



2011

FAIR LABOR ASSOCIATION
INDEPENDENT EXTERNAL MONITORING
AGRICULTURE REPORT

COMPANY: Syngenta
COUNTRY: India
PROVINCE: Karnataka
MONITOR: St Johns Medical College
AUDIT DATE: October 26 – 27, 2011
PRODUCTS: Okra Seeds
NUMBER OF WORKERS: 35
NUMBER OF WORKERS INTERVIEWED: 35
NUMBER OF FARMS VISITED: 7
TOTAL AREA COVERED IN AUDIT: 35 Acres
PROCESSES: Harvesting

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



CONTENTS:

Wages, Benefits and Overtime Compensation: General Compliance Wages, Benefits and Overtime Compensation3
Wages, Benefits and Overtime Compensation: Minimum Wage5
Wages, Benefits and Overtime Compensation: Worker Wage Awareness6
Wages, Benefits and Overtime Compensation: Record Maintenance.....7
Harassment or Abuse: Discipline/Worker Awareness8
Harassment or Abuse: Grievance Procedure9
Child Labor: Proof of Age Documentation10
Child Labor: Other Means of Age Verification11
Child Labor: Government Permits and Parental Consent Documentation12
Child Labor: Education of Young Workers13
Non-Discrimination: General Compliance Non-Discrimination14
Code Awareness:16
Code Awareness:17
Health and Safety: Document Maintenance/Worker Accessibility and Awareness18
Health and Safety: Written Health and Safety Policy.....19
Health and Safety: Health and Safety Management System20
Health and Safety: Communication to Workers21
Health and Safety: Access to Safety Equipment and First Aid22
Health and Safety: Personal Protective Equipment23
Health and Safety: Chemical Management and Training.....24
Health and Safety: Chemical Management for Pregnant Women, Young Workers and Family Members Residing on the Farm.....25
Health and Safety: Rest Area.....26

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 Code of Conduct in agriculture are contradictory, the standard that provides the greatest protection for workers shall apply. Where provisions are lacking, growers shall take measures to reasonably accommodate matters concerning the payments of wages and benefits, including overtime compensation.

Noncompliance

Explanation: Workers are not paid the minimum legal wages; the preseason wage negotiated is less than the minimum wages.

Sources: worker and grower interviews

Legal Reference: The Minimum Wage 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, it was suggested by the group to create improved monitoring of 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 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: November 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 in agriculture, whichever is higher.

Noncompliance

Explanation: Workers are not paid the minimum legal wages; the preseason wage negotiated is less than the minimum wages.

Sources: worker and grower interviews

Legal Reference: The Minimum Wage 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, it was suggested by the group to create improved monitoring of 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: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Wages, Benefits and Overtime Compensation: Worker Wage Awareness

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

Noncompliance

Explanation: Workers are not aware about the terms of employment, wages and benefits. The company does not have any role in this, as it is discussed between a farmer and their workers.

Sources: worker and grower interviews

Legal Reference: The Minimum Wage Act 1948

Plan Of Action: During the local stakeholder consultation, it was noted that neither growers nor workers had awareness on minimum wages. Participants learnt from the experts and Panchayat representatives that the minimum wages applicable from April 1, 2012, would be Rs 155. Hence, the group recommended providing awareness about minimum wages. Syngenta will create awareness about minimum wages among growers and workers during pre-season 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: November 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 the growers in maintaining records of wages provided to workers in cash or in-kind or both; these records shall be acknowledge by the worker.

Noncompliance

Explanation: Only 2 growers had the necessary book (one from the past year) to record wages, benefits and attendance.

Sources: record review; 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: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Harassment or Abuse: Discipline/Worker Awareness

H&A.3 Growers shall only apply corrective measures and discipline, which are well explained to workers and are with the intention of continuous improvement.

Noncompliance

Explanation: Growers and workers were not aware of farm disciplinary procedures.

Sources: worker and grower interviews

Plan Of Action: Syngenta to supply growers with information on the discipline 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, 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 grievance’s nature and the enterprise’s structure and size. Company shall ensure workers know the grievance procedures and applicable rules.

Noncompliance

Explanation: Workers and growers were not aware of the company grievance procedure; they did not receive any information regarding this procedure from the company or the seed organizer at the time they were recruited.

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: No documents are available/maintained for individuals working on the farms (mainly because farmers do not have any documents with them).

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: 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 are available/maintained for individuals working on the farms (mainly because farmers do not have any documents with them).

Sources: record review, grower interviews

Plan Of Action: It was recommended during the local stakeholder consultation that a committee involving company, school, NGOs and growers should be formed. This committee will help verify the age of young-looking children. It will conduct periodic meetings to review and plan in the future. Along with this committee, Syngenta will supply growers information on what age-proof documents growers must keep at their fields for each worker (school-leaving certificate, birth certificate, ration card, doctor's certificate and/or local government birth records) with their GDK and in training. (For a full list of GDK contents, please 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: Government Permits and Parental Consent Documentation

CL.5 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 and shall keep documentation on site for inspection at all times.

Noncompliance

Explanation: No documents are available/maintained for individuals working on the farms (mainly because farmers do not have any documents with them).

Sources: record review, grower interviews

Plan Of Action: It was recommended during the local stakeholder consultation that a committee involving company, school, NGOs and growers should be formed. This committee will help verify the age of young-looking children. It will conduct periodic meetings to review and plan in the future. Along with this committee, Syngenta will supply growers information on what age-proof documents growers must keep at their fields for each worker (school-leaving certificate, birth certificate, ration card, doctor's certificate and/or local government birth records) with their GDK and in training. (For a full list of GDK contents, please 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: Education of Young Workers

CL.8 Growers shall ensure that when young workers are employed, their education is not jeopardized.

Noncompliance

Explanation: No efforts have been made to help school dropouts go back to school.

Sources: young worker and grower interviews

Plan Of Action: Syngenta will inform the growers and workers on the importance of education for young workers during preseason meetings. However, they will be also educated that young workers are not to be employed for hazardous processes like, spraying and handling of chemicals and machinery, etc. Syngenta will consult the local NGOs and CSOs to address this issue in the long run. Syngenta's GDK contains information on young workers and will be explained and passed out to growers in training. (For a full list of GDK contents, please see WBOT.1.)

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Non-Discrimination: General Compliance Non-Discrimination

D.1 Growers shall comply with all local laws, regulations, and procedures concerning nondiscrimination.

Noncompliance

Explanation: Workers are not paid the legal minimum wages and male and female workers are not paid an equal amount for the same work.

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 emphasised 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 There shall be no differences in remuneration between male and female 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 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.

Noncompliance

Explanation: Male and female workers are not paid the equal amount for work of equal value.

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

Noncompliance

Explanation: Growers were not aware of the workplace standards because the company has not had individual meetings with them.

Sources: grower 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:

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: Growers were not aware of the workplace standards because the company has not had individual meetings with them.

Sources: grower 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:

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, material safety data sheets (MSDS), etc.) shall be made available in the prescribed manner and in the local language or language spoken by the workers if different from the local language. If the workers are illiterate, efforts shall be made to provide pictorials of the required documents that the workers can easily understand.

Noncompliance

Explanation: Growers and workers are not aware of the H&S policy or MSDS; they never received any information from the company or the seed organizer regarding them at the time of hire.

Sources: document review; worker and grower interviews

Plan Of Action: The extract of the MSDS is always available for all chemicals purchased by growers. MSDS in detail are not available with all growers, but are available at location offices. However, the implementing team is well trained on MSDS, and we regularly pass this message on to growers and workers. We are trying to explore the possibility of MSDS availability for all growers.

Deadline Date: October 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: Written Health and Safety Policy

H&S.3 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 spoken by the workers if different from the local language. If the workers are illiterate, efforts shall be made to provide pictorials of the required documents that the workers can easily understand.

Noncompliance

Explanation: Growers and workers are not aware of the H&S policy or workplace code of conduct; they never received any information from the company or the seed organizer regarding them at the time of hire.

Sources: document review; worker and grower interviews

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: 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; procedures for reporting death, injury, illness; and other health and safety issues (for instance, near-miss accidents) are clear, regularly tested and reviewed.

Noncompliance

Explanation: Growers are not aware about their responsibilities and workers are not aware of their rights or a mechanism for reporting, as they never received any information from the company or the seed organizer regarding them at the time of hire.

Sources: worker and grower interviews

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 workers were aware of the H&S policy, as they never received any information from the company or the seed organizer regarding them at the time of hire.

Sources: worker interviews

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: 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 kits were not available with all growers.

Sources: worker and grower interviews

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 Date: November 2012

Action Taken:

Plan Complete:

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: Neither growers nor workers were provided PPE. A few growers had PPE provided last year.

Sources: worker and grower 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: November 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. Grower shall not use any banned (either by national or international laws) pesticides, fertilizers, or any other agro chemicals in the farm. Grower shall ensure the safe disposal of waste chemicals, empty containers of chemicals or packing materials. Grower/Organizer/Company will provide the necessary training to workers in regard to the handling of agro chemicals (pesticides, fertilizers, and other hazardous substances), their application and the use of PPE.

Noncompliance

Explanation: The majority of workers were not aware of banned chemicals, few had received training on the use of PPE and none knew about the safe disposal of containers.

Sources: record review; worker and grower 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.

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.1.)

**Deadline
Date:** November 2012

**Action
Taken:**

**Plan
Complete:**

**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 Code of Conduct in agriculture 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. Grower will take measures to ensure that workers or their families residing on the farm are not at risk of exposure to pesticides and agrochemicals used on the farm.

Noncompliance

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

Sources: worker and grower 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.

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.1.)

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan
Complete
Date:

Health and Safety: Rest Area

H&S.14 Growers shall make provisions for a rest area and breaks for the workers. These rest areas can be used for protection against extreme weather conditions, wild animals and health emergencies.

Noncompliance

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

Sources: worker and grower interviews

Plan Of Action: Syngenta will study for such places and explore the possibilities to make it better.

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:
