



2011

FAIR LABOR ASSOCIATION
INDEPENDENT EXTERNAL MONITORING
AGRICULTURE REPORT

COMPANY: Syngenta AG
COUNTRY: India
PROVINCE: Andhra Pradesh
MONITOR: Glocal Research and Consultancy Services
AUDIT DATE: March 7 – 11, 2012
PRODUCTS: Corn Seeds
NUMBER OF WORKERS: 92
NUMBER OF WORKERS INTERVIEWED: 45
NUMBER OF FARMS VISITED: 27
TOTAL AREA COVERED IN AUDIT: 64.25 Acres
PROCESSES: Harvesting

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 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 payments of wages and benefits, including overtime compensation.

Noncompliance

Explanation: The procedures and regulations concerning wages and benefits and overtime compensation as per the local law are not followed.

Sources: worker and grower interviews

Legal Reference: The Minimum Wage Act 1948

Plan Of Action:

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: Minimum daily wage rates for agricultural operations prescribed by the Andhra Pradesh government for Zone II, under which this survey area falls:

1. Ploughing: Rs 128
2. Threshing: Rs 138
3. Sowing, Transplanting, Harvesting/Weeding: Rs 127
4. Digging/Staking/Pruning: Rs 119
5. Pesticide Spraying: Rs 186
6. Loading and Unloading Operations: Rs 138

The prevailing daily wages are varied for different operations. For work carried out mostly by women, like sowing, weeding, detasseling and harvesting, workers are paid Rs 100 – 120, which is less than the legal minimum wages. However, for operations carried out by men, like ploughing; fertilizer and pesticide application; and loading and unloading, workers are paid Rs 150 – 200, which is above the legal minimum wages.

Sources: worker and grower interviews

Legal Reference: The Minimum Wage Act 1948

Plan Of Action: 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 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 are clearly understood and acceptable to the worker.

Noncompliance

Explanation: Workers are not aware of their legally entitled wages and benefits as per the local law.

Sources: worker and grower interviews

Legal Reference: The Minimum Wage Act 1948

**Plan Of
Action:** 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 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 the workers in cash or in-kind or both; these records shall be acknowledged by the worker.

Noncompliance

Explanation: No records are maintained by the growers.

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 minimum wages. But, when explored further, the number of hours spent on these operations (2 – 4 hours, with a maximum of 5) 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:



Forced Labor: General Compliance Forced Labor

F.1 Growers shall comply with all local laws, regulations, and procedures concerning the prohibition of forced labor.

Uncorroborated Evidence of Noncompliance

Explanation: 3 out of 27 farms audited employed annual farm laborers. The annual farm laborers were employed under terms and conditions which may contravene a number of decent work criteria and violate existing Indian laws, namely the Bonded Labour Abolition Act 1976 and The Minimum Wages Act 1948. In the terms and conditions of this contract, there are some elements of the bonded labor system, such as: payment of advances/loans to bind workers, long hours of work (10 – 12 hours a day), difficulty in exiting before expiry of the contract, non-existence of leave and medical facilities as per law, etc. The observations regarding the working conditions of annual farm workers are based on limited interviews and the issue requires further probing.

Sources: worker and grower interviews

Legal Reference: The Minimum Wages Act 1948

- Plan Of Action:**
1. Syngenta will conduct a study to assess the prevailing conditions for annual farm workers in the region.
 2. Syngenta will identify the total number of growers employing annual farm workers.
 3. The growers concerned will be consulted with the outcome of the study to draw the remediation plan.

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:



Forced Labor: Freedom in Employment

F.2 All workers shall have the right to enter into and to terminate their employment freely.

Uncorroborated Evidence of Noncompliance

Explanation: See above Explanation for F.1. The 2 annual farm workers interviewed reported that they entered into this contract because they were desperate and needed “a sizeable sum” to meet family expenses. If they want to leave their employer in the middle of the year, they have to pay the balance amount with interest, which is difficult for them.

Sources: worker and grower interviews

Legal Reference: The Bonded Labor Abolition Act 1976

Plan Of Action:

1. Syngenta will conduct a study to assess the prevailing conditions for annual farm workers in the region.
2. Syngenta will identify the total number of growers employing annual farm workers.
3. The growers concerned will be consulted with the outcome of the study to draw the remediation plan.

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:



Forced Labor: Employment Terms/Voluntary Agreement

F.3 Employment terms shall be those to which the worker has voluntarily agreed, in as far as those terms do not fall below provisions of local laws, freely negotiated and valid collective bargaining agreements, or the FLA Workplace Code of Conduct.

