

Terms of Reference

Independent Review of the Implementation of RSPO Labour Auditing Guidance

1. Background

The RSPO Labour Auditing Guidance was developed in response to stakeholders' demands for enhanced evaluation criteria and increased evaluative capabilities of auditors in assessing labour and other pertinent social aspects. Commencing in 2017, the development process encompassed multiple iterations of assessments and extensive stakeholder involvement. In alignment with the RSPO Principles & Criteria 2018, the document underwent subsequent modifications, transitioning from RSPO P&C Social Auditing Protocol to its current designation as RSPO Labour Auditing Guidance.

Despite the challenges presented by the COVID-19 pandemic, two selected Certification Bodies (CBs) effectively conducted a pilot test for the third draft document concurrently with regular RSPO P&C assessments. Subsequently, the guidance document underwent a conclusive targeted stakeholder engagement, benefiting from further strengthening based on the pilot test outcomes. Following a comprehensive review, the Assurance Standing Committee (ASC) ultimately granted approval to the RSPO Labour Auditing Guidance in September 2022.

The RSPO Labour Auditing Guidance is an optional voluntary document intended for utilisation by RSPO-accredited Certification Bodies. Its applicability spans a period of 18 months, commencing from the date of its announcement on the RSPO website (21 November 2022) and ending on 21 May 2024. Given this timeframe, it is essential to appoint a third-party consultant to aid the Secretariat in conducting a thorough review and analysis of the feedback received from diverse stakeholders throughout the trial period. This independent review is to ascertain the feasibility of making the RSPO Labour Auditing Guidance mandatory in the future or whether it shall remain a voluntary guidance document. This independent review process has been agreed during the ASC meeting in September 2022.

2. Objective(s)

The Secretariat will commission a third-party consultant to undertake all activities related to the review and analysis of feedback following the 18-months trial period of the RSPO Labour Auditing Guidance. The aim of this independent review will be to gather valuable inputs, identify gaps, and assess the feasibility of possible mandatory implementation of the RSPO Labour Auditing Guidance.

3. Tasks and Deliverables

Below are the expected tasks and key deliverables of the third-party consultant:

Tasks:

1. Conduct a comprehensive review of the RSPO Labour Auditing Guidance to grasp its objectives, requirements, and audit expectations.
2. Identify and address gaps, inconsistencies, and areas of ambiguity in the RSPO Labour Auditing Guidance used by certification bodies, and provide recommendations for improvement.
3. Evaluate the Guidance's applicability to different organisations, including small and medium-sized enterprises.
4. Review how certification bodies implement the audit process as outlined in the Guidance, including the scope, methodology, and evaluation criteria.
5. Analyse the strengths and weaknesses of the auditing process within the RSPO Labour Auditing Guidance, and provide recommendations for improvement.
6. Consider the broader context and challenges of the RSPO certification process and explore how the Guidance can better support certification audits.
7. Examine any gaps between *Principle 6: Respect Workers' Rights and Conditions* in P&C 2018 and future P&C 2023 (upon endorsement) and propose enhancements to the Guidance, particularly related to audit methodologies.

Deliverables:

1. A comprehensive report detailing the findings of the review and analysis, including all recommendations for improvement.
2. A summary of the key strengths and weaknesses of the RSPO Labour Auditing Guidance, and how these impact the effectiveness of the auditing process.
3. Recommendations for best practices and strategies for using the guidance to improve labour conditions in the palm oil supply chain.
4. A presentation of the findings and recommendations to stakeholders, including the ASC, SSC, RSPO Secretariat, certification bodies, and palm oil companies.

4. Timelines

All deliverables shall be delivered within the stipulated timeline as agreed upon in the service

agreement.

Timeline	Expectations/ Output
1st week of November 2023 - 2nd week of December 2023	Call for proposals.
3rd week of December 2023 - 2nd week of January 2024	Review of proposals by the RSPO Secretariat and the Human Rights Working Group (HRWG).
3rd - 4th week of January 2024	Response from applicants on any required clarifications in the proposals.
1st - 4th week of February 2024	Preparation of legal contract (service agreement) between the RSPO Secretariat and the appointed Consultant.
1st - 4th week of March 2024	Technical meeting and preparation of the study.
1st April - 4th week of May 2024	<p>Collection of data and information. Presentation of work plan to the ASC and SSC by the appointed Consultant.</p> <p><i>Note:</i> <i>The 18-months trial period ends on 21 May 2024.</i></p>
1st June - 4th week of August 2024 (e.g. 3 months)	<p>Conducting the independent review.</p> <p>Expectation of this exercise are as follows:</p> <ul style="list-style-type: none"> ● Task 1-2: around 2-4 weeks, depending on the complexity of the guidance and the depth of the analysis required ● Task 3-4: This task could take around 3-5 weeks, depending on the scope of the review and the level of detail required ● Task 5-6: the task could take around 2-3 weeks, depending on the complexity of the auditing process and the level of detail require <p>It is important to note that this timeline is just an estimate, and may vary based on the specific requirements (if any) of the review and the availability of</p>

	<p>the third-party consultant.</p> <p><i>Note:</i> The document will remain as a voluntary guidance until the next decision is made.</p>
1st - 2nd week of September 2024	<p>Submission of draft report to the RSPO Secretariat i.e. Assurance Division.</p> <p>Expected deliverable:</p> <ul style="list-style-type: none"> • A comprehensive report, summary of key findings, recommendations for best practices, and presentation of findings and recommendations to stakeholders.
3rd week of September 2024 - 2nd week of October 2024	<p>Review of draft report by the RSPO Secretariat and necessary clarification and response from the appointed Consultant.</p>
October 2024 and November 2024 (e.g. during RSPO RT event)	<p>Finalisation of report. Submission and presentation of the final report for the ASC's approval and to the SSC for information.</p>

5. Qualifications and Skills Requirements

The third-party consultant shall have the following competencies and/or experiences:

- Knowledge of RSPO standards and auditing processes: The consultant should have a strong understanding of the RSPO standards and auditing processes, including the RSPO Labour Auditing Guidance;
- Expertise in labour rights and working conditions: The consultant should have a deep understanding of labour rights and working conditions, as well as the challenges and issues faced by workers in palm oil supply chains;
- Cultural competence: The consultant should have a strong cultural competence, with an understanding of the local context and cultural practices in the regions where palm oil is produced;
- Flexibility: Ability to travel when necessary to complete the required assignments and conduct meetings remotely via tele-conferencing or video conferencing;
- Project management skills: The consultant should have strong project

management skills, with the ability to manage timelines, budgets, and resources effectively;

- Communication skills: The consultant should have excellent communication skills, with the ability to communicate complex information clearly and effectively to a wide range of stakeholders;
- Free of conflict of interest: The consultant should not be affiliated to any organisation that the ASC members are part of.

6. Terms of Contract

The third-party consultant will be under contract with the RSPO Secretariat for 6 (six) months and be subjected to a performance evaluation. The contract may be renewed if needed.

7. Proposal Submission

Interested parties are invited to submit their proposals and include the following information in their expressions of interest:

- Curriculum vitae (CV) of the consultant and team members (if any).
- A brief personal statement addressing the rationale for application based on criteria and skills set required (maximum two pages).
- Day rate for the time spent or cost for the period of contract for each major task described in Section 4.
- Name and contact details of two references. References will not be contacted unless your expression of interest is taken forward.
- Declaration of any potential conflicts of interest with related parties.
- All documents submitted in response to this ToR must be written in English.

Expressions of interest should be forwarded to freda.manan@rspo.org by 6:00 PM MYT (GMT+8) on Friday, 15 December 2023.