

STUDY ON THE LEVEL OF LABOUR IMPACTS IN PLANTATIONS IN RSPO CERTIFIED UNITS IN INDONESIA

TERMS OF REFERENCE

1. Introduction

The RSPO has criteria for what it considers to be sustainable palm oil - that is palm oil produced without exploiting workers and their families, without deforestation and without environmental and social harm.

In recent times, there have been reports¹ by NGOs and other external monitoring mechanisms highlighting labour exploitation on oil palm plantations of RSPO member companies. It has been alleged that there appears to be serious labour abuses and violation including forced labour, child labour, gender discrimination as well as exploitative and dangerous working practices that put the health of workers at risk. In these reports, allegations of abuses identified were not merely isolated incidents but due to systemic business practices including the use of a complex system of financial and other penalties; workers, especially women, are employed under casual work arrangements, which make them vulnerable to abuses.

Besides the external reports, there has been a rise in the complaints made to the RSPO related to labour violations by RSPO members. These reports have led to questions on the effectiveness and the credibility of the RSPO Certification system. In light of the same, the following are some concerns related to the effectiveness of our certification system in capturing labour violations:-

- i) What are the common and recurring labour related non-compliances raised in accordance to RSPO Principles and Criteria?
- ii) What are measures and/or actions taken by the certified unit to close the non-compliances? Related to these, what are the challenges in addressing these non-compliances?
- iii) How comprehensive are the surveillance and/or compliance audits by accredited CBs, in capturing the labour related violations and/or non-compliance? What are the

¹ www.laborrights.org/sites/default/files/publications/The_Human_Cost_of_Conflict_Palm_Oil.pdf;
<https://www.amnesty.org/en/latest/news/2016/11/palm-oil-global-brands-profiting-from-child-and-forced-labour/>
<https://www.bloomberg.com/news/articles/2013-07-18/indonesias-palm-oil-industry-rife-with-human-rights-abuses>;

- challenges and why do these gaps (if any) prevail in our audit system?
- iv) To identify whether labour compliances raised within RSPO certified units are a systemic issue or isolated incidents.
 - v) How does the RSPO Principles and Criteria, in relation to its standards on labour issues, measure in relation to international human rights norms and standards?
 - vi) How can we enhance the RSPO standard and assurance system in relation to Labour & Human Rights?

As such, an independent assessment and/or study is necessary to determine the questions above particularly in certified management units in Indonesia.

2. Purpose of the Study

The purpose of this study are mainly, but limited, to answer the questions above.

3. Scope of the Project

The study will encompass these stages:

Stage 1 – Mapping on international labour standards, including but not limited to the relevant ILO Conventions; Universal Declaration of Human Rights; Covenant on Economic, Social and Cultural Rights (ICESCR); Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Conventions on the Rights of the Child (CRC); Convention on the Rights of Migrant Workers and their Families (CMW); UN Guiding principles on Business and Human Rights (UNGPs); and related jurisprudence, amongst others.

Deliverables and timeline:

Mapping to be completed within one (1) week.

Stage 2 – Compiling and analysing relevant external monitoring and investigative reports related to labour violations and impacts in the palm oil industry in Indonesia in recent years.

Deliverables and timeline:

Mapping to be completed within one (1) week.

Stage 3 – A five (5)- year review of Compliance Audit Report will be conducted to assess the compliance (and non-compliance) to RSPO Principles and Criteria related to labour rights in RSPO certified management units in Indonesia.

Deliverables and timeline:

Review report to be completed within two (2) weeks.

Stage 4 – Desk review: An analysis of the gaps in the labour related issues identified in the Compliance Audits using the lens of international standards and in comparison to the issues identified in other external monitoring and investigative reports.

Deliverables and timeline:

Review report to be completed within one (1) week.

Stage 5 – Field verification exercise: On the basis of the prevalent non-compliances and possible labour violations identified, to:

- Obtain information on measures adopted by RSPO members in Indonesia to close the non-compliances;
- Identify the challenges inherent in implementing the measures to close the non-compliances;
- Identify further progressive measures adopted by the Company in compliance with international labour standards.

Deliverables and timeline:

Field verifications exercise and reports be completed within eight (8) weeks.

Note: The management units will be jointly identified by the Consultant and RSPO Secretariat. The field study will be done through key respondent interviews, focused group discussion (FGDs) with workers on the plantation and the management of the certified unit.

Stage 6 – Based on the above findings and analysis to develop corrective and constructive recommendations.

Deliverables and timeline:

Final report to be completed within two (2) weeks.

4. Timeframe

- In order to fulfil the task and to meet the expected output, a time-line of 14 – 20 weeks to complement the entire exercise and to provide the final report.

Please send in your proposal and quotation together with Company's Profile to Kamini Visvananthan at kamini.v@rspo.org.

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