



2012

FAIR LABOR ASSOCIATION
INDEPENDENT EXTERNAL MONITORING
AGRICULTURAL REPORT

COMPANY: Syngenta
COUNTRY: Romania
PROVINCE: Iasi
MONITOR: Martine Combemale
AUDIT DATE: September 28, 2011
PRODUCTS: Corn
NUMBER OF WORKERS: 236
NUMBER OF WORKERS INTERVIEWED: 10
NUMBER OF FARMS VISITED: 1
TOTAL AREA COVERED IN AUDIT: 4,000 acres
PROCESSES: Harvesting

To view more about the FLA's work with Syngenta, please visit the FLA website [here](#).



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Code Awareness:

GEN.1 Establish and articulate clear, written workplace standards. Formally convey those standards to company growers and seed organizers.

Noncompliance

Explanation: Seed organizers and growers are not clearly aware of FLA Workplace Standards.

Sources: interviews, records, posting

Plan Of Action: The company would educate subcontractor and growers on the content of the FLA standards by discussions, trainings, meetings, posters, brochures, contracts, and internal monitoring system (IMS) checklist.

Deadline Date: July 25, 2013

Action Taken: 2012 posters and a meeting with workers were needed to explain FLA standards. Full implementation was not possible, as the FLA 2012 campaign was delayed due to the late approval of the campaign materials' budget. The campaign started in early 2013. As the FLA campaign is already prepared, all campaign materials for 2013 came from the 2012 budget, with clear communication to subcontractor, growers, and workers before and during the season.

Deadline Date: November 2013

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: No code of conduct (COC) posted.

Sources: interviews, records, posting

Plan Of Action: Posters must be posted in the most visible places at the farms during all seasons, either by Syngenta or growers; all posters (written and illustrated) should in the local language so all workers can be informed.

Deadline Date: July 25, 2013

Action Taken: Posters were posted in visible places. The visual materials were posted in Syngenta fields, seasonal worker rest areas, and in farm locations; some were distributed during the farmer meetings. The communication channel phone number was created. The communication channel phone is directly connected to Syngenta's Romania office. The number of the communication channel was printed on all visual materials.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Code Awareness:

GEN.3 Develop a secure communications channel, in a manner appropriate to the culture and situation, to enable company employees, supervisors, and seed organizer employees to report to the company on noncompliance with the workplace standards, with security that they shall not be punished or prejudiced for doing so.

Noncompliance

Explanation: There is no grievance system/channel in place.

Sources: interviews, records, posting

Plan Of Action: Syngenta will implement a confidential channel using Syngenta's Romania office's facilities and phones. Until now, the only possibility regarding the communication channel was to use the Syngenta office number and explain the process of the grievance channel to workers. The phone number was published on the posters, stickers, and on other materials.

Deadline Date: November 2012

Action Taken: Communicated the "green line" communication channel number to all our growers during trainings and mentioned it in all campaign material: posters, T-shirts, caps, brochures, shelters, water containers, etc. Communication channel is already implemented and is part of the 2013 FLA campaign.

Plan Complete: Yes

Plan Complete Date: November 2012

Child Labor: Employment of Young Workers

CL.6 Growers shall comply with all relevant laws and regulations that apply to young workers, i.e., those between the minimum working age and the age of 18, including those relating to hiring, working conditions, types of work, hours of work, proof of age documentation, and overtime.

Noncompliance

Explanation: Young workers are working the same working hours as adult workers. The register book for workers does not mention working hours; it only gives information on the workers' profiles.

Sources: records, interview

Plan Of Action: The company would educate the growers to respect the law related to workers between 16 – 18 years old.

Deadline Date: May 2013

Action Taken: Syngenta cannot change the document template in the formal workers' registration book. The registration books are issued by the Ministry of Labor. It is a government standard for all Romanian seasonal workers and is approved by law. The law allows for young workers (16 – 18 years old) to work 6 hours/day. Syngenta provided information on the legislative requirements for young workers at the first meeting with farmers in the beginning of the season. The first meeting with farmers is done in early March/April each spring.