Uncorroborated Evidence of Noncompliance

Explanation: See above Explanations for F.1 and F.2.

Sources: worker and grower interviews

Legal Reference: The Minimum Wages Act 194

- Plan Of Action:**
1. Syngenta will conduct a study to assess the prevailing conditions for annual farm workers in the region.
 2. Syngenta will identify the total number of growers employing annual farm workers.
 3. The growers concerned will be consulted with the outcome of the study to draw the remediation plan.

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Forced Labor: Debt/Bonded Labor

F.5 Growers shall not bind workers to employment as a condition of fulfilling terms of a debt to a third party or to the grower.

Uncorroborated Evidence of Noncompliance

Explanation: The terms and conditions under which the annual farm workers are employed violate some provisions of The Bonded Labour Abolition Act. The loans/advances paid to workers at the beginning of the season put them under the obligation to work with the same employer; to some extent, this restricts the freedom of workers to leave the employer. As already mentioned, the observations regarding the working conditions of annual farm workers are based on limited interviews and the issue requires further probing.

Sources: worker and grower interviews

Legal Reference: The Bonded Labour Abolition Act 1976

Plan Of Action:

1. Syngenta will conduct a study to assess the prevailing conditions for annual farm workers in the region.
2. Syngenta will identify the total number of growers employing annual farm workers.
3. The growers concerned will be consulted with the outcome of the study to draw the remediation plan.

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Freedom of Association and Collective Bargaining

Other

Noncompliance

Explanation: There is no formal grievance system in place for workers to raise their concerns.

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.)

Deadline Date: November 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: [No grievance policy and procedures 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: [November 2012](#)

Action Taken:

Plan Complete:

Plan Complete Date:

Child Labor: Child Labor

CL.2 Growers shall not employ children when work interferes with the full-time schooling and/or is mentally, physically, socially or morally dangerous and harmful.

Uncorroborated Evidence of Noncompliance

Explanation: Children below 15 years were not found working on the farms during the audit visits. However, the use of children during detasseling and harvesting activities cannot be completely ruled out. 2 out of 27 growers interviewed admitted that sometimes laborers bring their children to work; they are not in a position to say no, because if they do, the parents also may stop coming to them for work.

Sources: record review; worker and grower interviews

Legal References: Child Labor Prohibition (Regulation) Act 1986

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: November 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: None of the farms visited maintained any age proof verification documents for young workers.

Sources: record review; worker and 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: November 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: None of the farms visited maintained any age proof verification documents for young workers.

Sources: record review; worker and 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: November 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: None of the young workers interviewed are presently attending the school.

Sources: worker, grower and management 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: November 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: The procedures and regulations concerning the non-discrimination of workers in wage payments and work allocation as per the local law are not completely followed.

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 for corn 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: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Non-Discrimination: Employment Decision

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.

Noncompliance

Explanation: Gender discrimination in wages and work allocation was widely prevalent in all the farms visited. It is to be noted that division of labor along gender lines and differential wages for male and female workers are common practices in this region and observed in all crops.

Sources: worker and grower interviews

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 for corn 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 November 2012

Date:

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: Gender discrimination in wages and work allocation was widely prevalent in all farms visited. It is to be noted that division of labor along gender lines and differential wages for male and female workers are common regional practices and observed in all crops.

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 for corn done by men and women with wages during the awareness meetings. Equal pay for equal work (Equal Remuneration Act 1976) will be emphasised in these meetings. During training, the GDK, which includes information on 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: November 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: Workers are not aware of the workplace standards, they do not have awareness about the different codes.

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

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

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Code Awareness:

Other (Company Internal Grievance Policy and Procedures)

Noncompliance

Explanation: There is some mechanism to address growers' grievances, but there is no means by which workers can report their grievances directly to the company.

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: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: General Compliance Health and Safety

H&S.1 Growers shall comply with all local laws, regulations, and procedures concerning health, safety, and the environment. In any case where local laws and the FLA Code of Conduct in agriculture are contradictory, the higher standards will apply. The grower will possess all legally required health, safety, and environmental permits.

Noncompliance

Explanation: The local law stipulates that employers are to provide training, personal protective equipment (PPE), health checkups for workers who are employed to handle chemical pesticides. This is not followed.

Sources: worker and grower interviews

Legal Reference: The Insecticides Act 1968

**Plan Of
Action:**

1. Syngenta will organize the safe chemical handling program for growers and workers.
2. Growers will be educated on using trained workers for pesticide application.
3. Syngenta to supply growers with information on the health and safety by distributing their GDK in training, which includes a list of do's and don'ts. (For a full list of GDK contents, see WBOT.1 Plan of Action.)

**Deadline
Date:** November 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: Policy does not clearly specify comprehensive health and safety management systems.

Sources: record review, management interviews

Plan Of Action: A comprehensive health and safety management system will be developed and tested in some pilot villages.

Deadline Date: November 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: The hired workers have not received any communication regarding the company's health and safety policy.

Sources: worker interviews

Plan Of Action:

1. Worker representative will be educated on the company health and safety policy; once educated, he will, in turn, communicate the policy to the other workers.
2. In training, the GDK will be passed out to growers and includes a list of do's and don'ts regarding health and safety. Syngenta's Social Compliance Contract that growers are asked to sign (failing to comply results in termination of the agreement) covers training all workers. (For more information on the GDK and a full list of GDK contents, please see WBOT.1.)

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Health and Safety: Access to Safety Equipment and First Aid

H&S.6 The company should ensure that growers provide workers with suitable first aid in case of emergency. First aid kits should be made available at contracted farms and processing units. Clusters of small farms may share first aid kits. The company will ensure that procedures are in place to train the growers or farm supervisors on first aid and take active measures to ensure there are suitable supplies.

Noncompliance

Explanation: First aid kits are not maintained at farms.

Sources: record review; grower and management 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 The company should 1) make sure that growers have enough knowledge about appropriate personal protection equipment (PPE) and 2) provide growers with PPE whenever necessary within its supply chain in sufficient numbers, ensuring the PPE provided by the growers is for all workers to use. Where necessary, the company should also provide training to growers and workers on the safe use of PPE practices.

Noncompliance

Explanation: Company has not distributed PPE to corn growers in this area.

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: 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: None of the workers interviewed reported that they have received any training on health and safety from the company.

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 empty container collection and disposal. Syngenta will explore 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: 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: Workers have not received any training on the proper use and safe operation of machinery and equipment.

Sources: grower and worker interviews

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

Deadline Date: November 2012

Action Taken:

Plan Complete:

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: With regard to workers employed on an annual and seasonal basis, the procedures and regulations concerning hours of work, public holidays and overtime compensation as per the local law are not followed. Both workers and growers are not aware of the local law.

Sources: grower and worker interviews

Legal Reference: The Minimum Wages Act 1948

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 wage. But, when explored further, the number of hours spent on these operations (2 –4 hours, with a maximum of 5 hours) 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. In training, Syngenta will pass out and go over the GDK, which covers information on local minimum wages and by signing the Social Compliance Contract, growers agree to comply with Syngenta’s COC, which states that overtime must be paid correctly or else Syngenta will terminate the contract. (For a full list of GDK contents, please see WBOT.1.) GDK would support the monitors in recording the hours of work.

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Hours of Work: Rest Day

HOW.2 Workers should be allowed at least 24 consecutive hours of rest in every 7-day period. In case workers have to work for several days without a day off due to the requirements of the production cycle, they can do so as far as they voluntarily agree to it.

Noncompliance

Explanation: Workers engaged on both seasonal and annual contracts are not provided paid rest days or weekly days off.

Sources: grower and worker 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: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Hours of Work: Overtime

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

Noncompliance

Explanation: For annual farm workers, sometimes the work extends beyond 10 hours.

Sources: grower and worker interviews

Plan Of Action: This will be covered during grower training, where information regarding workers' hours is passed out in the GDK. (For a full list of contents, please see WBOT.1.)

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Hours of Work: Overtime/Positive Incentives

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

Noncompliance

Explanation: Annual farm workers reported that they do not receive additional payment for overtime work.

Sources: grower and worker interviews

Plan Of Action: Syngenta will inform growers on incentives for annual workers and encourage the growers to have written employment contracts with seasonal workers, which implies that they will receive additional payment for overtime. This will be covered during grower training, where information regarding workers' hours and correct wages paid is passed out in the GDK. (For a full list of contents, please see WBOT.1.)

Deadline Date: November 2012

Action Taken:

Plan Complete:

Plan Complete Date:

Hours of Work: Public Holidays

HOW.6 Growers shall provide workers with all public holidays as required under local laws, regulations, and procedures.

Noncompliance

Explanation: Workers reported that they even work during public holidays.

Sources: grower and worker interviews

Plan Of Action: 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: November 2012

Action Taken:

Plan Complete:

Plan Complete Date: