

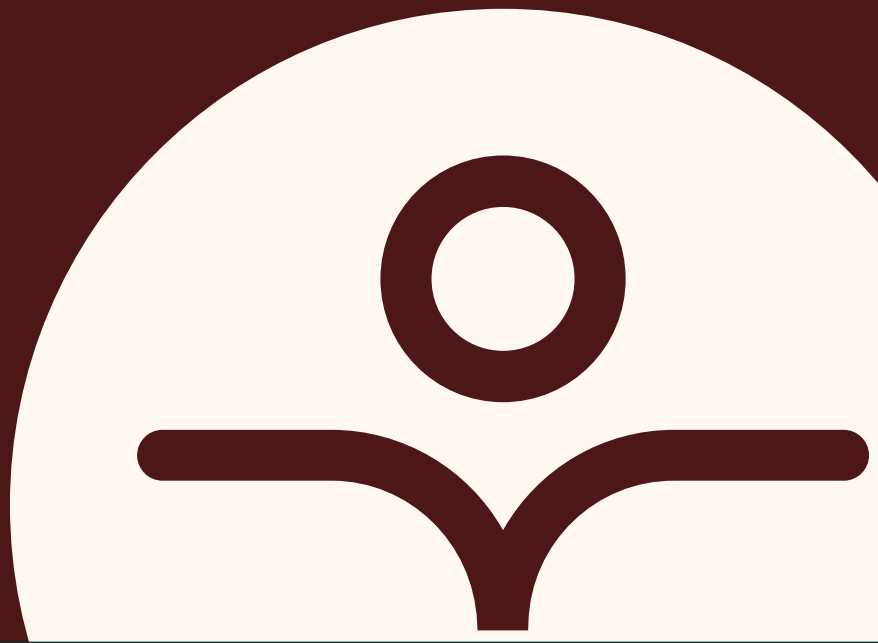


Accountability  
Framework  
initiative

OPERATIONAL GUIDANCE


# WORKERS' RIGHTS

**This document contains detail on the scope of company responsibilities to respect the rights of workers in commodity supply chains, ways to identify impacts to these rights, and actions to ensure respect for these rights.**



The **Accountability Framework** was created through a consultative process with a wide range of stakeholders including companies, NGOs, and government, and following applicable good practices for multi-stakeholder initiatives. It represents the consensus of the entire **Accountability Framework initiative (AFi) Coalition**, whose members as of the date of this publication include:



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This work product is intended to be advisory only and is not intended to serve as a legal opinion or legal advice on the matters treated. The reader is encouraged to engage counsel to the extent required.

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## Purpose and summary

This guidance focuses on respecting the rights of workers in relation to companies' operations, supply chains, and financial investments. It elaborates on the Accountability Framework's Core Principle 2.3, which outlines key elements of company commitments and obligations to respect these rights. It also relates to other Core Principles that identify essential implementation measures to ensure respect for these rights. These include Core Principle 6 on managing supply chains, Core Principle 8 on site management, and Core Principle 9 on remediation and access to remedy.

The rights elaborated in this document apply to all workers, including employees, contractors, temporary, seasonal, part-time, and other workers. Responsibilities to respect these rights apply to market actors at all levels of the supply chain, from upstream suppliers (eg, producers, primary processors, and traders) to downstream buyers (eg, retailers and manufacturers).

Whilst this guidance is primarily oriented towards those that produce and purchase agricultural or forestry commodities, financial institutions also play a key role in safeguarding workers' rights. They hold responsibility for ensuring that the companies in their portfolios respect the rights of workers.

This guidance includes the following topics:

- Section 1 provides an overview of company responsibility to respect workers' rights
- Section 2 discusses human rights due diligence as an overarching process to safeguard workers' rights
- Section 3 elaborates each of the ten workers' rights provisions specified in Core Principle 2.3, including an overview of each right as well as guidance for implementation
- Section 4 describes the actions that downstream buyers and other companies with less direct visibility to supply base-level activities should take to help ensure that workers' rights are respected upstream through all tiers of suppliers
- Annex 1 provides additional detail on the foundational laws and references that specify company obligations to respect workers' rights, including instruments of the International Labour Organization (ILO) and United Nations (UN), as well as other key international frameworks

Recognising that there are already numerous guidelines and resources available that define and support the implementation of workers' rights obligations, a main purpose of this Operational Guidance is to synthesise existing requirements and good practices to help facilitate their adoption by companies. Links to key external resources are provided in relation to the topics covered in Sections 2, 3, and 4.

# 1

## Overview

Around the world, millions of workers plant, maintain, harvest, process, and transport crops, livestock, and forest products. They work year-round or seasonally, and many migrate for work. They work on large plantations, forest concessions, medium-sized farms, small farms of a few hectares or less, and within processing facilities. These workers, along with their families and communities, often rely heavily on agriculture or forestry for their livelihoods. At the same time, these sectors are among the world's lowest-paid and most precarious occupations, making respect for workers' rights especially important.

International human rights treaties, conventions, and agreements affirm that companies have an obligation to respect the rights of all workers in their operations and supply chains, including in production and processing, sourcing, services, and financial investments. Many national laws and regulations also reflect these obligations, as do the standards and policies of a growing number of voluntary initiatives and company sustainability programmes.

Companies have a responsibility to respect all internationally-recognised human rights, as laid out in the Accountability Framework's Core Principle 2.1. As part of this overall obligation, companies should publicly commit to respect ten specific workers' rights, as stated in Core Principle 2.3. These rights include:

1. no child labour
2. no forced or compulsory labour
3. freedom of association and collective bargaining
4. no discrimination
5. no abusive practices or undue disciplinary procedures
6. legal and decent working hours
7. safe and healthy workplaces
8. living wages and fair benefits
9. living income for smallholders and other individual producers
10. responsible recruitment

This Operational Guidance explains how companies can act to fully respect workers' rights associated with their operations, supply chains, and financial investments. Doing so is not only an ethical mandate and increasingly a legal obligation for companies; it is also important for mitigating business risks associated with rights violations. These include risks and costs associated with operational and supply chain disruptions, grievances, litigation, worker disputes, needs for remediation, and reputational damage.

The Accountability Framework initiative (AFi) recognises that there is no simple prescription or single set of practices that can ensure respect for workers' rights across the myriad contexts and workplace settings found throughout agricultural and forestry supply chains. Full respect for workers' rights often requires a combination of actions by different supply chain actors and other entities at different points in time. Recognising the importance of contextualised solutions, companies are encouraged to apply this guidance with the support of persons and organisations that have expertise on protecting workers' rights in each specific context.

## 1.1 Relation to key laws and frameworks addressing workers' rights

The Accountability Framework's principles and guidance for respecting workers' rights are grounded in the most relevant international laws and frameworks addressing the protection of human rights in general and workers' rights in particular. These include:

- The Universal Declaration of Human Rights
- The ILO Declaration on the Fundamental Principles and Rights at Work and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy
- The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct
- The UN Guiding Principles on Business and Human Rights (UNGPs)

These expectations are also reflected in proposed and enacted regulations related to supply chain due diligence, risk management, and disclosure. Examples include the EU Corporate Sustainability Due Diligence Directive (CSDDD); the EU Corporate Sustainability Reporting Directive (CSRD); national due diligence legislation in Australia, France, Germany, Japan, South Korea, and Thailand; and forced labour bans adopted and/or in force in Canada, Europe, Mexico, and the US.

Following this Operational Guidance and other sections of the Accountability Framework can help companies identify and implement the necessary actions to effectively meet these and related obligations in an efficient, effective, and integrated manner.

## 1.2 Applicability to agency, contract, and subcontracted workers

Company responsibility to respect workers' rights (and other human rights) extends beyond workers who are directly employed by the company to include all workers engaged in a company's operations or supply chain, such as contractors, day labourers, outgrowers, temporary, seasonal, part-time, and other workers. This includes those who are engaged through recruitment agencies, labour brokers or intermediaries, and service providers (eg, a company that furnishes labour for harvesting or spraying).<sup>1</sup>

Companies should be aware of the heightened risks typically associated with certain forms of work arrangements, including:

- informal work arrangements, including workers working without contracts
- use of labour intermediaries that are not registered (ie, those that lack official recognition, authorisation, licensing, and/or oversight from relevant the authorities)

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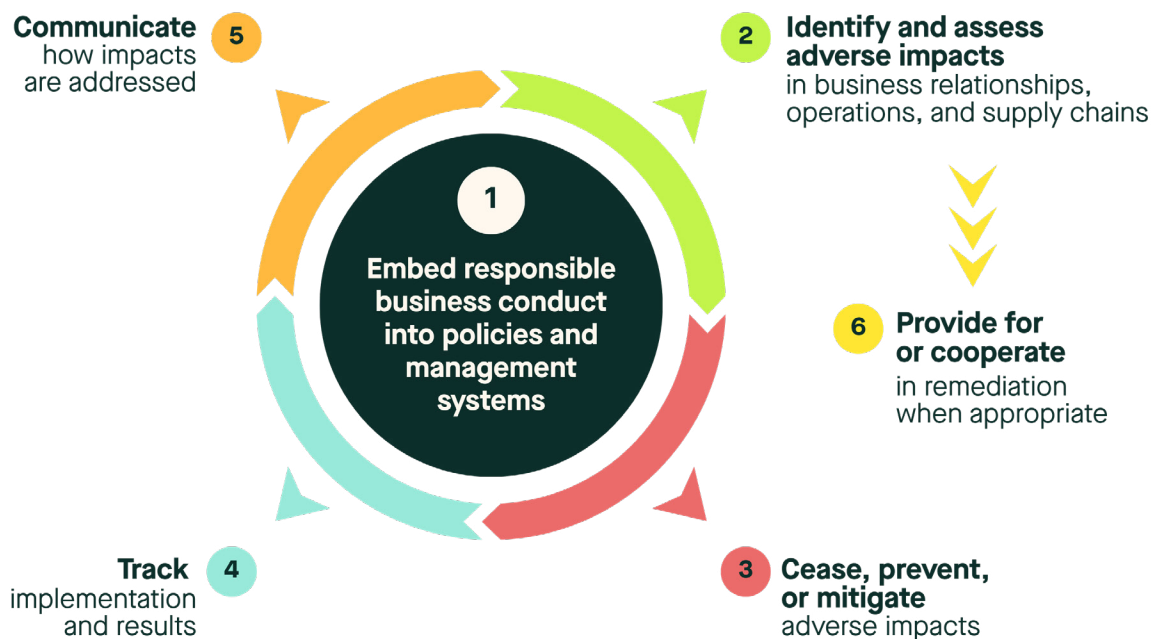
<sup>1</sup>These types of organisations and arrangements are referred to collectively as 'labour intermediaries' throughout this document. This term is inclusive of all types of arrangements by which a company recruits, secures, or manages labour with the assistance or support of other entities.

# 2

## Respecting workers' rights through human rights due diligence

Human rights due diligence (HRDD) is an ongoing process implemented by a company to identify, prevent, mitigate, and account for how it addresses human rights risks and adverse impacts in its business. This is a universal expectation for companies under widely accepted international instruments including the UNGPs and OECD Due Diligence Guidance for Responsible Business Conduct. HRDD includes six elements, as illustrated in Figure 1 and summarised below:

1. Embed respect for human rights into company policies and management systems.
2. Identify, assess, and prioritise actual and potential impacts to human rights, including those that the company may cause, contribute to, or be directly linked to through business relationships.
3. Take action to cease, prevent, mitigate, and address risks and impacts.
4. Track implementation and performance, including through the company's own monitoring systems as well as through independent verification.
5. Communicate about performance, including actions taken, their effectiveness, and on-the-ground outcomes.
6. Provide or cooperate in providing fair and just remedy where harms to human rights have occurred.



**Figure 1:** Graphical summary of the due diligence process and its six elements. Source: OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct

Effective due diligence recognises that workers and other rightsholders are not a homogenous group, but rather consist of individuals and sub-groups that face different vulnerabilities and risks with respect to human rights. For instance, casual workers, migrant workers, women, young workers, and other marginalised groups often experience distinct vulnerabilities and risks. Due diligence includes identifying and working to prevent, mitigate, and address the specific human rights risks and impacts of vulnerable sub-groups. This includes the use of gender-disaggregated methods to identify and assess human rights impacts, as well as gender-sensitive approaches to address impacts and risks.

HRDD should be at the core of every company's approach to respecting workers' rights. The AFI's [Topic Summary on Due Diligence](#) provides more information on HRDD, and, more broadly, on the integrated approach of environmental and human rights due diligence (EHRDD). It details each of the six elements and explains how the Accountability Framework can support companies in implementing effective due diligence. Companies should ensure that their HRDD systems are designed and implemented to address workers' rights effectively in relation to each of the six elements. Following are some key measures for doing so.

## **Policy commitment and embedding within the company (HRDD element 1)**

All companies should have clear, publicly accessible policy commitments to respect workers' rights in their operations, supply chains, and financial investments. This can be a stand-alone policy or can be integrated into a broader human rights or sustainability policy. At a minimum, the policy should cover all the elements listed in the Accountability Framework's Core Principle 2.1, as well as the ten internationally-recognised workers' rights provisions specified in Core Principle 2.3. These ten provisions are further elaborated in Section 3 of this guidance. Following Core Principle 3, the policy commitment should apply company-wide (including at the [corporate group level](#)) for all agricultural and forestry commodities produced and/or sourced.

In addition, all companies should have effective management systems to drive implementation of their workers' rights commitments. Systems should include governance structures with senior leadership accountability, involvement of all relevant company divisions (particularly sustainability, procurement, finance, and legal), processes for worker participation, and alignment of employee incentives with human rights outcomes.

The AFI's guide on [how to write an ethical supply chain policy](#) and the [Topic Summary on Company Management Systems](#) provide additional information on embedding commitments within the company as part of this step in the due diligence process.