Plan Complete: No

Plan Complete Date:

Child Labor: Hazardous Work for Young Workers

CL.7 No person under the age of 18 shall undertake hazardous work, i.e., work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of persons under the age of 18. Young workers between the ages of 15 to 18 years will not be involved in strenuous and hazardous work. Such work includes the application of agro chemicals, pesticides, and fertilizers, use of farm equipment tools and machinery, lifting or moving of heavy materials or goods, or carrying out hazardous tasks such as underground or underwater or at dangerous heights, or any other activity which may cause harm or would affect the well being of the young worker.

Uncorroborated Evidence of Noncompliance

Explanation: There is no procedure in place to keep young workers from doing any hazardous work. Workers and growers are also not aware of the working regulations for young workers.

Sources: interview, record

Plan Of Action: HSE training done by the grower/Syngenta/QC; illustrated posters in the visible places at farm level.

Deadline Date: October 15, 2013

Action Taken: 2013 FLA campaign will cover it during the training, as part of Child Worker and HSE sections. Workers and growers will be informed on H&S and hazardous work for young workers at the meetings and before they enter into the field.

Deadline Date: May 2013

Plan Complete: No

Plan Complete Date:

Child Labor: Children on Premises

CL.9 Growers will ensure that children (all children, including those residing on the farm) will not have access to areas such as machines/electric operation, application of pesticide and fertilizers, storage areas, and others where there are activities that can cause harm to the child.

Uncorroborated Evidence of Noncompliance

Explanation: According to the different discussions we had on the farm (grower, farm manager, QC), nothing is done to prevent children from going into the field after chemical spraying.

Sources: interviews

Plan Of Action: 2013 FLA campaign will cover it during the trainings sections as part of Child Worker and HSE sections.

Deadline Date: October 15, 2013

Action Taken: 2013 FLA campaign will cover it during the training, as part of Child Worker and HSE sections. Syngenta also prepared field cards, where there will be information on the times of spraying. Growers and workers will also be informed on this issue during meetings.

Deadline Date: July 2013

Plan Complete: No

Plan Complete Date:



Harassment or Abuse: General Compliance Harassment and Abuse

H&A.1 Growers shall comply with all local laws, regulations, and procedures concerning discipline, violence, harassment, and abuse.

Uncorroborated Evidence of Noncompliance

Explanation: Neither growers nor workers has sufficient information on harassment and abuse. There are no procedure, policy or reporting mechanisms and a grievance channel is not available in case of a noncompliance or a complaint.

Sources: interview, record

Plan Of Action: The company would provide information on the content of FLA standards to subcontractor and growers through discussions, trainings, meetings, posters, brochures, contracts, and IMS checklist, including harassment on the IMS checklist.

Deadline Date: May 2013

Action Taken: 2013 FLA campaign will cover the 9 rules (forced labor; child labor; harassment and abuse; non-discrimination; health and safety; freedom of association; wages and benefits; hours of work; overtime compensation) of FLA/Syngenta COC, which include harassment and abuse, and will re-emphasize the grievance communication channel.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:



Harassment or Abuse: Discipline/Fair and Non-Discriminatory Application

H&A.2 Growers shall apply disciplinary rules, procedures, and practices developed by the company in a fair and non-discriminatory manner to all workers.

Uncorroborated Evidence of Noncompliance

Explanation: There is no policy or procedure on non-discrimination. Disciplinary practices depend on the managers' initiative. Managers are not trained and there are no control or reporting mechanisms if there are any cases of discrimination.

Sources: interview, record

Plan Of Action: The company would provide information on the content of FLA standards to subcontractor and growers through discussions, trainings, meetings, posters, brochures, contracts, and IMS checklist. This would also be checked by including discrimination on the IMS checklist and convincing growers to implement fair procedures regarding disciplinary actions for seasonal workers. The workers will be informed through the growers when they are hired.

Deadline Date: May 2013

Action Taken: 2013 FLA campaign will cover the 9 rules (forced labor; child labor; harassment and abuse; nondiscrimination; health and safety; freedom of association; wages and benefits; hours of work; overtime compensation) of FLA/Syngenta COC, which include non-discrimination and re-emphasize the grievance communication channel.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Harassment or Abuse: Discipline/Worker Awareness

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

Noncompliance

Explanation: No training, no communication to workers, and no COC posted.

Sources: interview, record

Plan Of Action: The company would provide information on the content of FLA standards to subcontractor and growers through discussions, trainings, meetings, posters, brochures, contracts, and IMS checklist. This would be also checked by including discrimination on the IMS checklist and convincing growers to implement fair procedures regarding disciplinary actions for seasonal workers. The workers will be informed through the growers when they are hired.

Deadline Date: October 15, 2013

Action Taken: 2013 FLA campaign will cover the 9 rules (forced labor; child labor; harassment and abuse; non-discrimination; health and safety; freedom of association; wages and benefits; hours of work; overtime compensation) of FLA/Syngenta COC, which include non-discrimination, and will re-emphasize the grievance communication channel. Printed material and posters will be distributed to be used during the season by organizers. The visual materials were posted in the Syngenta fields, the seasonal workers’ rest area, and in farm locations; some of them were distributed during the farmer meetings. The percent of illiterate workers is extremely low in Romania; therefore, no material for illiterate workers is prepared.

Deadline Date: July 2013

Plan Complete: No

Plan Complete Date:

Harassment or Abuse: Discipline/Training

H&A.4 Growers/Organizer/Company will provide training on appropriate disciplinary practices to persons who supervise the workers.

Noncompliance

Explanation: There were no trainings on appropriate disciplinary practices for supervisors or workers.

Sources: interview, records

Plan Of Action: The company would encourage growers to train supervisors to implement the disciplinary procedure during the meetings at the beginning of the season. Workers need to be informed by the growers when they are hired.

Deadline Date: October 15, 2013

Action Taken: 2013 FLA campaign will cover the 9 rules (forced labor; child labor; harassment and abuse; non-discrimination; health and safety; freedom of association; wages and benefits; hours of work; overtime compensation) of FLA/Syngenta COC, which also covers disciplinary practices and will re-emphasize the grievance communication channel.

Deadline Date: March 2013

Plan Complete: No

Plan Complete Date:

Harassment or Abuse: Discipline/Monetary Fines and Penalties

H&A.5 Growers shall not use monetary fines and penalties as a means to maintain labor discipline, including for poor performance or for violating rules, regulations, and policies.

Noncompliance

Explanation: There are no written procedures on disciplinary practices; however, during the visit, it became evident that farm management is taking disciplinary measures, such as salary deductions, in cases where workers are not compliant with workplace rules (e.g., drinking alcohol during work time, passing speed limit while driving, etc.). However, there are no records of these actions and decisions are taken case by case.

Sources: interview, records

Plan Of Action: The company would provide information on the content of FLA standards to subcontractor and growers through discussions, trainings, meetings, posters, brochures, contracts, and IMS checklist. This would be also checked by including disciplinary practices on the IMS checklist and convincing growers to implement fair procedures regarding disciplinary actions for seasonal workers. This would be also reinforced through the communication of the grievance channel to workers.

Deadline Date: October 15, 2013

Action Taken:

Plan Complete: No

Plan Complete Date:

Harassment or Abuse: Violence/Harassment/Abuse

H&A.9 Growers shall ensure that the workplace is free from any type of violence, harassment, or abuse, be it physical, psychological, sexual, verbal, or otherwise. Growers shall refrain from any action – and shall take all appropriate action to ensure that all workers refrain from any action – that would result in an intimidating, hostile, or offensive work environment.

Uncorroborated Evidence of Noncompliance

Explanation: There is no policy and procedure; supervisors are not trained. There is no reporting, no grievance channel, nobody in charge of gathering the complaints, no unions. Therefore, the risk is high, especially during the peak season, when the number of seasonal workers is high (disciplinary sanctions). We saw some names amongst the daily workers crossed out from the registry book, which means they were not paid (but even the HR manager does not have a clue about the reason why).

Sources: interview, records

Plan Of Action: The company would provide information on the content of FLA standards to subcontractor and growers through discussions, trainings, meetings, posters, brochures, contracts, and IMS checklist. Workers will also be trained.

Deadline Date: October 15, 2013

Action Taken: Communication of grievance channel and COC elements was done through visual campaign materials.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Harassment or Abuse: Sexual Harassment

H&A.10 Growers shall refrain from any act of sexual harassment, including any insult or inappropriate remark, joke, insinuation, or comment on a person's dress, physique, age, family situation, etc.; a condescending or paternalistic attitude with sexual implications undermining dignity; any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats; any lascivious look or other gesture associated with sexuality; and any unnecessary physical contact such as touching, caressing, pinching, or other. Growers shall not offer – or take any action that may suggest an offer of – recruitment, continued employment, promotion, improved working conditions, preferential work assignments, or other preferential treatment of any kind in actual or implied exchange for a sexual relationship, nor subject workers to prejudicial treatment of any kind in retaliation for refused sexual advances or corrected inappropriate behavior. Growers shall refrain from any action – and shall take all appropriate action to ensure that all workers refrain from any action – that would result in a sexually intimidating, hostile, or offensive work environment.

Uncorroborated Evidence of Noncompliance

Explanation: Even though there were no complaints in this scope, since farm management has no policy, procedure and reporting mechanism in place, the risk is always available.

Sources: interview, records

Plan Of Action: The company would provide information on the content of the FLA standards to subcontractor and growers through discussions, trainings, meetings, posters, brochures, contracts, and IMS checklist.

Deadline Date: October 15, 2013

Action Taken: We have the grievance channel in place. It is compliant with local requirements and 2013 FLA campaign will cover the 9 rules (see above), which include harassment and abuse. The grievance channel will be re-communicated to growers and workers. Printed materials and posters will be distributed and used during the season by organizers, Syngenta representatives, and growers.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Harassment or Abuse: Punishment of Abusive Workers/Others

H&A.11 Growers/Organizer/Company will discipline anyone (including supervisors or fellow workers) who engages in any physical, sexual, psychological, or verbal violence, harassment, or abuse, regardless of whether such action was intended as a means to maintain labor discipline. Such discipline could include (combinations of) compulsory counseling, warnings, demotions, and termination.

Noncompliance

Explanation: The proof of monetary sanction was found in the HR registry book, which was disproportionate, without any way to defend the workers, and against the law. Farm management does not have disciplinary procedures and applies sanctions depending on the individual cases. There are also very few records on monetary sanctions and none for warnings.

Sources: interview, records

Legal Reference: Article 264. N (1) du code du travail

Plan Of Action: In the proposed campaign, the company would distribute posters and leaflets, in the most visible places on COC elements, including harassment and abuse. The workers can be informed through posters printed in their local language. In Romania, the percent of illiterate persons is extremely low; therefore, no material is prepared for illiterate workers.

Deadline Date: October 15, 2013

Action Taken: Due to the budget's late approval, the posters and leaflets were distributed at the beginning of the 2013 season.

Deadline Date: November 2013

Plan Complete: No

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, but where this is inappropriate or has failed, it is possible for the worker to have the grievance considered at one or more steps, depending on the nature of the grievance and the structure and size of the enterprise. Company shall ensure that workers know the grievance procedures and applicable rules.

Noncompliance

Explanation: No grievance system/channel in place.

Sources: interview, records, postings

Plan Of Action: Implement a confidential channel using the current Syngenta Romania office's facilities and phones. Phone number is published on the posters, stickers, and other campaign materials.

Deadline Date: March 15, 2013

Action Taken: Implemented a confidential channel. Workers will be informed through the visual material of the campaign and during the meetings.

Plan Complete: Yes

Plan Complete Date: March 15, 2013



Non-Discrimination: General Compliance Non-Discrimination

D.1 Growers shall comply with all local laws, regulations, and procedures concerning non-discrimination.

Uncorroborated Evidence of Noncompliance

Explanation: There is no policy and procedure on non-discrimination practices and no awareness of any potential discriminatory practices amongst workers.

Sources: interview, records

Plan Of Action: The company would provide information on the content of FLA standards to subcontractor and growers through discussions, trainings, meetings, posters, brochures, contracts, and IMS checklist.

Deadline Date: October 15, 2013

Action Taken: Posters and a meeting with workers were needed to explain FLA standards; however, this was not possible to implement in 2012, as the budget's final approval came after the peak season and the whole FLA 2012 campaign was delayed.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:



Non-Discrimination: Employment Decisions

D.2 All employment decisions shall be made solely on the basis of a person's qualifications, in terms of education, training, experience, demonstrated skills and/or abilities, as they relate to the inherent requirements of a particular job.

Uncorroborated Evidence of Noncompliance

Explanation: There are no hiring procedures or criteria for hired workers (either permanent or daily). Decisions are made spontaneously by managers and done on an as-needed basis.

Sources: interview, records

Plan Of Action: The company would ensure that growers have recruitment and hiring processes, which are non-discriminatory through training and contracts. The workers are informed about the purpose of the FLA by visual materials and growers.

Deadline Date: October 15, 2013

Action Taken: Explain to the growers/contractors the 9 principles of FLA code (see above) emphasizing the Syngenta Non-Discrimination policy to growers. The 9 rules are clear on the hiring procedures and are compliant with Syngenta policy and local law. The workers should be informed when they are hired by growers or farm management.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Non-Discrimination: Sex-Based Wage Discrimination

D.3 There shall be no differences in remuneration for men and women workers for work of equal value. Remuneration (wages, compensation) includes the basic minimum or prevailing industry wage and any additional payments to be made directly or indirectly, whether in cash or in kind, by the grower to the worker and arising out of the workers’ employment. Such additional payments include wage differentials or increments based on seniority or marital status, cost of living allowances, housing or residential allowances, family allowances, benefits in-kind such as the allotment and cleaning of work clothes or provision of fire wood, spices, raw material for food, equipment, and other benefits.

Uncorroborated Evidence of Noncompliance

Explanation: The risk is high as long as there are no visible policies or processes and no reporting on hiring, evaluating or promoting workers.

Sources: interview, records

Plan Of Action: The company would ensure that growers have recruitment and hiring processes, which are non-discriminatory through training and contracts. The workers are informed about the purpose of the FLA by visual materials and growers.

Deadline Date: October 15, 2013

Action Taken: Explain to the growers/contractors the 9 principles of FLA code (see above) emphasizing the Syngenta Non-Discrimination policy to growers. The 9 rules are clear on the hiring procedures and are compliant with Syngenta policy and local law. The workers should be informed when they are hired by growers or farm management.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:



Non-Discrimination: Marital Status or Pregnancy

D.4 Growers shall not discriminate on the basis of marital status. Growers shall not threaten female workers with dismissal or any other employment decision that negatively affects their employment status in order to prevent them from becoming pregnant or getting married.

Uncorroborated Evidence of Noncompliance

Explanation: The risk is high as long as there are no visible policies or processes and no reporting on hiring, evaluating or promoting workers.

Sources: interview, records

Plan Of Action: The company would ensure that growers have recruitment and hiring processes, which are non-discriminatory through training and contracts. The workers are informed about the purpose of the FLA by visual materials and growers.

Deadline Date: October 15, 2013

Action Taken: Explain to the growers/contractors the 9 principles of FLA code (see above) emphasizing the Syngenta Non-Discrimination policy to growers. The 9 rules are clear on the hiring procedures and are compliant with Syngenta policy and local law. The workers should be informed when they are hired by growers or farm management.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:



Non-Discrimination: Protection and Accommodation of Pregnant Workers and New Mothers

D.5 Growers shall abide by all protective provisions in local laws and regulations benefiting pregnant workers and new mothers, including provisions concerning maternity leave and benefits, prohibitions regarding night work, temporary reassignments away from work and work environments that may pose a risk to the health of pregnant women and their unborn children or new mothers and their newborn children, temporary adjustment of working hours during and after pregnancy, and the provision of breastfeeding breaks and facilities. Where such legal protective provisions are lacking, growers shall take reasonable measures to ensure the safety and health of pregnant women and their unborn children. Such measures shall be taken in a manner that shall not unreasonably affect the employment status, including wages and benefits, of pregnant women.

Uncorroborated Evidence of Noncompliance

Explanation: The risk is high as long as there are no visible policies or processes and no reporting on hiring, evaluating or promoting workers.

Sources: interview, records

Plan Of Action: The company would ensure that growers have recruitment and hiring processes, which are non-discriminatory through training and contracts. The workers are informed about the purpose of the FLA by visual materials and growers. The contract with growers also includes FLA/Syngenta COCs.

Deadline Date: October 15, 2013

Action Taken: Explain to the growers/contractors the 9 principles of FLA code (see above) emphasizing the Syngenta Non-Discrimination policy to growers. The 9 rules are clear on the hiring procedures and are compliant with Syngenta policy and local law. The workers should be informed when they are hired by growers or farm management.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:



Non-Discrimination: Health Status

D.6 Growers shall not, on the basis of a person’s health status, make any employment decisions that negatively affect the person’s employment status, including decisions concerning recruitment, termination, promotion, or assignment of work, unless such decision is dictated by the inherent requirements of the job or a medical necessity to protect the worker and/or other workers.

Uncorroborated Evidence of Noncompliance

Explanation: The risk is high as long as there are no visible policies or processes and no reporting on hiring, evaluating or promoting workers.

Sources: interview, records

Plan Of Action: The company would ensure that growers have recruitment and hiring processes, which are non-discriminatory through training and contracts. The workers are informed about the purpose of the FLA by visual materials and growers. The contract with growers also includes FLA/Syngenta COCs.

Deadline Date: October 15, 2013

Action Taken: Explain to the growers/contractors the 9 principles of FLA code (see above) emphasizing the Syngenta Non-Discrimination policy to growers. The 9 rules are clear on the hiring procedures and are compliant with Syngenta policy and local law. The workers should be informed when they are hired by growers or farm management.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

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

Explanation: No information on the site.

Sources: interview, record

Plan Of Action: The company in the proposed campaign would post these documents in the most visible places. The workers can be informed through posters printed in their local language. In Romania, the percent of illiterate persons is extremely low; therefore, there was no visual material preparation for illiterate workers.

Deadline Date: October 15, 2013

Action Taken: Due to the budget's late approval, posters and leaflets could not be distributed in 2012. Campaign material was distributed in 2013. A policy needs to be established before field workers enter work; a 5-minute Health & Safety discussion could happen, which covers field risks and mitigation actions, personal protective equipment (PPE) use, Material Safety Data Sheets (MSDS), etc.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

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: There are no written health and safety policy and measures at the farm level.

Sources: interview, records

Plan Of Action: The company would develop a written policy that complies with local law and FLA COC.

Deadline Date: October 15, 2013

Action Taken: Due to the budget's late approval, posters and leaflets could not be distributed in 2012. Campaign material was distributed in 2013. The written policy, which covers FLA COC (local legal requirements are similar), was given to farms in the 2012 season.

Deadline Date: November 2013

Plan Complete: No

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 and 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 clear and regularly tested and reviewed.

Noncompliance

Explanation: Farm management does not have a health and safety management system.

Sources: interview, records

Plan Of Action: The company would discuss implementing a HSE management system with the subcontractor/grower.

Deadline Date: October 15, 2013

Action Taken: Due to the budget's late approval, posters and leaflets could not be distributed in 2012. Campaign material was distributed in 2013. FLA rules are almost similar with local law; the contracts between: 1) Syngenta and the subcontractor and 2) the subcontractor and the growers covers health safety requirements, and is in written form.

Deadline Date: November 2013

Plan Complete: No

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: There is no written policy and procedure at the farm level; therefore, it was also not communicated to workers.

Sources: interview, record

Plan Of Action: The company would communicate the policy to all workers through subcontractor/ grower. The workers are informed when they are hired; the 9 rules are visible on the farm in the form of posters, brochures, and leaflets.

Deadline Date: October 15, 2013

Action Taken: Due to the budget's late approval, posters and leaflets could not be distributed in 2012. Campaign material was distributed in 2013. FLA rules are almost similar with local law; the contract between: 1) Syngenta and the subcontractor and 2) the subcontractor and the growers covers health safety requirements and is in written form. No activity has been done for illiterate workers, as the number is very low in Romania.

Deadline Date: November 2013

Plan Complete: No

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: We could not see any PPE or storage for PPE and first aid kits.

Sources: interview, record

Plan Of Action: The company would make sure that the growers should provide all the safety equipment and add this item in the supplier contract. Syngenta will provide PPE for detasseling; however, supplier is responsible for distributing PPE. Since PPE is required by local law, growers must provide PPE for other type of activities. Syngenta will also check usage of PPE through internal monitoring visits.

Deadline Date: October 15, 2013

Action Taken: Minimum PPE : safety glasses,safety gloves,sun protection hat; was given to almost all farms. Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Health and Safety: Personal Protective Equipment

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

Noncompliance

Explanation: We could not see any PPE or storage for PPE and first aid kits.

Sources: interview, record

Plan Of Action: Syngenta will provide the basic PPE to most farms for detasseling. Minimum PPE for activity in the Syngenta fields during the peak season was provided by Syngenta.

Deadline Date: October 15, 2013

Action Taken: Syngenta will provide the basic PPE to most farms during the grower meetings. Was not possible due to the delay of approving the budget.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

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. Growers shall not use any banned (either by national or international laws) pesticides fertilizers, or any other agro chemicals in the farm. Growers shall ensure the safe disposal of waste chemicals or empty containers of chemicals/packing materials. Growers/organizer/company will provide the necessary training to workers regarding the handling of agro chemicals (pesticides, fertilizers, and other hazardous substances), their application, and the use of personal protective equipment.

Noncompliance

Explanation: Romanian law requires training for chemical management; training sheets are signed, however, there is no documentation on the content of the training.

Sources: interview, record

Plan Of Action: The company would ensure that growers have chemical management training, which is required by law through training and contracts. Growers should transfer the knowledge to the workers at the time of hire.

Deadline Date: October 15, 2013

Action Taken: There was no specific chemical training for the seasonal workers, mainly due to the fact that during pick season there is no chemical treatment in the field. For corn no any chemical treatment except herbicide application in the spring (beginning May). For the regular workers they should have appropriate training required by the law and the contant should be available at farm level.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

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. Growers 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. Growers 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.

Noncompliance

Explanation: There is no policy, procedure or reporting mechanism for chemical management for pregnant women, young workers, and family members.

Sources: interview, record

Plan Of Action: The company would ensure that growers have chemical management training, which is required by law through training and contracts. Growers should transfer the knowledge to the workers at the time of hire.

Deadline Date: October 15, 2013

Action Taken: Posters and a meeting with workers are needed to explain the HSE standards; Syngenta would also provide H&S training to the growers. There is now a written policy mentioned in the contract and the control is done during the season through the internal monitoring visits and completing a field monitoring form. The procedure and reporting mechanism for chemical management is that requested by the law.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Health and Safety: Protection Reproductive Health

H&S.10 Growers will ensure that women and young workers are not engaged in work that creates substantial risk to their reproductive health.

Noncompliance

Explanation: No policy, procedure, means, reporting or control.

Sources: interview, record

Plan Of Action: The company would ensure that growers have chemical management training, which is required by law through training and contracts. Growers should transfer the knowledge to the workers at the time of hire.

Deadline Date: October 15, 2013

Action Taken: Posters and a meeting with workers are needed to explain the HSE standards and Syngenta would also provide H&S training to the growers. There is now a written policy mentioned in the contract and the control is done during the season through the internal monitoring visits and completing a field monitoring form. The procedure and reporting mechanism for chemical management is that requested by the law.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Health and Safety: Rest Areas

H&S.14 Growers 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: There were no rest areas during the monitoring visit; however, the visit did not take place during the peak season when workers are available at the field.

Sources: interview, record

Plan Of Action: The company would organize this rest area in partnership with the grower. In 2013, Syngenta provided rest areas (movable tents) for most of the farms. This process must be improved in 2014.

Deadline Date: October 15, 2013

Action Taken: Shelters were distributed in 2013. Syngenta provided shelter/tents (rest areas); they were distributed to most farms and were produced in Romania.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:



Freedom of Association and Collective Bargaining: General Compliance Freedom of Association

FOA.1 Growers shall comply with all local laws, regulations, and procedures concerning freedom of association and collective bargaining.

Noncompliance

Explanation: There is no policy or procedure on collective bargaining and freedom of association. Monitors were told there is a worker representative on the farm, but monitors were not able to interview him. There are no minutes of either elections or meetings. The worker representative is (according to management interview) elected by permanent workers, but monitors have not seen any related documents.

Sources: interview, record

Plan Of Action: Explain to the growers/contractors the 9 principles of FLA code including Freedom of Association.

Deadline Date: October 15, 2013

Action Taken: Syngenta supports freedom of association and it is part of the 9 principles of FLA/Syngenta COC shared during the grower meeting training and through visual campaign materials.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Hours of Work: General Compliance Hours of Work

HOW.1 Growers shall comply with all local laws, regulations, and procedures concerning hours of work, public holidays, and leave.

Noncompliance

Explanation: There are no records on working hours or a visible policy at the farm level. This is also a noncompliance in regard to the new local labor law (law n°15; April 4, 2011). The registry book system used on the farms does not allow cumulative days of work during the year to be kept track of. (The law states that “no day laborer shall perform activities for the same beneficiary for more than 90 days cumulated over a calendar year.”)

Sources: interview, records

Plan Of Action: The company would upgrade the present working document with a specific column where the working hours would be mentioned; this will be compliant with local law and FLA COC.

Deadline Date: October 2013

Action Taken: The document is approved by law and needs to have an alternative proposal that attends to the local regulation. FLA COC is in line with local requirements. Beside the working book which is filled daily, no other document for record of the working hours. This one is required by the local law.

Plan Complete: No

Plan Complete Date:

Hours of Work: Meals and Rest Breaks

HOW.3 Growers shall provide reasonable meal and rest breaks, which, at a minimum, must comply with local laws.

Noncompliance

Explanation: It was said that the workers get meals and rest, but there is no policy, procedure, control and reporting to be sure that rest exists.

Sources: interview, record

Plan Of Action: The company would provide training to growers to maintain a system and procedure for meals and rest breaks for the workers. Through hours of work recording, it would be possible to control and record the rest time.

Deadline Date: October 2013

Action Taken: Posters, meeting with growers to explain the FLA standards, and supporting the grower to follow the local regulation for meal and rest breaks. Include this in the Romanian country IMS checklist.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Hours of Work: Overtime

HOW.4 No worker shall be expected to work for more than 8 hours per day, excluding the breaks. In extraordinary circumstances, the daily working hours can be extended to 10 hours.

Noncompliance

Explanation: Daily workers are paid for a day whatever the number of hours they work, but, in any case, above the minimum wage. No payment of OT for permanent workers; there is an informal agreement between managers and workers to balance hours of work between the high and low seasons, but, there is no record or control system.

Sources: interview, record

Plan Of Action: The company would understand the local regulation regarding overtime. It would make sure that an overtime component would be included in their IMS to verify the current compliance status. FLA procedures match with local law regarding this aspect.

Deadline Date: October 2013

Action Taken: Syngenta should request the growers to follow government local regulations and also FLA rules, including it in IMS checklist for follow up. Workers are informed when they are hired and also during the working season. Beside the working book (required by local law) which is filled daily, there is no other document to record of working hours.

Deadline Date: November 2013

Plan Complete: No

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: There is no policy and process to be sure that OT is paid. Monitors found that OT was not registered, and it was said (accountant, farm managers, HR manager) that there is an arrangement between workers and farm manager, but there are no written documents as records or contracts.

Sources: interview, record

Plan Of Action: The company would understand the local regulation regarding overtime. It would make sure that an overtime component would be included in their IMS to verify the current compliance status. This should be regulated by law and growers need to respect legal requirements; workers are informed when they are hired and during the season.

Deadline Date: October 2013

Action Taken: Syngenta should request the growers to follow government local regulations and also FLA rules, including it in IMS checklist for follow up. Workers are informed when they are hired and also during the working season. Beside the working book (required by local law) which is filled daily, there is no other document to record of working hours.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:

Wages, Benefits and Overtime Compensation: Timely Payment of Wages

WBOT.3 All wages, including overtime compensation shall be paid within legally defined time limits. When law does not define time limits, compensation shall be paid at least once a month or as agreed between the worker and the grower.

Uncorroborated Evidence of Noncompliance

Explanation: Daily workers are regularly paid at the end of the week, instead of at the end of each working day (as required by the new local labor law n°15; April 4, 2011).

Sources: interview, record

Plan Of Action: The company would provide information on payment methods as required by local law during trainings on COC. Workers are informed when they are hired; this will be done based on their common agreement (growers and workers).

Deadline Date: October 2013

Action Taken: Syngenta should request the growers to follow government local regulations and also FLA rules, including it in the IMS checklist for follow up. Syngenta just underlines the importance of respecting FLA rules, workers will be informed when they will be hired.

Deadline Date: November 2013

Plan Complete: No

Plan Complete Date:
