO member asked if the project mentioned is regarding casual and temporary workers.</li> <li>○ It was clarified that the project in Honduras does include both casual and temporary workers as well as evaluating how companies can evaluate the tools</li> </ul> </li> </ul>	<p>RSPO website by 31 December 2022</p>
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	<p>used.</p> <ul style="list-style-type: none"> <li>● A P&amp;T member asked about the budgeting             <ul style="list-style-type: none"> <li>○ It was stated that the budgeting of this would be dependent on if the Brown Bag is virtual, physical, or hybrid.</li> </ul> </li> <li>● <b>The Concept Note for this activity was approved by the HRWG.</b></li> </ul> <p><i>Activity 3: Guidance, pilot and training on Social Dialogue</i></p> <ul style="list-style-type: none"> <li>● Social Dialogue, Forced labour and Ensuring Labour Rights and Identification of Risks for Temporary/ Casual Workers             <ul style="list-style-type: none"> <li>○ An overview of the Concept note, which was previously circulated to the HRWG members via email, and in the HRWG meeting pack, was provided.</li> <li>○ The concept note needs to be amended as Social Dialogue is not explicitly mentioned in the 2018 RSPO Principles and Criteria.</li> <li>○ A sNGO member shared that a previous similar project was successful to the point that it managed to increase a company's productivity by 100% and the provincial government used the training models from the project.</li> <li>○ Another sNGO member suggested that the concept note should also consider how to link and integrate gender committees in Social Dialogue.</li> <li>○ A Grower member recommended conducting the Social Dialogue training at the Gapki/Indonesian Palm Oil Association (IPOA) level to increase exposure and awareness of the RSPO. The Grower member also suggested that RSPO should consider involving other committees in Social Dialogue discussions such as those related to religious beliefs, ethnicities, etc.</li> <li>○ Based on previous experience working with other multistakeholder platforms, a sNGO member suggested to: (1) write down the governance protocol; (2) balance key actors (including governments agencies, paying attention to national and local law); and (3) utilise <i>Mactor</i> methodology to engage key actors to identify important organisations to provide feedback.</li> <li>○ A Grower member mentioned concerns over the scope of the project and asked if there are learnings from previous pilots, if any, to be included in the concept note.</li> <li>○ A sNGO member shared their experience with the PLP project with CNV in Riau</li> </ul> </li> </ul>	
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	<p>which did follow a similar process as proposed in this activity.</p> <ul style="list-style-type: none"> <li>○ A Grower member stated that the Grievance Unit has a paper that could be useful as it looks at gaps in labour audits conducted in East Malaysia. This paper showcased the need for training and awareness             <ul style="list-style-type: none"> <li>■ Secretariat to request the paper from the Grievance Unit</li> </ul> </li> <li>○ <b>It was agreed that comments will be taken into account after which the revised Concept Note will be circulated to the HRWG by 5 January.</b></li> </ul> <p><u>Subgroup Terms of References (TORs)</u></p> <ul style="list-style-type: none"> <li>● <b>The TORs for the Gender, Labour and FPIC Subgroups were approved by the HRWG.</b></li> </ul>	<ul style="list-style-type: none"> <li>● Secretariat to request the paper from the Grievance Unit</li> <li>● Hukatan to circulate the revised Concept Note for the Social Dialogue activity to the HRWG by 5 January</li> </ul>
<b>4.0</b>	<b>HRWG Activities</b>	
4.1	<p><u>Stocktake of HRWG Activities 2022</u></p> <ul style="list-style-type: none"> <li>● The Secretariat presented a stocktake of HRWG activities conducted in 2022, based on the HRWG Updated Strategy (2021-2023). The stocktake highlighted what activities have been completed, are in progress, and the remaining activities that need to be completed.</li> <li>● The meeting agreed that the Gender Scan Tool Survey would be shared with the HRWG members to get more responses to better evaluate the tool's effectiveness.             <ul style="list-style-type: none"> <li>○ Secretariat to share the Gender Scan Tool Survey with the HRWG</li> </ul> </li> </ul> <p><u>Prioritisation of HRWG Activities for 2023</u></p> <ul style="list-style-type: none"> <li>● Secretariat shared the planned activities of the HRWG and Secretariat for 2023.</li> <li>● Regarding the audit report analysis in Latam and Africa activity:             <ul style="list-style-type: none"> <li>○ A sNGO member suggested consulting relevant stakeholders.</li> <li>○ A Grower member suggested seeking feedback from the Assurance Standing Committee and ASI</li> <li>○ A CGM member asked for clarification on the activity and the link to the HRDD process                 <ul style="list-style-type: none"> <li>■ Secretariat clarified that the activity is mainly meant to inform the</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● Secretariat to share the Gender Scan Tool Survey with the HRWG</li> </ul>



