

2011

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURE REPORT

COMPANY: Syngenta AG
COUNTRY: India
PROVINCE: Karnataka

MONITOR: St John's Medical College
AUDIT DATE: December 27 – 28, 2011
PRODUCTS: Sweet Corn Seeds
NUMBER OF WORKERS: 20

NUMBER OF WORKERS INTERVIEWED: 20

NUMBER OF FARMS VISITED: 15
TOTAL AREA COVERED IN AUDIT: 35 Acres

PROCESSES: De-tasseling



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Wages, Benefits and Overtime Compensation: Worker Wage Awareness

WBOT.6 Growers/Organizers/Company shall make an effort to educate workers so that terms of employment, wages, benefits and deductions shall be clearly understood and acceptable by workers.

Noncompliance

Explanation: Workers are not aware about the terms of employment, wages and benefits.

Sources: worker and grower interviews

Plan Of Action:

During the local stakeholder consultation, it was noted that both growers and workers did not have awareness on minimum wages. The participants learnt from experts and panchayat representatives, that minimum wages applicable from April 1, 2012, would be Rs 155. Hence, the group recommended providing awareness about minimum wage. Syngenta will create awareness about minimum wage among growers and workers during preseason meetings. Syngenta to supply growers with information on local minimum wages by distributing their Grower Documentation Kit (GDK) in training.

Syngenta's Grower Documentation Kit has been sent to the FLA for review and includes the following:

- 1. Syngenta's Code of Conduct (COC)
- 2. <u>Social Compliance Contract</u>: lists items found in Syngenta's COC and asks for growers to sign the contract acknowledging that if they "fail to comply with the above elements of the "Syngenta Social Compliance policy," company [Syngenta] has every right to dismiss my seed production agreement."
- 3. <u>Health and Safety Aspects for Workers and Growers</u>: lists Do's and Don'ts, covering items such as: hiring trained workers, personal protection equipment (PPE), first aid, chemical style/use, safe disposal of chemical containers, drinking water, and safe machinery use.
- 4. Examples of documentation needed whenever training is given (certificates earned, attendance sheets).
- 5. <u>Local Laws for the Agriculture Sector</u>: Notification that local law books related to the agricultural sector are maintained at local IMS (monitoring) centers.
- 6. <u>Minimum Wages Applicable for the Region</u>: documentation on the local minimum wage for each worker position applicable in the agriculture sector.



- 7. <u>Grievance Procedure</u>: Notification of Syngenta's "confidential grievance procedure," listing various channels growers have a choice of adopting for workers to contact Syngenta directly. Notification that growers must keep documentation when a grievance has been received regarding the grievance itself, the investigation, and any disciplinary action taken.
- 8. <u>Age-Proof Documentation</u>: Notification of what age-proof documents growers must keep at their fields on each worker (school-leaving certificate, birth certificate, ration card, doctor's certificate and/or local government birth records).

Deadline Date:	October 2012
Action Taken:	
Plan Complete:	
Plan Complete Date:	



Wages, Benefits and Overtime Compensation: Record Maintenance

WBOT.7 Company shall make efforts to educate and assist growers in maintaining records of wages provided to the worker in cash or in-kind or both; these records shall be acknowledged by the worker.

	Noncompliance
Explanation:	Growers did not have any book/documents to record wages, benefits and attendance.
Plan Of Action:	Documentation kit provided by Syngenta will have the wage and other benefit records maintained by the grower himself. Syngenta to supply growers with information on local minimum wages and documentation by distributing their GDK in training. (For a full list of GDK contents, see WBOT.6.)
Deadline Date:	October 2012
Action Taken:	
Plan Complete:	
Plan Complete Date:	



Harassment or Abuse: Discipline/Worker Awareness

H&A.3 Grower will follow disciplinary practices that are fair and are clearly understood by the workers. The grower will take necessary steps to ensure that the farm's disciplinary procedure is clearly understood by the workers.

Noncompliance

	Noncompliance
Explanation:	Growers and workers were not aware about farm disciplinary procedures.
Plan Of Action:	Syngenta to supply growers with information on the disciplinary policy and procedures by distributing their GDK in training. (For a full list of GDK contents, see WBOT.6 Plan of Action.)
Deadline Date:	October 2012
Action Taken:	
Plan Complete:	
Plan Complete Date:	



Harassment or Abuse: Grievance Procedure

H&A.12 Company shall have in place grievance procedures that first allow an attempt to settle grievances directly between the worker and the grower; however, where this is inappropriate or has failed, it should be possible for the worker to have the grievance considered at one or more steps, depending on the grievance's nature and the enterprise's structure and size. Company shall ensure that workers know the grievance procedures and applicable rules.

	Noncompliance
Explanation:	There is no proper grievance policy and procedure in place.
	Sources: worker and grower interviews
Plan Of Action:	Syngenta to supply growers with information on the grievance policy by distributing their GDK in training. (For a full list of GDK contents, see WBOT.6 Plan of Action.)
Deadline Date:	October 2012
Action Taken:	
Plan Complete:	
Plan Complete Date:	



Child Labor: Proof of Age Documentation

CL.3 In cases where proof of age documentation is not readily available or is unreliable, growers will take precautions to ensure all workers are at least the minimum working age, including using medical, religious or school records or other means considered reliable in the local context.

Noncompliance

Explanation: No documents are maintained or available for review.

Sources: grower interviews, record review

Plan Of Action:

As noted in the GDK, Syngenta will share notification of what age-proof documents growers must keep at their fields on each worker (school-leaving certificate, birth certificate, ration card, doctor's certificate and/or local government birth records) with growers in training. (For a full list of GDK contents, see WBOT.6.) Syngenta will also ensure that a parent has to collect the age-proof documents from schools, birth certificates from village panchayats, and certificates from doctors for young workers.

Deadline Date:	October 2012
Action Taken:	
Plan Complete:	
Plan Complete	



Child Labor: Other Means of Age Verification

CL.4 Growers shall abide by all the relevant rules and procedures where the law requires government permits or permission from parents as a condition of employment.

Noncompliance

Explanation: No documents were maintained or available.

Sources: grower interviews, record review

Plan Of Action:

As noted in the GDK, Syngenta will share notification of what age-proof documents growers must keep at their fields on each worker (school-leaving certificate, birth certificate, ration card, doctor's certificate and/or local government birth records) with growers in training. (For a full list of GDK contents, see WBOT.1.) Syngenta will also ensure that a parent has to collect the age-proof documents from schools, birth certificates from village panchayats, and certificates from doctors for young workers.

Deadline Date:	October 2012
Action Taken:	

Plan Complete Date:

Plan Complete:



Code Awareness:

GEN 1: Establish and articulate clear, written workplace standards. Formally convey those standards to Company Growers as well as to Seed Organizers.

Noncompliance

Explanation: The growers were not aware about workplace standards.

Sources: farm visits; record review; grower, worker and management interviews

Plan Of Action:

During the preseason meetings, growers and laborers will be educated about the company workplace standards. Growers are to ensure to bring at least 1 worker representative to the preseason meeting. Code of conduct will be communicated through wall paintings in villages with high rates of illiteracy. For growers with a higher degree of literacy, the GDK contains Syngenta's COC. (For a full list of GDK contents, see

WBOT.6.)

Deadline

October 2012

Date:

Action Taken:

Plan

Complete:

Plan

Complete

Date:



Code Awareness:

GEN. 2 Ensure that all company growers, as well as seed organizers, inform their workers about the workplace standards orally and through the posting of standards in a prominent place (in the local languages spoken by workers) and undertake other efforts to educate workers about the standards on a regular basis.

Noncompliance

Explanation: The workers were not aware about workplace standards.

Sources: farm visits; record review; grower, worker and management interviews

Plan Of Action:

During the preseason meetings, growers and laborers will be educated about the company workplace standards. Growers are to ensure to bring at least 1 worker representative to the preseason meeting. Code of conduct will be communicated through wall paintings in villages with high rates of illiteracy. For growers with a higher degree of literacy, the GDK contains Syngenta's COC. (For a full list of GDK contents, see

WBOT.6.)

Deadline Date:	October 2012
Action Taken:	

Plan Complete Date:

Plan Complete:



Health and Safety: Document Maintenance/Worker Accessibility and Awareness

H&S.2 All documents required to be available to workers and growers by applicable laws (such as health and safety policies, MSDS, etc.) shall be made available in the prescribed manner and in the local language or language(s) spoken by the workers if different from the local language. If the workers are illiterate, the company shall make an effort to provide pictorials that the workers can easily understand.

Noncompliance

Growers are not aware of the H&S policy or of MSDS.
Sources: worker and grower interviews
Comprehensive health and safety management system will be developed and tested in some pilot villages.
October 2012



Health and Safety: Written Health and Safety Policy

H&S.3 Company, in consultation with growers, organizers, and if possible workers, is required to develop a health and safety policy. The policy must, at the very least, be aimed at complying with legal

minimum safety and health standards, regulations, and procedures and with the Workplace Code of Conduct.	
	Noncompliance
Explanation:	Growers are not aware of the H&S or Workplace Code of Conduct.
	Sources: worker and grower interviews
	Legal Reference: The Insecticides Act 1968
Plan Of Action:	1. Growers will be educated on using trained workers for pesticide application. There is information about this in the GDK. (For a full list of GDK contents, please see WBOT.6.)
	2. Syngenta will organize a safe chemical handling program for all locations.
Deadline Date:	October 2012
Action Taken:	
Plan Complete:	
Plan Complete Date:	



Health and Safety: Health and Safety Management System

H&S.4 The health and safety policy shall contain the framework for a comprehensive health and safety management system within which growers' responsibilities; workers' rights and duties; various responsibilities of designated personnel; procedures that enable workers to raise health and safety concerns; and procedures for reporting death, injury, illness, and other health and safety issues (for instance, near-miss accidents) are clearly and regularly tested and reviewed.

	Noncompliance
Explanation:	Growers are not aware of their responsibilities and workers are not aware of their rights and their mechanisms for reporting.
	Sources: management interviews, record review
Plan Of Action:	Comprehensive health and safety management system will be developed and tested in some pilot villages.
Deadline Date:	October 2012
Action Taken:	
Plan Complete:	
Plan Complete Date:	



Health and Safety: Communication to Workers

H&S.5 The health and safety policy shall be communicated to all workers in the local language or language(s) spoken by workers if different from the local language.

Noncompliance

Explanation:	Not all growers and/or family members were aware about the health and safety
	avete ma

system.

Sources: worker interviews

Plan Of Action:

1. Worker representative will be educated on the company health and safety policy; once educated, he will, in turn, communicate the policy to the other workers.

2. In training, the GDK will be passed out to growers and includes a list of do's and don'ts regarding health and safety. Syngenta's Social Compliance Contract that growers are asked to sign (failing to comply results in termination of the agreement) covers training all workers. (For more information on the GDK and a full list of GDK contents, please see WBOT.6.)

Deadline

October 2012

Date:

Action Taken:

Plan

Complete:

Plan Complete

Date:



Health and Safety: Access to Safety Equipment and First Aid

H&S.6 Company should ensure that growers and workers have access to safety equipment and first aid.

Noncompliance

Explanation: First aid boxes are not been maintained at farms.

Sources: grower and management interviews; record review

Plan Of Action:

1. Growers will be effectively trained in first aid and will be encouraged to keep first aid boxes on their own. First aid is covered in the GDK's Health and Safety Aspects for Workers and Growers, which includes a list of do's and don'ts. The GDK is covered and passed out in training. (For a full list of GDK contents, please see WBOT.1.)

2. Syngenta will supply and maintain 1 first aid box for farms located in close proximity and educate growers on how to utilize them.

Deadline October 2012

Date:

Action Taken:

Plan

Complete:

Plan

Complete

Date:



Health and Safety: Personal Protective Equipment

H&S.7 All necessary personal protective equipment (PPE) (gloves, eye protection, respiratory protection, etc.) should be made available to relevant workers to prevent unsafe exposure (inhalation or contact with solvent vapors, dust, etc.) to health and safety hazards.

Noncompliance

Plan Complete Date:

	Noncompliance
Explanation:	Company has not distributed PPE to all growers.
	Sources: grower and management interviews; record review
Plan Of Action:	Growers will make sure that workers have the necessary PPE (recommended by IRFT), which is locally available to prevent unsafe exposure. This will be reinforced during the preseason meetings. During the local stakeholder meeting, growers suggested for Syngenta to provide user-friendly PPE with cost contributions from growers. Syngenta will explore the possibility of covering all growers under the scheme. PPE is covered in the GDK, which will be passed out and covered during training. (For a full list of GDK contents, please see WBOT.6.)
Deadline Date:	October 2012
Action Taken:	
Plan Complete:	



Health and Safety: Chemical Management and Training

H&S.8 All chemicals and hazardous substances, farm produce, and raw materials should be properly labeled and stored. The grower shall not use any banned (either by national or international laws) pesticides, fertilizers, or any other agro chemicals on the farm. Grower shall ensure the safe disposal of waste chemicals; empty containers of chemicals; and packing materials. Grower/organizer/company will provide necessary training for workers in regard to handling agro chemicals (pesticides, fertilizers, and other hazardous substances), their application and PPE use.

Noncompliance

Explanation: Most of the growers and workers interviewed reported that they have not received any formal training on health and safety from the company.

Sources: grower and management interviews; record review

Plan Of Action:

Date:

- 1. Growers will be educated on using trained workers for pesticide application.
- 2. Syngenta will organize health and safety training (which includes safe chemical handling, machinery maintenance and first aid trainings) for all growers.
- 3. During local stakeholder consultation, the group recommended that the company should create a policy regarding the collection of empty containers and disposal. Syngenta would explore the possibility.

These issues are covered in the GDK, which is passed out and gone over in training. (For a full list of GDK contents, please see WBOT.6.)

Deadline Date:	October 2012
Action Taken:	
Plan Complete:	
Plan Complete	



Health and Safety: Chemical Management for Pregnant Women, Young Workers and Family Members Residing on the Farm

H&S.9. To prevent unsafe exposure to hazardous chemicals, specific appropriate accommodations shall be made for pregnant women and workers under the age of 18 as required by applicable laws or the provisions of the FLA Workplace Code of Conduct in a manner that does not unreasonably disadvantage workers. Grower shall ensure that young workers, pregnant or nursing women, persons with chronic respiratory disease are not allowed to work with the application of hazardous chemicals. Grower will take measures to ensure that workers or their families residing in the farm are not at risk of exposure to pesticides and agrochemicals used in the farm.

Uncorroborated Evidence of Noncompliance

Explanation:	Indiscriminate use of chemicals on farms and improper disposal of chemical containers
	leads to soil and water pollution, which can then enter the food cycle and affect all living
	beings.

Sources: worker and grower interviews

Plan Of Syngenta will organize the health and safety training (which includes safe chemical handling and safe disposal of chemical containers, pouches, etc.) for all growers. These issues are covered in the GDK, which is passed out and gone over in training. (For a full list of GDK contents, please see WBOT.6.)

Deadline October 2012
Date:

Action
Taken:

Plan
Complete:

Plan Complete Date:



Health and Safety: Rest Areas

H&S.14 Grower shall make provision for adequate rest area for workers in case of extreme weather, protection from animals and in case of health emergency.

Uncorroborated Evidence of Noncompliance

Explanation: Workers take shelter under the nearest tree or house available in cases of extreme heat or in emergencies. Not all growers have provided rest areas for workers.

Sources: worker and grower interviews

Plan Of During pre-season meeting, growers will be educated provide shelters so workers can take rests.

Deadline October 2012
Date:

Action Taken: Plan

Complete:

Plan Complete Date:



Hours of Work: Overtime/Positive Incentives

HOW.5 Growers shall use positive incentive schemes to induce overtime and shall ensure workers know such incentive schemes.

	Uncorroborated Evidence of Noncompliance
Explanation:	Growers do not have any positive incentive schemes and workers are not aware of incentive schemes.
	Source: worker interviews
Plan Of Action:	Syngenta would inform growers on incentives for annual workers and encourage growers to have written employment contracts with seasonal workers, implying that they would receive additional payment for overtime. This will be covered during grower training, where information regarding workers' hours and correct wages paid is passed out in the GDK. (For a full list of contents, please see WBOT.1.)
Deadline Date:	October 2012
Action Taken:	
Plan Complete:	
Plan Complete Date:	