5. FAIR TREATMENT AND GOOD WORKING CONDITIONS FOR WORKERS

Summary of the Principle (not binding for audit purposes): All employees working on certified farms, and the families that live on these farms, benefit from the rights and conditions established in the United Nations’ Universal Declaration of Human Rights and Children’s Rights Convention, and in the International Labor Organization’s (ILO) conventions and recommendations. Farms pay salaries and benefits equal or more than the legal minimum, and the workweek and working hours must not exceed the legal maximums or those established by the ILO. Workers may organize and associate freely, especially for negotiating working conditions. Certified farms do not discriminate and do not use forced or child labor; to the contrary, these farms work to offer employment opportunities and education to people in neighboring communities. Housing provided by certified farms is in good condition, and has potable water, sanitary facilities and domestic waste collection. Families living on certified farms have access to medical services and the children have access to education.

5.1 The farm must have a social policy that declares its commitment to complying with labor laws and international agreements indicated in this standard. The policy must summarize the rights and responsibilities of the administration and workers, with emphasis on labor aspects, living conditions, basic services, occupational health and safety, training opportunities and community relations. The social policy must be approved by the farm's upper management and be divulged and made completely known and available to the farm's workforce.

5.2 Critical Criterion. The farm must not discriminate in its labor and hiring policies and procedures along the lines of race, color, gender, age, religion, social class, political tendencies, nationality, syndicate membership, sexual orientation, civil status or any other motive as indicated by applicable laws, ILO Conventions 100 and 111, and this standard. The farm must offer equal pay, training and promotion opportunities and benefits to all workers for the same type of work. The farm must not influence the political, religious, social or cultural convictions of workers.

5.3 The farm must directly hire its workforce, except when a contractor is able to provide specialized or temporary services under the same environmental, social and labor conditions required by this standard. The farm must not establish relations or contracts with third parties, form or directly participate in employee-owned companies, or use other mechanisms to avoid the direct hiring of workers and the obligations normally associated with labor contracts. Employment of foreign workers must be subject to a work permit issued by the competent government agency. The farm must not ask for money from workers in return for employment.

5.4 The farm must have payment policies and procedures that guarantee the complete payment of workers on the dates agreed upon in the labor contract. Payment must take place at the workplace, or by another arrangement agreed upon by the worker. The farm must provide the worker with a detailed and comprehensive explanation of the salary paid and of any deductions made, allowing the worker to appeal in the case of perceived discrepancies. Farms with ten or more full or part-time permanent employees must maintain an up-to-date written payroll and job description for each employee with the following information, which employees must have access to:
a. Worker’s name, national identity card number, and position.
b. Job description and assigned salary.
c. Minimum salary established by the government according to the type of activity.
d. Weekly working hours established by applicable laws for the type of activity, and a comparison with the number of hours assigned each worker.
e. Job requirements, for example, training or special skills.
f. Payment dates.
g. Gross pay for normal hours.
h. Gross pay for overtime.
i. Total pay: normal and overtime.
j. Legal deductions and other deductions agreed upon by the worker.
k. Net pay.

5.5 Critical Criterion. Workers must receive pay in legal tender greater than or equal to the regional average or the legally established minimum wage, whichever is greater, according to their specific job. In cases where the salary is negotiated through collective bargaining or other pact, the worker must have access to a copy of this document during the hiring process. For production, quota or piecework, the established pay rate must allow workers to earn a minimum wage based on an eight-hour workday under average working conditions, or in cases where these conditions cannot be met.

5.6 Working hours, rest periods during the workday, the number of annual paid vacation days, holidays, and rest days must comply with current labor laws and with the following minimum conditions:

a. The maximum number of hours worked per week must not exceed 48.
b. Workers must have a minimum of 24 consecutive hours rest (one day off) for every six consecutive days worked.
c. All workers must have the right to annual paid vacation equivalent to a minimum of one day for each month worked (12 days or 2 work weeks per year) or the equivalent for part-time workers.

These rights and benefits must be made known to the workers and included in any labor contract or collective agreement.

5.7 All overtime must be voluntary. The farm must have policies and procedures relating to the requirements and assignation of overtime that conform to current labor laws. These policies and procedures must be made known to workers when they are hired. Overtime must not exceed 12 hours per week. Overtime hours must be paid at a higher rate than normal working hours. When current labor laws permit, this standard allows for an exception period during which the maximum 60 hours (48 normal hours plus 12 overtime hours) per week can be exceeded during seasonal activities or due to unforeseen circumstances, under the following conditions:

a. Workers must get at least one day off (24 consecutive hours) for every six consecutive days worked.
b. The farm must document the number of hours worked (regular and overtime) per day and the activities carried out for each worker.
c. The farm must demonstrate through a comparative analysis that overtime hours during
   the exception period do not result in a higher accident rate than during normal working
   periods.

d. The exception period must not exceed two consecutive work weeks or six work weeks
   within a two-month period. The average hours worked per week must not exceed 60
   hours as calculated during an eight-week period starting from the first day of the
   exception period.

e. No more than two exception periods are allowed each year.

f. Workers are not allowed to work more than 12 hours per day.

g. In the case of an unforeseen event that causes employees to work more hours than
   permitted by this standard or applicable labor laws, the farm must document the
   circumstances and the actions to be taken to avoid repetition in the future.

h. In the case of a cyclical event that happens at approximately the same time each year,
   such as harvesting or production peaks, the farm must present an analysis that indicates
   that the cost of directly contracting more workers during this period would have a
   negative impact on the farm’s economic sustainability.

5.8 Critical Criterion. It is prohibited to directly or indirectly employ full- or part-time workers
   under the age of 15. In countries where the ILO Conventions have been ratified, the farm
   must adhere to Convention 138, Recommendation 146 (minimum age). Farms contracting
   minors between the ages of 15 and 17 must keep a record of the following information for
   each minor:

   a. First and last name.
   b. Date of birth (day, month and year).
   c. First and last name of parents or legal guardian.
   d. Place of origin and permanent residence.
   e. Type of work carried out on the farm.
   f. Number of hours assigned and worked.
   g. Salary received.
   h. Written authorization for employment signed by parents or legal guardian.

   Workers between 15 and 17 years old must not work more than eight hours per day or more
   than 42 hours per week. Their work schedule must not interfere with educational
   opportunities. These workers must not be assigned activities that could put their health at
   risk, such as the handling and application of agrochemicals or activities that require strong
   physical exertion.

5.9 When applicable laws permit, minors between 12 and 14 years old may work part-time on
   family farms, only if they are family members or neighbors in a community where minors
   have traditionally helped with agricultural work. The schedule for these minors including
   school, transportation and work must not exceed ten hours on school days or eight hours on
   non-school days, and must not interfere with educational opportunities. The following
   conditions must be fulfilled:

   a. These workers must have the right to one rest day for every six days worked and rest
      breaks during the workday the same as or more frequently than contracted workers.
   b. They must not form part of the farm’s contracted workforce.
   c. They must not work at night.
d. They must not handle or apply agrochemicals or be in areas where they are being applied.

e. They must not carry heavy loads nor do work that requires physical exertion unsuitable for their age.

f. They must not work on steep slopes (more than 50% incline) or in high places (ladders, trees, roofs, towers or similar places).

g. They must not operate or be near heavy machinery.

h. They must not do any type of work that may affect their health or safety.

i. They must get periodical training for the work they do.

j. They must be under the supervision of a responsible adult in order to guarantee that they understand how to do their work safely.

k. Transportation must be provided to and from home if workers have to travel in the dark or in conditions that put their personal safety at risk.

5.10 Critical Criterion. Any type of forced labor is prohibited, including working under the regimen of imprisonment, in agreement with International Labor Organization (ILO) Conventions 29 and 105 and national labor laws. The farm does not withhold any part or all of workers’ salaries, benefits or any rights acquired or stipulated by law, or any of the workers’ documents, in order to force them to work or stay on the farm, or as a disciplinary action. The farm does not use extortion, debt, threats or sexual abuse or harassment, or any other physical or psychological measure to force workers to work or stay on the farm, or as a disciplinary measure.

5.11 The farm and supervisors must not threaten, sexually abuse or harass, or verbally, physically or psychologically mistreat workers for any reason. The farm must encourage the respectful treatment of workers and have a formal mechanism to act upon workers’ claims of mistreatment.

5.12 Workers must have the right to freely organize and voluntarily negotiate their working conditions in a collective manner as established in ILO Conventions 87 and 98. The farm must have and divulge a policy guaranteeing this right and must not impede workers from forming or joining unions, collective bargaining or organizing for ideological, religious, political, economical, social, cultural or any other reasons. The farm must periodically provide opportunities for workers to make decisions regarding their rights and alternatives to form any type of organization for negotiating their working conditions.

5.13 The farm must formally and regularly consult and inform workers regarding any planned technical and organizational changes and their potential social, environmental and economic impacts.

5.14 Housing provided by the farm for permanent or temporary workers living there must be well-designed, built and maintained to foster good hygienic, health and safety conditions. Living quarters must be separated from production areas. The farm must seek alternatives for relocating housing or camps that are currently within production areas. Workers and their families living on the farm must have access to recreation areas according to the composition of inhabitants. The design, size and construction of dormitories, barracks and other housing, type and quantity of furniture, and number and location of sanitary facilities, showers, and washing and cooking areas must comply with applicable laws. In absence of applicable laws the following elements and characteristics apply:
a. The dormitories must be constructed with wooden floors above the ground or floors made from asphalt or concrete, roofs in good condition without leaks, and with appropriate ventilation and lighting.
b. The ceiling must not be lower than 2.5 meters at any point.
c. Five square meters of space per person in sleeping areas.
d. Heating for cold climates.
e. Bed, hammock or other dignified infrastructure for sleeping according to the workers’ cultural needs, at least 20 centimeters above the ground. The space in between bunk beds is greater than or equal to 120 centimeters and 90 centimeters between each bed.
f. Basic furniture for storing personal belongings.
g. The sanitary facilities must comply with the following characteristics: one toilet for every 15 persons; one urinal for every 25 men; sufficient supply of toilet paper; a minimum distance of 30 meters from dormitories, eating areas and kitchens; one washbasin for every six persons, or per family.
h. One shower per ten persons, separated by gender.
i. One large laundry sink for every 30 persons.
j. In the absence of a kitchen service (kitchen and dining hall provided by the farm), there must be installations outside the living areas for preparing and eating food and for washing kitchen utensils. There must be one cooking installation per 10 persons or for every two families.

5.15 All workers of the farm and persons living on the farm must have access to potable water. Sufficient supply of potable water must be provided to all workers and must be available at the work site. The farm must be able to demonstrate that the water provided complies with the physical and chemical parameters and other characteristics established in applicable laws or in their absence, with the following critical parameters defined by the World Health Organization (WHO):

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fecal Coliforms</td>
<td>Zero</td>
</tr>
<tr>
<td>Chlorine residue or residue from other treatment disinfectants</td>
<td>0.2 to 0.5 mg/L</td>
</tr>
<tr>
<td>Nitrates</td>
<td>10 mg/L as nitrates</td>
</tr>
<tr>
<td>pH</td>
<td>6.5 to 8.5</td>
</tr>
<tr>
<td>Sodium</td>
<td>20 mg/L</td>
</tr>
<tr>
<td>Sulphates</td>
<td>250 mg/L</td>
</tr>
<tr>
<td>Turbidity</td>
<td>Less than or equal to 5 NTU</td>
</tr>
</tbody>
</table>

Non-family farms that obtain water from their own sources - water not supplied by aqueducts managed by other entities - must have a periodic drinking water monitoring and analysis program that includes:

a. Identification of water sources on a map and on the farm.
b. Policies and procedures for guaranteeing the protection of water sources.
c. Sampling procedures and sampling locations and frequency.
d. Analyses conducted by a legally recognized laboratory (certified or authorized).
e. A record of the results for the last three years or since the certification process was initiated.

Additional analysis may be requested in order to ensure quality when evidence of direct or indirect contamination (such as erosion) of surface or underground water exists.
5.16 All workers and their families must have access to medical services during working hours and in case of emergency. When legislation requires, farms must contract the services of a doctor or nurse with the necessary equipment to provide these services.

5.17 The farm must have mechanisms to guarantee access to education for the school-age children that live on the farm. Schools established and administered by certified farms must have the necessary resources, personnel and infrastructure to be able to provide an educational experience that complies with national legal requirements.

5.18 The farm must implement an educational program directed towards administrative and operative personnel (farm workers) and their families that encompasses three topics: the general objectives and requirements of Rainforest Alliance Certified™ certification; environmental and conservation topics related to this standard; and fundamental health and hygiene concepts. The program must be designed for the culture, language and educational level of those involved.

5.19 In those regions or countries where families traditionally harvest specific crops and where national laws do permit it, minors can participate in harvesting under the following conditions:

a. The farm must have identified and monitor those harvest working conditions that have impacts on the health and physical and mental well-being of minors, and must take special measures to eliminate or mitigate those impacts.

b. Harvest activities must not interfere with the minors’ education obligations.

c. Minors must not carry large or heavy (no more than 20% of a minor’s body weight) loads.

d. Minors must not work on pronounced slopes (no more than 50%), near steep cliffs or drop-offs, or on high surfaces.

e. Minors must always be accompanied by one of their parents, a legal guardian, or an adult authorized by a parent or guardian. In the latter case, the farm must have written authorization from the minor’s parents or legal guardian. Minors must not walk alone through the plantation.

f. Minors must be remunerated in cash for their labors.

g. The farm must take measures to reduce the participation of minors in agricultural activities. These measures must include the installation and maintenance of schools, nurseries or day care, or paying parents or other audits to care for children instead of harvesting.

h. The farmer must ensure that everyone who participates in the harvest knows the conditions set forth in this criterion and must take the necessary measures to guarantee compliance.