

Minutes of HRWG Meeting**27th November 2017****Grand Hyatt****Bali**

Attendance:

Name	Organisation	Status
Co-Chairs:- Madeleine Brassier (MB) Alexandra Experton (AE)	Oxfam Novib Cargill	Co-Chair Co-Chair
Members:- Daryll Delgado (DD) Amy Braun (AT) Loo Siew Wai (LSW) Adrian Suharto Marcus Colchester (MC) Rashyid Redza (RR) Jaideep Bedi (JB) Edrin Moss (EM) Perpetua George (PG) Tulio Dias (TD) Vivi Anitha (VA) Juneaty Lee Kuan Yee (LKY) Lim Sian Choo (LSC) Mel Asunciaon (MA) Dave Pendlington (DP)	Verite Kelloggs Wilmar Neste FPP Sime Darby IOI Loaders Croakland Wilmar Wilmar Agropalma Musim Mas Musim Mas KLK Bumitama Verite Mars	
Called in: Rachel Cowburn (RC)	Unilever	
Non-Members: Myriam Morinez (MM)	Feldapalma	
Secretariat: Kamini Visvanathan (KV)		

No.	Description	Main Discussion Points	Action Items	Progress Updates
27 th November 2017 (Monday)				
1.	Welcome and introduction	Quick Introduction of all that were present as there were some new faces in the Working Group. And the brief of the Agenda for the day by AE.		
2.	Updates	<p>FPIC:</p> <ul style="list-style-type: none"> • Will report on relevant developments • There is a vacancy in the sub-group as Lukita had left Goodhope. • FPP was requested to provide training for FPIC. • Secretariat did not agree to include community in training. So FPP withdrew from the proposal as they would not do training without having the communities involved. FPP would like HRWG to discuss this proposal of having FPIC training with or without having the community involved and informed. • KV: The secretariat wanted a phased approach from companies, members and then communities later – the members first and a train-the-trainer approach for the communities as this would increase the outreach to the communities as opposed to directly engaging with the communities. • MC: Purpose of outreach is because communities are not members, doesn't mean that they should be excluded. We did this before in developing the 2008 FPIC Guide with training workshops in Pekanbaru (Riau), Miri (Sarawak), Palangkaraya (KalTeng) and Jayapura (Papua) and they were successful. Parallel training meetings with communities and companies and then joint meeting to ensure everyone has a shared understanding of how FPIC is carried out. The module worked. • AE: Incomplete process if communities are not included. Makes sense to have ToT. We need to make sure that the budget is matching. • LSC: Having all stakeholders together is useful for immediate feedback and building understanding. 		

		<ul style="list-style-type: none"> • KV said RSPO was concerned that unresolved complaints would be discussed and this should be avoided. • Agropalma rightfully pointed out that we don't want to be a barrier to complaints. Everyone should have their voice heard • PG: We should go ahead. This should be a forum to air grievances and this will happen. We need to go ahead with the community training because otherwise, the RSPO would look incredibly defensive on this point. • MC: Happy to reconsider whether to have trainings directly or the TOT sort of module so long as the process is inclusive. • Agreement: to go ahead with inclusive training. <p><u>National Interpretation in the Indonesian Context:</u> National laws and FPIC/RSPO standard</p> <ul style="list-style-type: none"> • INA NI was adopted in July 2016 subject to review of legality and FPIC provisions within one year • The draft guidance is delayed due to change of chairs, and the facilitator (Feybe from Links) as well as Emil (Co-chair from FPP) being unwell. • Latest update: Document to be finalised in mid December and ready for public consultation. • Issue Surrounding the HGU:- HGU is a lease hold on vacant State land, a company needs to enter negotiations with community members to relinquish their rights and so make the land vacant of rights. When the lease is over, the land reverts to the state, not the community. Often the community members think that they will get their lands back but that's not the law, leading to grievances • Secretariat issued a circular stating that HGU is mandatory – FPP has appealed to board as HGU extinguish customary rights, which will be discussed with the Board and is in the hands of the board. • Expecting the NI WG to come up with more comprehensive advise <p><u>Human Rights Defenders ("HRD"):-</u></p> <ul style="list-style-type: none"> • Legality study commissioned 	<p>KV to follow up with MC on inclusive training starting in Latin America</p> <p>Update: Public Consultation to take place in Bogor on 30th & 31st January 2018</p> <p>Sub-Group will be</p>	
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		<ul style="list-style-type: none"> • KV: We are talking to NUPW and Tenaganita. And Rapid Trains Assessment will be sent out and responses will be circulated. • MB: Unions such as CNV and FNV want to be active in LTF and/or HRWG. They want to know if they can start as observers and then become members. In terms of service providers, they have expertise. ILO has a training centre in Turin. • DD: ILO doesn't have experience in palm oil. Welcome CNV and FNV but it needs to go through the Task Force. They just need to sign the NDA. (Capacity to come as observers will be discussed later) <p><u>P&C Review:-</u></p> <ul style="list-style-type: none"> • Priority for next steps for the P&C Task Force: <ul style="list-style-type: none"> • Break document down into: <ul style="list-style-type: none"> Normative (auditable) Informative (overview) • Verification <ul style="list-style-type: none"> Need to review the document with the above lens • Restructuring of the document • Can we look at ways that other part of the supply chain can support the new standard? No decision, but for continued consideration. Commensurate effort across all sectors is what we are working towards. • There is a sub-group focussed on Labour review • 95% of suggestions from the HRWG were adopted • Restructuring to use the title of "Human Rights" as the umbrella to the social elements in the RSPO. • Lots of questions on living wage documents and questions on the whistleblowers/human rights defenders • In restructuring can we identify indicators that can be applied across the supply chain to all members in the RSPO. • In the community group: the unresolved issue was in relation to who should pay for communities legal and technical advise. This can be part of our thinking on how can we develop a funding mechanism to provide for this. Can also be a thinking if and when there is a grievance. 		
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		AE: the above is something we should put on the table for next year. Work we put in this year was useful as we took the opportunity to align on this.		
3.	Housekeeping	<p>Membership:-</p> <ul style="list-style-type: none"> • A lot of interest in joining the working group. We have 25 organisations and 38 members in total (including alternates) but when it comes to meetings and participation, it's the same faces. We don't want to be exclusive based on geography but we need to balance the participation. • AE: Suggest that we have an equal participation based on constituency and each member will communicate to their own constituency and bring the feedback from the constituency back to the group. We should ensure that there is a balance in the WG of all constituency. • Participation of Unions: <ul style="list-style-type: none"> -MB: Unions should become members. There needs to be direct representation. - PG: Clarity needed on who we should invite into the membership. - DD: Unions aren't so happy to be part of RSPOs. The NGOs here represent issues. I think what we should address is the geographical representation. We need to start addressing the gaps in Malaysia, LaTam and Africa. - TD: Suggest to amend TOR to standardise the membership. • KV to send the list of members to the group. • AE will put together a proposal on membership and will circulate the same to everyone so you can comment on the same within a specific timeline. The paper to also include the role & responsibility of members. • KV: Responsibility is covered in TOR. We should review the COC and apply the same. • TD: On a separate note, we should also think about how CGM and retailers also have engagement with Unions and workers the same way that the growers and millers are required to interact with the workers. Accountability on other supply chains. • DD: Consider a structure where we invite people for specific subjects/topics. • Observers: <ul style="list-style-type: none"> - Need to be clear with when and where we feel comfortable with having observers. - 3 categories:- <ol style="list-style-type: none"> 1) Technical Advisors 	KV AE	KV to pull out the TOR for the FFB

		2) Implementation partners 3) Unions (?) - Take the module from the FFB & Legality TF for observers.	& Legality TF	
Coffee Break				
4.	Follow Up on Annual Plan from 2017	<ul style="list-style-type: none"> • MB: Gave information and description on the Theory of Change. Suggestion was to work in line with the ToC and provide a framework to work within. • KV: A suggestion made by the consultants for the ToC was that the HRWG come up with the HR Policy for the entire RSPO. • MB: Presents slides (See Annex 1) <ul style="list-style-type: none"> - Policies are present and we need to address the implementation. - Concepts on Human Rights is not clear for some companies. Our framework should be helpful for these groups. - We need to identify the most important impact areas. No extra research needed. Use what we have. - We will also need to decide if we want to look into verification. - Awareness raising from companies and growers and supporting the implementation so that those who are affected can claim their rights. <p>Discussion:</p> <ul style="list-style-type: none"> • Direction of the HRWG is covered in the TOR. We should reflect on our work and where we need to go. Need to rethink our sub-group and structure. • Biggest need will be based on what comes out of the P&C Review and anticipating where the HRWG will be tasked to help with the implementation. The focus of discussion is what is the focus and what are the steps needed to take the direction towards that focus. • MC: We should focus on the implementation and avoid duplication of work with other task forces. We should also think about what the members should do. Also concern about smallholders and the human rights issues there. • TD: we have put in our input, but the outcome of that we are not sure. We will have in Q1 work to do to assure that there is the standard is consolidated in a way we think is good. • DD: with the restructuring, we still need to be cautious what that will mean to the standards that we submitted. We should also sit in the ATF and represented there to discuss the verification aspect because that TF is tasked to work on that. 		

