



GUIDANCE ON CHILD RIGHTS FOR AUDITORS AND CERTIFICATION BODIES

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FOREWORD

Many children remain insufficiently protected and cannot enjoy their rights fully. In the palm oil setting, this can still be the case. Research has shown that children are affected in many ways, including access to quality and affordable education, nutritious food and healthy living environment, healthcare, justice, and other key social services, among other things.

With the current COVID-19 pandemic we are seeing far-reaching impacts on global supply chains, including the palm oil sector. The impacts of this crisis include its effect on the livelihoods of a large number of plantation workers and smallholder farmers. Across the sector, long-standing risks, such as child labour and forced labour, are likely to be exacerbated, as vulnerable families face increased pressures to make up for the financial shortfalls. As plantation workers and smallholder farmers are often ill-equipped to deal with these situations, it can lead to both immediate and long-term negative socioeconomic consequences. During the pandemic, limited maternity protection, low breastfeeding rates, lack of childcare provisions, poor maternal health, and nutrition especially in the plantation setting, may further undermine the health and development of children.

Accordingly, it is vital that children's rights are well-integrated into efforts that address both long-standing concerns in the palm oil sector, as well as those that may arise as a direct consequence of the Covid-19 pandemic.

In collaboration with the United Nations Children's Fund (UNICEF), RSPO has commissioned the development of four guidance documents for the following key palm oil stakeholders, to strengthen child rights protection and improve compliance with the RSPO Principles and Criteria (P&C):

1. Oil Palm Producers;
2. Auditors and Certification Bodies;
3. Smallholders and Group Managers; and
4. Downstream Supply Chain Actors

These guidance documents provide tailored support and serve as an entry point for interventions that seek to minimise the potential negative consequences and improve the livelihoods of children and the communities in which they live.

This Guidance on Child Rights for Auditors and Certification Bodies¹ is developed to guide and support auditors and certification bodies to strengthen child rights protection and improve compliance with the RSPO 2018 P&C that relate to children's rights. The structure of the guidance is based on the seven impact areas identified in a 2016 UNICEF study on palm oil and children in Indonesia.

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¹ The guidance is developed by the Centre for Child Rights and Corporate Social Responsibility (CCR CSR) and Proforest.

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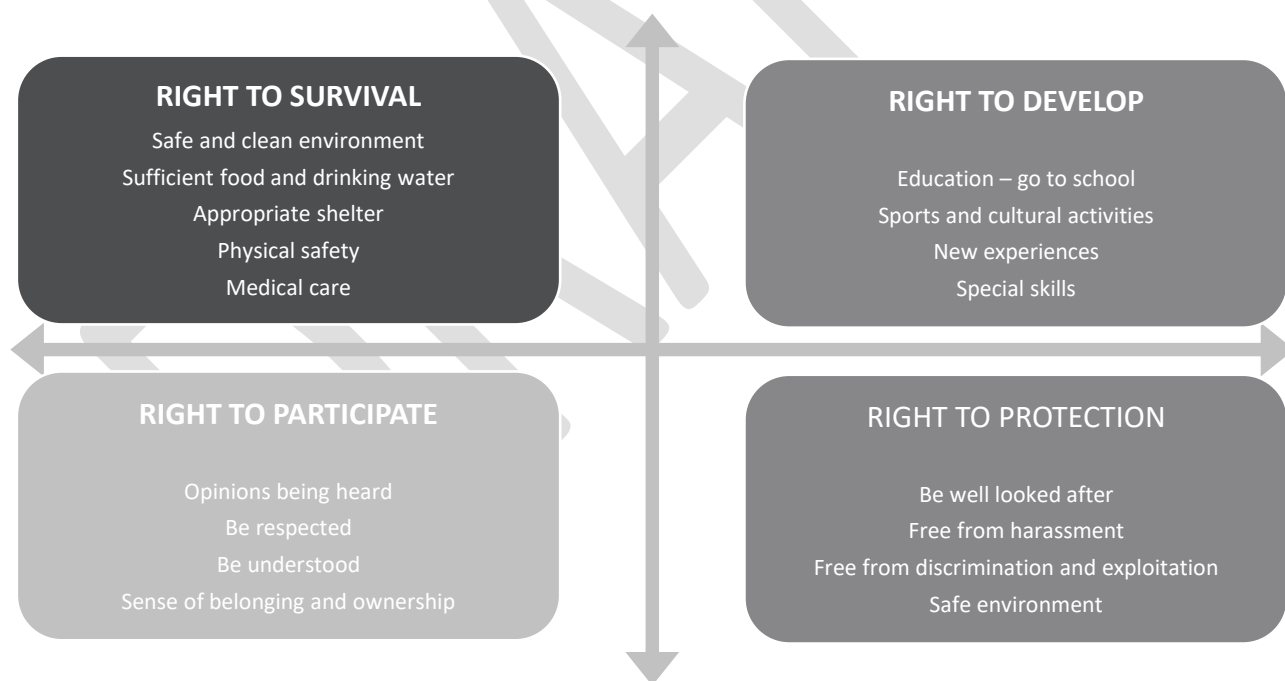
1. INTRODUCTION: CHILD RIGHTS WITHIN THE CONTEXT OF PALM OIL PRODUCTION

1.1 What are the rights of the child?

Children have the right to survive, to develop, to be heard and involved, as well as to grow and receive adequate care in a protective and supportive environment (UNICEF).

The United Nations Convention on the Rights of the Child (UNCRC) defines a child as being below the age of 18 unless under the law applicable to the child, majority is attained earlier. Children and young people have the same general human rights as adults and enjoy specific rights that recognise their special needs. The UNCRC outlines basic entitlements and freedoms that apply to all children without discrimination. All children have the right to survive and develop, to be protected from violence, abuse, and exploitation, to have their views respected and to have actions concerning them be taken in their best interests.

Figure 1: The universal rights of children as stipulated in the UNCRC.



1.2 How the palm oil sector impacts children

In the agricultural sector, including in oil palm, many children remain insufficiently protected and are unable to enjoy their rights fully. Through extensive desktop research on reports by different government and non-government agencies, a research brief² was finalised at the end of 2019 that gathered information on the impact of palm oil operations on children's rights and relevant root causes. The palm oil industry affects children in many ways, including their access to quality and affordable

² The [research brief](#) takes into account the top five palm oil producing countries: Indonesia, Malaysia, Thailand, Colombia, and Nigeria when drawing the key indicators, looking at the legislative framework, and understanding the situation and condition of palm oil workers and their children.

education, nutritious food and healthy living environment, migrant children's access to education, healthcare, justice, and other key social services, among other things.

Despite efforts being invested by different actors over the years, child rights risks in the palm oil landscape remain worrisome, especially given that most efforts taken appear sporadic and the success rates seem to differ according to different variables, such as the scale of operation, location, company culture, level of commitment, level of technical support provided (e.g. clear guidance on how a company can address the issues surrounding child rights risks in their business), etc.

A report on "Palm Oil and Children in Indonesia" published by UNICEF in 2016³ identified seven impact areas in which the activities of the palm oil sector affect the rights of children, namely child protection; child labour; education; maternity rights and breastfeeding; childcare; health and nutrition; and water, sanitation and hygiene (WASH).

³ UNICEF. (2016). *Palm Oil and Children in Indonesia: Exploring the sector's impact on children's rights*. Jakarta: United Nations Children's Fund (UNICEF). Retrieved from: <https://www.unicef.org/indonesia/media/4391/file>

2. CHILD RIGHTS IMPACT AREAS: GUIDANCE AND RECOMMENDATIONS FOR RSPO AUDITORS

This chapter provides a general introduction to each of the impact areas and some guidance and recommendations to auditors. The purpose of this section is to assist auditors in understanding each of the impact areas in order to better identify risks and potential non-compliance in relation to the RSPO 2018 P&C requirements. The guidance and recommendations below also draw upon relevant guidelines published by UNICEF and Danish Institute of Human Rights (2013), UNICEF (2014) and Sedex (2017).

2.1 Child Protection



CHILD PROTECTION

According to the UN, **child protection** is the protection of children from violence, exploitation, abuse, and neglect. The RSPO standards prohibit the employment and exploitation of children. Oil Palm producing companies are required to have policies that respect human rights including protection of children and preventing sexual and all other forms of harassment and violence, as well as to extend this policy requirements to contractors, service providers and suppliers.

Challenges and risks

- **Children can face abuse and exploitation risks in agricultural settings** - Apart from child labour, there is limited literature on other forms of violence against children in the plantation estates. However, in similar agricultural settings, it is quite common for children to experience abuse (mainly physical and/or emotional, but also sexual) and neglect (Save the Children 2018).
- **Lack of legal identity brings negative impact** – In certain jurisdictions, many migrant children within the palm oil plantations lack a legal identity and are stateless⁴. When their parents are unable to register them with the authorities, the lack of legal identity prevents these children from duly enjoying the rights that are provided by the country to all other children, such as access to education and healthcare, among other legal protections and benefits. Furthermore, the lack of access to education and other developmental opportunities put these children at higher risk of involvement in early employment or social vices, which causes further detriment to their wellbeing.

How child protection matters to RSPO

The RSPO standard requires palm oil producers to create a healthy working and living environment. Given that children are often the most vulnerable and are most easily exposed to abuse and violence, ensuring their protection is a crucial element in providing a safe environment for employees and their families. Below is the list of the relevant criteria in the RSPO P&C with direct and/or indirect links to child protection and its relevance provides child rights perspective into this guidance.

⁴ Based on desk research and information gathered by Solidar Suisse (2019), there are an estimated 840,000 undocumented Indonesian migrant workers in Sabah, Malaysia. Of these, 50,000-200,000 are children who help their parents with work.

CRITERIA IN RSPO P&C WITH DIRECT AND/OR INDIRECT LINKS TO CHILD PROTECTION

- 4.1 The unit of certification respects human rights, which includes respecting the rights of Human Rights Defenders (*Indicator 4.1.1(C) and 4.1.2*). **Relevance:** The respect of human rights also extends to the rights of children.
- 4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties (*Indicator 4.2.1 (C), 4.2.2, 4.2.3, and 4.2.4*). **Relevance:** Grievance process and other feedback mechanisms should be able to also handle cases on child rights violations and are accessible to workers and other stakeholders including child rights organisations, while respecting the anonymity of the complainant and victim as well as safeguarding them from retaliation.
- 6.4 Children are not employed or exploited (*Indicator 6.4.1 and 6.4.4*). **Relevance:** This requires that a policy that protects children and prohibits child labour is in place and included in service agreements and supplier contracts. Child safeguarding and protection measures such as child labour prevention and remediation procedures, age verification procedure as part of recruitment, protective restriction for young workers' etc. are also implemented.
- 6.5 There is no harassment or abuse in the workplace, and reproductive rights are protected (*Indicator 6.5.1 (C), 6.5.2 (C), and 6.5.4*). **Relevance:** The policy to prevent sexual and all other forms of harassment and violence, should also include that against children is implemented and communicated to all workers. The grievance mechanism should be also able to handle cases on child rights violations and accessible to workers and other stakeholders including child rights organisations, while respecting the anonymity of the complainant and victim as well as safeguarding them from retaliation.
- 6.6 No forms of forced or trafficked labour are used (*Indicator 6.6.1 (C) and 6.6.2 (C)*). **Relevance:** Children are also protected from any means of exploitation and forced labour. The required special protective policy and procedures should also cover temporary or migrant young workers (when they are employed).

What you can do as an RSPO auditor

a) Policies and systems that support and enable child protection are in place

In line with Criterion 6.4 and 6.5, the unit of certification may include their commitment towards child protection as part of their overall human rights policy. Some may even have a standalone policy on the promotion and protection of children's rights. Key elements in a policy regarding child protection issues include the commitment towards no harm, harassment, intimidation, exploitation, and to support child protection and development.

According to Criterion 4.2, the unit of certification should have clear procedures to all forms of harassment and violence, including those against children. This includes the implementation of a grievance mechanism that is able to handle cases on child rights violations in accordance with the RSPO standards. Elements in a grievance mechanism that is sensitive to cases involving children include (but are not limited to):

- Easy accessibility to workers, including community and advocacy groups, through the establishment of multiple channels, such as hotlines, online channels, etc. so that grievances (on behalf of children and young people) can be raised and addressed in a timely manner. For

instance, can complaints or grievances related to child rights violations such as child labour, abuse, sexual harassment at the workplace be raised and managed by the system? Has there been cases raised related to child rights?

- Adequate communication and training conducted with workers and their families, including their children, on how to access and use the grievance mechanism. For instance, is the mechanism well understood by workers and their families living on site?
- The mechanism ensures mutual trust and protects the complainant/victim from retaliation by alleged offender or other parties. For instance, is the privacy of the child victims and their family guaranteed? In case of grievances related to child rights violations, is the child receiving proper assistance and protection from relevant experts, e.g. child rights organisation, government organisation, child-sensitive legal experts?
- The personnel in charge is appropriately trained and knows how to properly communicate and engage with children. For instance, in the event where child rights violations are reported, was the case properly investigated, managed, and resolved?

b) Assess training plan and implementation

When assessing training plans and their implementation by companies, auditors should check whether the training content also covers issues around children's rights and child protection (especially in relation to the unit of certification's own policies and procedures). This is in line with RSPO guidance to Criterion 6.5, where the policies in place should also include education and awareness of the workforce, in particular young workers and females should be properly trained on self-protection, sexual harassment and other types of violence and abuse as well as on the grievance mechanism and the available channels to safely report such violations.

2.2 Child labour



CHILD LABOUR AND YOUNG WORKERS

Child labour is work that deprives children of their childhood, their potential, and their dignity, and that is harmful to physical and mental development. The term applies to:

- All children under the age of 18 involved in the “worst forms of child labour” (as per ILO Convention No. 182)
- All children under the age of 12 taking part in economic activity; and
- All 12 to 14-year-olds engaged in more than light work.

Young worker⁵ refers to a person who has reached the minimum legal working age, usually 15, but is under 18 years old. Young workers should not engage in hazardous work that might jeopardise their physical, mental, or moral well-being, therefore employers should ensure a non-discriminatory but protective workplace for young workers. There should be restrictions on hours of work and overtime, working at dangerous heights, with dangerous machinery, equipment, and tools, transport of heavy loads, exposure to hazardous substances or processes, and difficult conditions, such as work at night.

Challenges and risks

⁵ RSPO uses young persons and young workers interchangeably throughout its documents. Based on the RSPO P&C Annex 1 and in line with ILO C138, a young person/young worker is defined as someone whose age is above 15, or above the minimum age of employment, but under the age of 18. These workers are considered ‘children’ even where they may legally perform certain jobs.

- **Lack of robust age-verification system in the recruitment system or weak implementation of the age-verification process during recruitment** – Companies usually do not intentionally recruit underage children, but child labour cases are still found on their production sites due to poor child-rights awareness at different levels, weak age verification mechanisms, untrained recruitment staff, lack of identity documents or the prevalence of fraudulent identity documents, etc.
- **Insufficiently designed “No Child Labour” policies:** Zero tolerance to child labour does not exclude or deny children of legal working age the right to work as long as they do not conduct hazardous work and are under adequate adult supervision. In practice, however, many companies equate all forms of child work with child labour and are adopting an over expansive approach to exclude all possible participation to work by children regardless of age. Companies’ over rigid “No Child Work” policies inadvertently hinder or violate the labour rights of people who have reached the minimum working age and can therefore bring counterproductive effects to youth employment. Also, the mere existence of a rigid or excessive “No Child Work” policy does not guarantee elimination of child labour.
- **Lack of clear and practical guidelines to properly address child labour issues and support for young workers** – Although many companies do have a “No Child Labour” policy in place, well-designed child labour prevention, remediation and monitoring policies and mechanisms are often lacking. Research has demonstrated that when child labour is identified, most companies do not have the necessary knowledge, tools, and network to remediate these cases.
- **Lack of access to school and after-school programmes** - One contributing cause of child labour amongst the migrant worker community in the plantation sector in Sabah, is the absence of on-site educational and childcare facilities, which for example encourages children to join their parents on work sites (Earthworm, 2018b).
- **Limited community engagement with parents, whose lack of knowledge and awareness can further contribute to child labour and poor child protection and development.**

How child labour and young workers matter to RSPO

The RSPO standard clearly prohibits any form of child labour and stipulates the necessity to ensure that young workers are not exposed to any dangerous or hazardous work. Below is the list of the relevant criteria in the RSPO P&C with direct and/or indirect links to child labour and young workers and its relevance provides child rights perspective into this guidance.

CRITERIA IN RSPO P&C WITH DIRECT AND/OR INDIRECT LINKS TO CHILD LABOUR AND YOUNG WORKERS

- 2.2 All contractors providing operational services and supplying labour, and Fresh Fruit Bunch (FFB) suppliers, comply with legal requirements. (*Indicator 2.2.3*) **Relevance:** Contract clauses also include the prohibition of child labour and the protection of young workers.
- 3.5 A system for managing human resources is in place. (*Indicator 3.5.1 and 3.5.2*) **Relevance:** Recruitment procedures and records that are put in place should ensure that underaged children are not hired.
- 3.6 An occupational health and safety (H&S) plan is documented, effectively communicated and implemented. (*Indicator 3.6.1 (C) and 3.6.2 (C)*) **Relevance:** If young workers are employed, the H&S risk assessment should also assess tasks suitable for young workers and H&S plans are in place to protect young workers.
- 3.7 All staff, workers, scheme smallholders, outgrowers and contract workers are appropriately trained. (*Indicator 3.7.1 (C)*) **Relevance:** Training may include child labour prevention and

remediation training, and young worker management training for relevant staff. If young workers are employed, the onboarding training should be appropriate to their age, and include specific skills training for young workers.

- 4.1 The unit of certification respects human rights, which includes respecting the rights of Human Rights Defenders. (*Indicator 4.1.1(C) and 4.1.2*) **Relevance:** The respect of human rights also extends to the rights of children.
- 4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties. (*Indicator 4.2.1 (C), 4.2.2, 4.2.3, and 4.2.4*) **Relevance:** Grievance process and other feedback mechanisms should also be designed and communicated in a way that makes them easily understood and accessible to young workers to raise issues pertaining to their welfare and rights, while respecting their anonymity and safeguarding them from retaliation.
- 5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains (*Indicator 5.2.2 and 5.2.5*). **Relevance:** Support given to smallholders including capacity building on the RSPO P&C requirements, can create awareness on the importance of education and preventing child labour in farms.
- 6.1 Any form of discrimination is prohibited. (*Indicator 6.1.1 (C), 6.1.3, and 6.1.6*) **Relevance:** Young workers are not discriminated against and treated equally in terms of employment conditions such as wages and access to benefits.
- 6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages. (*Indicator 6.2.1 (C), 6.2.2 (C), 6.2.3 (C), 6.2.6, and 6.2.7*) **Relevance:** The rights of young workers are also respected and their employment conditions are in accordance with national legal requirements, indicated in their work contracts and clearly explained to them.
- 6.4 Children are not employed or exploited (*Indicator 6.4.1, 6.4.2 (C), 6.4.3 (C), and 6.4.4*). **Relevance:** This requires that a policy that protects children and prohibits child labour is in place and included in service agreements and supplier contracts. Child safeguarding and protection measures such as child labour prevention and remediation procedures, age verification procedure as part of recruitment, protective restriction for young workers' etc. are also implemented.
- 6.5 There is no harassment or abuse in the workplace, and reproductive rights are protected (*Indicator 6.5.4*). **Relevance:** The grievance process and other feedback mechanisms are also designed and communicated in a way that makes them easily understood and accessible to young workers to raise issues pertaining to their welfare and rights, while respecting their anonymity and safeguarding them from retaliation.
- 6.6 No forms of forced or trafficked labour are used (*Indicator 6.6.1 (C) and 6.6.2 (C)*). **Relevance:** Children are also protected from any means of exploitation and forced labour. The required special protective policy and procedures should also cover temporary or migrant young workers (when they are employed).
- 6.7 The unit of certification ensures that the working environment under its control is safe and without undue risk to health. (*Indicator 6.7.1 (C), 6.7.2, 6.7.3 (C), 6.7.4, and 6.7.5*). **Relevance:** The working environment does not pose health and safety risks to young workers (if employed). Concerns of child labour, young worker protection are discussed, and any issues raised about child protection are also recorded.

7.2 Pesticides are used in ways that do not endanger the health of workers, families, communities or the environment. (Indicator 7.2.11(C)) **Relevance:** Young workers are not allowed to work with pesticides.

What you can do as an RSPO auditor

a) Check for child labour risks

In order to better identify child labour in your assessments (in line with Criterion 6.4), it is important to understand the specific situation in the area, region, or country that you are auditing. Pay close attention to 'red flags', including (UNICEF, 2014):

- Age of school completion is not the same as the legal working age
- High risk or incidence of child labour in the area, country, or region
- High levels of labour migration
- Low availability of schooling, low quality of schooling, and low levels of school enrolment and education completion
- Poverty and prevalence of informal economy
- Weak legal systems, policies, and institutions

Secondly, consider the risks specific to the unit of certification by taking the following factors into consideration:

- Large groups of workers live with their children in housing inside the plantation or in villages close to the plantation
- Parent workers who are working under the quota system and therefore have an incentive to get children involved to meet the quota.
- Times when pressure on workers increases, e.g. to make up for previous losses, difficult harvesting circumstances, insufficient harvest, etc. that make it harder for workers to reach their quotas or their average level of income.
- Palm oil plantation is surrounded by communities that:
 - provide limited access to education due to weak legal protection, live in poverty, have poor educational infrastructure, and have lack of awareness
 - have a high rate of school dropouts
- Workforce includes migrant workers who are undocumented themselves or have undocumented children
- Low wages that prevent workers from being able to cover their families' basic needs
- Workers are from single-headed households or households with only one breadwinner

Situations such as those described above may increase the risk of children getting involved in work on plantations, and if found largely present on site, more attention should be paid on the preventative mechanisms the certification unit has put in place to mitigate those risks.

b) Check age verification procedures during recruitment

In line with Criterion 6.4, auditors should check what systems and procedures are in place to conduct age checks at the recruitment stage, ensure that age documentation is valid, and record and maintain age validation documents. It is advised to also look into the hiring and termination records for the previous 12 months prior to audit, then dive into the categories of workers affected and look for any trends in dismissal of young workers.

Absence of identification documents to verify the age makes it extremely challenging to confirm suspected child labour cases. Auditors can try to ascertain the real ages through nuanced interviews if

suspected underage children were found working. Questions related to age should be natural and may start with a casual chat about the family situation. The RSPO Child Rights Guidance for Palm Oil Producers provide some examples of questions that can be asked during an interview.

In some cases of child labour, at least one family member will also be working at the same workplace. An auditor can also try to crosscheck facts through nuanced interviews with members of the family.

c) Decent wages and conditions for workers

Insufficient wages represent a key contributing factor to child labour, as it will drive families to depend on their children for additional income to meet basic needs. Aside from child labour, the provision of decent wages for working parents also affects other child rights impact areas such as limited to no access to education, lack of childcare, and poor health and nutrition (this will be further elaborated in sections 2.3 to 2.7). Hence, in line with Criterion 6.2, auditors can check the wage-setting system (including how work hours and quotas are set) to understand if it routinely satisfies basic needs. Wage rates, overtime rates and work hours should be transparent and clearly stated in employment contracts.

a) Policies and practices are not discriminatory towards young workers

Criterion 6.1 of the RSPO P&C prohibits any form of discrimination. With regards to young workers, the following should be considered:

- Recruitment procedures are not discriminatory towards young workers, especially young females. If legally permitted to work, and able to perform the tasks required, young workers should not be denied employment solely on the basis of age or gender.
- Young workers are being paid equally to adult workers for the same work scope and have equal access to employment benefits.
- If recruited under apprenticeships or under legally permitted short-term contracts, young workers should not be denied their basic rights such as rest days and minimum wage.

b) Protection of young workers at the workplace

In line with Criterion 6.4 of the RSPO P&C, young persons may only be hired for non-hazardous and non-dangerous work and with the right protection in place. Auditors should check if the company has conducted an assessment of the various work tasks to categorise positions as hazardous/dangerous or non-hazardous/non-dangerous, and check that young workers are only engaged in non-hazardous and non-dangerous work. Hazardous work includes overtime, night work, working at dangerous heights, with heavy machinery, possibly hazardous equipment and tools, transport of heavy loads, exposure to hazardous substances or processes.

For more complete information, do check national legislation and related guidelines (if available) for protective restrictions for young workers. Please also refer to Section 4 of the Child Rights Guidance for Palm Oil Producers for more information on the considerations that need to be taken into account when identifying non-hazardous work for young workers.

Supervisors or team leaders should also be adequately informed and trained on the proper management of young workers and the protection that young workers require.

c) Assess child labour prevention and remediation efforts

In line with RSPO P&C (Criterion 6.4), auditor should check whether the company's policies also include child labour remediation mechanism such as procedures to assist children found to be working, to

ensure child labour taken out of the work site, to inform parents/guardian, to assess the impact of work to children's physical and mental health.

As a part of child labour prevention, auditor should assess if the company communicates its no-child labour policy and the negative effects of child labour to the supervisors and key staff, smallholders, FFB suppliers and communities where workers live. In line with Criterion 3.7, training should be given to the relevant staff and in this case may also include child labour prevention and remediation training and young worker management training.

d) Prohibition of child labour and protection of young workers is extended to contractors and smallholders

Criterion 6.4 of the RSPO P&C extends the prohibition of child labour and protection of young workers to also include service providers, contractors, and suppliers. As such, the unit of certification should provide evidence that they have communicated the 'No Child Labour Policies' with operational service providers, labour providers and FFB suppliers. Evidence is, for example, if all contractual agreements clearly state the minimum age for employment in line with national law or international standards (ILO Convention No. 138), whichever is higher and prohibit the worst forms of child labour in line with ILO Convention No. 182.

Best practice contractual clauses might, include:

- Clauses against discrimination of young workers (companies should not set the minimum age of employment above 18 particularly for non-hazardous tasks)
- Clauses on protection of young workers contract partners facilities such as the maximum working hours and type of work that must be non-hazardous.

Evidence of communication can also be found if unit of certification inform and train their own staff and contract partners about the non-child labour policy, the negative impact of child labour and monitor third parties in regard to child labour.

2.3 Education



EDUCATION

All children have the right to go to school and learn, regardless of who they are, where they live or how much money their family has. Access to quality education is one of the most effective ways to keep children out of child labour. The RSPO standards require that access to education (in accordance with national standards or above) is provided where no such public facilities are available or accessible.

Challenges and risks

- **Limited access to quality education in rural areas** - In rural areas, infrastructure is generally poor, and people often have less resources. Schools in rural areas, due to their remote location, modest remuneration and other limitations, are usually not attractive to qualified teachers. All these factors can prevent children from receiving quality education. For instance, only 60% of children living in rural Indonesia are enrolled in primary school (USAID-PRESTASI, 2013). After completing primary or junior high education, rural children are also more likely to find higher education no longer easily accessible and/or affordable.

- **Cultural norms that may limit opportunities for certain groups in the community** - Cultural norms held by parents, especially the head of household, and lack of awareness of social inclusion could limit education opportunities for certain groups in the community, such as girls, children with disabilities, and children of migrant workers.
- **Migration presents an additional challenge for access to education** - Children of new workers who were in the process of transferring schools are more likely to drop out; and in some cases, parents have neglected or failed to process the required documents (RSPO, 2018). Moreover, schooling could be disrupted for children of seasonal migrants, and even if children have access to schooling at their destination estate, it can be difficult to re-enter the formal education system upon their return. In Malaysia, many migrant children, including children of migrant workers, undocumented and stateless children, refugee, and asylum-seeking children, are lagging behind in education because of their immigration status that prohibited them from enrolling in Malaysian government schools. The Government of Indonesia estimates that there are at least 60,000 Indonesian children living around plantation areas across Sabah, where some may be living in poverty with little or no access to education (Earthworm, 2018a)

How children's access to education matters to RSPO

The RSPO standard requires palm oil producers to contribute to positive community development. Allowing all children of workers to access education is a very crucial step for supporting their wellbeing and creating a sustainable future. Below is the list of the relevant criteria in the RSPO P&C with direct and/or indirect links to education and its relevance provides child rights perspective into this guidance.

CRITERIA IN RSPO P&C WITH DIRECT AND/OR INDIRECT LINKS TO EDUCATION

- 4.3 The unit of certification contributes to local sustainable development as agreed by local communities (*Indicator 4.3.1*). **Relevance:** The contribution to community development (based on consultation with local communities) may include supporting/providing access to education.
- 5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains (*Indicator 5.2.2 and 5.2.5*). **Relevance:** Support given to smallholders including capacity building on the RSPO P&C requirements, can create awareness on the importance of education and preventing child labour in farms.
- 6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to ensure decent living wages (DLW) (*Indicator 6.2.4 (C) and 6.2.6*). **Relevance:** Access to educational amenities is provided to workers' children (to national standards or higher). Payment of DLW helps to enable working parents to afford schooling for their children and is an important factor in mitigating child labour.

What you can do as an RSPO auditor

RSPO considers access to education part of the necessary provisions of livelihood (see Criterion 6.2, RSPO definition of livelihood). As such, auditors should check if the unit of certification provides:

- Access to adequate educational facilities – this may mean transport and access to kindergarten and schools for different age groups.
- Allowances and subsidies to ensure all worker's children have access to education.

Or, if the unit of certification provides schools for their workers' children, check if:

- The schools are appropriately staffed with trained personnel.
- Meet the local law requirements (where applicable) and are located in safe and secure areas so that children are not exposed to hazards. (For example, schools should be situated a distance away from the worksites so that children do not have to enter the worksites in order to access the schools).
- Access of education is provided equally to children of all workers without discrimination.

2.4 Maternity Protection and Breastfeeding



MATERNITY PROTECTION AND BREASTFEEDING

In order to preserve their health and the health of their child, expectant and nursing mothers need to be given enough time for childbirth, recovery, and nursing. They also require the assurance that their employment is not at risk due to pregnancy or maternity leave. Safeguarding the health of expectant and nursing mothers while protecting them from job discrimination is crucial in promoting equal opportunities for men and women at work while also providing the security for workers to raise their families. The RSPO standard has requirements to respect women's reproductive rights, access to maternity protection and related benefits, and prohibit any discriminatory practices against pregnant workers and nursing mothers while safeguarding them from hazardous work.

Challenges and risks

- **Under-exercised maternity rights and inflexible maternity leave** - maternity benefits are not always provided in accordance with the law, and at times women are unaware of their entitlements (UNICEF, 2016). Female plantation workers have complained about the lack of flexibility in taking maternity leave (RSPO, 2018).
- **Unequal access to maternity benefits** - As described in a report by CNV International (Kiezebrink, 2017), paid maternity leave is only accessible to women workers who are permanently employed. In Indonesia, women workers are mostly employed as casual workers (Solidar Suisse, 2019), thus they have very limited benefits, such as maternity leave, access to childcare, and opportunity to become a permanent worker (Colchester & Chao, 2011; UNICEF, 2016). Without access to paid maternity leave, women workers often hide their pregnancies for as long as possible in order not to lose their source of income (UNICEF, 2016). Some women who are not formally registered as employees sometimes follow their husbands who are employed and help them achieve the targets set or to work together in getting a higher income as in the case of loose fruit pickers. These women are also put at a higher risk as they are usually not recognised by the companies as employees.
- **Unlawful dismissal due to pregnancy and gender discrimination**
- **Challenges in breastfeeding** – women are often forced to stop breastfeeding before six (6) months due to limited maternity leave periods, cultural challenges (RSPO, 2018) and the lack of adequate break times and facilities (UNICEF, 2016)
- **Exposure to hazardous work** - In the palm oil sector, the challenges for women are particularly stark in the context of labour migration, informal and agriculture work. The lack of protection for pregnant and nursing mothers mean that they continue to undertake hazardous work, such as pesticide spraying, heavy lifting, etc. In the long term, this can affect business productivity due to increased healthcare costs for workers, higher sick days, and absenteeism.

How maternity protection and breastfeeding matter to RSPO

The RSPO criteria require that suppliers offer working conditions that create enabling conditions for workers and their families, including protecting their reproductive rights, such as by offering support to breastfeeding women in the workplace. Setting up breastfeeding support mechanisms is one way to ensure the work of the mother does not negatively impact the healthy development of the child. Below is the list of the relevant criteria in the RSPO P&C with direct and/or indirect links to maternity protection and breastfeeding and its relevance provides child rights perspective into this guidance.

CRITERIA IN RSPO P&C WITH DIRECT AND/OR INDIRECT LINKS TO MATERNITY PROTECTION AND BREASTFEEDING

- 3.6 An occupational health and safety (H&S) plan is documented, effectively communicated and implemented. (*Indicator 3.6.1 (C) and 3.6.2 (C)*). **Relevance:** The assessments plans and procedures also address occupational H&S risks and provide protection for young workers and pregnant or breastfeeding women.
- 3.7 All staff, workers, scheme smallholders, outgrowers and contract workers are appropriately trained. (*Indicator 3.7.1 (C)*) **Relevance:** Female workers are trained on maternity protection and understand their rights as provided for by local and national laws as well as the RSPO P&C.
- 4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties (*Indicator 4.2.1 (C), 4.2.2, 4.2.3, and 4.2.4*). **Relevance:** The grievance process and other feedback mechanisms are also designed and communicated in a way that makes them easily understood and accessible to women workers to raise issues pertaining to their welfare and rights including maternity protection and breastfeeding support.
- 5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains (*Indicator 5.2.1, 5.2.2, 5.2.4, and 5.2.5*). **Relevance:** Support given to smallholders including capacity building on the RSPO P&C requirements can create awareness about maternity protection and improve labour practices amongst smallholders.
- 6.1 Any form of discrimination is prohibited (*Indicator 6.1.1 (C), 6.1.2 (C), 6.1.3, 6.1.4, 6.1.5 (C), and 6.1.6*). **Relevance:** Non-discrimination also means that pregnant or breastfeeding women are not discriminated against when it comes to their recruitment, access to benefits, work advancement, wages, and dismissal. Pregnancy testing is not conducted as a discriminatory measure. A Gender Committee provides a platform to raise awareness, identify and address issues of concern as well as promote opportunities and improvements for women.
- 6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (*Indicator 6.2.2 (C), 6.2.3 (C) and 6.2.5*). **Relevance:** Compliance at a minimum with legal requirements relating to maternity protection and the entitlements are clearly detailed in the employment contract. There are also efforts in place to improve workers' access to adequate, sufficient, and affordable food which is especially important to pregnant or breastfeeding women.
- 6.5 There is no harassment or abuse in the workplace, and reproductive rights are protected (*Indicator 6.5.2 (C) and 6.5.3*). **Relevance:** Reproductive rights are protected and specific needs of new mothers such as access to medical care, breastfeeding support and childcare are assessed and addressed.

6.7 The unit of certification ensures that the working environment under its control is safe and without undue risk to health (*Indicator 6.7.1 (C), 6.7.3 (C) and 6.7.4*). **Relevance:** Occupational health and safety concerns of pregnant and breastfeeding women are also raised and discussed at relevant forums provided by the unit of certification. Workers are provided with appropriate PPE and have access to the necessary medical services such as antenatal and postpartum checks for expecting and new mothers.

7.2 Pesticides are used in ways that do not endanger the health of workers, families, communities or the environment. (*Indicator 7.2.6 (C), 7.2.10 (C), 7.2.11(C)*) **Relevance:** Young workers and pregnant or breastfeeding women are not allowed to work with pesticides. Workers who handle pesticides are given regular health checks and proper training. They are made aware of the health hazards of pesticides to themselves, their families, communities, and environment.

What you can do as an RSPO auditor

a) Maternity protection as stated in national and local laws are provided.

In line with Criterion 6.2 of the RSPO P&C, auditors should check if the unit of certification is in compliance with national and local laws concerning maternity protection. For instance, pregnant workers must not be dismissed or demoted due to their pregnancy, and new mothers should be able to take full maternity leave and receive full (or a percent as provided by law) salary during their maternity leave.

In some countries, there is a higher tendency for women to be hired as casual workers and are therefore unable to access employment benefits, such as maternity leave and medical services. In such cases, it may be important to consider if the unit of certification has a process to identify core work from seasonal work in accordance with legal requirements in order to mitigate the risk of workers who are performing core work to miss out on permanent and full-time employment and its benefits.

It is also important to recognise that there are instances whereby national and local laws do not provide for maternity protection for certain groups of people, such as foreign workers. In such cases, references to international standards and guidelines with respect to human rights in accordance with the RSPO P&C requirements should be applied.

b) Policies and practices are not discriminatory towards female workers, especially in relation to their reproductive rights and access to maternity protection and related benefits.

In the process of checking that the policies and practices are not discriminatory (Criterion 6.1); some key considerations are provided below:

- There is a clear and transparent wage structure and pay condition for each job level and scope (see Criterion 6.2). Pregnant and nursing mothers are checked to be paid as equally as others for performing the same work tasks.
- Workers are not dismissed, demoted, or have their wages and benefits reduced as a result of their pregnancy or as a new mother.
 - When checking hiring, salary, and termination records (perhaps over the previous 12 months), pay attention to women workers in case of deductions or dismissal due to pregnancy or for taking breastfeeding breaks.
 - Benefits are provided equally to all employees. For instance, if an employer provides any benefits to workers on medical leave, the employer should provide the same benefits to those on medical leave for pregnancy related conditions.

- new mothers should enjoy their right to return to work on the equivalent position after their maternity leave and their opportunity for promotion should not be negatively affected.
- Pregnancy testing is not practised as a discriminatory measure. Pregnancy testing is considered as discriminatory, if:
 - The employer refuses to hire a pregnant woman even if she can perform the major functions of her job.
 - The information adversely impacts aspects of employment, such as pay, promotions, layoffs, benefits, dismissal, and any other term or condition of employment.

c) Pregnant and nursing workers are not engaged in hazardous work

In accordance with Criterion 7.2 of the RSPO P&C, pregnant and nursing workers should be relocated to a safer work environment or given alternative assignments throughout the duration of the pregnancy and while breastfeeding. Any work tasks involving the handling and use of chemicals during this time is strictly prohibited.

Some considerations when checking for compliance:

- Management maintains updated records on female workers who are pregnant, nursing, or on maternity leave in order to facilitate the management and compliance of other indicators relating to workers' health and safety, maternity protection, and breastfeeding.
- There are internal guidelines in place for alternative and equivalent work that can be undertaken safely by pregnant or breastfeeding women.
- Pregnant and nursing workers, including their supervisors or team leaders, are informed, and educated on the protection they are entitled to and have to comply with.

d) Reproductive rights of workers are protected

In line with Criterion 6.5 of the RSPO P&C, measures to protect reproductive rights include (but are not limited to):

- Access to prenatal and postpartum healthcare
- Prohibiting the use of pregnancy tests as a discriminatory measure
- Entitlement to special health and safety protection for pregnant and nursing mothers
- Breastfeeding support – workers are provided with adequate breastfeeding breaks without incurring penalties (e.g. loss of wages). Breastfeeding facilities, if provided, are adequately equipped and easily accessible from their worksite.
- Access to family planning services
- Ability for workers to exercise maternity leave and paternity leave based on national/local laws.

e) Assess the role of gender committee

The gender committee can be an important platform to raise issues pertaining to maternity protection, and breastfeeding (see Criterion 6.5). As such, auditors could interview committee members and check previous meeting records to see if any issues have been raised. However, the absence of issues raised does not necessarily mean that they are absent in the workplace. In order for the gender committee to be effective, the members need to be aware of their roles and responsibilities and empowered to identify, report and address issues of concern. Oftentimes they would need additional support, such as capacity building, to build awareness on workers' welfare and child rights issues. Therefore, it is also advisable to check for the following:

- How are committee members selected?

- Is there an imbalance of power dynamics within the committee (this would affect how comfortable members feel to raise concerns)?
- Is there a good representation among members – age, marital status, job types, employees with children and without, seniority?
- Is the committee’s role and responsibility understood by members and workers?
- Does the committee have an understanding of issues impacting women and children at the workplace?

2.5 Childcare



Childcare is essential for all children to achieve their full potential by ensuring they can grow up in safe, healthy, and nurturing environments. Childcare is especially important during the early childhood phase from birth to 3 years, from 3 years to the age of school entry (usually 5 or 6 years), and from school entry age to 8 years of age (UNICEF, 2017). The RSPO P&C requires that the unit of certification allows for gender equality, protection, and opportunities for female employees. Providing childcare is an essential step to create more and better opportunities for female workers.

Challenges and risks

- **Unequal share in childcare responsibility** – women are more likely than men to bear childcare responsibilities and the lack of childcare is therefore a major barrier to women’s full and equal participation in paid work.
- **Childcare in many places, particularly the less or least developed areas, remains less accessible.**
- **Little knowledge and guidance on how to provide quality childcare support.**
- **Cost represents a major barrier in accessing childcare** – formal childcare is often outside the reach of low-income workers (IFC, 2018) and yet, it is often the low income workers who work the longest hours (Lee, Salzwedel, Chyou, & Liebman, 2017).
- **Lack of quality childcare may contribute to child labour** – absence of education and childcare facilities on-site encourages children to join their parents at work sites (Earthworm, 2018b).
- **Poorly designed childcare programmes may affect children more negatively** – Children can get sick and experience injuries when the childcare programme is poorly designed such as poor cleanliness and hygiene, not enough manpower or staff has attitude problem, safety concerns such as no fire exit routes or emergency kit, and also no clear curriculum in place as well as lack of rules that are age-appropriate.

How childcare matters to RSPO

The RSPO standard requires that suppliers promote gender equality, protection, and opportunities for female employees. Providing childcare is an essential step to create more and better opportunities for female workers. Below is the list of the relevant criteria in the RSPO P&C with direct and/or indirect links to childcare and its relevance provides child rights perspective into this guidance.

CRITERIA IN RSPO P&C WITH DIRECT AND/OR INDIRECT LINKS TO CHILDCARE

- 4.3 The unit of certification contributes to local sustainable development as agreed by local communities (*Indicator 4.3.1*). **Relevance:** The contribution to community development (based on consultation with local communities) may include supporting/providing access to childcare.
- 5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains (*Indicator 5.2.2, 5.2.5*). **Relevance:** Support given to smallholders including capacity building on the RSPO P&C requirements can create awareness on the importance of childcare support for their workers (if relevant) as well as family members who work on their farm.
- 6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW) (*Indicator 6.2.4 (C), 6.2.5, 6.2.6*). **Relevance:** Requires the provision of access to childcare including sanitation, water supplies and welfare amenities in accordance to legal requirements. Providing DLW can help ensure that working parents can afford childcare for their children.
- 6.5 There is no harassment or abuse in the workplace, and reproductive rights are protected (*Indicator 6.5.2 (C) and 6.5.3*). **Relevance:** Reproductive rights also refer to specific needs of new mothers such as access to medical care, breastfeeding support, and childcare.

What you can do as an RSPO auditor

In line with RSPO's goal to promote child protection (Criterion 6.4), auditors should consider the following when checking the adequacy of the facilities in providing a safe environment for young children.

- If there are childcare facilities on-site, they are appropriately staffed with trained personnel. Please refer to national guidelines or standards⁶ for childcare provision.
- Facilities should meet local laws and are located in safe and secure areas so that children are not exposed to hazards and allowed access without entering worksites.
- Childcare facilities and schools are equipped with adequate sanitation amenities, such as clean toilets with running water (this in turn is a contribution to sustainable development, as referred to RSPO P&C Guidance to Criterion 4.3).

2.6 Health and Nutrition



HEALTH AND NUTRITION

Health and nutrition are essential across the entire lifespan for survival, physical growth, and mental development. For children, efforts in ensuring their health and nutrition should cover the earliest stages of foetal development, at birth, and through infancy, childhood, and into adolescence. The RSPO

⁶ Some examples of national guidelines/standards on the ratio between caregiver and children include:

Malaysia: Childcare Regulations 2012 i) 1 caregiver: 3 infants to 1 year, ii) 1 caregiver: 5 children ages 1 -3 years, iii) 1 caregiver: 10 children ages 3 - 4 years. Indonesia: Minister of Education and Culture Regulation No. 137/2014 on Early Child Education Standards for ECCE centres i) 1 teacher : 4 children younger than 12 months, ii) 1 teacher: 6 children age 1 year, iii) 1 teacher: 8 children age 2 years, iv) 1 teacher: 10 children age 3 years, v) 1 teacher: 12 children age 4 years, vi) 1 teacher: 15 children age 5 years

standard requires the protection of the health and safety of workers; workers' access to adequate, sufficient, and affordable food; and the provision of medical care and amenities.

Challenges and risks

- **Negative impact on health and high risk of accidents** - Plantation workers are often exposed to heat, dust, toxic chemicals, and the use of heavy machineries (Amnesty International, 2016). In Malaysia, the accident rate in the plantation sector is higher than in other sectors and female workers in plantations are found to be disproportionately unhealthy compared to other women in the community (Friends of the Earth, 2005). Children are directly and indirectly affected by these conditions, be it because they themselves work or help out on oil palm smallholder farms or plantations, or because the health issues and/or accidents of their parents put them at risk of receiving insufficient protection and support from their parents. An assessment in the rattan and seagrass supply chain in 2019 by the Centre for Child Rights and CSR has shown that parents' poor health is a key reason for children to take up paid work at an early age.
- **Exposure to chemicals** - Exposure to toxic chemicals affects the health of pregnant and nursing workers, as well as cause irreversible adverse health impacts on the foetus and child. In many estates, the task of pesticide and fertiliser application is carried out by female workers. A 2016 study by UNICEF found that many of the women sprayers have low awareness on the toxicity of the chemicals they are handling and therefore fail to protect themselves by not wearing the appropriate PPE.
- **Children of palm oil workers have precarious access to healthcare services** – Although most RSPO member companies provide on-site medical facilities and transportation to hospitals/clinics for workers and their families, there is often no specific service for children, and it is not clear to what extent children can benefit from these services. Furthermore, these healthcare services are sometimes limited to permanent workers, and as a result, casual workers and their children do not benefit from these services (Amnesty International, 2016).
- **Food insecurity and low nutrition has an adverse impact on children's health** – The transformation of diverse agriculture or forests to oil palm plantations fuels community's food security and impacts the food supply of the workers and their children. Researchers also observed a negative impact of the palm oil sector on water resources in South Asian countries and clean water is now harder for communities to access than previously (Colchester M., 2011).

How health and nutrition matter to RSPO

The RSPO criteria require that suppliers create decent working conditions that allow their employees and families to live healthy lives. In line with the RSPO criteria, companies can play a significant role in increasing the well-being of their employees and their families. Below is the list of the relevant criteria in the RSPO P&C with direct and/or indirect links to health and nutrition and its relevance provides child rights perspective into this guidance.

CRITERIA IN RSPO P&C WITH DIRECT AND/OR INDIRECT LINKS TO HEALTH & NUTRITION

3.4 A comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental management and monitoring plan is implemented and regularly updated in ongoing operations (*Indicator 3.4.1 (C), 3.4.2, 3.4.3(C)*).

Relevance: Consideration of impacts to health and nutrition (as part of food security) are part of the SEIA and if impacts are identified, they are addressed in the social and environmental management and monitoring plan.

3.7 All staff, workers, scheme smallholders, outgrowers and contract workers are appropriately trained. (*Indicator 3.7.1 (C)*). **Relevance:** Workers should be adequately trained on health and

environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g. young workers, pregnant women); ways to minimise exposure to workers and their families; and international and national instruments or regulations that protect workers' health.

5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains (*Indicator 5.2.2, 5.2.5*). **Relevance:** Support given to smallholders including capacity building on the RSPO P&C requirements can create awareness on the importance of health and nutrition for their workers (if relevant) as well as family members who work on their farm.

6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient in providing decent living wages (DLW) (*Indicator 6.2.2 (C), 6.2.4 (C), 6.2.5, 6.2.6*). **Relevance:** Workers have access to medical services, maternity leave and sick leave in compliance with national legal requirements. Efforts are taken to improve workers' access to adequate, sufficient, and affordable food. Payment of DLW helps to ensure that working parents can access good healthcare and quality foods for their children.

6.7 The unit of certification ensures that the working environment under its control is safe and without undue risk to health. (*Indicator 6.7.1 (C), 6.7.2, 6.7.3(C), 6.7.4, 6.7.5*). **Relevance:** Occupational health and safety concerns of pregnant and breastfeeding women are also raised and discussed at relevant forums provided. Workers are provided with appropriate PPE and have access to the necessary medical care such as antenatal and postpartum healthcare. Accident and emergency procedures are in place and understood by workers and their families (if living onsite).

7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment (*Indicator 7.2.6 (C), 7.2.7 (C), 7.2.8, 7.2.9 (C), 7.2.10 (C), 7.2.11(C)*). **Relevance:** Young workers and pregnant or breastfeeding women are not allowed to work with pesticides. Workers who handle pesticides are given regular health checks and proper training. They are made aware of the health hazards of pesticides to themselves, their families, communities and environment.

What you can do as an RSPO auditor

a) Pregnant and nursing workers as well as young workers are not exposed to higher health and accident risks

As we have shown on the challenges and risks above, pregnant and nursing workers as well as young workers are at higher risks and auditors may observe if there is a comparatively higher rate of loss time accidents (LTA) among young workers and/or female workers when reviewing workplace accident records. To work towards the protection of pregnant/nursing workers and young workers and in line with Criteria 3.7, 6.7 and 7.2 of the RSPO P&C, please assess if pregnant/nursing workers and young workers are:

- working on hazardous jobs that may affect their health and wellbeing.
- adequately represented in workers' committees (e.g. gender committee, health, and safety committee).
- effectively trained on all health and safety aspects that are well-tailored to their specific needs. For example, training is adapted to the development, life skills and communication levels of young workers.
- in receipt of proper, adequate, and suitable PPE where necessary.

- assessed on health and safety risks adequately and the assessments have taken into consideration the special needs and conditions of pregnant and nursing workers as well as young workers.

b) Check the scope and coverage of health and safety and emergency response plan

In line with Criterion 6.7 of the RSPO P&C, the unit of certification needs to ensure that the working environment is safe and provides for accident and emergency response procedures. Assess if all procedures and equipment provisions (e.g. first aid) cover worker facilities beyond the worksite, such as worker housing, canteen, childcare centre, school, etc. Worker's families who live on-site should also be covered by the accident and emergency procedures as they could be exposed to on-site risks.

c) Check the provision of child-friendly training on health and safety, where relevant

According to Criterion 3.7 and related RSPO guidance, if there are young children living on-site, it could also be beneficial to include some considerations for emergency response for children in the training of first aiders. Training for young workers should also be adapted, so that the training is easy to understand and effective. The communication of SOPs and access to first aid equipment should also extend to worker's families if they live on-site. This can also be done in schools if the same is provided on the certified unit's grounds.

Workers should also be trained on the impact of chemicals on their health and their children's health, so that workers are aware of hygiene issues. For instance, workers must follow proper hygiene procedures post chemical handling before undertaking activities such as childcare and food preparation. Similarly, workers should have designated storage areas for their work tools (e.g. harvesting tools) away from the housing area and out of reach of children.

d) Check workers' access to adequate, sufficient, and affordable food

Plantations are often located in remote areas and due to logistical reasons, it may be challenging to access fresh food at low prices. This can then affect the ability of workers to accord a healthy and balanced diet for themselves and their children. According to Criterion 6.2, workers should have access to adequate, sufficient, and affordable food. Some examples of good practices by palm oil companies are provided below and can be used as reference by auditors when evaluating efforts by the unit of certification in improving access to adequate, sufficient, and affordable food.

- Decent wages are being paid to enable affordability of healthy and fresh food for workers and their children.
- Engagement with contracted parties (e.g. canteen operator, sundry store operator) to provide fresh and healthy food options (also for children) at affordable prices.
- Provision of free transport to the nearest town on weekends for workers to obtain fresh products and food supplies.
- Provision of adequate cooking amenities in workers' housing.
- Awareness raising programmes for workers on the importance of a balanced diet and nutrition for their health and that of their families.
- Healthy food/snack options are provided at on-site childcare facilities and school.
- Provision of garden plots for workers to grow their own vegetables.

2.7 Water, Sanitation and Hygiene (WASH)



WATER, SANITATION AND HYGIENE (WASH)

Water, Sanitation and Hygiene (WASH) are interdependent and refer to the following:

- **Water** focuses on the ability for children to access safe water, i.e. the quality of the water they can access and the distance they must travel to collect it.
- **Sanitation** ensures access and use of basic toilets and ways to separate human waste from contact with people.
- **Hygiene** aims at nurturing good hygiene practices, especially handwashing with soap.

WASH is a particular concern for children's rights as it has significant impact on children's survival and health, access to education, and long-term development (UNICEF, 2003). The RSPO standard requires the provision of adequate housing, sanitation facilities and water supplies, where no such public facilities are available or accessible. Workers should have adequate access to clean water and the unit of certification should not contribute to water pollution or restrict access to clean water by communities.

Challenges and risks

- **Lack of access to clean water** - According to the 2016 UNICEF study in Indonesia, there is little investment in the long-term maintenance of housing facilities, which means that workers and their children do not necessarily have reliable access to WASH. Even when good quality housing facilities are provided, casual workers may not have access to them.
- **Pollution** – Pollution of surface water due to leaching of pesticides and agrochemicals, palm oil mill effluent (POME) discharge, and increased total suspended solids due to soil erosion in relation to land clearing for plantations can cause affected communities to lose important sources of drinking water (Brown & Jacobson, 2005). Drinking and swimming in polluted water can cause a range of adverse health impacts to which children may be more vulnerable (UNICEF, 2016).
- **Exposure to illnesses and poor health** – Diarrhoea is one of the most common illnesses affecting children in palm oil plantations, largely caused by poor access to WASH (UNICEF 2016).

How children's access to safe WASH matter to RSPO

The RSPO standard requires that employees work and live in decent, safe, and healthy environments, and have access to clean water and proper sanitation. This also includes their family and children. Hygiene is a key element of such a safe environment. Below is the list of the relevant criteria in the RSPO P&C with direct and/or indirect links to WASH and its relevance provides child rights perspective into this guidance.

CRITERIA IN RSPO P&C WITH DIRECT AND/OR INDIRECT LINKS TO WATER, SANITATION & HYGIENE

- 3.4 A comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental management and monitoring plan is implemented and regularly updated in ongoing operations (*Indicator 3.4.1 (C), 3.4.2, 3.4.3(C)*).
Relevance: Considerations of WASH issues are part of the SEIA and if WASH impacts are identified, they are addressed in the social and environmental management and monitoring plan.
- 3.7 All staff, workers, scheme smallholders, outgrowers and contract workers are appropriately trained. (*Indicator 3.7.1 (C)*). **Relevance:** Workers should be adequately trained on health and

environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g. young workers, pregnant women); ways to minimise exposure to workers and their families; and international and national instruments or regulations that protect workers' health.

4.3 The unit of certification contributes to local sustainable development as agreed by local communities (*Indicator 4.3.1*). **Relevance:** The contribution to community development (based on consultation and agreement with local communities), may include supporting/providing access to WASH facilities or infrastructure.

5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains (*Indicator 5.2.2, 5.2.4 (C), 5.2.5*). **Relevance:** Support given to smallholders including capacity building on the RSPO P&C requirements can create awareness on the importance of good WASH practices and the provision of WASH amenities.

6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient in providing decent living wages (DLW) (*Indicator 6.2.4 (C)*). **Relevance:** Requires that workers be provided access to sanitation facilities and water supply that meet or exceed national standards.

6.7 The unit of certification ensures that the working environment under its control is safe and without undue risk to health (*Indicator 6.7.3 (C)*). **Relevance:** Requires that sanitation facilities are provided to workers who apply pesticides, so that they can change out of PPE, wash and put on their personal clothing. For parent workers, this helps to prevent them from exposing their children to any residual chemicals when at home.

7.2 Pesticides are used in ways that do not endanger the health of workers, families, communities or the environment (*Indicator 7.2.6 (C), 7.2.7 (C), 7.2.8*). **Relevance:** Requires that pesticides are properly stored, and containers disposed in ways that do not endanger the health of workers and families. Workers who handle pesticides are given regular health checks and proper training. They are made aware of the health hazards of pesticides to themselves, their families, communities and environment.

7.3 Waste is reduced, recycled, reused and disposed of in an environmentally and socially responsible manner (*Indicator 7.3.1, 7.3.2, 7.3.3*). **Relevance:** Waste is properly managed and disposed of and does not pollute water sources.

7.8 Practices maintain the quality and availability of surface and groundwater (*Indicator 7.8.1 (C)*). **Relevance:** Practices maintain, protect and monitor the quality and availability of surface and groundwater in compliance with national regulations, including guaranteed access to clean water for workers and community.

What you can do as an RSPO auditor

a) Check the provision of adequate housing and WASH facilities

Criterion 6.2 of the RSPO standard requires that employees work and live in decent, safe, and healthy environments, and have access to clean water and proper sanitation. Where the unit of certification provides amenities such as housing, sanitation facilities, access to clean water, etc., some considerations in ensuring the suitability of those amenities for children should be taken into account, such as:

- Requirements contained in national or local regulations pertaining to workers' accommodation and associated facilities are followed. While not all countries have regulations specific to workers' accommodation, many of them will have general construction standards covering building materials, fire safety, sanitation, electricity, etc. which will be relevant.
- Housing is located in a safe and secure area and not attached to production, storage, or waste disposal sites.
- There is a proper sanitation, waste collection, drainage, and disposal system in place in order to ensure the overall cleanliness and hygiene of the housing site.
- Workers' housing has access to sufficient supply of clean water for washing and drinking.
- Toilets and washing facilities at the worksites are separated by gender and properly equipped with running water, soap, paper towels, etc.
- Workers have free access to toilets while working.
- Provision of sinks, clean running water and soap at company-provided housing facilities, childcare centres, and schools.
- Adequate washing and sanitation facilities at the worksite are available and workers have suitable storage spaces for their clothing and safety equipment, so that they do not bring these items home where they can expose their children and family members to the chemical residues.
- There is a plan in place to ensure long-term maintenance of housing and WASH facilities.

b) Provision of a safe and secure environment

In line with Criterion 6.2 of the RSPO P&C, if workers and their families are provided housing and live on-site, it becomes important to consider if the facilities and surrounding environment where children would be present, are also safe and secure for them.

Some key considerations include:

- Waste disposal and storage sites are situated far away from workers' housing, children's playground, schools, childcare centres, and water sources.
- Waste disposal and storage sites as well as other sites (e.g. open ponds, ditches) that may pose a safety risk to children are clearly marked and secured, and not easily accessible to children.
- Safety warnings are made available and posted in languages understood by workers. For areas that may have higher risk of being accessed by children, safety warnings should also include pictures/graphics so that they may be more easily understood by children.
- Unaccompanied young workers are housed separately from adults and given proper care and supervision.

c) Good WASH practices are integrated in relevant training programmes

According to Criterion 3.7 of the RSPO P&C, training may include ways to promote workers' health (e.g. good WASH practices) and to minimise negative exposure from work to workers and their families. Good WASH practices are promoted amongst workers through initiatives such as:

- Training working parents and children (e.g. via educational activities in schools and childcare centres) on handwashing practices and the benefits for children's health and growth.
- Training workers on the impact of chemicals on their health and their children's health. For instance, workers understand that they should follow proper hygiene procedures post chemical handling before undertaking activities such as childcare and food preparation.

3. Safeguarding Child Rights during Audits

3.1 Ethical considerations

Auditors may already have a code of ethics that they abide by. However, the purpose here is to highlight the key considerations that are especially important when children are involved. The following should apply to most, if not all, auditing situations.

BOX 1: IMPORTANT ETHICAL CONSIDERATIONS FOR AUDITORS

1. **Consider the best interest of the child.** In all actions impacting children, the best interest of children should be the guiding principle. This means that during any decision-making process, the child's protection is prioritised, the child's well-being is preserved and the child's right to live and grow in an environment that is favourable to his/her mental and physical development is protected.
2. **Adopt a "do-no-harm" approach.** This is rooted in taking the best interest of the child in mind. All actions taken should consider the broader context and whether they may negatively impact children socially, financially, or environmentally. If there is any reason to believe that a certain action would make the child worse off than before, the action should not be taken.
3. **Obtain informed consent.** During the audit, there may be instances where children and their families will be required to give their consent, whether it is to be interviewed or for their information to be recorded. Some guidelines below:
 - a. Explain the purpose of the audit and the interview process in a way the children and their parent/guardian can understand, and before the children and their parent/guardian are asked to consent to it or not.
 - b. If the auditor/interviewer cannot communicate with the children and their parent/guardian in a language they can understand, every possible effort must be made to get the assistance of an interpreter for oral and written communication.
4. **Respect confidentiality and right to privacy.** When handling information and communication related to children, always consider the children and their families' right to confidentiality and privacy. Any data and information obtained from and related to the children and their families should not be disclosed without their prior knowledge and informed consent.
5. **Ensure legal compliance and protection.** It is important to identify any non-compliant practice on-site and ensure compliance with national, provincial, and local laws and regulations related to labour rights and child rights protection. Where legal protection at the domestic level is missing or ineffective, it is recommended to refer to international human rights and labour standards, as well as other applicable guidelines.
6. **Ensure non-discrimination and equality.** No group should be discriminated against or excluded from enjoying basic rights, benefits or services based on their status, gender, race, religion, nationality, ethnicity, or social origin. For example, maternity protection should apply equally to all workers. Additional protective or supportive measures aimed at improving equality that are taken in response to the needs of certain groups, particularly vulnerable groups, such as young workers, female workers, migrant workers, etc., should not be considered as discriminatory.

3.1 Recommendations for the audit team composition

The RSPO Certification Systems document outlines the assessment team composition requirements and the lead auditor requirements. However, in order to better assess issues related to child rights, it is also important to consider the role of gender, years of experience and training received.⁷ Box 2 provides some recommendations when assembling the audit team. Auditors are encouraged to take a risk-based approach when applying these recommendations. For instance, when auditing a site that is at a higher risk of having child labour or has had previous incidences of child labour, having one or more team members with child labour training and experience with child protection becomes more important.

BOX 2: RECOMMENDATIONS

- Have a gender balanced team
- Where feasible, include one or several team member(s) who are already parent(s)
- Where feasible, include one or several team member(s) with the following skills/training:
 - Child labour training
 - Child development knowledge, including which hazardous work/tasks cannot be carried out by children and young workers
 - Experience to comfortably communicate directly with children
 - Understand the broad child protection issues and able to handle potential child protection violations

3.2 How to respond if child rights violations are discovered?

Below are some actions an auditor can take within the first hours of having identified violations such as those involving child labour:

- If you are dealing with a clear case of child labour:
 - Explain why they cannot be working.
 - Ensure the unit of certification removes the child from the workstation and arranges a safe place for the child, e.g. office room, dormitory or home.
 - Ensure that the child's parents/guardians are informed and explain the situation to them (ideally this is done by a third party (e.g. an NGO on-site, a teacher) or the workers' committee.
- If young workers are found working in hazardous tasks or processes:
 - Ask that the young worker to be removed from his/her hazardous position.
 - Require the unit of certification to offer "low risk" work, without reducing salary or benefits.
 - The unit of certification shall arrange health checks and ensure any necessary treatment is provided, including for long-term exposure to hazards (e.g., dust, vibration, excessive noise).
- When children are found working on-site, the employer's presence may have a negative influence on the child (e.g. interference, intimidation, threats, retaliation). The auditor therefore needs to ensure that the employer and their representatives are cooperative throughout the auditing process and allow for an independent conversation with the concerned child/children.
- At a minimum, auditors should obtain and secure the records of the child (i.e. name, name of guardian(s), address, contact number) in order to substantiate the child labour case. The information will also be important when the company management takes the necessary corrective

⁷ A survey conducted by CCR CSR in 2016 found considerable differences in the number of cases of child labour discovered by female auditors compared to their male counterparts as well as by auditors who received child labour training (more so when the training was conducted by a third party).

actions and proceeds with remediation.⁸ Research and data on child labour remediation services has shown that the child's contact information is one of the early factors that will decide if a remediation process is possible or not (CCR CSR, 2016).

- When securing the records, auditors should be careful in approaching the company to ensure cooperation from them. Lack of company management cooperation in providing such record contribute to the failure of auditors to corroborate the case
- It is standard procedure that when such serious violations are identified, auditors must notify the company management of the gravity of such findings. Auditors should also explain potential legal consequences and advise the management to take immediate corrective measures, such as stopping the child from working and ensuring the child's safety, contacting relevant third-party organisations (local child protection authority or local child rights organisations) when necessary, etc.

3.3 Special report to RSPO

If violations such as those pertaining to the worst forms of child labour, including hazardous work, human trafficking, sexual exploitation, debt bondage and forced labour, are discovered, or suspected, immediate assistance needs to be arranged for the child. In some countries, such grave or serious violations require mandatory referral to the appropriate local child protection authority.⁹ Therefore, it is of utmost importance that such instances are immediately reported to the relevant authorities and to the RSPO who in turn will work with its local partners to fully assess the situation and remediate the situation where possible.

3.4 Communicating with children

During an audit, auditors may come across situations where they may need to interact with children (e.g. when children are found working on-site). In such circumstances, Box 3 below provides some basic guidelines on how to communicate with children and what an auditor should bear in mind.

BOX 3: BASIC GUIDELINES FOR COMMUNICATING WITH CHILDREN

Principles

As described in Box 1, the best interest of the child and informed consent will be the overarching principles to bear in mind. Other things to consider:

- If the guardian or parents are nearby, ask the consent of the parents to talk to the child, and allow the guardian to be present. Explain to the child and the guardian on why you want to talk to them.
- If no guardian or parents are nearby, ideally, ensure there are other adults around who can hear your conversation and with whom the child is familiar.
- Be respectful of the child and the guardian's decision.

⁸ Where deemed necessary, company management can also reach out to a third party service provider that may provide necessary support to discuss and implement a remediation plan. In this context, a third party service provider is an external organisation, such as social enterprises, non-government organisations, or other civil society organisations that can be contracted to support the protection and promotion of child rights within the palm oil supply chain. For instance, they can carry out child labour verification, plan and execute child labour remediation process, and provide and facilitate child rights training.

⁹ For example, Indonesian Anti-Trafficking Law No. 21/2007, Article 22 explains that who deliberately prevents, obstructs, or foils, whether directly or indirectly, the investigation, prosecution, and examination process of a suspect, defendant, or witness in a court proceeding of a criminal act of trafficking in persons shall be punishable by a prison sentence and a fine. The same law, Article 60 & 61, also encourages widest possible access for community participation to assist the prevention of human trafficking and handling of victim assistance, both at national and international levels.

- If you suspect a child rights violation (e.g. forced or child labour, domestic abuse, exploitation), but you cannot provide evidence and you feel that the presence of the parents/legal guardian brings negative or counterproductive influence on your conversation with the child, we suggest to inform RSPO about your suspicion, who will then collaborate with third parties to look into these challenges more closely.

Keep the language simple

Children, particularly younger children, are often not used to being talked to or asked about serious issues by adults, particularly strangers. Keep the language simple and regularly check if you have been understood. Avoid talking too much, being critical or aggressive, humiliating, or contradicting children, showing discomfort if a child is upset, not respecting children's beliefs, and not creating a situation of trust. If you are taking notes, do explain to the child why you are doing so, e.g. *"I am just writing down some notes, otherwise I will forget too easily"*, as the note-taking can be intimidating to children.

Ask open questions

Questions with a fixed answer can block a conversation. For example, if you ask where a young worker works, once she or he has answered, the conversation needs to be started again. This is a closed question. Asking *"What is it like working here?"* encourages the child to express his or her own ideas. Avoid leading questions such as *"You don't like working here, do you?"* which invites the child to say no.

Body language

Make sure your body language is not in any way threatening. Adopt an open posture (e.g. no crossed arms, show your hands, nod your head, etc.) to show that you are listening and interested in what they have to say.

Give an appropriate response

It is important to show that you have heard and understood them, without breaking the conversation. Do not interrupt them and give them time to respond. Use words like 'right', 'I understand', 'of course' that will give confidence to the child. Try to be encouraging without being leading – meaning do not judge the answers in terms of how interesting or helpful they are but show your interest in certain issues by asking simple follow-up questions. In this way, you will avoid steering the child to respond or react in a certain direction. End the interview by sincerely thanking the child, e.g. *"Thank you so much for your help"*.

Communicating with a group of children

It can sometimes be easier to talk about difficult issues with a group of children than with one individual child, especially where experiences are common to all children in the group. For example, when trying to assess the working and employment conditions for young workers. Groups provide support and friendship to each child, and a sense of communal responsibility (no one child is responsible for a difficult issue).

Adapted from *Guidelines for Assessments using the UNICEF OLS Child Protection Tool*
(<https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/UNICEF%20Child%20Protection%20Assessment%20Tool.pdf>)

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The RSPO is an international non-profit organisation formed in 2004 with the objective to promote the growth and use of sustainable palm oil products through credible global standards and engagement of stakeholders.

www.rspo.org

ROUNDTABLE ON SUSTAINABLE PALM OIL

Unit A-37-1, Level 37, Tower A,
Menara UOA Bangsar
No. 5 Jalan Bangsar Utama 1,
59000 Kuala Lumpur

T +603 2302 1500
E rspo@rspo.org
F +603 2302 1543