

International Labor Rights Forum and Organic Consumers Association

Response to Rainforest Alliance June 1, 2009

Certification and labeling programs can play an important role in improving labor and environmental conditions in the production of goods and can help consumers to support companies that make a serious commitment to higher standards. We welcome Rainforest Alliance's commitment to conserving biodiversity and ensuring sustainable livelihoods. However, we do have concerns about how the certification program works on the ground. As Rainforest Alliance expands further into the cocoa market through its partnership with Mars, Inc. we look forward to clarification on our concerns with the certification program. Below we have outlined some of our concerns on the labor standards in Rainforest Alliance certification and their implementation.

Freedom of Association: While it is very important that Rainforest Alliance standards protect workers' freedom of association, it is troubling that no labor organizations or unions are members of the Sustainable Agriculture Network or directly involved in farm audits. Farm workers themselves are the best suited to understand the issues they face on the job and ensure that standards are effectively implemented on a regular basis. In a recent statement, Rainforest Alliance cited the input of a single consultant with a background in labor law during their recent standard revision process as evidence of expertise on labor rights. However, in order to truly claim an expertise in this area, both local unions and international trade union federations must be involved throughout the entire process.

We are also concerned that the requirements for freedom of association and collective bargaining are not considered "critical criteria" and as a result, are not required in order to achieve Rainforest Alliance certification. ILRF has seen through our personal experiences in the cut flower industry that Rainforest Alliance auditors often have no contact with trade unions on certified farms. The lack of communication between auditors and organized labor has led to concrete problems in protecting freedom of association and other labor rights on Rainforest Alliance certified farms. For example, the Santa Barbara flower farm in Colombia was certified by Rainforest Alliance but the company management has quashed unionization attempts on the farm on numerous occasions and union leaders have faced management retaliation at another Rainforest Alliance certified farm, Elite Flowers. We also found that Rainforest Alliance auditors in Colombia's cut flower industry considered health committees and comment boxes as evidence of freedom of association, but these systems are in no way equivalent to the role democratic and independent trade unions and collective bargaining play in ensuring that workers have a voice on the job.

Wages/Prices: Rainforest Alliance standards require that employers pay workers wages equal to or greater than the regional average or legally established minimum wage, but this standard does not mean that workers will receive a living wage.

We are also concerned that Rainforest Alliance standards were developed largely to apply to plantations as opposed to small, family farms. Labor and economic conditions and sourcing policies are very different in smallholder cultivation and standards specific to these conditions need to be developed. An ethical and sustainable set of standards for small farmers producing for export must address the fundamental terms of trade relationships between farmers and multinational commodity traders. In terms of small scale family farmers, like in West Africa's cocoa sector, the price paid to farmers for their cocoa beans plays an important role in the ability of farmers to implement higher labor and environmental standards and improve their communities. When cocoa farmers sell their beans in the conventional market, they routinely receive payment below the world market price which traps farmers in a cycle of poverty. As a result, they must use child labor and cut back on other expenses. If farmers are ensured a fair, living price for their beans, they are more able to institute better labor standards and provide food, health care, education and other necessary services for their families. Ensuring a fair baseline farmgate price in these conditions is not "throwing money" at a problem – it is responding to a fundamental inequality that affects farmers' ability to implement all standards for sustainability. The price system under Fair Trade certification is thus one of that system's major strengths. Additionally, the social premium paid to farmer cooperatives through Fair Trade certification allows communities to invest funding in projects like schools and clinics that help to improve the broader socioeconomic conditions of their communities. These community investments are particularly vital in areas where government investment in social services is weak or nonexistent and user fees can prevent poor farmers and workers from accessing these resources. The Fair Trade price and the social premium contribute to higher living and working standards and help to make farming a sustainable profession for farmers and their families. At the same time, there have been concerns expressed by labor organizations globally about how the social premium under Fair Trade is distributed in hired labor situations on plantations. These concerns strengthen the argument that any certification program seeking to protect workers *must* consistently communicate with trade unions and worker organizations.

Other Labor Concerns: There are also some specific labor issues that are addressed under other certification systems, like Fair Trade, that are not included in Rainforest Alliance standards. For example, Rainforest Alliance does not guarantee maternity leave for women workers. Rainforest Alliance standards do not protect the confidentiality of workers' medical records or prohibit the use of pregnancy, HIV or genetic tests which are often used to discriminate against workers in the hiring process. Rainforest Alliance standards also do not give workers the right to remove themselves from imminent danger without being disciplined and do not explicitly require that spraying not take place if unprotected workers nearby will be exposed.

Farm Participation: As Rainforest Alliance certifies both small cooperatives and huge multinational partners, we are also concerned about the effect of certification on small, family farmers which are especially widespread in the West African cocoa industry. Rainforest Alliance should clarify how they define "cooperative" and what democratic

structures need to be in place in a farmer organization in order to qualify for certification. Fair Trade certified cooperatives are organized democratically and often have specific policies to support the leadership of women. Rainforest Alliance also recently incorrectly claimed to have more experience with labor issues than Fair Trade because they inaccurately stated that Fair Trade does not engage with plantations with hired labor when in fact, Fair Trade does just that in at least the tea, cut flower and banana industries.

Auditing and Complaint Mechanisms: In our personal experiences visiting Rainforest Alliance farms, we have found that workers are often unaware of Rainforest Alliance standards and are not familiar with the complaint mechanisms. Additionally, we have received reports that complaints are not addressed by Rainforest Alliance in a timely matter.

Labeling Requirements: We know that in order for a coffee product to use the Rainforest Alliance label, it must contain a minimum of 30% certified content, meaning that a majority of the product does not need to actually be certified by Rainforest Alliance in order to receive the product label. Other certification programs, like Fair Trade, require 100% of the content to be officially certified in order to achieve the program's label. This provides a stronger assurance to consumers that the products they are buying comply with the standards in the relevant certification program.

We look forward to more certification programs strengthening their labor rights criteria. ILRF recently released a document called [“Roadmap for Ethical Product Certification and Standard Setting Initiatives”](#) that outlines our recommendations for necessary labor standards for any certification program.