		<ul style="list-style-type: none"> • Need to address smallholders: MC: need to address the definition of smallholders...does this tie in with the SHWG? • PG: Discussion is premature until we decide on the certification criteria for smallholders. <p>Annual Plan:</p> <ul style="list-style-type: none"> • Come up with our objectives and then how we propose to move from there. • Go back to the TOC: Elevating Human Rights. It is fairly broad. • It would be easy to see it on paper then we can see easily which task should be assigned to which TF. Based on the restructuring, we will support the same. • Right now we are playing assistive roles to the ongoing activities of the RSPO as a whole ie the ToC and P&C Review so we need to see how we fit into the entire RSPO framework • AT: We should discuss our strategies (why) and tactics (how). Objectives are pretty aspects. Strategies should be 2 or 3 and the tactics would be the sub-groups TFs etc. if we are looking for 2018, should prioritise P&C review. It may be a short term tactic, it would be a long strategy. That would be our priority. • We can minimise where we want to push for in terms of P&C because we have gotten much of what we wanted, therefore, we can make that a bit more leaner. • For P&C, the following still needs to be prioritised:- <ul style="list-style-type: none"> 1) HRD 2) Intent of the original input is still captured after the restructure 3) Decent Living Wages. 4) Feeding back into the P&C <p>(needs to be articulated into specific activities and how we go about this)</p> <ul style="list-style-type: none"> • MB: Long term strategy needs to be formulated too. We should have a document. We should have a framework. MB will do a framework to do this and circulate to the group to see if we should put it to the group and it can be an output for 2018. TD: we should get a directive from the BoG. Otherwise, we may not have the power to require the adoption of this. 		
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		<p>Should start small and practical see what we have and then see where the gaps are and where we are spending our time. Are we putting the right amount of resources in the right thing.</p> <p>MB will lead together with Miriam and another volunteer.</p> <ul style="list-style-type: none"> • LSC: We should also consider that this WG will not be here forever. So we shouldn't have too long a plan too. • TD: review our current documents and take out the important aspects and fit it within the TOC framework and see what is missing. If we could do that, we would reach consensus because there is a background. We can then align and work with the Secretariat to align ourselves. • Mechanisms to calculate impacts in the RSPO and to reach the "human rights upheld" would be useful to have a HR Policy. Would this fit the agenda? Do we want to take on coming up with a policy. • Important to have an overall Human Rights Charter but more important to focus on P&C Review. 		
Lunch				
5.	Tactical Discussion for 2018	<ul style="list-style-type: none"> • Put the above discussions into tangible deliverables and plans. • Suggest that each of the groups firm up their topic and timelines within the sub-group. <p>1) HRD:</p> <ul style="list-style-type: none"> • Will review the risks from the 2nd opinion • Review and revise the framework. • Urgent task. • Review and revise and the policy and then get the implementation out. (keep in mind that it is an indicator in the P&C in terms of the definition and auditable standards checklist). • Review the timeline and circulate back to the group: Mid January. Revised by end January. Plan by March. KV to check if the policy needs to go back to the Board. Details to be discussed in the HRD Sub-Group. <p>KV: Overlap between the Social Auditing Group, the Labour Task Force and the Assurance Task Force. That is something we have to address and tackle as well. Overlap in terms of activities and plan.</p>		

		<p>2) FPIC:</p> <ul style="list-style-type: none"> • Training with communities and figuring out how it will work. • 3 sessions- 1 session per jurisdictions. CB workshops we covered 2 sessions (LATAM and Malaysia/Indonesia). • 1 program per quarter. • Identifying the target audience for the trainings. • Talk to O&E. • Put a pin on Africa and focus on where we are a bit more established. • We should also think about the RSPO engaging with governments on land related issues. To include other issues as well and that we need to raise this. <p>3) Social Auditing:</p> <ul style="list-style-type: none"> • Based on P&C discussions, indicators and specific guidance. Auditors checklist was discussed. • Q: overlap with FPIC and LTF. How do we manages this? • The structure and the deliverables needs to be looked at and how does it go? • Capacity building have been discussed at the LTF. • SA can be the quality assurance for the HRWG...like a 2nd pair of eyes. • Timelines: Link back to the P&C. • Concrete action point: to identify who the rep is in the ATF to make sure that there is a synergy. MB will be the representative. • Flag issues which have not been brought up. 		
6.	Decent Living Wage	<p>The group was asked to go though the DLW draft document and to collate the questions and feedback for the consultant:-</p> <ul style="list-style-type: none"> • Interested to know what the next steps are and how specific and sector relevant it can be. • The LTF would be responsible for this. • Based on the report, the recommendations don't seem very concrete. • RR: reading the report it seems that they don't seem to have a good grasp on the sector or region. Need to ask questions to help with finalising the methodology. • Group discussed questions to be put forward to the consultant. 		

4)	Decent Living Wages	<p>True Price, the Consultant who is currently advising the P&C Taskforce on the implementation of Decent Living Wages within RSPO came on a call to discuss the draft reports which were circulated to the HRWG members for their comments and questions. Among the questions feedback from the members captured as follows:-</p> <ul style="list-style-type: none"> i. What other methods (other than Anker method) were explored and how were they compared? <ul style="list-style-type: none"> - <i>Response from consultant: Preparing an annex to the report to show the other tools explored (at least 4 others assessed), but many methods are based on Anker or are aligning to Anker</i> ii. There was no specific consideration for migrant workers...is there a methodology that takes into consideration a sector that is heavily reliant on migrant workers? <ul style="list-style-type: none"> Didn't see specifically. Question is from a benchmark perspective, is this different? Regarding the benchmark, there is no different calculation. Based on the assumption, that whether you are a migrant or otherwise, this would accord you a decent wage. DD: consider that there may be a need to device a case study based on migrant workers as their pay structure may differ from a local. Specific example or case study needs to be developed. iii. What would it take to benchmark at the local/regional level? <ul style="list-style-type: none"> - 36 sub-regions in Indonesia alone – it would be very complicated - <i>Response from consultant: Would need to develop benchmarks at the district/sub-region level. It can be done through the GLWC and local stakeholders should make a regional estimate. No recommendation or examples on how to engage local stakeholders to create this regional estimate. To do this – we would need a researcher to go to each region to assess the cost of living, wages, etc. Local engagement on level of details and validate the decisions of the researcher.</i> <i>...benchmark needs to be district specific...the methodology can apply...</i> iv. How do you take in-kind wages into account? <ul style="list-style-type: none"> - <i>Response from consultant: there are guidelines on if and how they are counted. They are deduced from the benchmark</i> 		
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		<p>Value of villagers surrounding the plantation....is there a comparison, because you will create a difference and it will create an unrest? DLW of the plantation could be higher than the villagers</p> <ul style="list-style-type: none"> - <i>Response from consultant: quest is which level does the benchmark apply...is it the district, village? The best way to do it is where the prices are different and the best ppl to ask are those who are on the field...</i> <p>v. Stakeholders? Who should we ask on the ground...is there tools available we can use on the ground?</p> <ul style="list-style-type: none"> - <i>Response from Consultant: Best to see if there are existing provisions within the RSPO we can use...eg Nis...and if there are examples, not so much ...glwc is the standard setting they make the estimate then they consult stakeholders...</i> <p>vi. What is a family? How are migrants included? Taking into account the definition of household</p> <ul style="list-style-type: none"> - A living wage for Malaysia or for the country that they come from? Most people in the room say where the worker is working - What about grandparents? - <i>Response from consultant: There were no examples they discovered that were similar on migrant workers. There is no benchmark, it is based on the assumption that all workers should have the same living wage.</i> - <i>For the calculation, the family is calculated as two adults and children for standardization. ...definition of household taking into account the locality</i> <p>vii. What would creating a local benchmark cost for us?</p> <ul style="list-style-type: none"> - <i>Response from Consultant:Need to have a researcher who understands the methodology completely to estimate and collect data...coordination ...perhaps make a local WG and someone from RSPO and NGO will decide on level of details that u need locally and validate the same.</i> <p>Note from HRWG that the pay structures are often different (with fees) so there should be a separate case study.</p> <p>viii. Why is the age for workers 25-59? What happened to 18-25 year olds?</p> <ul style="list-style-type: none"> - <i>Response from consultant: You could change it to be aligned to RSPO definitions, but then you aren't aligned to GLWC. Should talk with them about this. Will put in a case study to see how things change between a start age of 25 vs. 18.</i> 		
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5)	Conclusion	<p>Next Meeting:-</p> <ul style="list-style-type: none"> - 3 times a year. - 1st Meeting- March 2018 in KL in line with the palm oil outlook conference, tentatively on 8th of March 2018- day after the palm oil outlook conference - 2nd Meeting - EURT - Make sure it doesn’t clash with CP meetings, DSF and ATF. - DD: can we input back from the NGO caucus to the HRWG - The caucus meets around the same time as the RT...issues:- - In relation to outreach, we should work together and do a mapping for outreach. - KV: to speak to O&E to get the community outreach mapping and plan done. 		