

	<b>Basic Compliance Requirements for FairTSA Inspections</b>	Date: March 1, 2018 Version: 1.3
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# **FairTSA Basic Compliance for Producers (Farms, Cooperatives, Processing Facilities and Key Development Partners)**

## **Introduction**

Once the decision is made to join the FairTSA Fair Trade program it is necessary to prepare the operation for the first inspection. Below we have listed the major requirements that your operation needs to fulfill in order to pass this inspection as well as requirements for ongoing compliance with the FairTSA Fair Trade program.

## **1. Workers' Rights**

### **1.1 Work Contracts**

All workers, regardless of contract, migrant and seasonal workers need to have a work contract. At a minimum, the contract has to specify the position, the wage (hourly/daily/etc.), work hours, overtime pay, if any, and any social benefits included. The wage must comply with national, state or regional minimum wage laws. If there is no established minimum wage, please get in contact with us BEFORE the inspection so that we can discuss this topic and find a solution. A simple contract template can be downloaded from our web site at <http://fairtsa.org/producers/producer-info/>. For contract, seasonal or migrant workers "umbrella contracts" are acceptable. Umbrella contracts are contracts that specify the general conditions for employment on the first few pages, and then a number of workers can sign one and the same contract. Again, a template can be downloaded from the same web page as above.

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**1.2 Compliance with all Laws regarding Social and Health Benefits for Workers**

The operation must document to the inspector that they are complying with all legal laws and regulations regarding social and health benefits. This includes compliance with paid family leave for specific events such as childbirths. Non-compliance with such regulations constitutes a major non-compliance and normally prevents an operation from getting FairTSA certification.

**1.3 Equal Pay for Equal Work**

Equal pay for equal work is a principle that needs to be adhered to. Female workers must be paid the same wage than male workers for the same type of work. For members of a different regional origin or a different tribal origin the same applies.

**1.4 Right to Unionize and No Discrimination for Work In Trade Unions or Worker Committees**

Workers have the right to unionize, or, if no union is present, they have the right to meet once a month for two hours (paid) and elect one or more representatives who are entitled to negotiate with management. This applies for operations with 10 or more workers.

Discrimination for engaging in trade unions or worker committees is not permissible.

Workers must also have a way to launch complaints with management either directly or by way of elected representatives.

**1.5 Informal Interviews with Workers**

The inspector has the right to conduct informal interviews with some of the workers at the first and subsequent inspections, without a member of the management being present.

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**2. Contracts for Farmers (Cooperatives and Key Development Partners)**

For cooperatives and Key Development Partners, usually processing companies in the country of origin, there must be contracts in place specifying basic payment terms for products including pay per weight, quality specifications, and delivery terms. If applicable, the Fair Price premium must be included by the time of the second inspection. It is permissible to have umbrella contracts for larger farmer groups, too.

**3. Child Labor, Forced and Bonded Labor, Non-Discrimination**

**3.1 Child Labor**

All child labor must comply with prevailing law. No child labor for children under 14 years is acceptable. Children may work on their parents or close relative’s farm if the work is child-appropriate. In no case must work by children prevent available schooling. If you have a situation where younger children work in a family context in an established cultural practice, please contact us BEFORE the first inspection to discuss this situation.

**3.2 Forced and Bonded Labor**

No forced or bonded labor is acceptable. Forcibly removing passports, drivers’ licenses, I.D. cards or other means of identification in order to prevent the free movement of workers is prohibited.

**3.3 Non-Discrimination**

Discrimination of any kind, be it because of race, gender, religion, ethnicity, or any other reason is prohibited.

**4. Occupational Health and Safety**

**4.1 Occupational Health and Safety on Farms**

Farmworkers must have appropriate work hours and working conditions. They must be given work breaks, especially in hot weather, and have access to ample amounts of drinking water. If there is

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protective gear necessary, the operation must provide this at no cost. Tools provided must be appropriate and in good working order. Typical work hours should not exceed 48 hours, but up to sixty hours are permissible. For short periods of time, such as during harvest, up to 70 hours are permissible, for a maximum of 6 weeks per calendar year. Workers must have access to culturally acceptable sanitary facilities during work.

#### **4.2 Occupational Health and Safety in Processing Facilities**

All requirements in section 4.1 apply. In addition, it must be ensured that there are no dangerous working conditions present. Also, working fire safety equipment and measures, appropriate first aid kits and doctor information must be easily accessible. A simple occupational health and safety policy is downloadable from our web site at <http://fairtsa.org/producer-resources.html>.

### **5. Complying with Ongoing Requirements**

#### **5.1 Ongoing Requirements**

The FairTSA requirements are based on a “Cycles of Improvement” philosophy, which means that the longer a farm, cooperative or company stays FairTSA Fair Trade certified, the better the required systems and documentation should become. Minor noncompliances as determined by the certification agency must be taken seriously and corrected as soon as circumstances allow.

#### **5.2 Community Development**

Community development is at the heart of what we are doing, and each certified operation must create their own community development projects. A Community Development Committee must be established and it must include members of the producer communities in question. If need be FairTSA can train a community facilitator who will help with guiding the community through the process of planning and evaluation.

The proposals have to be submitted to FairTSA **after** the first inspection has taken place and not later than 4 weeks after at least \$1,000 in Social Premium for Community Development has been received by the operation. A

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variety of projects is admissible: improving infrastructure, access to clean water, health care and prevention, education, vocational training, setting up small businesses, and cultural events can be all subject matter of the proposal. An annual evaluation of the project is also necessary. Forms for both the Community Development Proposal and the Project Evaluation Form can be found on the web page listed above.

**Please note: Both the updated Community Development Proposal and the Project Evaluation Form are due on February 15 of the following year. Send both forms to [Jake@fairtsp.com](mailto:Jake@fairtsp.com)**

**List of Documents to be Ready for First and subsequent Inspections:**

- 1. Contracts for workers**
- 2. Documentation of work times**
- 3. Worker payment documentation**
- 4. Documentation of compliance with applicable social and health benefits laws and regulations**
- 5. Contracts for products sold/purchased between small farmers and processors if applicable**
- 6. Occupational health and safety policy for processing facilities**

**List of Documents for Second and Subsequent Inspections**

- 1. Documentation of expenses and completed and in-progress community projects including documentation of decision-making process (not for first inspection)**
- 2. List of FairTSA Committee members including position/occupation**
- 3. List of Buyers for FairTSA certified products**
- 4. Documentation of FairTSA certified products**