



2011

FAIR LABOR ASSOCIATION INDEPENDENT EXTERNAL MONITORING AGRICULTURE REPORT

COMPANY: Syngenta AG
COUNTRY: India
PROVINCE: Karnataka
MONITOR: Link Etc
AUDIT DATE: November 16 – 17, 2011
PRODUCTS: Sweet Pepper Seeds
NUMBER OF WORKERS: 50
NUMBER OF WORKERS INTERVIEWED: 24
NUMBER OF FARMS VISITED: 10
TOTAL AREA COVERED UNDER AUDIT: 25 Acres
PROCESSES: Emasculation, Bed Making (in Plots),
Hybridization

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



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Wages, Benefits and Overtime Compensation: General Compliance Wages, Benefits and Overtime Compensation

WBOT.1 Growers shall comply with all local laws, regulations and procedures concerning the payment of wages and benefits, including overtime compensation. In any case where laws and the FLA Workplace Code of Conduct are contradictory, the standard providing the greatest protection for workers shall apply. Where provisions are lacking, growers shall take measures to reasonably accommodate matters concerning payments of wages and benefits, including overtime compensation.

Noncompliance

Explanation: Wages are less than the minimum wages prescribed by the state. The law says it should be 146 INR; worker and grower interviews revealed that it is anywhere between 100 – 180 INR based on shortage, need and season. Workers said that for women, it is 100 INR per day, and for men, it is INR 140 – 150 per day.

Sources: worker and grower interviews

Legal Reference: The Minimum Wages Act 1948

Plan Of Action:

During the local level stakeholder consultation, it was noted that in a few villages, workers are paid above the legal minimum wages and that other benefits like food, tea and transport are not being taken into account. Hence, the group suggested to create improved monitoring of wages. 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. Social Compliance Contract: 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. Health and Safety Aspects for Workers and Growers: 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. Local Laws for the Agriculture Sector: Notification that local law books related to the agricultural sector are maintained at local IMS (monitoring) centers.

6. Minimum Wages Applicable for the Region: documentation on the local minimum wage for each worker position applicable in the agriculture sector.

7. Grievance Procedure: 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. Age-Proof Documentation: 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: Minimum Wage

WBOT.2 Growers shall pay workers the legal minimum wage or the prevailing regional wage, whichever is higher.

Noncompliance

Explanation: Wages are less than the minimum wages prescribed by the state. The law says it should be 146 INR; worker and grower interviews revealed that it is anywhere between 100 – 180 INR based on shortage, need and season. Workers said that for women, it is 100 INR per day, and for men, it is INR 140 – 150 per day.

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

Legal Reference: The Minimum Wages Act 1948

Plan Of Action: During the local stakeholder consultation, it was noted that neither growers nor workers had awareness on minimum wages. Hence, the group recommended providing awareness about minimum wages. Syngenta will create awareness about minimum wages among growers and workers during preseason meetings. Syngenta to supply growers with information on local minimum wages by distributing their GDK in training. (For a full list of GDK contents, see WBOT.1.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:



Wages, Benefits and Overtime Compensation: Worker Wage Awareness

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.

Noncompliance

Explanation: Usually payments are not regular; they are based on advances, and when work is finished, then payment is settled. As growers decide wage rates after the harvest and sale of produce, total wages are adjusted after the harvest. This is a 1-sided decision of wage fixation on the farms. So, if the grower loses money, then workers get lower wages; however, if the grower is in profit, then workers get wages as per normal practice.

Sources: worker and grower interviews

Plan Of Action: Syngenta will create awareness about proper wages among growers and workers during preseason meetings. Syngenta to supply growers with information on local minimum wages by distributing GDK in training. (For a full list of GDK contents, see WBOT.1.)

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: Most of growers do not maintain any wage records.

Sources: worker and grower interviews

Plan Of Action: During the local stakeholder consultation, it was noted that for most operations like sowing, weeding, and fertilizer application, workers are paid below the actual minimum wages. But, when explored further, the number of hours (2 – 4, with a maximum of 5) spent on these operations is relatively low. Hence, the group agreed to record hours of work for each operation to monitor both hours of work and wages and benefits for all cultivation practices. 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.1.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Forced Labor: Individual Contracts (Verbal/Written)

F.12 Where more than one person belonging to a worker household is employed; each member of the household employed by the farm will have individual terms of employment and will not be linked to the employment of the other family member. Where a particular activity is assigned to a group of workers and the remuneration is pre-determined for the activity, the workers in the group will have the freedom to be part of the group or leave the group.

Uncorroborated Evidence of Noncompliance

Explanation: We found 3 workers from the same family working on a farm. The grower gives them an advance as a family; they also work as a group on 3 other farms and take advances. In this case, each grower works with the group as one, not as 3 different individuals.

Sources: record review; worker and grower interviews

Plan Of Action: Syngenta will ensure that each worker has an individual contract. There is information about this in the GDK, which will be gone over in training. (For a full list of GDK contents, see WBOT.1.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:



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

H&A.2 Growers will follow disciplinary practices that are fair and clearly understood by workers. Growers will take necessary steps to ensure that the farm's disciplinary procedure is clearly understood by the workers.

Noncompliance

Explanation: No written policies or example of verbal communication could be found during the audit.

Sources: worker and grower interviews

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.1 Plan of Action.)

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

Explanation: No written policies or example of verbal communication could be found during the audit.

Sources: worker and grower interviews

Plan Of Action:

1. Formal disciplinary policy and procedure will be in place and will be communicated to the growers.
2. This will be covered in training during the preseason meetings by going over the GDK. (For a full list of GDK contents, see WBOT.1.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:



Harassment or Abuse: Discipline/Training

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

Uncorroborated Evidence of Noncompliance

Explanation: In all cases, growers supervise the workers. Workers could not verify if received any training on discipline. Growers had no records or knowledge of the law regarding discipline, like standing orders; subsequently, this is uncorroborated.

Sources: worker and grower interviews

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.1 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 grievance policy or 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. \(For a full list of GDK contents, see WBOT.1 Plan of Action.\)](#)

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: The proof of age is not being maintained on the farms.

Sources: record review, grower interviews

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:

Plan Complete Date:

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: No age proof is maintained and young workers are treated as adult workers.

Sources: record review, grower interviews

Plan Of Action: 1. Special emphasis on child labor COC will be given during the preseason campaigns and a stringent monitoring mechanism will be put in place.

2. Syngenta to supply growers with information on child labor by distributing their GDK in training. (For a full list of GDK contents, see WBOT.1.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Non-Discrimination: General Compliance Non-Discrimination

D.1 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.

Noncompliance

Explanation: Local law states that all workers should be paid 146 INR per day; however, we found different wages for men and women.

Plan Of Action: It was agreed by growers during the local stakeholder consultation that both men and women get paid equal pay for equal work and that men are not willing to do low-paying jobs like cross pollination. However, Syngenta will develop a chart depicting the tasks done by men and women with wages during the awareness meetings. Equal pay for equal work (Equal Remuneration Act 1976) will be emphasized during these meetings. During training, the GDK, which includes information about equal payment of wages, will be passed out and explained to growers. (For a full list of GDK contents, please see WBOT.1.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Non-Discrimination: Sex-Based Wage Discrimination

D.3 Growers shall not discriminate on the basis of marital status. Growers shall not threaten female workers with dismissal or any other employment decision negatively affecting their employment status, in order to prevent them from becoming pregnant or getting married.

Noncompliance

Explanation: Local law states that all workers should be paid 146 INR per day; however, we found different wages for men and women.

