Labour Auditing Guidance Workshop for CB Auditors

Thursday, 16 February 2023 Kuala Lumpur, Malaysia





Attendance 16 February 2023





Recap of Day 2 RSPO CB Interpretation Forum

Part 1: Background

RSPO

NOVEMBER, 2011

were suspended.



Agenda



Time	Торіс	PIC
9.00 am	Welcoming Remarks & Introduction	Aryo Gustomo
9.05 am	Recap Day 2 of RSPO CB Interpretation Forum	Shazaley Abdullah
9.20 am	Part 1: Background, Application & Signing of Contract	Aryo Gustomo
9.35 am	Part 2: Audit Planning - Preparation, Desk Review, Sampling Methodology	Shazaley Abdullah
9.55 am	Exercise 1: Preparing Certification Proposal	Aryo Gustomo, Shazaley Abdullah
10.30 am	Refreshments Break	
10.45 am	Exercise 2: Conducting Initial Research	Aryo Gustomo, Shazaley Abdullah
11.40 am	Part 2: Audit Planning - Stakeholder Consultation, Audit Agenda	Wan Muqtadir
12.05 pm	Exercise 3: Preparing Audit Agenda	Aryo Gustomo, Wan Muqtadir
12.40 pm	Lunch & Prayer Break	
2.00 pm	Part 3: Audit Execution - Opening Meeting, Verification of Principle 6, Site/Field Tour, Interviews with Workers, Closing Meeting	Aryo Gustomo, Shazaley Abdullah
2.30 pm	Part 4: Audit Reporting - Record-Keeping	Shazaley Abdullah
2.40 pm	Exercise 4: Conducting Interviews (Preparation)	Aryo Gustomo, Wan Muqtadir
3.00 pm	Exercise 4: Conducting Interviews (Presentation)	Aryo Gustomo, Wan Muqtadir
3.30 pm	Refreshments Break	
3.45 pm	Exercise 4: Conducting Interviews (Presentation)	Aryo Gustomo, Wan Muqtadir
4.15 pm	Q&A Session	Aryo Gustomo, Shazaley Abdullah, Wan Muqtadir
4.45 pm	Feedback Session & Closing Remarks	Aryo Gustomo

Key Legends



Always remember this



Be cautious on this area or subject



Please refer to the full document

Part 1: Background

- There are **gaps during audits**, particularly in assessing human rights and social standards (reported by stakeholders)
- A **mismatch** in terms of methodology and results between the CB's audit reports and the NGO assessments or investigations
- A call from stakeholders to strengthen the assessment component with an improved capacity of the CBs relating the audit and verification for labour and wider social aspects









The intent of the document is to **improve auditability of labour requirements** of the RSPO P&C and provide CBs with a clear methodology that ensures **a consistent system and approach** to plan and execute RSPO P&C audits.



RSPO LABOUR AUDITING GUIDANCE BASED ON THE RSPO PRINCIPLES & CRITERIA Isandbook for Auditors

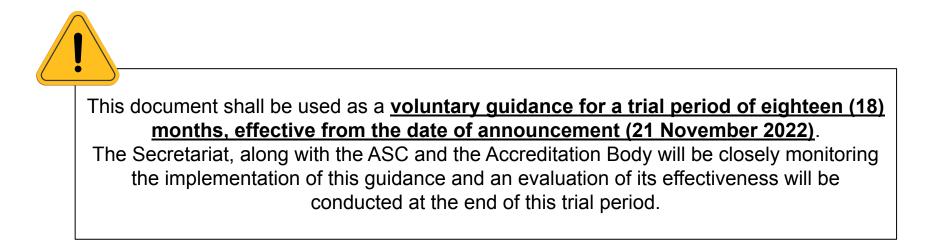
Endorsed by the RSPO Assurance Standing Committee on 22 September 2022 To be used as a voluntary guidance for 18 months starting from the date of announcement on the RSPO website (21 November 2022)

2017	2017-	-2018	Decem	ber 2018	2019
Initial stage Terms of Reference (ToR)	Working Gr Force impl working pi	ement the	establish RSPO P	document ed namely &C Social g Protocol	Stakeholder Consultation and review of the first draft document
October - November 2021 Pilot testing on the field of the third draft document by CBs alongside with the RSPO P&C normal audit	Status o to Cov pand	/2021 quo due vid-19 lemic oreak	The th documen namely R Auditing G Audits Co the RSPO	ber 2019 ird draft t produced, SPO Labour Guidance for nducted on Principles & ia 2018	May 2019 The second draft produced, namely RSPO P&C Labour Auditing
Endors	sement	Review	ne 2022 ved all s/feedback ecretariat	January-A Inputs rec the pilot tes with rev brought targeted st consul	eived from t, continued iew, and up to the takeholder

CBs should <u>develop</u> <u>internal procedures</u> <u>consistent with this</u> <u>guidance</u> and use the RSPO Certification Systems document and P&C as reference

Disclaimer





Part 1: Background

- Labour auditing can include different types of audits, such as safety audits, wage and hour audits, and workplace harassment audits.
- These audits are designed to ensure that a company follows the laws and regulations **related to labour practices**, and can help to identify any areas of non-compliance.
- Labour auditing can provide numerous benefits to a company, such as **improved employee morale**, increased productivity, and reduced liability.
- It can also help to ensure that a company is compliant with applicable laws and regulations, which can help to avoid costly fines and penalties.





1.1 - 1.4 Application and Signing of Contract

01	Location (GPS Coordinates)	 Latitude & longitude (degree, minutes or decimal) Addresses (mills and supply base)
02	Supply Base Maps	Demographics and understanding distance between locations
03	List of Stakeholders	 Direct stakeholders Indirect stakeholders Governmental Agencies NGOs
04	Workforce Information	 Total numbers Gender distribution Type of work Etc2. (follow document)

Review the above information thoroughly to ensure adequate timing for all audit activities. In general, allocate at least 20 minutes for each interview (excluding travel time and setup)*

2.1 - 2.2 Audit Plan Development



15%	Management systems and processes	•	Map applicability with RSPO Principle 6 Understand recruitment and payroll process
25%	Worker and management interviews	•	Sampling Methodology
15%	Audit programme	•	Dates Locations
30%	Roles and responsibilities	•	Audit team members Translator Interpreter Observers
15%	Audit duration	•	Based on no. of interviews, locations etc

Adapt plan to operational practicality and suitability and adhere to all health and safety precautions

2.3 Initial Research



- Conduct desk review to obtain **preliminary information** on the Management Unit that will be audited.
- Perform initial research via **digital and/or traditional sources** (e.g. web-based, newspapers, journals, social media).
- **Record and maintain results** of the initial research for each Management Unit.

- Initial research for the audited Management Unit should **consider the following**, but not necessarily be limited to:
- Identified vulnerable groups Past legal actions Complaint records (RSPO, NGO, others) Past audit reports Demographics and migration trends Language used Applicable national laws Records of inspection by local authorities GLW benchmarking



2.4.1 - 2.4.3 Desk Review (Offsite)





 Allocate 1 - 2 assessment days for desk review



- Request for information at least two (2) months before the audit.
- Management unit to respond at least **one (1) month** before the audit.
- If not, the **audit should be postponed** and action should be taken as per the CB's internal procedures and/or contract with the Management Unit.



- On-site audit should commence **within six (6) months** of the completion of the offsite desk review.
- If not, a **new offsite desk review** should be performed.

2.4.4 Information/Documents to be Requested

The following information/documents should be requested (but not be limited to) prior to the on-site audit:

Details on Management Unit	Period
Full name and main site/office location i.e. address and GPS coordinates	Latest
Full name of the Management Unit's representative and contact details	Latest
No. of sites to be included in the audit scope, including any new supply base, mill machinery or processes.	Latest
Existence of other sites under the Management Unit's operational control.	Latest
Full address of each site location, GPS coordinates - distance and travel time from the main site.	Latest
Maps of the Management Units' premises e.g. PO mill, surrounding villages, worker housing, trade union ofc (page 4 of the document)	Latest
Existing management systems certification if any (e.g. ISO series, OHS or other schemes)	Latest

2.4.4 Information/Documents to be Requested

Management Unit's Management Systems, Policies, Procedures & Records (refer to pages 4-6 for details)

 6.1 Discrimination Non-discrimination and equal opportunity policy Recruitment policy and procedure for diff types of workers Documentation/records of Gender Committee Workers training programmes and improvement opp for women 	 6.4 Child Labour Policy for protection of children, including prohibition of child labour and remediation Employment contracts and agency agreements Records of communication regarding the "no child labour" policy
 6.2 Pay and Conditions Employment and welfare-related policies and procedures Number of operational shifts in the mill Daily or seasonal quotas during regular work hours Pay periods for all categories of workers No. of workers who stay in worker housing No. of workers who stay outside the Management Unit General calculation of the prevailing wage provided to workers 	 6.5 Harassment and Protection of Reproductive Rights Policy to prevent sexual and other forms of harassment Policy to protect reproductive rights of all, especially of women Grievance mechanism SOP Records of communication on the policies & registered grievance No. of facilities for pregnant & breastfeeding women, childcare facilities provided Disciplinary procedures
 6.3 Freedom of Association and Collective Bargaining Policies or statements recognising freedom of association Minutes of Meetings with trade Union and/or workers reps Records of meetings (e.g. photos) Remember to record and maintain the outcome of the desk review. 	 6.6 Forced/ Trafficked Labour Labour or other employment-related policies and procedures Health and Safety policies and procedures Accident and emergency procedures Records of meetings for Health & Safety Records of work-related accidents Records of occupational injuries using Lost Time Accident (LTA) metrics Records of First Aid training for assigned operatives Hazard Identification, Pick Assessment and Control Procedures & Records

Hazard Identification, Risk Assessment and Control Procedures & Records



This presentation is for the purpose of the Labour Auditing Guidance Workshop only. Always refer to the full document for official reference.

2.5.1 - 2.5.8 Sampling Methodology

- Ensure sampling represents a **cross section of the workforce** based on relevant demographic characteristics.
- Keep **control of sample selection**. Do it as late as possible minimise risk of workers being coached.
- Calculate sample using this formula: $x = \sqrt{N}$ (where N= number of total workers).
- Calculate a **separate sample** set by taking the square root of each identified **vulnerable group**.
- If vulnerable groups are identified during audit execution, request data on total number of identified vulnerable groups within the workforce. If they do not have such data, the auditor should interview the **identified vulnerable worker**.
- Workers chosen for interviews should represent different types of workers.
- Interview **50% of sampled workers individually and 50% in groups** (may be adjusted based on specific circumstances).
- Consider using a **translator(s) or interpreter(s)** who are independent of the Management Unit being assessed.





2.5.9 Interviewees Selection

Consider a combination of the following (randomly selected):

- Job scope (field, non-field)
- Gender (male, female)
- Categories permanent, full time, casual/ seasonal and day labour, and contract workers (including outsourced and subcontractor workers)
- Local, transmigrant and migrant workers
- The spectrum of ethnic, national, linguistic, or religious groups
 - youngest and oldest workers;
 - different departments including security and workers in the mill and the field;
 - different designations;
 - worker representatives;
 - health and safety committee representative(s);
 - new employees/trainees;
 - workers in all pay grades;
 - pregnant women;
 - breastfeeding mothers;
 - workers from different shifts;
 - \circ workers not wearing uniforms.





Exercise 1: Preparing Certification Proposal

This UoC previously suspended by Complaints Panel and now being instructed to start back recertification process

RSPO Member Name	SEGAR Betul Plantations Sdn. Bhd.	Name	Total Planted (immature + Mature) (ha.)	HCV Areas (ha.) and Type	Infrastructure & Others (ha.)
RSPO Membership Number	1-0012-04-000-00	Estate 1 (Certified)	1,265	122 ha. (1 and 3)	3.5
Country	Malaysia	Estate 2 (Certified)	1200	2 (6)	2.5
District, State	Sampoerna, Sabah	Estate 3 (Uncertified)	442	-	2

Mill Demographics	Annual Data	Estate Demographics	Annual Data
Total Workers	87	Total Workers	565
% of Non-Local Workers of Total Workers	39.1%	% of Non-Local Workers of Total Workers	90.3%
% of Contract Workers of Total Workers	0.0%	% of Contract Workers of Total Workers	0.0%
% of Female Workers of Total Workers	13.8%	% of Female Workers of Total Workers	43.7%
% of Young Workers	0.0%	% of Young Workers	0.0%

NCs from last audit					
6.7.3	6.2.6				
6.2.3					
2.2.2					





Refreshments Break



Exercise 2: Conducting Initial Research

- 1. You have 20 minutes to conduct research on the company that was assigned to your group below.
- 2. Write down your findings on the flip chart paper provided.
- 3. Take turns to present your findings (5 minutes per group).



Group	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Group 8
RSPO Member Company	PT Nabatindo Karya Utama	PT Farinda Bersaudar a	PT Nabire Baru	PT Agro Kati Lama	PT Socfin Indonesia	PT Perkebuna n Nusantara III	PT Ramajaya Pramukti	PT Wahana Prima Sejati



2.6 Stakeholder Consultation





Sharing session: What are some issues you have encountered when conducting stakeholder consultations?

- To be conducted during initial surveillance, recertification and special audits, considering changes that may influence working conditions.
- Involve **stakeholders identified** during the Application and Signing of Contract and Offsite Desk Review stage.
- Consider other relevant stakeholders based on outcomes of Initial Research. CBs should have own selection criteria i.e. risk evaluation, reference to RSPO complaint trackers or allegations in public domain.
- Maintain an **up-to-date list** of all relevant stakeholders including name, contact person, physical address, contact information, consultation date, contact method & reason to contact.
- Acknowledge receipt of all submissions of stakeholder comments, to be considered when planning audits and clearly explained in the audit reports.

2.7 Audit Agenda Preparation

- In addition to the Audit Planning requirements in the RSPO P&C Certification Systems document, the CB should not conduct the on-site audit until the Offsite Desk Review has been completed.
- This includes the review of all necessary documents to develop an audit plan and appoint the relevant audit team members with labour expertise.

Samples of audit agenda preparation from an exercise conducted during the Bogor workshop

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Role Play 3: Audit Agenda - Develop your audit agenda based on Role Play Exercise 1.

Activities

Interview with medical assistant &

Venity records

8 Document Review

· Document Barrien

Location

Estate 1 (Clinic)

ALTO- AD Desh Review

Date Time

Eg. 12 Jan 10am -2023 10.45am

March



- Decument review for will repriser,



- 1. You have 20 minutes to develop an audit agenda based on the certification proposal you prepared during Exercise 1.
- 2. Please write the agenda in the handout provided to your group.
- 3. Three groups will be chosen to present their work.

Date	Time	Location	Activities
eg. 16 Feb 2023	10.00 am - 10.45 am	Estate 1 (Clinic)	 Interview with medical assistant & nurses Verify records







Lunch & Prayer Break Workshop to resume at 2.00 pm

3.1 Opening Meeting



General Requirements

- Follow ISO 17021/17065 series and the RSPO P&C Certification Systems document. In addition, consider the following:
 - Use **language** understandable by the majority. Consider translator/interpreter service.



- Invite senior management, personnel responsible for key functions and processes e.g. payroll, recruitment, accounts, human resources and trade union/worker reps.
- Inform the importance of attendance at the closing meeting and invite all key personnel.
- Emphasise the need for openness, honesty and **transparency**.
- Check and verify any changes from what has been communicated during the Application and/or Desk Review.

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3.1 Opening Meeting

Compliance with Standards, Laws, and Regulations

• Audit criteria is based on the latest RSPO P&C, applicable national and regional laws, Collective Bargaining Agreements (CBA), company regulations and bilateral trade agreements, whichever affords the **highest protection to workers**.

Logistics

• Logistical **arrangements** to visit sites and transportation needs are to be met.

Communication

- The interviewed workforce will be provided with CB and AB's **contact information** to facilitate confidence.
- Explain the process for communicating **issues as they arise** during the audit.





3.1 Opening Meeting

Worker Information and Interviews

- Request **list of workers** scheduled to work on on-site audit days.
- Confirm any **subcontractor** at the audit site. Record the no. of their workers and work being performed and include them in the sample.
- Explain that **individual and group interviews** will be conducted.
- Ensure interviews are conducted in a **private place** and not attended by management staff.
- Remind the management team that:



Interviewees should **not be discriminated** against or put in an unfavourable position. Workers wages or benefits should **not be deducted** for time spent speaking to auditors.

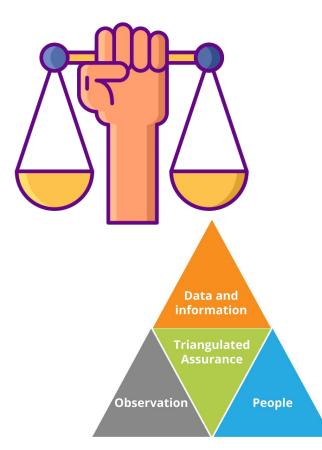
On-site Evidence Collection

Explain that audit evidence will be gathered by documents review, interview and site visits **Photos** will be captured throughout the audit process (relate solely to labour requirements in the RSPO P&C).



3.2 Guidance for Verification of Principle 6





- For Criteria 6.5 (no harassment/abuse in the workplace and reproductive rights are protected) and 6.6 (no forms of forced or trafficked labour is used), cross-check documents requested with the sampled interviewees.
- For Criteria 6.4 (*prohibition against child labour*), ask **probing questions** to distinguish between actual child labour, young workers conducting hazardous work, school absenteeism, and children who accompany parents (for non-working purposes).
- Observe workers' **reaction and gesture** to identify signs of fear, reluctance or hesitation towards answering particular questions.
- Auditors may randomly interview individual meeting attendees to confirm if the meetings were held and cross-check information in meeting records.
- Documents requested at the Offsite Desk Review stage may be **requested again** during audit execution.

3.2 Example Questions during Interviews

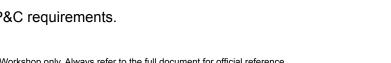


Criteria	Example Questions to Workforce			
6.1 Discrimination	 For migrant workers - What payments have you made before arriving at this company to work? Are you treated differently because of your gender/ ethnicity/ nationality? 			
6.2 Pay and conditions	 Were the terms of the employment contract explained to you? Do you understand your payslip and the breakdown of payments and/or deductions? 			
6.3 Freedom of Association and Collective Bargaining	 Are you aware of any workers unions or committees and their functions? Are there any restrictions to join it? What is the process of electing the worker representatives? Are they democratically elected? 			
6.4 Child Labour	 Do you get any family members or friends to help you achieve your quotas? What type of work do they do? What do your children do when you go to work? Are there schools accessible for your children to attend? 			
6.5 Harassment and Protection of Reproductive Rights	 When someone has a complaint, who can they go to that hear them out? If the complaint is sensitive or private, is there a safe space/system to lodge your complaint? Are female workers (e.g. sprayers) given alternate work when pregnant or breastfeeding? 			
6.6 Forced/ Trafficked Labour	 Do you keep your passports with you? If the company keeps it, do they return it to you if you ask for it? Can you quit if you want to stop working at this company? What would you have to do? 			
6.7 Health and Safety	 What kind of training do you have to go through before starting any work? How did you obtain the PPE and other health and safety equipment? Can you explain the process for any emergency situation? 			

3.3 Site/Field Tour

- Limit to a maximum of **two management representatives** to accompany auditors.
- Ensure strict compliance with **safety rules**.
- Be aware of **site traffic** conditions.
- Ensure all important areas are identified and covered. This includes
 - operation/production areas
 - \circ store/warehouses
 - o facilities and/or amenities provided for the workforce
- Evaluate the following aspects:
 - Understand the work being done at the audit site
 - Evaluate health and safety practices
 - Identify potentially vulnerable workers and/or family member(s) living in the Management Unit site
 - Observe management systems and practices, including atmosphere between management, supervisors and workers
 - Note any physical observable evidence related to P&C requirements.







3.4 Interviews with Workers

Obtain information from workers to <u>corroborate facts</u> obtained from document review, discussions with management and staff, a review of physical conditions at the organisation and any other observations noted by the audit team.

Good Practices For Worker Interviews

- 1. **Set the context** of issues to be covered and read out relevant statements, exploring agreements or disagreements.
- 2. **Start with the least sensitive topics** first (such as health and safety), followed by the more sensitive (such as discrimination and sexual harassment) to create a safe space and build rapport.
- 3. To **discuss sensitive issues** during face-to-face interviews, open the discussion with topics such as their life experiences, before asking the more difficult questions.
- 4. Where necessary, **take breaks** during the interview and give workers time to collect themselves. Reinforce their coping strategies and let them know that they are **helping others** who may be going through similar experiences.

Source: Adapted from BSR Gender Data Impact Framework





3.5 Closing Meeting





- Follow generic requirements in the ISO 17021/17065 series and RSPO P&C Certification Systems document.
- Also ensure:
 - **Findings related to labour indicators** are presented at the Closing Meeting of the RSPO P&C audit.
 - Attendees are the **same groups** of people that attended the Opening Meeting.
 - **Language** that is **understandable** by the majority and consider translator/ interpreter service.

4.1 Audit Reporting

In addition to requirements of the RSPO P&C Certification Systems document, you should also include:

- A **record of interviews** conducted, including categories of workers spoken to and their genders; number of individual and group interviews; number of workers in each group; and location of interviews.
- A table indicating **number of workers**, job scope (field, non-field), gender (male, female) categories (permanent, full time, casual/ seasonal and day labour), local, transmigrant and migrant workers, **at the audit site**.
- The above table should include **workers** at each audited sites, such as mill, estates and supply base that are **covered under the scope** of the audit.
- Names of recognised trade unions at the audit site and worker representatives as well as how they are elected and their functions.
- The current CBA with the effective date and the period of validity.
- A table noting the number, types of **subcontractors** working at the audit site, nature of activities and the number of their workers.

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4.1 Audit Reporting - Samples



6.1.2 (C) Evidence is provided that workers an	and groups inc	luding local communities, women, and migrant workers h	ave not been dis	criminated against. Evidence includes migrant workers' non-payment of recruitment fees	
 a. What evidence is available to support that workers and groups including local communities, women, and mi- grant workers have not been discriminated against? Evidence may include job advertisement, job descrip- tion, appraisal, and/or information obtained via interviews with relevant stackholders b. For migrant workers, is there evidence that the workers are not paying recruitment fees during the recruit- ment process? Please check the contract between employer and agency, and contract betweeen worker and 			estates confirm criminate betwe	ed that they are not discriminated against. For example, job advertisement does not dis- een male and female, all are eligible to apply. The interviews also confirmed no complaint [mination on gender, ethnic or others.	⊠ Yes □ No □ N.A NCR No :
agency					
c. For migrant workers, is there evidence that they are not paying anything that a local worker is not required to pay, unless mandated by the law?					
d. Are there complaints against the company on issues relating to discrimination? If yes, what actios have been taken?					
 6.2.6 A "DLW" is paid to all workers, including those on piece rate/quotas, for whom the calculation is based on achievable quotas during regular work hours. PROCEDURAL NOTE: A written policy with specific implementation plan, committing to payment of a 'decent living wage' is in place. The implementation process will be in place, including the following: An assessment is conducted to determine prevailing wages and in-kind benefits 				orevailing lectricity, sare and	
 There is annual progress on the implementation of living wages Where a minimum wage, based on equivalent basket of goods, is stipulated in Collective Bargaining Agreements (CBAs), this should be used as the foundation for the gradual implementation of the living wage payment. The unit of certification may choose to implement the "living wage" payment in a specific section as a pilot project; the pilot will then be evaluated and adapted before 	6.5.2 (C)	A policy to protect the reproductive righ especially of women, is implement communicated to all levels of the workforce	ed and G	OPP has in place Reproductive Right Policy which has been signed by the seneral Manager and the Human Resource Manager. The policy has been pdated May 2020. The policy seeks to provide guidance on the integration of eproductive rights into the world of work at BOPP, to educate, promote and rotect employees and their family's dignity and human rights which also ncludes care for sexual health, the purpose of which is the enhancement of life nd family relation. The policy has been made publicly available on all notice	 ☑ C ☑ NC ☑ C w/O ☑ N/A

4.2 Audit Record-Keeping





- The CB should **maintain all records of evidence** gathered during an audit. Pictures, audit notes, checklists, identity of workers interviewed and any other information collected from the audit site should be considered as audit evidence.
- Audit evidence should be available in the file of the Management Unit and should be kept for at least one certification cycle (5 years).

- 1. Earlier today, we notified participants who were randomly selected as interviewees and auditors for this exercise.
- 2. For interviewees, cue cards were given to guide them on the roles they are going to play.
- 3. For auditors, they have been told the group that they are going to interview, and given clues about the characters they are going to meet.
- 4. They now have 20 minutes to prepare for the interviews.
- 5. For the purpose of this exercise, each interview session will be held for 15 minutes.
- 6. Please pay attention to each situation as we will conduct a review of this exercise later.

Situation 1: Interview with harvesters	Situation 3: Interview with mill workers
Situation 2: Interview with sprayers	Situation 4: Interview with management team





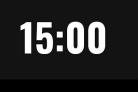


Situation 1: Interview with harvesters





Situation 2: Interview with sprayers



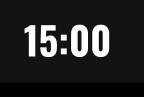


Refreshments Break



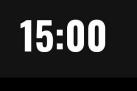


Situation 3: Interview with mill workers





Situation 4: Interview with management team





Q&A Session

This presentation is for the purpose of the Labour Auditing Guidance Workshop only. Always refer to the full document for official reference.

AG, MSA, WM



Feedback Session



Thank you for attending this workshop.

May you succeed in implementing the Labour Auditing Guidance!







Feedback Form