



October 2024

Independent Review of the Implementation of RSPO Labour Auditing Guidance

About Proforest Initiative

Proforest is a mission-driven organisation. We believe that agricultural commodity production can be done in a way that meets global demand and works for the natural environment where commodities are grown, benefits the people who live and work there, and in a way that creates a resilient climate.

We manage grant-funded programmes through our charitable Proforest Initiatives in the UK, Africa and Brazil. The Proforest Group has more than twenty years of practical experience in supporting governments, companies, communities and partners, to establish responsible production and sourcing practices in Asia, Africa, Latin America and the Caribbean, Europe and North America.

We focus on the production base and supply chains of agricultural and forestry commodities including soy, sugar, rubber, palm oil, cocoa, coconut, beef and timber. We use our understanding of production and supply chain activities built through working with companies to inform our work with governments, landscapes and sectoral initiatives.

Conversely, our programmes enable a longer-term engagement that can build a supportive environment where companies can engage with other stakeholders or collaborate with each other to scale impact.

We support this foundation of governance through creating and facilitating multi-stakeholder platforms; developing tools and guidance; providing policy advice; and delivering training to build capacity and ensure local benefits and local ownership of issues in the places commodities are produced.

Visit our website to see an [overview of projects](#) we've worked on and to [meet our global team](#).
You can also find training and resources on the [Proforest Academy](#).



Suggested citation:

Smalley, R., Daldeniz, B., Reboah, C., Timme, L., 2024. **Independent Review of the Implementation of RSPO Labour Auditing Guidance.** Report for RSPO.

Proforest Initiative

South Suite, Frewin Chambers,
Frewin Court, Oxford OX1 3HZ
United Kingdom

E: info@proforestinitiative.org

T: +44 (0) 1865 243439

Proforest Initiative is a registered charity in England and Wales (Charity no. 1137523) and a company registered in England and Wales (Company no. 7293440).

Contents

Contents.....	2
1. Introduction.....	11
2. Methodology	13
2.1 Introduction.....	13
2.2 Desk review	13
2.3 Interviews.....	14
3. Review of the LAG as a guidance document	16
3.1 Introduction.....	16
3.2 Contents	16
3.3 Format.....	16
3.4 Language	18
3.5 Alignment with other RSPO documents	20
4. Review of the coverage of the LAG against good practices. Part 1: review framework.....	31
4.1 Introduction.....	31
4.2 General approach to the audit.....	32
4.2.1 Preparation.....	32
4.2.2 Balance between interviews, physical inspection and checking documents.....	33
4.2.3 Techniques for uncovering ‘non-visible’ labour issues	34
4.2.4 Gender sensitivity	36
4.2.5 Duration of audit.....	37
4.3 Interviews.....	39
4.3.1 Who to interview	39
4.3.2 Sampling.....	40
4.3.3 Individual versus group interviews	43
4.3.4 Duration of interviews	44
4.3.5 What to ask during interviews	44
4.3.6 Trust, honesty and protection	45
4.3.7 Interviewing union interviewees and other stakeholders	47
4.4 Physical inspection and reviewing documents.....	48
4.5 Reaching and acting on conclusions	51
4.5.1 Interpreting labour indicators.....	51
4.5.2 Triangulation and evidence thresholds	51
4.5.3 Acting on serious labour rights abuses	54
4.6 Closing meetings	54
4.7 Relating to over-arching findings of ISEAL study.....	56

4.7.1	Audit deception	56
4.7.2	Independence and integrity.....	58
4.7.3	Auditor competence.....	58
4.7.4	Continuous improvement.....	60
4.7.5	Worker inclusion.....	62
5.	Review of the coverage of the LAG against good practices. Part 2: findings.....	63
5.1	Introduction.....	63
5.2	General approach to the audit.....	69
5.3	Interviews.....	70
5.4	Physical inspection and reviewing documents.....	76
5.5	Reaching and acting on conclusions	77
5.6	Relating to over-arching findings of ISEAL study	78
6.	Opinions on using the LAG.....	83
6.1	Introduction.....	83
6.2	Positive feedback.....	83
6.3	Adjustments for CBs.....	84
6.4	Initial research and desk review	84
6.5	Increased audit days and costs	86
6.6	Thoughts on making the LAG mandatory	88
7.	Conclusions and recommendations	92
7.1	Challenges in the audit system	92
7.2	Reflections on the LAG and making it mandatory	92
7.3	Over-arching recommendations	93
7.4	Concrete recommended actions	102
	References.....	108
	Annex 1. Review of LAG and RSPO Certification Systems document against list of good practices from the literature	112
	Annex 2. Recommended changes to the LAG	126
	Annex 3. Recommended changes to Certification Systems	140

Executive Summary

Background to the study

The RSPO developed the *RSPO Labour Auditing Guidance* (LAG) with the aim of enhancing assessment components and improving the capacity of auditors to evaluate labour and other social aspects. The guidance in the LAG is voluntary, but stakeholders have expressed the desire to explore the potential for making some or all of the guidance in the LAG mandatory for auditors and Certification Bodies (CBs) to follow. The RSPO Secretariat duly commissioned Dr Rebecca Smalley and Proforest to conduct an independent review in order to gather valuable inputs, identify gaps and assess the feasibility of possible mandatory implementation of the LAG.

Methodology

A desk-based review was conducted, comprising the literature on labour auditing and a scan of comparable labour auditing guidance published by 10 other standards bodies. This led to the development of a framework detailing good labour auditing practices, which was used as a benchmark to systematically review the LAG. The LAG was also evaluated against the 2018 P&C Principle 6¹. To gather opinions on the LAG, Proforest conducted telephone interviews with representatives of 17 organisations covering auditors, CBs, palm oil producers, other standards bodies, labour unions and NGOs.

Labour auditing guidance reviewed from other standards bodies		Organisations interviewed	
1	4C	1	4C (standards body)
2	Better Cotton	2	SIZA (Sustainability Initiative South Africa) (standards body)
3	Cotton Made in Africa	3	ASI (accreditation body)
4	Fair Trade	4	Better Cotton (standards body)
5	Fair Wear Foundation	5	BSI (certification body)
6	GoodWeave	6	CNV (NGO)
7	Rainforest Alliance	7	Control Union (certification body)
8	SIZA (Sustainability Initiative South Africa)	8	Fedepalma (palm oil growers association)
9	SMETA	9	Forest Peoples Programme (NGO)
10	Trustea	10	Hukatan (labour union)
		11	IGC (producers organisation)
		12	Oxfam (NGO)
		13	Independent palm oil auditor from Malaysia

¹ Note that the revised standard has not yet been approved by the GA at the time of finalisation of this report

Labour auditing guidance reviewed from other standards bodies	Organisations interviewed	
	14	Palmas Montecarmelo (palm oil producer)
	15	Rainforest Alliance (standards body)
	16	SCS Global (certification body)
	17	SGS (certification body)

Summary findings

Review of the LAG as a guidance document

A review of the format and structure of the LAG found that it is generally logically structured and clearly written. Some improvements to the visual layout and signposting could be made. The formatting and language of the LAG are very different from that of the Certification Systems document, a normative document which contains rules for CBs and auditors to follow. Some interviewees raised concerns about possible duplication and overlap between the LAG and Certification Systems, as well as the RSPO audit checklist and the Principles and Criteria themselves. Several interviewees did not view the LAG as a handbook and perceived it rather as an additional or even competing set of auditable requirements, and indeed the analysis of the 2018 P&C Principle 6 confirmed that in several instances the LAG goes beyond. There may need to be some clarification among producers and other stakeholders of why it is useful to provide example interview questions within a guidance document, and how those example questions relate to both the P&C indicators and the aspects for checking in the audit checklist.

Review of the coverage of the LAG against good practices

The framework built based on the literature review and comparison with the guidelines of other standards bodies reveals several areas where the LAG is either missing guidance or falls short of what is optimally advised for auditing labour issues. These are categorised into the following groups:

General approach to the audit

There is scope for the LAG to provide more guidance on how auditors should balance their time between checking documents, site inspection and interviews; on investigating so-called non-visible labour issues such as harassment, gender discrimination or forced labour; on gender-sensitive auditing methods; and identifying in advance any high-risk or high-priority labour issues at the site.

Interviews

The LAG provides good guidance on aspects to consider when selecting workers to interview, but it could help audit teams to decide which worker characteristics to prioritise when devising the sample. Audit teams could be given more guidance on consulting stakeholders on labour issues and encouraged to interview labour providers.

Insights from interviewees and the literature highlight the importance for auditors to gain the trust of workers and to shield them from possible reprisals from employers. Some provisions of the LAG demonstrate a commitment to protecting workers who participate in interviews, but more measures could be introduced on safeguarding within the RSPO auditing system. The LAG allows for auditors to travel to interview sites alongside company staff and discourages auditors from conducting interviews off site, which are both sub-optimal practices.

Physical inspection and reviewing documents

The LAG contains useful guidance for auditors to use when checking documents and inspecting premises during the audit. However, it would be useful to set some rules or guidance for how worker records should be sampled, in order to reveal possible discrepancies between the treatment of male and female workers, or local and migrant workers, for example.

Reaching and acting on conclusions

Activists and researchers have reported that labour issues often go undetected or unreported in sustainability audits because auditors are unclear on what constitutes non-compliance and what evidence they can accept, particularly when translating the general requirements of a standard for a local context. We found that the RSPO and its partnering CBs could offer more guidance to help ensure consistent interpretation of labour-related indicators by individual auditors; and describe any exceptions to requirements for data triangulation for corroborating sensitive labour non-compliances.

Auditor competence

It was frequently raised in interviews that recruiting auditors with the required competence for assessing Principle 6 compliance within RSPO audits is a major challenge for CBs. It could be argued that the requirement in the Certification Systems document for audit team members to have three years of relevant field experience and only 10 days of auditing experience, needs to be improved upon. But if the RSPO does increase the minimum level of experience and qualified required, it may be difficult for CBs to comply. Arguably, this is all the more reason for the RSPO to provide guidance via the LAG, to help inexperienced auditors and auditors who do not specialise in labour issues. Interviewees also stressed the need for professional training in labour issues and human rights, gender-sensitive auditing and focus group facilitation.

Opinions on using the LAG

Interviewees from three CBs said they were pleased that the LAG has been developed. They felt that the LAG provides clarification, helps audit teams prepare and could be a resource for auditors who are not social specialists within the team.

Part of the scope of this study was to review how CBs have been implementing the LAG since it was endorsed in 2022. This was difficult, since we did not identify many CBs or auditors that have used the LAG for audits yet. However, representatives from one CB and one producer in Latin America gave their feedback on using it. The CB reported that they took around eight months to structure their RSPO auditing process to meet the new guidelines. Feedback suggests that the desk review

phase now takes longer and that the additional documentation that Management Units are required to send was off-putting for some producers.

Overall, the feedback from the interviews was that if auditors conduct RSPO audits according to the guidance laid down in the LAG, the process will take longer than previously and require more 'audit days' and possibly more auditors. For the producer in Latin America, the CB sent three auditors instead of two originally planned and the audit took place over four days, rather than the usual two or three, yet the producer said that there was still not enough time to cover all bases properly and include all interviews needed. The CB reported that their costing has increased, and they have had to explain to clients why they have raised prices.

Generally speaking, the interviewees of civil society that we interviewed would like to see all of the LAG guidance become mandatory, while the CBs and producers had more mixed opinions, with some interviewees suggesting that only certain elements of the LAG should be enforced. Despite the challenges, the CBs felt that making some of the LAG normative would be the only way to help strengthen the auditing process and restore some credibility to the RSPO certification process. However, some of the interviewees suggested that some auditors would need dedicated labour auditing training, or at least already be experts in labour auditing, before they could follow the LAG properly. In a similar vein, it was noted that smaller producers may need some additional resources or capacity-building support to comply with the requirements to submit information for desk review.

Conclusions

The study has gathered opinions from stakeholders and information from reports on current challenges for labour auditing within the RSPO certification system.

There is insufficient availability of qualified and experienced auditors for interviewing workers and assessing worker-related documents. There is a lack of trust in the rigour and independence of RSPO audit teams in some contexts. Interviewees in Latin America described the challenges faced by auditors in that region when assessing compliance with labour indicators, given that the underlying assumptions of the P&C do not often reflect the common situation on the ground. Within the current guidance for how long a certification audit should take, there are already concerns that auditors cannot spend enough time interviewing workers, consulting stakeholders or, possibly, sufficiently analysing worker records.

Managers from three CBs that we interviewed all welcomed the introduction of more guidance on labour auditing through the LAG. While certain expectations for how RSPO audits should be conducted are given in the Certification Systems document, the LAG goes further in providing a labour auditing methodology for the RSPO system and addressing some of the 'grey areas' that are currently left open to interpretation.

However, the experiences of the one CB already implementing the LAG and of a producer that underwent an audit using the LAG methodology, suggest that in its current form, the LAG is adding somewhat to the time pressures faced by auditors and producers and increases the costs for the audit.

There are also concerns that the LAG has introduced things for auditors to check which go beyond the requirements of the Principle 6 indicators. Partly this is due to a lack of clarity and understanding over the guidance in the LAG and how it relates to indicators and aspects of the RSPO audit checklist.

We propose that the RSPO should strongly consider making some elements of the LAG mandatory, in order to improve the standard of labour auditing within the RSPO certification system and bring RSPO into line with other standards bodies. But we also recommend that consultation and sensitisation with CBs and producers is undertaken first, and that nothing is made mandatory until consequences for audit duration and cost are assessed.

Recommendations

The final chapter of the report lays out some concrete recommendations for next steps.

1. Improve the content of the LAG

This could include:

- Adding requirements or making existing requirements stricter;
- Providing more advice and guidance on labour auditing;
- Improving the formatting and presentation of the LAG, to make it easier to use;
- Clarifying some of the language;
- Improving consistency between the processes laid out in the LAG and the processes already established in Certification Systems.

These changes could help to make audits more gender-sensitive, more time-efficient and more effective in detecting labour issues; ensure more meaningful inclusion of workers in the auditing process; maintain confidentiality of workers who participate; and reduce the risk of audit deception.

2. Mandatory elements of the LAG and RSPO document ecosystem integration

2.1 Consider which aspects of the LAG should become mandatory

We recommend categorising the amended guidance provided in the LAG into three categories:

- Make mandatory as soon as possible;
- Aim to make mandatory within a defined period of time (e.g. 2 years) following further consultation and capacity-building;
- Should remain as voluntary advice and guidance.

2.2 Clarify how the LAG should fit within the ecosystem of documents

Although the Certification Systems is a cross-cutting document while the LAG is intended to focus on labour auditing, in practice there is not enough distinction between the two documents and there are areas of overlap. We suggest two options:

1. Keep the LAG as a labour-specific document, but elevate it to a procedure document, with the mandatory elements clearly marked as such and the guidance elements clearly marked as guidance.

2. Move mandatory requirements for labour auditing to the Certification Systems document (or another appropriate place, e.g. as indicators in P6), and make the LAG more of a guidance document or manual, which can be linked to RSPO training materials on labour auditing.

The second seems the timelier option as currently RSPO is revising the Certification Systems document and developing a new curriculum for the P&C Lead Auditor.

3. Develop protocols and support resources for auditors

The following protocols and resources would give CBs more support and improve the consistency and quality of RSPO audits:

- Lists of stakeholders for main countries and regions to consult in regard to labour issues (tbd by National Interpretations).
- Guidance on how stakeholder consultations should be conducted and advice for auditors to deal with difficult situations with stakeholders.
- Suggestions for online sources to find information for the initial research or finding ongoing conflicts and grievances to inform the risk assessment.
- Guidance on how to better integrate findings from desk reviews into audit reports.
- A protocol for auditors to provide contact details to workers.
- Advisory channels and calibration mechanisms to support audit teams to reach conclusions.
- Clear procedures for auditors to respond if access to workers, documents or physical premises are blocked by the Management Unit before or during the audit.

4. Wider changes and initiatives

If the RSPO plans to encourage wide take-up and implementation of the LAG by CBs, and to make some of the LAG normative or mandatory, then some wider pieces of work should be undertaken.

First, it will be necessary to plan how the RSPO will verify that CBs and auditors are following the (mandatory) LAG or labour auditing requirements. The RSPO could draw on the experience from other standards bodies as described in this report.

We strongly recommend that the RSPO conduct further stakeholder consultation to try to find solutions to the tricky subjects of (a) auditors being accompanied by company staff and travelling in company vehicles when visiting estates and other sites in the field; and (b) conducting some interviews with workers off-site.

There is a pressing need to consider how the additional expenses involved in conducting RSPO audits using the LAG guidance will be met. It may be necessary for the RSPO to develop models for managing the increased cost of audits that will ensue from implementing a more rigorous labour auditing methodology. For example, the possibility of a Shared Responsibility mechanism could be explored, and tiers of producers based on size of operation and administrative capacity could be established.

At the same time, with the intention of minimising the cost impacts of introducing a more rigorous labour auditing methodology, the RSPO should consider how to make the scope of RSPO certification audits more focused, so that auditors have to cover less ground, for example by covering all major but only a percentage of minor indicators in each surveillance audit with full coverage throughout the certification cycle

The RSPO should continue to offer and develop in-depth auditor training which covers techniques in labour auditing and promotes understanding among auditors of labour issues. It is vital to promote training of more female auditors for social or labour auditing. As part of the oversight processes for CBs, the RSPO could consider introducing metrics or KPIs to verify that CBs are making efforts to recruit and train female auditors. The RSPO should also develop and provide training in gender-sensitive auditing techniques.

1. Introduction

The *RSPO Labour Auditing Guidance* (LAG) was endorsed by the RSPO secretariat in 2022. It is a handbook for auditors to use when assessing palm oil producers against Principle 6 of the RSPO standard, 'Respect Workers' Rights and Conditions'. The LAG was developed by the RSPO secretariat with two main purposes in mind:²

1. Enhance assessment components;
2. Improve auditors' capacity to evaluate labour and other social aspects.

Development of the LAG involved substantial stakeholder input over a period of several years.

Together with relevant requirements in the RSPO Certification Systems document, the LAG forms a methodology for CBs and audit teams to follow.

The guidance in the LAG is voluntary, but the secretariat wishes to explore the potential for making some or all of the guidance in the LAG mandatory for auditors and Certification Bodies (CBs) to follow. The RSPO duly commissioned Proforest to conduct an independent review in order to gather valuable inputs, identify gaps and assess the feasibility of possible mandatory implementation of the LAG, as well as evaluate the LAG itself in terms of its ability to support the implementation of Principle 6 of the RSPO P&C and current best practice in labour auditing.

The terms of reference for the review describe the following tasks:

- Conduct a comprehensive review of the LAG to grasp its objectives, requirements and audit expectations.
- Identify and address gaps, inconsistencies and areas of ambiguity in the LAG used by CBs and provide recommendations for improvement.
- Evaluate the applicability of the LAG to different organisations, including small and medium-sized enterprises.
- Review how CBs implement the audit process as outlined in the LAG, including the scope, methodology and evaluation criteria.
- Analyse the strengths and weaknesses of the auditing process within the LAG and provide recommendations for improvement.
- Consider the broader context and challenges of the RSPO certification process and explore how the LAG can better support certification audits.
- Examine any gaps between Principle 6, 'Respect Workers' Rights and Conditions', in P&C 2018 and future P&C 2023 (upon endorsement³) and propose enhancements to the LAG, particularly related to audit methodologies.

This was incorporated into the review. Additionally, upon discussion with the Secretariat, a broader review on improving labour auditing practises was carried out with a view to providing recommendations beyond changes to the LAG. The results of the review are presented in this report. The report is structured as follows. Chapter 2 briefly describes the methodology used for the review,

² According to LAG Socialisation Report (RSPO secretariat, 2023).

³ Note that endorsement is still pending at time of finalisation of the report

including a series of interviews with stakeholders. Chapter 3 presents a review of the LAG as a guidance document. Chapter 4 presents a framework for reviewing the coverage of best practices in labour auditing of the LAG, based on a review of the literature, while Chapter 5 presents the results of the review of the LAG against that framework. Chapter 6 considers opinions on using the LAG and experiences of CBs in its early implementation. The report ends with Chapter 7, which presents recommendations for improvement.

In the report, we have highlighted information from the stakeholder interviews in green. Sources from the literature which discuss the RSPO in particular are highlighted in orange.

Throughout the report we use the phrase 'labour auditing'. This is taken to mean a form of assessment where independent auditors evaluate working conditions and respect for labour rights in a workplace, in order to assess if the employer is compliant with a set of standards relating to labour. A labour audit is time-bound and short in duration (typically lasting a few days) and usually involves a physical visit by the auditors to the workplace, in combination with prior desk review of relevant documents. Some people use the alternative phrase 'social auditing', although this can be used more widely to describe assessments against standards relating to other socio-economic aspects such as land rights or community relations. Auditing on labour and other topics is often used within a certification system such as that of the RSPO as the method for verifying compliance with a standard before the entity can be successfully certified.

2. Methodology

2.1 Introduction

The review began with a desk-based exercise involving:

- Review of the literature on labour auditing;
- Scan of comparable labour auditing guidance published by other voluntary standards bodies;
- Review of CB feedback.

This led to the development of a framework detailing good audit practices, which we used as a benchmark to systematically review the coverage of the LAG. It also provided a structure for us to use in interviews with stakeholders.

A separate desk-based exercise involved reviewing the LAG in terms of its status as a handbook or guidance document.

2.2 Desk review

We built on the study by Daldeniz and Smalley conducted in 2023 for ISEAL Alliance (Proforest Initiative, 2023), which reviewed the literature on labour auditing in the agriculture, fisheries and garments sectors. Information was taken from 39 studies published between 2013 and 2023 that gathered qualitative or quantitative data on labour auditing for both private-sector buyers and voluntary standard schemes. The review found widespread evidence for audit deception and some of the other difficulties that are commonly encountered in labour auditing, such as a lack of skilled and specialist labour auditors, difficulties in gaining the trust of workers and adequately safeguarding them from employer reprisals, and a tendency for auditors to overly rely on a checklist approach at the expense of a deeper investigation into the root causes of labour issues.

Some of the findings were associated with the textiles and garments industries, but the literature did reveal some challenges common to agriculture. One difficulty is that many agricultural standards, including the RSPO P&C, cover not only labour but also environmental and community requirements. This places pressure on auditors and has sometimes meant that audit teams lack labour specialists and the capacity and skills to interview workers adequately. It was noted from the studies that agricultural standards were often criticised by study respondents and the authors themselves for not providing sufficient guidance to auditors. This is interesting, since the LAG is an effort by the RSPO secretariat to start to address the need for labour auditing guidance and tackle the wider issue of auditor capacity.

For the present review, additional studies were included with a view to identifying best practice in labour auditing. We focused on identifying good practices as opposed to common problems, in order to construct a 'best practice' review framework against which to consider the LAG. However, we did also consider findings and opinions on some of the weaknesses in labour auditing systems – including from literature sources that specifically discussed RSPO certification audits. This helped us to understand the broader context and challenges of the RSPO certification process, as outlined in the request for proposals for this review. We used expert judgement and cross-referencing multiple sources to decide on which particular practices should be considered as 'good practices'.

As part of this desk review, we also reviewed a series of equivalent or comparable labour audit guidance documents from other voluntary sustainability standards (see Table 1 below). Again this was with the purpose of identifying good practices in labour auditing, but it also gave us something to compare the LAG against when considering its format and structure as a guidance document. We focused on (a) agricultural standards, so that they would be relevant to RSPO, and (b) standards in the garments and textiles sector, which has suffered many challenges but also pioneered many innovations in social auditing.

Please see Chapter 0 for a full list of references.

Table 1. **Labour auditing guidance published by other standards bodies, reviewed for this study**

Standard	Guidance documents
4C	<i>4C System Regulations</i> <i>4C Certification Body Regulations</i>
Better Cotton	<i>Better Cotton Assessment Process</i> <i>Better Cotton Assurance Manual</i>
Cotton Made in Africa	<i>CMiA Assurance Manual</i>
Fair Trade	<i>Fairtrade International Requirements for Assurance Providers</i> <i>Fairtrade International Oversight Procedure</i>
Fair Wear Foundation	<i>Fair Wear Audit Manual</i>
GoodWeave	<i>GoodWeave International Certification Methodology</i> <i>GoodWeave International Licensing and Certification Policy</i>
Rainforest Alliance	<i>Auditing Rules</i> <i>Certification Rules</i>
SIZA (Sustainable Agriculture in South Africa)	<i>Social (Ethical) Audit Process & Methodology</i> <i>Audit Oversight Monitoring & Evaluation Policy for Audit Firms / Auditors</i>
SMETA	<i>Sedex Members Ethical Trade Audit (SMETA) Best Practice Guidance</i>
Trustea	<i>System Assurance Protocol</i>

2.3 Interviews

Telephone interviews were held with representatives of 18 organisations during June–September 2024. An individual interview lasted between 45 – 60 min and key perspectives expressed were captured in writing to later be used for feeding into the content presented in this report. The organisations were selected following discussions with the RSPO. The intention was to interview a range of stakeholders with an interest in the LAG, including not only auditors and CBs but also palm oil producers and NGOs. We also interviewed people from other standards bodies to get their

insights into developing labour auditing guidance and making it mandatory. The list of organisations covered in the interviews is provided in Table 2 below.

Table 2. **Organisations interviewed for this study**

	Organisation	Country where interviewee(s) is based
1	4C (standards body)	Germany
2	SIZA (Sustainability Initiative South Africa)	South Africa
3	ASI (accreditation body)	UK
4	Better Cotton (standards body)	UK
5	BSI (certification body)	Thailand
6	CNV (NGO)	Netherlands
7	Control Union (certification body)	Malaysia
8	Fedepalma (palm oil growers association)	Colombia
9	Forest Peoples Programme (NGO)	United Kingdom
10	Hukatan [Federasi Serikat Buruh Kehutanan, Perkebunan dan Pertanian Serikat Buruh Sejahtera Indonesia] (labour union)	Indonesia
11	IGC (producers organisation)	Indonesia
12	Oxfam (NGO)	Guatemala
13	Palm oil assessment and auditing consultancy	Malaysia
14	Palmas Montecarmelo (palm oil producer)	Colombia
15	Rainforest Alliance (standards body)	The Netherlands
16	SCS Global (certification body)	United States
17	SGS (certification body)	Indonesia

3. Review of the LAG as a guidance document

3.1 Introduction

This chapter presents a review of the LAG in terms of its format and structure. Here we are not considering the actual content or coverage of the guidance, but more the useability of the LAG as a guidance document. The chapter is divided as follows:

- Format
- Language
- Alignment with other RSPO documents

The chapter addresses the following requests from RSPO for the review:

Conduct a comprehensive review of the LAG to grasp its objectives, requirements and audit expectations

Identify and address gaps, inconsistencies and areas of ambiguity in the LAG used by CBs, and provide recommendations for improvement

3.2 Contents

The LAG covers the following areas:

- Information-gathering at application stage (Section 1)
- Audit planning (Section 2)
- Initial research (Section 2.3)
- Desk review, with information and documents to be included (2.4)
- Sampling for workers, with sample tables showing how information on workers can be gathered (Section 2.5)
- Use of interpreters (paragraph 2.5.8, paragraph 3.1.1.A.i, paragraph 3.4.6, paragraph 3.4.1)
- Stakeholder consultation (Section 2.6)
- Opening meeting (Section 3.1)
- How interviews should be conducted (paragraph 3.1.1.E.iv , Section 3.4)
- Safeguarding workers (paragraph 3.1.1.C.i, Section 3.1.1.E, Section 3.4)
- Auditor independence (paragraph 3.3.1)
- Triangulation (paragraph 3.2.1)
- Information-gathering (Section 3.2)
- Site inspection (Section 3.3)
- Closing meeting (Section 3.4)
- Record-keeping (Section 4)

3.3 Format

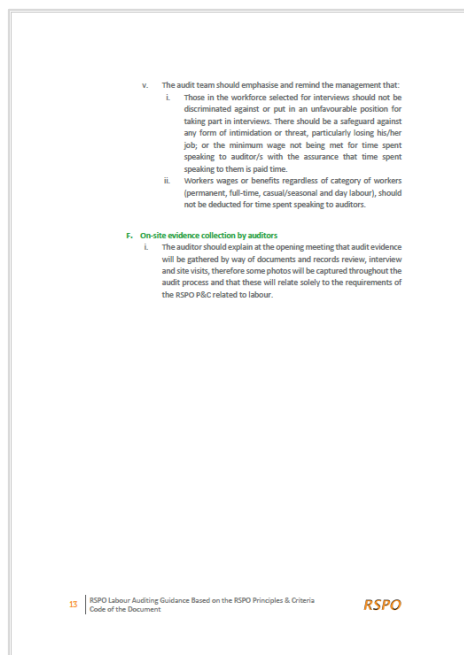
The LAG is 37 pages long. The guidance is mostly presented as a series of numbered requirements (1.1, 1.2, etc); but there is also a box on pages 3–6 listing the documents to be requested for the

desk review; a long box on pages 15–28 with suggested document checks, site observations and example interview questions for each P&C Criterion; templates for gathering worker information and calculating samples; and a guidance box with good practices for worker interviews on page 30. This variation of formatting makes the document a little inconsistent and hard to follow.

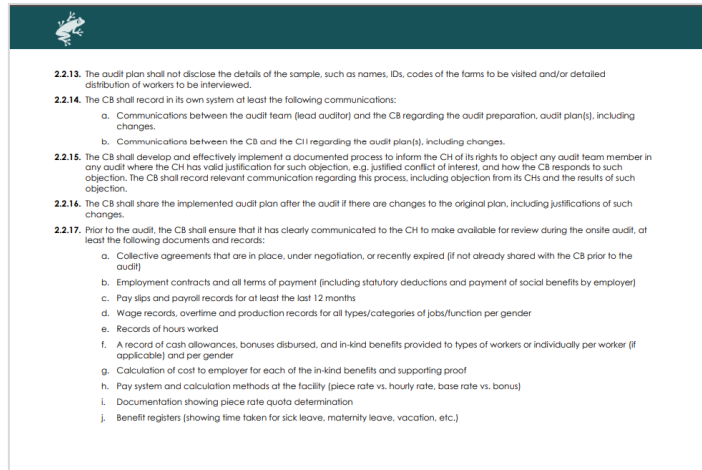
The format of the LAG was not discussed in detail in the interviews. However, the interviewee from SGS noted that they did not always find the format easy to follow. They commented that the content jumps and is not all in one place, and so suggested that it would be good to streamline the guidance.

Another formatting aspect that hinders the useability of the document is how the numbering of the requirements is presented. The LAG uses cascading levels to number its requirements. For example, requirement 3.1 is actually a subject heading (“Opening meeting”), and all of the requirements under this subject are numbered in sub-categories underneath, such as requirement “3.1.1. D.i” concerning logistical arrangements for the audit. Because the LAG uses so many of these multi-level numbers and because of the way they are visually presented, it is easy to lose track of which subject heading they fall under. Furthermore, some entries could be re-numbered. Section 3.1 on opening meetings contains a note on where interviews are conducted, which could be moved to a separate section.

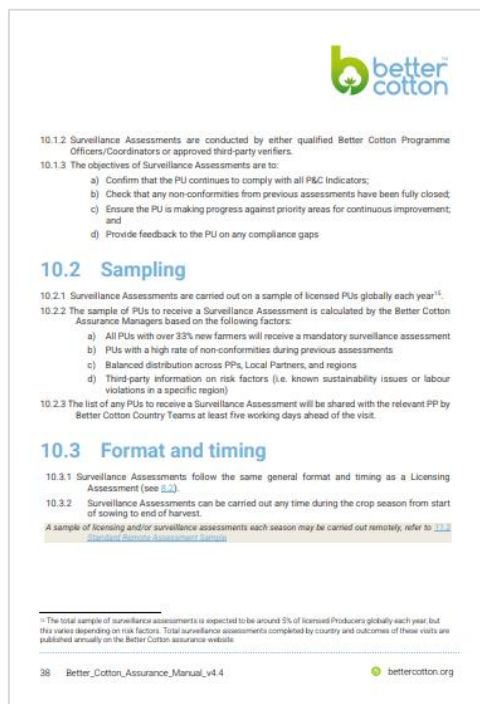
This image from page 13 of the LAG shows requirement F.i. It is difficult to know that this requirement ultimately relates to subject 3.1, “Opening meeting”.



Rainforest Alliance also uses multi-level numbers in the *Auditing Rules*, which can be confusing, but the full number is given each time (e.g. “2.2.15”) so it is easier to know which section the requirement falls under. As shown in the following image:



Or, in this example from the *Better Cotton Assurance Manual*, multi-levels are also used but the sections are shorter, so that again, it is easier to navigate one’s place within the document:



There is an error with numbering in the LAG where both the ‘Interviews with workers’ and ‘Closing meeting’ sections are numbered 3.4.

3.4 Language

The English language of the LAG is generally clear and consistent within the document. The LAG typically uses the word “should” in giving the guidance to CBs. For example:

“At the audit plan development stage, the CB **should** pay special attention to specific requirements to ensure all labour conditions and processes are adequately captured in the entire audit process” (2.1).

Occasionally, different wording is used:

“The auditors **shall** always ensure strict compliance with the safety rules set by the local authority and/or the Management Unit.” (3.3.2)

“To obtain preliminary information on the Management Unit that will be audited, the CB **is required** to conduct a desk review” (2.2.1)

“The sample calculation **is based on** the square root of the total number of workers at each audit site of the Management Unit” (2.5.3)

Sometimes, the requirement is softened by qualifying language:

“The CB **should consider** allocating a minimum of one to two (1-2) assessment days to carry out the desk review” (2.4.1).

“**As a general guideline**, the CB should estimate an allocation of at least twenty (20) minutes ... per sampled interviewees” (1.4)

“Once the sample has been determined, **the intent should be** for the auditor to interview 50% of sample workers individually and 50% in groups” (2.5.7)

“To ensure independence, the audit team **at their level best** should avoid using vehicles owned by the Management Unit” (note on page 12)

“A triangulation methodology **is recommended** to obtain more accurate and conclusive results” (3.2.1)

This wording was no doubt carefully chosen by the secretariat when drafting the LAG. However, the language will need to be made more consistent and precise if the RSPO wishes to make certain requirements mandatory and distinguish them from recommendations in future. Other schemes often use the word “shall” or “must” in their mandatory guidance. For example:

“During any 4C audit, the 4C auditor **must** carry out a risk assessment of the 4C Unit to be audited” (mandatory requirement of 4C, from section 4.6 of its *Certification Body Regulations*)

“**It is recommended that** the cooperating CBs have a gender-balanced audit team during 4C on-site audits” (non-mandatory recommendation of 4C, from section 4.4 of its *Certification Body Regulations*)

For the SA8000 standard, SAI uses the term “shall” to denote a requirement, in contrast to “may”, which denotes a permission.

In general, the language of the LAG is formal for the numbered requirements. It is possible to provide mandatory guidance in a non-numbered, more discursive style. The image below gives an example of this discursive style from the Better Cotton Assessment Process document:

3.5. Workers Interview

KEY POINTS TO REMEMBER	<ul style="list-style-type: none">• Key component of the assessment is to understand the status of the Producer in relation to Decent Work• Includes one-on-one interviews and/or focus group discussions• Interviews should be carried out with different categories of workers• PU Managers/Farm Managers, Field Facilitator, IP Representatives (or anyone else who may compromise the workers' ability to answer freely) must not be present during interviews• Workers should be reassured that findings will be anonymised, and their name will not be shared back in any final report to the PU or farm manager
-------------------------------	--

A representative sample of workers (when applicable) from all production areas should be selected for interviewing. It is important to interview as many female workers and workers who look young or particularly vulnerable as possible. In some countries it is culturally very difficult, and sometimes may be impossible, for male verifiers to interview female workers. In such cases, audit teams should when possible, include a female member to allow for interviews to be conducted. Where this is not possible, support from the Producer should be required (e.g. conducting the interview with a female facilitator while remaining mindful of the potential conflict of interest this may present).

Under no circumstances should farmers, PU staff, or PP representatives play any role in the selection of workers to be interviewed. The assessor should interview an appropriate sample of workers to provide confidence that an accurate picture of workplace practices is obtained. At least 25% of all workers on each farm (in case of medium farms and large farms) and at least 6 – 12 per village (in case of LG) should be interviewed, where this number of workers is present. These interviews can be a combination of individual interviews and focus group discussions (see Annex on conducting interview and focus group discussions for more detailed guidance).

3.5 Alignment with other RSPO documents

The LAG is intended to complement other documents that should be used by Certification Bodies and auditors in the RSPO certification process – in particular the P&C, the audit checklist and the Certification Systems document. According to the RSPO's wording, each of these documents has a distinct purpose:

- **Principles and Criteria for the Production of Sustainable Palm Oil (P&C):** A standard for the production of sustainable palm oil, as set out in a set of Principles, Criteria and Indicators.
- **Certification Systems:** Sets out the requirements for the systems that shall be followed in the implementation of certification against the requirements of the P&C and/or its National Interpretations.
- **Audit checklist:** The main objective of this checklist is to provide the list of questions to be checked by the auditors during the audit.
- **LAG:** The intent of this document is to improve auditability of labour requirements of the RSPO P&C and provide CBs with a clear methodology that ensures a consistent system and approach to plan and execute RSPO P&C audits.

During the interviews, some concerns were raised about possible duplication and overlap between the LAG and the other system documents. Mainly, these were concerns of producer members of the IGC. They felt that the LAG was introducing a new set of checks, rather than being a guide to support auditing of the existing P&C requirements. The interviewee from one producer company said, "We don't want to come up with a bible within a bible; we have the P&C so why don't we combine the LAG within that?" There are a few reasons for these concerns.

Reason 1: Possible overlaps in coverage

The interviewees' concerns highlight potential areas of overlap between the RSPO documents. An example given by the interviewee from Control Union is that guidance on stakeholder consultation,

provided in the LAG, is already included in the Certification Systems document. We compared the coverage of the four RSPO documents, and our findings are shown in Table 3 below.

Table 3. Comparison of coverage of four RSPO system documents

● = fully covered, ○ = covered somewhat

Topic	P&C and guidance in annex	Audit checklist	Certification Systems	LAG
Criteria	●			
Indicators	●			○
Aspects for auditors to check	○	●		○
Requirements for CBs			●	
Conflicts of interest			●	
Auditor independence				●
Auditor qualifications and competence			●	
Complaints about auditors			●	
Use of interpreters			●	●
Application review			●	
Audit planning			○	●
Initial research				●
Desk review				●
Duration of audit			●	○
Opening meeting			○	●
Closing meeting			○	●
Stakeholder consultation			○	●
Sampling: sites			●	
Sampling: workers				●
Length and nature of interviews				●
Interviews and interview questions				●
Guidance on documents to check	○	○		●
Site inspection				●
Triangulation				●
Safeguarding workers				●
Procedure for non-compliances			●	
Audit report			●	
Record-keeping				●
Peer review			●	
Certification process			●	

As Table 3 shows, the document that is closest to the LAG is the Certification Systems document. This contains several requirements which are pertinent to how audits are carried out:

- Conflicts of interest for auditors (Section 4.6, 'Impartiality and conflict of interest')
- Auditor qualifications and training (Section 4.8, 'Resource requirements')
- Mechanism for complaints about auditors (Section 4.10, 'Feedback mechanisms and complaints process')
- **Use of interpreters** (Section 4.8.8)
- **Reviewing applications for certification** (Section 5.2, 'Information for applications and application review')
- Duration of audit (paragraph 5.2.3 and paragraph 5.3.6)
- **Audit planning** (Section 5.3, 'Initial certification audit planning')
- Procedure for the audit (Section 5.4, 'Procedure for the initial certification audit process')
- **Opening meeting** (paragraph 5.4.3)
- **Closing meeting** (paragraph 5.4.7)
- Visiting labour providers (paragraph 5.4.5)
- **Stakeholder consultation** (paragraph 5.6.5)
- Sampling for estates (Section 5.7, 'Sampling for RSPO P&C certification')
- Non-compliances (Section 5.9, 'Addressing major and minor non-compliances')
- Audit report (Section 5.10 and Annex 3)
- Surveillance audits (Section 5.13, 'Annual surveillance audits')
- Recertification audits (Section 5.14, 'Recertification audits')
- Peer review (Annex 4)

There is some overlap between the LAG and Certification Systems in a few of those areas (these are highlighted in bold above). Whereas the LAG uses mixed language, the Certification Systems requirements are worded consistently as requirements using "shall", and the paragraph numbering and formatting is clearer than in the LAG.

The LAG covers some of the same areas as the Certification Systems document in order to provide additional requirements that are specifically related to labour. However, some of the LAG requirements are generic, not labour specific. For example, the section on stakeholder consultation in the LAG does not cover labour-related stakeholders in particular, it simply gives guidance on consulting stakeholders in general. Furthermore, since many of the topics covered in the LAG are adjacent to topics in the Certification Systems document, it is not immediately clear why they are in the LAG as guidance rather than part of the certification rules in Certification Systems. For example, rules for sampling estates are given in Certification Systems, but guidance for sampling workers is given in the LAG.

The LAG does provide softer advice and guidance, which is different from the strict rules given in Certification Systems document. This includes LAG Section 3.2, with general guidance including on harassment and child labour; the long table in Section 3.2 contains guidance on information-gathering with documents to review and things to check in documents, things to observe during the site visit and questions to ask during interviews; and LAG Section 3.4 on interviewing workers.

As for the audit checklist: this has a distinct function of listing aspects for auditors to check, in order to assess compliance with each indicator. The audit checklist is different from the LAG, in that it does not typically list actual documents to check or questions to ask in interviews. However, there is a small amount of overlap, as Table 3 shows. One could argue that it is a form of guidance and falls within the scope of the LAG, although it covers all areas of the P&C, not just Principle 6 on labour.

Reason 2: Another checklist?

Even though the LAG was designed with a distinctive purpose, the way that it is formatted and presented means that there are now three types of checklists in table format for auditors and CBs to use within the RSPO system in relation to Principle 6:

1. The list of indicators in the P&C;
2. The list of aspects to check in the audit checklist;
3. The list of documents to check, aspects to check during site visits and example interview questions in section 3.2 of the LAG.

This could be problematic for two reasons. First, it may create either confusion or a sense of overwhelm among auditors, and a practical problem of how to manage the checklists during an audit in the field. Secondly, it could add to the perception of an audit being overly driven by checklists and a ‘tick-box exercise’. This is a common criticism of sustainability certification audits (RSPO Secretariat, 2021b, p.9) and was a concern of some of the IGC members. Checklists can be a useful tool for auditors and help to ensure consistency and thoroughness in how audits are conducted. However, critics have claimed that there is an overreliance on checklists, which damages auditing as a method for detecting labour rights abuses. According to critics of social auditing, checklists are emblematic of a certain mentality or approach whereby auditors are too inflexible in their questioning, and more concerned with compliance than with deeply investigating working conditions and dynamics (Clean Clothes Campaign, 2019; Burlon, 2021). As two critical researchers put it: “A Director of a UK audit firm told us that the majority of audits are ‘not trying to find things out, they’re trying to prove that something is not there’” (LeBaron & Lister, 2016, p.4). When holding interviews with workers, auditors are sometimes advised against following a list of interview questions too closely, and instead to aim for a more naturally flowing conversation (Elevate, 2022). Sticking too closely to a checklist can discourage auditors from trying to understand contextual and causal factors that lie behind or connect labour issues (Partner Africa, 2022, p.16). An example of this was provided by an interviewee for this study, who described a need for better social auditing training among some of the RSPO auditors he worked with. He told us: “Audits are all mechanistic, it’s a checklist. Most auditors will prompt workers – ‘Are you happy with the company? Yes or no’. It should be a process that forces auditors to ask workers questions, not prompt them” (see section 5.3 below).

Simply changing the format of lists from a list in a table to a bullet-proof list in the main text, could be one way to make the LAG more user-friendly and make it seem like less of an inflexible checklist.

Reason 3: Going beyond P&C indicators?

There were concerns from IGC members that what auditors are recommended to check through documents, site inspection or interviews in section 3.2 of the LAG is inconsistent with, or goes beyond, the equivalent requirement of the P&C.

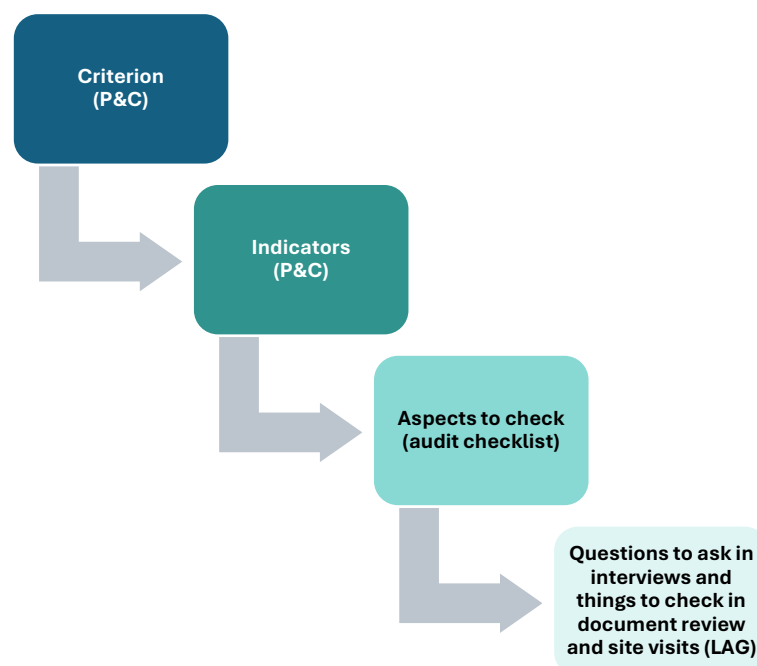
- One interviewee was upset that in the LAG, auditors are advised to compare the percentage of dismissals and resignations of female workers with the equivalent percentage for male workers. This is guidance to help auditors assess compliance with Criterion 6.1, 'Discrimination'. The reason for this advice is presumably that if a disproportionately high percentage of women or men have been dismissed, let us say, it could indicate to the auditor that there may be workplace discrimination against that gender, which could be investigated further. However, the IGC member was upset because dismissals and resignations are not mentioned in any of the indicators for Criterion 6.1 in the P&C.
- Another excerpt from the LAG that the IGC interviewee objected to was advice to compare pay slips of local and migrant workers, again to help with the assessment of Criterion 6.1, 'Discrimination'. The interviewee commented, "Why they [auditors] must ask it? Wages are based on length of work, type of work, etc. Meanwhile, the indicator only wants to ensure that the workers are paid wages for labourers of the same scope." (The interviewee was referring to P&C indicator 6.1.6, 'There is evidence of equal pay for the same work scope'.) It is clear that the advice in the LAG is trying to help auditors identify possible evidence for discrimination of migrant workers, in this case if they are paid less than local workers. But the advice does not tally exactly with the P&C wording.
- A third example is the advice in the LAG for auditors to check if separate restrooms for men and women are made available. This falls within the section of the guidance to help auditors assess compliance with Criterion 6.5, 'Harassment and Protection of Reproductive Rights'. Now, experts in gender equality in work would point out that female workers often lack private restrooms and that unisex toilets can be a site of gender-based harassment and violence (e.g. BSR, 2018b, p.2; Partner Africa, 2022, p.7). Therefore this advice in the LAG is helpful for assessing the risk of gender-related harassment in the workplace. However, it is not a requirement of any of the indicators for Criterion 6.5 in the 2018 P&C that employers should provide gender-segregated restrooms.

Thus, it could be interpreted that the LAG gives guidance for auditors to assess and verify compliance with the Criteria but not necessarily the related indicators – and therefore that the LAG is going beyond what the P&C requires. This is potentially a drawback with using specific indicators to define an overarching requirement; in this case, the requirement in Criterion 6.1 that 'any form of discrimination is prohibited'. What should auditors do if they uncover evidence which points to workplace discrimination but does not correspond to any of the six indicators of discrimination provided for in the P&C?

According to the LAG, the contents of the table were developed using the TÜV Rheinland Audit Questionnaire used in the Field test, Verite Fair Hiring Toolkit and BSR Gender Equality in Social Auditing Guidance. Perhaps the advice on verification in the LAG has become too detached from the

specificities of the RSPO standard being audited. And/or, it may suggest that the LAG, which was developed a few years after the RSPO P&C 2018, is perhaps more aligned with the latest understanding of what a workplace that ‘respects workers’ rights and conditions’ looks like and how it should be verified. There is also perhaps here an issue with the producer members being very literal with the specific wording of the P&C. If so, it suggests that further discussions may need to be held with producers and other stakeholders to clarify the purpose of labour auditing guidance, the techniques of labour auditing, how evidence is used to build a picture of working conditions and identify possible (but not definite) signs of labour non-compliance, and how the LAG should link to the P&C. Conceptually, there should be a clear flow from P&C criteria to indicators to audit checklist to interview questions and documents to check in the LAG (*Figure 1*), but currently this relationship is not coming across clearly to some of the stakeholders we interviewed. The researchers provided comments in the P&C review consultation advocating for further alignment and consideration of these research findings (draft 1 of this report was made available to the P&C revision team).

Figure 1. Logical relationship between P&C Criteria, indicators, aspects to check (in the audit checklist) and interview questions and documents to check (in the LAG)



We would recommend the following exercise with the new P&C: going through the LAG line by line, focusing on the long table in Section 3.2, to compare the advice with the relevant indicators in the P&C, and identify any more cases where the advice follows good practice for assessing risks of and verifying labour rights violations. Likewise, conduct the reverse check: going through all the indicators, developing their checklist elements and then ensuring the broader questions to ask in interviews and things to check are detailed in the LAG.

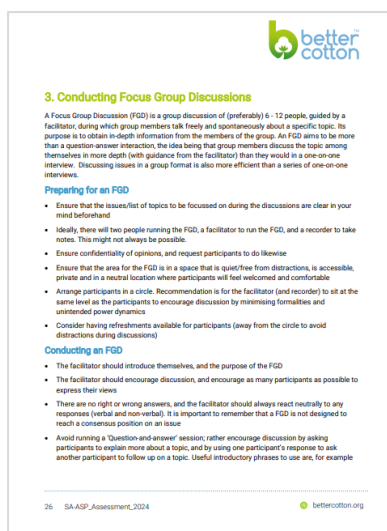
Reason 4: Confusion over the nature of the LAG

To some extent, the concerns suggest some confusion among interviewees over the nature of the LAG. Several interviewees did not seem to accept the LAG as a handbook and perceived it rather as

an additional or even competing set of auditable requirements. The example interview questions that are provided in the LAG, and the suggestions for what auditors should check during document review and site inspection, could be wrongly interpreted as new indicators or audit checklist items – when in fact, they were designed to help auditors gather the information that they need to assess compliance with the Principle 6 criteria. There may need to be some clarification among producers and other stakeholders of why it is useful to provide example questions within a guidance document, and how those example questions relate to both the P&C indicators and the aspects for checking in the audit checklist.

The mixture of hard rules and soft guidance in the LAG also adds to the uncertainty about the nature of the document. The structure, signposting and language could perhaps be improved. There are ways to successfully combine mandatory requirements and non-mandatory guidance within an auditing methodology. An example of this is the *Better Cotton Assessment Process*. It presents mostly mandatory requirements in the main document, in a discursive style, while guidance on techniques for conducting interviews and focus groups are presented separately, in an annex.

Figure 2. Example of advice provided in annex in the *Better Cotton Assessment Process* document



A different approach is used by SAI for managing its SA8000 auditing process – here, hard rules are published in a procedure document while non-binding advice for auditors is made available in a separate guidance document.

Table 4 below describes the range of documents that other standards bodies have published to organise their mandatory and non-mandatory guidance on labour auditing practices for CBs.

Table 4. How other standards bodies organise their mandatory and non-mandatory guidance on labour auditing

Standard	Guidance	Links	Mandatory for CBs?	Notes
4C	<p><i>4C System Regulations</i> contain requirement for the audit process and for sampling</p> <p><i>4C Certification Body Regulations</i> contain some procedural requirement and rules for audit teams</p> <p>There is a <i>4C Audit Checklist</i> and a <i>4C Gender Equality Audit Checklist</i></p>	<p>www.4c-services.org/wp-content/uploads/2020/07/200701_4C-Certification-Body-Regulations_v.4.0.pdf</p> <p>www.4c-services.org/wp-content/uploads/2020/07/200701_4C-System-Regulations_v4.0.pdf</p>	Yes	<p><i>4C System Regulations</i> are written as flowing text, not numbered rules, but they are presented as requirements rather than advice or guidance. Not particularly detailed. 4C is developing a new social auditing methodology (link)</p> <p>The audit checklists give guidance on what auditors should check, but no further guidance on how to conduct an audit</p>
Better Cotton	<p><i>Better Cotton Assessment Process</i> covers how site assessments should be carried out. Some procedural and system requirements in <i>Better Cotton Assurance Manual</i>. There is also a <i>Better Cotton Assessment Field Checklist</i></p>	<p>https://bettercotton.org/wp-content/uploads/2024/04/SA-ASP_Assessment_2024_P.pdf</p> <p>https://bettercotton.org/documents/bci-assurance-manual-v4-1/</p> <p>https://bettercotton.org/documents/bci-assessment-field-checklist-for-large-farms/</p>	Yes: <i>Assessment Process</i> was changed from a guidance document to a requirements document in 2023	<p><i>Assessment Process</i> is presented in flowing text, not numbered rules. Includes some guidance, such as interview techniques, sample questions for interviews and ‘key points to remember’. Very comprehensive overall. <i>Assessment Field Checklist</i> includes some questions to ask in interviews, but only a few.</p>
Cotton Made in Africa	<i>CMiA Assurance Manual</i>	cottonmadeinafrica.org/wp-content/uploads/CmiA-Assurance-Manual_V1.pdf	Yes	Minimal rules included.
Fair Trade	Requirements for assessors are split between <i>Fairtrade International Requirements</i>	<p>https://files.fairtrade.net/standards/ASSU_RegAssuranceProviders_EN.pdf</p> <p>https://files.fairtrade.net/standards/</p>	Yes	Presented as rules that must be followed. It is not phrased as advice or guidance.

Standard	Guidance	Links	Mandatory for CBs?	Notes
	<i>for Assurance Providers and Fairtrade International Oversight Procedure Version 2.1</i>	ASSU Oversight Procedure EN.pdf		Not particularly detailed on how audits must be carried out.
Fair Wear Foundation	<i>Fair Wear Audit Manual</i> and other methodology documents	The current version of the manual is available only to members. An older version from 2012 is publicly available at https://api.fairwear.org/wp-content/uploads/2016/06/FWFauditmanual-march2012.pdf	Yes, for auditors used by member companies	The 2012 manual is highly comprehensive and contains advice alongside requirements. Interview checklists or templates are provided
GoodWeave	<i>GoodWeave International Certification Methodology</i> Some procedural and system requirements in <i>GoodWeave International Licensing and Certification Policy</i>	https://goodweave.org/wp-content/uploads/2021/04/GoodWeave-Certification-Methodology.pdf https://goodweave.org/wp-content/uploads/2020/11/GWI-Licensing-and-Certification-Policy_v.1.4-Nov-2020.pdf	Yes	The <i>Certification Methodology</i> gives guidance for assessing level of compliance with the GoodWeave standard, but no detailed rules or guidance on how to carry out the audit.
Rainforest Alliance	Mostly covered in <i>Auditing Rules</i> . Some procedural and system requirements in <i>Certification Rules</i> .	www.rainforest-alliance.org/wp-content/uploads/2024/08/SA-R-GA-5-V1-Auditing-Rules.pdf www.rainforest-alliance.org/resource-item/2020-certification-and-auditing-rules/	Yes	<i>Auditing Rules</i> are presented as rules (“The CB shall...”). The rules are numbered. It is not phrased as advice or guidance. The rules are comprehensive and set a high standard for how the audit should be conducted.
SA8000	<i>SAAS Procedure 200:2015, Audit Requirements for Accredited Certification Bodies for the SA8000 Program</i> ‘Auditor guidance’ within the <i>SA8000 Guidance Document Performance Indicator Annex</i>	https://sa-intl.org/wp-content/uploads/2021/10/SAAS_Procedure_200_v-4.2_March.2020.pdf https://sa-intl.org/wp-content/uploads/2024/05/SA8000-2014-Guidance-Documents_May-2016_FINAL_20240513-updates.pdf https://sa-intl.org/wp-content/uploads/2020/02/SA8000-Performance-Indicator-Annex-1.pdf	<i>Audit Requirements:</i> Yes <i>Guidance Document:</i> No	The <i>Audit Requirements</i> are formal and presented as numbered rules The advice in the <i>SA8000 Guidance Document</i> is conversational. The advice focuses on techniques such as what to ask in interviews or what to look out for in documents and site inspections. It also provides background explanation of the causes

Standard	Guidance	Links	Mandatory for CBs?	Notes
				and indicators of each labour issue to be audited The Annex gives a list of indicators for each element of the standard
SIZA (Sustainable Agriculture in South Africa)	Mostly covered in <i>Social (Ethical) Audit Process & Methodology</i> Procedural rules in the <i>Audit Oversight Monitoring & Evaluation Policy for Audit Firms / Auditors</i>	https://siza.co.za/wp-content/uploads/SIZA-Social-Audit-Process-and-Methodology.pdf https://siza.co.za/wp-content/uploads/Annexure-7-SIZA-Audit-Oversight-Monitoring-and-Evaluation-Policy.pdf https://siza.co.za/wp-content/uploads/Annexure-4-SIZA-Auditor-Reviewer-Competency-Requirements.pdf	Yes	The methodology document is written as flowing text, not numbered rules, but presented as requirements (“the auditor should”) rather than advice or guidance. Annexure 4 of the <i>Audit Oversight</i> gives detailed requirements for auditors’ qualifications and experience.
Trustea	<i>System Assurance Protocol</i> includes rules for the verification process	https://trustea.org//uploads/guidelines/16938081911.pdf	Yes	Includes minimal requirements for sampling, audit team composition and conducting interviews

4. Review of the coverage of the LAG against good practices. Part 1: review framework

4.1 Introduction

Following on from reviewing the LAG as a useable guidance document, we moved on to assessing the LAG in terms of its coverage. Do the auditing practices that are recommended in the LAG stand up to current best practice in the field of labour auditing? Are there any gaps in coverage? How can we assess the quality of audit process that is proposed in the LAG?

In order to assess the coverage of the LAG in a comprehensive and systematic way, we built a review framework. To do this, we reviewed the literature on labour auditing and labour auditing guidance of other standards bodies (see Table 1 in Chapter 2.2 above), to generate a list of good practices that a model guidance document might contain. The list of good practices then provided a framework against which we could assess the RSPO auditing process as proposed in the LAG. The findings from that exercise will be presented in the next chapter, but the remainder of this chapter first lays out the good practices and the justification for them that we identified in the literature, grouped into five themes or components of auditing (see Figure 3):

- General approach to the audit
- Interviews
- Physical inspection and reviewing documents
- Reaching and acting on conclusions
- Relating to over-arching findings of ISEAL study

Figure 3. Components of auditing



4.2 General approach to the audit

4.2.1 Preparation

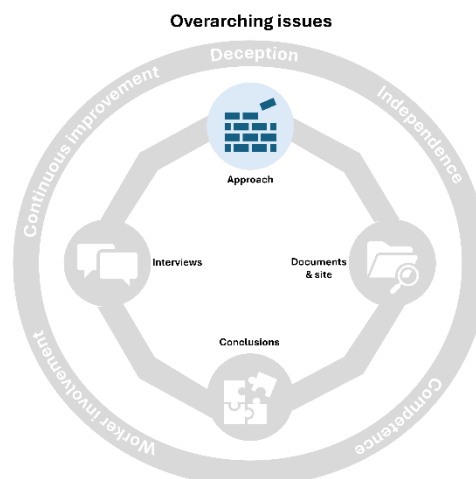
Certification bodies and audit teams are encouraged to dedicate sufficient time to preparing for an audit. Part of the preparation work involves gathering information about the employer(s), the workforce, the labour supply chain, the production site(s) and the local environment. Some CBs formalise this as a pre-audit risk assessment, which may result in a risk score which is then used to calculate how long the audit should last or the sample sizes of interviewees (see below). Preparatory information-gathering may help auditors to identify certain high-risk labour issues which could be prioritised during the audit.

Often this work involves desk-based information-gathering and analysis of information provided by the unit of certification. Rainforest Alliance (2022) requires CBs to review relevant local laws on wages and working conditions, for example. Some experts also recommend conducting stakeholder interviews and community visits at this point. For example, Sedex (2007) and Transparentem (2021) recommend that auditors should consult labour unions or worker interviewees on any aspects of the workplace that will need particular attention during the audit. The SA8000 guidance supports this approach for assessing the risk of labour issues such as forced labour:

“Before visiting the facility, it is highly recommended that auditors consult extensively with local trade unions, NGOs, and community groups about the general labour situation in an industry or in a particular facility. If forced or any form of compulsory labour is a concern, auditors should prioritize this issue when planning the interviews with workers” (SA8000 Guidance Document, p.22).

In its guidance, Better Cotton (2024a) suggests that speaking to local sources beforehand will help assessors to identify local laws and practices that might be contributing to certain labour non-compliances, and to decide on verification techniques for assessing such non-compliances that are suited to the local context.

Language: Auditors should use this time to ascertain the languages that are likely to be spoken by workers and smallholder growers, and to make arrangements for those languages to be covered by audit team members and/or interpreters (Better Cotton, 2024a). The critical report on multistakeholder initiatives by MSI Integrity has criticised audits for “the use of out-of-town evaluators, with no local language skills or understanding, further compounds issues with obtaining input from rights holders” (2020, p.129). If interpreters are hired, the CB should have procedures in place to ensure they are impartial and certainly not affiliated with the employer (Rainforest Alliance, 2022; Fairtrade International, 2023a). See, for example, ‘Annex AR11, Use of interpreter’ in the Rainforest Alliance *Certification and Auditing Rules*.



Timing of audit: Preparation work should reveal certain times of the year when it would not be appropriate to hold an audit, for example because staff will be too busy, seasonal workers will not be present or certain activities cannot be observed. Trustea (2023) stipulates that audits or assessments must take place during “active production” on tea estates when both permanent and temporary workers will be present; while 4C (2020) requires audits to take place during coffee harvesting season. If an audit cannot be held at the optimal time, it is good practice for the CB to have a procedure in place for the exceptional timing to be granted. The SIZA standard for South African producers (SIZA, 2023) requires that audits can only take place when at least 66% of the total workforce will be present on site and should ideally occur at peak production season. The weather is also a factor – it can be challenging to conduct audits during rainy season (Soeminta, 2021).

Good practices:

- 1a. Guidance on the kinds of information that should be consulted and the kinds of question that should be asked in a preparation or risk assessment phase.
- 1b. Recommendation to identify in advance any high-risk or high-priority labour issues.
- 1c. Requirement to identify languages spoken by workers and to prepare accordingly, with rules on hiring independent interpreters.
- 1d. Guidance on optimal times for audits & process for allowing audits at non-optimal times.

4.2.2 Balance between interviews, physical inspection and checking documents

In its 2021 gap analysis of the RSPO assurance system, the RSPO Secretariat highlights a study by Profundo of surveillance audits in Indonesia. Profundo identified “a ‘checklist mentality’ approach by CBs focused on documentation rather than evidence of compliance in the field” (RSPO Secretariat, 2021b, p.9). A separate analysis by Jennings (2016) also argues that RSPO auditors were overly focused on documents. Jennings found that over half of the indicators of the RSPO P&C of that time could be verified with documents alone, a further 42% needed to be verified with documents along with other evidence, and that only 3% of indicators needed to be verified just with observation or interviews.

It is a common criticism of verification audits in multiple industries that auditors spend too much time checking documents and not enough time speaking with workers and stakeholders (MSI Integrity, 2020; SOMO, 2022). It should be noted that careful analysis of workplace documentation can be crucial for assessing pay and conditions and for identifying systemic issues such as gender discrimination (Bartley, 2018; BSR, 2018a). Nevertheless, it would seem good practice for the RSPO and its CBs to provide guidance to auditing teams on how they should balance their time between checking documents, physically inspecting workplaces and conducting interviews – to the extent that this can be modified, based on the RSPO P&C themselves. In this day and age with easy document share technology, it would also be appropriate to front load much of the documentation check as part of the desk-based review ahead of the physical audit, where then the time on site could be used to maximise observations and interviewing a larger sample of workers.

Among the best practices for labour auditing that Verité has established over the years, one is the principle that 50% of data for audit reports should come from worker discussions (Raj Reichert, 2016). More recently Fair Wear Foundation, whose standard is focused on labour, has set out guidelines which suggest interviews should account for nearly half of all the time spent during an audit (Fair Wear Foundation, 2016). See Table 5.

Table 5. **Number of person days that should be dedicated to each element of a Fair Wear Foundation factory audit, by total number of workers**

	5–25 workers		25–50 workers		50–500 workers		500–1000 workers	
	Days	% of total	Days	% of total	Days	% of total	Days	% of total
Preparation	0.5	8%	0.5	6%	0.5	5%	0.5	5%
Interviews*	2.5	42%	3.5	44%	4.5	47%	4.5	45%
Factory visit	1	17%	1.5	19%	1.5	16%	1.5	15%
Documents	1	17%	1.5	19%	1.5	16%	1.5	15%
Report	1	17%	1	13%	1.6	17%	2	20%
Total	6	100%	8	100%	9.6	100%	10	100%

*Interviews include worker interviews held on- and off-site, stakeholder interviews and a written report.

Source: calculated from figures in ‘Terms for audits by FWF audit teams’ (FWF, 2016)

Good practices:

- 1e. Guidance on how auditors should balance their time between checking documents, inspection and interviews.

4.2.3 Techniques for uncovering ‘non-visible’ labour issues

Several researchers and campaigners have discussed the difficulty that auditors often face in detecting labour issues that are not easily visible during physical inspections. Such ‘non-visible’ labour issues include workplace discrimination, lack of freedom of association, sexual harassment and forced labour. It can take skill and trust for auditors to uncover these issues during interviews; while identifying them from workplace data and documents can require careful analysis (Barrientos & Smith, 2006; Transparentem, 2021).

A review of 288 audit reports from Fair Wear Foundation found that the auditors recorded very low levels of non-compliance in the areas of harassment (recorded at 2% of audited factories), discrimination of trade union members (4%) and gender discrimination (12%), yet local stakeholders had identified all three as high-risk areas in the area and would have expected much higher levels of non-compliance to be found (Egels-Zandén & Lindholm, 2015). Commenting on social issues that are hard to detect in the palm oil sector, Jennings (2016, p.8) notes that “in RSPO certification, auditors have reportedly missed issues such as Free, Prior and Informed Consent (FPIC), and the use of forced labour. This can be made more complex by cultural perceptions of what constitutes forced labour and where elements of it are enshrined in common practice (e.g., passport withdrawal).”

Often, auditors lack the training and experience needed to decipher what they are told by managers and workers, and to probe more deeply in order to detect when hidden labour abuses may be occurring. One report notes:

“Evidence from focus groups on sexual harassment has illustrated how commercial auditors may assume companies are in compliance unless they find evidence to the contrary, and as a result, take workers’ statements about the lack of abuses at face value, rather than explore whether workers understand their rights and feel comfortable talking about violations” (MSI Integrity, 2020).

Some standards bodies provide guidance to CBs and assurance teams on uncovering ‘non-visible’ labour issues. Sometimes this takes the form of rules that auditors must follow. Rainforest Alliance (2022) sets out requirements for auditors to follow in workplaces with a high risk of non-compliance on freedom of association. They include holding worker interviews off-site, interviewing unionised and non-unionised workers separately, and ensuring they interview all workers that have been reported to have experienced labour violations in relation to freedom of association.

The guidance given by standards bodies can also be in the form of more informal advice. This may be part of the overall labour auditing guidance document, or a standalone resource. As an example of the former, the SA8000 assurance document gives auditor guidance for each labour topic, which includes key issues to consider and a strategy for worker interview. The excerpt below shows advice for assessing the presence of workplace discrimination:

WORKER INTERVIEW STRATEGY

Questions related to discrimination can be incorporated into the general interview with workers. However, if auditors receive complaints or have reason to believe that discrimination is an issue, special interview sessions should be arranged. In conducting interviews with workers, auditors can ask questions about the positions they have held and whether their gender, race, pregnancy status, territorial origin, or other personal characteristics have affected and/or continue to affect their application or advancement. Offsite interviews may be especially useful in this area.

During interviews with both workers and managers, auditors should be careful to put the answers in context. For example, during interviews at the organisation in Latin America, a disproportional number of supervisors were men, but the women reported that the men were promoted because they have more education. Upon further review during management interviews, however, auditors found that the men (who started with the same education levels as the women) received additional training and had more opportunities to fulfil a greater variety of jobs in the facility – thus facilitating their promotion and confirming discriminatory training and promotion.

The victims of workplace gender discrimination are often women. It can help if an auditing team includes female members, especially for the interview process, because women workers may feel more comfortable talking with a female interviewer about sensitive topics such as sexual harassment or abuse. Similarly, the presence of auditors with a similar background of those who are discriminated against, especially those who fluently speak the relevant language or dialect are also extremely useful during interviews because they are typically better able to identify nuances of discrimination than those auditors who do not possess that background.

Where an interview reveals allegations of discriminatory practices, the auditor should investigate through an expanded interview sample (including with management). It is common to find that interview evidence gathered from different sources is contradictory and that physical or recorded evidence triangulation is not possible (or is minimal). Facts gathered through the interview process may also be coloured by personal opinions, beliefs and emotions. In such situations, extreme care should be taken to ensure that interviewers do not exacerbate what may already be a high-potential-conflict situation and audit conclusions (based on audit process requirements) are presented factually and impartially.

In its assurance document, Better Cotton provides cross-cutting guidance on interview techniques. This includes the following advice:

“Interviewees, especially farm workers, may be illiterate and have limited knowledge about their welfare or rights and may not understand abstract terms such as freedom of association, collective bargaining, etc. Therefore, interviewers should take care to use language that is easily understandable to interviewees, rather than words that may confuse. For example, asking workers if they are ‘harassed’ may confuse, while asking if workers are treated fairly may elicit more and better information” (Better Cotton, 2024a, p.25).

As an example of the latter approach, 4C (2022) has developed a specific standalone document with guidance on detecting child labour during audits.

There are also resources on auditing hard-to-detect labour issues available from independent sources. These include the guidance from BSR (2018a) on auditing gender-relevant labour issues and a toolkit by Verité (2022) on auditing forced labour,

Another technique that is recommended by some is for auditors to give workers a contact number so that any worker can follow up with the auditor in private (BSR, 2018a; Transparentem, 2021). Bartley (2018, p.235) gives an example of how this practice led to factory unions in Indonesia coming together after an audit to form a monitoring and whistleblowing network.

Good practices:

- 1f. Guidance for uncovering non-visible or hard to detect labour issues, including interview techniques and use of clear language.

4.2.4 Gender sensitivity

One such ‘non-visible’ labour issue is gender discrimination. It can be difficult for audits to capture non-compliances in this area without skilled auditors and careful planning. The sustainability consultancy BSR (2018a) published analysis of reports from 87,000 ‘ethical’ (labour) audits conducted between 2014 and 2017. Of all the non-compliances identified in the reports, only 935 or 0.4% were gender-specific – and even these were mostly ‘visible’ non-compliances such as a lack of gender-segregated washrooms and toilet facilities (46%). Discrimination against pregnant women and sexual harassment were very rarely identified and reported.

Even for other labour issues that are not gender-related, auditors will increase their chances of capturing accurate information through interviews and document checks if they adopt a gender-sensitive approach. An illustration of this is given in Figure 4, which shows the results from a pilot project led by Partner Africa of using a gender-sensitive methodology for SMETA audits.

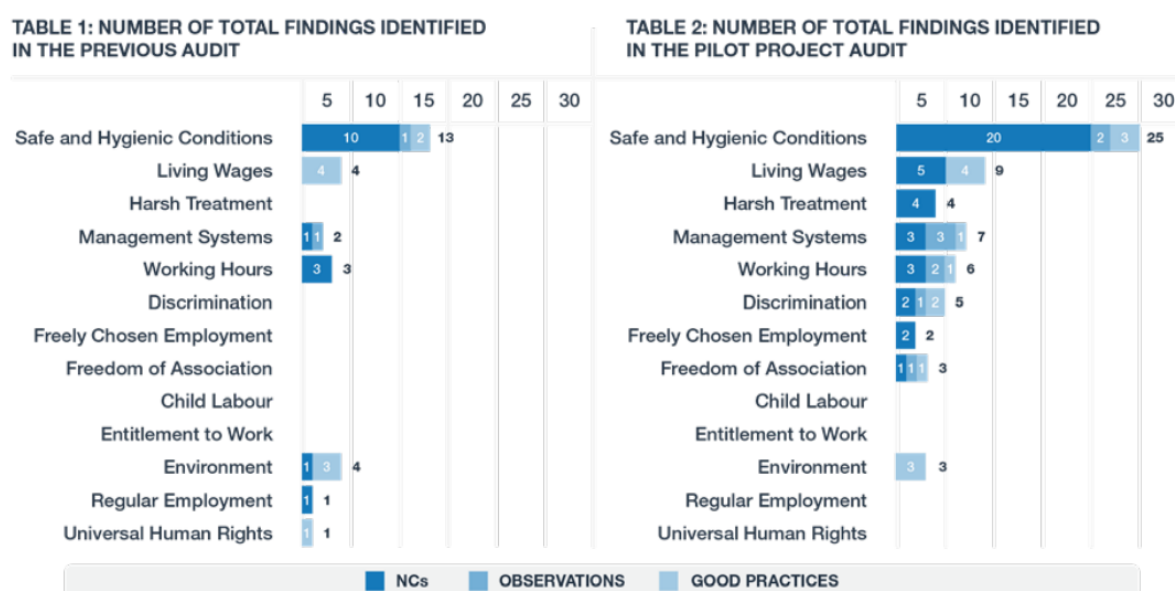
For this reason, it is good practice for CBs and audit teams to adopt a gender-sensitive approach. BSR (2018a) has provided guidance for adapting audit methodologies, with techniques such as highlighting specific workplace facilities to inspect, holding single-sex interviews and asking gender-

specific questions, and disaggregating payroll data, accident rates and other documentary evidence by gender. Some of these techniques are discussed in sections below.

Female auditors: One change that CBs can make is to ensure that female auditors are included in audit teams, to the extent possible. Studies have shown that when female auditors are present, they are more likely to find non-compliances in all areas (Short et al., 2014), and gender-related labour issues in particular (Partner Africa, 2022). The presence of women in worker interviews is especially important (see section 4.3.6 below). When female auditors are not available, measures should be put in place to optimise the performance of the all-male team; for example through gender-sensitivity training or eliciting the support of female facilitators during the audit (Better Cotton, 2024a).

Figure 4. Comparison of non-compliances found in five standard SMETA audits (left) and five gender-sensitive audits (right)

Source: Partner Africa, 2022, p.13



Good practices:

- 1g. Guidance on a gender-sensitive audit methodology.
- 1h. Requirements for female auditors to be included in the team and/or for alternative measures to be taken if female auditors are not available (e.g. gender-sensitive auditing training).

4.2.5 Duration of audit

Investigating labour rights requires auditors to gather a wide range of evidence, including from interviews and stakeholder engagement, which all requires more time for planning and then carrying out than many other types of audit (Mazars LLP & Shift Project Ltd, 2017). As our understanding of labour issues has grown and the coverage of labour rights in standards has expanded, this has created demands on audit teams’ time, especially when it concerns a standard such as RSPO which

covers environmental as well as social issues. A review of RSPO's assurance system that was commissioned by IUCN consulted stakeholders, who raised this issue:

"Although there is a stipulated minimum number of days for audit, there is a difference of opinion on whether they need to be extended, particularly to cover the complexities of social audits, with the associated costs. Time and costs pressures may be leading to hours, or corners, being cut. The majority of interviewees considered it necessary to further increase the minimum amount of time that an audit team spends on one single audit to complete a good quality audit" (Whitmore, 2021, p.19)

In the LAG socialisation workshops, it was suggested that 2–3 additional person-days would be needed to conduct an RSPO P&C audit using the new LAG (RSPO Secretariat, 2023).

Campaigners have criticised audits as being too short for auditors to gather enough information to properly assess compliance with labour standards (Clean Clothes Campaign, 2019). They acknowledge the cost pressures involved. One report reads, "The high day-rates charged by commercial auditors creates pressure to complete audits in less time and with smaller teams, which may rule out in-depth techniques such as off-site interviews or repeated visits to build trust" (MSI Integrity, 2020).

If audits are too short, one problem is that auditors lack the time to follow up leads and obtain the necessary level of corroborative evidence (Human Rights Watch, 2022). A time-pressed auditor in Asia told Human Rights Watch:

"You have to ignore a whole bunch of things you can sense is a problem. Because you have to pay all your staff salaries and what do you want to do? A three-week audit? It's not just all the days going to the factories, but it's also going to the slums to meet the workers [for off-site interviews], writing the notes, coaching all the staff, you have to worry about retaliation both for the auditors and workers. There is a lot of elaborate worrying and planning if you really want to do something deep. It takes time. And time is not part of this whole game. They [the auditing industry] get all obsessed with their audit tools and their reports and they miss the goal which is to uncover the abuses" (Human Rights Watch, 2022, p.13)

According to the ISEAL Code of Good Practice (2023), RSPO, as the scheme owner, should provide a means or the parameters needed for deciding how much time is needed for any given audit. Other standards bodies set requirements and provide guidance on audit duration. Typically, they provide a baseline for the number of person-days needed and allow the CB to decide the exact duration of the audit, with scope to increase the time if interpreters will be used, if sites will be difficult to reach, if there is a large number of workers and/or growers, and if the preparatory risk assessment has indicated high risk of non-compliance. See Rainforest Alliance (2020), Trustea (2023), Fairtrade International (2023a) and Better Cotton (2024a) for examples. Trustea stipulates 2–6 audit days for an audit covering a factory and a sample of its tea growers. Better Cotton expects 3 audit days for a producer unit and 1–1.5 days for a large farm. At the fourth RSPO Assurance Forum, held in 2021, a participant argued that the duration of an audit should be calculated based on the size of the

workforce rather than the acreage of the business, and this appears to be in line with the approach taken by those other standards bodies mentioned (RSPO secretariat, 2021a).

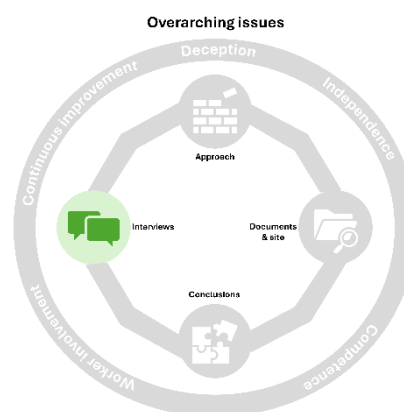
Good practices:

- 1i. Minimum days for audits with guidance on extending audit duration depending on nature of supply base, number of workers, travel times, use of interpreters and risk level. Minimum days should be sufficient for properly investigating labour issues.
- 1j. A procedure which clarifies the process for audit teams to request an extension to an audit and how the associated financial costs will be met.

4.3 Interviews

4.3.1 Who to interview

Interviews are a crucial tool for detecting labour issues and understanding their root causes. It is good practice for the CB to outline who should be interviewed during an audit. In addition to interviewing workers, the following categories should be considered.



Management: Where there is substantial team of management staff at a mill, plantation or grower organisation, it may be useful to stipulate which of them to interview. Whereas Verité (2022) advises auditors investigating forced labour to interview *all* members of a senior management team, Fair Wear Foundation (2016) suggested that for a garment factory that employs 50–100 workers, only 2 or 3 senior managers need to be interviewed. For audits based at tea estates, Trustea (2023) recommends interviewing one senior manager and whoever is responsible for worker health and safety and labour rights, along with senior staff responsible for product safety and environmental matters.

Subcontractors and labour providers: Particularly in settings with a risk of forced labour, it is advisable to interview a sample of labour providers who have provided workers for the mill, plantation or estate. “This can give the auditor full insight into the recruitment, selection and hiring procedures used by the recruiter, and the conditions facing migrant workers in pre-deployment, transportation, arrival and placement,” argues Verité (2022). SAI requires SA8000 audits to include an interview with the management of any labour agencies if more than 5% of the workforce are agency workers (i.e. sub-contracted labour). It may be advisable for auditors to speak to other relevant subcontractors such as security guards or hauliers (BSR, 2018a; 4C, 2020; SAI, 2024). The guidance from Rainforest Alliance is that “the CB shall analyse the risks associated with the scope of each intermediary, subcontractor [and] servicer provider and include them into the audit sample in accordance with the associated risk” (2020, p.88)

Seasonal workers: We noted in section 4.2.1 above that CBs and auditors should use the preparation phase to identify an optimal time in the production calendar to conduct an audit, with the aim of being able to interview any seasonal workers that may be employed. In cases where it is

not possible to conduct an audit at peak season due to time constraints or where seasonal workers are not present at the time of the audit, Rainforest Alliance (2022, p.108) requires the audit team to “make its best effort to have a conversation with such person(s) by other means, for example via a phone call or an off-site visit”.

Good practices:

- 2a. Guidance on who to interview, including recommendation to interview labour providers
- 2b. Minimum number or specified role-holders of management staff to interview.

4.3.2 Sampling

Another common criticism of audits concerns the sampling of workers and growers to be interviewed (Cramer et al., 2015; Thinyane et al., 2020; Moazzem & Ahmed, 2022). In question are the size of the sample and the *interviewees* of the sample. In short, critics have maintained that often, samples are too small and do not capture enough diversity.

Sampling workers

The guidance from ISEAL is that schemes’ sampling protocols should be “robust and consistent”. As the scheme owner, RSPO should give guidance and direction on the type of sampling to be used, and on the “depth and intensity” of sampling. ISEAL recommends large samples; however, for the review of RSPO’s assurance system commissioned by IUCN, several participants told the researcher that they feared the sampling for audits was increasingly inadequate. “It was suggested that sometimes auditors were cutting down on hours spent during visits or cut corners through less rigorous sampling. This was seen primarily as a reaction to cope with reduced pricing” (Whitmore, 2021, p.38).

Several other schemes that provide guidance on sample sizes use the square root of the total population as the basis for their calculations. Table 6 shows the minimum number of workers who are required to be interviewed according to mandatory guidance of four schemes, based on the total number of workers employed at the entity being audited. For six schemes (Fairtrade International, SIZA, SMETA and Trustea), the minimum is similar to the square root. The other two schemes (Fair Wear Foundation and Rainforest Alliance) set minimum targets which are similar to or larger than the square root equivalent.

Table 6. **Minimum number of workers to be interviewed based on total number of workers employed, according to six schemes' mandatory sampling guidelines**

Sources noted in the table

Number of workers employed	Required minimum number of workers to interview	Equivalent percentage	Equivalent number of workers using the square root
Fairtrade International (2023)			
<50	10	20-100%	3-7
50-100	15	15-30%	7-10
101-500	20	4-20%	10-22
501-1000	25	3-5%	22-32
>1000	30	1-3%	32-55+
Fair Wear Foundation (2016)			
5-25	8	32-100%	2-5
25-50	17	34-68%	5-7
50-500	36	7-72%	7-22
500-1000	36	4-7%	22-32
Rainforest Alliance (2020)			
1-5	All	100%	1-2
6-10	6	60-100%	2-3
11-50	9	18-82%	3-7
51-100	15	15-29%	7-10
101-250	20	8-20%	10-16
251-500	32	6-13%	16-22
501-1500	40	3-8%	22-39
1501-4000	50	1-3%	39-63
>4001	65	1-2%	63-71+
Sedex (2007), SIZA (2023) and Trustea (2023)			
1-100	10	10-100%	10-22
101-500	26	5-26%	22-32
501-1000	42	4-8%	32-45
1001-2000	52	3-5%	45-55

However, the use of square root is no longer widely supported, as it may not generate samples that are sufficiently large enough or statistically interviewee, especially as the population size increases (Elliott, 2018). It is now recommended by many labour experts to select larger samples for interview. Proponents of worker-driven models suggest that as many as 50% of workers should be interviewed (Angelini & Curphey, 2022). Another scheme, Better Cotton, uses a percentage rather than absolute ranges to stipulate sample sizes. It requires assessors to interview at least 25% of all workers employed on medium and large cotton farms, and at least 6–12 workers per village in smallholder

group settings (Better Cotton, 2024a). In practice, this may equate to the square root anyway, unless very large numbers of workers are employed.

Perhaps more important is the advice from Better Cotton that the sample should be large enough “to provide [auditors] confidence that an accurate picture of workplace practices is obtained”. Though the schemes above set minimum targets which are similar to the square root, they typically require CBs and audit teams to decide on the final sample based on variations within the workforce and a consideration of the compliance risks. Sources recommend that the sample of workers to be interviewed during an audit should be interviewee from the variation among workers employed as a whole (Transparentem, 2012). ISEAL Alliance suggests that this could be either stratified sampling (i.e. proportional to the population) or purposive sampling (i.e. minority groups may be over-sampled). In order to capture gender-related labour issues, BSR (2018a) recommends the latter approach, whereby auditors should try to interview particularly vulnerable groups of women workers “whose rights are more likely to be violated”. Similarly, if women or men are a minority in the workforce, SIZA (2023) requests auditors to include some workers from that minority in the interviews, even if that means the sampling becomes purposive.

At times, the lists of variables that are given as guidance for stratified or purposive sampling are very long, and in practice would surely result in improbably small sub-groups for sampling. For example, Better Cotton (2024a) requires assessors to select a sample of workers that is interviewee from variations in employment terms, role, age group, gender, ethnic group, nationality, vulnerability and how hazardous the worker’s job is. Transparentem (2012) recommends that sampling should also take into consideration workers’ lengths of service and their accommodation. Sedex (2017) suggests selecting workers who have disciplinary records, while Verité (2022) mentions differing hours or work shifts as a further variable for sampling.

In the event that auditors decide to increase the size of a sample from the minimum target, Rainforest Alliance provides a contingency for the extra costs that would result. According to its rules, the costs will be met by either the audited entity or by Rainforest Alliance itself. This is a useful addition to the guidance.

One detailed noted is that the sample sizes may vary with the type of audit – be it a certification audit or surveillance audit, and so on (e.g. Sedex, 2007). This should be clarified in the guidelines.

At the fourth RSPO Assurance Forum, feedback from a trial of labour auditing guidance included a challenge that third-party workers were not available to interview (RSPO secretariat, 2021a). Therefore, it might be useful to provide guidance to auditors on how to respond if their chosen groupings from the workforce are not available.

Sampling smallholdings and farms

Much of the criticism of small samples based on the square root applies to certification audits in agricultural sectors where tens or hundreds of smallholders may fall within scope (Cramer et al., 2015; MSI Integrity, 2020).

Some schemes that publish their sampling requirements for smallholders and farms do use the square root, but the approach is risk-based. Rainforest Alliance requires the square root of smallholder farms to be visited during an audit, but 40% of all large operations. Trustea also selects samples of tea producers using the square root, but then sub-divides them into small and large growers. In the coffee sector, 4C uses the square root of smallholdings as the starting point, but then instructs auditors to either increase or decrease the sample based on a consideration of compliance risk which is conducted during the preparation phase (4C, 2020).

As with selecting workers, the schemes suggest variables for stratified or purposive sampling of smallholdings and farms, i.e. smallholders, medium-sized growers and mills in the RSPO context. These variables include geographical remoteness, acreage and use of workers. The guidance already contained in the LAG on worker sampling for interviews is a good starting point but perhaps more guidance is needed on identifying and sampling workers who work on smallholder farms, including family members and seasonal and casual farm labourers. It would also be useful to have guidance on how the two aspects – sampling workers and sampling producers – should nest together.

Better Cotton (2024a) specifies that assessors must not select cotton growers purely based on how easy they are to access.

Good practices:

- 2c. Sample targets for workers that are bigger than square root for large populations and are risk-based.
- 2d. Sample targets for smallholders and farms that are bigger than square root for large populations and are risk-based.
- 2e. Guidance on variables for sub-samples. List of variables should either be short or give guidance on which variables to prioritise.
- 2f. Requirement that ease of access should not influence selection of sites to visit.
- 2g. Guidance on how to respond if certain worker types are not available to interview, especially seasonal workers and third-party workers.

4.3.3 Individual versus group interviews

Schemes typically recommend that auditors speak to workers through a combination of individual and group interviews. Best practice is for auditors to decide on how many workers to speak to at one time using their own judgement, cultural sensitivities and their goals for the discussion. According to SIZA, individual interviews are good for “gathering specific details about the work environment and for discussing issues such as pay rates, management style, discrimination, harassment, etc”, while group interviews “can be useful at the beginning of an audit to gather information quickly to inform the audit process ... [and] are also effective for gathering data on specific issues and exploring the nature or scope of a finding in greater depth” (SIZA 2023, p.25). For assessing workplace health and safety, the SA8000 guidance recommends group interviews for exploring issues that are “common and pertinent to the worker group as a whole”, and individual interviews for discussing more specific threats (SAI 2024, p.48).

Sometimes, workers might prefer a one-on-one interview with an auditor to speak freely, but in other cases, it is easier to protect their identity and to get them to feel comfortable if they are interviewed with others in a group. As noted by BSR (2018a), compared with individual interviews, “the ability to talk more freely and discuss issues within the safe ‘anonymity’ of the focus group tends to generate active participation and a more open attitude ... This exercise also has the advantage of providing interviewers with a multifaceted understanding of an issue through the comparison of opinions and perceptions, including by gender.”

Another advantage of group interviews is that they can be more efficient than the equivalent number of one-on-one interviews. However, facilitating group discussion requires certain skills of the auditor and may need a second person to assist. In its 2016 audit manual, Fair Wear Foundation allowed for up to 15 workers in a group, to be facilitated as a focus group discussion, but more recent guidance from Better Cotton (2024a) limits the group to 12 workers and Rainforest Alliance (2022) to six workers.

Good practices:

- 2h. Guidance to allow auditors to hold individual and group interviews at their discretion.
- 2i. Guidance on maximum size for focus groups.
- 2j. Recommendation that auditors are trained in focus group facilitation.

4.3.4 Duration of interviews

The literature reviewed here did not provide much information on how long interviews should last, but it would seem advisable to set a minimum target, in order to set expectations for auditors and to allow the CB and audit teams to plan their time. As a point of reference, Trustea (2023) specifies that interviews should last at least 5 minutes; Rainforest Alliance (2020) allows for more time – 15 minutes for individual interviews and 30 minutes for group interviews; and Fairtrade International (2023a), SIZA (2023) and Sedex (2017) require that individual interviews last 15–30 minutes and group interviews 30–45 minutes.

Good practices:

- 2k. Recommendation for length of individual and group interviews, aligned with best practice.

4.3.5 What to ask during interviews

In its *Assessment Process* document, Better Cotton (2024a) provides sample questions for assessors should ask in interviews with farmers and company management. Rainforest Alliance (2022) includes specific guidance for interviewing children. Guidance is also available from labour specialists such as BSR’s *Gender Equality in Social Auditing Guidance* (2018a) and the *SA8000 Guidance Document*.

It is an open question whether such guidance is useful to include in a scheme’s guidance for auditors, and how to link it to the standard principles and criteria document.

Good practices:

- 2l. Possibly guidance on what to ask during interviews.

4.3.6 Trust, honesty and protection

During the LAG socialisation workshops held in 2022–23, one of the questions from participating auditors was, ‘How do auditors ensure auditees’ safety especially after sensitive information has been revealed?’ In the RSPO Assurance Forum held in 2021, another participant asked, ‘How do you guarantee safety of whistleblowers, especially for undocumented workers and women?’ (RSPO secretariat, 2021, p.6). These are highly pertinent questions, since in multiple studies of labour auditing, workers have told independent researchers said that they are afraid of negative consequences from participating in interviews, from a fear of losing overtime hours to fears of physical violence (see Moazzam & Ahmed, 2022). A survey of 170 workers in Kenya’s tea and cut flower industries conducted in 2012 found that “only 27% of the workers indicated speaking freely to auditors, while 40% indicated not speaking freely to auditors for fear of reprisal; the rest did not speak to auditors at all” (SOMO, 2015, p.29). Human Rights Watch (2022) has reported on the concerns of garment factory workers, including one worker who told them,

“Some of us are brave and want to tell the truth [about factory working conditions]. But we don’t want our courage to ruin other workers’ lives by making them lose their jobs. We don’t want orders to be cancelled. We just want those [factory supervisors and management] who are harassing us to stop or leave the factory” (respondent quoted in Human Rights Watch, 2022, p.16)

It is crucial for auditors to gain the trust of workers they are interviewing and to protect their right to anonymity. This is for two main reasons: firstly, to protect workers from any reprisals from employers, labour brokers and union officials; and secondly, to create the most conducive conditions possible for workers to give honest answers. There are certain measures audit teams can take to help achieve this, for which guidance and mandatory requirements from the CBs could be useful.

Concealing selection: Firstly, auditors must conceal the identities of workers that they interview. They must not allow employers to pre-select workers and must conceal workers’ names and any personal information that could identify them in audit reports. Sedex (2017) allows for a contingency that if it is not possible to conceal selected workers’ identities, then the audit team should select a large number of workers so that individual opinions cannot be discerned. However, the best practice is to protect workers’ identity if at all possible.

Location: Auditors should also take steps to avoid workers being seen by fellow workers and especially employers when they are going to and from interviews. With this in mind, many labour experts and some labour-focused schemes recommend that at least some workers are interviewed by auditors outside the workplace, off-site. It is a requirement of Fairtrade International (2023a), for example, that at least some worker interviews are held away from their workplace. The SIZA (2023, p.12) guidance describes off-site interviews as “best practice”, whereas the SA8000 audit requirements specify that in high-risk countries, at least two off-site worker interviews must be conducted (SAI, 2020, p.57). If off-site interviews take place, there must be measures in place to

protect auditors' health and safety (Rainforest Alliance, 2022). In the SMETA guidance, it is recommended for off-site interviews only to be conducted by very experienced auditors, preferably working in pairs (Sedex, 2017). Arranging and conducting interviews off-site is likely to add time and cost to the audit. Some experts have recommended that national governments should set minimum standards on aspects such as this, since the costs may deter scheme owners and their private-sector customers from adopting them (ECCHR, Brot für die Welt & MISEREOR, 2021).

If it is difficult for auditors to arrange to meet smallholder workers off site, then Better Cotton (2024a) suggests finding locations around the farm that give some privacy such as greenhouses, farm plots or a nearby village meeting place.

Arguably, more guidance is needed on how auditors should protect the anonymity of workers that they speak to in a more informal way during site inspections and in communal areas such as canteens or dormitories.

Independence from employers: It is difficult for auditors to gain the trust of workers if they are seen to be too close to their employers. Unfortunately, when auditors travel to farms to visit workers in company vehicles and/or with the accompaniment of company staff, this may make workers suspicious and reluctant to open up to auditors (Whitmore, 2021).

Unions: It is often argued that interviewees of trade unions should be involved in the interviewing process. Audit teams should take care and first gather information on how unions operate and are perceived at the location. Rainforest Alliance (2022) advises auditors to conduct separate group interviews with unionised and non-unionised workers, respectively; Rainforest Alliance also forbids union interviewees from being present in interviews.

Female auditors: Studies suggest that female auditors are often more likely to elicit information on labour non-compliances in interviews than male auditors, especially when interviewing female workers (see section 4.2.4 above). The guidance from Better Cotton (2024a) notes: "In some countries it is culturally very difficult, and sometimes may be impossible, for male verifiers to interview female workers. In such cases, audit teams should, when possible, include a female member to allow for interviews to be conducted." Trustea (2023) includes the requirement that female workers are only interviewed by female auditors. However, in practice this may be unworkable. Also, research by BSR shows that it is not always appropriate in every context:

"Insights from BSR's work in India suggest that in poorer, more rural regions/provinces, women workers may find it easier to open up to male auditors, whom they consider as having more authority than women and therefore as better being placed to influence effective change following a grievance. In addition, as some gender-sensitive issues such as sexual harassment carry a heavy social stigma, intra-gender openness may be discouraged, making for less effective disclosure" (BSR, 2018a, p.19).

Gaining trust and buy-in: Some respondents in the RSPO study commissioned by IUCN said that many new auditors lacked soft skills for interviewing and putting interviewees at ease (Whitmore, 2021). It is good practice for auditors to reassure workers and attempt to gain their trust by explaining the measures in place to protect their anonymity. Also, if auditors can clearly discuss the

goals and mechanisms of the audit and suggest ways in which workers' participation in the process may lead to benefits in working conditions, then it could help to persuade workers to answer interview questions openly. Such techniques could be included in auditing guidelines. Sedex (2007) includes a recommendation for information materials to be made available to workers before the audit begins, including an explanation of who the auditors are and clarification that worker interviews will be confidential.

Despite these measures, we must acknowledge that ultimately, auditors may not be in a position to either wholly guarantee workers' safety or promise benefits from certification and, therefore, may not wholly gain workers' trust (MSI Integrity, 2020).

Good practices:

- 2m. Requirements for workers' identity to be concealed in audit documents.
- 2n. Requirement that workers may not be selected by employers.
- 2o. Guidance for some off-site interviews to be held, with provisions for meeting the costs and safeguarding auditors.
- 2p. Guidance for protecting anonymity of workers that auditors speak to informally on work premises.
- 2q. Strongly advise against travelling to workplaces in company vehicles and/or with company staff.
- 2r. Guidance to conduct risk assessment on trade unions and to err on the side of caution when involving them in worker discussions.
- 2s. Requirements for female auditors to conduct at least some interviews with female workers, unless risk assessment and stakeholders' advice against.
- 2t. Guidance for explaining the audit process to workers and for putting them at ease, and/or requirement for audit team members to have the necessary soft skills demonstrable through training.

4.3.7 Interviewing union interviewees and other stakeholders

According to Mazars LLP & Shift Project Ltd (2017), the nature of assessing human rights such as workers' rights means that auditors will often need to engage with more stakeholders than they would for other types of assurance. The ISEAL Code of Good Practice (2023) requires scheme owners such as RSPO to specify how stakeholders should be consulted during audits.

Notwithstanding the words of caution above about involving trade unions in worker interviews, it is considered best practice for auditors to consult union interviewees as part of their information-gathering (Chatterjee & Ravi, 2023). This is a requirement of some schemes (e.g. Fairtrade International, 2023a).

Potentially, CBs may also give guidance on other stakeholders to consult during the audit, as opposed to during the preparation phase discussed above (see section 4.2.1). For example, the *SA8000 Guidance Document* advises auditors to conduct "community interviews with teachers, social workers child welfare advocates, and even with the children's families" to help assess child labour risks (p.12). Mazars LLP & Shift Project Ltd (2017) provide guidance for engaging stakeholders

for the purpose of assessment. They advise that auditors should be alert to “possible company or third-party pressures placed on stakeholders in terms of how they engage with an expert practitioner and what they say, and [use] measures to reduce the possibility of such interference” (p.21). Such guidance could be useful for RSPO audits: in the LAG socialisation workshops conducted by the RSPO, participants mentioned experiencing intimidation by stakeholders and either certain officials from stakeholder organisations monopolising discussions or, conversely, stakeholders either refusing invitations to participate or providing a lack of input (RSPO Secretariat, 2023). At the RSPO Assurance Forum held in 2021, it was suggested in one participant’s question that village elders can dominate community visits and potentially fail to represent the diversity of views within villages (RSPO Secretariat, 2021a).

Good practices:

- 2u. Guidance on which stakeholders to consult during the audit.
- 2v. Advice for auditors to deal with difficult situations with stakeholders.

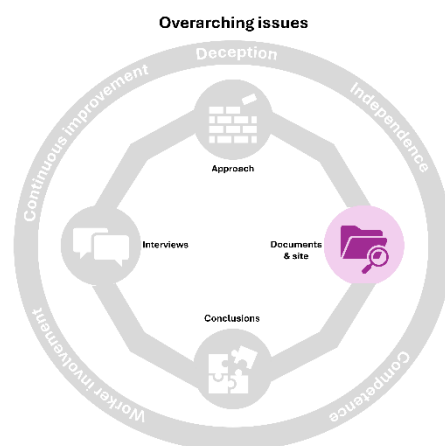
4.4 Physical inspection and reviewing documents

Physical inspection

Some standards bodies give guidance on the areas of a workplace that should be inspected during an audit. Auditors should use the physical inspection to gather information on working conditions and to cross-check or triangulate with policies and worker testimonies.

Where the site includes worker housing or worker accommodation and these are visited to assess compliance with relevant indicators in the RSPO Principles & Criteria, auditors may benefit from guidance on the sampling method they should use to select which houses or accommodation blocks to check.

It may be necessary to provide guidance on how auditors should respond if the company prevents access to certain areas (see section 4.7.1 below).



Documents

According to the ISEAL Code of Good Practice (2023), RSPO, as the scheme owner, should provide direction on the “sources of data and information that feed into the assessment”. Several standards bodies list the types of document that auditors must check during an audit. These will include policy documents and workplace records for training, disciplinary action, accidents and so on. Verite (2022) notes that where labour brokers are used, it is also important to review documentation concerned with brokers’ contracts and migrant employment. Auditors should check documents from meetings of trade unions or other worker groups and evidence for how the groups are constituted.

For some document sources such as pay slips and contracts, it will be necessary to use a sampling method similar to the way that workers are sampled for interview selection. This should be direct by the scheme owner. For example, Fair Wear Foundation and Sedex both stipulate the minimum number of worker files to check. It is recommended that the sample of worker files should include the files for workers who have been interviewed, for the purpose of triangulation. Table 7 below shows that number of worker files that auditors are required to check by Fair Wear Foundation and Rainforest Alliance. Compared with the number of worker interviews that they require (see Table 6 in section 4.3.2 above), Fair Wear Foundation requires more documents to be checked and Rainforest Alliance requires less – note that the Fair Wear Foundation requirements are from 2016 and may have been updated since, and also that the total documents to be checked includes documents to check workers’ pay, documents to check health and safety, and additional worker documents to corroborate any findings from interviews or the physical inspection.

Table 7. Minimum number of worker documents to be checked based on total number of workers employed, according to two schemes’ mandatory sampling guidelines
Sources noted in the table

Number of workers employed	Required minimum number of documents to check	Equivalent percentage	Equivalent number of workers using the square root
Fair Wear Foundation (2016)*			
5-25	15	60-100%	2-5
25-50	25	50-100%	5-7
50-500	45	9-90%	7-22
500-1000	45	5-9%	22-32
Rainforest Alliance (2020)			
1-5	All	100%	1-2
6-10	6	60-100%	2-3
11-50	9	18-82%	3-7
51-100	12	12-24%	7-10
101-250	15	6-15%	10-16
251-500	18	4-7%	16-22
501-1500	20	1-4%	22-39
1501-4000	25	1-4%	39-63
>4001	30	1%	63-71+

For the purposes of better understanding the conditions faced by male and female workers and for assessing compliance with gender-related indicators, BSR (2018a) advises auditors to disaggregate the workforce data that they analyse by gender. For example, they might break down workplace accidents into male and female workers or assess the amount of overtime hours worked by male and female workers, respectively.

Critics of auditing on labour issues often argue that auditors prioritise documents over interviews and imply that reviewing documents is a less skilled endeavour than interviewing workers. However,

the document review is a crucial element of an audit which requires thoroughness and a critical eye. The guidance for Better Cotton assessors (2024a), for example, includes the insightful advice that assessors must not only check that policies and procedures exist, but that managers understand and use them. Using a review to assess if systems are embedded in practice is also important in producer group settings.

In its 2016 review of certification schemes, Finnwatch found evidence for auditors not checking and cross-checking information thoroughly enough. This included RSPO auditors in the study:

"In two [RSPO audits], the workers were paid less than the minimum wage. In both these cases, it was written in the audit report that according to the employer, the reason for illegally low salaries was that the workers were lazy or absent from work. It was only clear in one of these two cases that the auditor had attempted to confirm the claims of the employer in interviews with the workers. In this case, the workers said that they had completed all the work assigned to them, and that if they had completed their tasks in less than eight hours, they were assigned additional tasks. Only some of the workers said that they had declined the additional work because they were too tired" (Finnwatch, 2016, p.35).

There are similar findings from elsewhere in the literature. Bartley (2018) found instances in China where SA8000 auditors had simply checked for evidence that worker committees existed and had not properly investigated whether the interviewees were fairly elected without undue company interference. Owing to the complexity of provincial labour laws in China, Bartley also argued that auditors were having to spend hours obtaining and checking records on working hours – potentially taking away time that could be spent interviewing workers. This kind of problem could help to explain why auditors are often criticised for being overly focused on checking documentation. Standards bodies should therefore have measures in place to ensure that document reviews are undertaken to a high standard.

Good practices:

- 3a. Guidance or requirements for sampling worker records for checking.
- 3b. Guidance or requirements for some gender disaggregation of data.
- 3c. Guidance or sampling requirements for inspecting accommodation.
- 3d. General guidance for accurate and analytical documentation checks.

4.5 Reaching and acting on conclusions

4.5.1 Interpreting labour indicators

It may be useful to provide guidance so that audit teams interpret labour indicators in the standard in a consistent way and have a shared understanding of what the indicators mean and what constitutes non-compliance. Previous reviews of the RSPO assurance system have identified areas of the standard which are unclear and open to interpretation by individual auditors (RSPO secretariat, 2021b; Whitmore, 2021). This problem was also noted in an earlier critique of RSPO by Finnwatch, which reported:

“Sometimes certification bodies do not identify non-compliances in a consistent way. Similar findings appear to lead to different conclusions, and in some cases even the seemingly clear non-compliances have been left out of reports. To enable better and more consistent identification of non-compliances, clearer guidance on what is required to adequately verify compliance with criteria is needed” (Finnwatch, 2016, p.37).

Similar findings have emerged for other schemes, including from research into the Forest Stewardship Council assurance process (Piketty & Drigo, 2018).

For RSPO, Whitmore (2021) concluded: “The challenge is to create standardised social auditing competence, particularly regarding what is a non-conformity against an advisory, while accepting and adapting to differing social situations.” This task is identified in the ISEAL Code of Good Practice, which expects scheme owners to put measures in place to support auditors in consistent interpretation of their standards.

Some standards bodies include in their management systems a process by which auditors can request clarification over ambiguities in standards (e.g. 4C, 2020; Trustea, 2023). This may be a good practice to include in auditing guidance.

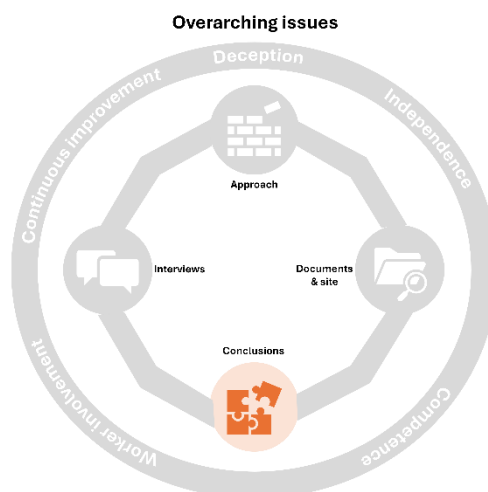
Good practices:

- 4a. Written guidance or a procedure to help ensure consistent interpretation of labour-related indicators by individual auditors.

4.5.2 Triangulation and evidence thresholds

A related area where guidance may be beneficial is in what levels of evidence are needed for auditors to conclude that an employer is not compliant with a particular labour-related indicator.

On the one hand, the auditing process is built on the principle of triangulation, whereby auditors are expected to gather information from multiple sources, using interviews, documents and physical inspection, to reach a judgement on performance against a standard (Manning, 2018). It is good



practice for the scheme owner to provide guidance on the kinds of evidence that should be consulted for auditors to reach their findings. Schemes may choose to provide this guidance in their standards documents or in separating auditing guidelines.

On the other hand, there are circumstances reported in the literature where auditors cannot gather the evidence required by standards bodies to cross their pre-set evidence thresholds, and therefore useful observations and testimonies concerning labour issues and possible labour rights abuses are either not translated into findings of non-compliance or not included in audit reports. For example, it can be difficult for auditors to access official documents to corroborate child labour, especially if children's documents are unavailable or withheld. Or auditors might not be able to find sufficiently robust documentary evidence to support workers' claims of harassment or discrimination. This is an eventuality that is anticipated in Better Cotton's guidance on decent work; in such cases where documented evidence is unavailable for certain difficult labour issues, Better Cotton allows for multiple witnesses corroborating a finding to pass the evidence threshold. As argued by one human rights expert at Shift:

“Some impacts [on workers] – particularly those related to treatment – don't leave an auditable trail of documentary evidence. But documents are not the only credible source of information. Experience shows that the signs of abuse are often “written” on workers themselves: in what they say, their body language, their health or the stories they share” (Burlon, 2021)

The challenge of gathering evidence to corroborate findings on sensitive labour issues was noted by Partner Africa (2022). In its gender-sensitive audit methodology, Partner Africa gave guidance to auditors on next steps for labour findings which could not be triangulated using the traditionally accepted forms of corroborating evidence. The *Gender Equality in Social Auditing Guidance* developed by BSR claims that:

“Some assurance schemes have issued guidance advising auditors that non-compliances for sexual harassment should be raised (and recorded) on the basis of probative facts (facts that make the existence of something more probable or less probable), without requiring triangulation. In that sense, aligned and coherent information gathered during worker interviews has probative value and can be integrated into final reports, assuming there is no identified risk to the worker” (BSR, 2018a, p.32).

BSR does not specify which schemes it is referring to, but even in principle, such an approach could be useful to include in auditing guidelines. It is important for CBs to ensure that auditors are clear on the range of evidence that can be used to indicate compliance or non-compliance with labour-related indicators, and that auditors are not constrained by preconceptions or misunderstandings over what evidence is acceptable. The relevant part of the ISEAL Code of Good Practice reads, “The scheme owner defines a decision-making protocol that enables consistent determination of conformity or performance status, the severity of non-conformities, and repercussions for each level of non-conformity. The scheme owner requires assurance providers and oversight bodies to implement this protocol.”

Triangulation is often understood to involve the combination of multiple types of evidence collected using multiple methods (Manning, 2018). In auditing, this may be a combination of interviews and documentary evidence, for example. However, triangulation or corroboration can also involve comparing multiple sources of evidence of the same type (Donko & Mensah, 2023; European Court of Auditors, 2023). In its *Auditing Rules*, Rainforest Alliance allows for this second form of triangulation for auditing social issues:

“In all audits that include social topics in the certification scope, the audit team shall use testimonies of the interviewees as corroborative evidence to raise a nonconformity when they match or concur. Corroborative evidence are facts that are confirmed in multiple interviews, even without any documented evidence” (rule 2.10.4)

In his criticism of certification schemes including RSPO for Forest Peoples Programme, MacInnes (2023, p.8) argues that auditors should refer less to documentation as supporting evidence and turn more to key informants such as “indigenous peoples and local communities, local civil society organisations, independent researchers, and international NGOs who have been on the ground”.

The procedure developed by SAI for cases where SA8000 auditors cannot corroborate worker testimony is as follows – note the recourse to off-site interviews or even a new audit:

“The results of discussions from worker interviews are generally anecdotal. Information obtained from worker interviews SHALL be noted and brought forward for further investigation throughout the current and future audits. If significant corroborating testimony or other evidence does not support information obtained during worker interviews, the CB SHALL institute off-site worker interviews and/or a special audit to identify further evidence to see if a non-conformity exists” (SAI, 2020, rule 15.8.4, p.56.

The SA8000 audit process also allows auditors to make comments for the CB’s eyes only – these are “anecdotal, undocumented or unconfirmed statements or information” which are shared with the CB but not included in the audit report.

Linking to the recommendation in section 4.2.5 above concerning guidance on the expected duration of an audit, there is potentially also scope for pragmatic guidance on what audit teams should do if they run out of time to fully investigate a labour issue or to follow up on allegations and observations made earlier during the audit.

Good practices:

- 4b. Guidance on evidence thresholds and triangulation required for labour-related findings of non-compliance.
- 4c. Guidance on any exceptions to requirements for triangulation in instances of certain labour issues.
- 4d. Guidance on what to do if the audit team runs out of time to complete investigation of one or more labour-related findings.

4.5.3 Acting on serious labour rights abuses

Auditors may need guidance on how to act on findings or suspicions of serious labour rights abuses during an audit, including possible criminal activity. This guidance may be provided by the CB and/or by the standards body separately, so it is a question for this project whether it should also be included in labour auditing guidelines. It may be necessary to have guidance for auditors to raise with the organisation any serious labour findings that could not be corroborated with documentary evidence; conversely, there could also be findings which the auditors judge could put workers at risk if they were discussed with company management.

In a 2016 review, Finnwatch (2016) found that only 8 of 16 schemes set out processes for auditors to respond to potentially criminal activity detected during an audit. Today, several schemes require CBs to develop protocols for auditors to act in such scenarios. They are typically linked to grievance and remediation procedures. See, for example, section 'AR4.5: Remediation' in the Rainforest Alliance *2020 Certification and Auditing Rules* (2022, p.136). In another example, GoodWeave (2020) has set out its procedure for auditors to act on findings of child labour. SAI has recently introduced procedures for how lead auditors must respond if their team detect non-conformities that also contravene the law (SAI, 2020, p.104).

Such guidance could be included in an auditing guidelines document, linked to the guidance recommended in section 4.5.2 above on evidence thresholds for difficult labour issues.

Good practices:

- 4e. Guidance linked to system rules on how auditors should act on findings or suspicions of serious labour rights abuses.

4.6 Closing meetings

There are some recommendations in the literature on the running of closing meetings at the end of an audit.

One discussion point is related to the section 3.4.3 above on how auditors should act on serious labour rights abuses. BSR (2018a) notes that often, sensitive findings and uncorroborated findings are purposely not discussed in the closing meeting, in order to protect workers from potential recrimination from company management. They might also not be included as official non-compliances in the audit report. In such cases, it is important to use the potential that is offered by a certification system to address findings of concern through post-audit dialogue, follow-up and corrective action, possibly in partnership with other actors in the supply chain.

In its audit rules, Rainforest Alliance also allows for the possibility that auditors may wish to withhold findings from the closing meeting in order to protect their own safety:

“In the event that an auditor believes her/his safety may be at risk as a result of communicating a nonconformity, the audit team may decide not to communicate such a finding until the team has left the premises of the CH. Such a finding shall be communicated by the CB to the CH within 3 working days from the closing meeting of

that audit. The CB audit team shall include such a situation in the audit checklist/report uploaded to RACP” (Rainforest Alliance, p.112)

The procedure for SIZA audits is as follows:

“When workers raise issues which could be directly attributable to one particular worker and/or could result in reprisals against workers, these should be reported directly to the audit requestor (where this is not the employment site itself) for advice on how best to handle the issue at the closing meeting. If the audit requestor is not able to give guidance before the closing meeting, the issue should not be raised at the closing meeting” (SIZA, 2023, p.24).

Other aspects to consider are whether interviewees of worker organisations and stakeholders should be present at the closing meeting. This is a recommendation of the Smeta method, for example (Sedex, 2017). Potentially, it could be useful to give auditors on how to respond if important people refuse to attend the closing meeting, especially managers whose departments are involved in any non-compliances.

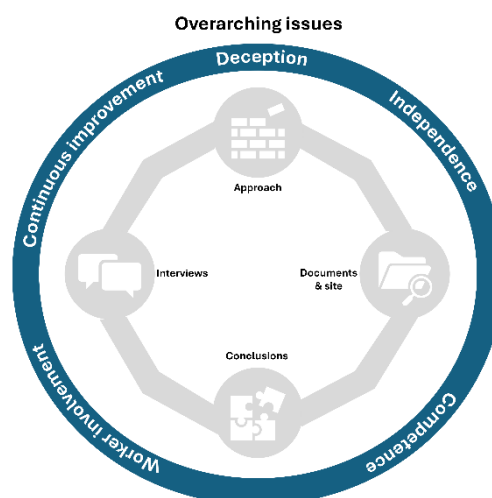
It may also be useful to provide guidance for auditors on how to begin the process of moving from audit findings to corrective action. The closing meeting is a place where dialogue can begin on how organisations can address some of the labour findings of concern, and what support they might need to do so. A study of the Brazilian sugar sector found cases where external auditors developed good relationships and alliances with middle managers who were supportive of change at audited companies. By communicating well with these managers during the audit and including ideas for corrective action in their reports, the auditors helped to convince upper management, who could be more defensive or resistant to change, to commit to improve standards at the closing meeting and afterwards (Coslovsky & Locke, 2013). It is good practice for the audit team to have a pre-meeting before the closing meeting, to agree on – among other things – how they will prioritise issues, suggest root causes, answer management questions or disagreements, and put forward possible corrective action (see section 5.7 of the SIZA guidance for an example).

Good practices:

- 4f. Guidance or requirements for worker interviewees and stakeholders to be present at closing meetings
- 4g: Protocol for withholding sensitive or uncorroborated findings from closing meetings
- 4h: Advice on the right tone and approach for winning management support and moving towards corrective action

4.7 Relating to over-arching findings of ISEAL study

The desktop study that Proforest conducted for ISEAL Alliance on the effectiveness of labour auditing revealed some over-arching issues. These go beyond questions of audit methodology to issues of audit deception, auditor integrity, continuous improvement and worker inclusion. While these issues need to be addressed on multiple fronts, there are still ways in which auditing guidelines contribute towards resolving some of the challenges.



4.7.1 Audit deception

It is an important part of the preparation phase for auditors to anticipate any obstructions or limitations that might be placed on them by the company being audited which could affect their ability to collect information (Mazars LLP & Shift Project Ltd (2017)). This may include attempts at deception. Empirical studies reviewed for ISEAL Alliance revealed widespread practices of deception by entities undergoing audits. These included garment factories to a large extent, but also agricultural operations. Some form of audit fraud or deception was reported in 9 (69%) of the 13 garments or textile sector studies in the review, 5 (63%) of the 8 multi-sector studies and 2 (14%) of the 14 agriculture studies. The practices included:

- **Physical deception**, where workplaces (factories or farms) would fabricate working conditions during an audit to falsely project compliance with labour rights requirements of certification schemes and buyer codes of conduct.
- **Information deception**, where audited companies fabricated or concealed documentary information for audit inspections.
- **Restricting access to workers**, where the audited company disrupted auditors' ability to speak freely with workers, by hand-selecting workers or, in more extreme cases, by ensuring that workers were either hidden on the premises or were not present.
- **Coaching workers** on how to answer auditors' questions.
- **Supply-chain concealment**, where the audited company concealed an entire production facility from auditors, which could be an owned factory, so-called subcontracted 'shadow factories', or informal or home-based workers.

It is difficult for auditors to combat these deceptive activities, but there are techniques that they can employ, particularly to address the practices of information deception, restricting access to workers and coaching workers.

Preventing coaching and pre-selection of workers: Audit teams can help to prevent employers from pre-selecting workers to be interviewed or coaching them on how to answer auditors' questions, by making the selection themselves, using the sampling considerations discussed in section 4.3.2 above. BSR (2018a) recommends that this selection is made as late as possible before the interviews are

held. Verité also recommends that auditors are trained on spotting the signs of coaching during interviews. Techniques have been developed to help auditors verify suspected cases of child labour in the absence of personal identification documents (Transparentem, 2012). In the guidance document for the Social Responsibility Assessment (SRA) Tool for the seafood sector, assessors are advised that “several individuals offering identical responses may be an indication of coaching” (Elevate, p.25).

Preventing pre-selection of smallholders and growers: Similarly, auditors can resist attempts for smallholdings and farms to be pre-selected. There can be logistical and practical challenges for auditors to arrange visits to farms that they select themselves at relatively short notice, and so guidance to help auditors is important. In the 4C system, auditors give the names of selected producers to the managing entity only 48 hours before the audit begins, in order to minimise the opportunity for deception and to introduce a quasi-unannounced nature to the site visits. Better Cotton (2024a) follows a similar procedure for its farmer visits but gives only 24 hours’ notice.

Tackling information deception: When conducting document reviews and triangulating evidence, auditors should be alert to any inconsistencies. The SIZA guidance on this is: “Inconsistencies between different types of documents and worker testimony should be considered a critical non-compliance and should be raised with the employment site management as early as possible during the audit” (SIZA, 2013, p.27). Information deception is raised as a serious risk in the SA8000 auditor guidance, which gives extensive advice for auditors to help identify it (SAI, 2024, p.79).

Dealing with obstruction: The SMETA best practice guidance includes the suggestion that employers might prevent auditors for visiting certain locations “for reasons of safety or commercial confidentiality” (Sedex, 2007:44). Given the potential for audit deception, auditors and their CBs should have protocols or techniques prepared to respond to such requests. Requirement 11.2.1 of the SA8000 mandatory procedure states that “Each CB SHALL develop and maintain a general procedure that addresses issues that can occur during an audit such as, but not limited to attempted bribery; ... denied access to any part of the premises; denied access to records; denied access during a semi-announced audit; and other such matters. This procedure SHALL address auditor process and the circumstances under which an audit SHALL be terminated” (SAI 2020, p.36). Similarly, in the GoodWeave (2020) assurance system, it is classified as a major non-compliance if an audited entity restricts access to workers or production sites. In the coffee sector, 4C (2020) instructs CBs that if the managing entity or any business partners obstruct auditors’ access to documents or physical premises, then the audit cannot be completed.

Good practices:

- 5a. Requirement that selection of workers is made as late as possible.
- 5b. Requirement that the selection of smallholders and farmers is made as late as possible
- 5c. Reminder to be alert to information deception (e.g. fraudulent documents, double book-keeping)
- 5d. Clear procedures for auditors to respond to their access to workers, documents or physical premises being blocked.

4.7.2 Independence and integrity

The review for ISEAL Alliance found many instances where the robustness and accuracy of audits was undermined by auditors lacking the necessary separation from the entities being assessed. Partly this is attributable to the business models by which CBs and auditors are contracted and paid for, which lies beyond the scope of auditing guidelines. Several schemes also set out of rules to avoid conflicts of interest in the hiring of auditors, which again might not fall within the scope here.

There is further evidence from agricultural sectors, including palm oil, that auditors sometimes lack impartiality, perhaps because they have grown familiar with the employers during repeat audits. In some cases auditors have been threatened or have accepted bribes by producers and farmers. Researchers have documented occasions when auditors have omitted labour-related findings from audit reports out of concern for the possible repercussions for the workers involved or prejudice against certain groups of workers.

At the fourth RSPO Assurance Forum in 2021, a participant noted that “local communities were often reluctant to speak up because they thought the auditors were consultants of the company since they turned up in company vehicles and stayed in company’s accommodation” (RSPO secretariat, 2021a). Similarly, during the LAG socialisation workshops held in 2022 and 2023, a comment from the participating auditors was that it can be difficult for auditors to maintain their independence in situations where they are conducting audits in remote locations and are offered food and accommodation by the audited entity (RSPO Secretariat, 2023, p.24). The guidance provided at the workshop – “auditors should use their professional judgement and assess the potential impact of accepting certain assistance from the client and make a decision based on the facts and circumstances of the situation” – does not seem sufficient to empower auditors and prevent the loss of independence and trust that could ensue.

None of the documents reviewed here provided detailed guidance or requirements to address these challenges, but it would seem good practice to do so if possible.

Good practices (cf. p. 54 for complete list):

- 5e. Rules to prevent auditors becoming over-familiar with the entity being audited
- 5f. Concrete guidance or requirements to preserve the independence and integrity of auditors in the field.
- 5g. Have remediation and grievance management procedures in place and reassure auditors that their findings will not have negative repercussions for vulnerable workers.

4.7.3 Auditor competence

A review of RSPO systems published in 2021 found a need to improve social auditing skills of auditors. Drawing on interviews with stakeholders, the author reported:

“It was stressed that most recruits for auditing came from an agricultural educational background and were not equipped to deal with social auditing requirements. As such there should be increased social auditing training, both at a basic level - to ensure all

auditors have a mandatory, minimal understanding of the issues - and for those specialising, creating a pool of well-trained social auditors” (Whitmore, 2021, p.35).

A survey of auditors across multiple sectors conducted in 2016 found a correlation between certain characteristics of an auditor and the number of child labour cases that they reported having detected in past audits (CCN CSR, 2016). The study found that the more years of experience the auditors have, the more likely they are to discover child labour. Auditors were also more likely to have detected child labour if they were female and if they had received child labour training.

Another study looked at all kinds of social non-compliances, not just child labour (Short et al., 2014, p.24). Analysis of thousands of audit reports found that auditors who had received specialised training were more likely to find non-violations during an audit than other auditors; “each additional training course (pursued by the most highly trained member of the audit team) is associated with an additional 0.14 violations”. Being more experienced, as measured in the number of years that the most experienced auditor in the team had worked at the audit company, gives a similar correlation. Like the child labour study, this project also found that female auditors were more likely to find non-compliances than male auditors. Importantly, this does not mean that the audit team needed to be all-female to record statistically more non-compliances, it just needed to have a mix of female and male auditors.

Such studies suggest that standards bodies such as RSPO should encourage certification bodies to employ auditors who have had specialist training in auditing labour issues and who have several years of experience, at least collectively within the audit team. These auditors are likely to identify more non-compliances than other auditors, which while itself is not necessarily desirable, is an indication that the auditors are more skilled at detecting labour rights abuses.

Having experience should help auditors to gain the specialist knowledge and skills that experts suggest are crucial for interviewing workers, identifying potential labour issues through documents, side-stepping audit deception and interpreting findings. This is especially useful for auditors to assess hard to detect labour issues (Business and Human Rights Clinic, 2019). Mazars LLP & Shift Project Ltd (2017, p.19) recommends that auditors who assess human rights issues should have expertise in one or more of the following: internationally recognized human rights standards; the UN Guiding Principles on Business and Human Rights (UNGPR); human rights risk assessment; those human rights issues that are typically relevant to the industry and context being audited; and processes for engaging affected stakeholders, including vulnerable groups. For its audits in South Africa, the SIZA standard requires that auditors have good knowledge of the South African agriculture sector and relevant legislation, but also that they should know and ideally already be in contact with NGOs and other civil society organisations that are active in the sector (SIZA, 2013).

It is good practice for standards bodies to set minimum requirements for auditors who will participate in the assessment of labour aspects of a standard. The requirements may cover several aspects:

- Qualifications
- Years of experience
- Specialist training

- Knowledge of the sector
- Knowledge of national or regional labour legislation
- Knowledge of the local context and local stakeholders

For example, 4C requires auditors to either have participated in at least 3 relevant audits or to have a university or college degree, to have undergone 40 hours of audit training, and to have 2 years' experience in the sector. Rainforest Alliance requires certifiers to have an ISO qualification and 16 hours' audit training 3 years' auditing experience. Fair Trade requires 1 year of audit experience or 100 audit days.

The requirements are typically higher for lead auditors or audit team leaders; and auditors who are hired to focus on the labour aspects of an audit are expected to have greater training and experience in labour auditing than other team members.

CBs are typically given responsibility for ensuring the competence of their auditors, including freelance auditors.

Good practices (cf. p. 54 for complete list):

- 5h. Auditors or audit team must have a stipulated minimum years of experience.
- 5i. Requirement that audit team members have undergone training in labour auditing and human rights.
- 5j. Requirement that audit team members have knowledge of the local context and stakeholder landscape.

4.7.4 Continuous improvement

Another over-arching question that was raised in the review for ISEAL Alliance is whether labour auditing can contribute towards continuous improvement in labour standards among certified entities and their neighbouring producers.

Proforest identified certain aspects of how an audit is carried out which can improve the chances of long-term change and transformation in working conditions.

The first is to encourage auditors to **identify the root causes of labour issues** detected during an audit. As we noted in the ISEAL report:

There is some concern that many audits do not require auditors to conduct a root cause analysis of labour issues that they observe. Nolan⁴ describes this as auditors focusing on the *symptoms* of labour abuses instead of the *root causes*. The implication is that without the auditee identifying why labour violations are occurring, then it will be difficult to rectify them after the audit.

⁴ J. Nolan. 2022. Chasing the next shiny thing: Can human rights due diligence effectively address labour exploitation in global fashion supply chains? *International Journal for Crime, Justice and Social Democracy*. 11(2): 1-14. <https://doi.org/10.5204/ijcsd.2398>

According to this theory, it will increase the chances of audited companies achieving long-lasting change if the corrective actions that they implement following a non-compliance finding are based on an understanding of the root cause. It is possible to standards bodies to make it a mandatory requirement for CBs and auditors to include a root cause analysis. Fairtrade International, for example, has stipulated that for its textile audits, “The final report includes a root cause analysis of the non-conformities, proposed by the operator and confirmed by the assurance provider” (2023a, paragraph 11.5.1).

Some experts advocate auditing approaches that **assessing management systems** as opposed to compliance or non-compliance with operational labour targets. The argument is that once effective systems are in place, they can support long-lasting improvements in working conditions and labour rights. Conversely, if underlying systems are absent or dysfunctional, then well-meaning corrective actions may be short-lived. As stated by BSR (2018a, p.36): “Social audits – if they are to be truly effective and gender-sensitive – should strive to capture not only the existence of a policy or mechanism and its successful implementation but how it has been successful in positively impacting women in the workplace and in contributing to transforming gender norms.” Under the BSR guidance for gender equality, auditors are encouraged to consider how deeply processes have been embedded in the business, and “look for evidence that that ... commitments [to prohibiting practices in the workplace that disproportionately harm women] are embedded into company culture” (BSR, 2018a, p.37).

Linked to the previous point is the argument that the audit process can support continuous improvement if the **corrective action plan is developed by parties in a collaborative way**. This means that auditors work together with company management but, crucially, also workers or workers’ representatives and possibly some key stakeholders, to devise corrective actions.

One of the studies that we reviewed for the ISEAL review highlighted the potential benefits of working with senior management. The study looked at audits of The Coca-Cola Company’s private standard conducted at sugar mills in Brazil (Coslovsky and Locke, 2013). The authors found that the auditors were able to support sustainability staff at the mills, and other company managers that wanted to make improvements on social issues, to get their proposed changes listened to and ultimately implemented by the company directors. The authors found that the corrective action plans also helped to bring about internal change. Just to mention an up-to-date example from our interviews, we found that continuous improvement is a central mission of the Sustainability Initiative South Africa. The interviewee explained that they have a policy of recognising good practices during audits and including them in audit reports (verified with evidence just like non-compliances would be), which the interviewee helps to promote the spirit of continuous improvement among producers. There is also a programme for supporting producers to address non-compliances. Funded by downstream companies, the programme links producers to experts who provide advice on remedying some of the issues identified by auditors.

Good practices:

- 5k. Requirement to include analysis of root causes of identified labour issues.

- 5l. Requirement or guidance to develop the action plan in collaboration with management, workers and partnering stakeholders.
- 5m. Requirement or guidance to assess management systems.

4.7.5 Worker inclusion

The final over-arching finding of the ISEAL study is related to the previous point about continuous improvement, and particularly the need for collaboration in the development of corrective action plans. We found that often, workers felt uninvolved and alienated from the auditing process. They were inadequately informed of both their labour rights and the purpose of the audit, which affected the quality of their participation in interviews. In some cases, workers were found to have participated in audit deception because they were sceptical that any benefits would result from being open.

In his *Review of RSPO Systems on Competence and Independence of Assessors and Auditors*, Whitmore (2021) observed: “A key concern was better involving impacted rights holders, including workers, union, local communities and NGOs, in a more meaningful way. It is a wider issue but in auditing terms is about those rights holders having resources to engage, ensuring enough of the relevant people are engaged and that they have the confidence that information will be properly regarded and processed.”

Auditors may be able to play a small role in improving the scope and quality of worker participation in audits by maximising the time devoted to worker interviews (see section 4.3.2 on sampling), consulting unions and civil society organisations, spending some time in interviews to discuss with workers their rights and the context of the audit, and leaving a way for workers to contact the auditor after the interview as recommended in section 4.2.3.

One example of this is from the SMETA best practice guidance, which recommends that information about the audit is made available to workers before the audit begins (Sedex, 2007). The guidance for the South African SIZA standard, which has several commonalities with SMETA, provides template documents and videos that audited companies can use for communicating with workers about: the purpose and scope of the audit; who the auditors are; how the interview process will work; and auditors’ contact details (SIZA, 2023).

Under the SA8000 system, at least one worker interviewee must be invited to attend the opening meeting. For the closing meeting, workers’ interviewees are requested to attend and if they do not, it is recorded in the audit report (SAI, 2020).

Good practices:

- 5n. Requirement/ guidance on giving information on labour rights and audit process.
- 5o. Requirement or guidance to consult trade unions and civil society organisations.
- 5p. Requirement or guidance for auditors to leave contact details with interviewed workers, with a defined protocol for how auditors should respond to any contact.
- 5q. Requirement or guidance to maximise the number of interviews, in balance with the other audit elements and as time and resources allow.

5. Review of the coverage of the LAG against good practices. Part 2: findings

5.1 Introduction

This chapter presents our review of the coverage of the LAG, with an assessment of how the LAG compares with best practice in labour auditing and identification of gaps or areas that could be strengthened.

For the review, we compared the list of good practices described in the previous chapter with the auditing guidance provided in the LAG. We also checked if any of the good practices are covered by the RSPO Certification Systems document, since this includes several rules for CBs relevant to how audits are carried out. (As noted in Chapter 2, the RSPO is not the only standards body which spreads guidance and requirements for auditing processes across two or more documents.) The results are summarised in Table 8 below and presented in detail in the Annex.

The comparison reveals several areas where the LAG (or Certification Systems document) is either missing guidance or falls short of what is optimally advised for auditing labour issues. However, it should be noted that our list of good practices would form a model document. Even the most comprehensive labour auditing guidance that we reviewed, such as Rainforest Alliance's *Auditing Rules*, did not include all of the recommendations in the literature. Furthermore, some of the good practices may not be appropriate for auditing labour issues in a palm-oil production context. We have therefore also taken into account comments from the stakeholder interviews concerning gaps in the LAG and priority areas for audit improvements, as well as literature that concerns RSPO audits in particular, to focus the review findings and channel them into conclusions that are as relevant to the RSPO auditing process as possible.

The chapter addresses the following requests from RSPO for the review:

Analyse the strengths and weaknesses of the auditing process within the LAG, and provide recommendations for improvement

Consider the broader context and challenges of the RSPO certification process and explore how the LAG can better support certification audits

Identify and address gaps, inconsistencies and areas of ambiguity in the LAG used by CBs, and provide recommendations for improvement

Table 8. Summary of whether good practices in labour auditing guidance are covered in the RSPO LAG and RSPO Certification Systems document

Versions reviewed: LAG endorsed by RSPO Assurance Standing Committee on 22 September 2022;
RSPO Certification Systems endorsed by Board of Governors on 12 November 2020

Good practice	Covered in Certification Systems document?	Location	Covered in the LAG?	Location
1. General approach to the audit				
1a. Guidance on the kinds of information that should be consulted and the kinds of question that should be asked in a preparation or risk assessment phase.	No		Yes	1.2 d; 2.2.3
1b. Recommendation to identify in advance any high-risk or high-priority labour issues.	No		Partial	2.2.3
1c. Requirement to identify languages spoken by workers and to prepare accordingly, with rules on hiring independent interpreters.	Yes	4.8.8	Yes	2.2.3 f
1d. Guidance on optimal times for audits and a process for allowing audits at non-optimal times.	No		No	
1e. Guidance on how auditors should balance their time between checking documents, inspection and interviews.	No		No	
1f. Guidance for uncovering non-visible or hard to detect labour issues.	No		No	
1g. Guidance on a gender-sensitive audit methodology.	No		No	
1h. Requirements for female auditors to be included in the team and/or for alternative measures to be taken if female auditors are not available (e.g. gender-sensitive auditing training).	No		No	
1i. Minimum days for audits with guidance on extending audit duration depending on nature of supply base, number of workers, travel times, use of interpreters and risk level. Minimum days should be sufficient for properly investigating labour issues.	Partial	5.2.3	No	
1j. A procedure which clarifies the process for audit teams to request an extension to an audit and how the associated financial costs will be met.	No		No	
2. Interviews				

Good practice	Covered in Certification Systems document?	Location	Covered in the LAG?	Location
2a. Guidance on who to interview, including recommendation to interview labour brokers.	Partial	5.4.5	Partial	E.ii, 3.4.15
2b. Minimum number or specified role-holders of management staff to interview.	No		No	
2c. Sample targets for workers that are bigger than square root for large populations and are risk-based.	No		Partial	2.5.3 and 2.5.4
2d. Sample targets for smallholders and farms that are bigger than square root for large populations and are risk-based.	Partial	5.7.3		
2e. Guidance on variables for sub-samples. List of variables should either be short or give guidance on which variables to prioritise.	Yes	5.7.4 A.1.4.1	Partial	2.5.9 3.4.1
2f. Requirement that ease of access should not influence selection of sites to visit.	No		No	
2g. Guidance on how to respond if certain worker types are not available to interview, especially seasonal workers and third-party workers	No		No	
2h. Guidance to allow auditors to hold individual and group interviews at their discretion.	No		Yes	2.5.7
2i. Guidance on maximum size for focus groups.	No		No	
2j. Recommendation that auditors are trained in focus group facilitation.	No		No	
2k. Recommendation for length of individual and group interviews, aligned with best practice.	No		Partial	1.4
2l. Possibly guidance on what to ask during interviews.	No		Yes	3.2
2m. Requirements for workers' identity to be concealed in audit documents.	No		No	
2n. Requirement that workers may not be selected by employers for interviews.	No		Partial	2.5.2
2o. Guidance for some off-site interviews to be held, with provisions for meeting the costs and safeguarding auditors.	No		Contrary	3.4.8
2p. Guidance for protecting anonymity of workers that auditors speak to informally on work premises.	No		Partial	E.iv, E.i.

Good practice	Covered in Certification Systems document?	Location	Covered in the LAG?	Location
2q. Strongly advise against travelling to workplaces in company vehicles and/or with company staff.	No		Partial	3.3.1 and 3.1.1
2r. Guidance to conduct risk assessment on trade unions and to err on the side of caution when involving them in worker discussions.	No		Yes	3.4.12
2s. Requirements for female auditors to conduct at least some interviews with female workers, unless risk assessment and stakeholders' advice against.	No		No	
2t. Guidance for explaining the audit process to workers and for putting them at ease, and/or requirement for audit team members to have the necessary soft skills demonstrable through training.	No		Yes	3.4.5 plus 'Good practice for worker interviews' on page 30
2u. Possibly guidance on stakeholders to consult during the audit.	No	5.6.5	No	
2v. Advice for auditors to deal with difficult situations with stakeholders	No		No	
3. Physical inspection and checking documents				
3a. Guidance or requirements for sampling worker records for checking.	No		No	
3b. Guidance or requirements for some gender disaggregation of data.	No		Partial	3.2.2
3c. Guidance or requirements for inspecting accommodation.	No		Partial	3.2.2
3d. General guidance for accurate and analytical documentation checks.	No		Yes	3.2
4. Reaching and acting on conclusions				
4a. Written guidance or a procedure to help ensure consistent interpretation of labour-related indicators by individual auditors.	No		No	

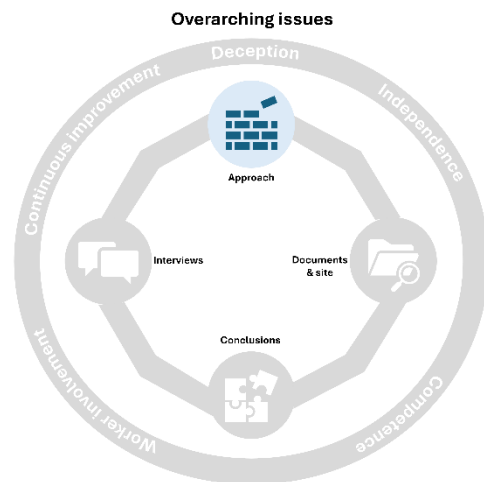
Good practice	Covered in Certification Systems document?	Location	Covered in the LAG?	Location
4b. Guidance on evidence thresholds and triangulation required for labour-related findings of non-compliance.	No		Contrary	3.2.1
4c. Guidance on any exceptions to requirements for triangulation in instances of certain labour issues.	No		No	
4d. Guidance on what to do if the audit team runs out of time to complete investigation of one or more labour-related findings.	No		No	
4e. Guidance linked to system rules on how auditors should act on findings or suspicions of serious labour rights abuses.	No		No	
4f. Guidance or requirements for worker interviewees and stakeholders to be present at closing meetings	No		No	
4g: Protocol for withholding sensitive or uncorroborated findings from closing meetings	No		No	
4h: Advice on the right tone and approach for winning management support and moving towards corrective action	No		No	
5. Relating to over-arching findings of ISEAL study				
5a. Requirement that selection of workers is made as late as possible.	No		Yes	2.5.2
5b. Requirement that the selection of smallholders and farmers is made as late as possible	No		No	
5c. Reminder to be alert to information deception (e.g. fraudulent documents, double book-keeping)	No		Partial	3.2.2
5d. Clear procedures for auditors to respond to their access to workers, documents or physical premises being blocked.	No		No	
5e. Rules to prevent auditors becoming over-familiar with the entity being audited	Yes	4.6.7	No	
5f. Concrete guidance or requirements to preserve the independence and integrity of auditors in the field	No		No	
5g. Have remediation and grievance management procedures in place and reassure auditors that their findings will not have negative repercussions for vulnerable workers.	Partial	4.10	No	
5h. Auditors or audit team must have a stipulated minimum years of experience.	Contrary	4.8.6	No	

Good practice	Covered in Certification Systems document?	Location	Covered in the LAG?	Location
5i. Requirement that audit team members have undergone training in labour auditing and human rights.	Partial	4.8.8	No	
5j. Requirement that audit team members have knowledge of the local context and stakeholder landscape.	Partial	4.8.6 4.8.8	No	
5k. Requirement to include analysis of root causes of identified labour issues.	Yes	A.3.1	No	
5l. Requirement or guidance to develop the action plan in collaboration with management, workers and partnering stakeholders.	No		No	
5m. Requirement or guidance to assess management systems.	No		No	
5n. Requirement or guidance on giving information to workers on labour rights and their audit process.	No		Partial	3.4.3
5o. Requirement or guidance to consult trade unions and civil society organisations.	No	5.6.5		3.1.1
5p. Requirement or guidance for auditors to leave contact details with interviewed workers.	No		Yes	3.4.11 and 3.1.1
5q. Requirement or guidance to maximise the number of interviews, in balance with the other audit elements and as time and resources allow.	No		No	

5.2 General approach to the audit

There are several good practices that fall under the category of the general approach to the audit which are not covered in the LAG (or the Certification Systems document).

One is a recommendation to provide guidance on **how auditors should balance their time between checking documents, site inspection and interviews**. This could be perceived as ‘soft’ guidance which could be difficult to express as a prescriptive rule or mandatory requirement. Nevertheless, it would seem an important issue which, if addressed, could help improve the quality of RSPO audits, given the concerns in the literature that RSPO auditors have sometimes spent too much time checking documents (Jennings, 2016; RSPO Secretariat, 2021b).



The LAG could also include more guidance on **investigating so-called non-visible labour issues** such as harassment, gender discrimination or forced labour. Such guidance would need to go beyond the suggestions for interview questions and things to check in the long table in section 3.2 of the LAG. It has been established in the literature that auditing non-visible labour violations is difficult and requires skill, experience and specialist training. These are also high-priority areas for the RSPO and the palm oil sector. In his interview, the interviewee from the Forest Peoples Programme expressed concern that RSPO auditors are not detecting forced labour, for example. He described scenarios where local people lose land to plantations and are obliged to join the company workforce as casual workers on piece rates with no benefits or job security. “This hasn’t properly been picked on as what it is: forced labour,” he said.

Another good practice identified in the literature is to provide guidance or requirements for the CB to ensure audits incorporate a **gender-sensitive approach**. This will improve the capacity of audit teams to detect labour-related issues, gain the confidence of female interviewees and therefore improve the accuracy of RSPO audits overall. Some standards bodies require CBs to always include a female auditor on the audit team in order to conduct interviews with female workers, but using female auditors is not even included as a recommendation in the LAG or Certification Systems document. Much of the best practice in this area has been pioneered by the garment sector, which typically involves auditing workforces with a large proportion of women workers. In the palm oil sector, the context may be different. The interviewee from Control Union noted that in Africa, the majority of RSPO auditors are male, as are most workers on oil-palm estates. Therefore it may be appropriate for the RSPO to not only **promote inclusion of more female auditors** in audit teams, but also require CBs to take alternative measures to **ensure that male auditors are as well trained as possible to interview female workers and to detect gender-related labour issues**. The auditor and consultant from Malaysia supports the idea that female auditors should help to interview female workers. In his experience, male auditors often do not have the correct knowledge or know the appropriate questions to ask about reproductive rights, for example. He suggested the RSPO set a

rule that if there are more than 10 women in the workforce then the CB should send a female auditor, and if no female auditors are available, then a woman from a local organisation could be hired to assist with interviews.

There is also potential for the LAG to require or recommend that CBs identify in advance any high-risk or high-priority labour issues at the site. This could be helpful if auditors' time is limited. A related good practice is for the CB to establish a procedure which clarifies the process for audit teams to request an extension to an audit and how the associated financial costs will be met. We will return to these as ideas in the Recommendations chapter.

Good practice 1a, to provide guidance on the kinds of information that should be consulted and the kinds of question that should be asked in a preparation or risk assessment phase, is covered by the LAG in sections 1.2 and 2.2.3. But two of the interviewees (Palmas Montecarmelo, SCS Global) requested more guidance on conducting the desk review. The interviewee from SCS Global commented that it is not taught anywhere which are the best online sources to find information for background review or finding ongoing conflicts and grievances.

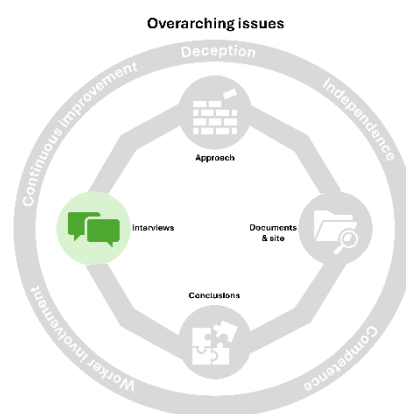
5.3 Interviews

The literature on labour auditing provides many excellent resources on best practice in interviewing workers, management personnel and other stakeholders. Some of this advice is included in the LAG, but other recommendations for optimal interviewing are missing.

Two good practices identified in the literature are 2a, **guiding audit teams on who to interview**, and 2e, **suggesting variables for stratifying the sample of workers**. The LAG does indeed advise that the worker sample should be “a cross-section of the workforce based on demographic characteristics” (paragraph 2.5.1) and it provides a list of possible variables including gender, age, ethnicity, nature of contract and so on (paragraph 2.5.9).

According to the LAG, selecting the cross-section should be a process of stratified random sampling, using the square root of the total workforce. If the audit team identifies ‘vulnerable’ workers, then these should be sampled in addition, but also using the square root of the total size of the ‘vulnerable’ category. RSPO defines ‘vulnerable’ as “any group or sector of society that is at higher risk of being subjected to social exclusion, discriminatory practices, violence, natural or environmental disaster, or economic hardship than other groups”.

Therefore the advice of the LAG is to select one group of workers to interview which is the square root of the total workforce but contains some diversity to cover some of the main demographic variables; and then additional groups to interview, each one representing a vulnerable category of workers.



Arguably this sampling approach is a little too formulaic. It relies on square root, which some labour rights experts argue does not result in enough workers being interviewed; and it relies on auditors being able to accurately estimate the size of ‘vulnerable’ worker categories so that the square root thereof can be calculated. In general, the representative of SCS Global said that audit teams must be given the flexibility to decide the exact types of worker to interview and the exact number of interviews to conduct. Possibly, audit teams should be given more freedom to conduct purposive over-sampling of high-risk workers, at **higher rates than square root**, and perhaps given **more guidance on which workers to prioritise**.

For example, the representative of Hukatan noted that workers on short-term labour contracts, particularly women, are vulnerable to issues such as harassment and job insecurity and should be a priority for investigation. The Hukatan representative observed the current reliance on short-term contracts by some palm oil companies in Indonesia and suggested that it is especially important for audit teams to clarify the gender and contract status of workers before selecting who to interview and whose records to check. Similarly, the independent palm oil auditor from Malaysia noted the predominance of migrant labour in the palm mills and estates in his country. In his opinion, it is crucial for auditors to classify the status of migrant workers – for example, are they migrants with visas, undocumented workers, spouses and dependents of migrants, and so on – and then ensure that the most vulnerable categories of migrants are interviewed.

This process of identifying vulnerable or high-risk workers to purposively select for interviews should be guided by the risk assessment in the scoping phase. It is likely that the priority variables for sampling will vary from country to country.

Given the importance and vulnerability of certain members of the palm oil workforce, it would also be good practice for RSPO to provide **guidance for CBs on how to respond if certain worker types are not available to interview**, especially seasonal workers and third-party workers. There is an allowance for such a scenario in the Rainforest Alliance *Auditing Rules*, which state that:

“In the case of many temporary and/or seasonal workers are not onsite during the audit due to some unexpected reason and/or certain persons required to be interviewed are not present, the CB audit team shall make its best effort to have a conversation with such person(s) by other means, for example via a phone call or an off-site visit” (rule 2.10.12).

The LAG suggests that auditors should discuss the use of recruitment agencies with management. However, although its list of possible variables for sampling includes outsourced workers and sub-contractors, the list does not include workers who were recruited via a third party such as a recruitment agency or labour broker. Nor does the LAG advise auditors to interview representatives of recruitment agencies, although it is suggested in the Certification Systems document that ‘a risk assessment by the CB shall determine whether a site visit to the third party is required’, where the third party could be a labour provider. The association between recruitment agencies and forced labour is well documented (Fair Labor Association, 2019). Therefore RSPO could consider requesting that auditors should **interview recruitment agents** where they are used by mills and estates, as is good practice.

The LAG provides example questions that auditors could ask during interviews with workers, management and stakeholders (section 3.2.2), which is a practice that other organisations including Rainforest Alliance and Better Cotton also follow.

It is difficult to say if these questions are useful for auditors and will improve probing and detection of labour issues; or if the questions are unlikely to be followed by auditors in the field and simply risk making the LAG look like a new standard or audit checklist, which was a concern of some of the interviewees (as discussed in Chapter 3.5 above).

Partly it is a question of **visual presentation and formatting** – this could be improved to reduce the ‘checklist’ appearance of section 3.2.2 and make the guidance easier for auditors to use. The auditor and consultant from Malaysia certainly gave the impression that he feels auditors need to improve their interviewing techniques. “Audits are all mechanistic, it’s a checklist,” he said in our interview. “Most auditors will prompt workers – ‘Are you happy with the company? Yes or no’. It should be a process that forces auditors to ask workers questions, not prompt them.” He did not seem to feel that providing auditors with lists of interview questions would alone be enough to create the change in approach and the deeper appreciation of labour rights that the interviewee feels is needed. “Auditors will follow a checklist,” he said, “but there is no creativity. Too much boxing in should be avoided.”

Similar to the call from SCS Global for flexibility, the representative of Palmas Montecarmelo suggested that any guidance should be adaptable to which types of workers the auditors are interviewing – some workers might require more straightforward questions while others need to be more handheld.

It would also be a worthwhile exercise to **review the example questions** and, if it is decided that they are useful for audit teams, to consider if they need updating or rewording. For instance, one example question that is included the LAG under the criterion of harassment and reproductive rights reads ‘Have you experienced any sexual harassment/abuse?’ (section 3.2, page 23). Such a direct question is potentially upsetting and great skill is needed for auditors to discuss this with workers.

The LAG includes a recommendation for **worker interviews to take at least 20 minutes**. While this is a good inclusion, some standards bodies do allow for more time, and it is also best practice to clarify the minimum time to allocate for group interviews as well as one-on-one interviews, as noted in Chapter 4.3.4 above. The SGS representative commented that 20 minutes might not be enough, and that the duration of the interview might need to be longer depending on the issue being discussed. It would also be helpful to **provide advice on focus groups**, such as the pros and cons of holding focus groups versus individual interviews, and what to consider when selecting what kinds of workers should be combined in a group, how to deal with situations where a participant dominates the conversation and silences others (BSR [2018a] gives useful advice on this subject).

Safeguarding workers

One area of labour auditing best practice concerns **protection for workers**. This is crucial, according to the interviewee from CNV. She highlighted the need to protect workers and labor union members from threat and retaliation if company management knows they were interviewed by auditors and

the audit findings are published. According to the interviewee from the Forest Peoples Programme, women workers who have suffered from sexual violence are especially at risk of reprisal.

Indeed, the following guidance in the LAG shows a commitment to protecting workers who participate in audits:

“The audit team should emphasise and remind the management that ... Those in the workforce selected for interviews should not be discriminated against or put in an unfavourable position for taking part in interviews. There should be a safeguard against any form of intimidation or threat, particularly losing his/her job” (section 3.1.1.E.v.i.)

Of course, simply informing management that workers need protection is not sufficient; rather than trust in companies to do the right thing, concrete safeguarding measures must be put in place. The LAG and Certification Systems document do contain some measures to prevent employers from identifying the identity of workers who are interviewed by auditors, such as section 2.5.2 in the LAG:

“The audit team should keep control of the selection of sample. The selection of sample should be done as late as possible, i.e. just before the interview is due to take place, in order to minimise the risk of workers being coached.”

and LAG section 3.1.1.i.iv:

“The audit team at their level best shall ensure at all times that the interview sessions with the workforce are conducted in a private place, free from monitoring/surveillance as determined by the auditor(s).”

However, the following LAG guidance could risk exposing workers: “Auditors should request a list of workers who are scheduled to work on specific days of the on-site audit, together with any details that may be required to ensure an interviewee sample can be chosen for interviews”. There is also a risk of workers’ identities becoming exposed through LAG recommendations 3.4.13, “The auditor should maintain a list of workers that have been interviewed ... at each audit. This list should be considered as audit evidence to ensure the same workers are not spoken to in the subsequent audits” and 4.2.1, “Pictures, audit notes, checklists, identity of workers interviewed, and any other information collected from the audit site should be considered as audit evidence”. **Best practice is for workers’ identity to be concealed in any audit documents.**

One issue raised by the auditor and consultant from Malaysia is that when workers are interviewed in small groups, they are more easily identified and targeted by management. To help protect the participants from being targeted afterwards, he recommended interviewing workers in moderately large groups, perhaps 10–20 people, which is larger than what some experts advise as the optimum size for focus groups. The groups should be mixed, representing different genders, roles and so on, so that auditors can then speak to individuals within the group on particular topics. This kind of approach could be another reason to revise the somewhat ‘formulaic’ approach to sampling in the LAG, whereby not only should the sample be the square root of the workforce but also 50% of the workers in that sample should be interviewed in group interviews. Depending on the size of the

workforce, this could result in rather small groups being interviewed, which according to the auditor and consultant from Malaysia, could put the participants at risk of reprisals afterwards.

Overall, more needs to be done on safeguarding within the RSPO auditing system. There are several measures proposed in the literature and used by other standards bodies which could be introduced or strengthened in the RSPO auditing system. Some are listed as good practices in the table above.

The LAG allows for two people from company management to accompany auditors during site tours and visits (section 3.3.1). While this would not be considered good practice, restricting the number to two people is at least a recognition by the RSPO of the risks to worker anonymity and auditor independence from company staff being present in interview locations. Interviewees had opinions on a related safeguarding measure in the LAG, which is that “the audit team at their level best should avoid using vehicles owned by the Management Unit” (Note, page 12). **Encouraging auditors to travel to sites independently** is intended not only to prevent company staff from witnessing or deducing who auditors are speaking to in the field, but also to communicate to workers, producers and community members that the auditors are not part of the company and can be trusted. Members of the IGC were sceptical that auditors could reach sites in the time available without company drivers and accompaniment. The interviewee from SGS even suggested removing this guidance from the LAG. They explained that auditors using their own transportation is challenging, especially for visiting remote sites, where they lack knowledge of the area and sometimes even have to use boats to get there. The interviewee from Control Union said that using their own vehicles is costly for the CB and dangerous. They recalled an incident when Control Union auditors had an accident when travelling to plantation sites in their own vehicles. This is an area where RSPO may need further stakeholder consultation to try to find solutions to the tricky subject of accompanying auditors in the field.

Good practice 2n is for the standards body to suggest that **at least some worker interviews should be held off-site**, while giving some provisions for safeguarding auditors and meeting the extra costs involved in off-site interviewing. This principle is not followed in the LAG; indeed, off-site interviewing is discouraged in the current RSPO auditing system:

“It is always best for all interviews to take place on-site. Off-site interviews should only take place when there is a perceived threat to workers by the management for providing information to auditors; or when the audit site does not have a space that would allow the workers to speak confidentially” (section 3.4.8 of LAG)

The CNV interviewee disagreed with this guidance and suggested that the RSPO should only allow worker interviews to take place on-site if a labour union has premises where non-interference in the interview can be guaranteed. In addition, the interviewee from Hukatan argued that interviews with unions, local NGOs, and other stakeholders should also ideally be conducted off site to give auditors the best chance of obtaining open and honest information. The benefits of interviewing workers away from the potential surveillance of their employers are clear, but this practice has been pioneered by social auditing experts in the garment sector, where factories and workers’ housing and meeting places may be located in less rural and remote places than the equivalent settings in

palm oil. Similar to the issue of travelling to field sites in company vehicles, this may be an issue that needs special consultation and discussion to resolve the practical and cultural obstacles involved.

Stakeholder consultation

The LAG advises that stakeholder consultation should be included before and during the field audit, and provides example questions that auditors may ask of stakeholders to help with their assessment of labour issues. This approach is endorsed in the literature and by the civil society interviewees that we interviewed. The interviewee from Hukatan believes that it is important for transparency and communication for auditors to proactively inform stakeholders of their work. The interviewee from CNV suggested that audit teams can engage with stakeholders such as labour organisations not only for information-gathering but to reach workers and explain the audit process, which would help gain workers' trust.

According to the LAG, audit teams should identify which stakeholders to consult firstly from a list provided by the management unit, and then from an additional list maintained by the CB. The LAG reads, "CBs should have their own selection criteria to choose stakeholders to be consulted" (section 2.6). The interviewee from Control Union explained that she and her colleagues were already comfortable with which NGOs to approach, and that they did so routinely for RSPO audits. However, the interviewee from SGS commented that it can be hard to assess whether the company has engaged with the right stakeholders and requested **more guidance on which stakeholders to interview**. She suggested that CBs could be provided with lists of potential stakeholders to consult, noting that these lists would be country specific. Going further, one good practice identified in the literature is to give **advice for auditors to deal with difficult situations with stakeholders**. If such guidance could be provided, it would help to address the issues raised in the LAG socialisation workshops and RSPO Assurance Forum concerning difficulties encountered by auditors with stakeholders such as intimidation or refusal to engage.

Unions were mentioned by several interviewees as crucial stakeholders for auditors to include in the audit process, not only as a source of information on working conditions in the area but also as a potential channel or interlocutor for helping to inform workers about the audit and ensure that they are informed of their rights (ASI, CNV, Hukatan). Nevertheless, the literature highlights that labour unions and worker committees are not always neutral or safe spaces for all workers, and that union interviewees can have their own blind spots and agendas. This is recognised well in the LAG, through its recommendation that "interviews may be conducted in the presence of a trade union member *with the permission of the worker and if the CB auditor feels worker/s are comfortable with this arrangement*" (section 3.4.12, emphasis added). This should satisfy the SGS interviewee, who was pleased that the LAG included guidance for auditors to check the status of any trade union but stressed that **auditors must check that the union is independent of the employer**. According to the Hukatan interviewee, it is important for auditors to confirm the nature of unions, whether independent or local, as this also affects their bargaining power with the company. Possibly additional guidance on this point is needed and the message of section 3.4.12 of the LAG needs to be highlighted or made stronger.

While the LAG provides a good steer on selecting stakeholders to consult (Section 2.6), it does not mention **how stakeholder consultations can be conducted**, as recommended in the *ISEAL Code of Good Practice*. Since the LAG encourages stakeholder engagement to begin at the pre-audit desk review stage, there will probably be a combination of remote and in-person meetings between auditors and stakeholders. A discussion of the merits of a combined approach would be welcome. This could be linked to advice on off-site consultations with workers and worker interviewees or unions.

5.4 Physical inspection and reviewing documents

Conducting site inspections and reviewing documents receive less attention in the literature than the topic of interviewing workers. They were also not raised as discussion points in many of our interviews. Potentially, interviewing is seen as an auditing method which requires greater training for auditors and greater safeguarding for workers and so it receives more attention. Nevertheless, physical inspections and document checks are vital components of the RSPO auditing system and integral to the principle of evidence triangulation. In particular, several studies have highlighted how errors can occur when

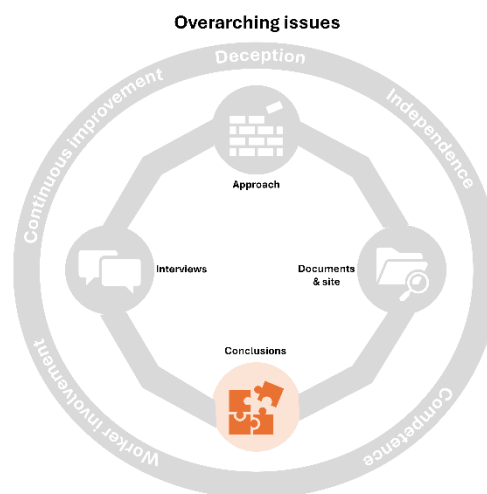
auditors do not dedicate sufficient time to reviewing worker records and do not apply appropriate techniques for disaggregating and properly interrogating the information. We identified four good practices in the area of site inspection and document review. One is fully met in the LAG, which is to provide detailed guidance on what documentation to check for each labour issue, including for Freedom of Association and Collective Bargaining. Detailed guidance is given via a list of information/documents to be requested from the Management Unit (LAG Section 2.4.4) and a list of documents to review as part of evidence to gather for each labour issue, compiled in the long table in LAG Section 3.2. This addresses the comment from Hukatan and CNV that it is important for auditors to check any collective bargaining agreements. As a possible addition, the interviewee from Hukatan suggested that RSPO auditors be encouraged to check employers' provision of social security for vulnerable worker groups such as women or non-permanent workers.

Two other good practices are partially met in the LAG and one is not met at all. The latter is the recommendation for the standards body to **set some rules or guidance for how worker records should be sampled for accurate analysis**. Section 3.2.2 of the LAG does recommend some purposive sub-sampling, whereby auditors are encouraged to compare pay slips of local and migrant workers, but overall, the guidance is just that documents are "To be requested and reviewed on a sample basis". It would be good if a sampling approach could also be extended to the physical inspection, for instance to determine which areas of worker accommodation should be viewed by the audit team.



5.5 Reaching and acting on conclusions

One of the findings of the review that Proforest conducted for ISEAL Alliance was that labour issues often go undetected or unreported in audits for many schemes because auditors are unclear on what constitutes non-compliance and what evidence they can accept. In some studies, researchers found that auditors did not know how to translate the requirements of a standard into the local context or that auditors found standards impossible for companies to implement or for auditors to check. We found that when it came to sensitive and difficult to detect labour issues, it was not always clear to auditors what evidence was required to show compliance or non-compliance against a given criterion or indicator in a standard, and that in some instances, the evidence threshold was too high, and therefore many likely violations of labour standards were going unrecorded by auditors. This was often because according to their principle of evidence triangulation, standards bodies required documentary evidence to support worker testimony alleging labour rights violations, which was sometimes not available.



Activists and researchers often describe scenarios where these challenges in auditing systems cause auditors to fail to report labour rights violations. In our interviews, two interviewees of palm oil producers from Latin America discussed experiences where, unsurprisingly perhaps, they felt that the opposite problem was occurring – RSPO auditors were wrongly reporting non-compliances because of a failure to grasp the various evidence strands and interpret the P&C in the local context. The interviewee from Palmas Montecarmelo observed that “auditors not always able to fit different pieces together to come to a decision” – he believed that auditors may make a non-compliance decision without taking into consideration other mechanisms that were in place to mitigate the risk. He feared that “auditors are too narrow visioned and don’t look at alternative compliance mechanisms that might not be obvious”, and that workers might not be able to describe those mechanisms in their interviews with auditors. The interviewee from Fedpalma argued that auditors needed to look at the full picture rather than indicators in silos, using the example of extra services that employers may provide workers, such as schools and healthcare, and questioning how auditors weigh those services to conclude how they contribute to compliance against certain labour criteria. From the CB’s perspective, the SGS interviewee commented that following an audit, there was often a difference between what the CB thinks of the audit findings, how ASI interprets the findings and how the company does. The SGS interviewee believes there is a need to streamline the interpretation of findings so that expectations are managed.

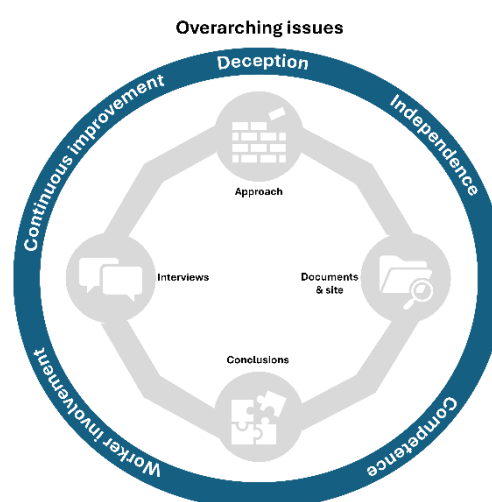
A lesson that emerges from the literature is that standards bodies and CBs can support audit teams by **offering guidance or a procedure to help ensure consistent interpretation of labour-related indicators by individual auditors**; and **guidance on any exceptions to requirements for triangulation in instances of certain labour issues**. On a related point, it is good practice to develop

a **protocol for withholding sensitive or uncorroborated findings from closing meetings**, so that auditors have an alternative mechanism from either endangering workers in the closing meeting or suppressing their observations.

The LAG did not perform well when this aspect of the auditing system was compared against best practice. There is scope for giving much more guidance in this area, whether through the LAG, the Certification Systems document or another channel. At Better Cotton, until Season 2024-25, the licensing decisions were made by Better Cotton based on the second- and third-party assessments checks. When the assessment finding grading was inconsistent and findings were inconclusive, the process involved an internal calibration by the Better Cotton assurance team ensuring fairness and consistency in the approach. This will change with the transition to certification from Season 2025-26 onwards, where certification decisions will sit entirely with the CBs.

5.6 Relating to over-arching findings of ISEAL study

The final aspects of an audit system that were included in the review framework were over-arching issues of audit deception, competence and integrity of auditors, continuous improvement and worker inclusion. The literature revealed several good practices in this area which could help to improve the overall accuracy of audits and ensure that the audit process supports long-term efforts by producers to protect workers' rights and provide safe and decent working conditions.



Audit deception

The risk of companies and employers attempting to coach workers or conceal evidence during audits was discussed in the previous chapter. The auditor and consultant from Malaysia believes it is common for interviews to be “staged and coached”. In our interview with a member of the Central American Program at Oxfam, she mentioned the case of an RSPO audit in that country where workers involved in the audit were chosen by the company. To help avoid workers from being coached by their employers on how to respond to auditors' questions, the LAG states that samples of workers should be selected by the audit team as late as possible before interviews actually take place (section 2.5.2). It would be possible to add a recommendation that **samples of plantation sites and worker accommodation should also be selected as late as possible**. The interviewee from the Forest Peoples Programme was aware of people in plantation areas being discouraged by producers from raising complaints right before or during RSPO audits. The auditor and consultant from Malaysia recommended selecting workers randomly from the payroll (obtained by auditors in advance) at the last minute.

In the guidance for document review and physical inspection in the long table in Section 3.2 of the LAG, there are reminders for auditors to be alert to potential obfuscation by companies such as hidden working hour records, ambiguous deductions on workers' payslips or signs of a hidden

workforce. However, **a clearer message in the LAG for audit teams to be alert to information deception** (e.g. fraudulent documents, double book-keeping) might be needed. Another good practice is for the standards body or the CB to develop **clear procedures for auditors to respond if access to workers, documents or physical premises are blocked** by the company before or during the audit. The interviewee from Oxfam suggested that the RSPO certification system should impose sanctions on companies that retaliate against workers who speak openly to auditors.

Auditor integrity

The topic of audit deception is linked to the question of auditor integrity. When auditors are too close to the company it can compromise the rigour of their auditing and even create conditions for bribery. The interviewee from Forest Peoples Programme had the perception that often, auditors accept what they are told by company managers without properly questioning it and attach too much weight to the perspectives of management compared with workers' voices. Procedures for maintaining a separation between auditors and the management entity are included in the Certification Systems document (section 4.6.7). Additionally, as noted above in section 5.3 of this chapter, the LAG makes some recommendations for auditors to minimise travelling in company vehicles and being accompanied by company management, although the guidance probably does not go far enough. Some other standards bodies have **more detailed rules to ensure the independence and integrity of auditors**, as laid out in ISO 19011 for instance, and there probably need to be more concrete procedures within the RSPO audit system too.

Auditor competence

An essential, over-arching aspect of an audit system is the measures that are put in place to ensure that auditors have sufficient skills, knowledge and experience to assess the specialist topics in question – in this case, working conditions and labour rights.

It was frequently raised in interviews that recruiting auditors with the required competence for assessing Principle 6 compliance within RSPO audits is a major challenge for CBs. The interviewee from Palmas Montecarmelo observed that there are not enough available auditors in Latin America, while the Control Union auditor in Ghana noted that RSPO has only nine certification bodies and the pool of social auditors is even smaller. The auditor argued that it is difficult to obtain the required qualification to be a social auditor, and this was echoed by the interviewee from SCS Global, who explained that while SCS Global uses SA8000 training as a qualification for social auditing, SA8000 is not available in certain regions including Africa, which limits the access to qualified social auditors. The interviewee from Forest Peoples Programme observed that “the age and experience of the average auditor is going down, and the social [auditing] skills of them are not going up”.

In the opinion of the interviewee from ASI, while qualifications are important, experience is key for good social auditing. He too reported that his organization was finding it difficult to recruit sufficiently experienced auditors. His comments chime with findings from the garment sector that Proforest reviewed for ISEAL Alliance, which are perhaps worth reproducing in full here:

“Two of the quantitative studies found correlations between detection of labour non-compliances and the amount of experience and training within the audit team, whereby

‘the more experienced the auditors are, the more likely they are to discover child labour’ (CCR CSR, 2016, p.7) and ‘audits ... yield significantly more violations when conducted by more professionalized auditors as measured by auditor training’ (Short et al., 2014, p.24). Unfortunately, at least according to the study by Manschott (2018), the more experienced auditors become tired of long hours and travelling and get jobs away from the front line (or factory floor), leaving many audits to be conducted by younger and less experienced people who can be more easily intimidated by factory owners into ‘turning a blind eye’” (source: Proforest Initiative, 2023).

In this context of a shortage of specialist social auditors, it is difficult for the RSPO and the accredited CBs to insist that audit teams must contain auditors who have a minimum level of qualifications and a minimum number of years of experience. Some standards bodies set the bar higher, and it could be argued that the requirement in the Certification Systems document (Section 4.8.6) for audit team members to have three years of relevant field experience and only 10 days of auditing experience, needs to be improved upon. But if the RSPO does **increase the minimum level of experience and qualified required**, it may be difficult for CBs to comply.

Arguably, this is all the more reason for the RSPO to provide guidance such as the LAG, to help inexperienced auditors and auditors who do not specialise in labour issues. Interviewees also stressed the need for professional training. The training should be in labour issues and human rights, social auditing techniques and gender sensitive auditing. One good practice for audit systems that we identified in the literature is to **ensure that auditors are trained in facilitating focus groups**, which is a different skill from interviewing workers individually, and the LAG does not include this. The interviewee from Fedepalma also suggested that auditors need more training on understanding the local context so that they can assess working conditions and labour issues more accurately. Training is important because, as the interviewee from SCS Global noted, during an audit can happen that the social or labour specialists will need the support of other members of the team. For this reason, the SCS Global interviewee argued that the guidance from the RSPO on which audit team member conducts interviews and the exact number and type of interviews, needs to remain flexible.

The interviewee from the African agricultural standards body said that they have worked hard to build capacity among the pool of auditors that they hire via CBs for their sustainability audits. “You must adequately test the competence of auditors, because without that, you will always have substandard audit reports,” he said. They work on training skills but also increasing the recognition of social auditing as a profession. Their measures include: providing auditor training; conducting shadow audits; establishing feedback channels for companies to complain about auditors if needed; and requiring all auditors to be a member of the Association of Professional Social Compliance Auditors (APSCA). Internally, the standards body conducts a quality of review of 82% of all audit reports (of around 1,000 audits a year). The standards body also uses an online platform for its auditing system, and this helps to maintain auditing quality. For example, the platform will not allow the CB to register an auditor to an audit if that auditor participated in the previous audit of that location. AI software is provided to assist with writing audit reports, and the platform provides data that the standards body can use for statistical analysis to assess if particular CBs and auditors are associated with unusually high or low rates of non-compliances being found.

Supporting continuous improvement

In the Certification Systems document, it is required for audit reports to include the auditors' assessment of root causes of any major non-compliances. This requirement is aligned with good practice 5e, and should help to promote continuous improvement through improving the chances that corrective action will have a solid foundation. However, root causes are not mentioned in the LAG, and it could possibly be emphasised in the guidance, to encourage auditors to go beyond the surface of any observed Principle 6 non-compliances. Also the LAG and the Certification Systems document are missing a **requirement or guidance to develop the action plan in collaboration with management, workers and partnering stakeholders**, and an emphasis on assessing management systems. The latest draft of the RSPO Certification Systems document includes a shift from P&C certification being based on a certification of management systems following ISO 17021 to a certification of products, processes and services following ISO 17065. It is to be hoped that this shift does not discourage CBs from including an assessment of underlying systems for managing working conditions and respecting labour rights.

Worker inclusion

The LAG could also do more to promote worker inclusion in the auditing process. It does include a requirement for auditors to leave contact details with interviewed workers. However, feedback from the trial of the LAG in Malaysia included the concern that it was not clear what auditors should do if they received a call from a worker, and that therefore auditors were reluctant to provide contact details (Cheong, 2021). Therefore the LAG is missing the second part of good practice 5, "... with a **defined protocol for how auditors should respond to any contact**". Such a protocol should be developed by the RSPO. In countries considered high risk for decent work violations (e.g. in countries with a history of state-sponsored forced labour, like Uzbekistan), Better Cotton conducts an enhanced decent work monitoring. This work is done by specially trained decent work monitors and worker interviewers. Better Cotton asks its monitors and interviewers conducting an enhanced decent work assessment to share a contact number (not a personal number, as Better Cotton cannot guarantee that auditors won't be contacted beyond the audit). This allows workers to follow up at a more convenient time and/or in private conditions to discuss topics they couldn't address during the site visit. According to the interviewee from Better Cotton, they have had several instances where additional important information, for example on payment delays or alleged harassment, was disclosed to monitors this way.

The LAG advises that trade union or worker representatives should be invited to the opening meeting, which is positive for worker inclusion. However, the invitation could be extended to 'ordinary' workers. Also, the LAG notes that "The opening meeting should be conducted in the language that is understandable by the majority of the attendees of the meeting. Use of a translator/interpreter service should be considered in the event that the language used by the audit team is different from the language understood by the attendees" (section 3.1.1.A.i). This language could be strengthened to ensure that sufficient provisions are made for participants in the opening meeting who do not understand the language used by the audit team.

Neither the LAG nor the Certification Systems **recommend that audit teams should engage with or interview trade unions**. This represents a gap in the guidance, considering that several interviewees noted the importance of including them in the audit process, not least as a channel for reaching workers (ASI, CNV, Hukatan). One difficulty raised by other interviewees, however, is that in some palm oil producing regions, there are no effective unions. The interviewee from Fedepalma described this being the case in Colombia, as did the auditor and consultant from Malaysia regarding Sabah and Sarawak. The interviewee from Oxfam suggested that perhaps auditors can speak to alternative organisations such as local NGOs, to try to ensure the effective participation of workers in audits.

Audit teams themselves can also play a part in raising awareness among workers of how the audit works and what their rights are. The interviewee from the Sustainability Initiative South Africa explained that they have developed awareness-raising materials for workers on aspects of labour rights, such as smartphone-friendly videos and animations. The auditors are given these materials and other informative tools to spread among workers on the ground during the audit. The LAG provides tentative endorsement of such an approach – “Auditors should introduce themselves and the purpose of the audit prior to conducting the interviews” (section 3.4.3) – but could go much further in harnessing the potential of auditors.

6. Opinions on using the LAG

6.1 Introduction

Part of the scope of this study was to review how CBs implement the audit process as outlined in the LAG. In the previous chapter, we assessed strengths and weaknesses of the RSPO audit process if it were *theoretically* carried out using the guidance in the LAG and the Certification Systems document. It is more difficult to review actual implementation of the guidance, since we did not identify many CBs or auditors that have used the LAG for audits yet. However, we did interview interviewees from SCS Global, which has officially adopted the LAG, and the producer Palmas Montecarmelo, which underwent an RSPO surveillance audit by an audit team who were following the LAG. Their feedback on the LAG is presented in this chapter, as well as comments from other interviewees.

As well as discussing interviewees' opinions on the LAG as a guidance document, we also consider perspectives on the potential for making some or all of the guidance mandatory.

The chapter addresses the following requests from RSPO for the review:

Review how CBs implement the audit process as outlined in the LAG, including the scope, methodology and evaluation criteria

Evaluate the applicability of the LAG to different organisations, including small and medium-sized enterprises

Assess the feasibility of possible mandatory implementation of the LAG

6.2 Positive feedback

Interviewees from three CBs – Control Union, SCS Global and SGS – said they were pleased that the LAG has been developed. The Control Union auditor commented that overall, the guidance is good; it contains useful information and tips on how to conduct an audit. The interviewee from SCS Global was happy to have the guidance. Firstly, she thought that the LAG would help to guide audits and address some of the “grey areas” in the P&C and fill in the gaps, such as how to audit Criterion 2.1 on discrimination. Secondly, she thought that the LAG would be a useful resource for other audit team members who had to help the social audit specialist on the team with interviews. The experience of the interviewee from SCS Global is that the LAG helps teams to prepare better for RSPO audits by involving a more thorough preparation phase during which the auditors collect the required information ahead of going to the field. This needs a lot of work from the auditors as the preparation phase is much more intense, she said, but she found that the team is better prepared and be more focused during the audit as a result.

Using the LAG may also generate more information and insights for companies. The interviewee from Palmas Montecarmelo, which underwent an audit by SCS Global where the LAG was followed, told us that audit interviews brought up some non-compliances which the company was not aware of. He saw it as a valuable learning opportunity for the company.

6.3 Adjustments for CBs

The SCS Global interviewee reflected in our interview on their experience with restructuring their audit process so that SCS Global could be ready to conduct RSPO audits in accordance with the LAG guidance. The new LAG recommendations have filled in many of the blanks that were previously left up to the CBs to decide how to fill. She reported that many changes to SCS Global systems were needed and that it was challenging, but “definitely worth it”.

The process of restructuring their audit process to implement the LAG took SCS Global around eight months. SCS Global had to retrain not only their auditors but also their clients. When they started implementing the guidance, SCS Global received a lot of questions on how to do things from their auditors.

6.4 Initial research and desk review

The LAG includes extensive guidance for the scoping and desk review stages of an audit, before the audit team travels to the field. Some 5.5 pages of the LAG are dedicated to initial research (section 2.3) and the pre-audit desk review (section 2.4). Combined, this makes it the longest section of the LAG after section 3.2 with its long table of detailed guidance for assessing each criterion under Principle 6.

Initial research: At the point when the management unit applies for certification, the CB is advised to begin collecting information on the nature of the workforce as part of initial information-gathering (section 1.2.d of the LAG). Once the audit is agreed, there follows a scoping stage (covered in section 2.3), which involves conducting further background research into the local context and operational history of the management unit. The CB and auditors are advised to investigate:

- Information related to vulnerable groups of workers;
- Current or past legal actions;
- History of complaints
- Previous audit reports, if any;
- Any group or sector of society that is at especial risk of social exclusion, discriminatory practices, violence, natural or environmental disaster, or economic hardship;
- Demographics and migration trends of workers in the region;
- Languages spoken;
- National and regional laws that apply;
- Records of any government labour inspections;
- Available living wage benchmark, if applicable.

Auditors are also advised to begin consulting stakeholders at the desk review stage (section 2.6.2).

Some additions to this guidance are possible. It would be good to include an explicit recommendation to **identify any high-risk or high-priority labour issues**, not just vulnerable groups of workers. In addition to considering the living wage benchmark, auditors could look at other human rights benchmarks and indices. It might also be advisable for CBs to **begin identifying potential vulnerable worker groups earlier**, at the application stage (Section 1.2). But overall, this guidance largely accords with best practice in scoping for labour audits. Several voices found the initial research section to be a strong part of the LAG, one of them being the interviewee from SCS

Global Services, although she reported that they did need to change questions for the scoping phase.

Desk review: Section 2.4.4. of the LAG presents a lengthy list of information that the auditors should request from the management unit. It includes policies and procedures relating to workers, as well as records of staff training, committee meetings and workplace accidents, and information on wages and quotas. The recommended procedure for the desk review is for auditors to request the information from the management unit at least two months before the audit, but allows for the information to be as much as six months old.

In our interview, the interviewee from SGS suggested that the request for the management unit to send additional information in advance would be easier for larger companies to comply with, since smaller palm-oil companies will not necessarily have the resources to provide all of the information digitally. He reported that one of their client companies has said that if they could choose, they would rather that the auditors did not use the LAG, because of the extra internal capacity that they would need to prepare the information ahead of the audit and send it to SGS in digital format.

Some reluctance on this point was voiced by producer members of the IGC in our interview. The interviewee from one of the producer companies commented, “There are so many documents that must be checked for this audit that it is troublesome ... One of requested documents is employment contract. If the company has 400 or 600 employees, does it make sense to be submitted? I’m curious about what platform they’re developing [to handle the data].” The interviewee may have been referring to the suggestion in section 2.4.4 for the management unit to submit “employment contracts and agency agreements” to help auditors assess the risk of child labour. The interviewee from another producer company also expressed concerns that the audit process as proposed in the LAG would become too administrative and document-focused. The interviewee from Palmas Montecarmelo confirmed that for their recent RSPO audit that SCS Global conducted using the LAG, they were asked to provide more information and to provide it sooner than in previous audits. This links to our observation in Chapter 3.5 above that in its current form, the LAG risks encouraging the tendency for some RSPO audits to be overly focused on checking documents rather than speaking to workers and to be too driven by checklists.

From the CB’s perspective, the SCS Global interviewee felt that requesting companies to submit information for the desk review that could be as much as six months old was not particularly useful guidance because policies might change between the time they were submitted and the time of field audit and because much of the information was not particularly impactful. The SCS Global interviewee suggested that many of the documents could be checked in the field more efficiently – although we did not discuss in the interview how the time demands of this would be managed. We note that much of the information requested from companies at this stage is policies and procedures – yet what is crucial for auditors to ascertain is whether they have been socialized and implemented. This can partly be addressed by **requesting documentary evidence of implementation of policies**, not just the policy documents themselves, but it also needs to be ascertained by auditors on the ground. Regarding the concern over six-month-old information, it is also interesting to note that the *SA8000 Guidance Document* actually recommends auditors to review worker records that date back six months before the audit, to look for evidence that unauthorised workers such as child workers have not been dismissed by the company to hide them from the audit.

Another issue raised in interviews is how CBs should manage the data and privacy implications of collecting company information remotely for the off-site desk review. SCS Global have their own secure platform for managing the exchange of information between auditors and audited entities. The SCS Global interviewee asked if the RSPO provides any **guidance on confidentiality in the sharing of documents**. Section 4.7.1 of the Certification Systems requires CBs to have a policy that covers how commercially sensitive information will be handled, but the specific task of managing information submitted before an audit is not mentioned directly in the LAG. The interviewee from SGS questioned if it raised issues with GDPR, and noted that confidential data such as personal information on workers needs to be managed carefully.

Overall, the SCS Global interviewee reported that adapting their processes to meet the new LAG guidance on the preparatory phases for RSPO audits was more challenging than following the LAG guidance for the audit itself in the field. She suggested that while the guidance on scoping (initial research) was helpful, the guidance in the LAG on the desk review requires refinements. SCS Global needed to introduce ways to keep track of all the information collected in desk research and make sure it fed into the audit, and the SCS Global interviewee asked for **more guidance on how to better integrate findings from desk reviews into audit reports**.

6.5 Increased audit days and costs

Overall, the feedback from the interviews was that if auditors conduct RSPO audits according to the guidance laid down in the LAG, the process will take longer than previously and require more 'audit days' and possibly more auditors.

For the recent audit of Palmas Montecarmelo, the audit plan was changed to adapt to the new guidance. SCS Global sent three auditors instead of two originally planned. The audit took place over four days, rather than the usual two or three, yet the Palmas Montecarmelo interviewee said that there was still not enough time to cover all bases properly, which for this company were all in one location, reducing travel time, and include all interviews needed. He believes that, to fully implement the LAG methodology, up to five days could be required for an audit. The SCS Global interviewee agreed that they have increased audits from two days in the field to five days, and have also needed to deploy an additional social auditing expert (one extra auditor per 1,000 workers).

The SGS representative agreed that the LAG would require them to increase the length of audits by at least one man-day. They argued that for one thing, it will require additional time and planning to calculate effective samples in preparation for the audit. The LAG suggests that the CB should allocate at least one or two days to carry out the desk review (section 2.4.1.) The auditor and consultant from Malaysia was in general agreement with this time frame.

The interviewee from ASI warned that it will be difficult to implement the LAG effectively without also allowing additional time. He suggested that adding extra days for RSPO audits might be necessary, but only after careful discussion with CBs.

As background, the Control Union auditor observed that RSPO is already more difficult to audit than some other certification standards because of the breadth of the P&C. Checking Principle 6 for each estate within the management unit is already a lengthy exercise, accounting to a full day's audit. "The main issue is the lengthiness of the labour element of an audit coupled with limited availability of social auditors," he said.

In order for CBs to plan exactly what resources are needed and how long the audit should be, it would be advisable to **expand the planning process outlined in Section 1.2 of the LAG**. Even before the desk review, the CB should determine the approximate number of interviews and focus groups that will be needed and the time that needs to be afforded for travelling to sites and for interpretation if some workers need to be interviewed in native languages that auditors do not speak.

In our discussion, the interviewee from Better Cotton explained that her organisation had considered the impact on audit duration from making their worker interviews mandatory. They decided to begin requesting documents from the cotton producers in advance of the audit, so that the auditors would have more time for interviewing workers. Specific assessment dates are not announced, and the visits remain semi-announced. She estimates that reviewing documents in advance can save approximately half an audit day. “Think about how many workers you can interview in the half day you save not reviewing documents on-site,” she said. The Better Cotton verification process already included a pre-audit scoping phase for the CBs to absorb the additional document checks, so this helped to limit the impact. The overall length of the audit did not change. In some countries, where women represent a significant portion of the labour force, Better Cotton set the expectations for CBs to ensure the gender diversity within the team to increase the chances of interviewing women workers. If the auditor fails to interview any women workers in such contexts, they have to provide a justification; alternatively, this is included in the auditor performance appraisal and improvement plan.

The interviewee from the Sustainability Initiative South Africa suggested that when companies are requested to submit information for the desk review, they should be required to submit records such as contracts for just one worker per category, to lower the time burden for producers and audit teams alike. He acknowledged that there can be some repetition between checking documents during the desk review and checking documents during the audit. He proposed checking smaller samples in the field could be one solution.

Increasing the number of audit days will increase the cost of an audit. Also, if CBs follow the guidance of the LAG and arrange for audit teams to make their own travel arrangements in the field, this will also add a cost. SCS Global reported that their costing has increased, and they have had to explain to clients why they have raised prices. SCS Global has five-year contracts with some auditees, so the cost increase has caused some issues with that.

There is therefore a pressing need to **consider how the additional expenses involved in conducting RSPO audits using the LAG guidance will be met**. One of the IGC members noted that “there has never been a discussion between the RSPO and members about increasing man-days and budgets and how to cover excess costs. There has been no direction to help companies in meeting increasing prices.” He is concerned that the RSPO certification process should remain inclusive and support companies. The Palmas Montecarmelo producer commented that the costs of RSPO audits is a major concern. “The cost has been increasing over the years and meeting the guidance adds to it ... We need to be realistic about the cost implications of this. If you want to implement a labour guide which requires more thorough interviews, how are costs covered?”

The Control Union auditor in Ghana was concerned that management units do not want audit teams to use the LAG as it will increase audit costs. For a CB to be able to employ more social auditors, they must be able to convince the company to pay more money for the audit. The Better Cotton interviewee explained that the cotton supply chain benefits and pressures are such that producers are prepared to meet their buyers' sustainability demands for greater rigour on labour issues. "Times change," she said. "If they want to remain competitive, they will do this." But, crucially, the interviewee explained that it was important for Better Cotton to not ask too much from producers when they introduced the mandatory methodology. The methodology is not unrealistically "idealistic", in her words, and the additional audit time required is not too drastic. Also, Better Cotton are working with their producers and CBs to find efficiencies in the audit system, to minimise the additional time burden. For example, more documents are being requested from producers ahead of the audit so that they can be reviewed during the desk review, and auditors are requesting the contact details of labour brokers so that they can arrange access to workers for interviewing.

One way in which the African agricultural standards body has controlled costs for its producers is to extend the length of the term of assurance, so that producers need to undergo an audit less often.

6.6 Thoughts on making the LAG mandatory

At present, the LAG is considered a guidance document within the RSPO certification system. The status of 'guidance' means it is "additional information that assists with the understanding, implementation and auditing of the requirement". In the RSPO system, "guidance consists of useful information to help the unit of certification and auditor understand what the Criterion and/or Indicators mean in practice, to indicate good practice, and practices that should be followed" (RSPO P&C, 2018, p.7).

In contrast, the relevant provisions of the Certification Systems document are mandatory requirements for CBs.

Therefore as it stands, the labour auditing methodology that has been developed by the RSPO is a combination of voluntary guidance provided in the LAG and mandatory requirements provided in the Certification Systems document. There was some uncertainty among interviewees as to whether the LAG was now a requirement for audit teams to follow.

Generally speaking, the interviewees of civil society that we interviewed would like to see all of the LAG guidance become mandatory (CNV, Forest Peoples Programme, Hukatan, Oxfam), while the CBs and producers had more mixed opinions, with some interviewees suggesting that only certain elements of the LAG should be mandatory (Control Union) and others largely against any mandatory requirements (IGC members). We understand these positions, since members of civil society are advocating for labour auditing to be conducted to as high a standard as possible, while CBs, auditors and producers have concerns over the resource demands that this would create. Frankly speaking, some palm oil producers may also have concerns that changing the audit methodology could lead to giving more voice and agency to workers and unions, a weakening of company control over the selection of sites and samples, and a higher rate of non-compliances being detected by auditors.

Note that our review of the LAG found that it is not as demanding or ambitious as the audit methodologies that are required by some other standards bodies – hence many good practices are

missing from the LAG – and yet, the stakeholders that we interviewed believed that even to implement the somewhat modest or imperfect methodology of the LAG will require more audit days and better trained auditors than are currently provided for in the present audit system. This suggests that the standard of labour auditing in the RSPO system without the LAG probably falls short of reasonable standards, and that there urgently needs to be a raising of standards of methodology and an increase in audit experience and audit duration.

Potential benefits

According to the SCS Global interviewee, making the LAG mandatory could help strengthen the auditing process and restore some credibility to the RSPO certification process. The interviewee from SGS also saw value in making the LAG mandatory, as he believed that this is the only way companies will agree to use it. Similarly, the Oxfam interviewee felt that the LAG should be mandatory because its status as ‘guidance’ is too weak. She said, “It’s a good and complete document, but no one is using it. A voluntary mechanism for company membership will be challenging to get companies to comply with everything.”

The interviewee from Better Cotton discussed their experience of making worker interviews mandatory for CBs in 2023. Previously, interview samples were stipulated for farmers only due to a sporadic involvement of workers in the cotton production process. Better Cotton had been conducting training sessions for assessors in which interviewing workers and labour brokers was covered as best practice; but because it was optional, CBs did not always do so in the field. “It was a step change,” she said.

Practicalities

As we noted in Chapter 3.5 above, there are precedents from other certification systems of providing a mixture of voluntary and mandatory auditing guidance either in the same document or across multiple documents. The Control Union auditor suggested that certain elements of the LAG could be added to the mandatory Certification Systems document, such as the rules for sampling workers and the guidance on stakeholder consultation. Likewise, the interviewee from Palmas Montecarmelo identified elements of the LAG that he believed could be made mandatory straight away, including the desk review section and the sampling rules. Yet he believed that two years has not been long enough to pilot the guidance elsewhere in the LAG. He recommends waiting for five years before making it mandatory.

Capacity-building

Some of the interviewees that we spoke to suggested that some auditors would need training, or at least already be expert in labour auditing, before they could follow the LAG properly. For example, the interviewee from SCS Global suggested that the example interview questions provided in section 3.2 are useful but require skills that are hard to learn, as auditing labour issues can involve very subtle lines of questioning. If some or all of the LAG becomes mandatory, it may be necessary to first plan for capacity-building among CBs and auditors, and identify how this will be funded. The interviewee from CNV argued that to be able to work with the LAG, auditors would need training so that they had a background or expertise in human rights or labour and were already aware of

challenges to do with labour unions. As voiced by the interviewee from Hukatan: “Ideally, CBs should include experts in areas like labour, gender, and occupational health and safety, as these require specialised knowledge. Building the capacity of CBs might be the area for the attention before the LAG can become mandatory.”

In a similar vein, it was noted that smaller producers may need some additional resources or capacity-building support to comply with the requirements to submit information for desk review. The interviewee from Palmas Montecarmelo suggested that smaller producers might also struggle to provide sufficient workforce data to enable auditors to determine stratified samples of workers as per the LAG guidance. He raised the idea of RSPO providing some form of support to such operators to help them collect data on worker demographics and other metrics.

Better Cotton informed their CBs two years in advance that the labour auditing methodology would become mandatory, including their new requirement for worker interviews. This gave auditors time to develop labour auditing skills. Better Cotton held in-person training for auditors, using workshops, discussion and role play. It also held a training session on worker interviewing, for auditors and its own staff. Like Better Cotton, the African agricultural standards body provides training on its mandatory auditing guidance for the CBs that it works with.

Enforcing implementation

One question to consider is how RSPO could ensure that CBs follow the LAG, if it becomes mandatory.

We can learn from how other standards bodies have addressed this challenge. The Sustainability Initiative South Africa takes several measures to oversee compliance with its auditing methodology:

- Includes the methodology in the Service Level Agreement with CBs and auditors so that it is contractually required;
- Conducts a review of a sample of audits from each CB every year. This includes reviewing the evidence that the auditors collected and checking that requirements in the methodology such as sampling numbers were followed;
- Commissions two shadow audits per year for each auditor;
- Follows up any complaints made against auditors and audit teams (using the feedback channels mentioned previously) by appointing an independent investigator;
- Taking advantage of shadow audits that are carried out of its own audits by other partner standards bodies that are in a benchmarking scheme;
- Taking advantage of the rules of the Sustainable Supply Chain Initiative (SSCI),⁵ which involves random quality sampling of the standard and its CBs.

Better Cotton made their labour auditing methodology mandatory for decent work auditors in 2023. Similar to including it in a Service Level Agreement, the Better Cotton decent work monitoring methodology is now part of the terms of reference for the decent work monitors. Better Cotton

⁵ www.theconsumergoodsforum.com/social-sustainability/sustainable-supply-chain-initiative/key-projects/benchmarking-recognition/

conducts shadow assessments (i.e. shadow audits) and this provides one means of monitoring the methods that teams are using. Another way is a detailed reporting template which requires auditors to show how they followed the assessment protocol, including the worker interviewing requirement and requires them to explain if and why worker interviewing requirement was not followed, for Better Cotton's assurance managers

7. Conclusions and recommendations

7.1 Challenges in the audit system

The study has gathered opinions from stakeholders and information from reports on current challenges for labour auditing within the RSPO certification system.

There is insufficient availability of qualified and experienced auditors for interviewing workers and assessing worker-related documents. A lack of skill and judgement on labour issues among some auditors is documented. As RSPO audit teams are multi-disciplinary, reflecting the wide scope of the P&C standard, some audit team members who do not have specialist labour auditing training may be called to assist with interviews or observation, and require guidance.

There is a lack of trust in the rigour and independence of RSPO audit teams in some contexts. It has proven logistically difficult for auditors to visit oil-palm estates and other sites in their own vehicles and without guidance from company staff, which compromises both the safeguarding of workers who are selected for interview or observed by auditors while at work, and the trust in auditors among workers and community members. Conducting interviews off-site is actively discouraged in the current RSPO system, which further compromises safeguarding and fosters the risk of workers being pre-selected and coached by their employers.

Interviewees in Latin America described the challenges faced by auditors in that region when assessing compliance with labour indicators, given that the underlying assumptions of the P&C do not often reflect the common situation on the ground. Not only in some regions of Latin America but also in countries such as Malaysia, collective bargaining and independent unions are simply not present in a meaningful sense. In general, there is a lack of guidance and processes for auditors to consistently interpret the requirements in Principle 6 and how to act when evidence is unclear or cannot be triangulated with documentation.

Within the current guidance for how long a certification audit should take (9 person-days or 3 audit-days for a team of three auditors), there are concerns that auditors cannot spend enough time interviewing workers, consulting stakeholders or, possibly, sufficiently analysing worker records. For some time now, RSPO auditors have been criticised for taking a checklist approach to auditing and devoting too much time to documents rather than interviews.

7.2 Reflections on the LAG and making it mandatory

Managers from three CBs that we interviewed all welcomed the introduction of more guidance on labour auditing through the LAG. While certain expectations for how RSPO audits should be conducted are given in the Certification Systems document, the LAG goes further in providing a labour auditing methodology for the RSPO system. In so doing, the LAG gives much-needed guidance in some of the 'grey areas' that are currently left open to interpretation by individual CBs and auditors.

However, the experiences of one CB in implementing the LAG and of a producer that underwent an audit using the LAG methodology, suggest that in its current form, the LAG is adding somewhat to

the time pressures faced by auditors and producers. In particular, fulfilling the guidance for the desk review phase of an audit can be burdensome.

There are also concerns that the LAG has introduced things for auditors to check and to ask during interviews which, while useful for assessing workplace conditions and the risk of labour rights violations, go beyond the requirements of the Principle 6 indicators. This risks creating the sense that the RSPO is trying to introduce a new labour standard through the LAG. Partly this is due to a lack of clarity and understanding over the guidance in the LAG and how it relates to indicators and aspects of the RSPO audit checklist – these should all be distinct from each other, but the lines are a little blurred. Given that rules for how audit teams should conduct RSPO audits are already laid out in the Certification Systems document, it needs to be clearer how the LAG relates to that.

In addition, our comparison of the LAG and Certification Systems with other standards bodies' labour guidance and best practice in the literature on labour auditing suggests that even with the LAG, there are still gaps in the RSPO audit methodology. Standards in expectations for audits need to be raised in some key areas, in order to improve safeguarding for workers, increase the effectiveness of audits in detecting labour issues, and prevent audit deception.

We propose that the RSPO should strongly consider making some elements of the LAG mandatory, in order to improve the standard of labour auditing within the RSPO certification system and bring RSPO into line with other standards bodies which have developed mandatory labour audit methodologies. See also section 7.5 and especially table 9 there for more details.

The feedback from the interviews suggests that unless the guidance becomes normative, both CBs and producers will be resistant to implementing it. The RSPO should also recognise the work that SCS and potentially other CBs and auditors have done in implementing the LAG to date.

But we also recommend firstly, to follow the example of Better Cotton, which is to place some pressure on CBs and producers (but not too much), so that we are not too over-ambitious in what we expect to become mandatory (especially given the scarcity of experienced and qualified labour auditors around the world), and that consultation and sensitisation with CBs and producers is undertaken.

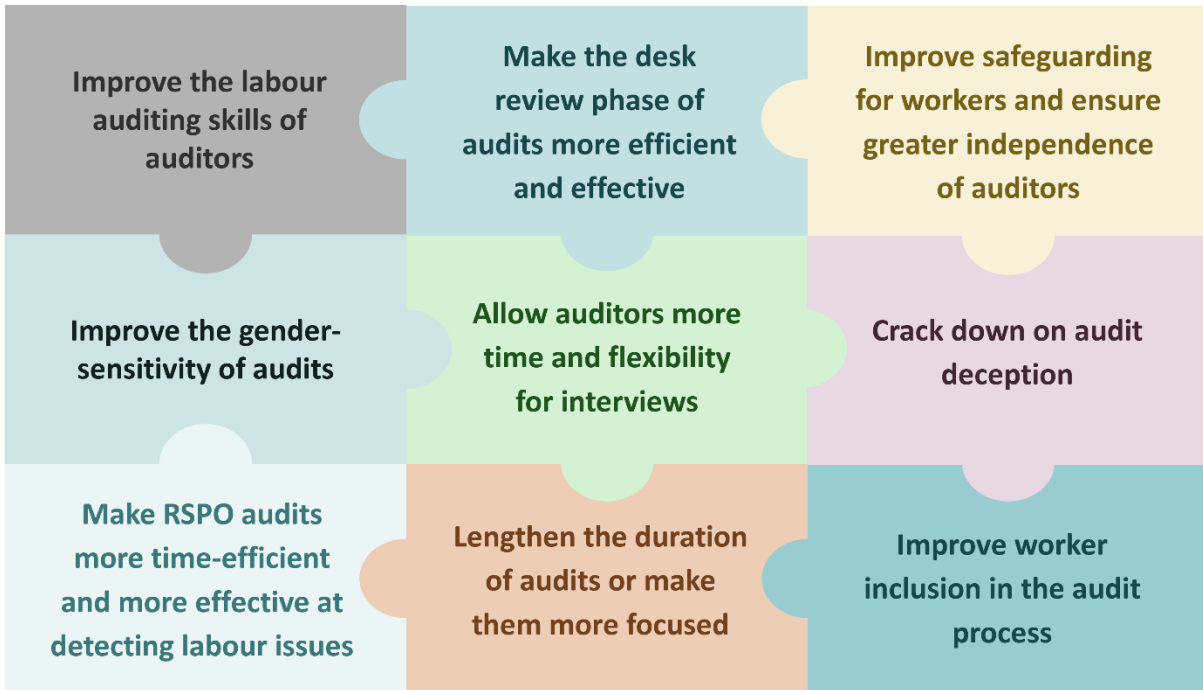
Secondly, we recommend that nothing is made mandatory until consequences for audit duration and cost are assessed and measures are put in place to manage them, as well as a plan for how RSPO will verify that CBs are implementing the mandatory labour auditing methodology.

7.3 Over-arching recommendations

We will first take a step back and assess the improvements that may be needed to the RSPO auditing process. Then, we can consider the concrete changes that are involved in terms of requirements, methodology, auditor capacity and so on.

So, how does the RSPO audit process need to be improved?

Figure 5. Improvements that may be needed to the RSPO auditing process



1. Improve the labour auditing skills of auditors

A key finding from the interviews and from literature which mentions RSPO, is that the labour auditing skills of auditors need to be improved. Labour auditing or social auditing is a developing discipline, and so the techniques still need to be refined and to permeate through the body of auditors that CBs can draw from. Because the RSPO P&C is a wide-ranging standard which requires auditors who can assess environmental criteria, audit teams may include members who need greater understanding of labour rights and of labour auditing methods.



Possible actions: The RSPO can take action by improving the content and presentation of the LAG, and then consider making some of the guidance mandatory so that auditors are obliged to follow the good auditing practices contained within. According to our interviews, the RSPO needs to consider how to reach experienced auditors who have established their own ways of auditing labour criteria – for these people, it may be a question of identifying what aspects of audit methodology need to be made mandatory to force them to meet minimum requirements for RSPO audits and overcoming resistance to following more guidelines.

But the RSPO also needs to meet the needs of less experienced auditors, including auditors who are environmental specialists but may be called to assist in collecting evidence for social issues. The LAG could be an important tool in efforts to build auditor capacity, and it can be connected to other capacity-building initiatives within the RSPO system such as the Lead Auditor training.

There is a need to improve individual skills, such as facilitating focus groups or group interviews or techniques for detecting less visible labour issues, but our study suggests that efforts are also needed to work with auditors – including social auditing specialists – to challenge cultural stereotypes and raise awareness of labour rights.

To support the much-needed efforts to increase the numbers of auditors available around the world and to encourage auditing quality, the RSPO could consider ways in which to increase recognition of auditing as a profession and to promote a better work–life balance for auditors, especially for when they are in the field. In its *Auditing Rules*, Rainforest Alliance includes a rule that auditors should not ordinarily exceed 8 hours of audit time in a day, and that any justifiable overtime should be compensated by the CB. The SIZA representative who was interviewed for this study provides other examples of how a standard body can work together with CBs to build auditor capacity and support the profession.

2. Improve the gender-sensitivity of audits

Our study suggests that one of the aspects where auditor capacity-building is needed, is in gender-sensitivity. This will help auditors to identify gender-related labour non-compliances and labour rights abuses experienced by female workers in particular, but it will also make the overall audit more effective.



Actions may include:

- Increasing pressure and support for CBs to include women auditors in audit teams.
- Improving gender awareness among male and female auditors through training and resources such as the LAG.
- Including gender considerations during the initial research and desk review phases; for example by reviewing gender-related legislation for the country in question or speaking to a women’s NGO.
- Giving a requirement or recommendation for female auditors to conduct interviews with female workers when appropriate.
- Providing guidance for what to do if no female auditors are available to interview female workers.
- Sharing techniques for assessing gender discrimination and other gender-specific labour issues during the review of company documents and worker records, such as disaggregating data by gender.

Advice on gender-sensitive social auditing is available from sustainability organisations including BSR (see Figure 6 and Figure 7).

Figure 66. Advice from BSR on gender-sensitive auditing (BSR, 2018b)

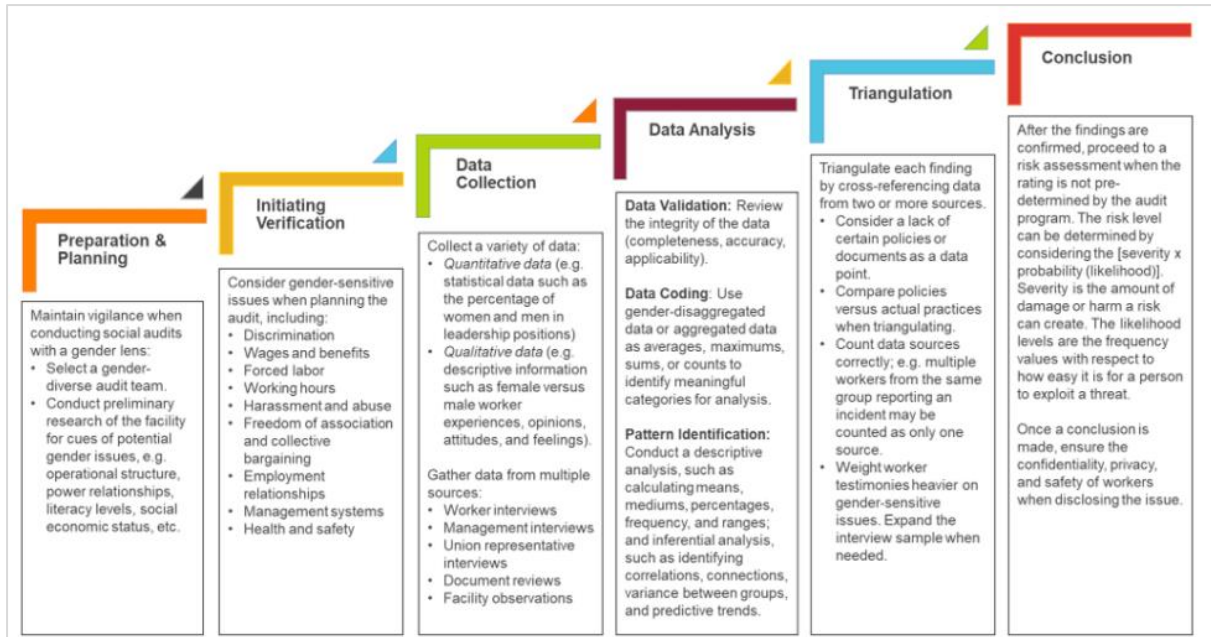
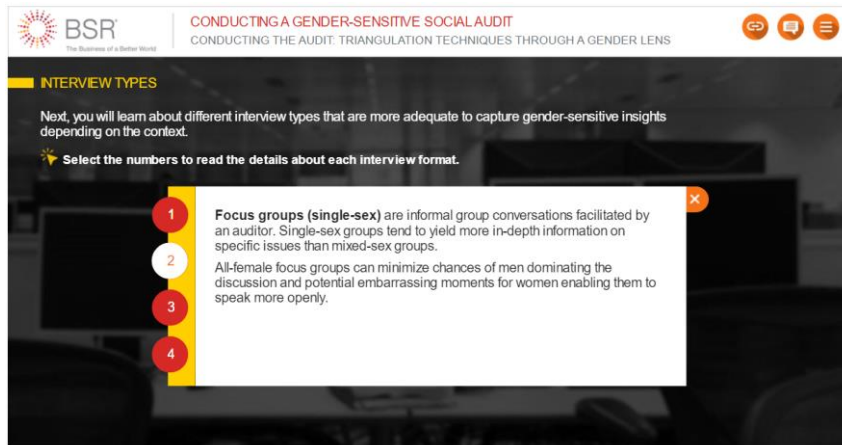


Figure 77. Screen grab from a BSR online training course on gender-sensitive auditing (BSR, date unknown)



3. Make RSPO audits more time-efficient and more effective at detecting labour issues

Some of the criticism of RSPO audits by researchers and NGOs, and some of the limitations acknowledged by organisations and stakeholders who are closer to the RSPO system, are that auditors or at least the auditing system have sometimes failed to detect and report labour rights abuses at palm oil estates and mills (e.g. Finnwatch, 2016; Profundo, 2018; ASI, 2019; RSPO Secretariat, 2021b).

Make RSPO audits more time-efficient and more effective at detecting labour issues

At the same time, concerns were raised in the interviews for this study that the time currently allocated by CBs for conducting audits is already not sufficient for auditors to assess Principle 6

compliance, and that adoption of a more rigorous labour auditing methodology through the LAG will add to the time pressures.

Advice given by the interviewee from Better Cotton is to simultaneously work on making labour auditing more effective and also find ways to make audits more efficient. Drawing from the literature on social auditing and recommendations made by interviewees, there are several actions that the RSPO could consider to help CBs and auditors maximise their time and channel their efforts towards effective investigation and assessment of working conditions and labour rights:


- a. Allow and encourage audits to focus on high-risk and high-priority labour issues, specific to the context of the Management Unit in question. The findings of the initial research, desk review and risk assessment should be used to flag up risks and then concentrate labour auditing activities in those areas. This may imply a more risk-based approach to auditing, with some flexibility in how each indicator is assessed (see point 6 below).
- b. To help audit teams identify those high-risk and high-priority issues, there could be guidance on more effective consultation of stakeholders who have local understanding of employment trends and workplace conditions. Ideas that emerged from this review include guidance on how stakeholder consultations can be conducted in the preparation and field stages, as recommended in the ISEAL Code of Good Practice; developing country- or region-specific lists of stakeholders for possible consultation on labour issues; and giving advice for auditors to deal with difficult situations with stakeholders.
- c. So that auditors get the most from worker interviews and from reviewing worker files, there could be more guidance on how to prioritise certain categories and groups of workers when selecting worker samples. For example, one of the interviewees pointed out the different types of migrant worker in Malaysia and highlighted the particular vulnerability of spouses and workers without documentation.
- d. The literature on best practices in social auditing suggests that the time that auditors spend speaking to workers should be maximised. Yet RSPO auditors have been criticised in the past for spending too much time checking documents. The RSPO could give more guidance on how auditors should balance their time on site and in particular how auditors should balance their time between checking documents, site inspection and interviews.
- e. The implication of this recommendation is that CBs will also need guidance in using their time for document checks as efficiently as possible. One recommendation is to request auditors to check for documentary evidence of *implementation* of policies, rather than simply check that policies exist, and strengthen the link to items in the RSPO Audit Checklist which encourage auditors to assess if policies have been implemented.
- f. Give guidance for CBs on how to respond if certain worker types are not available to interview, especially seasonal workers and third-party workers.
- g. In contexts where labour providers are used to supply contract workers and where forced labour has been identified as a risk, CBs should be instructed to follow the labour supply chain and interview labour providers. The interview with Better Cotton gives an example of how their assessors are now required to identify and interview labour providers as a matter of course. An example from the literature describes an approach that would be more time-consuming but potentially rewarding, whereby a targeted audit was designed to capture the

“end-to-end recruitment process”, which involved going beyond working conditions for migrant workers to reviewing third-party recruitment agency practices, migrant working conditions and repatriation for workers when their contracts ended (Benstead, Henry & Stevenson, 2021).

- h. Overall, auditors may need more guidance on investigating so-called non-visible labour issues such as harassment, gender discrimination or forced labour, since studies have found that these tend to be un-detected and under-reported in comparison with more visible issues such as health and safety breaches. Clarity on the kinds of evidence that is acceptable for corroborating worker testimonies and what constitutes a major and minor non-compliance would improve accuracy and consistency across the RSPO auditing system.

4. Make the desk review phase of audits more efficient and effective

Feedback from the CBs interviewed for this study suggests that one way to improve the efficiency and effectiveness of audits that follow the LAG methodology is to streamline the desk review phase. The desk review should perform a risk assessment function, so that it helps CBs to plan the audit better but also identify priorities (e.g. certain groups of workers or labour issues) for the field part of the audit. Some desk investigation should start earlier, at the application stage. For the initial research and desk review, the LAG could give more advice and guidance such as online resources to consult.




Make the desk review phase of audits more efficient and effective

The process of providing documents in advance should be less onerous for producers. It may be beneficial to reduce the number of documents included in the desk review section of the LAG. The RSPO should also consider how to support small businesses in collating all of the documentation that CBs request.

It should also be made clearer how the initial research and desk review work outlined in the LAG relate to document checks that audit teams perform in the field, in order to avoid duplication of effort and free up as much time as possible for conducting interviews with workers and stakeholders.

5. Allow auditors more time and flexibility for interviews

Given the importance of worker interviews for assessing Principle 6, we recommend granting auditors more time and flexibility for interviewing. The guidance in the LAG is that “the CB should estimate an allocation of at least twenty (20) minutes (excluding duration between interviews and travel time) per sampled interviewees”. The system should allow for interviews to take longer than 20 minutes as needed. When it comes to focus groups or group interviews, some of the other standards bodies allocate more time (as documented in section 4.3.4 of this report). This could be a useful practice for the RSPO to adopt also.



Allow auditors more time and flexibility for interviews

When it comes to sampling, the guidance in the LAG is as follows:

2.5.3 The sample calculation is based on the square root of the total number of workers at each audit site of the Management Unit (i.e. mills, estates, Scheme Smallholders) based on the following formula: $x = \sqrt{N}$ (where N= number of total workers).

2.5.4 In the event the auditor identifies vulnerable workers during the audit, the auditor should calculate a separate sample set by taking the square root of each identified vulnerable group in addition to the sample indicated in Table 2 of the Case Study.

The LAG should advise auditors that in many instances, sampling greater than square root is recommended and permissible. For examples of other standards bodies whose auditing methodologies prescribe samples that are larger than square root, see section 4.3.2 of this report. It would also be advisable to add some guidance on the recommended number of workers to include in group interviews, and some of the pros and cons of various group options, such as keeping groups small to prevent certain individuals from dominating the discussion, or deliberately selecting large groups to help individual workers from being singled out afterwards by management.

The RSPO may wish to consult specialist advice on its recommended sampling approach. The current advice laid out in paragraphs 2.5.1, 2.5.3 and 2.5.9 of the LAG is essentially to conduct random stratified sampling of the whole workforce, leaving the CB free to decide which worker characteristics to use for the stratification from a long list given in paragraph 2.5.9. In paragraph 2.5.4, the LAG advises auditors to derive additional samples from separate groups of 'vulnerable workers', if they have been identified. Therefore, the status of vulnerable worker forms one variable for the stratification.

Random sampling is a statistical technique which is designed to select a sample of workers that is representative of the whole workforce. Random stratified sampling is used to first sub-divide the workforce into meaningful groups, such as male and female or seasonal and permanent, and then select randomly from those groups. Just as in the LAG, other guidance on labour auditing tends to recommend that worker samples are 'representative', which might therefore endorse random sampling.

However, given the limited time available to auditors both for gathering information on the workforce (i.e. for constructing the sampling frame to select from) and for conducting interviews, and given the pressing need for auditors to speak to vulnerable workers, the RSPO should consider whether purposive sampling should be recommended, at least as an option, for selecting workers. This way, auditors can deliberately select workers with certain characteristics to speak to, even if this means potentially over-sampling them.

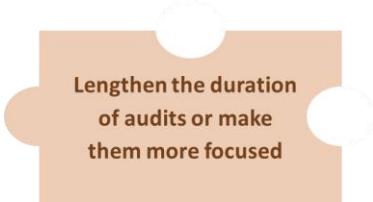
We recommend that even if the RSPO continues to require a stratified random sampling approach, it should provide guidance on which worker characteristics or variables to use for defining the sub-groups, possibly by drawing on the audit risk assessment in the scoping phase, so that auditors can make sense of the long list in paragraph 2.5.9.

The approach to sampling worker records for review during the audit should also be reviewed.

Special advice on interviewing children could be included, but this topic should also be covered in auditor training.

6. Lengthen the duration of audits or make them more focused

To follow on from the discussion in point 3 above, there are concerns raised by interviewees and in the literature that RSPO audits are already too short for auditors to fully assess Principle 6 and that introducing more rigorous auditing methodology via the LAG will only stretch auditors further. While there are measures that RSPO can consider to encourage CBs to use their time more efficiently (see point 3), it may be necessary to make more significant changes to address this problem and allow adequate time for investigation of labour issues.



Lengthen the duration of audits or make them more focused


One option is to increase the audit-days that are routinely allocated for an RSPO surveillance or recertification audit. This would increase the cost of an audit for Management Units and require them to dedicate more human resources to supporting the auditors while on site. Such a change would need to be debated within RSPO and discussed with producers and other stakeholders. Making RSPO certification more costly and time-consuming could potentially discourage producers from seeking certification and renewing their certificates.

Another option is to explore ways to keep audits at their current level of approximately three-audit days or nine man-days for the field or on-site component but narrow the focus of the audit so that audit teams have enough time to adequately assess working conditions and labour rights. One approach put forward by an interviewee was to cover all major but only a percentage of minor indicators in each surveillance audit with full coverage throughout the certification cycle.

This also would pose a significant change to the RSPO assurance system and would need to be carefully considered. It may be possible to improve links to other sources of information-gathering, monitoring and due diligence relating to labour, to reduce the burden on three-day audits.

7. Improve safeguarding for workers and ensure greater independence of auditors

Comments from interviewees and some of the critical literature (e.g. Finnwatch, 2016; Profundo, 2018; ASI, 2019; RSPO secretariat, 2021b; MacInnes, 2023) point to a need to conduct worker interviews in more confidential circumstances in order to gain the necessary trust of workers and better protect workers from reprisals after the auditors leave. Auditors need to operate more independently from estate and mill staff, not only to safeguard workers but also to remove conflicts of interest and subjectivity which could compromise the rigour and reliability of audits.



Improve safeguarding for workers and ensure greater independence of auditors

Ways to achieve this could include:

- Clarifying the procedure for auditors if they receive follow-up calls from workers after giving them contact information, following paragraph 3.4.11 of the LAG.

- Adding a requirement to the LAG for the identity of any workers who have been interviewed or whose records have been checked, to be concealed in any audit documents.
- Encouraging some off-site interviews.
- Addressing the problem of auditors travelling with company staff in company vehicles and developing more protocols about what auditors should do when they arrive with company staff at a site.
- Relaxing the LAG requirements on group interview sampling to allow for larger groups to be interviewed, to reduce the chances that workers will be identified and targeted by employers after the audit (as discussed in point 5 above).
- Strengthening the advice in section 3.4.12 of the LAG so that auditors must ascertain the independence of unions and worker committees.

8. Crack down on audit deception

Proforest’s review of empirical studies of labour auditing for ISEAL Alliance found widespread evidence of audit deception in the garments and agriculture sectors. The RSPO should emphasise in its guidance to CBs and auditors the risk of Management Units taking steps to cover up non-compliances and labour rights abuses at estates and mills, and measures should be added to the LAG to help guard against this. For example:



- The LAG should include a reminder to be alert to information deception (e.g. fraudulent documents, double book-keeping). The long table in section 3.2 addresses this to some extent – auditors are advised to look for “signs of hidden working hour records”, for example – but the topic could be more prominent in the LAG.
- The RSPO and its CBs should develop clear procedures for auditors to respond if access to workers, documents or physical premises are blocked by the company before or during the audit.
- It may be useful to consider reviewing measures and penalties for Management Units if auditors find signs of them coaching workers, refusing access, falsifying information and so on – automatic non-compliance?
- The Rainforest Alliance *Auditing Rules* require auditors to present, at the opening meeting, their CB’s anti-bribery and anti-corruption policy, and require the Management Unit to sign a declaration that it shall respect the policy (paragraph 2.7.20). This example could be useful for the RSPO to consider.

9. Improve worker inclusion in the audit process

There are growing calls for worker-centric models of compliance and worker-driven labour rights initiatives (Burlon, 2021; Hepworth, 2021; Anti-Slavery International, 2022; WSR Network, 2024). With this approach, third-party auditing still plays an important role, but audit methodologies must align with worker-driven principles, such that the “monitoring and enforcement mechanisms are designed to provide workers an effective voice in the



protection of their own rights” (WSR Network, *ibid.*). According to WSR Network, this should include “[auditors] who have deep knowledge of the relevant industry and labor issues and who operate independently of financial control and influence by buyers; in-depth worker interviews, carried out under conditions where workers can speak freely, as a central component of the process; effective worker education that enables workers to function as partners with [auditors]; and a complaint resolution mechanism that operates independently of buyers and suppliers and in which workers organizations play a central role.”

Proponents of worker-centric and worker-driven approaches argue that they are the best way to identify actual working conditions and labour rights situations of workers, and the best way to create solutions that lead to lasting improvement.

For the RSPO auditing system, ensuring more meaningful inclusion of workers in the process could include:

- Working with unions and other local stakeholders to engage with workers and inform of their rights and how the audit process works.
- To encourage the practice of auditors giving their contact details to workers, developing a defined protocol for how auditors should respond to any contact.
- Strengthening LAG wording to encourage presence of workers and worker representatives at the opening meeting and closing meeting.
- Involving workers in development of corrective action plans following non-compliance.
- Linking to year-round monitoring and information-gathering on working conditions.

7.4 Concrete recommended actions

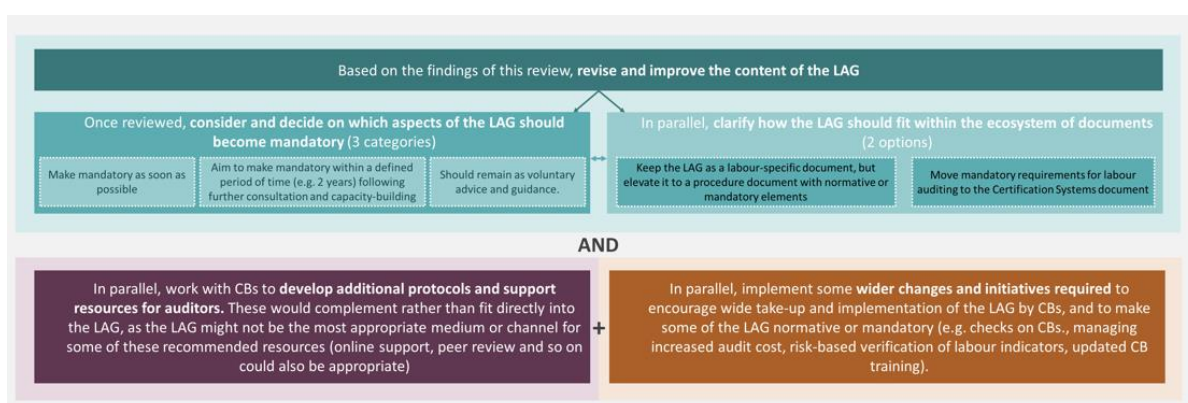


Figure 8. Concrete recommended actions

1. Improve the content of the LAG

According to our review of best practice in labour auditing and to the feedback from the interviewees, the LAG is missing some important requirements for how labour auditing should be carried out. Also, some of the existing pieces of guidance in the LAG need to be amended, clarified or expanded upon.

In addition, the desk review section of the LAG could be reviewed with a view to making this stage less time-consuming. The formatting and presentation of the LAG could be changed, with some of the tables or templates possibly being moved to an annex in the LAG and a need to address the very long table in section 3.2.

We have duly made some recommendations for how the LAG could be improved. The recommendations include:

- Adding requirements or making existing requirements stricter, to bring the LAG closer in line with best practices identified in the literature;
- Providing more advice and guidance on labour auditing;
- Improving the formatting and presentation of the LAG, to make it easier to use;
- Clarifying some of the language;
- Improving consistency between the processes laid out in the LAG and the processes already established in Certification Systems;
- Referring to protocols, policies or procedures that we recommend should be developed by the RSPO and its CBs (these are discussed separately below).

The recommendations are listed in Annex 2 below. A small number of recommendations for the Certification Systems document are also made and presented in Annex 3.

The list of recommendations is a line-by-line review of the LAG. It does NOT take into consideration:

- Whether certain elements of the LAG should be moved to the Certification Systems document;
- Which parts of guidance should be made mandatory immediately, which should be made mandatory in future, and which should remain as advisory guidance.

We recommend that these considerations should also be made – see points 2 and 3 below.

2. Mandatory elements of the LAG and RSPO document ecosystem integration

2.1 Consider which aspects of the LAG should become mandatory

After the content of the LAG is reviewed as recommended above and additional requirements and pieces of guidance are added, we recommend categorising the amended guidance provided in the LAG into three categories:

- a. Make mandatory as soon as possible;
- b. Aim to make mandatory within a defined period of time (e.g. 2 years) following further consultation and capacity-building;
- c. Should remain as voluntary advice and guidance.

There will be some parts of the LAG guidance that the RSPO decides is important to become a mandatory or normative part of the certification process as soon as possible, because it is being called for by stakeholders or because it will improve the integrity and accuracy of auditing of Principle 6. Other guidance may need to be delayed before it is made mandatory, because of practical or logistical reasons, because it is less urgent or because further consultation and capacity-

building among CBs, producers and stakeholders will be needed first. Table 9 provides some sample suggestions of this.

The RSPO could then make the language in the LAG consistent to distinguish between mandatory requirements (“must” or “shall”) and voluntary recommendations.

If the RSPO decides that some or all aspects of the LAG should become mandatory, further sensitisation with producers and CBs should take place.

Table 9. Examples of elements of the LAG which could be mandatory or remain voluntary

Category	Examples from the LAG
1. Strive to make mandatory as soon as possible	<ul style="list-style-type: none"> • Sampling methodology (for sampling workers, worker documents and worker accommodation sites) • Team selection • Measures for safeguarding workers • Requirements on stakeholder consultation • Measures on bribery and corruption • Rules on audit reporting
2. Strive to make mandatory following consultation and capacity-building	<ul style="list-style-type: none"> • Recommendation to hold some interviews off-site • Stronger advice against travelling to workplaces in company vehicles and/or with company staff • Requirements for CBs to provide female auditors and/or ensure that male auditors undergo training in gender-sensitive audit techniques • A new protocol for providing workers with auditors’ contact details
3. Present as guidance	<ul style="list-style-type: none"> • Example interview questions in section 3.2 • Good practices for worker interviews • Suggestion for additional guidance in the LAG on gender-sensitive auditing and uncovering non-visible labour issues • Suggestions for awareness-raising materials for CBs and auditors to use

2.2 Clarify how the LAG should fit within the ecosystem of documents

Although Certification Systems is a cross-cutting document while the LAG is intended to focus on labour auditing, in practice there is not enough distinction between the two documents and there are areas of overlap. Also, in its current form the LAG is a slightly unclear combination of rules or requirements, and advisory guidance.

In conjunction with the recommendation above for the RSPO to review which aspects of the LAG should or could become mandatory, we recommend for the RSPO to think about the combination of advice and requirements, and where they best fit. Options:

- a. Keep the LAG as a labour-specific document but elevate it to a procedure document with normative or mandatory elements. Remove any elements which are better suited to the Certification Systems document, the audit checklist or the P&C. Within the LAG, use consistent language and formatting to distinguish mandatory requirements from voluntary recommendations and advice. Possibly move the advice to an annex. Add cross-references to relevant requirements in the Certification Systems document which relate to audit team selection and auditing methodology.
- b. Move mandatory requirements (and recommendations) for labour auditing to the Certification Systems document. Make the LAG more of a guidance document or manual with advice. Use softer language and avoid presenting the text as numbered rules or requirements. This document will be linked to RSPO training materials on labour auditing. Potentially add more guidance specific to palm oil sites in various worldwide contexts.

The second seems the timelier option as the RSPO is currently revising the Certification Systems document and developing a new curriculum for the P&C Lead Auditor training. But other options are possible.

Note that in the absence of skilled social auditors, the LAG could act as a manual for less experienced auditors. If so, the LAG needs to be more clearly and consistently designed so that the guidance 'pops out' and is easy to use in the field.

The RSPO should also clarify the function and purpose of each of the four RSPO documents we have highlighted in 1 of this report: P&C, audit checklist, Certification Systems and LAG.

- As part of this exercise, the RSPO should address the comments raised by interviewees on the long table in section 3.2, whereby some producers were concerned that the example interview questions and suggestions of things to consider during document review and site observation went beyond the narrower requirements of the Principle 6 indicators. (This is discussed in section 3.5 of this report.) Experienced social auditors should recognise that the section 3.2 in the LAG will help them to identify indicators of possible labour rights abuses for investigation and to gain a general picture of workplace conditions. However, less experienced auditors and other stakeholders such as staff from the Management Unit may be confused that the section 3.2 advice does not perfectly align with Principle 6. If the guidance remains, it should probably be more clearly explained. (We also raise this issue in point 51 in Annex 2.)
 - It would be beneficial to conduct more sensitisation with producers on what is the audit checklist, what are indicators, and so on.

3. Develop protocols and support resources for auditors

Based on our review of the labour auditing guidance of other schemes, we recommend that a number of protocols are needed to guide audit teams, as well as softer forms of support. RSPO

should work with CBs on developing the following (note that a document such as the LAG might not be the most appropriate medium or channel for some of these recommended resources; online support, peer review and so on could also be appropriate):

- Lists of stakeholders for main countries and regions to consult in regard to labour issues. The lists could be linked to National Interpretations.
- Guidance on how stakeholder consultations should be conducted in the preparatory stage and during the field audit, as recommended in the *ISEAL Code of Good Practice*.
- Advice for auditors to deal with difficult situations with stakeholders.
- Suggestions for online sources to find information for the initial research or finding ongoing conflicts and grievances to inform the risk assessment.
- Guidance on how to better integrate findings from desk reviews into audit reports.
- A protocol for auditors to respond if workers contact them. Better Cotton provides just one example of this.
- Advisory channels and calibration mechanisms to support audit teams to reach conclusions:
 - a. Guidance or a procedure to help ensure consistent interpretation of labour-related indicators by individual auditors;
 - b. Guidance on any exceptions to requirements for triangulation in instances of certain labour issues;
 - c. A protocol for withholding sensitive or uncorroborated findings from closing meetings.
- Clear procedures for auditors to respond if access to workers, documents or physical premises are blocked by the Management Unit before or during the audit.

4. Wider changes and initiatives required

If the RSPO plans to encourage wide take-up and implementation of the LAG by CBs, and to make some of the LAG normative or mandatory, then some wider pieces of work should be undertaken.

First, it will be necessary to plan how the RSPO will verify that CBs and auditors are following the (mandatory) LAG or labour auditing requirements. The RSPO could draw on the experience from other standards bodies as described in this report.

We strongly recommend that the RSPO conduct further stakeholder consultation to try to find solutions to the tricky subjects of (a) auditors being accompanied by company staff and travelling in company vehicles when visiting estates and other sites in the field; and (b) conducting some interviews with workers off-site.

Following our comments in section 7.2 above, it will probably be necessary for the RSPO to develop models for managing the increased cost of audits that will ensue from implementing a more rigorous labour auditing methodology. For example, the possibility of a Shared Responsibility mechanism could be explored, and tiers of producers based on size of operation and administrative capacity could be established.

At the same time, with the intention of minimising the cost impacts of introducing a more rigorous labour auditing methodology, the RSPO should consider how to make the scope of RSPO certification audits more focused, so that auditors have to cover less ground. Regarding Principle 6, this could include advice for audit teams to identify high-risk labour issues to prioritise during the audit. For example, the interviewee from Hukatan suggested that RSPO auditors should focus on child welfare, harassment and social security for vulnerable workers. It needs to be considered how such an approach could be consistent with the nature of certifying an organisation against a full standard. The RSPO could re-visit the proposal made by Jennings in 2016 to remove certain requirements from the list of criteria that are assessed at an audit, and instead explore them in parallel through in-depth research investigations:

“There are key sustainability outcomes within any standard that first and foremost need to be monitored well, and independently. Within the RSPO, these might include deforestation, some aspects of HCV (e.g., populations of rare, threatened and endangered species), elimination of forced and child labour, illegality, and use of community land without Free, Prior and Informed Consent. These are issues that cannot be meaningfully judged by an auditor scrutinising documents, holding a few meetings, or by brief and non-expert observation ... Separating monitoring of [those] issues from auditing would reduce the problems of ‘hard to detect’ issues, the scope and ambiguity of the standards, and the forms of evidence that auditors used ... The role of audits could potentially become more focused on management systems” (Jennings, 2016, p.17).

The RSPO should continue to offer and develop auditor training which covers techniques in labour auditing and promotes understanding among auditors of labour issues. It is vital to promote training of more female auditors for social or labour auditing. As part of the oversight processes for CBs, the RSPO could consider introducing metrics or KPIs to verify that CBs are making efforts to recruit and train female auditors. The RSPO should also develop and provide training in gender-sensitive auditing techniques.

The RSPO may explore how to connect audits to wider, year-round sources of information. This will help to make RSPO audits more worker-centric and could help with the issue of audits being time-constrained. Initiatives to explore include year-round monitoring, worker voice technology, collaboration with NGOs, linking to human rights due diligence work, and the potential for deep dive research on particular issues in particular locations.

References

- 4C. 2020a. *Certification Body Regulations*. Version 4.0. https://www.4c-services.org/wp-content/uploads/2020/07/200701_4C-Certification-Body-Regulations_v.4.0.pdf
- 4C. 2020b. *4C System Regulations*. Version 4.0. www.4c-services.org/wp-content/uploads/2020/07/200701_4C-Certification-Body-Regulations_v.4.0.pdf
- 4C. 2022. *4C Guidance on the Protection of Children’s Rights*. Version 1.0. www.4c-services.org/wp-content/uploads/2022/04/4C-Guidance-on-the-Protection-of-Children%2%B4s-Rights.pdf
- Angelini, A. & Curphey, S. 2022. The overlooked advantages of the independent monitoring and complaint investigation system in the Worker-driven Social Responsibility Model in US agriculture. *Business and Human Rights Journal*, 7, pp.494–499 . www.cambridge.org/core/services/aop-cambridge-core/content/view/B2FA243E5ACD6F4CBEBDCF0C500BFC4A/S2057019822000256a.pdf/the-overlooked-advantages-of-the-independent-monitoring-and-complaint-investigation-system-in-the-worker-driven-social-responsibility-model-in-us-agriculture.pdf
- Anti-Slavery International. 2022. ‘Why we need worker-led solutions’. www.antislavery.org/latest/social-auditing-inadequate-why-we-need-worker-led-solutions/
- ASI. 2019. *RSPO Nonconformity Analysis*. <https://asi-login.my.salesforce.com/sfc/p/#A0000000aGza/a/1H000000ECF4/58ej7ADhxnGTV9eUKg9bU7OZOiWituQB7K41YyaQQPc>
- Barrientos, S. & Smith, S. 2006. *The ETI Code of Labour Practice: Do Workers Really Benefit?* Report on the ETI Impact Assessment 2006. Part 1: Main findings. Brighton: Institute of Development Studies.
- Bartley, T. 2018. *Rules without Rights: Land, Labor, and Private Authority in the Global Economy*. Oxford: Oxford University Press
- Benstead, A.V., Hendry, L.C. & Stevenson, M. 2021. Detecting and remediating modern slavery in supply chains: a targeted audit approach. *Production Planning & Control* 32, no. 13: 1136-1157.
- Better Cotton. 2024a. *Better Cotton Assessment Process*. Version effective 1 April 2024. https://bettercotton.org/wp-content/uploads/2024/04/SA-ASP_Assessment_2024_P.pdf
- Better Cotton. 2024b. *Better Cotton Assurance Manual*. Version 4.4. <https://bettercotton.org/wp-content/uploads/2024/04/Better-Cotton-Assurance-Manual-v4.4-for-24-25-season-1.pdf>
- BSR. 2018a. *Gender Equality in Social Auditing Guidance*. <https://www.bsr.org/en/reports/gender-equality-in-social-auditing-guidance>
- BSR. 2018b. *The Auditor Guide to Conducting a Gender-Sensitive Audit*. https://www.bsr.org/reports/BSR_Gender_Equality_in_Social_Auditing_Guidance_Summary.pdf
- BSR. Date unknown. Conducting a Gender Sensitive Social Audit. E-Learning Module 3. <https://gsa.bsr.org/>
- Burlon, F. 2021. Beyond the checklist: the role of worker-centric assessments in human rights due diligence. <https://shiftproject.org/worker-centric-assessments-hrdd/>
- Business and Human Rights Clinic. 2019. *The Impact of Bonsucro on Human Rights in the Sugarcane Sector: A Focus on India*. www.humanrightscolumbia.org/sites/default/files/Bonsucro%20Report_FINAL%2012-18-19.pdf
- CCR CSR (research by Gaffar, C. & Kaempfe, I.). 2016. *Best Response: Auditors’ Insights on Child Labor in Asia*. A report by the Center for Child Rights & Corporate Social Responsibility (CCR CSR). www.childrights-business.org/public/uploads/files/20210819/Auditors%20Insights%20on%20Child%20Labor%20in%20Asia_Full%20Report%202016_0.pdf
- Chatterjee, S. & Ravi, P. 2023. *Threadbare: Working Conditions At South Indian Leather-based Workplaces*. Cividep India and Together For Decent Leather. www.suedwind.at/fileadmin/user_upload/suedwind/PDF_Downloads/TfDL-Leather-workplaces.pdf
- Cheong, H. 2021. ‘RSPO Labour Auditing Field Test – Malaysia’. Presentation at RSPO Assurance Forum, 8 December 2021, for BSI.

- Clean Clothes Campaign (Kelly, I., Miedema, C., Vanpeperstraete, B. & Winterstein, I). 2019. *Fig Leaf for Fashion: How social auditing protects brands and fails workers*. <https://cleanclothes.org/file-repository/figleaf-for-fashion.pdf/view>
- Coslovsky, S.V. & Locke, R. 2013. Parallel paths to enforcement: private compliance, public regulation, and labor standards in the Brazilian sugar sector. *Politics & Society*, 41(4)
- Cotton Made in Africa. *CMIa Assurance Manual*. cottonmadeinafrica.org/wp-content/uploads/CmiA-Assurance-Manual_V1.pdf
- Cramer, C., Johnston, D., Oya, C. & Sender, J. 2015. Fairtrade cooperatives in Ethiopia and Uganda: uncensored. *Review of African Political Economy*, 41 (143), pp. S115-S127
<https://www.jstor.org/stable/24858301>
- Donkoh, D. & Mensah, J. Application of triangulation in qualitative research. *Journal of Applied Biotechnology and Bioengineering*, 2023; 10(1):6–9
- ECCHR, Brot für die Welt & MISEREOR. 2021. *Human Rights Fitness of the Auditing and Certification Industry? A Cross-Sectoral Analysis of Current Challenges and Possible Responses*. www.ecchr.eu
- Egels-Zandén, N. & Lindholm, H. 2015. Do codes of conduct improve worker rights in supply chains? A study of Fair Wear Foundation. *Journal of Cleaner Production*, 107.
www.researchgate.net/publication/273602720_Do_codes_of_conduct_improve_worker_rights_in_supply_chains_A_study_of_Fair_Wear_Foundation
- Elevate. 2022. Social Responsibility Assessment (SRA) Tool Assurance Guidance. April 2022, Version 1.1.
https://media.riseseafood.org/resources/ELEVATE_SRA_AssuranceGuidance_Feb_22_FINAL.pdf
- Elliott, K.A. 2018. *What Are We Getting from Voluntary Sustainability Standards for Coffee?* CPD Policy Paper 129.
- European Court of Auditors. 2023. 'Audit evidence'.
<https://methodology.eca.europa.eu/aware/GAP/Pages/Audit-evidence.aspx>
- Fair Wear Foundation. 2012. *Fair Wear Audit Manual*. <https://api.fairwear.org/wp-content/uploads/2016/06/FWFauditmanual-march2012.pdf>
- Fair Wear Foundation. 2016. 'Terms for audits by FWF audit teams'. <https://api.fairwear.org/wp-content/uploads/2016/06/termsforFWFauditsjan2012.pdf>
- Fair Wear Foundation. Unknown date. 'Audit quality assessment tool'.
<https://www.fairwear.org/resources/audit-quality-assessment-tool>
- Fairtrade International. 2023a. *Fairtrade International Requirements for Assurance Providers*. Version 2.1.
https://files.fairtrade.net/standards/ASSU_ReqAssuranceProviders_EN.pdf
- Fairtrade International. 2023b. *Fairtrade International Oversight Procedure*. Version 2.2.
https://files.fairtrade.net/standards/ASSU_OversightProcedure_EN.pdf
- Finnwatch. 2016. *Perspectives on the Quality of Social Responsibility Monitoring Schemes*.
https://finnwatch.org/images/pdf/PerspectivesOnVSS_forweb.pdf
- GoodWeave. 2020. *GoodWeave International Licensing and Certification Policy*. Version 1.4, November 2020.
https://goodweave.org/wp-content/uploads/2020/11/GWI-Licensing-and-Certification-Policy_v.1.4-Nov-2020.pdf
- GoodWeave. 2021. *GoodWeave International Certification Methodology*. <https://goodweave.org/wp-content/uploads/2021/04/GoodWeave-Certification-Methodology.pdf>
- Hepworth, K. 2021. Investor Brief: Worker-centric due diligence: towards effective compliance. ACCR briefing note. www.accr.org.au/news/investor-brief-worker-centric-due-diligence-towards-effective-compliance/
- Human Rights Watch. 2022. *Obsessed with Audit Tools, Missing the Goal: Why Social Audits Can't Fix Labor Rights Abuses in Global Supply Chains*.
www.hrw.org/sites/default/files/media_2022/11/Social_audits_brochure_1122_WEBSPREADS_0.pdf
- ISEAL. 2023. ISEAL Code of Good Practice for Sustainability Systems. Version 1.0, published 14 December 2023.
- Jennings, S. from 3keel for WWF. 2016. *Expecting too much, getting too little? A think piece on sustainability certification auditing in the oil palm sector*. http://poig.org/wp-content/uploads/2017/11/WWF_Auditing_Innovations_Nov-2017.pdf

- LeBaron, G. and Lister, J. 2016. *Ethical Audits and the Supply Chains of Global Corporations*. Report. SPERI Global Political Economy Briefs. <https://eprints.whiterose.ac.uk/96303/1/Global-Brief-1-Ethical-Audits-and-the-Supply-Chains-of-Global-Corporations.pdf>
- MacInnes, A. 2023. *How To Re-Build Confidence in the Audit System of Certification Schemes*. Forest Peoples Programme. www.forestpeoples.org/sites/default/files/documents/How%20to%20re-build%20confidence%20in%20the%20audit%20system%20of%20certification%20schemes%20EN.pdf
- Manning, L. 2018. Triangulation: effective verification of food safety and quality management systems and associated organisational culture. *Worldwide Hospitality and Tourism Themes*. <https://core.ac.uk/download/288196943.pdf>
- Manschot, A. 2018. *Can A Picture Say More than a Thousand Words? Examining the Effectiveness of Social Compliance Auditing*. https://media.business-humanrights.org/media/documents/files/20180920_Can_a_picture_say_more_than_a_thousand_words_Ane_Manschot.pdf
- Mazars LLP & Shift Project Ltd. 2017. *UN Guiding Principles Reporting Framework. Guidance Part II: Assurance of Human Rights Performance and Reporting*. https://www.ungpreporting.org/wp-content/uploads/UNGPRF_AssuranceGuidance.pdf
- Moazzem, K.G. & Ahmed, T. 2022. *Verification Options Used in Public Procurement by Apparel Sourcing Countries: Potential and Effectiveness in Bangladesh*. CPD Working Paper 142. <https://cpd.org.bd/wp-content/uploads/2022/03/Verification-Options-Used-in-Public-Procurement-by-Apparel-Sourcing-Countries.pdf>
- MSI Integrity. 2020. *Not Fit-for-Purpose: The Grand Experiment of Multi-Stakeholder Initiatives in Corporate Accountability, Human Rights and Global Governance*. http://www.msi-integrity.org/wp-content/uploads/2020/07/MSI_Not_Fit_For_Purpose_FORWEBSITE.FINAL_.pdf
- MSI Integrity. 2020. *Not Fit-for-Purpose: The Grand Experiment of Multi-Stakeholder Initiatives in Corporate Accountability, Human Rights and Global Governance*. www.msi-integrity.org/wp-content/uploads/2020/07/MSI_Not_Fit_For_Purpose_FORWEBSITE.FINAL_.pdf
- Partner Africa. 2022. *Gender-sensitive Auditing Pilot Project*. Learning paper. Accessed at https://www.partnerafrica.org/wp-content/uploads/2023/01/PA_LP_Full_Public_270123.pdf
- Piketty, M-G. & Drigo, I.G. 2018. Shaping the implementation of the FSC standard: the case of auditors in Brazil. *Forest Policy and Economics*, 90, May 2018, pp.160-166. www.sciencedirect.com/science/article/pii/S1389934117300953
- Proforest Initiative (Smalley, R. and Daldeniz, B.). 2023. *Review of Evidence on Labour Auditing and Recommendations to Improve Practice*. Report by Proforest Initiative For ISEAL Alliance. www.evidensia.eco/resources/2258/labour-auditing-within-supply-chains-a-review-of-evidence-and-recommendations-to-improve-practice/
- Profundo. 2018. *Study of Labour Compliance in RSPO Certified Oil Palm Plantations in Indonesia*. <https://www.profundo.nl/download/rspo1811>
- Rainforest Alliance. 2020. *Certification Rules*. www.rainforest-alliance.org/resource-item/2020-certification-and-auditing-rules/
- Rainforest Alliance. 2024. *Auditing Rules*. www.rainforest-alliance.org/wp-content/uploads/2024/08/SA-R-GA-5-V1-Auditing-Rules.pdf
- Raj-Reichert, G. (2016). Exposing forced labour in Malaysian electronics: the role of a social auditor in labour governance within a global production network. http://hummedia.manchester.ac.uk/institutes/gdi/publications/workingpapers/GDI/GDI_WP2016005_Raj-Reichert.pdf
- RSPO secretariat. 2020. *RSPO Certification Systems for Principles & Criteria and RSPO Independent Smallholder Standard*. Endorsed 12 November 2020. Document code RSPO-PRO-T01-002 V3.0 ENG. https://rspo.org/wp-content/uploads/RSPO_Certification_Systems_Document_-_November_2020-ENG.pdf
- RSPO secretariat. 2021a. Assurance Forum. 4th Meeting, 8 December 2021. Minutes of Meeting.

- RSPO secretariat. 2021b. *Gap Analysis Of The RSPO Assurance System: Key Issues, Root Causes And Proposed Actions*. https://rspo.org/wp-content/uploads/3.11-mom-27-july-2021_-1pdf
- RSPO secretariat. 2023. *Socialisation of the RSPO Labour Auditing Guidance*. Workshops for Certification Bodies, January to March 2023. <https://rspo.org/wp-content/uploads/LAG-Socialisation-Report-Jan-May2023.pdf>
- Sedex. 2017. *Sedex Members Ethical Trade Audit (SMETA) Best Practice Guidance*. Version 6.0 April 2017. <https://www.bsigroup.com/globalassets/localfiles/en-za/pdf/smeta-6.0-bpg.pdf>
- Short, J.L., Toffel, M.W., & Hugill, A.R. 2014. Monitoring the monitors: how social factors influence supply chain auditors. www.kellogg.northwestern.edu/-/media/files/research/fordcenter/sbe-2014/short-monitoring-the-monitors.ashx?la=en&hash=F19DA3E071DFFED8DDD995C8F0B9EF26
- SIZA (Sustainable Agriculture in South Africa). 2023. *Social (Ethical) Audit Process & Methodology*. November 2023, V5.0. <https://siza.co.za/wp-content/uploads/SIZA-Social-Audit-Process-and-Methodology.pdf>
- SIZA (Sustainable Agriculture in South Africa). 2023. *Audit Oversight Monitoring & Evaluation Policy for Audit Firms / Auditors*. <https://siza.co.za/wp-content/uploads/Annexure-7-SIZA-Audit-Oversight-Monitoring-and-Evaluation-Policy.pdf>
- Soeminta, D.S. 2021. 'Field Test Pilot on RSPO Labour Auditing Guidance'. Presentation at RSPO Assurance Forum, December 2021. For TUV Rheinland Indonesia Team.
- SOMO (van der Wal, S. & Scheele, F). 2015. *Goodness Guaranteed: Assessing the Impact of Sustainability Certification on the Labour Conditions of Farm Workers*. www.somo.nl/wp-content/uploads/2015/05/Goodness-Guaranteed.pdf
- Thinyane, H., Sasseti, F., Junio, D.R., Gallo, M. & Mera, S. 2020. *Use of New Technologies for Consistent and Proactive Screening of Vulnerable Populations*. https://collections.unu.edu/eserv/UNU:7775/AppriseReport_FINAL.pdf
- Transparentem. 2021. *Hidden Harm: Audit Deception in Apparel Supply Chains and the Urgent Case for Reform*. <http://transparentem.org/wp-content/uploads/2021/09/Hidden-Harm-Audit-Deception-in-Apparel-Supply-Chains-and-the-Urgent-Case-for-Reform.pdf>
- Trustea. 2023. System Assurance Protocol General Regulations Part 1, Verification Process. <https://trustea.org//uploads/guidlines/16938081911.pdf>
- Verité. 2022. Fair Hiring Toolkit for Auditors. Step 3: Strengthening Assessments & Social Audits. <https://verite.org/help-wanted/fair-hiring-toolkit/for-auditors/>
- Whitmore, A. 2021. *Review of RSPO Systems on Competence and Independence of Assessors and Auditors*. Commissioned by IUCN National Committee of the Netherlands. https://www.iucn.nl/app/uploads/2021/03/iucn_nl_2021_review_rspo_assurance_systems.pdf
- WSR Network (Worker Driven Social Responsibility Network). 2024. 'Statement of principles'. <https://wsr-network.org/what-is-wsr/statement-of-principles/>

Annex 1. Review of LAG and RSPO Certification Systems document against list of good practices from the literature

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
1. General approach to the audit						
1a. Guidance on the kinds of information that should be consulted and the kinds of question that should be asked in a preparation or risk assessment phase.				Yes	1.2 d; 2.2.3	
1b. Recommendation to identify in advance any high-risk or high-priority labour issues.				Partly	2.2.3	If the auditors conduct research into vulnerable groups of workers as direction in section 2.2.3, it should lead the auditors to identify high-risk or high-priority labour issues
1c. Requirement to identify languages spoken by workers and to prepare accordingly, with rules on hiring independent interpreters.	Yes	4.8.8	"If not enough auditors with language knowledge are available, the CB shall use interpreters. The interpreters shall be independent of the organisation being assessed."	Yes	2.2.3 f	Guidance to identify languages, but does not mention translator or interpreter until later, 2.5.8. Stipulates that they should be "independent of the Management Unit being assessed"

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
1d. Guidance on optimal times for audits and a process for allowing audits at non-optimal times.						
1e. Guidance on how auditors should balance their time between checking documents, inspection and interviews.						
1f. Guidance for uncovering non-visible or hard to detect labour issues.						Guidance in section 3.2 table for detecting forced labour, harassment and other issues, but no advice on approach needed
1g. Guidance on a gender-sensitive audit methodology.						
1h. Requirements for female auditors to be included in the team and/or for alternative measures to be taken if female auditors are not available (e.g. gender-sensitive auditing training).						
1i. Minimum days for audits with guidance on extending audit duration depending on nature of supply base, number of workers, travel times, use of interpreters and risk level. Minimum days should be sufficient for properly investigating labour issues.	Partial	5.2.3	"The duration of the site audit of a management unit consisting of one mill and one estate should be nine (9) man-days. However, the duration of the site assessment will depend on other factors." <i>Unclear if this is enough time (3 audit days).</i>			
1j. A procedure which clarifies the process for audit teams to request an extension to an audit and how the associated financial costs will be met.						

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
2. Interviews						
2a. Guidance on who to interview, including recommendation to interview labour brokers.	Partial	5.4.5	Optional: "In cases where an organisation seeking certification contracts or outsources non-processing activities to independent third parties (such as <u>labour</u> , transport and external bulking activities) ... a risk assessment by the CB shall determine whether a site visit to the third party is required"	Partial	E.ii, 3.4.15	Covers subcontractor workers but not the labour providers. Guidance on which management and personnel staff should be interviewed
2b. Minimum number or specified role-holders of management staff to interview.				No		Just called "Management" in 3.2.2. 3.1.1.ii.ii does suggest management personnel who should attend the opening meeting
2c. Sample targets for workers that are bigger than square root for large populations and are risk-based.				Partial	2.5.3 and 2.5.4	Based on square root but auditors should increase the sample if vulnerable workers are identified
2d. Sample targets for smallholders and farms that are bigger than square root for large populations and are risk-based.	Partial	5.7.3	"The standard requirement for sample of estates and scheme smallholders is square root, except if the operator is deemed high risk, in which the sample should be square root x 1.2."			
2e. Guidance on variables for sub-samples. List of variables should either be short or	Yes	5.7.4 A.1.4.1	"Estates and/or scheme smallholders in the selected sample shall include, but not be limited to,	Partial	2.5.9 3.4.1	Gives long list of variables but no guidance on which to prioritise. Document is in confusing order.

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
<p>give guidance on which variables to prioritise.</p>			<p>locations of potentially greater environmental and social risk, and any perceived risks relating to the current activities being undertaken (e.g. replanting or expansion). The sampling methodology shall also take into account the objective of selecting an interviewee sample in terms of the diversity of sites (i.e. range of sizes, type of terrain, location, etc.)"</p> <p>"In order to determine the interviewee sample of Group members for the certification assessment, the CB is required to carry out a risk assessment of the members. The risk assessment shall take into account the diversity of the Group members (i.e. range of size, management structure, diversity of terrain, etc.) and any perceived risk relating to the activities being undertaken (e.g. how much replanting or expansion is occurring, how many members are new and, for subsequent assessments, whether there is a history of non-compliance)"</p>			<p>Sections 2.5.1 and 2.5.6 just say "based on demographic characteristics relevant to the Management Unit" and "should represent different types of workers"</p> <p>"Based on the Initial Research, Desk Review, documentation review or other means, the auditor should determine the number of samples to represent a cross section of the workforce."</p>

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
2f. Requirement that ease of access should not influence selection of sites to visit.						
2g. Guidance on how to respond if certain worker types are not available to interview, especially seasonal workers and third-party workers						
2h. Guidance to allow auditors to hold individual and group interviews at their discretion.				Yes	2.5.7	50:50 split, but at auditors' discretion
2i. Guidance on maximum size for focus groups.						
2j. Recommendation that auditors are trained in focus group facilitation.						
2k. Recommendation for length of individual and group interviews, aligned with best practice.				Partial	1.4	20 minutes, but no distinction between individual and group interviews
2l. Possibly guidance on what to ask during interviews.				Yes	3.2	Sample interview questions
2m. Requirements for workers' identity to be concealed in audit documents.						
2n. Requirement that workers may not be selected by employers for interview.				Partial	2.5.2	Wording could be clearer ("the audit team should keep control of the sample")
2o. Guidance for some off-site interviews to be held, with provisions for meeting the costs and safeguarding auditors.				No	3.4.8	"It is always best for all interviews to take place on-site. Off-site interviews should only take place

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
						when there is a perceived threat to workers by the management for providing information to auditors; or when the audit site does not have a space that would allow the workers to speak confidentially"
2p. Guidance for protecting anonymity of workers that auditors speak to informally on work premises.				Partial	E.iv, E.i.	"The audit team at their level best shall ensure at all times that the interview sessions with the workforce are conducted in a private place, free from monitoring/surveillance as determined by the auditor(s)". However, the following could risk exposing workers: "Auditors should request a list of workers who are scheduled to work on specific days of the on-site audit, together with any details that may be required to ensure an interviewee sample can be chosen for interviews"
2q Strongly advise against travelling to workplaces in company vehicles and/or with company staff.				Partial	3.3.1 and 3.1.1	Allows for two management interviewees to accompany the auditors, although 'note' in section 3.1.1. says "To ensure independence, the audit team at their level best should avoid using vehicles owned by the Management Unit."

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
2r. Guidance to conduct risk assessment on trade unions and to err on the side of caution when involving them in worker discussions.				Yes	3.4.12	"Interviews may be conducted in the presence of a trade union member with the permission of the worker and if the CB auditor feels worker/s are comfortable with this arrangement"
2s. Requirements for female auditors to conduct at least some interviews with female workers, unless risk assessment and stakeholders advice against.						
2t. Guidance for explaining the audit process to workers and for putting them at ease, and/or requirement for audit team members to have the necessary soft skills demonstrable through training.				Yes	3.4.5 plus 'Good practice for worker interviews' on page 30	"the auditor who carries out workers interviews should have skills to make workers feel at ease."
2u. Possibly guidance on stakeholders to consult during the audit.		5.6.5	"The CB's procedures for certification audit shall include a requirement to gather evidence from relevant stakeholders ... Relevant stakeholders include but are not limited to statutory bodies, indigenous peoples, local communities (including women interviewees, displaced communities), workers and workers' organisations (including	No	2.6.2 and 2.6.3	"CBs should have their own selection criteria to choose stakeholders to be consulted based on the CBs own risk evaluation"

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
			migrant workers), smallholders, and local and national NGOs"			
2v. Advice for auditors to deal with difficult situations with stakeholders						
3. Physical inspection and checking documents						
3a. Guidance or requirements for sampling worker records for checking.				No	3.2.2	Some purposive sub-sampling: "Compare pay slips of local and migrant workers", but overall, guidance is just that documents are "To be requested and reviewed on a sample basis".
3b. Guidance or requirements for some gender disaggregation of data.				Partial	3.2.2	"Cross check employment contracts of men and women for work of the same scope"; "Percentage of female vs. male dismissals/resignations"
3c. Guidance or requirements for inspecting accommodation.				Partial	3.2.2	Guidance on what to check, but nothing on sampling
3d. General guidance for accurate and analytical documentation checks.				Yes	3.2	Detailed guidance on what to check for each labour issue, including for Freedom of Association and Collective Bargaining
4. Reaching and acting on conclusions						

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
4a. Written guidance or a procedure to help ensure consistent interpretation of labour-related indicators by individual auditors.						
4b. Guidance on evidence thresholds and triangulation required for labour-related findings of non-compliance.				No	3.2.1	Section 3.2 suggests that triangulation means having documentary evidence alongside worker testimony and auditor observation; yet the literature suggests that often, documentary evidence of certain labour rights violations will not be available. Similarly, 3.4.14 says "Points raised by workers should be fed back to and shared as early as possible with members of the audit team carrying out management interviews or performing a document review to facilitate verification and corroboration;"
4c. Guidance on any exceptions to requirements for triangulation in instances of certain labour issues.						
4d. Guidance on what to do if the audit team runs out of time to complete investigation of one or more labour-related findings.						

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
4e. Guidance linked to system rules on how auditors should act on findings or suspicions of serious labour rights abuses.						
4f. Guidance or requirements for worker interviewees and stakeholders to be present at closing meetings						
4g: Protocol for withholding sensitive or uncorroborated findings from closing meetings						
4h: Advice on the right tone and approach for winning management support and moving towards corrective action						
5. Relating to over-arching findings of ISEAL study						
5a. Requirement that selection of workers is made as late as possible.				Yes	2.5.2	"The selection of sample should be done as late as possible, i.e. just before the interview is due to take place, in order to minimise the risk of workers being coached"
5b. Requirement that the selection of smallholders and farmers is made as late as possible						
5c. Reminder to be alert to information deception (e.g. fraudulent documents, double book-keeping)				Partial	3.2.2	"Signs of hidden working hour records (e.g. separate logbooks)", "Unclear, unverifiable or ambiguous deductions on workers' payslips", "Signs of segregation"

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
						between groups, isolated individuals, or a hidden workforce"
5d. Clear procedures for auditors to respond to their access to workers, documents or physical premises being blocked.						
5e. Rules to prevent auditors becoming over-familiar with the entity being audited	Yes	4.6.7	"The CB shall not use the same lead auditor as audit team leader for more than two (2) consecutive audits of a management unit ... The same lead auditor shall also not participate or involve in any associated audit activities (either as auditor or technical reviewer or decision maker) of the same management unit for at least two (2) years"			
5f. Concrete guidance or requirements to preserve the independence and integrity of auditors in the field						3.3.1 attempts this but probably does not go far enough: "In order to ensure a smooth interview process during the site visit, the auditor should explain and limit it to only a maximum of two people from the management interviewee to accompany the auditors during the site/field tour (unless it would involve high security risk to the audit team)."

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
5g. Have remediation and grievance management procedures in place and reassure auditors that their findings will not have negative repercussions for vulnerable workers.	Partial	4.10	CB must have a procedure for handling complaints about auditors			
5h. Auditors or audit team must have a stipulated minimum years of experience.	No	4.8.6	Auditors only need 10 days of auditing experience from 2 audits, and lead auditors only need 15 days of auditing experience from 3 audits			
5i. Requirement that audit team members have undergone training in labour auditing and human rights.	Partial	4.8.8	"The auditor auditing the social requirements shall have successfully attended the internationally recognised social auditing standard training, such as the SA8000, Social Systems (SMETA) Auditor Training or social training recognised by RSPO"			
5j. Requirement that audit team members have knowledge of the local context and stakeholder landscape.	Partial	4.8.6 4.8.8	"All auditors shall have ... At least three (3) years of field experience in the palm oil sector, health and safety, or environmental management" "As a team, the auditors must be: Knowledgeable and experience of the local/regional laws"			
5k. Requirement to include analysis of root causes of identified labour issues.	Yes	A.3.1	"The audit report shall include ... List of all NCs raised and for major			

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
			NCs shall include the root cause, corrective actions and closure of the NCs"			
5l. Requirement or guidance to develop the action plan in collaboration with management, workers and partnering stakeholders.				No	3.1.1	Auditors should inform the Management Unit about the importance of attendance at the closing meeting and invite all key personnel to attend."
5m. Requirement or guidance to assess management systems.						
5n. Requirement or guidance on giving information to workers on labour rights and their audit process.				Partial	3.4.3	"Auditors should introduce themselves and the purpose of the audit prior to conducting the interviews."
5o. Requirement or guidance to consult trade unions and civil society organisations.		5.6.5	"The CB's procedures for certification audit shall include a requirement to gather evidence from relevant stakeholders ... Relevant stakeholders include ... workers' organisations"		3.1.1	Trade union or worker interviewees should be invited to the opening meeting.
5p. Requirement or guidance for auditors to leave contact details with interviewed workers.				Yes	3.4.11 and 3.1.1	"All samples that have been interviewed should be provided with the contact information (e.g. communication channel) of the CBs and the ABs, as an alternative channel for them to reach and share any information after the audit. While sharing the contact

Good practice	Covered in Certification Systems document?	Location	Notes	Covered in the LAG?	Location	Notes
						<p>information, the workers should be assured by the auditor of the confidentiality of the information shared."</p> <p>"The auditor should explain to the attendees at the opening meeting that the interviewed workforce will be provided with the contact information of the CB and the AB to facilitate confidence in communication and that this contact information should not be taken back from workers by the management after the audit."</p>
<p>5q. Requirement or guidance to maximise the number of interviews, in balance with the other audit elements and as time and resources allow.</p>						

Annex 2. Recommended changes to the LAG

We have made some recommendations for how the LAG could be improved. The recommendations include:

- Adding requirements or making existing requirements stricter, to bring the LAG closer in line with best practices identified in the literature;
- Providing more advice and guidance on labour auditing;
- Improving the formatting and presentation of the LAG, to make it easier to use. (These recommendations are indicated with **Formatting.**);
- Clarifying some of the language. (These recommendations are indicated with **Wording**);
- Improving consistency between the processes laid out in the LAG and the processes already established in Certification Systems;
- Referring to protocols, policies or procedures that we recommend should be developed by the RSPO and its CBs (these are discussed separately below). (These recommendations are indicated with **Protocol.**)

The recommendations are listed below.

The list of recommendations is a line-by-line review of the LAG, based on the feedback from interviews and Proforest's own review of the LAG, other standards and the literature. The list of recommendations does NOT take into consideration:

- Whether certain elements of the LAG should be moved to the Certification Systems document;
- Which parts of guidance should be made mandatory immediately, which should be made mandatory in future, and which should remain as advisory guidance.

We recommend that these considerations should also be made.

New chapter

1. Add a new chapter at the start of the document, before Chapter 1, 'Application and signing of contract'. The new chapter could be called something like 'Overall approach' or similar.

The new chapter should include sections on gender-sensitive audit methodology; safeguarding workers from reprisals and gaining workers' trust; and guarding against audit deception or audit fraud. Possibly it could also include a section on investigating labour issues.

These sections should include high-level guidance on those topics. They may link to parts of the LAG later in the document. The sections should also provide links to relevant places in the Certification Systems document and to any new protocols that are developed.

The text could be developed by the RSPO secretariat.

An example outline of this chapter:

1.1. Following a gender-sensitive audit methodology

This section could include, *inter alia*:

- Recommendation or requirement for audit team members to have undergone training in gender-sensitive auditing. (Link to Certification Systems, section 4.8, 'Resource requirements'.)
- Recommendation or requirement for audit teams to include at least one female auditor where possible. (Link to Certification Systems, section 4.8, 'Resource requirements'.)
- Requirements for female auditors to conduct at least some interviews with female workers, unless risk assessment and stakeholders' advice against
- Advice on disaggregating data by gender during document review.

1.2. Investigating and detecting labour issues

This section could include, *inter alia*:

- Text on challenges in detecting labour issues in audits, and some over-arching advice.
- Recommendation or requirement that audit team members have undergone training in labour auditing and human rights. (Link to Certification Systems, section 4.8, 'Resource requirements'.)
- Requirement that audit team members have knowledge of the local context and stakeholder landscape. (Link to Certification Systems, section 4.8, 'Resource requirements'.)

1.3. Safeguarding workers from reprisals and gaining workers' trust

This section could include, *inter alia*:

- Requirement for workers' identity to be concealed in audit documents. (Link to later section within the LAG.)
- Requirement that selection of workers is made as late as possible. (Link to later section within the LAG.)
- Requirement that the selection of smallholders and estates is made as late as possible. (Link to Certification Systems, section 5.7, 'Sampling for RSPO P&C certification'.)
- **Protocol** Set out, or link to, guidance or a protocol for the steps that auditors should take if contacted by workers after giving them a contact number. This guidance or protocol should be established by the RSPO or via individual CBs.
- Guidance on informing workers about the upcoming audit and working with labour organisations and unions to raise awareness and connect to workers.

1.4. Guarding against audit deception or audit fraud

This section could include, *inter alia*:

- Reminder for auditors to be alert to information deception (e.g. fraudulent documents, double book-keeping, coaching of workers). Mention the importance of late and independent selection of samples, as covered above.
- **Protocol** Set out, or link to, a clear procedure for how auditors should respond if access to workers, documents or physical premises is blocked. This guidance or protocol should be established by the RSPO or via individual CBs.
- Concrete guidance or requirements designed to preserve the independence and integrity of auditors in the field. This should be elaborated by the RSPO. Link to Certification Systems, 'Impartiality and conflict of interest'.

Chapter 1, 'Application and signing of contract'

2. **Wording** In paragraph 1.1, correct the apparent typo around the word 'demographic' in the following and rephrase as needed:

It is important for a CB to understand the demographic and factors that will contribute to the risk level

3. For paragraph 1.2.d, add that the workforce information to be requested by the CB should include which languages are spoken by workers.

4. Add a new 'e' point to paragraph 1.2, which instructs the CB to gather information on any seasonal variations in employment of workers of various types and in work tasks at estates, smallholdings and mills. This will inform optimal times of the year for the audit to take place, and thereby maximise the opportunities for auditors to observe and interview a wide range of workers doing potentially hazardous tasks.

5. In paragraph 1.3, after

All of the above information should be reviewed and considered by the CBs when preparing the certification proposal to ensure adequate timing has been allocated to cover all audit activities such as field visits, documentation review, workers' interviews, and stakeholder consultation

, add a sentence to state that the CB should already begin at this stage to estimate the number and locations of worker interviews that will need to take place. Refer to the 'sampling methodology' section.

6. Also for paragraph 1.3:

the CB should estimate an allocation of at least twenty (20) minutes (excluding duration between interviews and travel time) per sampled interviewees

Clarify that this refers to a one-to-one interview, as the wording "sampled interviewees" is unclear. Add separate guidance for a minimum duration of group interviews (e.g. 30 minutes). Consider

expanding on this paragraph to note that interviews that cover multiple topics or that cover sensitive or distressing aspects may need to take longer.

7. After paragraph 1.3, add a note that the audit should be scheduled to take place at a time of year which will maximise the opportunities for auditors to observe and interview a wide range of workers doing potentially hazardous tasks. **Protocol** Set out, or link to, a decision-making process that CBs should follow before allowing for an audit to take place at a sub-optimal time of year. This process should also cover the mitigating measures that CBs should take to ensure that labour issues can still be adequately investigated at sub-optimal times.

8. Add a new paragraph which states that the CB should use the information gathered at the application stage to gain an understanding of the skillset that will be needed for the audit team, including languages (or whether interpreters will be needed).

Chapter 2, 'Audit planning'

9. **Formatting** Ensure that the headings match the table of contents – currently the table of contents shows '2.2 Operational practicality and suitability', which does not exist in the text.

10. After paragraph 2.1, add a new paragraph which provides guidance on how auditors should balance their time between checking documents, inspection and interviews.

11. **Protocol** Set out, or link to, a clear procedure which clarifies the process for audit teams to request an extension to an audit and how the associated financial costs will be met.

Section 2.3, 'Initial research – preparation for desk review'

12. For paragraph 2.3.1:

To obtain preliminary information on the Management Unit that will be audited, the CB is required to conduct a desk review. When preparing for the desk review, CB should conduct initial research ...

We recommend to clarify in paragraph 2.3.1 the difference between the 'initial research' and the 'desk review'. Also, to clarify the timing and sequence – whether it is important for the CB to conduct the 'initial research' before conducting the 'desk review', and if so, how far in advance it should be conducted. Ensure that it is clear at what point stakeholders should be consulted and/or interviewed. Clarify how the 'initial research' and 'desk review' relate to the 'risk assessment' referred to in the Certification Systems document.

13. **Wording** As part of revising this section, we recommend to consider renaming 'initial research' as 'background research'. This might make its purpose clearer. If so, the title of this section should be changed to 'Background research', and the phrase 'initial research' should also be changed to 'background research' throughout this chapter.

14. After paragraph 2.3.3, add a new paragraph which notes that at the end of the background research process, the CB should be able to identify high-risk or high-priority labour issues to be investigated during the audit.

Section 2.4, 'Desk review (offsite)'

15. For paragraph 2.4.1:

The CB should consider allocating a minimum of one to two (1-2) assessment days to carry out the desk review

Consider extending the days to be allocated to desk review, based on feedback from CBs which have trialled the LAG. Only do so after considering and planning for the possible impacts of extending the audit duration in this way.

16. Also clarify if the 'background research' or 'initial research' work is also considered part of the assessment days allocated here.

17. For paragraph 2.4.4, 'List of information/documents to be requested from the Management Unit'. We recommend reducing the items in this list, in order to reduce the administrative burden on Management Units and the time required by CBs for desk review. This exercise of reducing the list of documents should be conducted by the RSPO, possibly in consultation with auditors and CBs to gain guidance on the most important documents to be reviewed.

When reviewing the list of information and documents to be requested from the Management Unit, the RSPO should consider whether the CB should request not only policy documents, but rather evidence that the policy has been shared and implemented. Possibly this could be done by auditors while checking documents in the field, rather than at this pre-audit stage, in order to limit the time burden at this stage.

18. **Formatting** Consider moving the 'List of information/documents to be requested from the Management Unit' to an annex in the LAG, to prevent the flow of the guidance from being disrupted.

19. Clarify and expand upon the wording of paragraph 2.4.5:

The outcome of the desk review should be recorded and maintained.

20. Add a new paragraph to instruct CBs to use the results of the background research and the desk review to decide whether to interview labour brokers. Link to Certification Systems, section 5.4.5, "In cases where an organisation seeking certification contracts or outsources non-processing activities to independent third parties (such as labour, transport and external bulking activities), the activities of these third parties fall inside the scope of certification, and they shall comply with all relevant requirements of the RSPO certification standards. A risk assessment by the CB shall determine whether a site visit to the third party is required."

Section 2.5, 'Sampling methodology'

21. Clarify the object(s) of sampling discussed in this section. For example, this section may concern the methodology for sampling workers to interview, but also for sampling worker records to review and worker accommodation sites to inspect.

22. Provide a link to the methodology for sampling estates and smallholders provided in the Certification Systems document, section 5.7. Ensure the guidance is consistent across the various objects of sampling. In particular, paragraph 5.7.3 of the Certification Systems refers to a 'risk assessment' to inform sampling. Clarify how this relates to the 'initial research' and the 'desk review' outlined in the LAG.

23. **Wording** For paragraph 2.5.1,

The audit sampling should be representative of a cross section of the workforce

Change 'audit sampling' to 'sample of workers' or similar wording.

24. Also in paragraph 2.5.1, consider if the RSPO intends for a wholly representative sample to be selected, or if it allows for – or even recommends – more purposive sampling of workers, whereby auditors are free to purposively select workers from certain categories and risk groups, so that the overall sample is not necessarily random or representative of the whole workforce, but rather skewed to ensure inclusion of workers who have been identified as the highest priority for interviewing and reviewing.

25. **Wording** For paragraph 2.5.2:

The audit team should keep control of the selection of sample

Rephrase this wording of 'keep control' to make it clearer and stronger. For example, make it clear in the wording that auditors must make the selection of workers to interview and of worker records to review independently, without any interference or guidance from the Management Unit.

26. For paragraph 2.5.3:

The sample calculation is based on the square root of the total number of workers at each audit site of the Management Unit (i.e. mills, estates, Scheme Smallholders) based on the following formula: $x = \sqrt{N}$ (where N= number of total workers

Consider amending this guidance so that the advice is not based on square root, or so that the square root is the bare minimum that should be selected. This decision should be based on internal consideration by RSPO.

27. Add a paragraph to state that if work sites and accommodation sites need to be sampled, ease of access should not influence the selection of sites to visit.

28. Add one or more paragraphs to give guidance on sampling of worker records for reviewing. Include guidance that worker records and worker data should be disaggregated by gender where possible, such as 'Cross check employment contracts of men and women for work of the same scope' or 'Percentage of female vs. male dismissals/resignations'. This could be flagged with a GENDER notation.

29. For paragraph 2.5.5,

If vulnerable groups within the workforce are identified during the audit execution (e.g. during site/field tour), auditors should request data from the Management Unit on the total number of the identified vulnerable groups within the workforce. In the event the Management Unit does not have such data, the auditor should interview the identified vulnerable worker

Reconsider the advice given in this paragraph.

30. Paragraph 2.5.6, 'Workers chosen for interviews should represent different types of workers', can be removed as it overlaps with paragraph 2.5.9.

31. Add a paragraph which sets out guidance for how audit teams should respond if certain worker types are not available to interview, especially seasonal workers and third-party or contract workers, and what alternative measures the audit team will take to investigate working conditions and labour issues affecting those workers.

32. After paragraph 2.5.7, add guidance on recommended numbers of workers to include in group interviews. For example, the LAG could suggest a maximum number in ideal circumstances (e.g. recent guidance from Better Cotton (2024a) limits the group to 12 workers and Rainforest Alliance (2022) to six workers), but also add a suggestion that if the auditor is concerned that it will be difficult to conceal from the Management Unit the identity of workers who are selected, then the auditor can deliberately select a larger number of workers to be interviewed as a group, in order to help protect individuals from being singled out by management, providing that the auditor has a strategy for identifying any individual issues experienced by individual workers within the group.

33. Add some discussion on how auditors should select which workers to interview in groups. Include a consideration of the pros and cons of holding a group interview with several types of worker and holding a group interview with workers who all have the same gender or a similar role or migrant status, and so on.

34. For paragraph 2.5.9:

When determining the sample of workers within the workforce to be interviewed, the auditor shall consider a combination of the following (randomly selected):

Change the guidance in this paragraph from 'randomly selected'. Firstly, provide some guidance on which of the variables listed from a to e in this paragraph should be used as a priority. This guidance should instruct CBs to refer to the findings of their risk assessment, initial research and desk review, but RSPO could also give guidance here. Secondly, consider the suggestion above to include some guidance on purposive rather than random sampling.

35. **Formatting** Consider moving the Figure 1 template and the case study in paragraph 2.5.10 to an annex, to avoid disrupting the flow of the document.

Section 2.6, 'Stakeholder consultation'

36. For paragraph 2.6.1:

Stakeholder consultation should be done during initial surveillance, recertification and special audits with due consideration to changes that may influence working conditions.

Clarify how this 'stakeholder consultation' relates to the stakeholder consultation specified in section 5.6 of the Certification Systems document, which requires consultation to be announced 1 month before the start of the audit. Is it the same process? Or does the stakeholder consultation referred to in the LAG, also cover the potential for auditors to interview stakeholders while in the field during the field phase of the audit?

Remove any overlap and confusion with section 5.6 of the Certification Systems document.

As part of this clarification, add some guidance on speaking to stakeholders remotely, ahead of time before the auditors go to the field. Discuss considerations for interviewing stakeholders off-site during the field stage of the audit.

37. For paragraph 2.6.4, provide guidance on which stakeholders to consult. Link to section 5.6.5 of Certification Systems.

38. **Protocol** Set out advice or provide link to sources of advice that audit teams can call on, to help them deal with difficult situations with stakeholders. This advice could be provided by CBs and/or the RSPO and could perhaps be in the form of in-person advice rather than written guidance.

New section

39. **Protocol** Add a new section which instructs CBs to make arrangements to spread awareness of the upcoming audit among workers, and if necessary to engage with local organisations and unions in order to reach workers and help disseminate the information. This may involve developing context-specific materials for audit teams to take to the field.

Chapter 3, section 3.1, 'Opening meeting'

40. For paragraph 3.1.1.A.i:

Use of a translator/interpreter service should be considered in the event that the language used by the audit team is different from the language understood by the attendees

Strengthen this guidance to strongly encourage audit teams to make provisions for all participants in the opening meeting to understand the meeting proceedings.

41. **Wording** In paragraph 3.1.1.A.v:

Auditors should check and verify with the attendees if there are any changes on the documentation, information, scope and/or personnel from what has been communicated during the Application and/or Desk Review

Improve the wording of this sentence to ensure the meaning is clear.

42. **Formatting** Regarding paragraph 3.1.1.B.i:

Compliance with Standards, Laws, and Regulations

Criteria for the audit is based on the latest RSPO P&C, applicable national and regional laws, Collective Bargaining Agreements (CBA), company regulations and bilateral trade agreements, whichever affords the highest protection to workers

It is unclear why this paragraph is included in the 'Opening meeting' section. It should be removed or moved to the appropriate section of the LAG.

43. **Wording** For paragraph 3.1.1.C.ii:

Explain the process for communicating issues as they arise during the audit

The meaning of this sentence is unclear. It should be reviewed and reworded.

44. For paragraph 3.1.1.D.i:

Logistical arrangements to visit sites and that transportation needs are being met.

Note: To ensure independence, the audit team at their level best should avoid using vehicles owned by the Management Unit.

Wording The first sentence should be rewritten as a complete sentence. It should add that audit teams should also avoid travelling to workplaces with company staff.

45. Regarding paragraph 3.1.1.E.ii:

Auditors should confirm with the management if there is any sub-contractor engaged by the Management Unit at the audited site. If yes, the number of their workers and the work being performed on the day of the audit should be recorded. Such subcontractor workers should be included in the sample

This step should be taken by the CB earlier in the process, during the 'desk review' stage, so that the auditors can plan in advance to interview workers of subcontractors. The paragraph should be moved to section 2.4 of the LAG.

46. **Formatting** For paragraph 3.1.1.E.iv:

The audit team at their level best shall ensure at all times that the interview sessions with the workforce are conducted in a private place, free from monitoring/surveillance as determined by the auditor(s). These interviews shall not be attended by management, supervisory or clerical staff and/or conducted in a place which would limit the communication from the interviewees (e.g. manager's room, office meeting room, public area, etc.)

This paragraph should be moved to section 3.4, 'Interviews'.

Section 3.2, 'Guidance for verification of Principle 6 - respect workers' rights and conditions'

47. **Formatting** Consider moving section 3.2 to a different place in the LAG, so that Chapter 3 flows more logically from opening meeting to site/field tour, to interviews, to closing meeting.

48. Before paragraph 3.2.1, this section could be an appropriate to add some rules and guidance on labour auditing. This is an alternative suggestion to adding a sub-section in the proposed new chapter at the start of the LAG, 'Overall approach'.

The expanded section 3.2. could include some new text on the general challenges in detecting issues concerning workers' rights and working conditions during audits in a palm oil context, and some over-arching advice. Discuss the challenge of detecting 'non-visible' labour issues such as gender discrimination or workplace harassment. (For more details on the concept of visible and non-visible labour issues, see Barrientos and Smith, 2006, *The ETI Code of Labour Practice: Do Workers Really Benefit?* and Clean Clothes Campaign, 2019, *Fig Leaf for Fashion*, page 77)

This section could also be an appropriate place to include a recommendation or requirement that audit team members have undergone training in labour auditing and human rights; and Requirement that one or more audit team members have knowledge of the local context and stakeholder landscape. (Link to Certification Systems, section 4.8, 'Resource requirements'.).

49. For paragraph 3.2.1:

A triangulation methodology is recommended to obtain more accurate and conclusive results. This includes interviews with relevant personnel (management, workers and/or relevant stakeholders), review of documentation/records, and site/field observations. Evidence collected during the audit will be either conformance or non-conformance to the requirements relevant to Principle 6 of the P&C, particularly regarding labour aspects

It is recommended to add guidance for instances or exceptions where auditors may not be able to use triangulation to corroborate labour findings from interviews and observation. Before doing so, RSPO should consult experts and discuss the approach with CBs, since diverging from the principle of triangulation would be significant. It may be possible to consult social auditing specialists such as Partner Africa, which developed guidelines for auditing issues that cannot be triangulated in its gender-sensitive auditing project.

50. Paragraph 3.2.2.d is unclear and should be explained:

Auditors may choose to randomly interview individual meeting attendees to ascertain if the meetings were held and to cross-check information contained within the meeting records, including recollection of the issues raised

51. The long table in section 3.2 should be reviewed in terms of its content and presentation.

- Go through the LAG line by line, focusing on the long table in section 3.2, to compare the advice with the relevant indicators in the P&C, and identify any cases where the advice follows good practice for assessing risks of and verifying labour rights violations but may go beyond the wording of the P&C requirements. Likewise, conduct the reverse check: go through all the indicators, develop their checklist elements and then ensure the broader questions to ask in interviews and things to check are detailed in the LAG.

- Request a labour specialist to review the example interview questions in the table and remove or reword any inappropriate questions. As an example, reconsider including the question “Have you experienced any sexual harassment /abuse? If yes, was it raised to management? How was it resolved?”
- Add a diagram and/or textual explanation, to show how the table in section 3.2 should be used alongside the RSPO P&C and the audit checklist. It should be made clear that the table is provided as guidance or as an auditing tool, to help auditors gather the information they need to assess compliance with the RSPO criteria and indicators, and that the table is not itself an additional set of requirements.
- **Formatting** Consult some more auditors to solicit their opinion on the usefulness of the table in its current form, and how the formatting could be improved. When considering if and how the table should be presented differently, the RSPO should strive to avoid providing guidance in such a way that it encourages auditors to take a ‘checklist’ approach to assessing labour issues. One possibility is simply to remove the text from the table and present it as a bullet-point list; this helps to reduce the sense that it is a ‘checklist’.
- **Formatting** Consider moving the table, or however it is formatted, to the annex to maintain flow of the document.

Section 3.3, ‘Site/field tour’

52. For paragraph 3.3.1:

In order to ensure a smooth interview process during the site visit, the auditor should explain and limit it to only a maximum of two people from the management representative to accompany the auditors during the site/field tour (unless it would involve high security risk to the audit team).

Protocol Add a paragraph to set out, or link to, the procedure that auditors should follow if their access to physical premises is blocked.

53. Link to, or repeat, the guidance in ‘Sampling methodology’ that audit teams should use a carefully chosen sampling strategy for selecting which premises to visit when they cannot all be visited in the time available. Also link to, or repeat, the guidance we recommended adding to section 5.7.3 of Certification Systems, that ease of access should not influence the selection of sites to visit.

New section

54. Consider adding a new section on reviewing data and documents during the audit, to accompany the sections on ‘site/field tour’ and ‘interviews with workers’.

This section can include rules and advice for auditors when checking worker records, employment policies and other types of documents and data, for assessing labour issues.

Section 3.4, ‘Interviews with workers’

55. For paragraph 3.4.1:

Based on the Initial Research, Desk Review, documentation review or other means, the auditor should determine the number of samples to represent a cross section of the workforce

Consider changing this guidance to reflect the recommendations for prioritising variables and for considering purposive sampling, or simply refer to section 2.5, 'Sampling methodology'.

56. Regarding paragraph 3.4.3:

Auditors should introduce themselves and the purpose of the audit prior to conducting the interviews

With the aims of fostering meaningful worker participation in the audit process and gaining workers' trust, expand on this guidance, following best practice for social auditing. Link to the suggested text for Chapter 2 above regarding raising awareness among workers.

57. For paragraph 3.4.4:

The purpose of personal workers' interviews is to obtain information from workers to corroborate facts obtained from document review, discussions with management and staff, a review of physical conditions at the organisation and any other observations noted by the audit team

This statement should be rephrased to clarify that while interviews can be an important tool for corroborating observations made elsewhere, they are also a primary and central source of information in their own right. Worker interviews are a crucial tool for investigating labour issues and working conditions. As discussed, interviews are often the only way for auditors to detect issues that are not visible in documents or physical premises. Placing interviews front and centre in the audit methodology also helps to ensure that the whole process is as worker-centric and participatory as possible.

58. Add a strong recommendation for female workers to be interviewed by a female auditor where possible, unless the risk assessment or stakeholders suggest that female workers would feel more comfortable speaking to a male auditor.

59. The 'Good practices for worker interviews' section includes the following guidance:

When conducting face-to-face interviews, auditors should first set the context of the issues to be covered and then read out the relevant statements, exploring if the worker agrees or disagrees with each statement

In the wrong context, this advice could be interpreted to mean that auditors should pose 'yes/no' questions for workers. In general, the recommendation is for auditors to move away such approaches towards a more rights-focused and exploratory form of questioning. The guidance could therefore be reviewed and possibly explained more clearly or removed.

60. The guidance in the 'Good practices for worker interviews' section might require interviews to take longer than 20 minutes. For example, it suggests that auditors could start the interview by

asking workers about their relationships and life experiences, and that auditors should take breaks during the interview at difficult points. If it is the view of RSPO and experts that some worker interviews will need to take longer than the minimum 20 minutes specified in paragraph 1.3 of the LAG, then this needs to be reflected in the guidance given throughout the LAG.

61. Paragraph 3.4.8, “It is always best for all interviews to take place on-site”. Change this guidance to encourage at least some interviews to be held off-site. **Protocol** Set out, or link to, some provisions which cover how auditors’ safety will be protected off-site, and how additional costs will be addressed. Such a change will first require consultation by the RSPO with its partners and stakeholders.

62. In paragraph 3.4.9, add a suggestion that if auditors feel that workers will be easily identified by management as participating in interviews and that they could be vulnerable to reprisals afterwards, the auditors may consider organising large group interviews or focus groups, to reduce the risk that individual workers will be singled out.

63. For paragraph 3.4.11:

All samples that have been interviewed should be provided with the contact information (e.g. communication channel) of the CBs and the ABs, as an alternative channel for them to reach and share any information after the audit. While sharing the contact information, the workers should be assured by the auditor of the confidentiality of the information shared

Wording Change ‘samples’ to ‘workers’ in the text. **Protocol** Add, or link to, guidance or a protocol for the steps that auditors should take if contacted by workers after giving them a contact number (as mentioned above)

64. After paragraph 3.4.15, add to this section a recommendation or requirement for audit teams to interview labour providers as necessary.

New section

64. Add a new section to cover ‘reaching conclusions’, ‘audit findings’ or similar. This section should provide guidance for audit teams on reaching conclusions on Principle 6 criteria before the closing meeting. This should include:

- Written guidance or a procedure to help ensure consistent interpretation of labour-related indicators by individual auditors.
- Guidance on evidence thresholds and triangulation required for labour-related findings of non-compliance. Link to Certification Systems, paragraph 5.8.2.
- Guidance on what to do if the audit team runs out of time to complete investigation of one or more labour-related findings.
- **Protocol** Guidance linked to system rules on how auditors should act on findings or suspicions of serious labour rights abuses.
- **Protocol** A protocol for withholding sensitive or uncorroborated findings from closing meetings.

- Encouragement for auditors to include analysis of root causes of identified labour issues of all labour-related non-compliances. (Link to Certification Systems, section A.3.1.)

Some of the guidance can be provided in text, either as advice or as a written protocol for audit teams to follow. But it may be more suitable for auditors to seek advice from the RSPO or their CBs through mechanisms such as peer calls or rapid calibration meetings. Where these already exist, they should be specified in the LAG.

Section 3.5, 'Closing meeting'

65. For paragraph 3.5.1.b:

It is good to ensure the attendees at the closing meeting are the same groups of people that attended the Opening Meeting.

Expand on this guidance to add a requirement or strong recommendation for audit teams to ensure that worker representatives and relevant labour-related stakeholders are present at the closing meeting.

66. Consider adding a paragraph which provides some guidance for audit teams to help them strike the right tone with management personnel in the closing meeting and foster a positive environment in the meeting, so that any non-compliances can be discussed constructively and to already begin a process of involving management and workers in a corrective action plan.

Chapter 4, 'Audit reporting'

67. If possible, move the entire chapter to Annex 3 of the Certification Systems document ('audit report'). Although the additions specified in Annex 3 are related to labour, and hence are included in the LAG, it is confusing to have instructions for the audit report to be contained in two separate locations (i.e. Annex 3 of Certification Systems and Chapter 4 of the LAG).

68. Add a requirement for the identities of all workers who were interviewed or observed during the audit, or whose records were reviewed, to be concealed in audit reports.

Annex 3. Recommended changes to Certification Systems

1. In Chapter 4.8, 'Resource requirements', paragraph 4.8.6 contains a list of qualifications that auditors are required to have. To this it is recommended to add:

- Auditors or audit team must have a stipulated minimum years of experience
- Requirement that some or all audit team members have undergone training in labour auditing and human rights
- Requirement that some or all audit team members have knowledge of the local context and stakeholder landscape
- Recommendation that auditors are trained in focus group facilitation.
- Requirements for female auditors to be included in the team and/or for alternative measures to be taken if female auditors are not available (e.g. gender-sensitive auditing training).

2. Paragraph 5.7.3 refers to a 'risk assessment' to inform sampling. This risk assessment should be cross-referenced in the LAG, since this is currently not mentioned.

3. The section on the risk assessment in paragraph 5.7.3 reads:

Factors to consider in the risk assessment are geographic locations and distance of estates, land size, complexity of the labour force, landscape setting and presence of HCV/ or peat, complexity of supply sheds, number of communities and known conflicts, legality, etc.

We recommend giving more detail on 'complexity of the labour force'. CBs should assess the presence of specific factors which are known to increase the risk of labour rights abuses occurring, such as employment of migrant workers, employment of children, use of seasonal workers and piece rate payment systems. (See Proforest, 2019, *Drivers of child labour, forced labour, inadequate health and safety, and land rights abuses and disputes in agriculture and forestry.*)

The top half of the page features three abstract green lines. One is a straight diagonal line from the top center towards the bottom right. The other two are curved lines that start from the left edge and sweep towards the right, with the upper one being more pronounced than the lower one.

Proforest Initiative

South Suite, Frewin Chambers,
Frewin Court, Oxford OX1 3HZ
United Kingdom
E: info@proforest.net
T: +44 (0) 1865 243439

Proforest Initiative is a registered charity in England and Wales (Charity no. 1137523) and a company registered in England and Wales (Company no. 7293440).