Sources: worker and grower interviews

Legal References: The Equal Remuneration Act 1976, The Minimum Wages Act 1948

Plan Of Action: It was agreed by growers during the local stakeholder consultation that both men and women get paid equal pay for equal work and that men are not willing to do low-paying jobs like cross pollination. However, Syngenta will develop a chart depicting the tasks done by men and women with wages during the awareness meetings. Equal pay for equal work (Equal Remuneration Act 1976) will be emphasized during these meetings. During training, the GDK, which includes information about equal payment of wages, will be passed out and explained to growers. (For a full list of GDK contents, please see WBOT.1.)

Deadline Date: October 2012

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: For growers, the company has initiated programs to inform them of workplace standards. However, this is not being done with workers on the farms.

Sources: farm visits; record review; worker, grower, 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.1.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:



Code Awareness: Other (Company Internal Grievance Policy and Procedures)

Other

Noncompliance

Explanation: There is no evidence of a grievance policy, in writing or in any other form.

Sources: record review; 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.1 Plan of Action.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

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 Material Safety Data Sheets (MSDS) were available for verification on the site.

Sources: worker and grower interviews

Legal Reference: The Insecticides Act 1968

Plan Of Action: The extracts of MSDS are always available for all chemicals purchased by the growers. MSDS in detail are not available with all growers, but are available at the location offices. However, the implementing team is well trained on MSDS, and we regularly pass this message to growers and workers. We are trying to explore the possibility of MSDS availability for all growers. Growers will be well educated about such documentation in preseason training, when trainers go over the GDK, which includes health and safety issues. (For a full list of the GDK, see WBOT.1.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

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 FLA Workplace Code of Conduct.

Noncompliance

Explanation: The H&S policy is available in the company books, but not practiced in the true spirit on the farms by growers.

Sources: worker and grower interviews

Plan Of Action: Formal, disciplined working system H&S policy is developed. This document explains the company’s stance on H&S and is available at all IMS (monitoring) centers. However, key points of this are included in the document “Best Seed Production Practices,” which is explained and given to growers at the time of seed production. Create more awareness on the H&S aspects.

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: There is no direct communication to workers. When discussed with the company, they said that, for now, any training to workers is the responsibility of the grower. Also, the company does not monitor the trainings by the growers.

Source: worker interviews

Plan Of Action: Syngenta's GDK covers all aspects of health and safety and will be gone over during training for growers in preseason meetings. (For a full list of GDK contents, see WBOT.1.)

Deadline Date: October 2012

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: Company gave personal protective equipment (PPE) to growers in 2009; however, the growers do not use them, and in many places, this PPE is still brand new. There were no first aid kits. When inquired, the nearest health center or doctor would do the first aid.

Sources: record review; 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 and PPE are 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 Date: October 2012

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

Explanation: The grower has not provided PPE to workers.

Sources: record review; grower and management interviews

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.1.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

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. 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: In some places, chemicals were stored in the kitchen attic. The chemicals used on the farms were under the control of the company. No safely, marked chemical storage could be found.

Sources: record review; grower and management interviews

Plan Of Action:

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

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: Machinery Maintenance and Worker Training

H&S.11 All production machinery, equipment, and tools shall be regularly maintained and properly guarded. Workers shall receive training in the proper use and safe operation of machinery, equipment, and tools they use.

Noncompliance

Explanation: No machinery maintenance or training on the safe and proper usage of equipment was reported.

Sources: worker and grower interviews

Plan Of Action: Syngenta will organize machinery maintenance training for all growers.

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Hours of Work: Rest Day

HOW.2 Workers shall be entitled to at least 1 day off in every 7-day period. In cases where workers have to work for several days without a day off due to the requirement of the production cycle, they can do so as far as they voluntarily agree to it.

Noncompliance

Explanation: As work is “no pay no work,” there is no guarantee of work for workers every day. Due to the seasonality of work, in season there is regular work, while during the lean season, there is no work.

Sources: worker and grower interviews

Plan Of Action: Syngenta will create awareness among growers (annual and seasonal) about rest days. This will be covered during grower training, where information regarding workers’ hours and days off 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: