Fair Labor Association
Independent External Monitoring Agricultural Report

Company: Syngenta Seeds
Country: Thailand
Province: Pobpra
Monitor: Global Standards
Audit Date: February 13 – 15, 2014
Products: Corn (Seeds)
Number of Workers: 42
Number of Growers/Workers Interviewed: 25/42
Number of Farms Visited: 10
Total Area Covered in Audit: 208 Acres
Processes: Watering, Detasseling, Harvesting

To view more about the FLA’s work with Syngenta, please visit the FLA website here.
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Code Awareness:
GEN 1 Establish and articulate clear, written workplace standards. Formally convey those standards to Company Growers as well as to Seed Organizers.

Noncompliance

Explanation: The company has provided information related to the Company Code of Conduct (COC) in grower agreements. Although it was not clear what percentage, some growers had attended training on the COC held by the head office in their province. However, field supervisors, growers, and seed organizers were only aware of the Code elements related to both child labor and health and safety (H&S); they were not aware of the rest of the COC.

Sources: grower interviews, observation, and document review

Plan Of Action:
Syngenta has planned to provide training to all field supervisors, 50% of the growers (total number of growers in Pobra location is 650) and one grower leader on the following aspects:

• Training on Safe chemical usage by Syngenta Crop Protection Experts;
• Training on the 9 Code elements by FLA expert;
• Training on First Aid for fieldwork by relevant health expert.

Deadline Date: May 30, 2015
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: The COC was posted in Thai on many of the farms. However, farm workers, who were mainly Burmese, showed no awareness of the COC. Burmese workers do not read Thai and some admitted being illiterate in their own language as well. Growers appeared to be making little effort towards educating their workers on the COC. Growers themselves are only aware of key elements, such as child labor and H&S.

Syngenta staff had no local language capabilities for the Burmese migrant workers employed in the north. Local field officers were also not conversant in Burmese.

Sources: worker and grower interviews; observation

Plan Of Action:

1. Syngenta will provide posters on safe chemical safe usage, triple rinse technique and the 9 Code elements in Burmese;

2. Syngenta will organize workers’ meeting in each village at the beginning of the season in local language to educate the workers on the Company COC;

3. Syngenta will distribute information, education and communication (IEC) materials on code awareness to the workers at farm level;

4. Syngenta will organize poster campaigns at key place of production villages in local language.

Deadline Date: May 30, 2015

Action Taken: Plan Complete: Plan Complete Date:
**Code Awareness:**

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

**Noncompliance**

**Explanation:** While there was a communication channel for reports (Syngenta’s telephone number was posted on the COC poster), it was only available in Thai; therefore, the channel is unhelpful to workers who do not speak Thai, such as the migrant workers from Burma. Additionally, this poster was not found on many farms. There were no records kept of any grievances at the Internal Monitoring System (IMS) Center (Syngenta local office in Lopburi) or anywhere else. Neither growers nor workers were aware of the communication channel.

*Sources:* IMS staff interview, grower interviews, and observation

**Plan Of Action:**

1. Syngenta will develop a secure communications channel for the growers, workers and supervisor of the company to report on noncompliance to the IMS center, which has the capacity to report in the local language of the workers (Burmese);

2. Syngenta will develop a secure communication channel accompanied by a non-retaliation policy. As per the new channel, workers would be encouraged to report the complaints to the FLA manager or production leader or grower leader. FLA manager will investigate reported issues and discuss with the respective growers on remedial solutions, if required and incase of recurrence FLA manager would seek assistance from senior officials from Syngenta;

3. FLA manager, production manager, grower leader and trainers will inform growers and workers on the grievance procedure during training sessions on COC in their local language (for growers – Thai; for workers – Burmese and Thai);

4. Syngenta will develop a board to show the telephone number of FLA program manager, Syngenta telephone number, including emergency telephone number in both Thai and Burmese;

5. A suggestion box will be kept at the grower leader’s house that could be opened by FLA manager or production manager and further processed for actions.

**Deadline Date:** May 30, 2015

**Action Taken:**

**Plan Complete:**
Plan
Complete
Date:
Child Labor: General Compliance Child Labor

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

Noncompliance

Explanation: Several children (11 – 14 years old), who reported their own ages, were found engaged in harvest work. Many young children (1 – 8 years old) accompanied their parents during farm work. There were many workers who appeared to be too young, but stated that they were 15 years old or older. None of the workers carried identification; therefore, monitors could not confirm their ages. Some of the children attended school, while others did not. There is no Thai law concerning the compulsory education of migrant workers’ children.

Source: grower and worker interviews

Plan Of Action:

1. Syngenta has developed a child labor policy and procedure. The plan is to: (1) train growers, workers and staff members on the child labor policy, (2) monitor the implementation of the procedure at farm level, (3) develop supporting documentation, (4) review and analyze cases of repeated noncompliances. A remediation procedure has also been put in place;

2. Syngenta will conduct an assessment among the migrant workers’ children to identify the factors preventing their access to education. Based on the assessment results, a consultation will be organized with the migrant workers to address their children’s education issues;

3. Syngenta will coordinate with local government to support migrant workers children education in the nearby schools.

Deadline Date: May 30, 2015

Action Taken: Plan Complete:
Child Labor: Proof of Age Documentation

CL.3 The company will assist the grower in maintaining proof of age documentation for all young workers in the farm and is recommended to maintain proof of age documentation for all workers in the farm, including long term and casual workers.

Noncompliance

Explanation: Growers do not verify the identification documents of the workers contracted to harvest corn on their farms. They primarily judge which workers to hire based on their physical appearance. The workers interviewed do not possess any legal identification documents.

Source: grower and worker interviews

Plan Of Action:

1) Syngenta has developed a child labor policy and procedure. The plan is to: (1) train growers, workers and staff members on the child labor policy, (2) monitor the implementation of the procedure at farm level, (3) develop supporting documentation, (4) review and analyze cases of repeated non compliances. An age verification procedure will be put in place at the farms;

2) Syngenta will identify other possible means of verifying age by interacting with growers and finalize a procedure with list of possible documents for verifying the age. This would be included in the age verification procedure;

3) Syngenta will assist the growers in maintaining proof of age documentation for all workers, including migrant workers, long term and casual workers.

Deadline Date: May 30, 2015

Action Taken:

Plan Complete:

Plan Complete Date:
Child Labor: Children on Premises

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

Uncorroborated Noncompliance

Explanation: Monitors observed that there are few controls placed on workers’ children. However, most growers understand that child labor is illegal in Thailand and not permitted under Syngenta/FLA regulations. Approximately 6 children were found working onsite (11 – 14 years old) with their parents. They were assigned to work some light processes, such as planting and harvesting.

Source: observation

Plan Of Action:

1. Syngenta has developed a child labor policy and procedure. The plan is to: (1) train growers, workers and staff members on the child labor policy, (2) monitor the implementation of the procedure at farm level, (3) develop supporting documentation, (4) review and analyze cases of repeated non compliances;

2. The procedure will be implemented at farms, which would make sure that children on premises would not be involved in hazardous processes/ task.

Deadline Date: May 30, 2015

Action Taken:

Plan Complete:

Plan Complete Date:
Child Labor: Removal and Rehabilitation of Child Laborers

CL.10 If a child laborer is found working on the farms, the grower and the company shall ensure that the child is immediately removed from the farm and is rehabilitated and brought into the mainstream school system. The grower and company will make efforts to make this rehabilitation sustainable.

Uncorroborated Noncompliance

Explanation: Interviews with IMS management found that regarding child labor, there is no system or plan in place or clear policy about their removal or rehabilitation. However, due to the farms remote locations, schools are not easily accessible for many migrant workers. In other cases, Burmese workers may voluntarily choose not to allow their children to attend the migrant learning centers. Additionally, Thai schools do not accept children without proper identification cards.

Sources: worker and management interviews; document review

Plan Of Action:

1. Syngenta has developed a child labor policy and procedure. The plan is to: (1) train growers, workers and staff members on the child labor policy, (2) monitor the implementation of the procedure at farm level, (3) develop supporting documentation, (4) review and analyze cases of repeated non compliances;

2. Syngenta will coordinate with the local government to take care of education of the migrant workers’ children to study at school with support from the grower leader;

3. Syngenta has planned to advice growers that Burmese migrant workers should leave their children with other family members in Myanmar, and if not possible, they must carry the necessary documents for their children to facilitate access to education at the Thai learning centers.

Deadline Date: May 30, 2015

Action Taken:

Plan Complete:

Plan Complete Date:
Harassment or Abuse: Grievance Procedure

H&A.12 The company shall have in place grievance procedures that allow first an attempt to settle grievances directly between the worker and the grower but, where this is inappropriate or has failed, it is possible for the worker to have the grievance considered at one or more steps, depending on the nature of the grievance and the structure and size of the enterprise. Company shall ensure that workers know the grievance procedures and applicable rules.

Uncorroborated Noncompliance

Explanation: No complaints were directed at growers. While FLA’s COC provision for harassment or abuse was posted, it was not posted in Burmese. Additionally, Syngenta does not have a system in place for the farms to record or handle potential grievances.

Source: observation

Plan Of Action:

Refer to GEN 3

Deadline Date: May 30, 2015

Action Taken:

Plan Complete:

Plan Complete Date:
Non-Discrimination: Employment Decisions

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

Uncorroborated Noncompliance

Explanation: Some tasks and functions, like for example carrying heavy loads, are traditionally assigned to male workers as they are assumed to be stronger than women. In these areas, cultural traditions govern decision-making, which can impact the type of work and related remuneration given to male or female workers.

Source: observation, interviews

Plan Of Action: Syngenta will implement non-discrimination procedure effectively. In doubtful cases of sex-based wage discrimination, Syngenta will verify the wage records and take action as per the procedure.

Deadline Date: May 30, 2015

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 and safety. In any case where local laws and the Workplace Code of Conduct are contradictory, the higher standards will apply. The grower will possess all legally required permits.

Noncompliance

Explanation: There are no health and safety regulations in Thailand that govern agricultural work. However, Syngenta has started training growers on ways to protect workers from chemical hazards. However, growers did not have a good understanding of how to protect either themselves or their workers.

Source: IMS interviews, observation, and document review

Plan Of Action:

1) Syngenta will develop a health and safety manual to be followed at farms;
2) Syngenta will train all growers using power point presentation on Company COC, First Aid and Safe chemical usage topics;
3) Syngenta will provide FLA board to 2 grower leaders to display the 9 Code elements and other posters to support Health & Safety at their farms.
   Syngenta will provide information, education and communication materials (IEC) like HSE poster, pictures of PPE usage at field to be displayed on the notice board.

Deadline Date: May 30, 2015

Action Taken: 

Plan Complete: 

Plan Complete Date: 

Health and Safety: Written Health and Safety Policy

H&S.3 The company, in consultation with growers, organizers, and if possible workers, is required to develop a health and safety policy. The policy must, at the very least, be aimed at complying with legal minimum safety and health standards, regulations, and procedures and with the Workplace Code of Conduct.

**Noncompliance**

**Explanation:**

There was no clear H&S policy that relates to the responsibilities of both Syngenta and growers on contracted farms. The 1-page policy provided by Syngenta staff was deemed inadequate.

*Source:* IMS interviews, observation, document review

**Plan Of Action:**

Syngenta will provide health and safety policy in the Internal Monitoring System (IMS) manual to growers and the same will be communicated to the workers.

**Deadline Date:**

May 30, 2015

**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 and workers’ rights and duties, various responsibilities of designated personnel, procedures that enable workers to raise health and safety concerns, and procedures for reporting death, injury, illness, and other health and safety issues (for instance, near-miss accidents) are clear and regularly tested and reviewed.

Noncompliance

Explanation: Monitors did not observe any form of health, safety, and environmental (HSE) management system on any of the grower farms. The IMS Center has a 1-page HSE policy. However, this policy does not clearly identify procedures to be followed on contracted farms.

Source: IMS interviews, observation, document review

Plan Of Action:

1. Syngenta will provide health and safety manual with policies and procedures to be followed at farms to growers and educate them on using the manual;

2. Syngenta will educate the grower leader to fill the form for reporting death, illness and other health incident/accident and safety issue at grower farms and conduct data analysis for assessment of the present condition and continuous improvement;

3. Syngenta and growers leader will take the chemical-handling workers for annual health check.

Deadline Date: May 30, 2015

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: Workers were not aware of the risks involved with spraying chemicals or other potential hazards on the farms. Some safety posters were available, but they were in Thai, which was unhelpful for workers who are only literate in Burmese.

Source: worker interviews, observation, document review

Plan Of Action:

1. Syngenta will identify Burmese migrant workers and train them;
2. Migrant workers will be invited to the regional area trained on the 9 Code elements, first aid and safe chemical usage by power point presentation in their local language (Burmese);
3. These trainings will be conducted at the beginning of every season. The issues that need special attention would be identified by trainers and Syngenta representatives and highlighted during these seasonal trainings.

Deadline Date: May 30, 2015

Action Taken:

Plan Complete:
Health and Safety: Access to Safety Equipment and First Aid

H&S.6 The company should ensure that growers and workers have access to safety equipment and first aid.

Noncompliance

Explanation: Some personal protective equipment (PPE) was found on site, but in most cases it was inappropriate or of poor quality. There were no first aid kits found on site.

Source: IMS interviews, observation, document review

Plan Of Action:

1. Syngenta will train growers and workers. This training includes aspects like 9-code elements, first aid and safe chemical usage. The safe chemical usage aspects constitute 5 golden rules, triple rinse, chemical storage and chemical application techniques;

2. Syngenta will provide the MSDS, safe chemical usage guidebook in Thai language to growers and workers and focus on chemical awareness and use of PPE with the right material and right method;

3. Syngenta will provide personal protective equipment (PPE) to 50% of the growers. The company will create awareness among growers and workers on PPE usage;

4. Syngenta will encourage one grower leader to support the growers in supplying PPE and first aid material to their workers.

Deadline Date: December 30, 2015

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:** While there was no documentation available related to H&S onsite, Syngenta has begun to distribute some forms of personal protective equipment (PPE) to growers and provide related training. However, in most cases, the type of PPE used was not appropriate for the related job, particularly in the case of pesticide spraying. As most workers were not aware of the chemical risks, they did not use the appropriate PPE for chemical protection. Workers said PPE was uncomfortable to use while they were spraying. The PPE that growers and workers reported to use was mainly a piece of fabric wrapped around their faces, some also mentioned using boots or gloves. It was apparent from both grower and worker interviews that they were not adequately concerned about risks or the necessity of PPE use. Additionally, goggles were not available. Gloves, boots, and some types of masks were available, but were reported not to be used.

*Source: IMS interviews, observation, document review*

**Plan Of Action:**

1. Syngenta will train all growers and selected workers. This training includes aspects like 9 Code elements, first aid and safe chemical usage. The safe chemical usage aspects constitutes 5 golden rules, triple rinse, chemical storage and chemical application techniques;

2. Syngenta will provide the MSDS, safe chemical usage guidebook to growers and focus on chemical awareness and usage of PPE with the right material and the right method as per the WHO standard;

3. Normally the workers will have their own basic PPE to work at farm. However Syngenta will educate the grower leader to focus on usage of standard PPE’s and create awareness on potential risks, particularly in relation to the chemicals used.

**Deadline Date:** May 30, 2015

**Action Taken:**

**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 in the farm. The grower shall ensure safe disposal of waste chemicals or empty containers of chemicals or packing materials. The grower/organizer/company will provide the necessary training to the worker with regard to handling of agro chemicals (pesticides, fertilizers, and other hazardous substances), their application and the use of personal protective equipment.

Noncompliance

Explanation: There were no designated chemical storage areas. Some workers stored chemicals inside their homes (for fear of theft). Some chemicals were stored with other work supplies. There was no separation of potentially flammable or dangerous chemicals. Growers had little knowledge of either the dangers of physical exposure or how to handle accidents. Used chemical containers were disposed of around workers’ homes. Some growers and workers reported short-term illnesses and allergic reactions that appeared to be related to pesticide, fungicide and herbicide exposure (to be further investigated). A few growers reported health problems related to chemical spraying. They suffered from ailments, which, they believed were due to chemical usage (dizzy spells) and went to the clinic for treatment.

Source: IMS interviews, observation, document review

Plan Of Action:

1. Syngenta will train 50% of the growers and workers. This training includes aspects like the 9 Code element, first aid and safe chemical usage. The safe chemical usage aspects constitute 5 golden rules, triple rinse, chemical storage and chemical application techniques;

2. Syngenta will provide safe chemical usage guidebook to all trainers and growers to maintain the quality of all trainings;

3. Syngenta will focus on training on safe chemical storage at grower leader farms mainly for storing chemicals properly and preparing chemical storage and maintain at the entrance of the chemical storage room.

Deadline Date: May 30, 2015
**Health and Safety: Medical Facilities**

H&S.12 Medical facilities shall be established and maintained as required by applicable laws. In case of no local law, the company should ensure that the growers could approach them in case of medical emergencies and have the local medical officer’s contact address available to the growers and workers. In the case of a medical emergency, e.g. injury or sudden illness, employers will not unreasonably delay allowing a worker to have access to medical treatment.

**Noncompliance**

**Explanation:**
No standardized first aid was available to workers. Additionally, growers did not provide first aid kits for worker use. Grower farms have no medical emergency plan in place.

**Source:** grower interviews, observations, document review

**Plan Of Action:**
1. Syngenta will train 150 growers and 15 workers. This training includes aspects like the 9 code elements, first aid and safe chemical usage. The safe chemical usage aspect constitutes 5 golden rules, triple rinse, chemical storage and chemical application techniques:
2. Syngenta will arrange notice board at grower leader farm to display EMS telephone number including EMS for Hospital – 1669;
3. Syngenta will provide first aid kits to 50% of the growers during this year.

**Deadline Date:** May 30, 2015

**Action Taken:**

**Plan Complete:**

**Plan Complete Date:**
**Hours of Work: Rest Day**

HOW.2 Workers shall be entitled to at least one day off in every seven-day period. In case 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.

**Uncorroborated Noncompliance**

**Explanation:** Workers are temporarily engaged by growers (4-month periods during corn crop watering) and workers water most days. To ascertain actual workweeks, someone would need to record all work, including non-Syngenta based tasks carried out by farmers and workers on other farms.

**Plan Of Action:** Syngenta will assist growers in providing attendance and wage records and educate them to record workweeks of labor.

**Deadline Date:** May 30, 2015

**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 the breaks. In extraordinary circumstances, the daily working hours can be extended to 10 hours.

**Uncorroborated Noncompliance**

**Explanation:** While typical workdays appear to be under 8 hours, there are no records available for review. Many workers have multiple jobs and are also engaged outside of Syngenta farms (other corn companies, along with rose and vegetable farms). Additionally, workers are engaged by growers who also care for garlic on the same Syngenta farms that produce corn. It is therefore possible that workers work excessive overtime during peak harvest periods.

*Source:* field staff, grower, and worker interviews; observation, document review

**Plan Of Action:** Syngenta will discuss with growers during pre-season meetings about overtime work and assist them in maintaining hours of work records and wage records to assess the situation in the next season.

**Deadline Date:** May 30, 2015

**Action Taken:**

**Plan Complete Date:**
Wages, Benefits and Overtime Compensation: General Compliance

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 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: There are no applicable laws in Thailand for the agriculture sector. However, the rates paid to the workers are below the minimum wage in both the manufacturing industry and the farm sector in the central provinces of Thailand.

Plan Of Action: Thailand does not have any legal laws governing minimum wages in agriculture sector. Hence Syngenta plans to conduct a study with the support of external agency to assess the present wage situation of workers in the agriculture sector. The study plans to assess if the current wages earned helps the workers to lead decent living and maintain savings. The study results would be discussed with the production team and help Syngenta fix a wage that would be the benchmark wage for the workers hired in Syngenta contracted seed farms.

Deadline Date: December 30, 2015

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: The lowest wages paid are well under the Thai minimum wage if calculated on an hourly rate. In Thailand, wages are calculated on a daily rate as per the law and do not pertain to agriculture. Some workers earned piece rate wages similar to the Thai minimum wage. There was a standard price for non-Thai labor; however, no written contracts were available.

Plan Of Action: Thailand does not have any legal laws governing minimum wages in agriculture sector. Hence Syngenta plans to conduct a study with the support of external agency to assess the present wage situation of workers in the agriculture sector. The study plans to assess if the current wages earned helps lead decent living and maintain savings. The study results would be discussed with the production team and help Syngenta fix a wage that would be the benchmark wage for the workers hired in Syngenta contracted seed farms.

Deadline Date: December 30, 2015

Action Taken:

Plan Complete:
Wages, Benefits and Overtime Compensation: Record Maintenance

WBOT.7 The company shall make efforts to educate and assist the growers in maintaining records of wages provided to the worker in cash or in-kind or both, and such records shall be acknowledge by the worker.

Noncompliance

Explanation: There are no records available for review (related to worker payroll) at the grower farms or at the IMS Center.

Source: document review

Plan Of Action: Syngenta will make efforts to educate and assist the growers in maintaining wage records and such records shall be acknowledged by the workers.

Syngenta will provide suggestion box at the grower leaders’ house. Any issues regarding wages could be communicated to FLA manager through suggestion box. The suggestion box would be opened by FLA Manager or Production Manager and processed for further actions.

Deadline Date: May 30, 2015

Action Taken:

Plan Complete:

Plan Complete Date: