

Minutes of the Human Rights & Social Compliance Working Group (HRSC – WG) Meeting

20th May 2020

Virtual Meeting

Time: 1:00pm to 5:00pm

Attendance:

Name	Organisation	Status
Co-Chairs:- Madeleine Brassier (MB) Alexandra Experton (AE)	Oxfam Novib Cargill	Co-Chair Co-Chair
Members: - Lim Sian Choo (SC) Carolyn Lim (CL) Claudine Musitelli (CM) Lee Kuan Yee (KY) Marcus Colchester (MC) Noor Izlin Andrina (NI) Rebecca Armson (RA) Perpetua George (PG) Charlene Lin (CL) Jaideep Bedi (JB) Ghislaine Nadaud (GN)	Bumitama Musim Mas Unilever KLK FPP Sime Darby Goodhope Wilmar Mars Bunge ABN AMRO	Substantive Member Substantive Member Substantive Member Alternate Member Substantive Member Alternate Member Substantive Member Substantive Member Substantive Member Substantive Member Substantive Member
Secretariat: Kamini Visvananthan (KV) Prasad Vijaya Segaran (PVS)	Secretariat Secretariat	

No.	Description	Main Discussion Points	Action Points
1.	Welcome and brief introduction	Welcome by AE and KV.	

2.	Confirming the Minutes of the Previous meeting	Meeting minutes were confirmed. No important points raised as the updates would be covered in this current meeting.	
3.	<p>Governance Review update:</p> <ul style="list-style-type: none"> ● Overall Structure of the Standing Committees and overlaps ● Structure of the HRSC Group 	<ul style="list-style-type: none"> ● Standards Standing Committee (“SSC”) Alignment meeting was held in March, in Kuala Lumpur with all SC’s, Co-chairs and the Board Link’s ● Structure of the SSC was decided . Human Rights Working Group is now called ‘Human Rights & Social Compliance Working Group’ ● It is a Working Group and not a Sub Group. ● Discussion points during the alignment meeting were: <ul style="list-style-type: none"> - how to standardise the ToR’s for all the SC’s for the WG’s - what are the main roles of the Standing Committees? - which WG should be parked under the respective Standing Committees. ● The designation is mainly for budget planning and as such, the WGs can report to either Standing Committees depending on the work/role it is asked to play e.g. if it is on an assurance perspective, it will be channelled up to the Assurance SC, whenever relevant, but the WG will sit under one Standing Committee ● The Human Rights & Social Compliance Working Group will sit under the SSC. ● Workstreams – for the HRSCWG, it will be under the Standards Interpretation work stream, but is yet to be finalised. Secretariat (Bakhtiar) will be responding to provide input on next steps to finalise this structure. ● Reason for the current proposal for the HRSCWG to be under the Standard Interpretation workstream because the group facilitates development of guidances and guidelines. The group will not be 	

		<p>involved with setting new standards but rather interpreting the existing standards and providing guidance.</p> <ul style="list-style-type: none"> ● Despite the lack of clarity with the governance structure, nothing stops the HRSC WG from proceeding with the planned work ● Functions of the HRSCWG: <ul style="list-style-type: none"> - providing recommendations, identifying gaps and raising awareness around the standards with the priority of providing guidance towards the implementation of the standards - Top down approach in that the Standing Committees will to seek human rights expertise from the HRSCWG - Bottom up approach in that the HRSGWG will identify gaps gaps and provide recommendations to the Standing Committees on human rights related issues ● Scope and perimeters need to be clarified further in the HRSCWG strategy ● Standing Committee needs to be informed of the work so that the adequate budget can be provided for the task ● There needs to be a priority as the P&C is in 2018 and we are in 2020. Some guidance's are still not available and members are still waiting. Cannot say that they are non-compliant while the documents have not been prepared for them. ● Unaware of other Working Groups having a strategy but this is a fundamental step, moving forward ● Once the group delivers on its items, it needs to be finished and the ownership should move over to the other Standing Committees for them to drive the agenda's e.g.: <ul style="list-style-type: none"> - Smallholder – livelihoods to the SHSC - Social auditing component to the ASC 	
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		<ul style="list-style-type: none"> ● Group needs to define what are the remaining items and move on with the HRSCWG strategy, will also be helpful to measure the impact of the task done 	
4.	Progress Updates	<ul style="list-style-type: none"> ● FPIC <ul style="list-style-type: none"> - Challenges were faced in obtaining the consultants. Discussion has been held with the co-chairs and members of the FPIC sub-group on this. - Revised guidance targeted to be completed by September 2020. ● Child Rights <ul style="list-style-type: none"> - Draft for 4 guidances received: <ul style="list-style-type: none"> - Auditors and CB's - Downstream Supply Chain Actors - Palm Oil producers - Smallholders & Group Managers - Online Public Consultation is on 17th June - What is needed from the group is to garner as much feedback for the guidance documents. It's very comprehensive and goes beyond the standards and looks at the whole sector. The guidance is a prescriptive one. It looks to showcase best practices and what companies can do to safeguard risks against children. It ties in the SDG principles with the RSPO standards and is a practical, prescriptive guide. - The Working Group has not been involved in the development but if there is an expectation of the group to be involved in this post publication, this has to be clarified and earlier notice needs to be provided to the group if it is going to be disseminated for further comments by the WG ● Gender 	<p>KV to send out communication pack on this to the WG, with the guidance's before Public Consultation begins (done)</p>

		<ul style="list-style-type: none"> - ToR's have been finalised and 7 proposals in total were received - Evaluation and scoring was conducted and a consultant was selected - Service agreement has been signed and an Action Plan & Strategy is in place by Consultant on how to go about this project - First draft is due by 29th May - Consultant has requested for interviews by members from the HRWG, Gender Sub Group and auditors on: <ul style="list-style-type: none"> - Gender based constraints within the Palm Oil sector - Best practices and strategies adopted by companies - For all the guidances currently being developed, to give due consideration to the auditors and how they take this on board so we're clear on which parts relate to requirements and how we can use these guidance's to help auditors assess compliance so it is not purely advisory, it can also help with social assurance. <ul style="list-style-type: none"> ● Due Diligence <ul style="list-style-type: none"> - Was brought up 2 WG meetings ago. Offer by ABN AMRO to review how the Secretariat conducts due diligence for its new members - Call was arranged with the Membership Team of the Secretariat with Ghislaine on how to reinforce the due diligence steps within the RSPO for new members: <ul style="list-style-type: none"> - Public Disclosure of the due diligence process on the website so that new members are aware that there is a due diligence procedure - Exclusion List for e.g. companies or countries which are high risk 	<p>Volunteers for interview:</p> <ul style="list-style-type: none"> - Madeleine (Oxfam) - Yunita (Cargill) - Sian Choo (Bumitama) <p>PVS to send out message to others who are not in the meeting, who are willing to be interviewed (done)</p>
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		<ul style="list-style-type: none"> - There is time for engagement in case there is Conditional Membership. Discussion also included how that process looks like and the recommendation was to be transparent about it ● HRD <ul style="list-style-type: none"> - HRD implementation is handled by the IMU. The HRS Unit will provide updates to the WG related to the HRD implementation - Activities planned: <ul style="list-style-type: none"> - Implementation and policy review scheduled in June - Virtual training to capacitate the Secretariat on HRD - Consultant has been identified – Frontline Defenders who will be conducting the workshop and the review - To clarify it is a review of the implementation of the policy and not to review the policy - Question was asked regarding the delay for 6 months and lack of clarity on who leads this, also a lack of transparency as the review falls under the scope of the WG - Formal notification needs to be provided internally in terms of governance on who has the responsibility of leading the HRD implementation review process - Procedure is already set up where a review needs to be conducted. Process owner i.e. IMU needs to get the review done to identify whether the process is working or not working ● DLW <ul style="list-style-type: none"> - Elaborated in later part of the meeting ● Simplified FPIC Smallholder Guidance 	<p>Secretariat to send notification to IMU and request for a progress report on what is happening by 21st May (done)</p>
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		<ul style="list-style-type: none"> - Expert Group will be looking into this development, facilitated by Krishna from the SH unit (Secretariat) ● FPIC Training Modules <ul style="list-style-type: none"> - The training needs to be conducted in other parts of the regions. Regional training was only in Colombia (not the whole of Latin America), Liberia (not whole of Africa), Indonesia (not the whole of SEA) - Current plan is to redesign and socialise the existing training module as a resource and circulate it to those who attended the regional trainings so that they can train others in their organisations and groups 	<p>Need to discuss further with the FPIC Sub Group to finalise this plan</p>
<p>5.</p>	<p>Working Group Membership</p>	<p>Most updated list:</p> <p>Growers (5)</p> <ul style="list-style-type: none"> - Sime Darby, KLK, Bumitama, Agropalma, Goodhope <p>Processors & Traders (3)</p> <ul style="list-style-type: none"> - Wilmar, Cargill, Musim Mas <p>Supply Chain (1)</p> <ul style="list-style-type: none"> - Bunge <p>CGM (3)</p> <ul style="list-style-type: none"> - Unilever, MARS, Kellogg's <p>Social NGO (4)</p> <ul style="list-style-type: none"> - Oxfam, FPP, Solidaridad, HUKATAN <p>Financial Institutions</p> <ul style="list-style-type: none"> - ABN AMRO <p>eNGO's</p> <p>SH</p>	

		<p>perspective and to make the mandate more visible and for the WG to better embedded in the governance structure</p> <ul style="list-style-type: none"> - Having a strategy helps to draw out the workstreams and the perimeters of work of the WG and also to structure the discussions for other groups on the subject of human rights. - Suggestion is to time the strategy in line with the revision of the P&C as there might be a risk of disruption in 2022/2023 as most will be involved in the P&C review - Currently no lifespan in this WG's ToR - WG will be able to draw out the KPIs, action plans and timelines for the same from the strategy - <u>Decision</u> – to do 3-year strategy followed by a 5-year strategy in line with the next RSPO standards revision - Overall RSPO Human Rights strategy to be discussed further - Sounding board needed to help Secretariat and Co-chairs to contribute to the draft - Rest of the WG will also be appraised of the strategy before being finalised - Once the strategy is refined, the RASCI can be developed 	<p>Sounding Board volunteers: CM, SC, PG & GN</p> <p>1 month to come back with a draft</p>
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<p>7.</p>	<p>How Covid – 19 has affected RSPO and its operations:</p> <ul style="list-style-type: none"> ● Managing workers e.g. ● Risks and impacts following the crisis ● Inventory of human rights topics <p>What can be done to mitigate?</p> <p>Leveraging on existing Human Rights initiatives by companies (for Sub Group):</p> <ul style="list-style-type: none"> ● Plans ● Resources 	<ul style="list-style-type: none"> - Training and Capacity building activities were planned - Priority for 2020/2021 – capacity building, guidelines development and piloting of guidance developed - Discussion: <ul style="list-style-type: none"> - How to help members with obstacles in meeting the standards brought about by the pandemic? - How are plantation companies responding to Covid? - Decent Rural Living Initiative – 5 co.’s (Cargill, GAR, Sime Darby, Musim Mas and Wilmar). Compiled practices that were done beyond Covid e.g. food security, livelihood, better health and safety controls, women - Focus should not be on Covid but on what are the risks coming out of it and how RSPO elements can be built into it - Viruses and pandemics are becoming a norm and we should be prepared to protect the communities and workers by embedding it into the system - Need to compile what are the risks so we can use the inventory to assist further in the groups work - Capacity building can be through webinars to share best practices – inviting members to be part of the capacity building - MPOB has developed SOPs for Malaysian growers to follow during pandemic - LKY and SC shared good practices taken by their organisations as well. Structure needs to be in place – topics on raising awareness. - How can standards be upheld during audit? Complaints? Assessments? - Remote auditing on non-documentation requirements can’t be done – no thoughts about that yet. HCV-HCS assessments 	<p>To share good practices, SOP’s and capacity building with members</p> <p>Inventory of resources to be created to manage the crisis</p> <p>Secretariat to check on the ISEAL platform on resources to share with the Assurance Dept. to start the discussion to look into the situation</p>
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	Communicating on these initiatives	<p>are split, satellite imagery is done but the ground assessments have stopped – assessors can’t travel</p> <ul style="list-style-type: none"> - New audits cannot take place at the moment – documentation is looked at first and then ground audit takes place at a later time. Only applies to annual surveillances. 	<p>Social Auditing Sub Group to meet and discuss recommendations</p> <p>Volunteers to liaise via email and to think about the cross section of the members which are needed</p>
8.	Labour Sub Group	<ul style="list-style-type: none"> - Labour rights are still recognised as a vital aspect. - A draft ToR for the formation of the Labour Group has been developed and circulated to the relevant stakeholders. - Plans moving forward <ul style="list-style-type: none"> - for the draft ToR to be circulated for comments - the ToR to be endorsed by the standing committees. - composition of the Sub Group to be filled once the call is made - At the moment it has not been confirmed whether it is a Sub Group or a Working Group Suggestion to have a link back to the HRSC WG and for the WG to provide recommendations on the way forward. To have an interlinkage to the HRSC WG but be specific to labour for efficiency and effectiveness - Suggestion supported to have less working groups and be more efficient - 	<p>ToR's to be circulated to the HRSCWG for comments (done)</p> <p>Secretariat will draw out a table with the proposed differences and similarities between the HRSC WG and the proposed Labour Sub Group and recommendations to the Standing Committee</p>
9.	Decent Living Wage updates	<p><u>Current Strategy:</u></p> <ul style="list-style-type: none"> - Engage Overall technical advisor 	

		<ul style="list-style-type: none"> - Use National Interpretation to validate and agree on the data - Public Consultation - Release figures agreed upon by all stakeholders - Move in phases – Malaysia and INA, LATAM and Africa - in the interim, use interim measure - EOI for advisors, local consultants for MY and IND and contact has been made with the National Interpretation for MY and INA - Webinars have been conducted in FRE, B.IND and ENG - Training conducted in the Latam PO conference for members there - After Covid, plans has to be changed – projected plans were not feasible - Financial planning – had to take austere approach <u>Proposed way forward:</u> - Bring in as much work internally - Limit expenses on consultant - To work with subject matter expert to develop a template on collecting data from members and to see if the perimeters of the template is agreeable by stakeholders - Template should be able to be applied globally and variables to be taken into consideration - NI’s to be consulted as well as other stakeholder groups or groups such as the Labour group to provide technical advice on the template - Template will be an excel sheet - If we follow this approach, will be able to meet deadline of obtaining benchmarks by Dec 2021 	
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		<ul style="list-style-type: none"> - Advantages and Risks mentioned (refer to DLW slides circulated after meeting) - Next Steps – Flesh out the proposal, develop ToR for Data Collection, Hire Consultant for template and update NI’s on their role - Suggestion/Comment – We cannot go against the Anker methodology as it won’t be accepted by stakeholders - Having benchmarks for a company with 1 operator – not practical - Need to push for companies to calculate prevailing wage - Need to distinguish between ‘what is a benchmark’ and ‘what is a calculation for prevailing wage’ 	<p>KV to send out a doodle poll to continue discussion on this to obtain input from the group on next steps (done)</p>
		<p>Meeting Closed</p>	