

## Annex 1 – Definitions

The definitions list below includes definitions from the P&C 2013 and new terms that were identified in the 2017/2018 P&C Review process.

Term	Definition	Source
Carbon neutrality	Carbon neutrality refers to achieving net zero GHG emissions by balancing a measured amount of carbon dioxide equivalent (CO <sub>2</sub> e) emissions released with an equivalent amount sequestered or offset. (The term "climate neutral" reflects the broader inclusiveness of other greenhouse gases in addition to carbon dioxide in climate change. The terms are used interchangeably.)	<b>P&amp;C Review 2018</b>
Child	The term child applies to all persons under the age of 18.	<b>ILO Minimum Age Convention, 1973 (No. 138) Worst Forms of Child labour Convention, 1999 (No. 182)</b>
Child labour	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: <ul style="list-style-type: none"> <li>• All children under 18 involved in the “worst forms of child labour” (as per ILO Convention No. 182)</li> <li>• All children aged under 12 taking part in economic activity; and</li> <li>• All 12 to 14-year-olds engaged in more than light work.</li> </ul> <p>The ILO defines light work as work that is not likely to be harmful to children’s health or development and not likely to be detrimental to their attendance at school or vocational training.</p> <p>Those under 18 years old should not engage in hazardous work that might jeopardise their physical, mental or moral well-being, either because of its nature or the conditions under which it is carried out. For young workers above the legal minimum age but below 18, 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 night work at night.</p>	<b>ILO Minimum Age Convention, 1973 (No. 138)</b>

<p>Contract substitution</p>	<p>The practice of substituting or changing the terms of employment to which the worker originally agreed, either in writing or verbally, which results in worse conditions or less benefits. Changes to the employment agreement or contract are prohibited unless these changes are made to meet local law and provide equal or better terms.</p>	<p><b><u>ILO Report to the Committee examining alleged non-compliance by Qatar of Forced Labour Convention 29; paragraph 9</u></b></p>
<p>Contract worker</p>	<p>Contract worker refers to persons engaged in temporary work, or work for a specific period of time. It also refers to workers who are not employed directly by the company, but employed by a contractor or consultant with whom the company has a direct contract.</p>	<p><b><u>ILO, Non-Standard Forms of Employment</u></b></p>
<p>Core work</p>	<p>The primary area or activity that a company was founded to do or focuses on in its business operations. Core work pertains to work that is essential and desirable to the growth of the organisation.</p> <p>All agricultural and milling activities are considered core work, e.g. planting, harvesting, fertilising, maintenance; FFB sorting and grading; machine-technical maintenance; and machine operation.</p>	<p><b>P&amp;C Review 2018</b></p>
<p>Debt bondage</p>	<p>The status or condition of debt bondage when their labour, or the labour of a third party under their control, is demanded as repayment of a loan or of money given in advance, and the value of their labour is not applied towards the liquidation of the debt or the length of the service is not limited and/or the nature of the service is not defined.</p>	<p><b><u>UN GA Human Rights Council: Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. July 2016.</u></b></p>
<p>Decent living wage</p>	<p>The remuneration received by a worker, for work performed on regular hours, in a particular place sufficient to afford a decent standard of living for the worker and her or his family.</p>	<p><b>Adapted from GLWC</b></p>

Deforestation	Loss of natural forest as a result of: i) conversion to agriculture or other non-forest land use; ii) conversion to a plantation forest; or iii) severe and sustained degradation.	<b>Draft Accountability Framework Initiative (AFI) (July 2018). Refer to latest AFI definition</b>
Due diligence	A risk management process implemented by a company to identify, prevent, mitigate, and account for how it addresses environmental and social risks and impacts in its operations, supply chains, and investments.	<b>Draft AFI (July 2018).  Always refer to latest AFI definition</b>
Eminent domain and expropriation	Eminent domain is the statutory power of governments to expropriate private property for public use or in the national interest, usually with the payment of compensation according to rates defined by law. Expropriation implies divesting persons of their property without requiring their agreement or consent.	<b>P&amp;C Review 2018</b>
Extensive replanting on steep terrain	Any individual, contiguous planted area on steep terrain (>25 degrees) greater than 25 Degree within the re-planting area.	<b>P&amp;C 2013, Annex 2, NI Guidance</b>
Facilitation payment	Bribes paid to facilitate routine government action [1]. A common example is where a government official is given money or goods to perform (or speed up the performance of) an existing duty [2].	<b>[1] <u>UK Bribery Act 2010 Guidance</u> [2] <u>UK Serious Fraud Office Bribery Act Guidance</u></b>
Family farm	A farm operated and mostly owned by a family, for the growing of oil palm, sometimes along with subsistence production of other crops, and where the family provides the majority of the labour used. Such farms provide the principal source of income, and the planted area of oil palm is equal or below 22 ha in size. Work by children is acceptable on family farms, under adult supervision; when not interfering with education programmes; when children are part of the family and when they are not exposed to hazardous working conditions.	<b>INNI of P &amp; C 2018</b>

<p>Food security</p>	<p>Food security is achieved when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. Four dimensions of food security are commonly identified: food availability, food access, utilisation and stability.</p>	<p><b>FAO World Food Summit, 1996.</b>  <b>See <u>FAO Policy Brief Issue 2</u>, June 2006 for further detail.</b></p>
<p>Forced labour</p>	<p>All work or service which is exacted from any person under the menace of any penalty and for which said person has not offered him or herself voluntarily.</p> <p>This definition consists of three elements:</p> <ol style="list-style-type: none"> <li>1. Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy.</li> <li>2. Menace of any penalty refers to a wide range of penalties used to compel someone to work.</li> <li>3. Involuntariness: The terms “offered voluntarily” refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker takes a job he or she would not otherwise have accepted</li> </ol>	<p><b><u>ILO Forced Labour Definition</u></b></p> <p><b>ILO, Forced Labour Convention, 1930 (No. 29)</b></p> <p><b>ILO, Protocol of 2014 to the Forced Labour Convention, 1930 (P029)</b></p> <p><b>ILO, Abolition of Forced Labour Convention, 1957 (No. 105)</b></p> <p><b>ILO, Forced Labour Recommendation on 2014 (No. 203)</b></p>
<p>Fragile soil</p>	<p>A soil that is susceptible to degradation (reduction in fertility) when disturbed. A soil is particularly fragile if the degradation rapidly leads to an unacceptably low level of fertility or if it is irreversible using economically feasible management inputs. (See also definition for ‘marginal soil’)</p>	<p><b>P&amp;C Review 2018</b></p>
<p>Gender equal</p>	<p>This refers to the equal rights, responsibilities and opportunities of women and men, and girls and boys.</p>	<p><b><u>UN Women, OSAGI Gender Mainstreaming - Concepts and definitions</u></b></p>

<p>Greenhouse gas</p>	<p>Greenhouse gases (GHGs) are those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of thermal infrared radiation emitted by the Earth's surface, the atmosphere itself, and by clouds.</p> <p>GHGs are measured in terms of their global warming potential – the impact a GHG has on the atmosphere expressed in the equivalent amount of carbon dioxide CO<sub>2</sub> (CO<sub>2</sub>-e). Greenhouse gases regulated by the Kyoto Protocol include: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxides (N<sub>2</sub>O), Hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulphur hexafluoride (SF<sub>6</sub>).</p>	<p><b>Intergovernmental Panel on Climate Change (IPCC) Data Distribution Centre</b></p>
<p>Hazardous work</p>	<p>Hazardous work is work performed in hazardous conditions; or “in the most hazardous sectors and occupations, such as agriculture, construction, mining, or ship-breaking, or where working relationships or conditions create particular risks, such as exposure to hazardous agents, such as chemical substances or radiation, or in the informal economy.”</p> <p>(<a href="https://www.ilo.org/safework/areasofwork/hazardous-work/lang--en/index.htm">https://www.ilo.org/safework/areasofwork/hazardous-work/lang--en/index.htm</a>)</p> <p>Hazardous work is also defined as “any work which is likely to jeopardise children’s physical, mental or moral health, safety or morals” and which “should not be done by anyone under the age of 18.”</p> <p>(<a href="https://www.ilo.org/ipecc/facts/ILCOconventionsonchildlabour/lang--en/index.htm">https://www.ilo.org/ipecc/facts/ILCOconventionsonchildlabour/lang--en/index.htm</a>)</p>	<p><b>Article 3 (d) of ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)</b></p>
<p>High Carbon Stock forest</p>	<p>Forests that have been identified using the High Carbon Stock Approach (HCSA) Toolkit</p>	<p><b>HCSA website <a href="http://www.highcarbonstock.org">www.highcarbonstock.org</a></b></p>
<p>High Forest Cover Country (HFCC)</p>	<p>Countries defined as having &gt;60% forest cover (based on recent, trusted REDD+ and national data); &lt;1% oil palm cover; a deforestation trajectory that is historically low but increasing or constant; and a known frontier area for oil palm or where major areas have been allocated for development</p>	<p><b>RSPO No Deforestation consultancy : HFCC Proforest, 2018</b></p>
<p>High Forest Cover Landscape (HFCL)</p>	<p>Landscapes having &gt;80% forest cover. Landscape as defined under HCSA Toolkit (Module 5): “The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (for instance, the planned concession).”</p>	<p><b>HCSA Toolkit (v2)</b></p>

<p>High Conservation Value (HCV) areas:</p>	<p>The areas necessary to maintain or enhance one or more High Conservation Values (HCVs):</p> <p><b>HCV 1 – Species diversity;</b> Concentrations of biological diversity including endemic species, and rare, threatened or endangered (RTE) species, that are significant at global, regional or national levels.</p> <p><b>HCV 2 – Landscape-level ecosystems, ecosystem mosaics and Intact Forest Landscapes (IFL);</b> Large landscape-level ecosystems, ecosystem mosaics and IFL that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.</p> <p><b>HCV 3 – Ecosystems and habitats;</b> RTE ecosystems, habitats or refugia.</p> <p><b>HCV 4 – Ecosystem services;</b> Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.</p> <p><b>HCV 5 – Community needs;</b> Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples.</p> <p><b>HCV 6 – Cultural values;</b> Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, identified through engagement with these local communities or indigenous peoples</p>	<p><b>High Conservation Value Resource Network (HCVRN) Common Guidance for Identification of HCVs 2017</b></p>
<p>Human Rights Defenders (HRD)</p>	<p>Individuals, groups and associations who promote and protect universally recognised human rights and contribute to the effective elimination of all forms of violations of human rights and fundamental freedoms of individuals and peoples. This definition includes Environmental HRD, whistleblowers, complainants and community spokespersons. This definition does not include those individuals who commit or propagate violence.</p>	<p><b>RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by</b></p>

		<b>BoG on24 Sept2018)</b>
Independent Smallholder	All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders] are considered Independent Smallholder farmers. Total size of oil palm production area should be smaller or equal to 22 Ha.	<b>INNI P &amp; C 2018</b>
Independent Mill	Any Palm oil Mill will be considered as Independent Mill if <ol style="list-style-type: none"> <li>1. It is operating individually</li> <li>2. There is no legal ownership to any specific plantation</li> <li>3. This includes through parent &amp; sister companies also subject to the local state government laws/Act.</li> </ol>	<b>INNI P &amp; C 2018</b>
Indigenous peoples	<p>Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, indigenous peoples from around the world share common problems related to the protection of their rights as distinct peoples.</p> <p>Indigenous peoples have sought recognition of their identities, way of life and their right to traditional lands, territories and natural resources for years, yet throughout history, their rights have always been violated. Indigenous peoples today, are arguably among the most disadvantaged and vulnerable groups of people in the world. The international community now recognises that special measures are required to protect their rights and maintain their distinct cultures and way of life.</p>	<b><u>UNDESA, Division for Inclusive Social Development, Indigenous Peoples</u></b>
In good faith	The principle of good faith implies that the parties make every effort to reach an agreement, conduct genuine and constructive negotiations, avoid unjustified delays in negotiations, respect agreements concluded and applied in good faith, and give sufficient time to discuss and settle collective disputes. In the case of multinational enterprises, such companies should not threaten to transfer the whole or part of an operating unit from the country concerned in order to unfairly influence negotiations.	<b><u>ILO Q&amp;As on business and collective bargaining</u></b>
Integrated Pest Management (IPM)	IPM is the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimise risks to human health and the environment. IPM emphasises	<b>P&amp;C 2013</b>  <b>FAO2013</b> <a href="http://www.fo.o.o/rq/agriculture">http://www.fo.o.o/rq/agriculture</a>

	the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms.	<a href="#">/cr ops/thematic- sitemap/them e/p ests/ipm/en/</a>
Intimidation and harassment	Intimidation and harassment include loss of income due to/resulting in organisational restrictions, threats of dismissal from employment, restrictions on travel, restrictions to the environment in which the HRDs operate, deliberate obstruction to holding of meetings between HRDs, hostility within the community the HRDs lives as claims may be seen to jeopardise the community's honour and culture (this may especially be the case with women HRDs). More serious measures include character assassination of HRDs, discrediting, defamation campaigns, arbitrary use of security forces, surveillance, SLAPP suits (Strategic Lawsuits against Public Participation) due to his or her work and/or in the course of his/her activities, threats of physical violence and death threats. Special attention is needed to avoid gender-specific violence such as rape or threats of sexual violence used to silence women.	<b>P&amp;C Review 2018</b>
ISO Standards	Standards developed Standardization.by the International Organization for standardization.	<b>P&amp;C 2013 ISO:</b> <a href="http://www.iso.org">www.iso.org</a>
Land clearing	Conversion of land from one land use to another. Clearing actively managed oil palm plantation to replant oil palm is not considered land clearing. Within existing certified units, clearing of less than 10 ha is <u>not</u> considered new land clearing.	<b>P&amp;C Review 2018</b>
Landscape	A geographical mosaic composed of interacting ecosystems resulting from the influence of geological, topographical, soil, climatic, biotic and human interactions in a given area.	<b>IUCN</b> <a href="https://www.iucn.org/downloads/en_iucn_glossary_definitions.pdf">https://www.iucn.org/downloads/en_iucn_glossary_definitions.pdf</a>
Landscape level	The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (i.e. planned concession boundaries).	<b>HCV-HCSA Assessment Manual 2017</b>

<p>Livelihood</p>	<p>A person's or a group's way of making a living, from their environment or in the economy, including how they provision their basic needs and assure themselves and following generations secure access to food, clean water, health, education, housing and the materials needed for their life and comfort either through their own direct use of natural resources or through exchange, barter, trade or engagement in the market.</p> <p>A livelihood includes not just access to resources but the knowledge and institutions that make this possible such as time for community participation and integration, personal, local or traditional ecological knowledge, skills, endowments and practices, the assets that are intrinsic to that way of making a living (e.g. farms, fields, pastures, crops, stock, natural resources, tools, machinery and intangible cultural properties) and their position in the legal, political and social fabric of society.</p> <p>The risk of livelihood failure determines the level of vulnerability of a person or a group to income, food, health and nutritional insecurity. Therefore, livelihoods are secure when they have secure ownership of, or access to, resources and income earning activities, including reserves and assets, to offset risks, ease shocks and meet contingencies.</p> <p>(Compiled from various definitions of livelihoods from Department for International Development (DfID), Institute of Development Studies (IDS) and FAO and academic texts from: <a href="http://www.fao.org/docrep/X0051T/X0051t05.htm">http://www.fao.org/docrep/X0051T/X0051t05.htm</a>).</p>	<p><b>P&amp;C 2013</b></p>
<p>Managed area</p>	<p>The land containing oil palm and associated land uses such as infrastructure (e.g. roads), riparian zones and conservation set- asides.</p>	<p><b>P&amp;C Review 2018</b></p>
<p>Management documents</p>	<p>Management documents are documented information and evidence to interact with the RSPO P&amp;C. It shall be in the form of manual, working procedures, report and records that subject to be audited and reviewed periodically.</p>	<p><b>ISO 9001 QMS</b> – <a href="https://advise.ra.c om">https://advise ra.c om</a></p>
<p>Marginal soil</p>	<p>A soil that is unlikely to produce acceptable economic returns for the proposed crop at reasonable projections of crop value and costs of amelioration. Degraded soils are not marginal soils if their amelioration and resulting productivity is cost effective. (See also definition for 'fragile soil'.)</p>	<p><b>P&amp;C Review 2018</b></p>

Migrant worker	A person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. Migrants are defined as those who cross international boundaries for the purposes of employment, and do not include those workers who move within a country for the purposes of employment.	<b>P&amp;C 2013</b>
Natural ecosystems	All land with natural, native vegetation, including but not limited to native forests, riparian vegetation, natural wetlands, peatlands, grasslands, savannahs, and prairies.	<b>P&amp;C Review 2018</b>
New planting	Planned or proposed planting on land not previously cultivated with oil palm.	<b>NPP 2015</b>
Non-hazardous work	See definition for hazardous work	
Operations	All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its supply base.	<b>P&amp;C 2013</b>
Other conservation areas	Areas (in addition to HCV, HCS forests and peatland conservation areas) that are required to be conserved by the RSPO P&C (such as riparian areas and steep slopes) and other areas allocated by the unit of certification.	<b>P&amp;C Review 2018</b>
Outgrowers	Farmers, where the sale of FFB is exclusively contracted to the unit of certification. Outgrowers may be smallholders.	<b>P&amp;C 2013</b>
Peat	A soil with cumulative organic layer(s) comprising more than half of the upper 80 cm or 100 cm of the soil surface containing 35% or more of organic matter (35% or more Loss on Ignition) or 18% or more organic carbon. Note for management of existing plantations in Malaysia and Indonesia, a narrower definition has been used, based on national regulations: namely soil with an organic layer of more than 50% in the top 100 cm containing more than 65% organic matter.	<b>PLWG2 July 2018 Derived from FAO and USDA definition for histosols (organic soils)(FAO 1998, 2006/7; USDA 2014)</b>
Pesticide	Substances or a mixture of substances intended for preventing, destroying, repelling or mitigating any pest. Pesticides are categorised into four main substituent chemicals: herbicides; fungicides; insecticides and bactericides.	<b>P&amp;C 2013</b>
Plan	A time-bound and detailed scheme, programme, or method for achieving objective(s) and desired outcome(s). Plans shall have clear targets with timelines for delivery, actions to be taken and a process for monitoring progress, adapting plans to changing circumstances and reporting. Plans shall	<b>P&amp;C 2013</b>

	also include the identification of named individuals or positions responsible for the delivery of the plan. There shall be evidence that sufficient resources are available to carry out the plan and the plan is implemented in full.	
Plantation	The land on which oil palm is grown. (See also definition for 'managed area'.)	<b>P&amp;C Review 2018</b>
Prophylactic	A treatment or course of action applied as a preventive measure.	<b>P&amp;C 2013</b>
Rare, threatened or endangered (RTE) species	Species as defined by the High Conservation Value Resource Network (HCVRN).	<b>HCVRN Common Guidance for the Identification of HCVs</b>
Recruitment fees	Recruitment fees pertain to costs and expenses associated with the recruitment and hiring of the worker, i.e. recruiter and agent service fees, documents processing, employer-required skills and medical testing, training, documentation, visa, work permits, transportation (from sending country to point of entry, and return), administrative and overhead costs.	<b><u>Dhaka Principles</u> and ILO 181.</b>
Restore	Returning degraded or converted areas within a plantation to a semi-natural state.	<b>P&amp;C 2013</b>
Rights	<p>Rights are legal, social, or ethical principles of freedom or entitlement, in accordance with the International Bill of Rights, and other relevant international human rights instruments including the UN Declaration on the Rights of Indigenous Peoples, UN Guiding Principles on Business and Human Rights, The Global Compact for Safe, Orderly and Regular Migration.</p> <p>1. Customary rights: Patterns of long-standing community land and resource usage in accordance with indigenous peoples' customary laws, values, customs and traditions, including seasonal or cyclical use rather than formal legal title to land and resources issued by the State.</p> <p>2. Legal rights: Rights given to individual(s), entities and</p>	<p><b>P&amp;C 2013</b></p> <p><b>UN Refugees &amp; Migrants, <u>Global Compact for Safe, Orderly and Regular Migration</u>, 2018</b></p> <p><b><u>World Bank Operatio</u></b></p>

	<p>others through applicable local, national or ratified international laws and regulations.</p> <p>3. User rights: Rights for the use of land and resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights.</p> <p>Demonstrable rights: Indigenous peoples, local communities and users may have informal or customary rights in land that are not registered or recognised by the government or national laws. Demonstrable rights are distinguished from spurious claims by direct engagement with local communities, so they have adequate opportunities to justify their claims, and are best ascertained through participatory mapping with the involvement of neighbouring communities.</p>	<p><b><u>nal Policy 4.10</u></b></p> <p><b><u>From FSC Principles &amp; Criteria</u></b></p>
Risk assessment	<p>A systematic process of identifying and evaluating the potential risks that may be involved in a projected activity or undertaking.</p> <p>It enables a weighing up of whether enough precautions are in place or whether more should be done to prevent harm to those at risk, including workers and members of the public.</p>	<p><b><u>Adapted from ILO, A 5 step guide for employers, workers and their representatives on conducting workplace risk assessments, 2014</u></b></p>
Scheme Smallholder	<p>Farmers, landowners or their delegates that <u>do not</u> have the:</p> <ul style="list-style-type: none"> <li>• Enforceable decision-making power on the operation of the land and production practices; and/or</li> <li>• Freedom to choose how they utilise their lands, type of crops to plant, and how they manage them (whether and how they organise, manage and finance the land).</li> </ul> <p>(See also smallholder and Independent Smallholder).</p>	<p><b>SHIG</b></p>
Significant pollutant	<p>Chemical or biological substances which have a substantial adverse impact on water, air or land quality including POME, sewage, and other wastewater, sediment, fertiliser, pesticides, fuels and oil, air pollutants, as guided by national regulations and international standards.</p>	<p><b>P&amp;C Review 2018</b></p>
Site	<p>A single functional unit of an organisation or a combination of units situated at one locality, which is geographically distinct from other units.</p>	<p><b>RSPO 2017 SCCS Standard</b></p>

Steep terrain	Areas above 25 degrees	<b>P&amp;C 2013 Annex 2 Guidance NI</b>
Trafficked labour	Trafficked labour is a form of exploitation that results from the recruitment, transport, transfer, harbouring, and receipt of individuals to perform labour or services through the use of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits.	<b>The UN Palermo Protocols to Prevent, Suppress and Punish Trafficking in Persons.</b>
Transmigrant	A person who migrates from one part of the country to another with a view to being employed otherwise than on his own account.	<b>P&amp;C 2013</b>
Undue influence	The exertion by a third party of any kind of control such that a person signs a contract or other agreement which, absent the influence of the third party, he would not have signed.	<b>P&amp;C 2013</b>
Unit of certification	The unit of certification shall be the mill and its supply base and shall include both directly managed land (and estates) and Scheme Smallholders and outgrowers, where estates have been legally established with proportions of lands allocated to each.	<b>RSPO Certification Systems 2017</b>
Voluntary isolation	Indigenous peoples in voluntary isolation are indigenous peoples or segments of indigenous peoples who do not maintain sustained contacts with the majority non-indigenous population, and who generally reject any type of contact with persons not part of their own people. They may also be peoples or segments of peoples previously contacted and who, after intermittent contact with the nonindigenous societies, have returned to a situation of isolation and break the relations of contact that they may have had with those societies. In line with the principle of FPIC, RSPO prohibits oil palm expansion in these peoples' territories.	<b>Inter-American Commission on Human Rights, <u>Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas</u>, 2013</b>
Vulnerable groups	Any group or sector of society that is at higher risk or being subjected to social exclusion, discriminatory practices, violence, natural or environmental disaster, or economic hardship than other groups, such as indigenous peoples, ethnic minorities, migrants, disabled people, the homeless, isolated elderly people, women and children.	<b>P&amp;C Review 2018</b>

Water security	The capacity of a population to safeguard sustainable access to adequate quantities of acceptable quality water for sustaining livelihoods, human well-being, and socio-economic development; for ensuring protection against water-borne pollution and water-related disasters; and for preserving ecosystems in a climate of peace and political stability.	<b><u>UN Water, Water Security Infographic</u></b>
Whistleblower	Individuals who are employees or former employees who report on illegal, irregular, dangerous or unethical practices or actions by employers which contravene RSPO Code of Conduct and related key documents and who may potentially be at risk of reprisal. This includes individuals who are outside the traditional employee- employer relationship, such as contract workers, temporary workers, consultants, contractors, trainees/interns, volunteers, student workers and former employees.	<b>RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by BoG on 24<sup>th</sup> Sept 2018)</b>
Worker	Men and women, migrants, transmigrants, contract workers, casual workers and employees from all levels of the organisation.	<b>P&amp;C Review 2018</b>
Workforce	The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants.	<b>P&amp;C 2013</b>
Young person	<b>Young workers are aged 15, or above the minimum age of employment, but under the age of 18. According to the ILO, “these workers are considered ‘children’ even where they may legally perform certain jobs.”</b>	<b>ILO Minimum Age Convention, 1973 (No. 138), Article 3</b>  <b>ILO Safety and Health in Agriculture Convention, 2001 (No. 184), Article 16</b>

## Annex 2 – Guidance

### Principle 1: Behave ethically and transparently

Criterion new	GUIDANCE
1.1	<p>This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.</p> <p>Management documents comprise the results of FPIC processes, SEIAs, Human Rights Policies including policy on protection of HRDs/whistleblowers, social programmes avoiding or mitigating negative social impact, social programmes advancing livelihoods, figures of gender distribution within all workers categorised by management, administrative staff and workers (both permanent casual workers, piece rate workers), partnership programmes for Independent Smallholders, education and health in the communities.</p> <p>The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report.</p> <p>Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential.</p> <p>Ongoing disputes (within or outside of a legal mechanism) can be considered as confidential information where disclosure could result in potential negative outcomes for all parties involved. However, affected stakeholders and those seeking resolution to conflict should have access to relevant information.</p> <p>Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites which a community wishes to maintain as private. The unit of certification should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is appropriate and made available.</p> <p>For 1.1.5: Applicable data privacy laws should be considered in the gathering, storage, use and distribution and publication of personal information.</p>

The following documents should be available at the unit of certification (but not necessarily limited to) upon request:

- Land titles/user rights (Criterion 4.4)
- Occupational health and safety plans (Criterion 3.6)
- Plans and impact assessments relating to environmental and social impacts (Criterion 3.4)
- HCV & HCS documentation (Criterion 7.12)
- Pollution prevention and reduction plans (Criterion 7.10)
- Details of complaints and grievances (Criterion 4.2)
- Negotiation procedures (Criterion 4.6)
- Continuous improvement plans (Criterion 3.2)
- Public summary of certification assessment report
- Human Rights Policy (Criterion 4.1)

1.2 All levels of the operations will include contractors (e.g. those involved in security).

The policy should include as a minimum:

- A respect for fair conduct of business
- A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources
- A proper disclosure of information in accordance with applicable regulations and accepted industry practices

The policy should be set within the framework of the UN Convention Against Corruption, in particular Article 12.

The policy should cover elements such as: bribery; facilitation payments; guidance and procedure for gifts and hospitality; disclosure of political contributions; guidelines for charitable donations and sponsorships; respect for fair conduct of business; proper disclosure of information in accordance with applicable regulations and accepted industry practices; compliance with existing anti-corruption legislation.

Commitment to company ethical policies is incorporated in all service contracts.

There are due diligence procedures in place for the selection and contracting of recruitment agencies and labour intermediaries or suppliers.

Unethical conduct includes: charging fees to workers, recovering cost of recruitment and transportation against workers' wages, receiving gifts and commissions from labour intermediaries or suppliers.

## Principle 2: Operate legally and respect rights

Criterion	GUIDANCE
2.1	<p>Implementing all legal requirements is an essential baseline requirement for all growers whatever their location or size. Relevant legislation includes but is not limited to: regulations governing land tenure and land-use rights, labour, agricultural practices (e.g. chemical use), environment (e.g. wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country's obligations</p>
1.2	<p>All levels of the operations will include contractors (e.g. those involved in security).</p> <p>The policy should include as a minimum:</p> <ul style="list-style-type: none"> <li>• A respect for fair conduct of business</li> <li>• A prohibition of all forms of corruption, bribery and fraudulent use of funds and resources</li> <li>• A proper disclosure of information in accordance with applicable regulations and accepted industry practices</li> </ul> <p>The policy should be set within the framework of the UN Convention Against Corruption, in particular Article 12.</p> <p>The policy should cover elements such as: bribery; facilitation payments; guidance and procedure for gifts and hospitality; disclosure of political contributions; guidelines for charitable donations and sponsorships; respect for fair conduct of business; proper disclosure of information in accordance with applicable regulations and accepted industry practices; compliance with existing anti-corruption legislation.</p> <p>Commitment to company ethical policies is incorporated in all service contracts.</p> <p>There are due diligence procedures in place for the selection and contracting of recruitment agencies and labour intermediaries or suppliers.</p> <p>Unethical conduct includes: charging fees to workers, recovering cost of recruitment and transportation against workers' wages, receiving gifts and commissions from labour intermediaries or suppliers.</p> <p>under international laws or conventions (e.g. the Convention on Biological Diversity (CBD), ILO Core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account.</p> <p>Key international laws and conventions are set out in Annex 1.</p> <p>Contradictions and inconsistencies should be identified, and solutions</p>

suggested. Evidence should be incorporated as part of implementation of

Criterion 2.3.

See Indicator 4.4.1 for requirements on legal ownership or lease and authorised use of customary lands.

For Indicator 2.1.2:

A 'documented system for ensuring legal compliance' can take the form of physical or virtual filing cabinet of applicable laws, regulations and rules with elements of how these laws are interpreted and followed in the running of the operations.

2.2

Contracted parties include:

- Temporary employment, whereby workers are engaged only for a specific period of time, includes fixed-term, project- or task-based contracts, as well as seasonal or casual work, including day labour
- Short-term contracts; renewable contract
- Fixed-term, project, or task-based contracts are contractual employment arrangements between one employer and one employee characterised by a limited duration or a pre-specified event to end the contract
- Casual work is the engagement of workers on a very short term or on an occasional and intermittent basis, often for a specific number of hours, days or weeks, in return for a wage set by the terms of the daily or periodic work agreement. Casual work is a prominent feature of informal wage employment in low-income developing countries, but it has also emerged more recently in industrialised economies, particularly in jobs associated with the "on-demand" or 'gig economy". ([https://www.ilo.org/global/topics/non-standard-employment/WCMS\\_534826/lang--en/index.htm](https://www.ilo.org/global/topics/non-standard-employment/WCMS_534826/lang--en/index.htm))
- **Guidance Note for Criteria 2.2** (There is compliance with all applicable local, national and ratified international laws and regulations.)

Note :

In the Indian context, the palm oil mill and oil palm production from a set geography is bounded legally as per the oil palm act set by the local government (ex: Andhra Pradesh Oil Palm Act 1993). The mill has the obligation to accept all the produce and has no right to reject from any farmer from the designated area (zone). The farmer has the obligation to send the product to the designated mill only and no right to send to another mill. Farmer should get the approval from the Government Horticulture Department to start the oil palm plantation. Upon approval, the mill supplies saplings. The relation between the farmer and the mill starts at the beginning. The farmer and the designated mill in that geography have no choice of any alternatives but to continue.

2.3

For consideration of FFB legality, NIs should also consider commonly accepted local practices and customs that are generally accepted to be on a par with legal standing or accepted by authorities (e.g. native courts).

## Principle 3: Optimise productivity, efficiency, positive impacts and resilience

Criterion new	GUIDANCE
3.1	<p>Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate attention to economic and financial viability through long-term management planning.</p> <p>For plantations on peat, a longer time frame for the projection of the annual replanting programme is needed per Criterion 7.7.</p> <p>The unit of certification should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements. This Criterion is not applicable to Independent Smallholders.</p> <p>The business or management plan should contain:</p> <ol style="list-style-type: none"> <li>1. Attention to quality of planting materials</li> <li>2. Crop projection = Fresh Fruit Bunches (FFB) yield trends</li> <li>3. Mill extraction rates = Oil Extraction Rate (OER) trends</li> <li>4. Cost of production = cost per tonne of Crude Palm Oil (CPO) trends</li> <li>5. Forecast prices</li> <li>6. Financial indicators</li> </ol> <p>Suggested calculation: Trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programmes).</p> <p>Consideration of smallholders should be inherent in all management planning where applicable (see also Principle 5). For Scheme Smallholders, the content of the business plan may vary from that suggested.</p> <p>Where the specific financial details are not known, an estimate of these amounts or structures for defining those estimates will be made clear within the contract.</p> <p>Management reviews (Indicator 3.1.3) should include:</p> <ol style="list-style-type: none"> <li>1. Results of internal audits</li> <li>2. Customer feedback</li> <li>3. Process performance and product conformity</li> <li>4. Status of preventive and corrective actions</li> <li>5. Follow-up actions from management reviews</li> <li>6. Changes that could affect the management system</li> <li>7. Recommendations for improvement</li> </ol>

3.2 For the action plan for continuous improvement, indicators may include but not be limited to:

1. Optimising the yield of the supply base.
2. Reduction in use of pesticides (Criterion 7.2)
3. Environmental impacts (Criteria 3.4, 7.6 and 7.7)
4. Waste reduction (Criterion 7.3)
5. Pollution and greenhouse gas (GHG) emissions (Criterion 7.10)
6. Impacts on communities, workers and smallholders (Principle 6)
7. Integrated management of HCV-HCS, peatland and other conservation areas (Criteria 7.7 and 7.12)

Where applicable, review should include Scheme Smallholders.

8. The unit of certification should have a system to improve practices in line with new information and techniques, and a mechanism for disseminating this information throughout the workforce. For smallholders, there should be systematic guidance and training for continuous improvement.

3.3 Mechanisms to check implementation could include documentation of management systems and internal control procedures (see Criterion 2.1).

SOP and documentation for mills should include relevant supply chain requirements (see SCCS section under Principle 3).

The unit of certification, while working with third party suppliers of FFB on traceability and legality, should use the opportunity to distribute suitable information on BMPs.

3.4 The terms of reference of the SEIA should be defined. Ideally, the SEIA should be carried out by accredited independent experts, in order to ensure an objective process. The assessment (SEIA) should include, but is not limited to:

1. Assessment of the impacts of all major planned activities, including land clearing, planting, replanting, pesticide and fertiliser use, mill operations, roads, drainage and irrigation systems and other infrastructure
2. Assessment of the impacts on HCVs, biodiversity and RTE species, including beyond concession boundaries and any measures for the conservation and/or enhancement of these
3. Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems
4. Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources
5. Baseline soil surveys and topographic information, including the

- identification of steep terrain, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding
6. Analysis of type of land to be used (forest, degraded forest, peatlands, cleared land, etc.)
  7. Assessment of land ownership and user rights
  8. Assessment of current land use patterns
  9. Assessment of impacts on people's amenity
  10. Assess impacts on employment, employment opportunities or from changes of employment terms
  11. A cost-benefit analysis on social aspects
  12. Assessment of potential social impacts on surrounding communities of a plantation, including an analysis of potential effects on livelihoods, and differential effects on women versus men, ethnic communities, and migrant versus long-term residents
  13. Assessment of salient risk of human rights violations
  14. Assessment of the impacts on all dimensions of food and water security including the right to adequate food, and monitoring food and water security for affected communities
  15. Assessment of activities which may impact air quality or generate significant GHG emissions

For smallholder schemes, the scheme management has the responsibility to undertake impact assessment and to plan and operate in accordance with the results.

Additional information on SEIA can be found in various external sources such as HCSA Toolkit Module 3 and the International Finance Corporation (IFC)'s Guide to Biodiversity for Private Sector: The Social and Environmental Impact Process.

The review of the monitoring and management plan should be done (once every two years) internally or externally.

Management documents may comprise social programmes avoiding or mitigating adverse social impact including human rights, social programmes advancing community livelihoods and gender equality, partnership programmes for Independent Smallholders, education and health in the communities.

Affected stakeholders are able to express their views through their own representative institutions, or freely chosen spokespersons, during the identification of impacts, reviewing findings and plans for mitigation, and monitoring the success of implemented plans.

3.6 Refer to National Law/Regulation or ILO Convention 155 for those countries without national Occupational Safety and Health Law/Regulation at a minimum.

3.7 Training content: Workers should be adequately trained on: the 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.

The training programme should include productivity and best management practice and be appropriate to the scale of the organisation. The programme should enable everyone to fulfil their jobs and responsibilities in accordance with documented procedure.

Training participants: Training should be given to all staff and workers including women smallholders and women plantation workers, within the unit of certification, as well as contract workers.

The unit of certification should demonstrate training activities for Scheme Smallholders who provide FFB on a contracted basis.

Workers on smallholder plots also need adequate training and skills, and this can be achieved through extension activities of the unit of certification that purchase fruit from them, by smallholders' organisations, or through collaboration with other institutions and organisations.

For individual scheme smallholder operations, training records should not be required for their workers, but anyone working on the farm should be adequately trained for the job they are doing.

## Principle 4: Respect community and human rights and deliver benefits

Criterion new	GUIDANCE
4.1	<p>All levels of operations will include contractors (e.g. those involved in security).</p> <p>The UN Guiding Principles on Business and Human Rights notes that:</p> <p><i>“The responsibility of business enterprises to respect human rights refers to internationally recognised human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work.”</i></p> <p>The UN Guiding Principles on Business and Human Rights also note that the responsibility of business enterprises to respect human rights exists independently of nation states’ abilities and/or willingness to fulfil their own human rights obligations and exists over and above compliance with national laws and regulations protecting human rights. (See “The corporate responsibility to respect human rights” in Guiding Principles on Business and Human Rights).</p> <p>The RSPO Human Rights Working Group will provide additional guidance to identify, prevent, mitigate and address human rights issues and impacts. The resulting guide will identify the relevant issues on human rights to all RSPO members.</p> <p>Details on requirements to protect the rights of HRDs, including complainants, whistleblowers and community spokespersons, are set out in the <a href="#">RSPO Policy on the Protection of Human Rights Defenders, Whistleblowers, Complainants and Community Spokespersons</a></p>
4.2	<p>Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.</p> <p>Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation and, where relevant, migrant worker representation. Grievances may be internal (employees) or external.</p> <p>For Scheme and Independent Smallholders, refer to the current RSPO Guidance Documents for Scheme and Independent Smallholders.</p> <p>Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO Complaints System.</p> <p>Refer to helpful texts for guidance, such as the Human Rights Commission (HRC) endorsed ‘Guiding Principles on Business and Human Rights: Implementing the UN “Protect, Respect and Remedy” Framework’, 2011.</p>

4.3 Contributions to local sustainable development should be based on the results of consultation with local communities and should have long term economic, social and/or environmental benefits. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men, women and minority/vulnerable groups.

The unit of certification may also seek partnerships from non-governmental organisations (NGOs) and civil society organisations (CSOs) to identify key environmental and/or social issues that are prevalent in the community and develop and implement solutions to address these issues as part of their contribution to sustainable development.

Some examples of contributions to local sustainable development could be, but are not limited to:

- a) Poverty reduction
- b) Access to health and wellbeing
- c) Access to quality education
- d) Access to clean water and sanitation
- e) Conservation or restoration of natural resources
- f) Gender equality programmes
- g) Support/enhance/secure food and water security

Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognised as conflicting with Criterion 6.1.

4.4 All indicators will apply to current operations, but there are exceptions for long- established plantations which may not have records dating back to the time of the decision making, in particular for compliance with Indicators 4.4.2 and 4.4.3.

Where there are legal or customary rights over land, the unit of certification should demonstrate that these rights are understood and are not being threatened or reduced. This Criterion should be considered in conjunction with Criterion 4.5, 4.6 and 4.7. Where customary rights areas are unclear these should be established through participatory mapping exercises involving affected parties (including neighbouring communities and local authorities).

This Criterion allows for negotiated agreements to compensate other users for lost benefits and/ or relinquished rights. Negotiated agreements should be non-coercive and entered into voluntarily, carried out prior to new investments or operations, and based on an open sharing of all relevant information. The representation of communities should be transparent and in open communication with other community members.

Relevant legal arrangements may include negotiated benefit-sharing

agreements, joint venture agreements, legal representation on management boards, restrictions on prior land use, co-management arrangements, smallholder contracts, rental and leasehold arrangements, royalty payments, and the implications of land acquisition and permits for community land tenure, use and access rights.

4.5 of certification and the local communities. These measures and their proposed implementation features (what, how, how long, recipients, threats and opportunities to implementation) are documented as part of the resource management planning.

In cases where the availability, access, quality and stability of food and water is negatively affected by the planned operations, mitigation and relief measures should be agreed.

Where applicable, in communities resettled in accordance with FPIC, the unit of certification should monitor the food and water security situation through a screening process and, for example, through continuous dialogue, to ensure local food and water security.

Efforts should be made to consider population dynamics. The set of measures is to be reviewed regularly (proposed biannually) to reflect on changes in needs and capacities and the resources available.

The unit of certification should not restrict access to markets for local communities through its operations.

The unit of certification should assess water catchments in order to identify key water risks or shared challenges (see HCV 4). The unit of certification should regularly monitor their operations' impacts on water availability and quality.

Where new plantings are considered to be acceptable, management plans and operations should maintain sacred sites.

Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see Guidance for Criterion 4.4). Relevant stakeholders include those affected by or concerned with the new plantings.

Customary and user rights will be demonstrated through participatory user mapping as part of the FPIC process.

FPIC is a guiding principle and should be applied to all RSPO members throughout the supply chain. Refer to RSPO approved FPIC guidance ('FPIC and the RSPO; A Guide for Members', October 2015).

4.6 Where there is a conflict on the condition of land use as per land title, the unit of certification should show evidence that necessary action has been taken to resolve the conflict with relevant parties.

A mechanism should be in place to resolve any conflict (Criteria 4.2 and 4.6).

Where operations overlap with other rights holders, the unit of certification should resolve the issue with the appropriate authorities, consistent with Criteria 4.2 and 4.6.

● **Guidance Note for Criteria 4.6 & Indicator 4.6.3**

**4.6.3** (Equal opportunities are provided to both men and women to hold land titles for scheme small holdings.)

Criteria 4.6 relates specifically to compensation in situations where the development of palm is affecting the rights of the community. Indicator 4.6.3 specifically looks at situations where the form of compensation is provided via the provision of land titles to the communities affected wherein the form of compensation provided is land for smallholdings.

In this context, it must be shown that opportunities are given to both men and women on an equal basis to have the land titles named under them. Therefore, the unit of certification needs to be able to adduce evidence that they have a process in place, during their FPIC process to account for the fact that during the FPIC negotiations, the Unit of Certification (UoC) is inclusive of all affected parties which includes consideration for both genders.

One way to look at it would be to for instance not automatically assume that only the men of the household are the ones whose names the land titles are given in. Have they consulted the concerned people to see under whom the land holding should be under? Is this consultation meaningful? Is the woman's voice in the household heard? How is this evidenced?

This looks at the process of ensuring that it is inclusive, and that proper consultation is done with the community to ensure that it is the community who is choosing whom the compensation should go to.

Laws In context of India

The Hindu Succession (Amendment) Act, 2005, an amendment to the Hindu Succession Act, 1956 effective from Sep 2005 and major amendments are given below

- Daughter shall have the same rights in the coparcenary property as she would have had she been a son;
- The daughter shall be subject to the same liability in the said coparcenary property as that of a son;
- The daughter shall be allotted the same share as is allotted to a son;
- The share of the per-deceased son or a per-deceased daughter shall be allotted to the surviving child of such per-deceased son or of such per-deceased daughter;
- The share of the per-deceased child of a per-deceased son or of a per-deceased daughter shall be allotted to the child of such per-deceased child of the per-deceased son or a per-deceased daughter.

Furthermore, after the commencement of the Hindu Succession

(Amendment) Act, 2005, the pious obligation of a son, grandson or great-grandson for the recovery of any debt due from his father, grandfather or great-grandfather under the Hindu law, came to an end

## Principle 5: Support smallholder inclusion

Criterion new	GUIDANCE
5.1	<p>Fair prices for FFB will be equal to or above the prices as established by government or government endorsed initiatives, where applicable. Where not applicable, the following elements should be considered subject to prevailing commodity prices:</p> <ol style="list-style-type: none"> <li>1. Cost incurred by smallholders where applicable (e.g. fertiliser, seeds, pesticides, transport of FFB, land use permit, land ownership fees, land preparation, labour costs and other costs related to FFB production);</li> <li>2. Unexpected and unpredictable environmental and climate related risk costs including the occurrence of new pests for which treatment is not yet available, climate change effects or extreme weather conditions.</li> </ol> <p>Source: 2012 FAO Guiding Principles Responsible Contract Farming</p> <p>This should also be applied to situations where the unit of certification functions as the group manager for groups certified under group certification.</p> <p>Transactions with smallholders should consider issues such as the role of middlemen, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (see Criterion 7.5) should also be considered; where it is not practicable to recycle wastes to smallholders, compensation for the value of the nutrients exported can be made through the FFB price.</p> <p>Smallholders should have access to the grievance procedure under Criterion 4.2 if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.</p> <p>If the unit of certification requires smallholders to change practices to meet the RSPO P&amp;C, consideration should be given to the costs of such changes, and the possibility of advance payments for FFB can be considered.</p>
5.2	<p>RSPO will develop guidance on smallholder support (reference to the RSPO Smallholder Standard, currently in development).</p> <p>The consultation may include collection centres or other parties like representative organisations, where applicable.</p> <p>In particular for Scheme Smallholders, support programmes are based on long term relations.</p> <p>When the unit of certification assesses the eligibility of the requested support by Independent Smallholders, the following factors can be taken into account</p>

and are explained to and understood by the smallholders:

- Expected continued supply of FFB to the mill
- Readiness of smallholders to implement the improvement programmes

Specific elements on RSPO certification may include:

- Socialisation on RSPO
- H&S training
- FPIC
- HCV
  
- The delivery of the support services can include but is not limited to cooperatives, agents, collection centres and representative organisations.

## Principle 6: Respect workers' rights and conditions

Criterion	GUIDANCE
6.1	<p>The non-discriminatory requirements are applied to all workers, regardless of contractual status.</p> <p>Examples of compliance can be appropriate documentation (e.g. job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers migrant workers, etc.</p> <p>Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way.</p> <p>The grievance procedures detailed in Criterion 4.2 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p> <p>Examples of evidence for Indicator 6.1.2 could include contract between employer and agency; contract between worker and agency; clear company policy and recruitment procedures; confirmation by workers and agency that no recruitment fees are charged.</p> <p>Foreign and migrant workers should not pay anything that a local worker is not required to pay, unless mandated by law. A worker should not be selected for the job on the basis of their capacity to pay.</p>

6.2 Where there are industry-established benchmarks of living wage, these can be used as a basis, as long as the elements of the DLW definition or their equivalencies have been considered.

For countries where no living wage standard is established, the RSPO-endorsed benchmark should be followed, until such time that a GLWC-developed benchmark for the country is in place (see procedural note in Indicator 6.2.6).

A written policy, committing to payment of a living wage should be in place.

The implementation plan should have specific targets, and a phased-implementation process should be in place, including the following:

- An assessment is conducted to determine prevailing wages and in-kind benefits already being provided to workers
- There is annual progress on the implementation of living wages
- Where a minimum wage, based on equivalent basket of goods, is stipulated in Collective Bargaining Agreements (CBAs), this should be used as the foundation for the gradual implementation of the living wage payment
- The unit of certification may choose to implement the living wage payment in a specific section as a pilot project; the pilot will then be evaluated and adapted before an eventual scale-up of the living wage implementation

Without disrupting the wage distribution, employers can provide more or better in-kind benefits to increase the living standards of their workers, as long as it is agreed upon by the trade union/worker representatives.

6.3 The right of staff and workers, including migrant and transmigrant workers and contract workers, to form associations and bargain collectively with the unit of certification should be respected, in accordance with Conventions 87 and 98 of the ILO.

Collective bargaining is encouraged to include terms and conditions relevant to workers' rights, but also to the workers and families' rights to access health care, education, nutritious food, safety/protection equipment, energy, and could include a clear mechanism of grievances and remedy.

Foreign workers should be encouraged to join unions. Where the right to freedom of association and collective bargaining are restricted under law, the unit of certification publishes a statement that facilitates parallel means of independent and free association and bargaining for all such personnel.

6.4 Service contracts and supplier agreements refer to those that the unit of certification enters into and has influence over; rather than for agreements that cover services of infrastructure set up, such as telephone or electricity.

The unit of certification should clearly define the minimum working age, together with working hours. Only workers above the minimum school leaving age in the country or who are at least 15 years old may be employed. The minimum age of workers will not be less than stated under national regulations. Any hazardous work should not be done by those under 18, as per ILO Convention 138.

Work in family farms, when the farm is contracted to or provides business to another entity is prohibited. Farm work is only accepted when it is for the family's own consumption.

Child labour is not exacted only by employers, and children do not have to be in an employment relationship with a third-party employer to be in child labour and to suffer its consequences.

Age verification documents include a government recognised photographic identification document, where available.

Examples of remediation are: procedures to assist underage workers found to be working; to ensure the children are taken out of the work site, parents/guardians are informed, medical testing to assess physical and mental health is conducted; and the unit of certification ensures that the children are enrolled in school.

6.5 There should be a clear policy developed in consultation with staff and workers, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded.

These policies should include education for women and awareness of the workforce. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. This committee, which should include representatives from all areas of work, will consider matters such as: training on women's rights; counselling for women affected by violence; child care facilities to be provided by the unit of certification; women to be allowed to breastfeed up to nine months before resuming chemical spraying or usage tasks; and women to be given specific break times to enable effective breastfeeding.

For 6.5.3: The Gender Committee can support the assessment.

Adequate space and paid breaks should be provided to enable mothers with infants 24 months or younger to breastfeed or express and store breast milk with privacy.

6.6 Migrant workers should be legalised, and a separate employment agreement should be drawn up to meet immigration requirements for foreign workers and international standards. Any deductions made should not jeopardise a DLW.

Workers may voluntarily want to have their passports or identity documents held by the management for safekeeping purposes. In such cases, the documents should be returned to the workers upon request. There should be evidence of due diligence in applying this to all sub-contract workers and suppliers. National guidance should be used on contract substitution.

Workers should enter into employment voluntarily and freely, without the threat of a penalty, and should have the freedom to terminate employment without penalty given reasonable notice or as per agreement. This is in accordance with ILO conventions: Forced Labour Convention, 1930 (No. 29); Protocol of 2014 to the Forced Labour Convention, 1930 (P029); Abolition of Forced Labour Convention, 1957 (No. 105) ; Forced Labour Recommendation, 2014 (No. 203)

The specific labour policy should include:

- Statement of the non-discriminatory practices
- No contract substitution
- Post-arrival orientation programme to focus especially on language, safety, labour laws, cultural practices etc.
- Decent housing to be provided in accordance with national law or in their absence ILO Recommendation 115

Fees related to recruitment and hiring of migrant workers

## Principle 7: Protect, conserve and enhance ecosystems and the environment

Criterion	GUIDANCE
7.1	<p>The unit of certification should apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals. Native species should be used in biological control where possible.</p> <p>In specific cases for the control of pests and diseases by fire, as per regulations, there should be evidence of prior approval of the controlled burning as specified by the relevant authorities in the 'Guidelines for the Implementation of the ASEAN Policy on Zero Burning' 2003, or comparable guidelines or regulations in other regions.</p>
7.2	<p>The RSPO has identified some examples of alternatives to pesticide and herbicide use, which include those listed in the 'Research project on Integrated Weed Management Strategies for Oil Palm', CABI, April 2011.</p> <p>Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to Independent Smallholders.</p> <p>The justification should consider less harmful alternatives and IPM. Justification of the use of such pesticides will be included in the public summary report. Measures to avoid the development of resistance (such as pesticide rotations) should be applied. Due diligence is understood as the process through which enterprises should identify, assess, mitigate, prevent and account for how they verify the emergency use of pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, which are banned from use in RSPO, except in very specific situations. The nature and extent of due diligence will be affected by factors such as the size of the area where the pesticides should be applied, the context and location of the application, the nature of products or services, and the severity of actual and potential adverse impacts which will be caused by the use of the high hazardous pesticides.</p> <p>The due diligence should refer to:</p> <ol style="list-style-type: none"> <li>a) Judgment of the threat and verify why this is a major threat</li> <li>b) Why there is no other alternative which can be used</li> <li>c) Which process was applied to verify that there is no other less hazardous alternative</li> <li>d) What the process is to limit the negative impacts of the applications</li> <li>e) Estimation of the timescale of the application and which steps are taken to limit the application to a singularity.</li> </ol>

Recognised best practice includes: storage of all pesticides as prescribed in the 'FAO International Code of Conduct on the distribution and use of pesticides' and its guidelines and supplemented by relevant industry guidelines in support of the International Code (see Annex 3).

**Guidance Note for Indicator 7.2.4** (There is no prophylactic use of pesticides, unless in exceptional circumstances, as identified in national best practice guidelines)

Note:

Central Insecticides Board and Registration Committee (CIBRC) is administered by the Ministry of Agriculture, Government of India under the Insecticides Act, which was passed in 1968 to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risks to human beings and animals and for other matters connected therewith.

<http://www.ppgs.gov.in/divisions/cib-rc/about-cibrc>

7.3

The waste management and disposal plan should include measures for:

- Improving the efficiency of resource utilisation and recycling potential wastes as nutrients or converting them into value-added products (e.g. through animal feeding programmes).
- Appropriate management and disposal of hazardous chemicals and their containers. Surplus chemical containers should be reused, recycled or disposed of in an environmentally and socially responsible way using best available practices (e.g. returned to the vendor or cleaned using a triple rinse method), in such a way that there is no risk of contamination of water sources or risk to human health. The disposal instructions on the manufacturers' labels should be adhered to.

The unit of certification is encouraged to improve the waste management in surrounding neighbourhoods.

Where there are no options for non-toxic and non-hazardous domestic waste collection by local government services, landfills may be required as a solution for disposal.

Where landfills are used, these should follow appropriate guidelines, which includes being:

- Only for domestic and household waste, where inorganic waste is minimised
- Located away from water sources, people and communities, and outside conservation areas
- Properly covered, with clear demarcation and signage to avoid disturbance.

7.4 Long-term fertility depends on maintaining the structure, organic matter content, nutrient status and microbiological health of the soil. Nutrient efficiency should take account of the age of plantations and soil conditions. The nutrient recycling strategy should include any use of biomass for by-products or energy production and should drive to minimise in-organic fertiliser use.

7.5 Techniques that minimise soil erosion are well known and should be adopted, where appropriate. These should include practices such as ground cover management, biomass recycling, terracing, and natural regeneration or restoration instead of replanting.

7.6 These activities can be linked to the SEIA (see Criterion 3.4) but need not be done by independent experts.

Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development.

Soils requiring appropriate practices should be identified (see Criteria 7.6 and 7.7). This information should be used to plan planting programmes, etc.

Measures should be planned to minimise erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc.

Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation should be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criteria 7.6 and 7.7).

Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location.

Information should be collected on soil suitability by the unit of certification if planning to purchase FFB) from potential developments of Independent Smallholders in a particular location. The unit of certification should assess this information and provide information to Independent Smallholders on soil suitability, and/or in conjunction with relevant government/public institutions and other organisations (including NGOs) provide information in order to assist Independent Smallholders to grow oil palm sustainably.

7.7 The unit of certification is encouraged to map the peatlands within the supply base to enable monitoring and promotion of BMPs.

For Indicator 7.7.3: For existing plantings on peat, the water table should be maintained at an average of 50 cm (between 40 cm and 60 cm) below ground surface unless required to be higher by national regulations, measured with groundwater piezometer readings, or an average of 60 cm (between 50 cm and 70 cm) below ground surface as measured in water collection drains, through a network of appropriate water control structures (e.g. weirs, sandbags, etc.) in fields, and watergates at the discharge points of main drains.

For Indicator 7.7.3: Monitoring of subsidence should be undertaken in all drained peat areas in the plantation including areas adjacent to the plantation where water tables may be impacted by drainage associated with the plantation.

7.8 The water management plan should include:

- Consideration of relevant stakeholders, their water use, and water resource availability
- Taking account of the efficiency of use and renewability of sources
- Ensuring that the use and management of water by the unit of certification does not result in adverse impacts on other users within the catchment area, including local communities and customary water users
- Aiming to ensure local communities, workers and their families have access to adequate, clean water for drinking, cooking, bathing and cleaning purposes
- Avoiding contamination of surface and ground water through runoff of soil, nutrients or chemicals, or as a result of inadequate disposal of waste including POME.

Refer to the 'RSPO Manual on BMPs for the management and rehabilitation of riparian reserves' (April 2017).

Where national regulations do not specify mill effluent requirements or discharge quality, these should be defined at NI level.

7.9 Renewable energy use per tonne of CPO or palm product in the mill should be monitored and reported.

Direct fossil fuel use per tonne of CPO or FFB should be monitored.

Energy efficiency should be taken into account in the construction or upgrading of all operations. The unit of certification should assess the direct energy use of their operations, including fuel and electricity, and energy efficiency of its operations. This should include estimation of fuel use by on-site contract workers, including all transport and machinery operations.

The feasibility of collecting and using biogas should be studied where relevant.

7.10 The unit of certification should only establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas (including rubber and tree crops), which the current users are willing to develop into oil palm.

Plans prepared by the unit of certification should specify actions to be taken to reduce GHG emissions including for example, adopting low-emission management practices for both mills (e.g. better management of palm oil mill effluent (POME), efficient boilers etc.) and plantations (e.g. optimal fertiliser use, energy efficient transportation, good water management, restoration of peatlands and conservation areas). Reference can be made to the RSPO Compilation of BMPs to Reduce Total Emissions from Palm Oil Production. This Criterion covers plantations, mill operations, roads and other infrastructure including access and perimeter canals and roads.

7.11 Extension/training programmes for smallholders may be necessary.

7.12 For Indicator 7.12.2

HCV assessments conducted as part of integrated HCV-HCS assessments, should follow the HCVRN procedures, using HCVRN ALS approved assessors for HCV assessments for new plantings, in line with the current version of the Common Guidance on HCV Identification provided by the HCVRN or national HCV toolkits.

NIs of the globally-applicable HCV definitions may be used to assist with implementation of the HCVA. The globally-applicable HCV definitions provided in the Common Guidance take precedence in any cases where a conflict is perceived with a NI.

Where landscape level HCV and/or HCS maps have been developed, these should be taken into account in project planning, whether or not such maps form part of government land useplans.

Further guidance for implementation of 'wider landscape-level considerations' and other natural ecosystems will be developed by the BHCV WG. This will include reference to Key Biodiversity Areas (KBAs), which are identified under a Global Standard (IUCN 2016) and should be identified through an HCV assessment.

For Indicator 7.12.4

Refer to relevant guidance documents on RSPO and HCVRN websites.

The integrated management plan should be developed in collaboration with other stakeholders active in that landscape before and during the project implementation. It should be adaptive to changes in HCVs. Evidence of attempted collaboration efforts should be documented and available. Such collaborative plans and areas should include but are not limited to:

- Identifying, protecting and/or enhancing forest connectivity important for biodiversity, ecosystem services, or watershed protection

- Minimising hydrological impacts to the landscape related to or arising from drainage systems and access roads or canals linked to the plantation
- Ensuring that any legal requirements relating to the protection of species or habitats are met
- Avoiding damage to and deterioration of HCV habitats, for example by ensuring that HCV areas are connected, corridors are conserved, and buffer zones around HCV areas are created
- Protecting and managing other conservation areas including watercourses and wetlands, peatlands, riparian zones, steep slopes
- Controlling any illegal or inappropriate hunting, fishing or collecting activities, and encroachment
- Developing responsible measures to resolve human-wildlife conflicts (e.g. incursions by elephants).

For Indicator 7.12.5

Decisions will be made in consultation with the affected communities. Areas required by affected communities to meet their basic needs, taking into account potential positive and negative changes in livelihoods resulting from proposed operations, should be identified in consultation with the communities and incorporated into HCV and HCS assessments and management plans.

The unit of certification should consider a variety of land management and tenure options to secure HCV management areas in ways that also secure local peoples' rights and livelihoods. Some areas are best allocated to community management and secured through customary or legal tenures; in other cases, co-management options may be considered.

Where communities are asked to relinquish rights so that HCVs can be protected or enhanced by the companies or state agencies, then great care needs to be taken to ensure that communities retain access to adequate land and resources to secure their basic needs; all such relinquishment of rights must be subjected to their free, prior and informed consent.

For Indicator 7.12.7

Refer to HCVRN Common Guidance for HCV Management and Monitoring document

### Annex 3 – Key international laws and conventions applicable to the production of palm oil

The following is a listing of the key international laws and conventions applicable to the production of palm oil which with the ratification/signatory status for India. The RSPO P&C strive to achieve international best practice so all RSPO members must comply with the relevant parts of the P&Cs where they refer to the standards and/or conventions even if they have not been ratified nationally. Nonetheless, utmost care has been taken to prepare the below listing and ratification/signatory status of India against the International laws & conventions but the following listings are to be considered as non-exhaustive and merely serve as guidance. So, Each member shall conduct their own research in respect of laws currently in force in ensuring compliance with the same and in meeting the obligations expected of a Member under the RSPO Principal and Criteria.

Theme	Referenced in following P&C	International Standards			Key Provisions	Summary of Protection	India Signatory (s) or Ratified (R)
		Convention	Declaration	Guiding Principles/ UN Outcome Documents			
<b>Ethical Business Conduct</b>	1.1 1.2 2	United Nations Convention against Corruption (2000)			Art 12	Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct, for business activities and preventing conflict of interest. Promoting transparency. Ensuring that companies have sufficient internal auditing controls to prevent	Ratified (10 May 2011)



- Convention on the Elimination of All Forms of Racial Discrimination (CERD)	
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Ratified (9 July 1993)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Not ratified
- Convention on the Rights of the Child (CRC)	Ratified (1994)
- International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW)	Not Ratified
- Convention for the Protection of All Persons from Enforced Disappearance (CPED)	Ratified (Dec

		- Convention on the Rights of Persons with Disabilities (CRPD)				2006)
<b>Just Land Acquisition</b>	4	ILO Convention 169 (1989) on Indigenous and Tribal Peoples		Art 13-19	Respect and safeguard rights to lands and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury.	Not ratified
	4		UN Declaration on the Rights of Indigenous Peoples (2007)	Art 25-26	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources.	Ratified (2007)
	4	UN Convention on Biological Diversity (1992)		Art 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.	Ratified (18 Feb 1994)
<b>Public Participation of Affective Communities</b>	4.5 4.5		Rio Declaration on Environment and Development (1992) and Agenda 21	Principle 10	Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. Principle 10 combines public participation with public access to information and access to remedial procedures. According to	Adopted  No Signature required as it is a legally non-binding statement not a treaty

					<p>Agenda 21, one of the fundamental principles for the achievement of sustainable development is broad public participation in decision-making. Both Agenda 21 and the Rio Declaration emphasise the importance of the participation of all major groups, and special emphasis has been given, including in legally binding international instruments, to ensuring participation in decision-making of those groups that are considered to be politically disadvantaged, such as indigenous peoples and women.</p>	
<b>Fair Representation and Participation of Indigenous and Tribal People</b>	4.2 4.4 4.5. 4.6	ILO Convention 169 (1989) on Indigenous and Tribal Peoples		Art 6-9	<p>Self-representation through institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve their</p>	Not ratified

				offences according to customary law (compatible with international laws).	
	4.4-4.8	UN Declaration on the Rights of Indigenous Peoples (2007)	Art 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development.	Ratified (2007)
	4.4 4.5 4.7	UN Declaration on the Rights of Indigenous Peoples (2007)	Art 10, 11(2), 19, 28(1), 29(2) and 32(2)	Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.	Ratified (2007)
<b>No Forced Labour</b>	2.2 6.6	ILO Convention 29 (1930) Forced Labour	Art 5	No concession to companies shall involve any form of forced or compulsory labour.	Ratified (30 Nov 1954)  Not ratified
	6.6	ILO Convention 105 (1957) Abolition of Forced Labour	Art 1	Not make use of any form of forced or compulsory labour.	Ratified (18 May 2000)
<b>Protection of Children</b>	6.4	ILO Convention 138 (1973) Minimum Age	Arts 1-9	Abolition of child labour and definition of national minimum age for labour not	Ratified (13 <sup>th</sup> June 2017)

				less than 15-18 years (depending on occupation).		
	6.4	ILO Convention 182 (1999) Worst Forms of Child Labour		Arts 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.	Ratified (13 <sup>th</sup> June 2017)
	6.4	Minimum Age (Agriculture) Convention 1921 (No.10)		Art 1-2	Applicable to children under the age of 14 outside the hours of attendance in school.	Not Ratified
	6.4 6.5		UN Declaration on the Rights of Indigenous Peoples (2007)	Art 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children.	Ratified (2007)
<b>Freedom of Association and Collective Bargaining</b>	6.3	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise		Art 2-11	Freedom to join organisations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.	Not ratified

6.3	ILO Convention 98 (1949) Right to Organise and Collective Bargaining	Art 1-4	Protection against anti-union acts and measures to dominate unions; establish means for voluntary negotiation of terms and conditions of employment through collective agreements.	Not ratified
6.3	ILO Convention 141 (1975) Rural Workers' Organisations	Art 2-3	Right of tenants, sharecroppers and smallholders to organise; freedom from association; free from interference and coercion.	Ratified (18 Aug 1977)
6.3	International Covenant on Economic, Social and Cultural Rights (1966)	Art 8 (1)	The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organisation concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are	Ratified (10 April 1979)

				necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.	
6.3	Collective Bargaining Convention, 1981 (No 154)		Art 1, 2, 3(2), 4, 5,7. 8	Promotion of the right to collective bargaining.	Not ratified
6.3	Workers Representative Convention 1971 (No 135)		Art 1-3	Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.	Not ratified
<b>Non-discrimination</b>	6.1 ILO Convention 100 (1951) Equal		Art 1-3	Equal Remuneration for men and	Ratified (25 Sep 1958)

and Equal Remuneration	Remuneration	women for work of equal value.	Ratified (3 June 1960)
6.1	ILO Convention 111 (1958) Discrimination (Employment and Occupation)	Art 1-2	Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
6.1	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 2, 8(e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	No discrimination based on origin or identity; free to express identity based on custom; special attention to and full protection of rights of indigenous women.
6.1	ILO Convention 156 (1981) Workers with Family Responsibility	Art 1-5, 7-10	No discrimination of any form against a worker, whether male or female with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating

				in or advancing in economic activity.	
2.2	ILO Convention on Private Employment Agencies 1997 (No. 181)		Art 1,2,4-12	Concerns the protection of workers which are employed with the intention of making the services of these workers available to third parties.	Not ratified
6.1	ILO Convention on Vocational Rehabilitation and Employment (Disabled Persons) 1983 (No. 159)		Art 1-4,		Not ratified
6.1	International Covenant on Economic, Social and Cultural Rights (1966)		Art 7	Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work. Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no	Ratified (10 April 1979)

				considerations other than those of seniority and competence;	
<b>Elimination of Harassment and Abuse in Workplace</b>	6.5	Convention on the Elimination of All Forms of Discrimination against Women	General Recommendation 35	of the private sector, including businesses and transnational corporations, efforts to eradicate all forms of gender-based violence against women; developing protocols and procedures addressing all forms of gender-based violence that may occur in workplace or affect women workers, including effective and accessible internal complaints procedures.	Ratified (9 July 1993)
<b>Just Employment for Migrants</b>	2.2 6.6	ILO Convention 97 (1949) Migration for Employment		Provision of information; no obstacles to travel; provision of healthcare; non-discrimination in employment; accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.	Not ratified

	6.6	ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)	Art 1-12	Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour.	Not Ratified
	2.2 6.6	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	Art 11; 21; 25; 26	Prevention of slavery; forced and compulsory labour; on confiscation of identify documents; conditions of work and contractual terms; and freedom of association and right to join trade unions.	Not ratified
<b>Protection of Plantation Workers</b>	6.1	ILO Convention 97 (1949) Migration for Employment	Art 5-91	Protection of members of families of recruited workers' rights during recruitment and transport; fair employment contracts; abolition of penal sanctions; fair wages and conditions of work; no coercion or obligation to use company stores; adequate accommodation and	Not ratified

				conditions; maternity protection; compensation for injuries and accidents; freedom of association; right to organise and collective bargaining; proper labour inspection; decent housing and medical care.	
	6.2	ILO Convention No 11 Rights of Association (Agriculture) 1921	Art 1	All those who work in the agricultural sector to be accorded the same rights of association and combination as to industrial workers	Ratified (11 May 1923)
	6	ILO Convention on Plantation (1958) (No. 110)	Art 1,2,5,7,8, 11,12-15	This convention relates to rights of workers and their families (including migrant workers) who have been recruited to work on plantations.	Not Ratified
<b>Protection of Women's Rights to Work</b>	6.1	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)	Art 11	Right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to	Ratified (9 July 1993)

				<p>receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;                  Right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.</p>	
6.1	Maternity Protection Convention 2000 (No. 183)		Art 9	<p>Prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work.</p>	Not ratified
6.5 6.7	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)		Art 11 (f)	<p>The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.</p>	Ratified (9 July 1993)

	6.5	Maternity Protection Convention 2000 (No. 183)		Art 10	A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.	Not ratified
<b>Protection of Tenants and Sharecroppers</b>	4.2		ILO Recommendation 132 (1968) Tenants and Sharecroppers	Art 4-8	Fair rents; adequate payment for crops; provisions for well-being; organisation; fair contracts; procedures for the settlement of disputes.	Not Ratified
<b>Protection of smallholders</b>	5	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)		Art 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards	Not Ratified
<b>Health and Safety</b>	3.6 6.7	ILO Conventions 184 (2001) Safety and Health in Agriculture		Art 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety with respect to	Not ratified

				workplaces, machinery equipment, chemical tools and processors; ensure dissemination of information, appropriate training, supervision and compliance; special protection for youth and women workers; coverage against occupational health and disease.	
	3.6 6.7	ILO Convention on Invalidity Insurance (Agriculture) 1933 (No.38)	Art 1-6, 13, 17, 20,23	Maintenance of a scheme for invalidity Insurance for workers.	Not ratified
	6.1 6.2	Convention on Maternity Protection 2000 (No. 183)	Art 2-4	Maternity Protection and benefits	Not ratified
<b>Control or Eliminate the use of Dangerous Chemicals and Pesticides</b>	7.2	Stockholm Convention on Persistent Organic Pollutants (2001)	Arts 1-5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (eg Aldrin, Chlordane PCB); restrict production and use of chemicals in Annex B (eg DDT); reduce or eliminate releases of chemicals listed in Annex C (eg Hexachlorobenze).	Ratified (24 May 2005)

	7.2	Rotterdam Convention on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)		Art 1, 5, and 6	Curb trade banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides.	Accession (24 May 2005)
			UN Declaration on the Rights of Indigenous Peoples (2007)	Art 21(1), 23, 24, 29(3)	Improvement of livelihood and sanitation, health and housing, participate in health delivery; maintain traditional health systems; effective monitoring of health.	Ratified (2007)
		ILO Convention No 148 on Working Environment (Air, Pollution, Noise and Vibration) 1977		Art 1-3	Provides for measures which should be taken to	Not Ratified
		ILO Convention No 170 on Chemical Convention 1990		Art		Not Ratified
<b>Right to Food</b>	6.2	International Covenant on Economic, Social and Cultural Rights (1966)		Art 11	Right to adequate standard of living, including right to food.	Ratified (10 April 1979)
<b>Environmental</b>	3.4	UN Convention		Art. 14	Environmental impact	Ratified (18 Feb

<b>Protection</b>	on Biological Diversity (1992)		assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimising such effects and, where appropriate. allow for public participation in such procedures.	1994)
<b>Conservation of Biodiversity</b>	Conservation of Biodiversity	Art 1 – 18	Conservation of biological diversity and the sustainable use of its components.	Ratified (18 Feb 1994)
<b>GHG Emissions</b>	7.10	Art 1-4	Aimed at stabilising atmospheric concentrations of greenhouse gases to avoid “dangerous anthropogenic interference, including in agricultural sector.	

## **Annex 4 – Implementation procedure for Indicator 2.3.2**

Where the unit of certification has smallholder suppliers, for existing RSPO certified mills, the time requirement to fulfil this Criterion for all their smallholder suppliers is three years from [15 November 2018]. For mills that are not yet certified/ mills going for first year of certification, the time requirement is three years from initial point of certification for their smallholder suppliers.

## Annex 5 – Transition from HCV to HCV–HCS Assessment

Criterion 7.12 requires that new land clearing after 15 November 2018 (i.e. adoption of the P&C at GA15) must be preceded by an HCV-ACS assessment. The Task Force recognises that there is an array of scenarios, in which HCV assessments have previously been undertaken and have been approved or are in the process of approval. This Annex shows how the new requirements apply in different scenarios of existing and new certifications, with and without new land clearing.

### NO NEW LAND CLEARING SCENARIOS:

- Existing certified plantations, with valid HCV assessment approved before 15 November 2018
  - o Going for recertification → HCV assessment is acceptable
  - o Replanting → HCV assessment is acceptable
- Existing plantations, not yet certified at 15 November 2018, going for initial certification
  - o Without existing ALS Approved HCV Assessment → New combined HCV-HCS required
  - o With valid ALS approved HCV assessment → ALS Approved Assessment acceptable
    - Where certification is pending, as of 15 November 2018, because it has been held up by RACP or HGU processes, previous approved HCV assessment (RSPO and ALS approved), if they are not older than January 2009<sup>1</sup>, will be accepted.
  - o HCV assessment submitted to ALS but pending approval before 15 November 2018
    - If passes ALS process, then the approved HCV assessment is acceptable;
    - If fails ALS process, new combined HCV-HCS assessment required
  - o Replanting → ALS approved HCV is acceptable

### NEW LAND CLEARING SCENARIOS:

- In new plantations and in existing uncertified units, land clearing after 15 November 2018
  - o Without existing HCV assessment → New combined HCV-HCS required
  - o HCV assessment conducted, but not yet submitted to ALS before 15 November 2018 → New combined HCV-HCS required
  - o HCV Assessment submitted to ALS but pending approval before 15 November 2018
    - If passes ALS process, then the approved HCV assessment is acceptable;
    - If fails ALS process, new combined HCV-HCS assessment required
  - o NPP initiated by 15 November 2018 and HCV assessment conducted and passes ALS before 15 November 2018 → ALS Approved HCV assessment is acceptable
- In existing certified plantations (certified before 15 November 2018), with land clearing after 15 November 2018 → New combined HCV-HCS required
  - o If area to be cleared is exclusively pasture, infrastructure, agriculture or monocrop tree plantations which have not been abandoned for more than three years → valid HCV assessment + LUCA to demonstrate that no clearing of native vegetation occurred without prior HCV assessment is acceptable.

<sup>1</sup> The date for first published list of RSPO-approved HCV assessors.

## Annex 6 – Related laws, regulations & guidelines used in Indian palm oil industry in relation to respective Principles and Criteria

Criteria	Related Laws, Regulations & Guidelines
1.1	<ul style="list-style-type: none"> <li>• Right to Information Act, 2005</li> <li>• Andhra Pradesh Oil Palm Act, 1993</li> <li>• Telangana State Oil Palm Act, 2014</li> <li>• Mizoram Palm Oil Act (2004)</li> <li>• Karnataka Oil Palm Act, 2013</li> <li>• Prevention of Corruption Act, 1988 (No. 49 of 1988)</li> </ul>
1.2	<ul style="list-style-type: none"> <li>• Andhra Pradesh Oil Palm Act, 1993</li> <li>• Telangana State Oil Palm Act, 2014</li> <li>• Mizoram Palm Oil Act (2004)</li> <li>• Karnataka Oil Palm Act, 2013</li> <li>• Prevention of Corruption Act, 1988 (No. 49 of 1988)</li> <li>• Essential commodities act 1955</li> </ul>
2.1, 2.2, 2.3	<ul style="list-style-type: none"> <li>• Andhra Pradesh Oil Palm Act, 1993</li> <li>• Telangana State Oil Palm Act, 2014</li> <li>• Mizoram Palm Oil Act (2004)</li> <li>• Karnataka Oil Palm Act, 2013</li> <li>• The land acquisition act, 1894 - PRS</li> <li>• Andhra Pradesh Land Reforms (Ceiling On Agricultural Holdings) Act, 1973</li> <li>• Karnataka Land Revenue Act, 1964</li> <li>• The Nagaland Jhumland Act, 1970 Complete Act - Bare Act</li> <li>• Indian forest act 1927</li> <li>• The Environment(Protection) Act, 1986</li> <li>• The Forest Conservation Act, 1980</li> <li>• Constitution of India (Article 19 &amp; 31)</li> </ul>
3.1, 3.2, 3.2, 3.4, 3.5, 3.6, 3.7	<ul style="list-style-type: none"> <li>• Andhra Pradesh Oil Palm Act, 1993</li> <li>• Telangana State Oil Palm Act, 2014</li> <li>• Mizoram Palm Oil Act (2004)</li> <li>• Karnataka Oil Palm Act, 2013</li> <li>• The Environment(Protection) Act, 1986</li> <li>• The Forest Conservation) Act, 1980</li> <li>• The Protection of Civil Rights, 1955,</li> <li>• Equal Remuneration Act, 1976</li> <li>• Minimum wages act 1948</li> <li>• Child Labour (Prohibition and Regulation) Act, 1986</li> <li>• Rehabilitation and Resettlement Act, 2013</li> </ul>
4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8	<ul style="list-style-type: none"> <li>• Andhra Pradesh Oil Palm Act, 1993</li> <li>• Telangana State Oil Palm Act, 2014</li> <li>• Mizoram Palm Oil Act (2004)</li> <li>• Karnataka Oil Palm Act, 2013</li> <li>• Basic Human Rights by <b>Constitution of India</b></li> <li>• The Protection of Civil Rights, 1955</li> <li>• Essential commodities act 1955 (regarding Punishment to Miller)</li> </ul>

<b>5.1, 5.2</b>	<ul style="list-style-type: none"> <li>• Andhra Pradesh Oil Palm Act, 1993</li> <li>• Telangana State Oil Palm Act, 2014</li> <li>• Mizoram Palm Oil Act (2004)</li> <li>• Karnataka Oil Palm Act, 2013</li> <li>• Essential commodities act 1955 (regarding Punishment to Miller)</li> </ul>
<b>6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7</b>	<ul style="list-style-type: none"> <li>• Andhra Pradesh Oil Palm Act, 1993</li> <li>• Telangana State Oil Palm Act, 2014</li> <li>• Mizoram Palm Oil Act (2004)</li> <li>• Karnataka Oil Palm Act, 2013</li> <li>• Prevention of Corruption Act, 1988 (No. 49 of 1988)</li> <li>• Minimum wages act 1948</li> <li>• Child Labour (Prohibition and Regulation) Act, 1986</li> <li>• Payment of Bonus Act 1947</li> <li>• The Protection of Civil Rights, 1955,</li> <li>• Equal Remuneration Act, 1976</li> <li>• Maternity Benefit (Amendment) Act, 2017</li> <li>• The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979</li> <li>• The Trade Union Act of 1926</li> <li>• The Equal Remuneration Act of 1976</li> <li>• The Bonded Labour System (Abolition) Act of 1976</li> <li>• Societies Registration Act, 1860</li> <li>• Kerala Agricultural Workers Act, 1974</li> </ul>
<b>7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11</b>	<ul style="list-style-type: none"> <li>• The Nagaland Jhumland Act, 1970 Complete Act - Bare Act</li> <li>• Indian forest act 1927</li> <li>• The Environment(Protection) Act, 1986</li> <li>• The Forest Conservation) Act, 1980</li> <li>• Water (Prevention and Control of Pollution) Act, 1974</li> <li>• The Wildlife Protection Act, 1972;</li> <li>• Air (Prevention and Control of Pollution) Act, 1981</li> <li>• Indian Easement Act of 1882.(for ground water)</li> <li>• Indian constitution – article 21, 48 A, 51 A(g) –water law</li> <li>• Protection of Plant Varieties and Farmers' Rights Act, 2001 (PPVFR).</li> <li>• Engineering Approval Committee. Under the EPA 1986 “Rules for Manufacture, Use, Import, Export and Storage of Hazardous Microorganisms/Genetically Engineered Organisms or Cells 1989”, GEAC is responsible for granting permits to conduct experimental and large-scale open field trials and also grant approval for commercial release of biotech crops.</li> <li>• The Insecticides Act, 1968 and Insecticides Rules, 1971</li> <li>• Central Insecticides Board and Registration Committee (CIBRC)</li> <li>• Food Safety and Standards Authority of India (FSSAI)</li> </ul>