

Terms of Reference

Labour Guidance for Independent Smallholders

1. Background

The Roundtable on Sustainable Palm Oil (RSPO) held its 16th Annual General Assembly in Bangkok, Thailand on 6 November 2019 for all Ordinary Members to vote on Resolution GA16-6f for the adoption of the RSPO Independent Smallholder (ISH) Standard for the production of sustainable palm oil by independent smallholders. The standard will be applicable on a global scale, particularly in countries with a large presence of independent smallholders, such as Indonesia, Malaysia, Thailand, Ghana, Côte d'Ivoire, Colombia, and Mexico.

With the adoption of the RSPO ISH Standard, independent smallholders who employ workers in their operations will need to comply with Principle 1¹ and 3² of the RSPO ISH Standard, which promotes legal compliance and the protection of the rights of workers employed by independent smallholders. The RSPO recognises that it can be a challenge to implement labour standards within ISH plots, as there is a perception that the same can lead to an increase in cost, time, and effort. This will add further complexity to the local regulations, which proves to be a challenge for independent smallholders to comply with. As such, the development of a Labour Guidance for the RSPO ISH Standard would assist independent smallholders and respective group managers to comply with Principle 3 of the standard.

2. Objectives and Deliverables

With the above in mind, the Labour Guidance will provide RSPO independent smallholders globally (group managers and members) with guidance on the following areas:

- RSPO independent smallholders compliance with labour specific requirements of RSPO ISH Standard³
 - A. The guidance should inform the independent smallholders about the need of these requirements.
 - B. The reason why there is a necessity for having business practices that respect the labour rights of workers.
 - C. The way policies and standard operating procedures (SOPs) are being developed to support ISH groups in effectively implementing the following elements of the RSPO ISH Standard in different jurisdictional contexts:
 - Not using forced labour

¹ Principle 1: Optimise productivity, efficiency, positive impacts and resilience of the [RSPO ISH Standard](#) includes requirement for Independent Smallholders to establish a legal entity that has the organisational capacity to comply with the RSPO ISH Standard..

² Principle 3: Respect human rights, including workers' rights and conditions of the [RSPO ISH Standard](#) covers forced labour, child labour, minimum pay of workers, workers' rights, working conditions and discrimination or harassment.

³ [RSPO ISH Standard](#).

- Not employing/exploiting children
 - Payment of workers complies with the minimum legal requirements
 - Promotion of workers' rights
 - Working conditions and facilities are safe and meet the minimum legal requirements
 - Avoidance of gender discrimination, harassment, or abuse, especially in remuneration and compensation at the workplace
 - Gender inclusive decision-making process within the group and in its collaboration with the surrounding communities
 - Taking the needs of new mothers into consideration in the operations of the business
- Development of labour-related procedures as contextually appropriate to RSPO independent smallholders in regards to the scale and size of production, geographic location of the independent smallholder, and the type of labour required/used in the said geographic location.
 - The guidance document shall serve the following needs of the group managers:
 - A. To understand the necessary labour requirements in the RSPO ISH Standard
 - B. To be able to translate the information within the guidance to develop and practically implement effective and meaningful labour process within their Unit of Certification, which include systems for monitoring labour, and toolkits or templates that adopt effective management
 - C. To help overcome challenges and mitigate potential conflicts, which may be faced during the implementation of the requirements of Principle 3
 - D. To address relevant key national level legal requirements and regulations of the regions listed below:
 - Latin America (Colombia, Ecuador, Brazil, and Mexico)
 - Africa (Ghana, Liberia, and Côte d'Ivoire)
 - South East Asia (Malaysia, Indonesia, and Thailand)
 - Papua New Guinea
 - In developing the Labour Guidance for independent smallholders, reference should be made to the following materials:
 - A. RSPO ISH Standard⁴
 - B. RSPO Principles and Criteria (P&C) 2018⁵
 - C. Relevant and latest national and international law in relation to labour compliance
 - D. Assessing labour requirements for RSPO New Planting Procedures 2015⁶
 - E. Smallholder Key Documents⁷

⁴ [RSPO ISH Standard.](#)

⁵ [RSPO P&C 2018.](#)

⁶ [RSPO New Planting Procedures 2015](#)

⁷ [Smallholder Key Documents.](#)

3. Roles and Responsibilities

- A. The consultant will develop the Labour Guidance for independent smallholders and provide updates to the RSPO Secretariat.
- B. The consultant must ensure that the relevant procurement process within the RSPO Secretariat has been complied with, during the tender process.
- C. The consultant may request for assistance from the RSPO Secretariat to conduct field visits or interviews with existing RSPO independent smallholders.
- D. The consultant will provide a monthly progress update to the RSPO Secretariat.

4. Timeline and Budget

The consultant is expected to complete the development of the Labour Guidance for independent smallholders in time to support the implementation of the RSPO ISH Standard, i.e. by the middle of May 2020. The first draft of the Labour Guidance is to be completed by the end of March 2020. The consultant is expected to provide an outline of the work plan together with a breakdown of costs in their proposal.

It is envisaged that the RSPO Secretariat will have face-to-face meetings and/or teleconferences as and when necessary to receive communication updates regarding progress of the Labour Guidance for independent smallholders.

5. Consultant Requirements

- Expertise in RSPO P&C 2013 and 2018, in particular the principles related to smallholders and labour
- Expertise in labour-related process
- Has regional knowledge of the labour process in the regions listed below:
 1. Latin America (Colombia, Ecuador, Brazil, and Mexico)
 2. Africa (Ghana, Liberia, and Côte d'Ivoire)
 3. South East Asia (Malaysia, Indonesia, and Thailand)
 4. Papua New Guinea
- Familiar with smallholder practices in the above mentioned regions and the labour market, especially in the oil palm industry.

Interested applicants may submit their expression of interest to tender@rspo.org by 6:00pm MYT on 27 January 2020.

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