	<p style="text-align: center;">Standards Review for the P&amp;C 2023.</p> <ul style="list-style-type: none"> <li>● Regarding the activity on audit report analysis of principle 4 and principle 6:             <ul style="list-style-type: none"> <li>○ A sNGO member asked what is the methodology used for the audit analysis and if the audit reports are being compared with complaints cases                 <ul style="list-style-type: none"> <li>■ Secretariat clarified a sample of 470 audit reports across the different regions on the challenges experienced.</li> </ul> </li> <li>○ A Grower member said it should be noted that Non-compliance in audit reports does not necessarily mean there is a problem with the indicator itself. Sometimes the problems could lie in the assessment or the implementation.</li> <li>○ A sNGO member commented that understanding the types of gaps identified and where they lie should be done. There are many ways to focus the efforts of due diligence and several perspectives should be taken into account, e.g., RSPO, HR commissions, legal institutions, etc.                 <ul style="list-style-type: none"> <li>■ Secretariat clarified that this activity is not focused on the non-compliances, rather it aims to understand how the standard and the indicators are being understood by the auditors. This could inform the review of indicators and improve auditor training efforts.</li> </ul> </li> <li>○ A CGM member suggested considering using shadow audits for this activity                 <ul style="list-style-type: none"> <li>■ Secretariat mentioned that ASI is the RSPO Accreditation Body who does conduct shadow audits under the Assurance System</li> </ul> </li> <li>○ A sNGO added that the gaps could reflect the need for capacity building and training of the RSPO members itself.                 <ul style="list-style-type: none"> <li>■ Secretariat mentioned that the HRSS unit is looking into (in the early stages) providing training on Principles 4 and 6 upon request</li> </ul> </li> <li>○ A CGM member asked if there is an opportunity for members or consultants to shadow audit with the lens of human rights</li> <li>○ A Grower member mentioned that the Complaints Panel ensures that ASI oversees the audit process and that the CBs are trained well. CBs itself must exhibit competence, integrity, and expertise.</li> <li>○ A P&amp;T member shared that ASI conducts internal control weakness audits and compliance audits.</li> </ul> </li> <li>● Regarding the Preliminary analysis and Challenges on recruitment fees, related costs,</li> </ul>	
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	<p>and remediation based via desktop research:</p> <ul style="list-style-type: none"> <li>○ A P&amp;T member asked how this activity will differ from the P&amp;C and ILO Gap Analysis that was prepared. <ul style="list-style-type: none"> <li>■ Secretariat clarified that this activity will look into the different elements of recruitment fees and also examine existing methodologies for remediation for the payment of recruitment fees.</li> <li>■ A P&amp;T member suggested looking at other commodities experiences with WROs as case studies</li> <li>■ The Secretariat took note and might consider it for future activities.</li> </ul> </li> <li>● Regarding the activity on identifying common labour rights and/or community rights challenges in PO growing regions (Indonesia, Malaysia, RoW) through desktop research/commissioning research: <ul style="list-style-type: none"> <li>○ A sNGO member suggested rewording the activity from "...common labour rights and/or community rights ..." to "land rights and/or community rights.."</li> </ul> </li> </ul>	
<b>5.0</b>	<b>Updates</b>	
5.1	<p><u>FPIC Subgroup</u> <i>RSPO FPIC Guide- Endorsement</i></p> <ul style="list-style-type: none"> <li>● The RSPO FPIC guide has been endorsed by the SSC on 16 November 2022 and is now <a href="#">available on the RSPO website</a>.</li> <li>● A Grower member reflected that the consultants for this were not receptive to comments provided which prolonged the process. The grower member suggested in the future, to make it clear when hiring consultants, that the consultants need to receive the comments and consensus made by the sub/working group.</li> </ul> <p><u>Decent Living Wage (DLW)</u></p> <ul style="list-style-type: none"> <li>● The DLW Taskforce is scheduled to have the next meeting on 9 December in which the revised strategy and aligning the terminology from DLW to LW will be discussed <ul style="list-style-type: none"> <li>○ Outcomes and updates from this meeting will be provided to the HRWG during the next HRWG meeting</li> </ul> </li> </ul>	



	<ul style="list-style-type: none"> <li>● DLW Gap Survey             <ul style="list-style-type: none"> <li>○ The survey seeks to gain insights from Units of Certifications (UoCs) on their experiences, challenges, and support needed when complying to indicator 6.2.6. The information received will tailor future training and support for the RSPO members.</li> <li>○ The <a href="#">survey is available</a> in English Bahasa Indonesia, Spanish and French.</li> <li>○ A Grower member stated the current scope of the survey does not take into account members that are in the process of acquiring certification                 <ul style="list-style-type: none"> <li>■ The Secretariat noted the comment and will consider it for future efforts.</li> </ul> </li> <li>○ <b>HRWG members are encouraged to share the survey with the relevant parties.</b></li> </ul> </li> </ul> <p><u>Standards Review</u>  <i>HRWG Submissions for Public Consultation 1</i></p> <ul style="list-style-type: none"> <li>● The Secretariat provided a walkthrough on how to access and use the commenting platform, <a href="#">Konveio</a>, to provide comments on the current draft of the Principles and Criteria (2023)             <ul style="list-style-type: none"> <li>○ Members will need to register on the website (<a href="#">tutorial on registration linked here</a>) and select their preferred language to comment on.</li> <li>○ Members are encouraged to provide their comments on the drafts</li> </ul> </li> <li>● The deadline for the First Public Consultation on the revised standards is 31st December 2022.</li> <li>● A Grower member suggested an individual submission for the First Round of Public Consultation and a collective submission for the Second Public Consultation.</li> <li>● <b>For the First Public Consultation Period, it was agreed that the members will submit individually.</b></li> </ul> <p><u>RSPO Youtube- Labour Rights Series</u></p> <ul style="list-style-type: none"> <li>● With the addition of the Ethical Recruitment and Social Auditing videos <a href="#">the Labour Rights Series</a> is complete and available for members' use.</li> </ul>	<ul style="list-style-type: none"> <li>● Members are to provide comments to the draft of the P&amp;C individually</li> </ul>
6.0	AOB	