## **Assessing impacts, taking action, and tracking results (HRDD elements 2-4)**

Actions to carry out HRDD elements 2, 3, and 4 typically differ according to the company's position in the supply chain position:

- Companies that own, manage, or control production or processing facilities hold primary responsibility for directly ensuring that their operations and activities respect the rights of workers. This requires assessing impacts and taking action to prevent and mitigate harms. It also requires monitoring and independent verification of these actions. These are further elaborated for each workers' right provision in Section 3 of this guidance.
- Downstream companies, such as traders, manufacturers, and retailers, that are more distanced from production or processing facilities typically place greater emphasis on supplier management, engagement, monitoring, and independent verification of performance and outcomes to implement HRDD related to workers' rights. These actions are further elaborated in Section 4 of this guidance. In some situations, downstream companies may also need to take direct action at the supply base level in order to effectively fulfil their workers' rights commitments and obligations.
- Vertically integrated companies should implement relevant sets of actions as appropriate to their roles as commodity producers, processors, and buyers.

The intention of HRDD is to guide companies in tailoring their responses to the specific risks associated with each business context. Where risks to workers are particularly high, enhanced levels of monitoring, rightsholder engagement, and preventive and responsive actions are typically required. Indications of higher risk contexts (red flags) include absence or weak enforcement of labour laws; significant use of labour intermediaries or temporary or informal labour; and low levels of unionisation or absence of worker representation.

In addition to identifying and directly addressing workers' rights harms in a company's operations and supply chains, HRDD also involves understanding and working to address the conditions and contributors that can lead to these harms, or impede efforts to ensure full respect for human rights. This includes addressing systemic issues and root causes (see Box 1).

In many cases, companies lack full control over the factors needed to prevent or address adverse impacts to workers' rights or their underlying conditions or root causes. In these situations, companies may need to collaborate with other stakeholders—for instance through landscape, jurisdictional, and sectoral initiatives—to promote respect for workers' rights linked to the commodities they produce or source. This may involve working with peer companies, supply chain partners, NGOs, and local communities, for instance to implement Child Labour Monitoring and Remediation Systems (CLMRS; see Section 3.1.2). It may also involve engaging with government, as respect for workers' rights is generally highly dependent on laws and their implementation. See the Accountability Framework [Operational Guidance on Achieving Commitments Through Collaboration](#) for more detail on this topic. Section 4.6 of this Operational Guidance also elaborates on collaborative approaches for downstream companies to promote respect for workers' rights.

#### **Box 1. Root cause analysis and 'The Five Whys'**

An effective approach to HRDD requires understanding the conditions, contributors, and root causes underlying human rights risks and impacts so that the company can implement and/or support more effective and lasting long-term responses. One way to gain this understanding is through Root Cause Analysis (RCA), which is a structured process to identify the underlying cause(s) of human rights harms. By applying RCA, companies can move beyond treating symptoms and begin addressing the systemic issues that give rise to risks. For instance, if child labour is found in a supply chain, RCA may reveal that low wages for adult workers drive families to rely on child labour for additional income, or it may reveal lack of access to quality education.

One technique for conducting RCA is 'The Five Whys.' This method entails identifying the main problem and then asking 'why' five successive times to understand the layers of causality that lead to the observed problem. With each 'why,' a deeper understanding is gained of the underlying systemic factors behind the problem.

AFi Coalition member Verité has developed [detailed guidance](#) on RCA and The Five Whys for labour violations in the coffee sector.

## **Communicating about performance (HRDD element 5)**

Transparency is critical for driving progress, supporting accountability, and recognising achievement towards effective due diligence and respect for human rights. Companies at all stages of the supply chain are expected to publicly communicate about:

- their human rights commitments and policies
- summaries of risk assessments
- actions taken to prevent, mitigate, and address human rights risks and impacts, and the outcomes of these actions

- systems to monitor and verify performance and compliance
- summary information on the status and resolution of grievances, including steps taken to remediate any harms<sup>2</sup>

Where necessary to ensure credibility and rigour, this information should be independently verified. See the [Operational Guidance on Reporting, Disclosure, and Claims](#) for more information reporting related to human rights.

## Provide or cooperating in providing remedy (HRDD element 6)

In case of adverse impacts to workers' rights, companies are expected to provide for, or cooperate in providing, fair and just remedy for the impacts that they caused, contributed to, or are directly linked to. Typical remedies include restoration of the rights and conditions that existed before the abuse, compensation for economic and non-economic loss (eg, payment of back wages owed, with interest), collaboration with state judicial and non-judicial systems to provide for remedy, or satisfaction (eg, official apologies and guarantees of non-repetition).

To facilitate timely and satisfactory remedy of workers' rights abuses, an effective operational-level grievance mechanism should be established. This mechanism should be available to any person affected by business operations or supply chains, including workers as well as other stakeholders. It should allow such affected or interested parties to make an inquiry, express a concern, or file a formal complaint. In addition to providing access to remedy, an effective grievance mechanism should also facilitate early identification and resolution of problems before they escalate, and help to identify patterns of abuse over time. Grievance mechanisms should follow the eight effectiveness criteria included in the UNGPs.<sup>3</sup>

Guidance on remedial actions for specific harms to workers is provided in some of the respective subsections in Section 3 below (eg, for instances of child labour). See also the [Operational Guidance on Remediation and Access to Remedy and Remediation](#).

## Rightsholder and stakeholder engagement (all six HRDD elements)

Effective due diligence should be informed and supported across all six elements by systematic, structured, ongoing, and good faith engagement with workers, other rightsholders and stakeholders, and affected persons to help identify and address actual or potential human rights impacts. See Box 2 for examples of permanent engagement mechanisms. Effective rightsholder and stakeholder engagement includes:

- consultation, participation, and meaningful good faith engagement with workers and their representatives at all stages of the due diligence process, including remedy
- engagement with other stakeholders, including other rightsholders, NGOs, government, and other companies working in the same sourcing regions
- use of an operational level grievance mechanism (following the effectiveness criteria of the UNGPs) to enable workers, rightsholders and other stakeholders, and affected persons to raise concerns or complaints and seek their resolution

These forms and mechanisms for rightsholder and stakeholder engagement should complement—not substitute—the role of unions and collective bargaining in representing and advocating for workers' rights and interests. See Section 3.3 for more information on company responsibilities to protect and support freedom of association and collective bargaining.

<sup>2</sup> Communication and information sharing, including in relation to grievances, must be done in a manner that protects the safety, confidentiality, and (when requested) anonymity of complainants and rightsholders.

<sup>3</sup> See UNGP Principle 31 as well as Annex 1 of the Accountability Framework [Operational Guidance on Remediation and Access to Remedy](#), which explains the effectiveness criteria and their application.

## Box 2: Supporting company due diligence through permanent worker engagement mechanisms

Permanent worker engagement mechanisms provide a formal and ongoing two-way channel for companies and workers to communicate with one another, identify challenges related to workers' rights and wellbeing, and work jointly to find solutions. Establishing such mechanisms is a good practice that can complement other forms of worker engagement, such as dialogue and negotiation with trade unions.

For example, the Equitable Food Initiative (EFI), a fresh produce certification system, incorporates this approach by facilitating the creation of a leadership team when a farm decides to pursue certification. This team of about 8-20 workers and company managers, with balanced gender and demographic representation, is trained and provided technical support to foster two-way communication, gather information on workers' rights and wellbeing, and resolve conflicts as needed to comply with the EFI standards.

Similarly, the SA8000 Standard requires the formation of a demographically representative social performance team (SPT), composed of both workers and managers. Its aim is to enhance worker-manager communication and participation of non-management personnel in compliance with the SA8000 Standard. The SPT complements but does not take the place of unions; where there is a union in place, a union representative typically participates in the SPT. Worker representatives on the SPT are freely elected by their peers.

## Resources to support companies in respecting workers' rights

The following resources provide additional guidance and methods on implementing HRDD and ensuring respect for workers' rights overall:

- Social Accountability International (SAI), [SA8000:2026 Standard for Decent Work – Working Draft \(2025\)](#)
- AIM-Progress, Consumer Goods Forum, Proforest, and Fair Labor Association, [Converged HREDD assessment tool \(2024\)](#)
- Fair Labor Association, [Workplace Code of Conduct and Compliance Benchmarks Agriculture Sector \(2022\)](#)
- Palm Oil Collaboration Group, [Human Rights Due Diligence \(HRDD\) library of tools \(2021\)](#)
- Principles for Responsible Investment, [From Farm to Table: Ensuring fair labour practices in agricultural supply chains \(2020\)](#)
- Proforest, [WorkerVoice technologies \(2020\)](#)
- [ILO Helpdesk for Business on International Labour Standards](#)
- UN Global Compact, [Decent Work Toolkit for Sustainable Procurement](#)
- UN Global Compact and Verisk Maplecroft, [Human rights and business dilemmas forum](#)
- Verite, [Responsible Sourcing Tool](#) and [Farm Labor Due Diligence Toolkit](#)

# 3

## Key workers' rights provisions and implementation guidance

As noted above, companies have the responsibility to respect all internationally-recognised human rights (Core Principle 2.1), as well as rights specific to workers (Core Principle 2.3). Their commitment to do so should be clearly articulated in company policies and implementation practices. This section elaborates on the ten workers' rights provisions identified in Core Principle 2.3. For each, an overview is provided, followed by implementation guidance and resources for additional information.

### 3.1 No child labour

#### 3.1.1 Overview

Child labour refers to work that deprives children of their childhood, potential, and dignity, and that is harmful to their physical and mental development, including by interfering with their education. The prohibition of such labour is embedded in international conventions<sup>4</sup> and in the UN Guiding Principles on Business and Human Rights (UNGPs). As of 2021, over 112 million children were engaged in agriculture globally, even though this sector has very high rates of work-related fatalities and injuries.<sup>5</sup> While most of these children work alongside their families on family operations, others are employed as full-time or part-time workers outside of their households, including children who were recruited into farming or forestry through intermediaries or were trafficked.

Child labour can also occur where adults, often seasonal migrant workers, live or travel with children and the children are encouraged to help their family members—for instance, when a piece rate or quota system is used for payment.

The risk of child labour is greater where:

- schools or childcare facilities are not accessible (eg, if parents cannot afford school fees or if work sites are far from a school)
- the poverty rate is high
- social and gender norms are accepting of child labour and of children not being in school
- laws addressing child labour are absent, weak, or not enforced
- there is a lack of social protection, child protection services, or affordable healthcare

A child is a person under the age of 18.<sup>6</sup> However, as indicated by the Accountability Framework's definition of child labour (which is based on the provisions of ILO Convention 138), not all work performed by children is considered child labour. Rather, child labour is defined by the age of the child conducting the work and by the nature of the work, as summarised below:

- Children aged 13 or over (or in some circumstances age 12 or over, where the economy and educational facilities are insufficiently developed) may perform light work when permitted by local law. This is work that does not threaten children's health and safety or hinder their education or vocational training. It should also not be performed for more than 14 hours per week.

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<sup>4</sup> ILO, [Minimum Age Convention No. 138](#) and [Worst Forms of Child Labour Convention No. 182](#)

<sup>5</sup> UNICEF/ILO, [Child labour: Global estimates 2020, trends and the road forward](#), 2021

<sup>6</sup> United Nations, [Convention on the rights of the child](#), 1989

- Children aged 15 or over (or in some circumstances age 14, where the economy and educational facilities are insufficiently developed) have reached the minimum age for employment per the ILO standards. Some countries set the minimum age higher, in which cases the higher age threshold prevails. Children above the minimum age for work should not work more than 48 hours per week and should work only outside of school hours when subject to compulsory education laws.
- No children (applicable to all persons under the age of 18) can be subjected to:
  - Hazardous work: This is work that is inherently dangerous, such as clearing fields, using machetes, applying pesticides, lifting that is disproportionate to the child's size (more than 20% of the child's body weight), or working for excessively long hours, at night, or in high temperatures. Hazardous work is considered one of the worst forms of child labour.
  - Other worse forms of child labour: This includes all forms of slavery, trafficking, debt bondage, and other types of forced labour; the use of a child for prostitution, or to produce pornography or pornographic performances; and the use of a child for illicit activities such as begging or selling narcotics.

ILO Conventions allow countries certain flexibility in setting minimum ages and determining what constitutes hazardous work and light work. National governments can determine what is considered hazardous work through a tripartite process with employers' and workers' organisations. Employers may adopt more restrictive standards than the ILO and national laws, but should never have more permissive ones.

### 3.1.2 Implementation guidance

Actions to eliminate child labour in supply chains should be context-sensitive and address the complexities of the local situation. Multiple approaches have been developed to help address these complexities, including the widely recognised use of Child Labour Monitoring and Remediation Systems (CLMRS). The following guidance is consistent with these approaches.

Understanding the root causes of child labour is a fundamental component of taking action to remediate it and prevent reoccurrence. (See the Resources section below for additional guidance on identifying and addressing root causes.)

#### **Hiring, work assignments, and supervision of child workers**

The employer should ensure that workers below the legal minimum age are not hired. Decisions should be based on verifiable forms of identification, including identity documents and school and medical records. When documents are not available, the employer should verify worker age through other means such as interviews with expert witnesses or local community leaders, interviews with candidates whose ages appear questionable, and by maintaining and reviewing a database to flag underage job applicants.

For children who are above the minimum age for working but below age 18, the employer should verify both the worker's age and the permissibility of their work assignments based on this age. As explained above, this includes avoidance of hazardous tasks and other worst forms of child labour for all children; limitations on hours worked per week; and restriction of tasks to light work for younger children.

To help ensure that all child work adheres to these restrictions in practice, adult supervisors should be present. Managers should have a clear understanding of what constitutes hazardous work within the context of their operations, and should ensure that supervisors are trained in, and responsive to, occupational health and safety issues. Additionally, a workplace policy on young workers should also be developed and accessible to all workers, stating specific tasks and conditions for the type of work that is permissible.

#### **Child Labour Monitoring and Remediation Systems**

CLMRS are initiatives to prevent, mitigate, and remediate child labour and the risk of its occurrence. Often developed and implemented at the national or sub-national level, they aim to address child labour through a systematic and ongoing approach that includes four main elements:

1. awareness-raising of child labour and resulting harms;
2. observation and identification of child labour through active monitoring;
3. prevention and remediation support to children engaged in child labour and to others at risk; and
4. monitoring and follow-up activities to help ensure that child labour has been effectively addressed.

One advantage of CLMRS is their ability to go beyond individual supply chain interventions to address child labour risks and underlying causes that may be systemic and persistent at the community or landscape level. This can then support the development of prevention and mitigation measures that better address these root causes, as necessary.

Companies are encouraged to engage with CLMRS where they exist, and to establish or support the establishment of CLMRS in areas where they are absent but could serve as effective tools for addressing child labour risks.

### **Recruitment agencies**

Employers that source workers via recruitment agencies, contractors, service providers, or other types of labour intermediaries should conduct thorough due diligence on these intermediaries. They should also establish systems to ensure that these intermediaries have and implement policies and practices to avoid child labour. See Section 3.10 for additional detail on responsible recruitment.

### **Remediation measures**

When child labour is present in a supply chain, remediation measures are required. These must be designed and implemented based on protecting the best interests of the affected child. If the affected child is of legal working age, the company should first consider whether it is possible to reassign the child to work tasks that are safe, age appropriate, and conform with ILO provisions (summarised above) and all legal requirements. If the child is below the legal working age, the company should remove the child from the workplace in a way that protects their wellbeing and avoids actions that could worsen their situation, for example by triggering pressure or punishment from family members or others who placed them in the workplace. The child should participate in decisions regarding remediation.

Special attention should be given to determine if the child labour was a result of child trafficking. If this was the case, then the child must be adequately protected from traffickers and not just removed from the work site. This will often require working with law enforcement and child protection specialists. Specialists can help assess the child's safety, manage referrals to child protection services, design appropriate remediation measures, and protect the child from further harm or retaliation.

Ideally, children removed from child labour should be enrolled in school. If formal education cannot be accessed, the child should be provided with vocational training that can lead to safe, age appropriate, and decent work. Such solutions are often best developed through participatory community-based initiatives tailored to the specific needs of local children. They should be accompanied by long-term approaches that address underlying poverty, for instance by improving access to land, housing, and economic opportunities. As an example, the FAO Youth and Junior Field and Life Schools<sup>7</sup> work to remediate child labour while building youth knowledge and leadership in sustainable agriculture and other life skills.

As part of the remediation, wherever adequate schooling or childcare facilities are not available, the employer should engage with local government and NGOs to support the establishment of such facilities. Where educational facilities are available, the employer may need to support access by ensuring that children are able to secure school fees, uniforms, books, and transportation.

A common cause of child labour is families' need for cash income. To address this underlying cause where it is relevant, employers can consider hiring another member from the child's household so that the family can maintain the income previously earned by the child, or, if that is unfeasible, providing the family a stipend to replace a child's lost wages.

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<sup>7</sup> See [Youth and Junior Field and Life Schools](#)

Instances of child labour often stem from more systemic issues at the household or community level. In such cases, a multi-level remediation strategy should be considered. Good practice for a multi-level remediation strategy includes the following:

- The employer engages a child protection expert to verify the causes of the child labour, and assists the expert in obtaining information to make this determination. This includes facilitating contact with the child and their guardians, subject to the child's consent and rights to privacy.
- The expert recommends remediation measures and engages in meetings with the child and their guardians to discuss remediation options.
- The employer reaches an agreement on the settlement of all remediation-related costs and assigns a person to be responsible for monitoring the case together with the third-party expert.
- All cases are reviewed on a regular basis and followed up by the expert during scheduled community visits.

### 3.1.3 Additional resources on child labour

The following resources provide further information, best practice, and examples to support the elimination of child labour in supply chains:

- Fair Labor Association, [Practical Guide to Addressing Child Labor through Supply Chain Due Diligence](#) (2025)
- Shift, [Tackling Child Labor: A Guide for Financial Institutions](#) (2024)
- The Center for Child Rights and Business, [The Suitability of Operational-Level Grievance Mechanisms in Addressing Child Labor](#) (2024)
- OECD, [Business Handbook on Due Diligence in the Cocoa Sector: Addressing Child Labour and Forced Labour](#) (2023)
- Rainforest Alliance, [Child Labor Toolkit](#) (2023)
- Roundtable on Sustainable Palm Oil (RSPO), [Guidance on child rights for palm oil producers](#) (2023)
- ILO, [Supplier guidance on preventing, identifying and addressing child labour](#) (2021)
- FAO, [Framework on Ending Child Labour In Agriculture](#) (2020)
- Wilmar, [Child Protection Policy Implementation Manual](#) (2020)

## 3.2 No forced or compulsory labour

### 3.2.1 Overview

The ILO estimates that 28 million people around the world are trapped in conditions of forced labour, of which 2.1 million work in agriculture.<sup>8</sup> High levels of forced labour have been documented in the production of commodities such as palm oil (particularly on plantations in Indonesia and Malaysia), cattle, cotton, and sugarcane, among others.<sup>9</sup>

Forced or compulsory labour refers to any work or service that a person has not offered voluntarily, and that the person is coerced to perform under threat of penalty. The coercion that characterises forced labour can take place during worker recruitment, as part of the conditions of work, and/or as part of leaving a job. Coercion can include fraudulent recruitment, confinement in the workplace, restriction of movement or communication, violence and threats, document retention, delay or manipulation of wages or loans, and deprivation of basic needs.

Forced labour includes all forms of debt bondage and human trafficking. While these terms are often used interchangeably, it is important to understand the differences among them (see Box 3). Regardless of variations in terminology or use of terms, companies should adopt and implement comprehensive policies against all forms of forced labour.

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<sup>8</sup> ILO, [Forced labour, modern slavery and human trafficking](#)

<sup>9</sup> US Department of Labor, [2024 List of goods produced by child labor or forced labor](#)

### Box 3: Key terms related to forced labour

- **Forced labour:** Any work or service that a person has not offered voluntarily, and that the person is coerced to perform under threat of penalty.
- **Human trafficking:** The recruitment, transportation, transfer, harbouring, or receipt of persons by means of threat, use of force, deception, or other forms of coercion, for the purpose of exploitation.
- **Debt bondage:** A form of forced labour in which an individual's labour is pledged against a debt and the terms of repayment are not transparent or fair, leading to a loss of freedom and to exploitation.
- **Modern slavery:** An umbrella term encompassing several forms of labour exploitation including forced labour, human trafficking (including labour trafficking and sex trafficking), slavery and slave-like practices, debt bondage, domestic servitude, and forced criminal exploitation.

## 3.2.2 Implementation guidance

### Identify and assess indicators of forced labour

As noted above, labour is considered forced if it is both involuntary and coerced. Therefore, efforts to identify and assess the presence of forced labour should look for indicators of both involuntariness and coercion. (See the Resources section below, particularly the Sedex guidance, for indicators to effectively identify and assess instances of forced labour.)

Whether or not instances of forced labour have been detected, conditions that foster involuntary or coercive labour are of concern and should be addressed both to cease any existing forced labour and prevent future instances.

### Freedom to leave the job

All workers have the right to terminate their employment at any time, for any reason, and without prior notice. Any restriction of this right is considered forced labour. If the worker chooses to leave the job, that person is entitled to wages for all time worked and may also be entitled to additional benefits or accommodations as stipulated in their employment contract and/or applicable labour laws.

### Written contracts and documentation

Forced labour can occur when the initially agreed-upon terms and conditions of a job are not honoured and a worker therefore becomes trapped in a job under terms to which they did not agree. As such, written documentation of the terms of employment are an important means of protection. Written contracts should be in place regardless of whether the worker is employed directly or by a labour intermediary.

Contracts should be written in a language and format that the worker easily understands and should be signed by both worker and employer. They should detail, at a minimum, the workers' rights regarding:

- the payment of wages (including wages/wage rate and how wages are calculated, including piece-rate and incentive-based pay), overtime premiums, deductions (if any), and frequency and means of payment
- working hours
- job location
- nature of the work and job duties
- benefits such as leave or medical care
- obligations related to resignation

The employer should maintain records of each contract, and the worker should be provided a copy. In situations where a written contract was not put in place prior to employment, the employer should provide one, with input from the worker on what was promised to the worker upon accepting employment.

If there is a violation of the terms of employment offered at hiring (whether these were defined in a written contract or verbally), the employer should engage the worker, as well as worker representatives and unions where they exist, to provide appropriate compensation. Back pay and interest should be provided if they are necessary to honour the terms promised to the worker at hiring.

For workers who are unable to read, the employer should take adequate measures to ensure that the contract is mutually understood and agreed, such as having the contract read aloud and verbally accepted in the presence of an independent witness.

### **Pay-related practices**

Wages should be paid on time according to the schedule agreed in the written contract (or as stipulated by law or in a collective bargaining agreement, to the extent these are more advantageous to the worker). In all cases, wages should be paid at least once a month. Each time that wages are paid, workers should be provided wage slips (documenting their regular and overtime hours worked, wages paid, and deductions), or shown such documentation and provided with the opportunity to freely confirm (in writing) that the pay is correct or to register a dispute.

If there are known or alleged irregularities in pay practices (for instance, if pay has been delayed, incorrectly calculated, or subject to inflated deductions), the employer should correct these errors and pay any owed wages immediately. If the amount owed is in dispute, an independent third party should review the case and any additional wages that this review finds to be owed should be paid immediately.

If alleged pay manipulations are widespread in the workplace, an independent third party should carry out a broader assessment to determine if pay practices and deductions are reasonable, legal, and in accordance with contracts, and if workers are being coerced to sign pay records.

### **Freedom of movement and communication**

Workers must be able to leave their place of work at the end of a standard workday or shift (as specified in their contracts), or at any time in case of imminent danger. Entry and exit pathways to the workplace should remain unlocked and clear. Workers must also have access to personal means of communication, such as mobile phones, with no restrictions on their use outside of working hours. These principles should also be applied to dormitories provided by employers or agents.

### **Withholding documents**

Personal documents such as passports, birth certificates, records of age, work or residence permits, and other travel documents should under no circumstances be withheld. Migrant workers who live in employer-provided or other temporary housing are generally the most vulnerable to document withholding.

Although some employers may believe or assert that withholding these documents benefits both their business and the workers, doing so significantly threatens workers' freedom of movement and undermines voluntary employment. Accordingly, workers must have immediate access to their personal documents and should not be required to forfeit original copies to their employer or any actor in the recruitment process. If the security of workers' documents and valuables is a concern to workers or the employer, then the employer should provide secure storage facilities that enable each worker to access their own belongings directly and without restriction.

Withholding of documents also indicates other risks to workers' rights since it impedes the departure of workers who may wish to leave due to various rights violations.

## Recruitment-related vulnerabilities

Workers should not be required to pay any recruitment-related fees<sup>10</sup> or costs to any actor as part of the process of obtaining or retaining a job. If a situation is discovered in which workers have paid such fees, the worker should be reimbursed as soon as possible. These fees are often hidden as excessive charges for transportation, visa processing, and training. According to the Employer Pays Principle, even if a recruiter or other actor alleges that a worker owes recruitment fees, or even if the law states that workers should pay such fees, it is the employer that is expected to pay them.<sup>11</sup> For more information on responsible recruitment, see Section 3.10.

## Debt bondage

In addition to debts related to recruitment, debt bondage can also arise if employers or recruiters charge workers for meals, housing, or other costs that exceed workers' ability to pay in a reasonable amount of time.

It is acceptable for employers to provide loans or advances to workers. However, these should be provided within legal limits and at terms that allow the worker to repay them in a reasonable amount of time and without binding the worker to the employer or the job. The employer should have a written policy that governs protocols for loans and advances. It should include eligibility requirements, interest rate (if charged), and payment conditions. Terms and conditions for each specific loan or advance should be clearly communicated and documented in writing between the employer and worker, and workers must agree voluntarily to these terms and conditions.<sup>12</sup>

### 3.2.3 Additional resources on forced labour

The following resources provide further information, best practice, and examples to support the elimination of forced labour in supply chains:

- OECD, [Business Handbook on Due Diligence in the Cocoa Sector: Addressing child labour and forced labour](#) (2023)
- International Organization for Migration, [Operational Guidance for Businesses on Remediation of Migrant-worker Grievances](#) (2021)
- Proforest/FLA, [Guidance for forced labour grievances](#) (2020)
- Fair Labor Association, [Forced labor in supply chains: Addressing risks and safeguarding workers' freedoms](#) (2019)
- Sedex, [Forced Labour Indicators Tool: Practical Guidance v2.0](#)
- Verité, [Responsible Sourcing Tool](#)

## 3.3 Freedom of association and collective bargaining

### 3.3.1 Overview

Freedom of association and collective bargaining are human rights stated in the Universal Declaration of Human Rights and recognised in the constitution of the ILO.<sup>13</sup> However, collective bargaining has decreased in recent years. In 2023, an estimated 79% of countries violated the right to collective bargaining, and 77% of countries excluded workers from the right to establish or join a trade union. In some cases, workers' safety has been threatened for exercising their right to organise.<sup>14</sup>

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<sup>10</sup> According to the ILO, a recruitment fee is any fee incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of its imposition or collection.

<sup>11</sup> Institute for Human Rights and Business, [The Employer Pays Principle](#)

<sup>12</sup> ILO, [Q&As on business and forced labour](#)

<sup>13</sup> ILO, [Business and Freedom of Association](#)

<sup>14</sup> ITUC, [2023 Global Rights Index](#)

Collective bargaining is a key means through which employers and their organisations and trade unions can negotiate and mutually agree on fair wages and working conditions. Typical issues on bargaining agendas include wages, working time, training, occupational health and safety, and equal treatment. These negotiations are vital to ensuring harmonious working relationships between workers and employers. Freedom of association and collective bargaining afford labour protection to workers, improve the legitimacy of workplace agreements and increase stability for employers, and provide a means to supplement government labour policy and regulation.

Employers have the obligation to protect workers' rights to all aspects of freedom of association, including their rights to organise and represent themselves in collective negotiations with management. Employers should be able to demonstrate that the union or other workers' organisation that negotiates with the employer was chosen freely by the workers. Employers are expected to bargain in good faith and not engage in undue litigation or other actions to slow, stop, or limit the bargaining process.

If the right to freedom of association and collective bargaining is restricted under law, the employer should facilitate (and should not hinder) the development of parallel or alternative means for independent and free association and bargaining. Similarly, if workers themselves have not come together to organise a union, the employer should facilitate the development of a mechanism for workers to represent themselves in negotiations with the employer. Alternative means should not be used to undermine or suppress unions.

### 3.3.2 Implementation guidance

#### **Communication about freedom of association**

Communications from the employer or its representatives should remain neutral on workers' decisions about organising. Good practices for communicating about freedom of association include:

- development of a company-wide freedom of association policy, with clear statements and references to national law and international standards
- inclusion of a clear statement and reference to freedom of association in the employer's human resources policies
- inclusion of freedom of association during orientation or other training
- posting the policies for freedom of association and collective bargaining visibly throughout the workplace in languages that workers understand

#### **Non-discrimination against union leaders and members**

The employer should ensure that workers are not subjected to discrimination, harassment, intimidation, or retaliation related to participation in unions or organising in any capacity. Workers, their representatives, and trade union members should be protected from discrimination in relation to hiring, training, promotion, dismissal, and job assignments. For instance, workers should not be assigned to less-preferred work roles or work sites because of their roles in unions or organising. This protection should be addressed clearly in all procedures and training, and monitored through regular reviews of disciplinary actions, human resource records, grievance logs, and interviews.

#### **Non-interference**

Employers should not in any way intervene or interfere in the nomination, election, operation, administration, or financing of workers' representation. This includes ensuring the union has the space to do its work through support such as allowing the union to meet on company premises and during working time, if they so choose. Such meetings should not disrupt regular company operations.

#### **Alternatives for achieving the intent of freedom of association and collective bargaining**

If the employer operates in a location where the state interferes with or restricts freedom of association and collective bargaining—or if access to a formal union does not exist for any other reason—it is critical for workers to have the freedom to organise in other ways, for instance through an employer-established workers' committee.

While helpful for fostering communication overall, ‘worker voice’ technologies that enable workers to communicate with employers (eg, through phone, text, or apps) should not be considered an alternative means for achieving the intent of freedom of association and collective bargaining.

### 3.3.3 Additional resources for freedom of association and collective bargaining

The following resources provide further information, best practice, and examples to support freedom of association and collective bargaining in supply chains:

- ITUC, [Global Rights Index](#) (2024)
- CNV Internationaal, Daemeter, and Proforest, [Guidance Paper on Social Dialogue, Freedom of Association, and Collective Bargaining in the palm oil sector in Indonesia](#) (2022)
- International Commission of Jurists, [Guidance on Freedom of Association of Workers in ASEAN](#) (2021)
- ILO, [Compilation of decisions of the Committee on Freedom of Association](#) (2018)
- Ethical Trading Initiative, [FOA & worker representation: company guidance](#)
- Verite, [Tools for Assessing Respect for Workers’ Rights to Freedom of Association \(FoA\) and Participation](#)

## 3.4 No discrimination

### 3.4.1 Overview

Discrimination is any distinction, exclusion, or preference made based on race, colour, sex, gender, sexual orientation, religion, political opinion, national or social origin, union affiliation, disability, or any other non-job-related characteristic that has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.<sup>15</sup>

Discriminatory practices commonly associated with agriculture and forestry workplaces include, but are not limited to, unequal pay for equal work, sexual harassment, compulsory pregnancy tests during hiring procedures, and violence against lesbian, gay, bisexual, transgender, queer, questioning, and intersex (LGBTQI+) individuals.

Discrimination against women is prevalent throughout the agriculture and forestry sectors, in violation of widely-recognised international human rights norms such as the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). For instance, in the Indonesian palm oil sector, women are more likely to be involved as casual workers, with no work contracts or agreements.<sup>16</sup> This creates the conditions for women to be underpaid, overworked, and exposed to hazardous working conditions. In the beef sector, while factory workers of all genders are exposed to hazardous working conditions, women face occupational hazards that pose particular risks to reproductive health, and also suffer from sexual harassment.<sup>17</sup> Overall, sexual harassment is a widespread manifestation of discrimination and can be perpetuated against workers of any gender or sexual orientation.

Discrimination against migrant workers is also common, with migrant workers often excluded from higher-paying assignments, opportunities for advancement, and certain benefits. Discrimination may also occur when employers bring in outside workers that displace local workers who have the required job-related capacities, or who could be trained as part of a broader effort to strengthen community livelihoods.

Legal frameworks and norms related to discrimination vary widely from place to place. While there are many laws that prohibit or restrict workplace discrimination based on some or all of the characteristics listed above, in other cases applicable law may enable or even reinforce traditions of discrimination, for instance by permitting men to earn more than women for performing the same or comparable tasks. Local norms

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<sup>15</sup> ILO Convention No. 111.

<sup>16</sup> Pulitzer Center, [Indonesian women risk health to supply palm oil to the West](#), 2017 and CIFOR, [Voices of women in palm oil](#), 2017.

<sup>17</sup> See Human Rights Watch, [When we’re dead and buried, our bones will keep hurting](#), 2019.

may also reinforce discriminatory practices, for instance the exclusion of female job applicants based on expectations of family responsibility (eg, caring for children) or marital status. Regardless of local laws and customs, employers are obliged to avoid all forms of discrimination related to employment.

Laws or approaches that favour certain underrepresented or vulnerable groups (sometimes referred to as 'positive discrimination') are distinct from discrimination that prejudices or disadvantages such groups, and are generally permissible. This includes laws and regulations in favour of women, Indigenous Peoples, or other minority groups that historically have not had equal opportunities.

Passive practices that result in discrimination are still considered discriminatory and are in violation of internationally-recognised norms. For example, not questioning the dominance of one ethnic group over another in senior management may be a form of discrimination.

### 3.4.2 Implementation guidance

International guidelines call on employers to establish policies and procedures to prevent all forms of discrimination in the workplace and throughout the employment process. This includes discrimination related to recruitment and hiring, wages, promotions, training, pregnancy, interference with rights to exercise personal choices, complaint management, and dismissal.

Incidents of discrimination should be dealt with promptly and effectively, leaving no doubt about the willingness of management to discipline perpetrators in a way that deters future incidents. Strategies to address discrimination should consider and address (to the extent possible) systemic inequalities, in addition to preventing and responding to individual instances of discrimination.

Gender discrimination is widespread and should be a focus of all anti-discrimination efforts. Employers should take steps to ensure that women have equal access to decent work, training, representation, and advancement opportunities. This includes reviewing job roles, pay scales, and promotion pathways to eliminate bias, ensuring participation of women in worker committees and grievance mechanisms, and supporting women's leadership across all levels of employment. Gender-responsive risk assessments and action plans can help companies identify and dismantle structural barriers that prevent the full participation and advancement of women. Employers should also consider intersectional factors, such as age, ethnicity, and migrant status, that may exacerbate gender inequality.

Following is additional implementation guidance related to several key aspects of employment and the workplace.

#### **Hiring, promotion, and pay levels**

Employers should actively avoid discrimination in all matters pertaining to hiring, promotion, and pay levels. This includes discrimination that may be indirect, unintended, or accepted by tradition (eg, hiring female and male workers for jobs that are culturally considered 'suitable' for them).

When recruiting for a job, the employer should accept applications from all potentially qualified applicants regardless of their gender, age, ethnicity, or other characteristics unrelated to their suitability to perform the job. Human resources staff should be made aware of prejudices in hiring through unconscious bias training. Pregnancy tests should be prohibited, including under the rationale or pretence of safety.

When interviewing for a job, the employer should follow the same procedures and criteria for everyone. Interviews should include two employer representatives, preferably with one being a woman. In agriculture and forestry, some job assignments (often higher-paying ones) are considered unsuitable for women because of the assignment's physical intensity. This should not be an a priori assumption, and women should be given the opportunity to apply for and obtain these jobs if they can perform them.

Workers should be hired and pay levels should be determined based on their job-related competence, attributes, and skills. Decisions about promotions and adjustment of compensation rates should be based on these same attributes and on job performance.

## **Non-discrimination in senior management and across the workforce**

Ensuring non-discrimination in selecting senior managers and workers at all levels begins with establishing diversity goals and plans to meet those goals in all job categories. A workforce with a balanced gender composition for most roles, but predominantly men in senior management roles, for example, might indicate insufficient access of women to training or mentoring; different criteria for evaluating women for promotions; or other deliberate or unintentional barriers to gender equality. If gender, ethnic, or other imbalances exist at the most senior levels, the employer should take proactive steps to remedy this disparity.

### **Parental leave**

Maternity leave with pay is an internationally-recognised right in various conventions and standards.<sup>18</sup> This right typically includes not only pay but also additional benefits to help provide for a suitable standard of living, as well as the right to return to the same or similar job with the same pay after the conclusion of maternity leave.

In many countries, a specified minimum period of maternity leave is compulsory under national law. Specific regulations and requirements vary widely, including the proportions of maternity leave benefits that are paid by the government and by the employer, the length of maternity leave, and the existence of paternity leave policies. Due to these differences, the role of employers in providing for parental leave also varies by country. At a minimum, employers are expected to adhere to legal requirements and collective bargaining agreements. Good practice includes benchmarking and aligning the employer's parental leave policies with relevant industry standards and local practices. If only maternity leave is legally required, employers are still encouraged to provide paternity leave.

If the employer determines production bonuses based on job attendance, parental leave should not be considered an absence for the purpose of calculating bonuses.

### **Non-interference with rights to observe tenets or practices**

Workers should be free from interference with their rights to exercise personal choices ('tenets and practices') regarding physical appearance, clothing, headwear, worshipping practices, language, disability devices, activities outside of the workplace, or other reasonable tenets or practices permitted under law that are not unreasonably detrimental to the interests of the employer and are not directly harmful or antagonistic towards other personnel.

### **Pregnancy, virginity, or other health tests**

The requirement of any personal health tests, unless necessary for the protection of workers and conducted under strictly defined conditions, is considered discriminatory. Employers should not subject workers to virginity tests under any circumstances.

Pregnancy tests are not permitted under any circumstances unless they are mandated by law because the work is potentially dangerous to pregnant women (eg, it involves the use of hazardous equipment or chemicals). Even then, such tests always need to be agreed to by the woman. In the event that a woman undergoes a pregnancy test and is pregnant, employment cannot be terminated based on the result. Likewise, if a test is conducted as part of a recruitment or hiring process, the woman cannot be refused the job due to the outcomes of the pregnancy test. Rather, if certain job tasks are considered harmful to pregnant women, the employer should find another position for the woman that is suitable for her condition, not harmful, and that comes with similar pay and benefits.

Medical tests may be permitted if the information provided by the tests is necessary to protect workers. For example, a medical test to monitor health impacts of chemical exposure in the workplace, or to mitigate pandemic risks, would be allowable since it protects the health of workers. By contrast, HIV status is generally irrelevant to agricultural or forestry work assignments, and thus mandatory HIV testing would be impermissible in such workplaces. If medical tests are conducted, the resulting information must be handled according to government requirements, kept confidential, and not be used to foster any form of discrimination.

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<sup>18</sup> See, for example, the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), Article 11.2; International Covenant on Economic, Social and Cultural Rights, Article 10 (2); ILO Convention 183 on Maternity Protection, Article 4.

### 3.4.3 Additional resources on workplace discrimination

The following resources provide further information, best practice, and examples to support the elimination of discriminatory behaviour in supply chains:

- ILO Global Business and Disability Network (GBDN), [ILO GBDN Self-Assessment Tool](#) (2024)
- Oxfam, [Supplier gender toolkit](#) (2023)
- ILO, [Care at work: Investing in care leave and services for a more gender equal world of work](#) (2022)
- ILO, [Inclusion of lesbian, gay, bisexual, transgender, intersex and queer \(LGBTIQ+\) persons in the world of work: A learning guide](#) (2022)
- European Bank for Reconstruction and Development, International Finance Corporation and CDC Group: [Addressing gender-based violence and harassment: emerging good practice for the private sector](#) (2020)
- BSR, [Making Women Workers Count: A Framework for Conducting Gender Responsive Due Diligence in Supply Chains](#) (2019)
- Social Accountability International, [Management systems to address gender discrimination](#) (2019)
- ILO, [Eliminating discrimination against indigenous and tribal peoples in employment and occupation: A Guide to ILO Convention No.111](#) (2008)

## 3.5 No abusive practices or undue disciplinary procedures

### 3.5.1 Overview

Abusive or undue disciplinary procedures include the use of corporal punishment, mental or physical coercion, verbal abuse, or other harsh or inhumane treatment in the workplace. Other examples include supervisors creating their own disciplinary procedures outside of company policy, and re-assignment to a job at a lower pay rate as a disciplinary measure.

Even though such forms of discipline are widely practiced and culturally accepted in many contexts, they constitute an infringement upon basic human rights and are impermissible under international law. For instance, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights expressly prohibit “cruel, inhuman or degrading treatment or punishment.”<sup>19</sup> In addition to these prohibitions, many countries have national legislation that makes abuse in the workplace a criminal offense.

### 3.5.2 Implementation guidance

#### **Purpose of disciplinary actions and non-discriminatory procedures**

Disciplinary measures may be necessary for employers to maintain orderly operations, yet it is important that such measures are aimed at promoting a high standard of personnel conduct and performance, and not meant to punish, humiliate, or intimidate personnel.

Actions such as the withholding of pay, work tools, or break time create fear and intimidation and should not be allowed. Legitimate disciplinary actions should be fully documented and applied consistently, not arbitrarily, to every worker, without any discrimination. Worker performance that may trigger disciplinary action, and the action that would be taken in such cases, should be detailed in the employment contract and/or worker handbook in a format that is accessible and understandable by all workers. Supervisors and managers should be trained on all procedures and how to communicate effectively and carry out disciplinary actions in a fair and respectful manner.

No disciplinary actions should be made in retaliation against any worker for submitting a grievance or complaint in the workplace. In situations where employers set group performance targets, and/or group disciplinary actions are used to discipline a group for the actions of one person, employers should pay

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<sup>19</sup> [Universal Declaration of Human Rights](#), Article 5.

Careful attention to the likely negative effects on particular individuals and carefully examine the impacts and limitations of using group discipline versus a more nuanced approach. Concerns include a strong likelihood that group discipline will lead to excessive peer pressure, isolation, or harassment of individuals.

If a risk assessment or grievance mechanism suggests issues around undue disciplinary procedures or abusive practices, then a root cause analysis should be conducted to understand why problems have occurred and to address the underlying causes of inappropriate disciplinary actions. Underlying causes may include unclear procedures, lack of training, poor communications, or stressful working conditions.

### **Progressive course of action and alternative disciplinary methods**

When disciplinary action is warranted, employers are encouraged to adopt a progressive course of respectful disciplinary action aimed at cessation of unacceptable behaviour and constructive improvement of performance (eg, through additional training). Disciplinary measures should not include corporal punishment, mental or physical coercion, verbal abuse, or harsh or inhumane treatment.

In the case of minor infractions (eg, isolated incidence of tardiness or minor production errors), an acceptable progression of disciplinary methods may be as follows.

- First, the employer may use an oral warning to notify the worker that their conduct or level of performance is unacceptable.
- If the unsatisfactory performance or conduct continues or becomes more serious, the employer may issue a written warning describing the nature of the infraction. The written warning may also contain a request for corrective action, a timeline for correction, and the consequences if the worker fails to comply with the request.
- If the worker fails to improve, the employer may issue a final written warning that documents the worker's continued misconduct or poor performance and notes the consequences of further failure to improve, such as possible suspension or dismissal.
- As a last resort, the employer may suspend, demote, or dismiss a worker. However, the worker should be given the opportunity to appeal the decision before such action is taken.

Companies should ensure that their disciplinary policies, processes, and actions adhere to all applicable legal requirements, including those related to due process.

### **Disciplinary records**

Employers should maintain records of disciplinary actions. Each record should detail the violations that warranted disciplinary action, the disciplinary measures that were taken, documentation of any appeals and the outcome thereof, and the outcomes of the disciplinary process itself.

### **Workers' rights in the disciplinary process**

When the employer takes disciplinary action, the worker should have access to the details of the alleged infractions and have the right to respond to and/or appeal any disciplinary decisions without negative repercussions.

When evaluating and contesting disciplinary decisions, workers should also have the right to consult with and be represented either by a trade union or by their selected representatives. Additionally, to promote the fairness and effectiveness of disciplinary procedures and actions, the employer should be sure that workers are aware of available channels for expressing their concerns or lodging a complaint, including grievance mechanisms.

### **Disciplinary fines and deductions**

The employer should not impose monetary fines or penalties as a means to maintain labour discipline. This includes fines or penalties to deter or punish lateness, absenteeism, failure to complete quotas, operational mistakes, or bathroom breaks that are longer than allowed. Because wages are remuneration for the worker's service, once a worker provides that service, the employer has an obligation to pay for it.

### 3.5.3 Additional resources on workplace disciplinary action

The following resource provides further information, best practice, and examples to support implementation of fair and just disciplinary actions when warranted:

- ILO, [Q&As on business, wages and benefits](#) (2012)

## 3.6 Legal and decent working hours

### 3.6.1 Overview

The ILO has not established agriculture-specific standards on working hours. However, it has set maximum working hours for industrial workers, generally limiting regular schedules to eight hours per day and six days per week, implying one rest day after six consecutive workdays.<sup>20</sup> With overtime, working hours may be extended to a maximum of 60 hours per week for limited periods. Many national laws allow extended working hours in agriculture and other sectors.

Excessive working hours have been documented in various countries in the palm oil, forestry, and other sectors. Particularly during busy times, such as harvest periods, workers often work significantly more hours while receiving pay on a low piece-rate or volume basis. Since they are paid for what they produce or harvest, the incentive exists to work long hours to earn sufficient income. Research indicates that workplace accidents and workplace deaths increase as working hours increase, and are significantly higher once working hours reach or exceed 60 hours per week.<sup>21</sup>

These problems also result in significant costs to business, leading to losses in productivity, high staff turnover, and diminished worker morale. In contrast, the benefits to both workers and employers of providing decent working hours is supported by multiple reports, including a 2022 ILO report documenting that employer provision of better work/life balance practices, such as job flexibility, is associated with significantly higher productivity and self-assessed performance.<sup>22</sup>

### 3.6.2 Implementation guidance

#### Working hours and overtime

Employers should, at a minimum, adhere to ILO provisions on working hours, even if these are not specifically designed for agriculture. Workers should also receive a 30-minute break after six consecutive hours of work and should be provided with adequate breaks for meals and physical recovery, particularly for strenuous, dangerous, or monotonous tasks.

Additionally, workers should have at least eight consecutive hours of rest within each 24-hour period and a full calendar day of rest each week. Extended workdays (beyond eight hours) should be considered only if they do not pose increased risks to health and safety. A shift system should be implemented to prevent excessive fatigue.<sup>23</sup>

Given the seasonal nature of working in the agricultural and forestry sectors, working hours may need to be extended in certain situations. However, all overtime must be voluntary. Extended hours must be voluntarily agreed to by the worker and there should be no penalty for workers that do not agree to work extended hours.

Overtime should be used responsibly, taking into account the extent, frequency, and hours worked by individual workers and the workforce as a whole. Overtime should not be used to replace regular employment. Overtime should always be compensated at a premium rate, which is recommended to be not less than 125% of the regular pay rate. Some employment laws stipulate higher overtime rates or premiums.

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<sup>20</sup> FILO Hours of Work (Industry) Convention 1, and ILO Reduction of Hours of Work Recommendation 116

<sup>21</sup> For example, ILO, [Working time, health, and safety: A research synthesis paper](#), 2012

<sup>22</sup> ILO, [Working Time and Work-Life Balance Around the World](#), 2022

<sup>23</sup> ILO, [Safety and health in agriculture](#), 2011

Employer policies and practices on working hours should address both the factors that encourage workers to work excessive hours (eg, low wages and piece rate payment structures) and the pressures that force them to do so (eg, threats of job loss).

### **Specification of working hours in employment contracts**

Workers should have contracts that clearly outline working hours and overtime terms and conditions. Contracts should explicitly state that overtime is voluntary.

### **Working hour recording systems**

Employers should maintain records of working hours and production volumes (if relevant for the determination of pay) for all workers. Workers should have access to their records, which should be provided to them in case of doubt or conflict regarding the computation of wages.

### **Working hours in relation to piece work and production targets**

Employment practices should not encourage, incentivise, or necessitate workers to work more than the normal working hours noted above. Specifically, when workers are paid based on their productive output (ie, 'piece work' for harvesting or other tasks), piece rates should be high enough that a typical worker can earn the required wage level (see Section 3.8, below) within the applicable working hour limits without undue exertion or increased risk of physical harm.

If workers are given production targets or quotas, these should likewise be based on what a typical worker can fairly and realistically achieve within normal working hours. Designated piece rates and/or production targets or quotas should be calculated based on an allowance for adequate breaks and rest periods that are at least as long as specified above.

### **Work-time averaging**

Work-time averaging may be used to address irregular working-hour requirements only when allowed by national law and by applicable collective bargaining agreements. In these cases, hours may be averaged over a selected period of two or more weeks and can add up to more than 48 hours in particular weeks and less than 48 hours in other weeks.

## **3.6.3 Additional resources on decent working hours**

The following resources provide further information, best practice, and examples to support the provision of legal and decent working hours:

- ILO, [Q&As on business and working time](#) (2012)
- ILO and IFC, [Better Work Discussion Paper Series No. 2: Excessive Overtime, Workers and Productivity: Evidence and Implications for Better Work](#) (2011)
- ILO, [Decent working time: Balancing workers' needs with business requirements](#) (2007)
- The Global Compact's Human Rights and Business Dilemmas Forum, [Working hours](#)

## **3.7 Safe and healthy workplaces**

### **3.7.1 Overview**

Workers in the agriculture and forestry sectors face significant safety and health hazards. These include exposure to extreme heat and cold, falling trees and branches, equipment malfunctions, exposure to pesticides and other chemicals, and biological hazards such as potential allergic reactions to plants, pollen, and insect bites.

Safe and healthy workplaces are defined as “workplaces in which companies take effective steps to prevent potential health and safety incidents and occupational injury or illness arising out of, associated with, or occurring in the course of work.”<sup>24</sup> Characteristics of a safe and healthy workplace include the availability and use of adequate personal protective equipment; tools and machinery that are safe, well-maintained, and fit for their purpose; availability of first aid and medical care; and access to potable water and clean toilet facilities.

International, national, and local frameworks have been developed that establish the roles, responsibilities, and rights of governmental authorities, employers, and workers with respect to occupational safety and health (OSH).<sup>25</sup> However, while many countries have established requirements related to personal protective equipment, first aid, safety of machinery, sanitation, and other aspects of OSH, these requirements are often insufficient or poorly enforced.

While proper attention to OSH may initially be perceived as an imposition or cost, many employers have discovered that using a systems approach to identifying and controlling hazards in the workplace delivers significant business benefits in the form of cost savings, efficiency gains, and personnel retention.

### 3.7.2 Implementation guidance

#### **Personal protective equipment**

Employers should minimise the risk of workplace hazards by implementing comprehensive controls, including optimised operational procedures, improved workflows, upgraded equipment and machinery, and safer material substitutions. When risks cannot be avoided or adequately minimised through such systemic measures, personal protective equipment (PPE) should be used to mitigate unavoidable residual risks. PPE includes items such as safety helmets, gloves, eye protection, protective and/or high-visibility clothing, safety footwear, safety harnesses, and respiratory protective equipment (RPE).

PPE and other protective tools should be provided to workers free of charge. Employers should choose equipment carefully and ensure that workers are properly trained in how to use it, as well as how to detect and report any faults. Special attention should be paid to make sure that PPE is as comfortable as possible (which can be especially challenging in extreme temperatures), is well-fitting for all workers, and does not impede worker movement.

#### **Use of tools and machinery**

When selecting and purchasing equipment for agricultural and forestry production and processing operations, employers should prioritise the safety of such equipment and its suitability and adaptability for all workers who will use it (eg, considering different body types and abilities of women and men). Tools and machinery should be maintained in good repair and working order. Maintenance records should also be kept.

Safety standards and features regarding the design, manufacture, installation, and use of machinery and equipment should be reviewed and understood before use. Workers should be trained and instructed in operating machinery and the potential dangers of the equipment, and workers' skills should be periodically evaluated to ascertain proper knowledge and skill levels to operate such equipment.<sup>26</sup> Unauthorised persons, especially children, should not be allowed to operate machinery.

#### **Emergency medical care and first aid**

Material Safety Data Sheets that specify how to respond to different kinds of emergencies should be available at the workplace and understood by all workers, including those with reading limitations. The employer should train workers in the relevant procedures.

First-aid equipment and facilities should be adequate for responding to potential incidents related to the hazards present at the workplace and should always be readily accessible. Suitable facilities should be available for workers to use themselves, such as emergency showers or eyewash stations. These should

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<sup>24</sup> ILO, [Safety and health at work](#)

<sup>25</sup> For example, see the ILO's [regularly updated list of instruments that are directly relevant to OSH](#)

<sup>26</sup> ILO, [Safety and health in agriculture](#), 2011

be strategically placed to allow for immediate decontamination in the event of an emergency. As far as is practicable, trained personnel and appropriate means for administering first aid should always be readily available during the use of acutely toxic pesticides and other hazardous chemicals at work.

### **Drinking water**

Potable water should be available and placed in locations readily accessible to workers. The amount of water available should be sufficient to meet the needs of all workers at the workplace, accounting for the air temperature, humidity, and nature of the work performed. Mobile drinking water dispensers should be designed, constructed, and maintained to ensure sanitary conditions. They should be kept closed and equipped with a tap. Open containers, such as tanks, barrels, or pails from which water is dipped should not be used. Drinking cups and other utensils should be for personal use and not shared among employees.

### **Toilet and handwashing facilities**

Toilet facilities should be provided in accordance with applicable law and workers should be given reasonable opportunities to use them during the workday.<sup>27</sup> They should be of sufficient number, easily accessible in all workplaces (including portable toilets at remote work sites), ventilated and well lit, maintained in sanitary condition and with sanitary paper, built for single-use occupancy, and lock from the inside. Employers should provide suitable privacy of toilet facilities for each gender.

Hand-washing facilities with an adequate supply of potable water (ideally warm), soap, and single-use towels should be conveniently located near the toilets.

### **Protection of pregnant and breastfeeding women**

Employers should provide pregnant or breastfeeding women with alternative work that is not hazardous to the health of the woman or her unborn or nursing child (eg, agrochemical exposure), where such work is available. Additionally, pregnant women also face increased risk of musculoskeletal injury from exposure to arduous manual handling tasks; tasks requiring special equilibrium or non-neutral postures (eg, fruit and nut picking); prolonged periods of lying prone, sitting, or standing (eg, riding on mechanised picking or weeding platforms); and machine vibration.

Employers should inform themselves of the relevant standards and carry out a risk assessment to determine the measures required to eliminate hazards, or institute adequate control strategies to minimise exposure to these hazards for pregnant or breastfeeding women.

## **3.7.3 Additional resources on safe and healthy workplaces**

The following resources provide further information, best practice, and examples to support the provision of safe and healthy workplaces:

- UN Compact, [Nine Business Practices for Improving Safety and Health Through Supply Chains and Building a Culture of Prevention and Protection](#) (2021)
- ILO, [A 5 step guide for employers, workers and their representatives on conducting workplace risk assessments](#) (2013)
- ILO, [Audit matrix for the ILO guidelines on occupational safety and health management systems \(ILO-OSH 2001\)](#) (2013)
- ILO, [Code of Practice on Safety and Health in Agriculture](#) (2011)

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<sup>27</sup> ILO, [Safety and health in agriculture](#), 2011

## 3.8 Living wages and fair benefits for workers

### 3.8.1 Overview

Low and inadequate wages in agricultural and forestry supply chains remains a fundamental problem even though the ability to earn a decent standard of living is a basic human right.<sup>28</sup> The poverty that results from these low wages often leads to other infringements of workers' rights such as excessive work hours, gender inequality, and child labour, as well as the human rights to food, shelter, health, and education.

When developing and implementing policies related to worker remuneration, it is important to distinguish between a minimum wage and a living wage. A minimum wage is defined as the minimum amount of remuneration that an employer is required to pay their workers for a given amount of work.<sup>29</sup> Minimum wage levels are binding and may not be reduced either by individual or collective agreement. While they provide an important basic worker protection in many parts of the world, minimum wages are often insufficient to meet the basic needs of a worker and their family. They are not set through collective bargaining, are typically not adjusted frequently enough to keep up with inflation, and, depending on the country, may not be enforced.

In contrast, a living wage is defined as the remuneration received for a standard workweek by a worker in a particular place sufficient to afford a decent standard of living for the worker and their family.<sup>30</sup> Elements of a decent standard of living include food, water, housing, education, health care, transportation, clothing, and other essential needs, including provision for unexpected events.

Voluntary standards and internationally-accepted best practice advocate for living wages to be paid to workers. Increasingly, employers and downstream buyers are making commitments to pay living wages or to progress towards doing so. Fair compensation also features prominently in current and emerging regulations such as the EU's Corporate Sustainability Reporting Directive (CSRD) and Corporate Sustainability Due Diligence Directive (CSDDD).

Providing a living wage is not only essential for reducing worker poverty, but also benefits employers by improving employee retention and productivity, reducing the risk of worker unrest, and offering other operational advantages.

Fair benefits (also known as in-kind benefits) are goods and services furnished to workers free of charge or at reduced cost that are clearly and primarily of benefit to the worker, such as housing, food, transportation fuel, and medicine. Fair benefits can contribute to a decent standard of living and, in some circumstances, may reduce the level of cash remuneration that is required to achieve payment of a living wage.

### 3.8.2 Implementation guidance

Currently, payment of a living wage is not the norm throughout most agricultural and forestry supply chains. Thus, in many employment settings and supply chains, fulfilment of this workers' right requires progressive realisation and improvement through actions of the employer, often in collaboration with downstream actors in the supply chain.

Efforts to progress towards payment of a living wage do not affect or absolve the employer of any other remuneration-related requirements. As a baseline, workers must receive remuneration that meets at least the local minimum wage, the industry minimum standard, or the provisions of the collective bargaining agreement, whichever is higher.

#### Calculating living wage

A first step to addressing living wage is to calculate the living wage for the given context. The living wage level varies across contexts based on cost of living and other factors. The Global Living Wage Coalition provides a standardised and widely-recognised methodology (the Anker Methodology) for calculating living wage in any context. This methodology uses a combination of international and national standards,

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<sup>28</sup> Universal Declaration of Human Rights, Article 25

<sup>29</sup> Summarised from the definition of the ILO, [Minimum wage systems](#) (2014)

<sup>30</sup> Source: [Global Living Wage Coalition](#)

as well as research on local contexts, to estimate the cost of three main elements of a basic but decent standard of living for a worker and their family in a particular place: food, housing, and other essential needs (eg, transportation, education, and health care). There are now [living wage benchmarks](#) that follow this methodology available for many sourcing regions for agricultural and forestry products. Where these are available, companies should use them as a reference to benchmark current wage levels against the living wage level.

### **Paying a living wage**

When the benchmark reveals that current wage levels are below the living wage level, the employer should develop a roadmap to progress towards payment of a living wage. This roadmap should be developed in collaboration with workers' representatives as part of collective bargaining processes or otherwise. It may also be developed in collaboration with downstream buyers to help ensure that prices and payment terms for purchased goods are adequate to enable payment of a living wage. The roadmap should be tailored to the supply chain, commodity, and geographic context, and should outline key activities and milestones for achieving a living wage. Employers should report annually on their progress in implementing the roadmap.

Achieving a living wage often requires efforts at multiple levels. Therefore, it may be appropriate for living wage roadmaps to include actions both within and beyond a company's own operations and supply chain. These may include:

- **Workplace and workforce measures:** Investment in productivity improvements can enhance efficiency and profitability of production and processing operations, which enable employers to pay higher wages.
- **Responsible procurement:** Commodity buyers can support payment of a living wage by offering price premiums or adjusting procurement practices through measures such as improved payment terms and longer-term contracts. These can provide suppliers with more revenue and operational flexibility to pay higher wages. Suppliers should share information with their buyers regarding constraints to payment of living wages so that both parties can work together to find solutions.
- **Coordination and collaboration at the sourcing area or sectoral level:** Low wages often result from systemic issues affecting workers across multiple supply chains, beyond the control of any one employer or buyer. Engagement in collaborative processes at the landscape, jurisdictional, or sectoral level can help address the underlying factors and barriers to payment of a living wage. As part of these initiatives or otherwise, governments can also be engaged to provide or improve benefits such as health care, education, social security, and other social infrastructure, which serve to improve living standards and reduce the level of cash remuneration required to achieve a living wage.

### **Provision of fair benefits (in-kind benefits and services)**

To reduce the cost of living for workers and contribute to a decent standard of living, employers may provide certain services or benefits to workers, such as housing, food, transportation, fuel, medicine, or health care. To be considered fair benefits, such services or benefits must be provided at or below cost (ie, for free, at a subsidised rate, or at the employer's actual cost) but never for a profit. Services and benefits provided for a fee should be valued by workers as meaningful support and meet applicable quality standards (eg, adequate nutritional value of food or safe and secure housing). In addition to providing fair benefits themselves, employers are also encouraged to facilitate worker participation in and receipt of benefits that are available from the government. These may include, for example, social security or government-provided health benefits, which in many cases do not reach workers.

### 3.8.3 Additional resources on living wages and fair benefits

The following resources provide further information, best practice, and examples to support the provision of living wages and fair benefits:

- UN Global Compact, [Moving living wage forward faster](#) (2023) and [Achieving the living wage ambition: reference sheet and implementation guidance](#) (2021)
- Earthworm Foundation, [Guideline for Indonesian palm oil companies: fair target-setting and wage policies in oil palm plantations](#) (2020)
- Ethical Trading Initiative, [Living wage resources](#)
- IDH, [Roadmap on living wages](#)
- The [Global Living Wage Coalition website](#) contains general information, benchmark studies, case studies, and access to the Anker Methodology for calculating living wage levels

## 3.9 Living income for smallholders and other individual producers

### 3.9.1 Overview

Whereas living wage (Section 3.8 above) is applicable in the context of hired workers, living income is used in the context of persons for whom most or all income is earned through self-employment, such as smallholders. Both are rooted in the provision of remuneration that allows for a decent standard of living.

Smallholder agriculture makes up more than 80% of all farms worldwide, and commodity supply chains such as cocoa, coffee, palm oil, and rubber rely heavily on smallholders. Many of these smallholders live in poverty, making it imperative that companies that source products from smallholders work towards enabling these producers to earn a living income. Because poverty can drive many other social and environmental harms—such as child labour, forced labour, gender inequality, and deforestation due to farmland expansion—provision of a living income is also important to support the achievement of responsible supply chains more broadly.

Aligned with the definition of living wage, living income is defined as the net annual income required for a household in a particular place to afford a decent standard of living for all members of that household.<sup>31</sup> Elements of a decent standard of living include food, water, housing, education, healthcare, transportation, clothing, and other essential needs, including provisions for unexpected events.

A key distinction between living income and living wage lies in income sources and scope. Living income refers to the total household income required for a decent standard of living. In the case of smallholder production systems, this includes not only the crops or products being sold to the buyer, but also other crops or products produced for sale, crops produced for household subsistence or barter, and other forms of on- and off-farm income. Because smallholders rely on diverse income streams, living income approaches can seek to strengthen and stabilise multiple sources of earnings rather than focusing solely on the income of the crop being sold to the buyer.

### 3.9.2 Implementation guidance

#### Calculating living income

The Anker Methodology described in Section 3.8.2 on living wage is commonly used also to calculate the living income benchmark. This benchmark represents the total income that a typical household in a particular place needs to afford a decent standard of living. Income contributing to a living income may come from multiple sources, such as cash crops, self-consumed and bartered crops, off-farm income, and in-kind remuneration.

To assess whether a particular cash crop contributes adequately to a living income, the portion of household income expected to come from that crop is calculated. This portion is then compared to what the smallholder actually earns from selling the crop at the farm gate price. The difference between the two then defines the gap in farm gate price that would need to be paid in order for the producer to earn a living income.

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<sup>31</sup> Adapted from [Living Income Community of Practice](#)

## Achieving living incomes

Improving smallholder incomes often requires sustained effort. To guide this process, companies should develop a clear roadmap towards achievement of living incomes with defined actions, time-bound milestones, and systems to monitor progress and adapt interventions as needed. Even more than living wage, achieving living incomes throughout a supply chain typically requires measures at multiple levels, involving multiple stakeholders. In part, this is because for many smallholders, a major portion of their total annual cash plus in-kind household income derives from sources other than sale of the commodity in question. For this reason, it is often helpful for living income roadmaps to include integrated actions both within and beyond the company's own supply chain. These may include:

- **Investment in producer capacity and income diversification:** Buyers can support programmes that provide services to farmers to improve yields, crop quality, efficiency, resilience, and net profitability. Services may include access to inputs or finance; technical support on good agricultural practices and post-harvest techniques; training in intercropping and other techniques to diversify income from crops; and establishment of producer organisations or cooperatives.
- **Responsible procurement:** This may include long-term contracts, loans, and payment of farm gate prices that match the living income reference. Where downstream buyers have long-term or recurring relationships with suppliers, long-term contracts and other incentives can also be provided to those suppliers to support living income commitments up the supply chain.
- **Multi-stakeholder collaboration:** Companies can seek opportunities to participate in landscape, jurisdictional, or sectoral initiatives that address their sourcing areas and sectors to help increase multiple sources of smallholder income and to support policies and programmes towards this end. For example, this could include advocacy or support for government policy or multi-stakeholder initiatives to strengthen social services, extension programmes, or access to affordable farm inputs.

### 3.9.3 Additional resources on living income

The following resources provide further information, best practice, and examples to support the provision of a living income:

- GIZ, [Guiding steps towards living income in the supply chain](#) (2020)
- IDH, [Roadmap on living income](#)
- The [Living income community of practice](#) website provides general information, benchmark studies, case studies, and access to the Anker Methodology for calculating living income

## 3.10 Responsible recruitment

Labour recruitment practices can be a key driver of forced labour. Therefore, the Accountability Framework includes a specific provision on responsible recruitment and states that company human rights policies should include a commitment to responsible recruitment in addition to the commitment on no forced labour. This helps to highlight the importance of ensuring responsible recruitment as a preventive measure to avoid and address forced labour. The guidance provided in this section complements the overall guidance on no forced labour in Section 3.2.

### 3.10.1 Overview

Recruitment includes advertising, information dissemination, worker selection, transport, and placement in employment. For migrant workers, it also includes return to the country of origin, where applicable. Unethical and unfair recruitment practices are one of the most widespread contributing factors to forced labour and other workers' rights abuses. As a result of the recruitment process, workers may face debt bondage and be made to repay impermissible recruitment fees and other illegal wage deductions; they may be subject to involuntarily work because they are required to perform different tasks than those that they were recruited to perform; or their freedom of movement may be restricted, for instance due to withholding of the employee's passport or other documents.

Migrant workers are particularly vulnerable to exploitation and abuse during the recruitment process. They are often hired through third-party labour intermediaries, which increases risks and makes oversight more challenging. Additionally, migrant workers are less likely to report grievances due to fear of retaliation, detention, or deportation.

Responsible recruitment (as defined by the AFi, based on ILO references) is recruitment that is carried out within the law, in line with international labour standards, and with full protection of workers from abusive situations. It applies to recruitment both within and across national borders. Specifically, recruitment should take place in a way that respects, protects, and fulfils internationally-recognised human rights (including the provisions listed in Core Principle 2.3 and elaborated in this guidance), as well as applicable national laws, regulations, employment contracts, and collective agreements of countries of origin, transit, and destination.

Company policies, systems, and practices should address the recruitment of all workers (including migrant workers), whether directly by employers or through third-party recruiters, labour brokers, temporary work agencies, or other labour intermediaries. Regulations, voluntary standards, and company policies increasingly set specific obligations for responsible recruitment. Many build from the ILO principles and guidelines for fair recruitment as well as the Dhaka Principles for migration with dignity. (See the Resources section below for additional information on these and other sources and guidelines.)

### 3.10.2 Implementation guidance

#### **Mitigating risk from use of labour intermediaries**

Recruitment risks are greater and more difficult to control when outsourced to third-party labour intermediaries. Risk is further increased when these responsibilities are passed to informal agents who gather workers through social and familial networks. Therefore, whenever possible, companies should recruit, hire, and employ workers directly.

If a company must use labour intermediaries, it should work only with those that are licensed or registered with the appropriate government authorities. The company should aim to transition workers to direct employment as soon as possible after placement.

Before engaging any labour intermediary, the company should conduct due diligence to ensure the intermediary is legally compliant, and that its practices align with the company's commitment to responsible recruitment. This is especially important when workers are informally employed or when migrant labour and cross-border migration are involved.

If possible, the company should also directly verify legal compliance and adherence to the company's own responsible recruitment policies for all third parties or agents involved in the recruitment process. If this is not feasible, then at a minimum the company should require by contract that the intermediary ensure that this is the case for all parties involved.

The employer should conduct regular monitoring of labour intermediaries' performance, including interviews with workers, their representatives, and other stakeholders.

#### **Written contracts**

Recruitment and employment should be voluntary and free of deception or coercion. The terms and conditions of a worker's employment should be specified in an appropriate, verifiable, and accessible manner, preferably through written contracts. In the case of migrant workers, written contracts should be in a language that the worker can understand and should be provided sufficiently in advance of departure from the country of origin. Contracts should:

- conform with national laws, regulations, and applicable collective agreements;
- inform workers of the location, requirements, and tasks of the job for which they are being recruited; and
- include measures to prevent contract substitution and provisions for enforcement.

Contract substitution occurs when a worker is provided a contract with favourable terms during the recruitment process (eg, in their home country) and then is made to sign a different contract with worse terms upon arrival to the job. Increasingly prevalent in the agriculture sector, this practice is at odds with responsible recruitment and may constitute or lead to forced labour. Measures to prevent contract substitution include use of standardised contracts that are provided before departure from the country of origin; on-arrival verification that the contract provided by the employer matches the one furnished by the recruiter pre-departure; and use of independent third parties to verify that workers understand and consent to their contracts. Recruiter contracts should also include anti-substitution clauses.

### **Recruitment fees and the ‘Employer Pays Principle’**

No recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers. This is critical for addressing debt bondage that can occur because of recruitment fees.

To combat recruitment fees, companies should adopt the ‘Employer Pays Principle,’ which states that:

1. workers and jobseekers cannot be charged recruitment fees; and
2. that the employer must pay the costs of worker recruitment.

Companies are increasingly adopting this principle in their commitments to responsible recruitment, and integrating it into their supplier codes of conduct, service and purchase agreements, and other contracts.

Additionally, employers that recruit workers through labour intermediaries should, at the time they first engage with workers recruited through intermediaries, assess whether the workers hold any debts or alleged debts related to recruitment.

### **Document retention**

Employers must not restrict workers’ ability to leave their employment, to move within a country, or to leave a country. Neither the employer nor any labour intermediary should interfere with workers’ free and complete access to their own passports, identity documents, residency papers, and employment contracts. Special attention to this obligation should be given in the case of migrant workers. Section 3.2 provides additional guidance on this topic.

### **3.10.3 Additional resources on responsible recruitment**

The following resources provide further information, best practice, and examples to support the provision of responsible recruitment:

- International Organization for Migration, [Fair and Ethical Recruitment Due Diligence Toolkit](#) (2024)
- Business for Inclusive Growth, [Fair Recruitment Toolkit for Employers and Service Providers](#) (2023)
- AIM-Progress and CGF, [Guidance on the Repayment of Worker-paid Recruitment Fees and Related Costs](#) (2022)
- Verité, [Fair hiring toolkit](#) and [Responsible sourcing toolkit](#) (2022)
- ILO, [General principles and operational guidelines for fair recruitment & Definition of recruitment fees and related costs](#) (2019)
- Institute for Human Rights and Business, [The Dhaka Principles for Migration with Dignity](#) (2017)
- AIM-Progress and WBCSD, [Responsible Recruitment Interactive Mapping Tool](#)
- Stronger Together, [Resources](#)

# 4

## Roles and responsibilities for commodity buyers

Commodity buyers downstream in the supply chain typically do not directly employ workers at the supply base level (ie, in production and processing operations). Therefore, to ensure respect for workers' rights in their supply chains, they often need to focus on different sets of actions than the ones outlined in Section 3, which focus on employers at the supply base level.

A main way that buyers fulfil their responsibilities to respect workers' rights is by requiring, managing, and supporting their suppliers to do so. This requires buyers to conduct supply chain mapping and traceability to understand the origins of products in their supply chains. Based on this information about supply origins, buyers can develop and implement an integrated approach to manage and monitor for supply chain compliance and improvement, as explained in the Accountability Framework's Core Principles 4, 5, and 6, and the [Operational Guidance on Supply Chain Management](#). Building on that general treatment of the topic of supply chain management, the following sub-sections provide specific information about how supplier management processes can be designed, tailored, and implemented to help ensure respect for workers' rights.

Additional, external resources for commodity buyers to address risks and impacts to workers' rights are provided in Section 4.8.

### 4.1 Internal capacity building and training

Internal capacity building and training is an essential element of embedding human rights commitments into a company's operations and supply chains. All relevant employees across different company divisions (eg, finance, human resources, human rights, internal audit, legal, procurement, and sustainability) and cross-functional teams should be adequately trained on human rights due diligence and on workers' rights. This includes a working understanding of the rights described in Section 3, as well as how to assess risks and safeguard these rights through procurement policies, supplier codes and contracts, and other mechanisms. Employee incentive structures should also be aligned with human rights outcomes.

If the requisite expertise on these topics does not already exist in-house, then the company should engage third parties to help provide this expertise or develop and implement trainings.

Operational-level business units (eg, country or commodity sourcing teams) should also have the resources and expertise to ensure high-quality assessments, monitoring and reporting systems, and engagement programmes related to workers' rights.

### 4.2 Assessment of risk and salience to inform company action

Buyers should conduct human rights risk assessments to identify risks to worker' rights that are most relevant to their operations and supply chains. The assessment process will vary depending on the company's size and position in the supply chain—for instance, whether they source directly from producers and primary processors or operate further downstream in the supply chain and purchase through intermediaries.

At a minimum, risk should be assessed against the ten workers' rights provisions listed in Core Principle 2.3 and elaborated in Section 3. It should consider risk attributes associated with the sourced commodities, sourcing geographies, supplier performance, and workforce characteristics (eg, use of migrant labour). Risk assessments should also analyse the root causes of human rights risks and impacts to inform appropriate responses (see Box 1).

Risk classifications should prioritise severe negative impacts based on the UN Guiding Principles on Business and Human Rights salience criteria (scope, scale, irremediability), alongside the likelihood of harms.<sup>32</sup>

Given that buyers often source products broadly across multiple regions, a first step is often to assess risk using desk-based methodologies, starting with high-level risk mapping of countries and commodities before moving to more granular sub-national or supplier-level risk assessments where needed. In high-risk settings, companies may need to conduct a more detailed assessment to identify and find ways to address actual or potential impacts. Indicators of higher risk levels include:

- geographic areas with high levels of corruption, weak governance, or a history of human rights violations
- suppliers with a poor track record or limited experience in managing for workers' rights
- activities or labour practices commonly associated with adverse workers' rights impacts, such as extensive use of labour outsourcing, subcontractors, or labour intermediaries
- workforces with vulnerable groups (eg, migrant workers, minority groups, children, women)

Assessments should also consider workplace-level indicators, such as whether or not workplaces have functioning unions, grievance mechanisms, and reliable record-keeping on wage payments and other matters.

To understand risks associated with indirect suppliers, buyers should assess whether direct suppliers that source from higher risk contexts have strong commitments and practices in place to ensure respect for workers' rights in their upstream supply chains.

The assessment process should incorporate stakeholder consultation, with particular attention given to the most vulnerable workers. These may include migrants, women workers, and young workers; workers recruited via agencies or intermediaries; and those who are working on site via contractors or service providers. Vulnerability may be further heightened if workers are engaged through informal working arrangements or lack employment contracts, workers' benefits, social protection, and/or workers' representation. In these situations, workers are not likely to be registered, regulated, or protected by existing legal or regulatory frameworks.

Findings from risk assessments should then be used to inform implementation of the other elements of human rights due diligence and responsible supply chain management. Where risk and salience are high, downstream buyers will need to closely monitor on-the-ground conditions and engage more closely with suppliers. This includes making sure that there is ongoing and meaningful engagement with workers and their representatives. Where risk and salience are lower, it is still important to institute systems and procedures to identify any actual or potential adverse impacts that may occur, such as grievance mechanisms and stakeholder engagement.

### 4.3 Procurement policies and systems

Procurement policies and systems should serve both to cascade the buyer's responsible supply chain policies upstream to its direct and indirect suppliers, and to orient the buyer's own purchasing practices to support full respect for workers' rights.

**Cascading policies upstream throughout the supply chain:** Buyers should adopt responsible procurement policies and practices that apply to all purchasing, including materials sourced from spot markets. These policies should:

- align with the buyer's own obligations and commitment to respect workers' rights, including the ten workers' rights provisions outlined in Core Principle 2.3

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<sup>32</sup> See UN Guiding Principles Reporting Framework: [Salient Human Rights Issues](#)

- clearly state due diligence requirements to assess and mitigate risks to workers, meaningfully engage with workers, and provide access to remedy (including through grievance mechanisms) for workers harmed by business practices
- specify consequences for compliance or non-compliance with the buyer's procurement policies, such as positive incentives for responsible suppliers or sanctions for violations

To ensure clear communication and consistent application, procurement policies should be integrated into the buyer's purchase control systems, supplier code of conduct, contract clauses, and supplier questionnaires.<sup>33</sup> Additionally, trainings and regular check-ins with suppliers can reinforce expectations and support continuous improvement.

**Buyer's purchasing practices:** A buyer's purchasing practices can significantly impact workers' rights upstream in its supply chains. Unstable order placement, sudden changes in volume or specifications, downward price pressures, delayed payments, unrealistic turnaround times, and rushed delivery demands all create financial and operational pressures on suppliers. These pressures are often passed on to workers, leading to lower wages, delayed payment of wages, excessive overtime, use of informal labour, and reduced workplace safety.

Buyers should therefore evaluate how their purchasing practices may affect workers' rights and wellbeing, and work to orient these practices to support full respect for workers' rights. Examples include the use of longer-term purchase contracts, more timely payments, and the use of premiums or incentives to both support and reward suppliers for strong sustainability performance. These are key elements of the concept of 'shared responsibility' between the buyer and its suppliers to address impacts on the ground. Such practices can benefit buyers by helping to foster trusting relationships and continuity of high-quality supply with their suppliers.

## 4.4 Supplier screening

Before initiating new commercial relationships, buyers should screen suppliers against their procurement policies, paying special attention to whether each supplier:

- has a commitment, and corresponding policies and systems, to respect workers' rights that aligns with Core Principle 2.3 and the guidance provided in Section 3
- is effectively implementing the actions needed to respect workers' rights, as described in Section 3
- has a history of significant workers' rights abuses in its supply chain

Supplier questionnaires, self-assessments, and worker surveys are valuable tools to help buyers evaluate whether and how their suppliers are taking action on workers' rights. In higher risk settings, buyers should not rely on supplier self-assessment alone but should consider results of prior independent verification (eg, if the supplier has undergone a social compliance audit or is certified to a standard that includes robust labour requirements), or conduct an audit as part of the supplier screening process.

If the supplier purchases materials from other suppliers, the buyer should ensure that the supplier has effective control mechanisms in place to uphold workers' rights throughout the entire supply chain. Particular scrutiny should be given to high-risk practices that increase worker vulnerabilities, such as use of labour intermediaries or transnational recruitment.

## 4.5 Supplier engagement

Where a buyer has long-term or recurring relationships with suppliers, it should engage these suppliers on a continuous basis to ensure adherence to the buyer's procurement policies, and to support and strengthen supplier capacity to fulfil workers' rights commitments and obligations. Actions taken to respect workers' rights should generally be integrated into broader supplier engagement processes rather than being structured as a stand-alone process. Key elements to incorporate into these supplier engagements include:

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<sup>33</sup> For more information about contract clauses to operationalise respect for human rights by a company's suppliers, including model contract clauses, see the Responsible Contracting Project's [toolkit](#).

- **Aligned policies, goals, and systems related to responsible supply chains:** Engagement processes should work to ensure that the supplier's own commitments and management and control systems are aligned with those of the buyer and are effective in addressing any risks to workers' rights. Consideration should be given to the supplier's role in the supply chain, for instance whether it owns or manages production operations itself or whether it sources from other suppliers. Control mechanisms include systems the supplier uses for risk and impact assessment, traceability, purchase control, monitoring, and sharing information with the buyer. Buyers should work with suppliers to identify and address any gaps in the presence or adequacy of these elements.
- **Co-creation of implementation plans:** Where actual or potential risks to workers' rights have been identified, the supplier should develop implementation plans to prevent, mitigate, or address such risks. Buyers may find it helpful to work with their suppliers in developing such plans, including specification of time-bound milestones and targets. The co-development process also affords a chance to identify actions that the buyer will take to support the supplier to achieve compliance or improve performance.
- **Supplier support processes:** Suppliers will often need support to fulfil due diligence requirements, contract agreements, and implementation plans. This is especially the case for smaller or lower-capacity suppliers. Buyers should engage with their suppliers to understand any challenges they face and provide support where it is most needed. Support can come in different forms such as training, technical assistance, financial support or cost sharing, access to capital, incentives, and collaboration with other stakeholders to address the root causes of workers' rights violations in the sourcing area.
- **Monitoring:** The buyer should routinely monitor the practices and performance of its suppliers related to workers' rights. On an ongoing basis, this may be done through information furnished by the supplier and via the supplier's grievance mechanism. In higher risk settings, or if there is reason to believe that there are new risks or harms to workers' rights, then the buyer may need to conduct its own investigations, monitoring, or audits. Monitoring is important both for tracking (ie, to assess compliance, monitor risks to human rights, and evaluate the effectiveness of mitigation measures), and as part of a management feedback loop to identify and promptly respond to challenges. Because workers' rights (and abuses of these rights) are often interlinked with one another, monitoring should systematically cover the full spectrum of rights (ie, at least the ten workers' rights provisions detailed in Section 3), rather than monitoring only specific labour issues.<sup>34</sup>
- **Mechanisms to respond to performance:** Buyers should have policies or protocols for responding to supplier performance, both positive and negative. Buyers should be prepared to investigate and work with the supplier to help address instances of non-compliance. Where workers' rights violations are severe, systemic, or not being addressed in an effective and expeditious manner, the buyer may need to suspend purchasing or terminate the relationship with the supplier.<sup>35</sup> To afford buyers the latitude to take such measures, procurement contracts should include clauses that enable the buyer to take appropriate commercial action in response to non-compliance.
- **Independent verification:** Buyers should seek independent, third-party verification of their suppliers' labour practices to the extent necessary for: 1. internal validation of the accuracy and integrity of monitoring findings; and 2. meeting legal requirements and stakeholders' expectations for independent assurance. Verification processes should incorporate and validate monitoring data and other information on workers' rights, for instance from grievance mechanisms, worker voice systems, interviews, and assessments. Auditors should be accredited by a reputable organisation to help ensure that they follow appropriate methodologies and have the requisite expertise in labour laws, worker' rights, and risks and vulnerabilities related to these rights in the contexts where they work.<sup>36</sup> Verification results (or summaries thereof) should be made accessible to relevant stakeholders to support accountability and transparency.

<sup>34</sup> For more information on monitoring related to workers' rights, see the Accountability Framework [Operational Guidance on Monitoring and Verification](#), as well as the AFI's compendium of monitoring tools available [here](#).

<sup>35</sup> For more information on responses to non-compliance, see the Accountability Framework [Operational Guidance on Supply Chain Management](#).

<sup>36</sup> An example is [APSCA](#), the Association of Professional Social Compliance Auditors.

## 4.6 Remediation of adverse impacts to workers' rights

Even when companies have adopted strong due diligence and supplier management processes, it may be difficult to completely avoid risks or impacts to workers' rights at all times. For instance, in long supply chains, buyers may have less leverage and oversight of their indirect suppliers. In other cases, human rights require progressive realisation over time. When adverse impacts to workers' rights do occur, the company has the responsibility to act, regardless of where it sits in the supply chain. This is a core tenet of human rights due diligence following the UNGPs.

Companies at all stages of the supply chain should adopt a robust system for grievance management and remediation. An effective operational-level grievance mechanism is an essential component of this approach. The grievance mechanism should be available to any person or group affected by the company's business operations and supply chains. It should allow such affected or interested parties to make an inquiry, express a concern, or file a formal complaint. In addition to providing access to remedy, an effective grievance mechanism should also enable problems to be identified and addressed early, before they escalate, and should help to identify risks or patterns of violation over time. The grievance mechanism should follow with the eight effectiveness criteria for grievance mechanisms included in Guiding Principle 31 of the UNGPs.<sup>37</sup>

When grievances are filed, the alleged workers' rights violations or harms should be investigated, including the nature and severity of the harms, the actors that caused and contributed to the harms, and the root causes and other factors that may have led to the harms. Generally, this assessment is conducted by (or with the involvement or support of) producers, processors, or other upstream suppliers that are closest to impact. However, if this assessment was not done (or is not adequate), then the buyer should engage its suppliers to request, and if necessary support, completion of such an assessment, or should undertake the assessment itself.

The company should then determine the appropriate course of action to address the impacts. Following the UNGPs, the appropriate course of action depends on the connection of the company to the impacts that occurred, specifically whether the company caused, contributed to, or was linked to the impact through its business relationships.<sup>38</sup> Most commonly, commodity buyers are linked to adverse impacts, meaning that they did not directly cause or contribute to the harm, but are linked to it through purchased goods in their supply chain. In this case, the buyer's obligation is to use its leverage to influence its suppliers to cease activities that caused or contributed to the harm, prevent or mitigate the risk of recurrence, and provide for or contribute to remediation (see Box 5).

### Box 5: Exercising leverage

Leverage refers to the influence that companies can have over their suppliers. Buyers can establish and apply leverage to support remediation of human rights harms through a variety of approaches, including:

- commercial provisions, such as contract clauses and financial incentives
- support to suppliers, such as the provision of financial, technical, capacity building, or other support
- collective action, for instance by working jointly with other companies, civil society organisations, and government to influence the supplier or achieve or support remediation in other ways

<sup>37</sup> For more information on effective grievance mechanisms in accordance with the UNGP effectiveness criteria, see the Accountability Framework [Operational Guidance on Remediation and Access to Remedy](#).

<sup>38</sup> For more information on these relationships between the company and human rights harms, and their ramifications for the company's responsibilities to act, see the AFi's [Topic Summary on Due Diligence](#).

Generally, a supplier is expected to take immediate action to cease the activities that are causing or contributing to human rights harms. However, in certain circumstances a phased approach may be warranted if it would be more protective for workers—for instance if immediate action would cause greater harm to the affected parties.

If a supplier is unwilling or unable to take the necessary steps to address and remedy the harms, even through a phased approach, then the buyer will need to escalate its efforts to achieve the needed remedy. Failure to do so could increase the buyer's liability for the continuing harms: by not taking proper steps and due diligence to address known harms, the buyer becomes more complicit in them. Escalated action could include:

- efforts to increase the buyer's leverage over its supplier, for instance through additional support, commercial incentives, or collective action in collaboration with other buyers or stakeholders
- more direct engagement by the buyer, or through partners closer to the source of the harms, to provide or support remedy
- reduction in or suspension of purchasing from the supplier while the buyer continues to engage with the supplier to address outstanding harms

Termination of supplier relationships due to significant and sustained human rights violations may sometimes be warranted but should be approached carefully to avoid perpetuating or even worsening adverse impacts. Termination of supplier relationships usually also means that the buyer is no longer able to influence the supplier to address harms on the ground. For these reasons, the adverse consequences of terminating supplier relationships should always be considered when making this decision. When deciding whether to terminate a relationship with a supplier, the buyer should follow good practices for responsible disengagement to ensure that additional harms are not caused due to the exit.<sup>39</sup>

## 4.7 Multi-stakeholder collaboration to respect workers' rights

Many challenges to respecting workers' rights—such as child labour, forced labour, low wages, discrimination, and weak enforcement of labour laws—cannot always be effectively addressed through supplier management alone. These may be systemic issues that require collective action involving peer companies, governments, NGOs, local rightsholders and stakeholders, suppliers, and other actors. Through collaboration in landscape, jurisdictional, or sectoral initiatives, buyers may be able to more effectively address these challenges by leveraging shared resources, aligning expectations, and supporting systemic change. Additionally, because suppliers often work with multiple buyers, this collaborative approach can reduce duplication and help ensure that buyer expectations and protections for workers' rights are consistently communicated, implemented, and monitored.

Examples of key actions for buyers include:

- engaging in industry and multi-stakeholder initiatives that advocate for and adopt sector-wide commitments, implementation guidelines, supplier codes of conduct, and other tools for respecting workers' rights
- participating in community- or landscape-level initiatives that develop and implement Child Labour Monitoring and Remediation Systems (CLMRS) or other community-based interventions
- supporting the development of living wage and living income benchmarks for contexts where the company sources products
- participating in jurisdictional initiatives that engage governments to strengthen workers' rights, for instance through enforcement of existing labour laws, improvement of labour inspection systems, training, or monitoring
- improving access to remedy by co-developing or supporting shared grievance mechanisms that are accessible, transparent, and trusted by workers

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<sup>39</sup> See the Accountability Framework [Operational Guidance on Supply Chain Management](#) for guidance on responsible disengagement.

## 4.8 Additional resources for commodity buyers

The following resources provide further information, best practice, and examples to support effective action by commodity buyers to foster respect for workers' rights in their supply chains:

- Proforest, [Remedying human rights grievances in the supply chain: Guidance on grievance management for buyers of agricultural commodities](#) (2023)
- The Danish Institute for Human Rights, [Human rights impact assessment toolbox](#) (2020)
- KOECD, [Due diligence guidance for Responsible Business Conduct](#) (2018)
- Oxfam, [Checking up on labour rights: A basic assessment tool for the labour policies and practices of international companies](#) (2013)
- Shift/Mazars, [UN Guiding Principles Reporting Framework](#)

## Annex 1: ILO and UN conventions on workers' rights

The ILO Conventions and several other UN conventions related to workers' rights should serve as the foundation for company commitments to respect workers' rights. These are the minimum set of references for what is considered in the Accountability Framework as internationally-recognised human rights. Below is a list of some of the key conventions and recommendations contained in these instruments, which are referenced throughout this guidance.

An asterisk (\*) signifies an ILO Core Convention.

### No child labour

**ILO Minimum Age Convention 138\*** (and Recommendation 146) sets specific requirements related to minimum age for work. It also calls on countries to pursue a national policy designed to ensure the effective abolition of child labour, and increase progressively the minimum age for admission to employment to a level that enables the fullest physical and mental development of young persons. In cases where the local minimum working age is higher than the age defined by international norms, the provision that is most protective of workers should be applied.

**ILO Worst Forms of Child Labour Convention 182\*** (and Recommendation 190) recognises that preventing the full range of forms of child labour is a gradual process, and therefore makes eradication of the worst forms of child labour a matter of top urgency. The types of work that are considered worst forms of child labour are listed in this convention.

### No forced or compulsory labour

**ILO Forced Labour Convention 29\*** provides that national governments should take all necessary measures to prevent and suppress the use of forced or compulsory labour.

**ILO Protection of Wages Convention 95** provides that wages shall be paid regularly. It also prohibits methods of payment that deprive workers of a genuine possibility of terminating their employment.

**ILO Abolition of Forced Labour Convention 105\*** requires national governments to take all necessary measures to prevent and suppress the use of certain forms of forced or compulsory labour.

**ILO Private Employment Agencies Convention 181** protects workers recruited by private employment agencies, and stipulates that such agencies shall not "charge directly or indirectly, in whole or in part, any fees or costs to workers."

### Freedom of association and collective bargaining

**ILO Freedom of Association and Protection of the Right to Organise Convention 87\*** states that national governments are to ensure key provisions regarding freedom of association for workers and employers, including their right to establish and join companies of their own choosing, and their right to draw rules and elect representatives in freedom.

**ILO Right to Organise and Collective Bargaining Convention 98\*** protects workers "against acts of anti-union discrimination in respect of their employment." The convention provides that employment is not conditional on joining a union, and workers cannot be dismissed because of union activity. Interference with union activities is also prohibited.

**ILO Workers' Representatives Convention 135** protects workers' representatives from unlawful dismissal based on their status or activities as a workers' representative, and requires that they be afforded the means to carry out their functions properly. The convention also addresses the co-existence of non-trade union workers' representatives and trade union representatives in the same workplace.

**ILO Collective Bargaining Convention 154** provides the scope, definition, application, and promotion of collective bargaining rights. It includes parameters for national law to define and protect collective bargaining when non-trade union workers' representatives are involved.

## No discrimination

Multiple conventions address gender discrimination, including:

- **ILO Equal Remuneration Convention 100\*** aims to eliminate wage discrimination between men and women through implementation of the principle of equal pay for work of equal value.
- **Discrimination Convention 111\*** prohibits discrimination on the basis of gender in employment and occupation.
- Others include the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); ILO Workers with Family Responsibilities Convention 156 (and Recommendation 165); ILO Maternity Protection Convention 183 (and Recommendation 191); ILO Migration for Employment Convention (Revised) 97; and ILO Night Work (Women) Convention (Revised) 89.

Conventions that address people with disabilities include:

- **ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention 159**
- **UN Convention on the Rights of Persons with Disabilities**

## No abusive practices or undue disciplinary procedures

The ILO does not have a specific convention addressing workplace disciplinary practices. However, three UN agreements establish the international normative basis for requirements on disciplinary practices:

- Universal Declaration of Human Rights (1948)
- International Covenant on Civil and Political Rights (1966)
- Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975)

## Legal and decent working hours

**ILO Hours of Work (Industry) Convention 1** was the first convention adopted by the ILO and sets the foundation for regulating working hours in industrial sectors (a maximum working schedule of 8 hours per day and 48 hours per week for workers in industrial workplaces). It allows for exceptions for special cases but emphasises the need for limits to prevent excessive working hours.

**ILO Reduction of Hours of Work Recommendation 116** builds on Convention 1 by encouraging progressive reduction of working hours beyond the 8-hour day and 48-hour week standard. It promotes a gradual shift (in consultation with employers and workers) towards a 40-hour workweek.

## Safe and healthy workplaces

**ILO Occupational Safety and Health Convention 155\*** (and Recommendation 164) outline the requirements for national occupational safety and health policies and the progressive application of preventive measures. They also establish employers' responsibility to provide a safe and healthy work environment.

**ILO Promotional Framework for Occupational Safety and Health Convention 187\*** requires that members prevent occupational injuries, diseases, and deaths by developing national policies and programmes in consultation with representative organisations of employers and workers. The principle of prevention is foundational to this Convention.

**ILO Occupational Health Services Convention 161** (and Recommendation 171) call for government establishment of occupational health services responsible for advising employers, workers, and their representatives on maintaining a safe and healthy working environment through preventive measures. They emphasise the importance of clear responsibilities within a company, best use of company resources, and cooperation between employers and workers.

**ILO Chemicals Convention 170** (and Recommendation 177) aim to protect workers against the safety and health impacts of chemical use in the workplace.

ILO standards that address specific risks or groups of people include:

- ILO Occupational Cancer Convention
- ILO Convention 139 on Occupational Cancer Prevention and Recommendation 147
- ILO Guarding of Machinery Convention 119 and Recommendation 118
- ILO Maximum Weight Convention 127 and Recommendation 128
- ILO Maternity Protection Convention (Revised) 183 and Recommendation 191
- ILO Medical Examination of Young Persons (Industry) Convention 77
- ILO Unemployment (Agriculture) Recommendation 11
- ILO Maternity Protection (Agriculture) Recommendation 12
- ILO Night Work of Women (Agriculture) Recommendation 13
- ILO Night Work of Children and Young Persons (Agriculture) Recommendation 14
- ILO Vocational Education (Agriculture) Recommendation 15
- ILO Living-in Conditions (Agriculture) Recommendation 16

## Living wages and fair benefits

**ILO Minimum Wage Fixing Convention 131** specifies that the following elements are taken into consideration by countries seeking to determine an appropriate legal minimum wage.

1. The needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups.
2. Economic factors, including the requirements of economic development, levels of productivity, and the desirability of attaining and maintaining a high level of employment.

## Living income for smallholders and other individual producers

The ILO does not have a specific convention on living income. The following instruments inform the international normative basis for living income:

- ILO Convention Minimum Wage Fixing 131
- ILO Declaration on Fundamental Principles and Rights at Work
- UN Guiding Principles on Business and Human Rights
- OECD Guidelines for Multinational Enterprises
- International Covenant on Economic, Social and Cultural Rights

## Responsible recruitment

**ILO Private Employment Agencies Convention 181** requires that private employment agencies not charge fees to workers. It also specifies that they respect other workers' rights such as freedom of association and protection from discrimination.

**Migration for Employment Convention 97** (and Recommendation 86) outline basic protections for migrant workers (including fair treatment, access to legal recourse, non-discrimination regarding working conditions and remuneration) and guidance on transparent recruitment processes, provision of accurate job information, and access to employment services.

**Migrant Workers (Supplementary Provisions) Convention 143** (and Recommendation 151) expands protections to irregular migrant workers and requires that recruitment is conducted in a legal, fair, and transparent manner. Violations such as trafficking or exploitation are criminalised and prevented.

**ILO Forced Labour Protocol of 2014 to the Forced Labour Convention, 1930 and Forced Labour (Supplementary Measures) Recommendation 203** include provisions to regulate recruitment processes, prevent deceptive practices, and protect workers from debt bondage and coercion. It requires states and employers to take proactive steps to prevent and remedy forced labour risks, particularly in recruitment.

**ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy** is voluntary guidance that calls for fair recruitment, respect for labour standards, and cooperation with governments and social partners to ensure ethical labour practices, especially for migrants and other vulnerable workers.



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