

RSPO

Roundtable on Sustainable Palm Oil



COLOMBIA NATIONAL INTERPRETATION OF THE RSPO PRINCIPLES AND CRITERIA 2018

For the Production of Sustainable Palm Oil

Developed by the Colombia National Interpretation Task Force and endorsed by the RSPO Board of Governors on 12 November 2020





PREAMBLE

Sustainable palm oil production comprises legal, economically viable, environmentally appropriate and socially beneficial management and operations. This is delivered through the application of the following set of Principles and Criteria (P&C), and the accompanying Indicators and Guidance.

The first set of Principles and Criteria, Indicators and Guidance (RSPO P&C 2007) have been applied since November 2007. These had been subject to trial implementation from November 2005 to November 2007 and, in a number of countries, to a subsequent process of National Interpretation (NI). After five years of application by RSPO members, RSPO P&C 2007 were reviewed in 2012–2013, leading to the RSPO P&C 2013. After a further five years of application, these were reviewed and revised in 2017– 2018 by the RSPO Principles and Criteria Review Task Force

The objective of each review and revision is to improve the relevance and effectiveness of the P&C for RSPO members, and in achieving the shared vision and mission of making sustainable palm oil the norm. More specifically, the most recent revision sought to align the P&C with the RSPO Theory of Change (ToC) and to increase accessibility by making them more relevant and practical.

The review process went beyond ISEAL best practices, including two public consultation periods of 60 days each and 17 physical consultation workshops in 10 countries around the world, as well as 6 physical Task Force meetings. This process resulted in the production of the revised and restructured RSPO Principles and Criteria for Sustainable Palm Oil Production (RSPO P&C 2018).

In line with ISEAL best practices, this document (RSPO P&C 2018) will be completely reviewed again after five years, following adoption by the General Assembly (GA) of the RSPO.

The RSPO and its members recognise, support and commit to following the United Nations Universal Declaration of Human Rights [<http://www.un.org/en/documents/udhr>] and the International Labour Organization (ILO)'s Declaration on Fundamental Principles and Rights at Work [<https://www.ilo.org/declaration/lang--en/index.htm>].

This document (RSPO P&C 2018) defines Indicators for each Criterion and further Guidance where useful. Indicators are specific pieces of objective evidence that shall (must) be in place to demonstrate or verify that the Criterion is being met, i.e., they constitute the normative part of the standard together with the Principles, Criteria and definitions. 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. Guidance constitutes the informative part of the standard

A separate standard is currently being developed for Independent Smallholders.

This document (RSPO P&C 2018) is effective after adoption by the RSPO 15th General Assembly (GA15) on 15 November 2018. As stated in section nine of the RSPO Standard Operating Procedures (SOP) for Standard Setting, National Interpretations (NIs) must be revised to be fully consistent with the RSPO P&C 2018 within 12 months of the date of adoption (i.e., by 15 November 2019). Certificate holders must be fully

compliant with the new version of an NI within one year of it being endorsed by the Board of Governors (BoG).

In countries where NIs are not updated by 15 November 2019, P&C 2018 will be effective until the NI has been updated.

In countries without NIs and/or in cases where members have conducted a Local Interpretation applicable to their own operations, P&C 2018 is effective immediately after adoption (15 November 2018) and shall be used for any new certification activities after the adoption date.

Existing certified entities can continue to be certified after the date of adoption and before the completion of any relevant NI, by conducting a maximum of one further Annual Surveillance Assessment (ASA) against P&C 2013 (or their current NI), but shall demonstrate compliance to the new RSPO P&C 2018 at the following ASA.

Criterion 7.12 requires that new land clearing after 15 November 2018 (i.e., adoption of the P&C at GA15) must be preceded by an HCV-HCS assessment. The Task Force recognises that there is an array of scenarios, in which HCV assessments have previously been undertaken and have been approved or are in the process of approval. Annex 5 shows how the new requirements apply in different scenarios of existing and new certifications, with and without new land clearing.

Necessary revisions shall be made to other RSPO normative documents and guidance to ensure consistency with the wording of RSPO P&C 2018 and, in that context, please note the disclaimer and procedural note for the Supply Chain requirements for mills at the end of Principle 3.

Annex 1 provides definitions of the technical terms used in this standard. Annex 2 contains the additional generic guidance. Key international laws and conventions applicable to the production of palm oil are set out in Annex 3. Annex 4 provides the necessary details for the implementation procedure for Indicator 2.3.2.

This document identifies critical (C) Indicators proposed by the RSPO Principles and Criteria Review Task Force and endorsed by the RSPO BoG on 12 October 2018.

The English version of this document shall always prevail in case of any discrepancy or inconsistency between the English version and other translated versions.

IMPORTANT NOTE: When you see the  symbol in the Criteria, please refer to additional guidance in Annex 2.

TABLE OF CONTENTS



Preamble

1. Scope	6
2. RSPO Vision and Theory of Change	8
3. Outcome Focus	11
4. Structure of the RSPO P&C	12
Impact Goal – Prosperity: Competitive, resilient and sustainable sector	16
Principle 1: Behave ethically and transparently	17
Principle 2: Operate legally and respect rights	18
Principle 3: Optimise productivity, efficiency, positive impacts and resilience	20
Supply chain requirements for mills	23
Impact Goal – People: Sustainable livelihoods and poverty reduction	33
Principle 4: Respect community and human rights and deliver benefits	34
Principle 5: Support smallholder inclusion	42
Principle 6: Respect worker’s rights and conditions	45

Impact Goal – Planet: Conserved, protected and enhanced ecosystems that provide for the next generation	52
Principle 7: Protect, conserve and enhance ecosystems and the environment	53
Annex 1: Definitions	66
Annex 2: Guidance	96
Annex 3: Key international laws and conventions applicable to the production of palm oil	141
Annex 4: Implementation procedure for indicator 2.3.2	158
Annex 5: Transition from HCV to HCV-HCS assessment	159
Annex 6: Colombian legal framework	161
Annex 7: Contracting models in Colombia (for indicator 6.2.7)	180
Annex 8: Addition to the guideline for Criteria 4.4 and 4.5	182

Acronym	Meaning
KBA	Key Biodiversity Area
CPO	Crude Palm Oil
AFI	Accountability Framework initiative
GA	General Assembly
ALS	Assessor Licensing Scheme
CBA	Collective Bargaining Agreement
PO	Palm Oil
HCS	High Carbon Stock
ASEAN	Association of Southeast Asian Nations
HCV	High Conservation Value
BHCV WG	Biodiversity & High Conservation Value Working Group
MB	Mass Balance
CABI	Centre for Agriculture and Biosciences International
JCC	Joint Consultative Committee
CBD	Convention on Biological Diversity
HRC	Human Rights Commission
CBCSD	Colombian Business Council for Sustainable Development
Cenipalma	Colombian Oil Palm Research Center
IFC	International Finance Corporation
FPIC	Free, Prior and Informed Consent
BOD	Biochemical Oxygen Demand
HRD	Human Rights Defender

Acronym	Meaning
DfID	Department for International Development (UK government)
EID	Environmental Impact Diagnosis
HCSA	High Carbon Stock Approach
ASA	Annual Surveillance Assessments
CB	Certification Body
SCCS	RSPO Supply Chain Certification Standard
SEIA	Social and Environmental Impact Assessment
TPS	Territorial Planning Scheme
PPE	Personal Protective Equipment
FAO	Food and Agriculture Organisation of the United Nations
Fedepalma	National Palm Oil Growers Federation
IPF	Ideas for Peace Foundation
FSC	Forest Stewardship Council
GHG	Greenhouse Gas
GLWC	Global Living Wage Coalition
TWG	Technical work Group
HCVRN	High Conservation Value Resource Network
HFCC	High Forest Cover Landscape
HFCL	High Forest Cover Landscape
HGU	Hak Guna Usaha
CAI	Colombian Agricultural Institute
CITS	Colombian institute for technical standards

Acronym	Meaning
ICS	Internal Control System
IDS	Institute of Development Studies
LTA	Lost Time Accident
NI	National Interpretation
IP	Identity Preserved
IPCC	Intergovernmental Panel on Climate Change
ISO	International Organization for Standardization
BoG	Board of Governors
KPI	Key Performance Indicator
LUCA	Land Use Change Analysis
MESD	Ministry of Environment and Sustainable Development
IPM	Integrated Pest Management
BMPs	Best Management Practices
NDJSG	No Deforestation Joint Steering Group
SDG	Sustainable Development Goal
ILO	International Labour Organization
WHO	World Health Organization
NGO	Non-Governmental Organisation
UN	United Nations
CSO	Civil Society Organisation
IFL	Intact Forest Landscape
PK	Palm Kernel
PLWG	Peatland Working Group
SOP	Standard Operating Procedure

Acronym	Meaning
WMUP	Watershed Management and Use Planning
POME	Palm Oil Mill Effluent
TAP	Territorial Arrangement Planning
RaCP	Remediation and Compensation Procedure
P&C	RSPO Principles and Criteria (i.e., this document)
RTE	Rare, Threatened or Endangered
REDD	Reducing Emissions from Deforestation and Forest Degradation
DG	Dangerous Goods
FFB	Fresh Fruit Bunch
EFB	Empty Fruits Bunches
RSPO	Roundtable on Sustainable Palm Oil
DLW	Decent Living Wage
QMS	Quality Management System
SHIG	Smallholder Interim Group
SLAPP	Strategic Lawsuits against Public Participation
WWTS	Wastewater Treatment System
H&S	Health and Safety
ToC	Theory of Change
OER	Oil Extraction Rate
TNC	The Nature Conservancy
IUCN	International Union for Conservation of Nature
WWF	World Wildlife Fund for Nature

1. SCOPE

The RSPO Principles and Criteria (RSPO P&C) is applicable for sustainable palm oil production worldwide. The RSPO P&C cover the most significant environmental and social impacts of palm oil production and the immediate inputs to production, such as seed, chemicals and water, and social impacts related to on-farm labour and community relations.

The RSPO P&C apply to all production level companies, i.e., all mills, who do not fall under the definition of independent mill as outlined in the RSPO SCC standard; and to all growers, who do not meet the definition of Independent Smallholder or the applicability requirements as outlined in the RSPO Smallholder Standard (under development as of September 2018 with finalisation expected in 2019) and therefore cannot apply the RSPO Smallholder Standard. These are referred to as the unit of certification throughout this document.

The unit of certification is responsible for the certification of related Scheme Smallholders and outgrowers within three years of obtaining its own certificate (see section 4.1.3 in RSPO Certification Systems 2017). Guidance for implementation of the RSPO P&C 2018 for Scheme Smallholders and outgrowers will be developed.

The RSPO P&C apply to existing plantings, as well as planning, siting, development, expansion and new plantings.

Where RSPO standards differ from local laws, the higher/stricter of the two shall always prevail and NIs are required to develop a list of applicable laws (see section 9 in RSPO SOP for Standard Setting 2017).

Compliance with the RSPO P&C and all requirements as outlined in associated documents is required in order for certification to be awarded. Any non-conformities may result in suspension or loss of certification (see section 4.9 in RSPO Certification Systems 2017). Compliance must be demonstrated with the normative part of the P&C, i.e., the Principles, Criteria and Indicators. Non-conformities are raised at Indicator-level by auditors. The informative part (i.e., Annex 2 Guidance) is there to help with implementation of Indicators, but is not normative, nor can non-conformities be raised against this section.

Team	Explanation	RSPO Standard setting document	Category
Principle	Fundamental statements about a desired outcome	A fundamental statement about a desired outcome, often providing greater detail about the objectives.	Normative
Criteria	What implementation of the Principle looks like? – the preconditions or means of judging whether or not a Principle has been fulfilled	The conditions that need to be met in order to fulfil a Principle. Criteria add meaning and operationality to a Principle without themselves being direct measures of performance.	Normative
Indicator	Variable to measure the implementation (positive or negative)	The measurable states, which allow the assessment of whether or not associated Criteria, are being met. Indicators convey a single, meaningful message or piece of information.	Normative
Guidance	Additional information that assists with the understanding, implementation and auditing of the requirement (i.e., the Indicator)	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.	Informative
Procedural Note	Exceptional measure to allow mention of pending developments	A note in the standard only to be used where a methodology or element of the standard is still under development to clarify terms, conditions and procedure prior to the said methodology or element being finalised	Informative

Role of Definitions

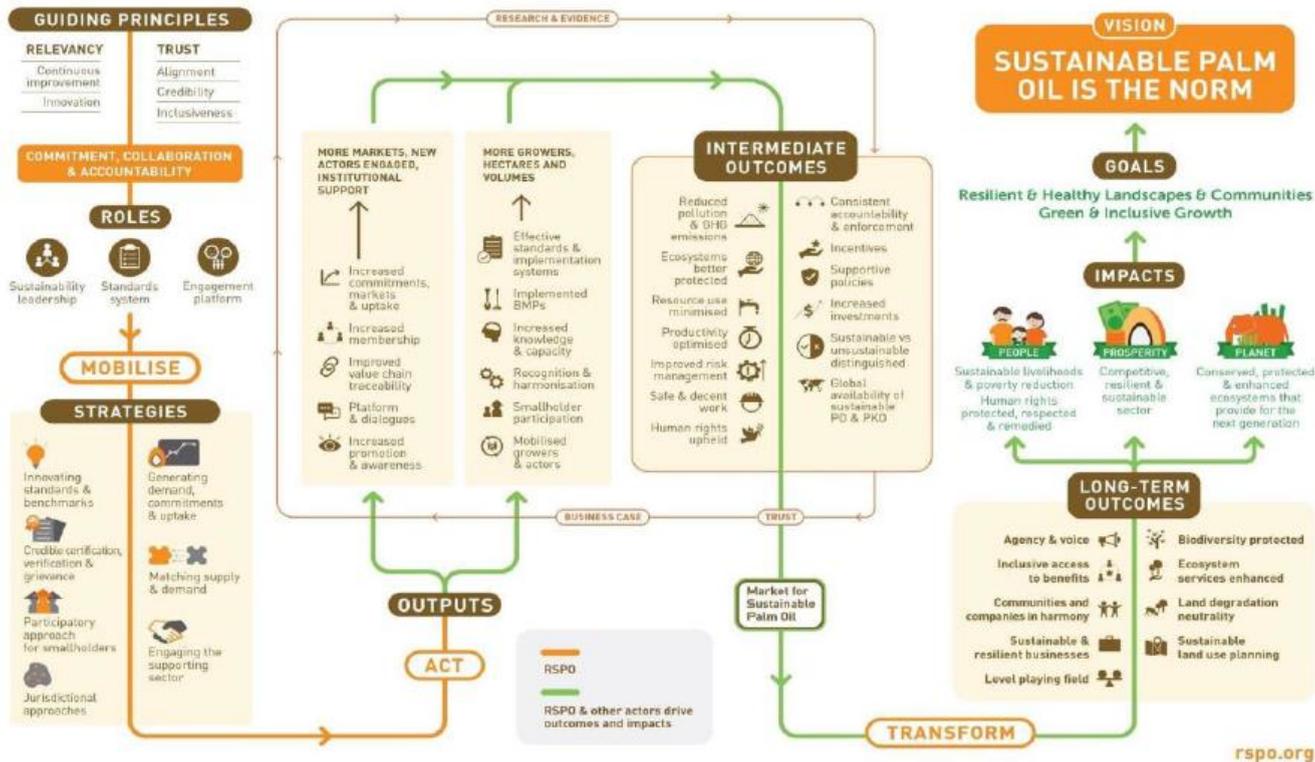
Throughout the standard, some terms carry a specific RSPO definition, which is provided in Annex 1 – Definitions section of this standard. These definitions are binding elements of Criteria and Indicators.

2. RSPO VISION AND THEORY OF CHANGE



The RSPO Theory of Change (ToC) is a roadmap that demonstrates how RSPO will achieve its vision of making sustainable palm oil the norm. With the support of its members, partners and other actors, RSPO will implement key strategies and activities to trigger the transformation of the palm oil sector. These strategies are intended to bring about direct outputs in the form of increased adoption of the RSPO standards, greater transparency and inclusivity in the RSPO system, increased market uptake of sustainable palm oil, and an improved enabling environment. Over time, these outputs will lead to outcomes that are expected to improve the quality of life of oil palm farmers, create a more prosperous palm oil industry, and enable us to better conserve our planet and its resources. When the ToC is fully realised, it delivers change where it matters most – on the ground; a space where oil palm, the environment, and local communities can co-exist in harmony. It also provides a framework to monitor, evaluate and report on the effects of applying the RSPO P&C. More details on the RSPO ToC are available here: <https://rspo.org/about/impacts/theory-of-change>

THEORY OF CHANGE
RSPO ROADMAP FOR SUSTAINABLE PALM OIL





Effective implementation and more growers' uptake of the P&C lead to the intermediate outcomes:

- Resource use minimisation (soil, water, energy), input use reduction – reduce costs
- Reduced pollution (water, air, greenhouse gas (GHG))
- Improved risk management – management plans and assessments
- Ecosystems better protected
- Productivity optimised
- Land and use rights respected
- Safe and decent work for all community members

The process for change at RSPO is characterised by a progression of: "**Mobilise, Act and Transform**". This is the backbone of the RSPO toC and underpinned by the concept of shared responsibility and accountability for results.

Commitment: All the actors commit to their contribution to transforming markets.

Collaboration: Recognising the need to work together and making that happen: transformation of markets cannot happen without collaboration.

Accountability: Commitment and collaboration are to be fulfilled with a shared responsibility for impact. The expectation of partners and members is that the commit to participate and there is mutual and agreed accountability for results.

3. OUTCOME FOCUS

The core objectives of the 2018 RSPO P&C review include:

- Incorporating elements of impacts
- Making it more relevant and practical, particularly by making it metricated (measurable)
- Incorporating elements of impacts as prescribed by the ToC

It is important to keep in mind that it is simply not feasible or meaningful to propose indicator level, specific measurable outcomes because of many technical and political challenges. From research and experience with other standards these include:

- Attribution – achieving outcomes is based on a wide range of actions and context, often out of the control of the grower (weather, market forces, pests)
- Defining globally relevant outcomes
- Favour larger, more resourced growers potentially demotivating small and medium size growers
- Costs and burden for data reporting systems and management

However, outcome focused P&C can still be achieved, by showing very explicitly the links between the set of Criteria and intended outcomes. Furthermore, a requirement for reporting to RSPO has been included into the Management Principle under Criterion 3.2 for continuous improvement.

This will provide RSPO with information on the results of implementation of the P&C. This requirement refers to a small set of strategic metrics, directly related to the P&C and aligned with the ToC and RSPO organisational Key Performance Indicators (KPIs). The resulting reporting will be anonymised for analysis, marketing and impact assessment.

The selection criteria for these metrics included:

- Value added to growers
- Link to P&C requirements
- Key ToC outcomes
- Those already required for measuring, monitoring and/or reporting

4. STRUCTURE OF THE RSPO P&C

The RSPO P&C are organised into three impact areas according to the RSPO ToC.



Impact Goal PROSPERITY: Competitive, resilient and sustainable sector

- Principle 1. **Behave ethically and transparently**
- Principle 2. **Operate legally and respect rights**
- Principle 3. **Optimise productivity, efficiency, positive impacts and resilience**



Impact Goal PEOPLE: Sustainable livelihoods and poverty reduction

- Principle 4. **Respect community and human rights and deliver benefits**
- Principle 5. **Support smallholder inclusion**
- Principle 6. **Respect workers' rights and conditions**



Impact Goal PLANET: Conserved, protected and enhanced ecosystems that provide for the next generation

- Principle 7. **Protect, conserve and enhance ecosystems and the environment**

Impact Area ToC	Objectives de ToC	Principle of Theme
<p>PROSPERITY</p> <p>Impact Goal: Competitive, resilient and sustainable sector</p>	<p>A sustainable, competitive, and resilient palm oil sector ensures long-term viability of the entire supply chain and shared benefits for both private sector as well as the livelihoods of communities where oil palm is grown. Effective planning and managements systems address economic viability, environmental and social compliance and risk, establishes, procedures and systems for ensuring conformance to the RSPO P&C, and supports continuous improvement toward sustainable palm oil</p>	<p>1. Behave ethically and transparently</p> <hr/> <p>2. Operate legally ad respect rights</p> <hr/> <p>3. Optimise productivity, efficiency, positive impacts and resilience.</p>
<p>PEOPLE</p> <p>Impact Goal: Sustainable livelihoods and poverty reduction</p>	<p>Human rights protected, respected and remedied. The palm oil sector contributes to reducing poverty and palm oil production is a source of sustainable livelihoods. Human rights are respected. People participate in processes that affect them with shared access and benefits. Everyone engaged in palm oil production has equal opportunities to fulfill their potential in work and community with dignity and equality and in a healthy working and living environment.</p>	<p>4. Respect community and human rights and deliver benefits</p> <hr/> <p>5. Support smallholder inclusion</p> <hr/> <p>6. Respect workers' rights and conditions</p>
<p>PLANET</p> <p>Impact Goal: Conserved, protected and enhanced ecosystems that provide for the next generation</p>	<p>Impact Goal: Conserved, protected, and enhanced ecosystems that provide for the next generation. Ecosystems and their services are protected, restores, and resilient, including through sustainable consumption and production and sustainable management of natural resources (sustainably manage forests, combat desertification, halt and reverse and degradation, halt biodiversity loss (SDG 15)). Climate change is addressed through continuous GHG reductions and air and water pollution are controlled.</p>	<p>7. Protect, conserve and enhance ecosystems and the environment</p>

Preamble

4. STRUCTURE OF THE RSPO P&C



PROSPERITY

PROSPERITY



PEOPLE

PEOPLE



PLANET

PLANET

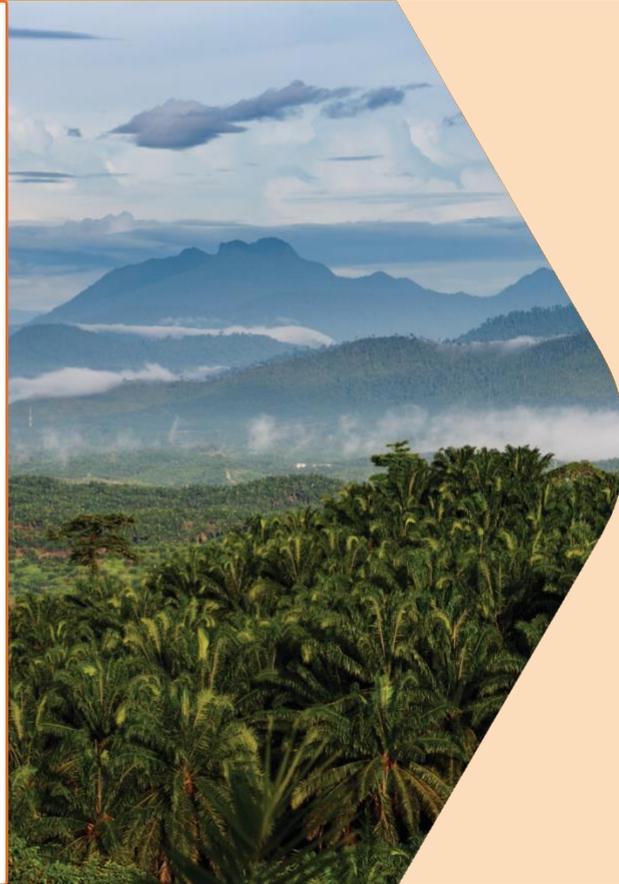
	Criteria Topic	2018 P&C Criterion No	2013 P&C Criterion No	
1.	Information and public accessibility	1.1	1.1/1.2/6.30	
	Communication and consultation	1.2	6.2	
	Commitment to ethical conduct	1.3	1.3/6.30	
	2.	Legal compliance	2.1	3.1/6.30
		Third party contractors legal	2.2	n/a
		Third party HR legal sourced	2.3	n/a
	3.	Long term plans and economic viability	3.1	3.1
		Continuous improvement & Reporting	3.2	6.1
		Standard Operating Procedures	3.3	4.1
		SOA and Plans	3.4	5.1/6.1/7.3
		System for managing human resources	3.5	n/a
		Occupational Health and Safety Plan	3.6	4.7 (part)
4.	Training	3.7	4.8	
	Human Rights	4.1	6.13	
	Complaints and Grievances	4.2	6.8	
	Contribution to local sustainable development	4.3	6.11 (part)	
	Land use & PRC	4.4 & 4.5	3.3/7.5	
	Land Use : Compensation	4.6 & 4.7	6.4/7.6	
	Land Use : Conflict	4.8	3.2	
	Improved livelihoods	5.1	6.1	
	5.	Way and working conditions	5.2	6.11 (part)
		No discrimination	6.1	6.8
	6.	Way and working conditions	6.2	6
		Freedom of association	6.3	6.6
No child labour		6.4	6.7	
No harassment		6.5	6.9	
No forced or trafficked labour		6.6	6.12	
Safe working environment		6.7	4.7 (part)	
7.		Effective Integrated Pest Management	7.1	4.5
		Wetland Use	7.2	4.6
	Waste management	7.3	5.3	
	Soil health fertility	7.4	4.2/7.2	
	Soil conservation (erosion and degradation)	7.5	4.3 & 7.4 (part)	
	Soil survey and topographic information	7.6	4.3 & 7.2	
	Water	7.7	4.3 & 7.4 (part)	
	Water quality and quantity	7.8	4.4	
	Energy Use	7.9	5.4	
	Regulation and Schemes	7.10	5.6/7.8	
	Fire	7.11	5.5/7.7	
	HCV and HCS	7.12	5.5/7.3	

Link to Theory of Change- Intermediate outcomes

Improved Risk Management
 Improved Risk Management, Cross cutting
 Improved Risk Management, Cross cutting
 Improved Risk Management
 Improved Risk Management
 Improved Risk Management, Safe and Decent work
 Improved Risk Management, Safe and Decent work

Human rights upheld
 Inclusive access, communities
 Inclusive access, SH
 Inclusive access, SH
 Human rights upheld, safe and decent work
 Human rights upheld, safe and decent work

Safe and decent work
 Resource use, pollution, productivity
 Resource use minimised, pollution
 Resource use minimised, pollution
 Productivity optimised, Ecosystems
 Reduced pollution
 Ecosystem protected, Resource use minimised, Reduced pollution
 Pollution, ecosystems
 Resource use, pollution, ecosystems
 Resource use minimised, pollution
 Reduced pollution
 Reduced pollution
 Ecosystems protected



PROSPERITY: COMPETITIVE, RESILIENT AND SUSTAINABLE SECTOR



Objectives and outcomes

A sustainable, competitive and resilient palm oil sector ensures long-term viability of the entire supply chain and shared benefits for both private sector as well as the livelihoods of communities where oil palm is grown.

An effective planning and management system addresses economic viability, environmental and social compliance and risk, establishes procedures and systems for ensuring conformance to the RSPO P&C, and supports continuous improvement toward sustainable palm oil

Principle 1

Behave ethically and transparent

Principle 2

Operate legally and respect rights

Principle 3

Optimise productivity, efficiency, positive impacts and resilience

Principle 1

BEHAVE ETHICALLY AND TRANSPARENTLY

Drive ethical business behaviour, build trust and transparency with stakeholders to ensure strong and healthy relationships.

Criteria	Indicators	Toc Outcomes
1.1 	<p>1.1.1 (C) Management documents that are specified in the RSPO P&C are made publicly available. These documents include, as a minimum:</p> <ul style="list-style-type: none">• Title deeds/user rights (Criterion 4.4)• Occupational health and safety plans (Criterion 3.6)• Impact plans and assessments related to social and environmental impacts (Criterion 3.4)• Documentation on HCV and HCS (Criterion 7.12)• Pollution prevention and reduction plans (Criterion 7.10)• Details of grievances and claims (Criterion 4.2)• Negotiation procedures (Criterion 4.6)• Continuous improvement plans (Criterion 3.2)• Public summary of the certification evaluation report.• Human rights policy (Criterion 4.1) <p>1.1.2 Information is provided in appropriate languages and accessible to relevant stakeholders.</p> <p>1.1.3 (C) Records of requests for information and responses are maintained.</p> <p>1.1.4 (C) Consultation and communication procedures are documented, disclosed, implemented, made available, and explained to all relevant stakeholders by a nominated management official</p>	Improved risk management

1.2

The unit of certification commits to ethical conduct in all business operations and transactions.

1

1.1.5 There is a current list of contact and details of stakeholders and their nominated representatives.

1.2.1 A policy for ethical conduct is in place and implemented in all business operations and transactions, including recruitment and contracts

1.2.2 A system is in place to monitor compliance and the implementation of the policy and overall ethical business practice.

Improved risk management

Principle 2

OPERATE LEGALLY AND RESPECT RIGHTS

Implement legal requirements as the basic principles of operation any jurisdiction.

Criteria	Indicators	Toc Outcomes
<p>2.1</p> <p>There is compliance with all applicable local, national, and ratified international laws and regulations</p> <p>1</p>	<p>2.1.1 (C) The unit of certification complies with applicable legal requirements.</p> <p>2.1.2 A documented system for ensuring legal compliance is in place. This system has a means to track changes to the law and also includes listing and evidence of legal due diligence of all contracted third parties, recruitment agencies, service providers and labour contractors.</p> <p>2.1.3 Legal or authorised boundaries are clearly demarcated and visibly maintained, and there is no planting beyond these legal or authorised boundaries.</p>	<p>Improved risk management</p>
<p>2.2</p> <p>All contractors providing operational service and supplying labour, and Fresh Fruit Bunch (FFB) suppliers, comply with legal requirements.</p> <p>1</p>	<p>2.2.1 A list of contracted parties is maintained.</p> <p>2.2.2 All contracts, including those for FFB supply, contain specific clauses on meeting applicable legal requirements, and this can be demonstrated by the third party.</p> <p>2.2.3 All contracts, including those for FFB supply, contain clauses disallowing child, forced and trafficked labour. Where young workers are employed, the contracts include a clause for their protection.</p>	<p>Improved risk management; Human rights upheld; Safe and decent work</p>

Criteria	Indicators	Toc Outcomes
<p>2.3 All FFB supplies from outside the unit of certification are from legal sources</p> 	<p>2.3.1 (C) For all directly sourced FFB, the mill requires:</p> <ul style="list-style-type: none"> • Information on geo-location of FFB origins. • Proof of the ownership status or the right/claim to the land by the grower/smallholder • The Growers Registry, as per resolution 002009/2014 of ICA (refer property registry before the ICA), or being part of a legally incorporated association scheme, that allows the buying and selling of FFB. <p>2.3.2 For all indirectly sourced FFB, the unit of certification obtains from the collection centres, agents or other intermediaries, the evidence as listed in Indicator 2.3.1.</p> <p>PROCEDURAL NOTE: For Implementation Procedure for 2.3.2 refer to Annex 4.</p>	<p>Improved risk management</p>

Principle 3

OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

Implement plans, procedures and systems for continuous improvement.

Criteria	Indicators	Toc Outcomes
<p>3.1 There is an implemented management plan for the unit of certification that aims to achieve long-term economic and financial viability.</p> <p>1</p>	<p>3.1.1 (C) A business or management plan (minimum three years) is documented that includes, where applicable, a jointly developed business case for Scheme Smallholders.</p> <p>3.1.2 An annual replanting programme projected for a minimum of five years with yearly review, is available.</p> <p>3.1.3 The unit of certification holds management reviews at planned intervals appropriate to the scale and nature of the activities undertaken.</p>	<p>Improved risk management; Productivity optimised</p>
<p>3.2 The unit of certification regularly monitors and reviews their economic, social and environmental performance and develops and implements action plans that allow demonstrable continuous improvement in key operations.</p> <p>1</p>	<p>3.2.1 (C) The action plan for continuous improvement is implemented, based on consideration of the main social and environmental impacts and opportunities of the unit of certification.</p> <p>3.2.2 As part of the monitoring and continuous improvement process, annual reports are submitted to the RSPO Secretariat using the RSPO metrics template.</p>	<p>Improved risk management</p>

Criteria	Indicators	Toc Outcomes
3.3	<p>Operating procedures are appropriately documented, consistently implemented and monitored.</p> <p>1</p>	Improved risk management
3.4	<p>A comprehensive Social and Environmental Impact Assessment (SEIA) is undertaken prior to new plantings or operations, and a social and environmental management and monitoring plan is implemented and regularly updated in ongoing operations.</p>	Improved risk management; Human rights upheld

Principle 3

OPTIMISE PRODUCTIVITY, EFFICIENCY, POSITIVE IMPACTS AND RESILIENCE

Criteria	Indicators	Toc Outcomes
3.5 A system for managing human resources is in place.	3.5.1 Employment procedures for recruitment, selection, hiring, promotion, retirement and termination are documented and made available to the workers and their representatives. 3.5.2 Employment procedures are implemented and records are maintained.	Improved risk management; Safe and decent work
3.6 An occupational health and safety (H&S) plan is documented, effectively communicated and implemented. 1	3.6.1 (C) All operations are risk assessed to identify H&S issues. Mitigation plans and procedures are documented and implemented. 3.6.2 (C) The effectiveness of the occupational health and safety system to address health and safety risks to people is monitored .	Improved risk management; Safe and decent work
3.7 All staff, workers, Scheme Smallholders, outgrowers, and contract workers are appropriately trained. 1	3.7.1 (C) A documented programme that provides training is in place, which is accessible to all staff, workers, Scheme Smallholders and outgrowers, taking into account gender-specific needs, and which covers applicable aspects of the RSPO P&C, in a form they understand, and which includes assessments of training. 3.7.2 Records of training are maintained, where appropriate on an individual basis. 3.7.3 Appropriate training is provided for personnel carrying out the tasks critical to the effective implementation of the Supply Chain Certification Standard (SCCS). Training is specific and relevant to the task(s) performed).	Improved risk management; Safe and decent work

- ## SUPPLY CHAIN REQUIREMENTS FOR MILLS



This chapter was endorsed by the RSPO Board of Governors on 1 February 2020.

The following section stipulates the requirements for mills which are identified as complying with the Identity Preserved (IP) Module and Mass Balance (MB) Module.

For independent mills, that are only required to obtain RSPO Supply Chain Certification, Compliance with modules A and/or C of the Supply Chain Certification Standard will be required. All definition in Supply Chain Certification Standard applies.

As per RSPO Principles and Criteria, all requirements are classified as Critical Indicators.

- **SUPPLY CHAIN REQUIREMENTS FOR MILLS**

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills	<p>3.8.1 Identity Preserved Module</p> <ul style="list-style-type: none"> • A mill is deemed to be Identity Preserved (IP) if the FFB processed by the mill are sourced from plantations/estates that are certified against the RSPO Principles and Criteria (RSPO P&C), or against the Group Certification scheme. • Certification for CPO mills is necessary to verify the volumes and sources of certified FFB entering the mill, the implementation of any processing controls (for example, if physical separation is used), and volume sales of RSPO certified products. If a mill processes certified and uncertified FFB without physically separating them, then only Mass Balance Module is applicable. 	Improved risk management
	<p>3.8.2 Mass Balance Module</p> <ul style="list-style-type: none"> • A mill is deemed to be Mass Balance (MB) if the mill process FFB from both RSPO certified and uncertified plantations/estates. A mill may be taking delivery of FFB from uncertified growers, in addition to those from its own and 3rd party certified supply base. In that scenario, the mill can claim only the volume of oil palm products produced from processing of the certified FFB as MB. 	Improved risk management
	<p>3.8.3 The estimated tonnage of CPO and PK products that could potentially be produced by the certified mill shall be recorded by the certification body (CB) in the public summary of the P&C certification report. This figure represents the total volume of certified oil palm product (CPO and PK) that the certified mill is allowed to deliver in a year. The actual tonnage produced shall then</p>	Improved risk management

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continue)	be recorded in each subsequent annual surveillance report.	
	3.8.4 The mill shall also meet all registration and reporting requirements for the appropriate supply chain through the RSPO IT platform.	Improved risk management
	3.8.5 Documented procedures <ul style="list-style-type: none"> • The mill shall have written procedures and/or work instructions or equivalent to ensure the implementation of all elements of the applicable supply chain model specified. This shall include at minimum the following: <ul style="list-style-type: none"> • a) Complete and up to date procedures covering the implementation of all elements of the supply chain model requirements. • b) Complete and up to date records and reports that demonstrate compliance with the supply chain model requirements (including training records). • c) Identification of the role of the person having overall responsibility for and authority over the implementation of these requirements and compliance with all applicable requirements. This person shall be able to demonstrate awareness of the mill’s procedures for the implementation of this standard. • d) The mill shall have documented procedures for receiving and processing certified and non-certified FFBs including ensuring no contamination in the IP mill. 	Improved risk management
	3.8.6 Internal Audit <ul style="list-style-type: none"> • i) The mill shall have a written procedure to conduct an annual internal audit to determine whether the mill; 	Improved risk management

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	<ul style="list-style-type: none"> • (a) conforms to the requirements in the RSPO Supply Chain requirements for mills and the RSPO Rules on Market Communications and Claims. • (b) effectively implements and maintains the standard requirements within its organisation. • ii) Any non-conformities found as part of the internal audit shall be issued and required corrective action. The outcomes of the internal audits and all actions taken to correct non-conformities shall be subject to management review at least annually. The mill shall maintain the internal audit records and reports. 	
	<p>3.8.7 Purchasing and Goods in</p> <ul style="list-style-type: none"> • i) The mill shall verify and document the tonnage and sources of certified and the tonnage of non-certified FFBs received. • ii) The mill shall inform the CB immediately if there is a projected overproduction of certified volume. • iii) The mill shall have a mechanism in place for handling of non-conforming FFB and/or documents 	Improved risk management
	<p>3.8.8 Sales and Goods Out</p> <ul style="list-style-type: none"> • The supplying mill shall ensure that the following minimum information for RSPO certified products is made available in document form. The information shall be complete and can be presented either on a single document or across a range of documents issued for RSPO certified oil palm products (for example, delivery notes, shipping documents and specification 	Improved risk management

Criteria	Indicators	ToC Outcomes
3.8	<p data-bbox="323 193 488 269">Supply Chain Requirements for Mills (Continued)</p> <p data-bbox="576 141 735 163">documentation):</p> <ul data-bbox="616 182 1187 577" style="list-style-type: none"> a) The name and address of the buyer; b) The name and address of the seller; c) The loading or shipment / delivery date; d) The date on which the documents were issued; e) RSPO certificate number; f) A description of the product, including the applicable supply chain model (Identity Preserved or Mass Balance or the approved abbreviations); g) The quantity of the products delivered; h) Any related transport documentation; i) A unique identification number. <p data-bbox="576 596 831 619">3.8.9 Outsourcing Activities</p> <ul data-bbox="616 638 1203 1001" style="list-style-type: none"> (i) The mill shall not outsource its milling activities. In cases where the mill outsources activities to independent third parties (e.g., subcontractors for storage, transport or other outsourced activities), the mill holding the certificate shall ensure that the independent third party complies with relevant requirements of this RSPO Supply Chain Certification. (ii) The mill shall ensure the following: <ul data-bbox="616 854 1187 1001" style="list-style-type: none"> a) The mill has legal ownership of all input material to be included in outsourced processes b) The mill has an agreement or contract covering the outsourced process with each contractor through a signed and enforceable agreement with the contractor. The onus is on the 	<p data-bbox="1238 585 1366 633">Improved risk management</p> <ul data-bbox="1238 656 1251 673" style="list-style-type: none">

Criteria		Indicators	ToC Outcomes
3.8	Supply Chain Requirements for Mills (Continued)	<p>mill to ensure that certification body (CB) has access to the outsourcing contractor or operation if an audit is deemed necessary.</p> <ul style="list-style-type: none"> • c) The mill has a documented control system with explicit procedures for the outsourced process which is communicated to the relevant contractor. • (d) The mill shall furthermore ensure (e.g., through contractual arrangements) that independent third parties engaged provide relevant access for duly accredited CBs to their respective operations, systems, and all information, when this is announced in advance. 	
		3.8.10 The mill shall record the names and contact details of all contractors used for the physical handling of RSPO certified oil palm products.	Improved risk management •
		3.8.11 The mill shall inform its CB in advance prior to conduct of its next audit of the names and contact details of any new contractor used for the physical handling of RSPO certified oil palm products.	Improved risk management •
		<p>3.8.12 Record keeping</p> <ul style="list-style-type: none"> • i) The mill shall maintain accurate, complete, up-to-date and accessible records and reports covering all aspects of this RSPO Supply Chain Certification Standard requirements. • ii) Retention times for all records and reports shall be a minimum of two (2) years and shall comply with relevant legal and regulatory requirements and be able to confirm the certified status of raw materials or products held in stock. • iii) For Identity Preserved Module, the mill shall record and balance all receipts of RSPO certified FFB and deliveries of RSPO certified CPO and PK on a real-time basis. 	Improved risk management •

Criteria	Indicators	ToC Outcomes
3.8 Supply Chain Requirements for Mills (Continued)	<ul style="list-style-type: none"> • iv) For Mass Balance Module, the mill: <ul style="list-style-type: none"> • a) shall record and balance all receipts of RSPO certified FFB and deliveries of RSPO certified CPO and PK on a real-time basis and / or three-monthly basis. • b) All volumes of certified CPO and PK that are delivered are deducted from the material accounting system according to conversion ratios stated by RSPO. • c) The mill can only deliver Mass Balance sales from a positive stock. Positive stock can include product ordered for delivery within three (3) months. However, a mill is allowed to sell short (i.e., product can be sold before it is in stock.) 	
	<p>3.8.13 Extraction Rate</p> <ul style="list-style-type: none"> • The oil extraction rate (OER) and the kernel extraction rate(KER) shall be applied to provide a reliable estimate of the amount of certified CPO and PK from the associated inputs. Mill shall determine and set their own extraction rates based upon past experience, documented and applied it consistently. 	<p>Improved risk management</p> <ul style="list-style-type: none"> •
	<p>3.8.14 Extraction rates shall be updated periodically to ensure accuracy against actual performance or industry average if appropriate.</p>	<p>Improved risk management</p> <ul style="list-style-type: none"> •
	<p>3.8.15 Processing</p> <ul style="list-style-type: none"> • For Identity Preserved Module, the mill shall assure and verify through documented procedures and record keeping that the RSPO certified oil palm product is kept separated from non-certified oil palm products, including during transport and storage to strive for 100% separation. 	<p>Improved risk management</p> <ul style="list-style-type: none"> •

Criteria		Indicators	ToC Outcomes
3.8	Supply Chain Requirements for Mills (Continued)	<p>3.8.16 Registration of Transactions</p> <ul style="list-style-type: none"> • i) Shipping Announcement in the RSPO IT platform shall be carried out by the mills when RSPO certified products are sold as certified to refineries, crushers, and traders not more than three months after dispatch with the dispatch date being the Bill of Lading or the dispatch documentation date. • ii) Remove: RSPO certified volumes sold under different scheme or as conventional, or in case of underproduction, loss or damage shall be removed in the RSPO IT platform. 	Improved risk management
		<p>3.8.17 Claims</p> <ul style="list-style-type: none"> • The mill shall only make claims regarding the production of RSPO certified oil that are in compliance with the RSPO Rules on Market Communications and Claims. 	Improved risk management

PEOPLE: SUSTAINABLE LIVELIHOODS AND POVERTY REDUCTION



Objectives and outcomes

Human rights protected, respected and remedied.

The palm oil sector contributes to reducing poverty and palm oil production is a source of a sustainable livelihoods.

Human rights are respected. People participate in processes that affect them with shared access and benefits. Everyone engaged in palm oil production has equal opportunities to fulfil their potential in work and community with dignity and equality, and in a healthy working and living environment

Principle 4

Respect community and human rights and deliver benefits

Principle 5

Support inclusion smallholder

Principle 6

Respect workers' rights and conditions

Principle 4

RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVERY BENEFITS

Respect community rights, provide equal opportunities, maximise benefits from engagement and ensure remediation where needed.

Criteria	Indicators	ToC Outcomes
4.1 The unit of certification respects human rights, which includes respecting the rights of Human Rights Defenders. 	4.1.1 (C) A policy to respect human rights, including prohibiting retaliation against Human Rights Defenders (HRDs), is documented and communicated to all levels of the workforce, operations, supply chain and local communities and prohibits intimidation and harassment by the unit of certification and contracted services, including contracted security forces. Evidence that appropriate measures have been taken to ensure that the contracting of private security and surveillance services does not involve people with a criminal record or ongoing criminal investigations, or people who have committed crimes against humanity. 4.1.2 The unit of certification does not instigate violence or use any form of harassment, including the use of mercenaries and paramilitaries in their operations.	Human rights upheld
4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties. 	4.2.1 (C) The mutually agreed system, open to all affected parties, resolves disputes in an effective, timely and appropriate manner, ensuring anonymity of complainants, HRDs, community spokespersons and whistleblowers, where requested, without risk of reprisal or intimidation and follows the RSPO policy on respect for HRDs.	Human rights upheld

Criteria	Indicators	ToC Outcomes
<p>4.2 There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all affected parties. (Continued)</p> <p>1</p>	<p>4.2.2 Procedures are in place to ensure that the system is understood by the affected parties, including by illiterate parties.</p> <p>4.2.3 The unit of certification keeps parties to a grievance informed of its progress, including against agreed timeframe and the outcome is available and communicated to relevant stakeholders.</p> <p>4.2.4 The conflict resolution mechanism includes the option of access to independent legal and technical advice, the ability for complainants to choose individuals or groups to support them and/or act as observers, as well as the option of a third-party mediator.</p>	<p>Human rights upheld</p>
<p>4.3 The unit of certification contributes to local sustainable development as agreed by local communities.</p> <p>1</p>	<p>4.3.1 Contributions to community development that are based on the results of consultation with local communities are demonstrated.</p>	<p>Human rights upheld</p>
<p>4.4 Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their Free, Prior and Informed Consent.</p> <p>1</p>	<p>4.4.1 (C) Documents showing legal ownership or lease, legal occupancy or use, or authorised use of customary land authorised by customary landowners through a Free, Prior and Informed (FPIC) process. Documents related to the history of land tenure and the actual legal or customary use of the land are available.</p>	<p>Human rights upheld</p>

Principle 4

RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BEFITS

Criteria	Indicators	ToC Outcomes
4.4 Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their FPIC. (Continued) 	<p>4.4.2 Copies of documents evidencing agreement-making processes and negotiated agreements detailing the FPIC process are available and include:</p> <ul style="list-style-type: none">a) Evidence that a plan has been developed through consultation and discussion in good faith with all affected groups in the communities, with particular assurance that vulnerable, minorities' and gender groups are consulted, and that information has been provided to all affected groups, including information on the steps that are taken to involve them in decision makingb) Evidence that the unit of certification has respected communities' decisions to give or withhold their consent to the operation at the time that these decisions were takenc) Evidence that the legal, economic, environmental and social implications of permitting operations on their land have been understood and accepted by affected communities, including the implications for the legal status of their land at the expiry of the unit of certification's title, concession or lease on the land <p>4.4.3 (C) Maps of an appropriate scale showing the extent of recognised legal, customary or user rights are developed through participatory mapping involving affected parties (including neighbouring communities where applicable, and relevant authorities).</p>	Human rights upheld

Criteria	Indicator	ToC Outcomes
<p>4.4 Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their FPIC. (Continued)</p> <p>1</p>	<p>4.4.4 All relevant information is available in appropriate forms and languages, including assessments of impacts, proposed benefit sharing, and legal arrangements</p>	Human rights upheld
	<p>4.4.5 (C) Evidence is available to show that communities are represented through institutions or representatives of their own choosing, including by legal counsel if they so choose</p>	
	<p>4.4.6 There is evidence that implementation of agreements negotiated through FPIC is annually reviewed in consultation with affected parties</p>	
<p>4.5 No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions</p> <p>1</p>	<p>4.5.1 (C) Documents showing identification and assessment of demonstrable legal, customary and user rights are available</p>	Human rights upheld
	<p>4.5.2 (C) FPIC is obtained for all oil palm development through a comprehensive process, including in particular, full respect for their legal and customary rights to the territories, lands and resources via local communities' own representative institutions, with all the relevant information and documents made available, with option of resourced access to independent advice through a documented, long-term and two-way process of consultation and negotiation.</p>	

Principle 4

RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS

Criteria

Indicators

ToC Outcomes

4.5 No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institution. (Continued)



- 4.5.3 Evidence is available that local peoples affected understand they have the right to say 'no' to operations planned on their lands before and during initial discussions, during the stage of information gathering and associated consultations, during negotiations, and up until an agreement with the unit of certification is signed and ratified by these local peoples. Negotiated agreements are non-coercive and entered into voluntarily and carried out prior to new operations.
- 4.5.4 To ensure local food and water security, as part of the FPIC process, participatory SEIA and participatory land-use planning with local peoples, the full range of food and water provisioning options are considered. There is transparency of the land allocation process.
- 4.5.5 Evidence is available that the affected communities and rights holders have had the option to access information and advice, that is independent of the project proponent, concerning the legal, economic, environmental and social implications of the proposed operations on their lands.
- 4.5.6 Evidence is available that the communities (or their representatives) gave consent to the initial planning phases of the operations prior to the issuance of a new concession or land title to the operator.

Criteria	Indicators	ToC Outcomes
<p>4.5 No new plantings are established on local peoples' land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institution. (Continued)</p> <p>1</p>	<p>4.5.7 New lands will not be acquired for plantations and mills after 15 November 2018 as a result of recent (2005 or later) expropriations in the national interest without consent (eminent domain), except in cases of smallholders benefitting from agrarian reform or anti-drug programmes</p> <p>4.5.8 (C) New lands are not acquired in areas inhabited by communities in voluntary isolation</p>	<p>Human rights upheld</p>
<p>4.6 Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.</p> <p>1</p>	<p>4.6.1 (C) A mutually agreed procedure for identifying legal, customary or user rights, and a procedure for identifying people entitled to compensation, is in place.</p> <p>4.6.2 (C) A mutually agreed procedure for calculating and distributing fair and gender-equal compensation (monetary or otherwise) is established and implemented, monitored and evaluated in a participatory way, and corrective actions taken as a result of this evaluation.</p> <p>4.6.3 Evidence is available that equal opportunities are provided to both men and women to hold land titles for small holdings</p>	<p>Human rights upheld</p>

Principle 4

RESPECT COMMUNITY AND HUMAN RIGHTS AND DELIVER BENEFITS

Criteria	Indicators	ToC Outcomes
<p>4.6 Any negotiations concerning compensation for loss of legal, customary or user rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions. (Continued)</p>	<p>4.6.4. The process and outcomes of any negotiated agreements, compensation and payments are documented, with evidence of the participation of affected parties, and made publicly available to them.</p>	<p>Human rights upheld</p>
<p>4.7 Where it can be demonstrated that local peoples have legal, customary or user rights, they are compensated for any agreed land acquisitions and relinquishment of rights, subject to their FPIC and negotiated agreements.</p>	<p>4.7.1 (C) A mutually agreed procedure for identifying people entitled to compensation is in place</p> <p>4.7.2 (C) A mutually agreed procedure for calculating and distributing fair compensation (monetary or otherwise) is in place and documented and made available to affected parties</p> <p>4.7.3 Communities that have lost access and rights to land for plantation expansion are given opportunities to benefit from plantation development.</p>	<p>Human rights upheld</p>

1

Criteria	Indicators	ToC Outcomes
<p>4.8 The right to use the land is demonstrated and is not legitimately contested by local people who can demonstrate that they have legal, customary, or user rights.</p>	<p>4.8.1 Where there are or have been disputes, proof of legal acquisition of title and evidence that mutually agreed compensation has been made to all people who held legal, customary, or user rights at the time of acquisition is available and provided to parties to a dispute, and that any compensation was accepted following a documented process of FPIC.</p> <p>4.8.2 (C) Where land conflict exists, acceptable conflict resolution processes (see Criteria 4.2 and 4.6) are implemented and accepted by the parties involved. In the case of newly acquired plantations, the unit of certification addresses any unresolved conflict through appropriate conflict resolution mechanisms.</p> <p>4.8.3 Where there is evidence of acquisition through dispossession or forced abandonment of customary and user rights prior to the current operations and there remain parties with demonstrable customary and land use rights, these claims will be settled using the relevant requirements (Indicators 4.4.2, 4.4.3 and 4.4.4)</p> <p>4.8.4 For any conflict or dispute over the land, the extent of the disputed area is mapped out in a participatory way with involvement of affected parties (including neighbouring communities where applicable).</p>	<p>Human rights upheld</p>

Principle 5

SUPPORT SMALLHOLDER INCLUSION

Include smallholders in RSPO supply chains and improve their livelihoods through fair and transparent partnerships.

Criteria	Indicators	ToC Outcomes
<p>5.1 The unit of certification deals fairly and transparently with all smallholders (Independent and Scheme) and other local businesses.</p> 	<p>5.1.1 Current and previous period prices paid for FFB are publicly available and accessible by smallholders.</p> <p>5.1.2 (C) Evidence is available that the unit of certification regularly explains the FFB pricing to smallholders.</p> <p>5.1.3 (C) Fair pricing, including premium pricing, when applicable, is agreed with smallholders in the supply base and documented.</p> <p>5.1.4 (C) Evidence is available that all parties, including women and independent representative organisations assisting smallholders where requested, are involved in decision-making processes and understand the contracts or the document acting as such. These include those involving finance, loans/credits, and repayments through FFB price reductions for replanting and/or other support mechanisms where applicable.</p> <p>5.1.5 Contracts or the documents acting as such are fair, legal and transparent and have an agreed timeframe.</p> <p>5.1.6 (C) Agreed payments are made in a timely manner and receipts specifying price, weight, deductions and amount paid are given.</p>	<p>Inclusive access to benefits</p>

Criteria	Indicators	ToC Outcomes
5.1 The unit of certification deals fairly and transparently with all smallholders (Independent and Scheme) and other local businesses (Continued)	5.1.7 Weighing equipment is verified by an independent third party on a regular basis (this can be government). 5.1.8 The unit of certification supports Independent Smallholders with certification, where applicable, ensuring mutual agreements between the unit of certification and the smallholders on who runs the internal control system (ICS), who holds the certificates, and who holds and sells the certified material. 5.1.9 (C) The unit of certification has a grievance mechanism for smallholders and all grievances raised are dealt with in a timely manner.	Inclusive benefits access to
5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains.	5.2.1 The unit of certification consults with interested smallholders (irrespective of type) including women or other partners in their supply base to assess their needs for support to improve their livelihoods and their interest in RSPO certification 5.2.2 The unit of certification develops and implements livelihood improvement programmes, including at least capacity building to enhance productivity, quality, organisational and managerial competencies, and specific elements of RSPO certification (including the RSPO Standard for Independent Smallholder). PROCEDURAL NOTE: On 2019 the RSPO endorsed a new standard for independent smallholders, for more information consult RSPO website and the RSPO Independent Smallholder Standard.	Inclusive benefits access to

Principle 5

SUPPORT SMALLHOLDER INCLUSION

Criteria	Indicators	ToC Outcomes
<p>5.2 The unit of certification supports improved livelihoods of smallholders and their inclusion in sustainable palm oil value chains. (Continued)</p> 	<p>5.2.3 Where applicable, the unit of certification provides support to smallholders to promote legality of FFB production.</p> <p>5.2.4 (C) Evidence exists that the unit of certification trains Scheme Smallholders on pesticide handling.</p> <p>5.2.5 The unit of certification regularly reviews and publicly reports on the progress of the smallholder support programme.</p>	<p>Inclusive access to benefits</p>

RESPECT WORKERS' RIGHTS AND CONDITIONS

Protect workers' rights and ensure safe and decent working conditions.

Criteria	Indicators	ToC Outcomes
6.1 Any form of discrimination is prohibited. 	6.1.1 (C) A publicly available non-discrimination and equal opportunity policy is implemented in such a way to prevent discrimination based on ethnic origin, caste, national origin, religion, disability, gender, sexual orientation, gender identity, union membership, political affiliation or age. 6.1.2. (C) Evidence is provided that workers and groups including local communities, women, and migrant workers have not been discriminated against. Evidence includes migrant workers' non-payment of recruitment fees. 6.1.3 The unit of certification demonstrates that recruitment selection, hiring, access to training and promotion are based on skills, capabilities, qualities and medical fitness necessary for the jobs available. 6.1.4 Pregnancy testing is not conducted as a discriminatory measure and is only permissible when it is legally mandated. Alternative equivalent employment is offered for pregnant women.	Human rights upheld; Safe and decent work

Principle 6

RESPECT WORKERS' RIGHTS AND CONDITIONS

Criteria		Indicators	ToC Outcomes
6.1	Any form of discrimination is prohibited (Continued)	<p>6.1.5 (C) A gender committee is in place specifically to raise awareness, identify and address issues of concern, as well as opportunities and improvements for women.</p> <p>6.1.6 There is evidence of equal pay for work of equal value.</p>	<p>Human rights upheld; Safe and decent work</p>
6.2	Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW)	<p>6.2.1 (C) Applicable labour laws, union and/or other collective agreements and documentation of pay and conditions are available to the workers in national languages and explained to them in a language they understand.</p> <p>6.2.2 (C) Employment contracts and related documents detailing payments and conditions of employment (e.g. regular working hours, deductions, overtime, sick leave, holiday entitlement, maternity leave, reasons for dismissal, period of notice, etc. in compliance with national legal requirements) and payroll documents give accurate information on compensation for all work performed, including work done by family members.</p> <p>6.2.3 (C). There is evidence of legal compliance for regular working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for dismissal, period of notice and other legal labour requirements.</p>	

Criteria	Indicators	ToC Outcomes
<p>6.2 Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW) (Continued)</p> 	<p>6.2.4 (C) The unit of certification provides adequate housing, sanitation facilities, water supplies, medical, educational and welfare amenities to national standards or above, where no such public facilities are available or accessible. National laws, or in their absence the ILO Guidance on Workers’ Housing Recommendation No. 115, are used. In the case of acquisitions of non-certified units, a plan is developed detailing the upgrade of infrastructure. A reasonable time (5 years) is allowed to upgrade the infrastructure.</p> <p>6.2.5 The unit of certification makes efforts to improve workers’ access to adequate, sufficient and affordable food.</p> <p>6.2.6 A DLW is paid to all workers, including those on piece rate/quotas, for whom the calculation is based on achievable quotas during regular work hours.</p> <p>PROCEDURAL NOTE: The RSPO Labour Task Force will prepare guidance on the DLW implementation, including details on how to calculate a DLW, expected for 2019. The RSPO Secretariat will endeavour to carry out DLW country benchmarks for palm oil producing countries in which RSPO members operate and for which no Global Living Wage Coalition (GLWC) benchmarks exist.</p> <p>Once the benchmarks are available, this procedural note is no longer applicable. UoC shall have an implementation plan towards the payment of a DLW with specific targets, and a phased implementation process including:</p>	

Criteria	Indicators	ToC Outcomes
<p>6 . 2</p> <p>Pay and conditions for staff and workers and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages (DLW) (Continued)</p> <p></p>	<ul style="list-style-type: none"> • Updated assessment on prevailing wages and in-kind benefits • There is an annual progress on the implementation of living wages • Where a minimum wage, based on equivalent of baskets of goods, is stipulated in Collective Bargaining Agreements (CBAs), this should be used as the foundation for the gradual implementation of the living wage payment. • The UoC may choose to implement the living wage payment in specific section as a pilot project; the pilot will then be evaluated and adapted before eventual scale up of the living wage implementation <p>6.2.7 Permanent, full-time employment is used for all core work performed by the unit of certification. Casual, temporary and day labour is limited to jobs that are temporary or seasonal.</p>	

Principle 6

RESPECT WORKERS' RIGHTS AND CONDITIONS

Criteria	Indicators	ToC Outcomes
<p>6.3 The unit of certification respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.</p>	<p>6.3.1 (C) A published statement recognising freedom of association and right to collective bargaining in national languages is available and is explained to all workers in languages that they understand, and is demonstrably implemented.</p> <p>6.3.2 Minutes of meetings between the unit of certification with trade unions or workers representatives, who are freely elected, are documented in national languages and made available upon request.</p> <p>6.3.3 Management does not interfere with the formation or operation of registered unions/ labour organisations or associations, or other freely elected representatives for all workers including migrant and contract workers.</p>	<p>Human rights upheld; Safe and decent work</p>
<p>6.4 Children are not employed or exploited.</p>	<p>6.4.1 A formal policy for the protection of children, including prohibition of child labour and remediation is in place, and included into service contracts and supplier agreements.</p> <p>6.4.2 (C) There is evidence that minimum age requirements are met. Personnel files show that all workers are above the national minimum age or above company policy minimum age, whichever is higher. There is a documented age screening verification procedure.</p>	<p>Human rights upheld; Safe and decent work</p>

Criteria	Indicators	ToC Outcomes
6.4 Children are not employed or exploited. (Continued)	<p>6.4.3 (C) Young persons may be employed only for non-hazardous work, with protective restrictions in place for that work.</p> <p>6.4.4 The unit of certification demonstrates communication about its ‘no child labour’ policy and the negative effects of child labour, and promotes child protection to supervisors and other key staff, smallholders, FFB suppliers and communities where workers live.</p>	Human rights upheld; Safe and decent work
6.5 There is no harassment or abuse in the workplace, and reproductive rights are protected.	<p>6.5.1 (C) A policy to prevent sexual and all other forms of harassment and violence is implemented and communicated to all levels of the workforce.</p> <p>6.5.2 (C) A policy to protect the reproductive rights of all, especially of women, is implemented and communicated to all levels of the workforce.</p> <p>6.5.3 Management has assessed the needs of new mothers, in consultation with the new mothers, and actions are taken to address the needs that have been identified.</p> <p>6.5.4 A grievance mechanism, which respects anonymity and protects complainants where requested, is established, implemented and communicated to all levels of the workforce.</p>	Human rights upheld; Safe and decent work

Principle 6

RESPECT WORKERS' RIGHTS AND CONDITIONS

Criteria	Indicators	ToC Outcomes
6.6	<p>No forms of forced or trafficked labour are used</p> <p>6.6.1 (C) All work is voluntary and the following are prohibited:</p> <ul style="list-style-type: none"> • Retention of identify documents or passports • Payment of recruitments fees • Contract substitution • Involuntary overtime • Lack of freedom of workers to resign • Penalty for termination of employment • Debt bondage • Withholding of wages <p>6.6.2 (C) Where temporary or migrant workers are employed, a specific labour policy and procedures are established and implemented.</p>	<p>Human rights upheld; Safe and decent work</p>
6.7	<p>The unit of certification ensures that the working environment under its control is safe and without undue risk to health.</p> <p>6.7.1 (C) There are records of regular meetings between the responsible person(s) and workers. Concerns of all parties about health, safety and welfare are discussed at these meetings, and any issues raised are recorded.</p> <p>6.7.2 Accident and emergency procedures are in place and instructions are clearly understood by all workers. Accident procedures are available in the appropriate language of the workforce. Assigned operatives trained in first aid are present in both field and other operations, and first aid equipment is available at worksites. Records of all accidents are kept and periodically reviewed.</p>	<p>Safe and decent work</p>

Criteria	Indicators	ToC Outcomes
<p>6.7 The unit of certification ensures that the working environment under its control is safe and without undue risk to health. (Continued)</p>	<p>6.7.3 (C) Workers use appropriate personal protective equipment (PPE), which is provided free of charge to all workers at the place of work to cover all potentially hazardous operations, such as pesticide application, machine operations, land preparation, and harvesting. Sanitation facilities for those applying pesticides are available, so that workers can change out of PPE, wash and put on their personal clothing.</p> <p>6.7.4 All workers are provided with medical care and covered by accident insurance. Costs incurred from work-related accidents leading to injury or sickness are covered in accordance with national law or by the unit of certification where national law does not offer protection.</p> <p>6.7.5 Occupational injuries are recorded using Minimum Occupational Safety and Health Indicator metrics.</p>	<p>Safe and decent work</p>

PLANET: CONSERVED, PROTECTED AND ENHANCED ECOSYSTEMS THAT PROVIDE FOR THE NEXT GENERATION



Objectives and outcome

Ecosystems and their services are protected, restored and resilient, supported by sustainable consumption and production, and sustainable management of natural resources (in line with SDG 15 – sustainably manage forests, combat desertification, halt and reverse land degradation, halt biodiversity loss).

Climate change is addressed through continuous GHG reductions; air and water pollution are controlled. There is greater resilience in our food and fibre production. The water and air are cleaner, and carbon is drawn out of the air to regenerate soils for current and future generations. Inputs decrease while yields are maintained, or even improved.

Principle 7

Protect, conserve and enhance ecosystems and the environment

Principle 7

PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Protect the environment, conserve biodiversity and ensure sustainable management of natural resources.

Criteria	Indicators	ToC Outcomes
7.1 Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management techniques.	<p>7.1.1 (C) IPM plans are implemented and monitored to ensure effective pest control.</p> <p>7.1.2 Species referenced in the Global Invasive Species Database and CABI.org are not to be used in managed areas, unless plans to prevent and monitor their spread are implemented.</p> <p>7.1.3 There is no use of fire for pests control unless in exceptional circumstances, i.e. where no other effective methods exist, and with prior approval from the competent environmental authority and as per the management plan registered with the ICA.</p>	Pollution reduced; Resource use minimised; Productivity optimised
7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment	<p>7.2.1 (C) Justification of all pesticides used is demonstrated. Selective products and application methods that are specific to the target pest, weed or disease are prioritized.</p> <p>7.2.2 (C) Records of pesticides use (including active ingredients used and their LD50, area treated, amount of active ingredients applied per ha and number of applications) are provided.</p> <p>7.2.3 (C) Any use of pesticides is minimised as part of a plan, eliminated where possible, in accordance with IPM plans.</p>	Reduced pollution; Resource use minimised

Principle 7

PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Criteria	Indicators	ToC Outcomes
<p>7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment. (Continued)</p> 	<p>7.2.4 There is no prophylactic use of pesticides, unless in exceptional circumstances for the treatment of pests declared as officially controlled in oil palm plantations in Colombia.</p> <p>7.2.5 Pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, are not used, unless in exceptional circumstances, as validated by a due diligence process, or when authorised by government authorities for pest outbreaks</p> <p>The due diligence refers to:</p> <ul style="list-style-type: none">a) Judgment of the threat and verify why this is a major threat.b) Why there is no other alternative which can be usedc) Which process was applied to verify why there is no other less hazardous alternatived) What is the process to limit the negative impacts of the applicatione) Estimation of the timescale of the application and steps taken to limit application to the specific outbreak	<p>Reduced pollution; Resource use minimised</p>

Criteria	Indicators	ToC Outcomes
<p>7.2 Pesticides are used in ways that do not endanger health of workers, families, communities or the environment. (Continued)</p> 	<p>7.2.6 (C) Pesticides are only handled, used or applied by persons who have completed the necessary training and are always applied in accordance with the product label. All precautions attached to the products are properly observed, applied, and understood by workers (see Criterion 3.6). Personnel applying pesticides must show evidence of regular updates on the knowledge about the activity they carry.</p> <p>7.2.7 (C) Storage of all pesticides is in accordance with recognised best practices and the current regulations.</p> <p>7.2.8 All pesticide containers are managed responsibly according to current regulations and are not used for other purposes.</p> <p>7.2.9 (C) Aerial spraying of pesticides is prohibited, unless in exceptional circumstances where no other viable alternatives are available or when biological controllers are used, as per the management plan registered with the ICA.. All relevant information is provided to affected local communities at least 48 hours prior to application of aerial spraying.</p> <p>7.2.10 (C) Specific annual medical surveillance for pesticide operators, and documented action to treat related health conditions, is demonstrated</p> <p>7.2.11 (C) No work with pesticides is undertaken by persons under the age of 18, pregnant or breastfeeding women or other people that have medical restrictions and they are offered alternative equivalent work.</p>	<p>Reduced pollution; Resource use minimised</p>

Principle 7

PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Criteria	Indicators	ToC Outcomes
7.3 Waste is reduced, recycled, reused and disposed of in an environmentally and socially responsible manner.	<p>7.3.1 A waste management plan which includes reduction, recycling, reusing, and disposal based on toxicity and hazardous characteristics, is documented and implemented</p> <p>7.3.2 Proper disposal of waste material, according to procedures that are fully understood by workers and managers, is demonstrated</p> <p>7.3.3 The unit of certification does not use open fire for waste disposal</p>	Reduced pollution; Resource use minimised
7.4 Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.	<p>7.4.1 Good agricultural practices, as contained in SOPs, including cover management, are followed to manage soil fertility to optimise yield and minimise environmental impacts.</p> <p>7.4.2 Periodic tissue and soil sampling is carried out to monitor and manage changes in soil fertility and plant health.</p> <p>7.4.3 A nutrient recycling strategy is in place, which includes the recycling of Empty Fruit Bunches (EFB), Palm Oil Mill Effluent (POME), palm residues and optimal use of inorganic fertilisers</p> <p>7.4.4 Records of fertiliser inputs are maintained</p>	Reduced pollution; Resource use minimized; Productivity optimised

Criteria			Indicators	ToC Outcomes
7.5	Practices minimise and control erosion and degradation of soils.	and	<p>7.5.1 (C) Maps identifying marginal and fragile soils, including steep terrain, are available</p> <p>7.5.2 There is no extensive replanting of oil palm on steep terrain</p> <p>7.5.3 There is no new planting of oil palm on steep terrain</p>	<p>Ecosystems protected;</p> <p>Reduced pollution;</p> <p>Productivity optimised</p>
7.6	Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.		<p>7.6.1 (C) To demonstrate the long-term suitability of land for oil palm cultivation, soil maps or soil surveys identifying marginal and fragile soils, including steep terrain, are taken into account in plans and operations</p> <p>7.6.2 Extensive planting on marginal and fragile soils, is avoided, or, if necessary, done in accordance with the soil management plan for best practices.</p> <p>7.6.3 Soil surveys and topographic information guide the planning of drainage and irrigation systems, roads and other infrastructure.</p>	<p>Ecosystems protected;</p> <p>Resource use minimised;</p> <p>Reduced pollution</p>
7.7	No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly		<p>7.7.1 (C) There is no new planting on peat regardless of depth after 15 November 2018 in existing and new development areas.</p> <p>7.7.2 Areas of peat within the managed areas are inventoried, documented and reported (effective from 15 November 2018) to RSPO Secretariat.</p> <p>PROCEDURAL NOTE: Maps and other documentation of peat soils are provided, prepared and shared in line with RSPO Peatland Working Group (PLWG) audit guidance (see Procedural Note for 7.7.5 below)</p>	<p>Ecosystems protected;</p> <p>Reduced pollution;</p> <p>Productivity optimised</p>

Principle 7

PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Criteria	Indicators	ToC Outcomes
<p>7.7 No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly (Continued)</p>	<p>7.7.3 (C) Subsidence of peat is monitored, documented and minimised</p> <p>7.7.4 (C) A documented water and ground cover management programme is in place</p> <p>7.7.5 (C) For plantations planted on peat, drainability assessments are conducted following the RSPO Drainability Assessment Procedure, or other RSPO recognised methods, at least five years prior to replanting. The assessment result is used to set the timeframe for future replanting, as well as for phasing out of oil palm cultivation at least 40 years, or two cycles, whichever is greater, before reaching the natural gravity drainability limit for peat. When oil palm is phased out, it is replaced with crops suitable for a higher water table (paludiculture) or rehabilitated with natural vegetation</p> <p>PROCEDURAL NOTE: Full details of the RSPO Drainability Assessment Guidelines and related concepts and detailed actions are in the manual currently being fine-tuned/tested by PLWG. A final version should be approved by PLWG in January 2019 and will include additional guidance on the steps to be followed after the decision not to replant as well as implications for other stakeholders, smallholders, local communities and the unit of certification.</p>	<p>Ecosystems protected; Reduced pollution; Productivity optimised</p>

Criteria	Indicators	ToC Outcomes
<p>7.7 No new planting on peat, regardless of depth after 15 November 2018 and all peatlands are managed responsibly (Continued)</p>	<p>It is recommended that a further twelve-month methodology trial period is proposed for all related management units (i.e., those with plantations on peat) to utilise the methodology and provide feedback to the PLWG to enable further refinement of procedure as appropriate before January 2020. Units of certification have the option to defer replanting till after the availability of the revised guidelines. Additional guidance on alternative crops and rehabilitation of natural vegetation will be provided by PLWG.</p> <p>(C) All existing plantings on peat are managed according to the <i>'RSPO Manual on Best Management Practices (BMPs) for existing oil palm cultivation on peat'</i>, version 2 (2018) and associated audit guidance</p> <p>7.7.6 (C) All areas of unplanted and set-aside peatlands in the managed area (regardless of depth) are protected as "peatland conservation areas"; new drainage, road building and power lines by the unit of certification on peat soils is prohibited; peatlands are managed in accordance with the <i>'RSPO BMPs for Management and Rehabilitation of Natural Vegetation Associated with Oil Palm Cultivation on Peat'</i>, version 2 (2018) and associated audit guidance.</p> <p>7.7.7</p>	<p>Ecosystems protected; Reduced pollution; Productivity optimised</p>

Principle 7

PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Criteria	Indicators	ToC Outcomes
<p>7.8 Practices maintain the quality and availability of surface and groundwater.</p>	<p>7.8.1 A water management plan is in place and implemented to promote more efficient use and continued availability of water sources and to avoid negative impacts on other users in the catchment. The plan addresses the following:</p> <ul style="list-style-type: none"> a) The unit of certification does not restrict access to clean water or contribute to pollution of water used by communities b) Workers have adequate access to clean water. <p>7.8.2 (C) Water courses and wetlands are protected, including maintaining and restoring appropriate riparian and other buffer zones in line with current regulations and '<i>RSPO Manual on BMPs for the management and rehabilitation of riparian reserves</i>' (April 2017)</p> <p>7.8.3 Mill effluent is treated to be in compliance with national regulations. Discharge quality of mill effluent, especially Biochemical Oxygen Demand (BOD), is regularly monitored</p> <p>7.8.4 Mill water use per tonne of FFB is monitored and recorded</p>	<p>Ecosystems protected; Reduced pollution; Resource use minimised</p>
<p>7.9 Efficiency of fossil fuel use and the use of renewable energy is optimised</p>	<p>7.9.1 A plan for improving efficiency of the use of fossil fuels and to optimize renewable energy is in place, monitored and documented.</p>	<p>Ecosystems protected; Reduced pollution; Resource use minimised</p>

Criteria	Indicators	ToC Outcomes	
7.10	Plans to reduce pollution and emissions, including greenhouse gases (GHG), are developed, implemented and monitored and new developments are designed to minimise GHG emissions.	Reduced pollution	
7.10.1	(C) GHG emissions are identified and assessed for the unit of certification. Plans to reduce or minimise them are implemented, monitored through the Palm GHG calculator and publicly reported.		
7.10.2	(C) Starting 2014, the carbon stock of the proposed development area and major potential sources of emissions that may result directly from the development are estimated and a plan to minimise them prepared and implemented (following the RSPO GHG Assessment Procedure for New Development).		
	7.10.3	(C) Other significant pollutants are identified and plans to reduce or minimise them implemented and monitored	
7.11	Fire is not used for preparing land and is prevented in the managed area.	Ecosystems protected; Reduced pollution	
7.11.1	(C) Land for new planting or replanting is not prepared by burning		
7.11.2	The unit of certification establishes fire prevention and control measures for the areas directly managed by the unit of certification.		
	7.11.3	The unit of certification engages with adjacent stakeholders on fire prevention and control measures.	

PROCEDURAL NOTE for 7.12

The 2018 RSPO P&C include new requirements to ensure the effective contribution of RSPO to halting deforestation. This will be achieved by incorporating the High Carbon Stock Approach (HCSA) Toolkit in the revised standard

The RSPO ToC also commits RSPO to balancing sustainable livelihoods and poverty reduction with the need to conserve, protect and enhance ecosystems.

High Forest Cover Countries (HFCCs) urgently require economic opportunities that enable communities to choose their own development path, while providing socio-economic benefits and safeguards.

Principle 7

PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

PROCEDURE NOTE for 7.12 (Continued)

Adapted procedures will be developed to support the sustainable development of palm oil by indigenous peoples and local communities with legal or customary rights. These will apply in specific HFCCs, and within those, in High Forest Cover Landscapes (HFCLs).

The development of these procedures will be guided by a No Deforestation Joint Steering Group (NDJSG) of RSPO and HCSA members. In HFCCs, RSPO will work through national and local participatory processes with governments, communities and other stakeholders to develop these procedures. A timeframe for these activities is stipulated in the Terms of Reference for the NDJSG and publicly available

Criteria	Indicators	ToC Outcomes
7.12 Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced	7.12.1 (C) Land clearing since November 2005 has not damaged primary forest or any area required to protect or enhance HCVs. Land clearing since 15 November 2018 has not damaged HCVs or HCS forests. A historic Land Use Change Analysis (LUCA) is conducted prior to any new land clearing, in accordance with the RSPO LUCA guidance document	Ecosystems protected

Criteria	Indicators	ToC Outcomes
<p>7.12 Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced. (Continued)</p> 	<p>7.12.2 (C) HCVs, HCS forests and other conservation areas are identified as follows:</p> <ul style="list-style-type: none"> a) For existing plantations with an HCV assessment conducted by an RSPO-approved assessor and no new land clearing after 15 November 2018, the current HCV assessment of those plantations remains valid. b) Any new land clearing (in existing plantations or new plantings) after 15 November 2018 is preceded by an HCV-HCS assessment, using the HCSA Toolkit and the HCV-HCSA Assessment Manual. This will include stakeholder consultation and take into account wider landscape-level considerations. <p>PROCEDURAL NOTE for 7.12.2: For details of transitional measures, refer to Annex 5: RSPO transition from HCV assessments to HCV-HCSA assessments.</p> <p>7.12.3 (C) In High Forest Cover Landscapes (HFCLs) within HFCCs, a specific procedure will apply for legacy cases and development by indigenous peoples and local communities with legal or customary rights, taking into consideration regional and national multi-stakeholder processes. Until this procedure is developed and endorsed, 7.12.2 applies.</p>	<p>Ecosystems protected</p>

PROTECT, CONSERVE AND ENHANCE ECOSYSTEMS AND THE ENVIRONMENT

Criteria	Indicators	ToC Outcomes
<p>7.12 Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced. (Continued)</p> <p></p>	<p>PROCEDURE NOTE para 7.12.3: There should be demonstrable benefits to the local community; clear recognition of legal and customary lands based on participatory land use planning; development should be proportional to the needs of the local community; with a balance between conservation and development. This procedure will also cover planting on previous or abandoned agricultural land / plantations. All other P&C requirements apply, including FPIC and HCV requirements.</p> <p>7.12.4 (C) Where HCVs, HCS forests after 15 November 2018, peatland and other conservation areas have been identified, they are protected and/ or enhanced. An integrated management plan to protect and/or enhance HCVs, HCS forests, peatland and other conservation areas is developed, implemented and adapted where necessary, and contains monitoring requirements. The integrated management plan is reviewed at least once every five years. The integrated management plan is developed in consultation with relevant stakeholders and includes the directly managed area and any relevant wider landscape level considerations (where these are identified).</p> <p>7.12.5 Where rights of local communities have been identified in HCV areas, HCS forest after 15 November 2018, peatland and other conservation areas, there is no reduction of these rights without evidence of a negotiated agreement, obtained through FPIC, encouraging their involvement in the maintenance and management of these conservation areas.</p>	<p>Ecosystems protected</p>

Criteria	Indicators	ToC Outcomes
<p>7.12 Land clearing does not cause deforestation or damage any area required to protect or enhance High Conservation Values (HCVs) or High Carbon Stock (HCS) forest. HCVs and HCS forests in the managed area are identified and protected or enhanced. (Continued)</p>	<p>7.12.6 All rare, threatened or endangered (RTE) species are protected, whether or not they are identified in an HCV assessment. A programme to regularly educate the workforce about the status of RTE species is in place. Appropriate disciplinary measures are taken and documented in accordance with company rules and national law if any individual working for the company is found to capture, harm, collect, trade, possess or kill these species.</p> <p>7.12.7 The status of HCVs, HCS forests after 15 November 2018, other natural ecosystems, peatland conservation areas and RTE species is monitored. Outcomes of this monitoring are fed back into the management plan.</p> <p>7.12.8 (C) Where there has been land clearing without prior HCV assessment since November 2005, or without prior HCV-HCSA assessment since 15 November 2018, the Remediation and Compensation Procedure (RaCP) applies</p>	<p>Ecosystems protected</p>

ANNEX 1: DEFINITIONS

Term	Definition	Source
Workplace Harassment	Workplace harassment is understood as every persistent and demonstrable behavior exercised over an employee or worker by an employer, boss or immediate or equal hierarchical supervisor, a colleague or subordinate, aimed at inspiring fear, intimidation, terror or anguish, causing work damages, create motivational distress in the workplace or influence their resignation.	Law 1010/2006, Article 2.
Sexual Harassment	The physical or verbal harassment, persecution, or abuse of a person with non-consensual sexual purposes by another person, for its own benefit or that of a third party, by using his or her explicit superiority or authority relationships, or his or her power, age, sex, or work positions, or the social, family or economic position.	Law 1257/2008, Article 29.
Accreditation	The “certification” by the certification body is referred to as “accreditation.” An accreditation body is a third-party body in charge of conducting the accreditation of a certification body.	Food and Agriculture Organization of the United Nations - FAO (http://www.fao.org/docrep/004/ad094s/ad094s03.htm)
Voluntary isolation	Indigenous peoples in voluntary isolation are indigenous peoples or segments of indigenous peoples who do not maintain sustained contacts with the majority non-indigenous population, and who generally reject any type of contact with persons not part of their own people. They may also be peoples or segments of peoples previously contacted and who, after intermittent contact with the nonindigenous societies, have returned to a situation of isolation and break the relations of contact that they may have had with those societies. In line with the principle of FPIC, RSPO prohibits oil palm expansion in these peoples’ territories.	Inter-American Commission on Human Rights, Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas , 2013

DEFINITIONS

Term	Definition	Source
Strategic Alliances Productive	Sets of relationships and formal arrangements between producers of agricultural goods associated with marketers, agribusinesses and support agencies, public or private, whose purpose is to expand business areas of late-crop cultivation and technologically update the units of producers that operate small farms.	Balcázar, Cano, Castillo, Giraldo [2005]. Study on the characterization of strategic alliances in oil palm in Colombia. ICA
High Conservation Value (HCV) areas:	<p>The areas necessary to maintain or enhance one or more High Conservation Values (HCVs):</p> <p>HCV 1 – Species diversity; Concentrations of biological diversity including endemic species, and rare, threatened or endangered (RTE) species, that are significant at global, regional or national levels.</p> <p>HCV 2 – Landscape-level ecosystems, ecosystem mosaics and Intact Forest Landscapes (IFL); Large landscape-level ecosystems, ecosystem mosaics and IFL that are significant at global, regional or national levels, and that contain viable populations of the great majority of the naturally occurring species in natural patterns of distribution and abundance.</p> <p>HCV 3 – Ecosystems and habitats; RTE ecosystems, habitats or refugia.</p>	High Conservation Value Resource Network (HCVRN) Common Guidance for Identification of HCVs 2017

Term	Definition	Source
High Conservation Value (HCV) areas: (Continued)	<p>HCV 4 – Ecosystem services; Basic ecosystem services in critical situations, including protection of water catchments and control of erosion of vulnerable soils and slopes.</p> <p>HCV 5 – Community needs; Sites and resources fundamental for satisfying the basic necessities of local communities or indigenous peoples (for livelihoods, health, nutrition, water, etc.), identified through engagement with these communities or indigenous peoples</p> <p>HCV 6 – Cultural values; Sites, resources, habitats and landscapes of global or national cultural, archaeological or historical significance, and/or of critical cultural, ecological, economic or religious/sacred importance for the traditional cultures of local communities or indigenous peoples, identified through engagement with these local communities or indigenous peoples.</p>	High Conservation Value Resource Network (HCVRN) Common Guidance for Identification of HCVs 2017
Managed area	The land containing oil palm and associated land uses such as infrastructure (e.g. roads), riparian zones and conservation set-asides	P&C Review 2018
Protected Area	A geographically defined area that has been appointed or regulated and managed to achieve specific conservation objectives.	Decree 2372/2010, article 2.
Transportation allowance	The employers in the Municipalities where the allowance is required in the opinion of the Government due to the transportation conditions, the employer shall pay every employee whose remuneration does not exceed one thousand and five hundred pesos (\$1,500.00) per month, a transportation allowance to travel from their residences to the workplace. Regarding this allowance, the Government may establish the total or partial exemptions it considers appropriate, as well as grading their payment under a scale for salaries, number of employees, or equity of the respective workshop, business or company.	Law 1559/1959, Article 2.

DEFINITIONS

Term	Definition	Source
High Carbon Stock forest	Forests that have been identified using the High Carbon Stock Approach (HCSA) Toolkit	HCSA website www.highcarbonstock.org
Capacity to Work	Every person who is at least eighteen (18) years of age shall have the capacity to enter into an individual employment contract.	Substantive Labor Code, article 29.
Train	Action and effect that strengthens competencies to develop some specific activities or functions. In training, what is sought is that the trainee improves his productivity and / or quality of life	"Technical, Environmental and Social Assistance and Audit Units (UAATAS) in palm cores ". Fedepalma y Cenipalma. 2010
Protected Areas Categories	<p>The categories for protected areas comprising the National Protected Areas System (SINAP, for its acronym in Spanish), are:</p> <p>Public protected areas:</p> <ul style="list-style-type: none"> a) Those included in the National Natural Parks System b) Protection Forests Reserves c) Regional Natural Parks d) Integrated Management Districts e) Soil Conservation Districts f) Recreation Areas <p>Private Protected Areas</p> <ul style="list-style-type: none"> g) Civil Society Natural Reserves 	Decree 2372/2010, article 10.

Term	Definition	Source
Indigenous Community	A group of individuals or families with indigenous ancestry, who are the holders of fundamental rights; (ii) these rights are not equal to the individual rights of each of its members, nor to their sum; and (iii) the rights of the indigenous communities are not assimilable to the collective rights of other human groups.	Judgment T-601 of 2011.
Afro Communities	The group of families with Afro-Colombian ancestry, who have their own culture, share a history and have their own traditions and customs as part of the rural-urban relationships, which show and maintain an awareness of the identity that differentiates them from other ethnic groups.	Law 70/1993
Free, Prior and Informed Consent	The principle under which a community has the right to give or withhold its consent to a proposed project that may affect the lands they own and occupy in a customary way.	FAO (2014): Respecting free prior and informed consent: practical guidelines for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition. Governance of tenure technical guide No. 3.

DEFINITIONS

Term	Definition	Source
Prior Consultation	Means the fundamental rights of indigenous peoples and other ethnic groups whenever (administrative or legislative) measures are taken or whenever projects, works or activities will be conducted within their territories, aimed at protecting their cultural, social and economic integrity, and ensuring their right to participation.	ILO Convention 169
Significant pollutant	Chemical or biological substances which have a substantial adverse impact on water, air or land quality including POME, sewage, and other wastewater, sediment, fertiliser, pesticides, fuels and oil, air pollutants, as guided by national regulations and international standards.	P&C Review 2018
Contractor	The individual or legal persons who hire the performance of one or several works, or the provision of services to the benefit of third parties for an agreed price and assuming all the risks to perform them with their own means and with technical and managerial freedom and autonomy shall be considered as independent contractors and, therefore, actual employers and not representatives or intermediaries. However, the benefit of the work or the works owner, except in the case of unusual works considering the regular activities of its company or business, shall be jointly liable with the contractor for the value of the salaries, benefits and indemnifications to which the employees are entitled. This liability shall not be enough for the beneficiary to agree the relevant guarantees with the contractor, or to repeat the payments to said employees against the former.	Substantive Labor Code, article 34.
Term	Definition	Source
Contract	An employment contract is that whereby a natural person agrees to provide personal services to another natural or legal person under continuous dependency or subordination to the latter and through remuneration.	Substantive Labor Code, article 22.

**Biological Control**

Pest control strategy that includes the use of natural enemies, antagonists, competitors, or other biological control agents.

ICA,
<https://www.ica.gov.co/getattachment/5491c441-fc40-4a4c-800e-e5efb6177b86/2017R17848.aspx>

Collective Agreement**Labor**

A collective labor agreement is the agreement subscribed between one or several employers or employer associations, on the one hand, and one or several employee unions or union federations, on the other, to set the conditions that will govern the employment agreement during its term.

Substantive Labor Code, article 467.

Outgrowers

Farmers, where the sale of FFB is exclusively contracted to the unit of certification. Outgrowers may be smallholders.

P&C 2013

Recruitment fees

Recruitment fees pertain to costs and expenses associated with the recruitment and hiring of the worker, i.e., recruiter and agent service fees, documents processing, employer-required skills and medical testing, training, documentation, visa, work permits, transportation (from sending country to point of entry, and return), administrative and overhead costs.

Dhaka Principles and ILO 181

Annex 1**DEFINITIONS**

Term	Definition	Source
In good faith	The principle of good faith implies that the parties make every effort to reach an agreement, conduct genuine and constructive negotiations, avoid unjustified delays in negotiations, respect agreements concluded and applied in good faith, and give sufficient time to discuss and settle collective disputes. In the case of multinational enterprises, such companies should not threaten to transfer the whole or part of an operating unit from the country concerned in order to unfairly influence negotiations.	ILO Q&As on business and collective bargaining
Due diligence	A risk management process implemented by a company to identify, prevent, mitigate, and account for how it addresses environmental and social risks and impacts in its operations, supply chains, and investments.	Draft AFI (July 2018) Always refer to latest AFI definition
Human Rights Defenders (HRD)	Individuals, groups and associations who promote and protect universally recognised human rights and contribute to the effective elimination of all forms of violations of human rights and fundamental freedoms of individuals and peoples. This definition includes Environmental HRD, whistleblowers, complainants and community spokespersons. This definition does not include those individuals who commit or propagate violence.	RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by BoG on 24 Sept 2018)

Term	Definition	Source
Deforestation	Loss of natural forest as a result of: <ul style="list-style-type: none"> i. Conversion to agriculture or other non-forest land use; ii. Conversion to a plantation forest; or iii. Severe and sustained degradation. 	Draft Accountability Framework (AFI) (July 2018). Refer to latest AFI definition

**Whistleblower**

Individuals who are employees or former employees who report on illegal, irregular, dangerous or unethical practices or actions by employers which contravene RSPO Code of Conduct and related key documents and who may potentially be at risk of reprisal. This includes individuals who are outside the traditional employee- employer relationship, such as contract workers, temporary workers, consultants, contractors, trainees/interns, volunteers, student workers and former employees

RSPO policy on the protection of HRD, Whistleblowers, Complainants and Community Spokesmen (endorsed by BoG on 24 September, 2018)

Right to a Decent Life

Colombia, as a social State based on the rule of law, is based on the respect to the human dignity. Dignity means that every person is entitled to a special treatment for the fact of being such. It is equal to the power of every person to demand a treatment from others in accordance to his or her human condition.

Judgment SU-062/99,
Constitutional Court

Annex 1**DEFINITIONS**

Term	Definition	Source
Rights	<p>Rights are legal, social, or ethical principles of freedom or entitlement, in accordance with the International Bill of Rights, and other relevant international human rights instruments including the UN Declaration on the Rights of Indigenous Peoples, UN Guiding Principles on Business and Human Rights, The Global Compact for Safe, Orderly and Regular Migration.</p> <ol style="list-style-type: none"> 1. Customary rights: Patterns of long-standing community land and resource usage in accordance with indigenous peoples' customary laws, values, customs and traditions, including seasonal or cyclical use rather than formal legal title to land and resources issued by the State. 2. Legal rights: Rights given to individual(s), entities and others through applicable local, national or ratified international laws and regulations. 3. User rights: Rights for the use of land and resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding Access rights. 4. Demonstrable rights: Indigenous peoples, local communities and users may have informal or customary rights in land that are not registered or recognised by the government or national laws. Demonstrable rights are distinguished from spurious claims by direct engagement with local communities, so they have adequate opportunities to justify their claims, and are best ascertained through participatory mapping with the involvement of neighbouring communities. 	<p>P&C 2013</p> <p>UN Refugees & Migrants, Global Compact for safe, Orderly and Regular Migration, 2018</p> <p>World Bank Operational Policy 4.10</p> <p>From FSC Principles & Criteria</p>



Término	Definition	Fuente
Sustainable Development	Sustainable development is the type of development leading to economic growth, an increased quality of life and social wellbeing without exhausting the base of the renewable natural resources that supports them nor damaging the environment or the right of future generations to use it to meet their own needs.	Rio Declaration on Environment and Development
Land Clearing	Conversion of land from one land use to another. Clearing actively managed oil palm plantation to replant oil palm is not considered land clearing. Within existing certified units, clearing of less than 10 ha is not considered new land clearing.	P&C Review 2018
Workplace Discrimination	Workplace and labor discrimination is equal to treating people differently and in an unfavorable manner due to criteria such as race, sex, skin color, religion, political ideas or social origin, without any consideration to the merits or qualifications required for the relevant position. Workplace discrimination is also a violation to the human rights, which represents a waste of talents with negative effects on productivity and economic growth. The discrimination causes socioeconomic inequalities, which affect the solidarity and social cohesion and hinder the reduction of poverty.	International Organization - ILO Labor
Management documents	Management documents are documented information and evidence to interact with the RSPO P&C. It shall be in the form of manual, working procedures, report and records that subject to be audited and reviewed periodically.	ISO 9001 QMS – https://advisera.com
Eminent domain and expropriation	Eminent domain is the statutory power of governments to expropriate private property for public use or in the national interest, usually with the payment of compensation according to rates defined by law. Expropriation implies divesting persons of their property without requiring their agreement or consent.	P&C Review 2018

DEFINITIONS

Term	Definition	Source
Work equipment	Every employer who usually employs one (1) or more permanent employees shall provide, at no cost and every four (4) months, one (1) pair of shoes and one (1) set of work wear to the employees whose monthly remuneration is up to two (2) months the highest current minimum wage. The employee who, as of the date of provision of the shoe wear and work wear has been working for the employer for more than (3) months shall be entitled to this benefit.	Substantive Labor Code, article 230.
Natural ecosystems	All land with natural, native vegetation, including but not limited to native forests, riparian vegetation, natural wetlands, peatlands, grasslands, savannahs and prairies.	P&C Review 2018
Landscape level	The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g. 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (i.e. planned concession boundaries).	HCV-HCSA Assessment Manual 2017
Rare, threatened or endangered (RTE) species	Species as defined by the High Conservation Value Resource Network (HCVRN)	HCVRN Common Guidance for the Identification of HCVs
Social and Environmental Impact Assessment (SEIA)	An analysis and planning process to be carried out prior to new plantings or operations. This process incorporates relevant environmental and social data, as well as stakeholder consultations, in order to identify potential impacts (both direct and indirect) and to determine whether these impacts can be satisfactorily addressed, in which case the proponent also defines specific actions to minimise and mitigate potential negative impacts.	P&C Review 2018

Term	Definition	Source
Risk Assessment	A systematic process of identifying and evaluating the potential risk that may be involved in a projected activity or undertaking. It enables a weighing up of whether enough precautions are in place or whether more should be done to prevent harm to those at risk, including workers and members of the public.	Adapted from ILO, A 5 step guide for employers, workers and their representatives on conducting workplace risk assessments, 2014
Family Farm	A farm operated and mostly owned by a family, for the growing of oil palm, sometimes along with subsistence production of other crops, and where the family provides the majority of the labour used. Such farms provide the principal source of income, and the planted area of oil palm is below 50 ha in size. Work by children is acceptable on family farms, under adult supervision; when not interfering with education programmes; when children are part of the family and when they are not exposed to hazardous working conditions.	P&C 2013
Workforce	The total number of workers employed by the management unit either directly or indirectly. This includes contract workers and consultants	P&C 2013
Greenhouse gas	<p>Greenhouse gases (GHGs) are those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of thermal infrared radiation emitted by the Earth's surface, the atmosphere itself, and by clouds.</p> <p>GHGs are measured in terms of their global warming potential – the impact a GHG has on the atmosphere expressed in the equivalent amount of carbon dioxide CO₂ (CO₂e). Greenhouse gases regulated by the Kyoto Protocol include: carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O), Hydrofluorocarbons (HFCs), perfluorocarbons (PFC), and sulphur hexafluoride (SF₆).</p>	Intergovernmental Panel on Climate Change (IPCC) Data Distribution Centre

DEFINITIONS

Term	Definition	Source
Vulnerable groups	Any group or sector of society that is at higher risk or being subjected to social exclusion, discriminatory practices, violence, natural or environmental disaster, or economic hardship than other groups, such as indigenous peoples, ethnic minorities, migrants, disabled people, the homeless, isolated elderly people, women and children.	P&C Review 2018
Overtime	Or supplementary work, it that which exceeds the ordinary working day and, in any case, that which exceeds the maximum legal working hours.	Substantive Labor Code, article 159.
Gender equal	This refers to the equal rights, responsibilities and opportunities of women and men, and girls and boys.	UN Women, OSAGI Gender Mainstreaming - Concepts and definitions
Environmental Impact	Any affectation to the biotic, abiotic, and socioeconomic environment, which is adverse or beneficial, total or partial, and which may be attributed to the development of a project, work or activity.	Decree 2041/2014, issued by the Ministry of Environment and Sustainable Development
Social Impact	It is the influence of a company in its environment as a result of their operations. The corporate decisions affect their environment, and especially their stakeholders with whom they relate. Such influence is beneficial in most cases, but it may also be harmful.	Catromán Diz, Jorge Luis. La Responsabilidad Social de la Empresa: impacto social, comportamiento empresarial e información pública. Universidad Santiago de Compostela.

Term	Definition	Source
Undue influence	The exertion by a third party of any kind of control such that a person signs a contract or other agreement which, absent the influence of the third party, he would not have signed.	P&C 2013
Intimidation harassment	and Intimidation and harassment include loss of income due to/resulting in organisational restrictions, threats of dismissal from employment, restrictions on travel, restrictions to the environment in which the HRDs operate, deliberate obstruction to holding of meetings between HRDs, hostility within the community the HRDs lives as claims may be seen to jeopardise the community's honour and culture (this may especially be the case with women HRDs). More serious measures include character assassination of HRDs, discrediting, defamation campaigns, arbitrary use of security forces, surveillance, SLAPP suits (Strategic Lawsuits against Public Participation) due to his or her work and/or in the course of his/her activities, threats of physical violence and death threats. Special attention is needed to avoid gender-specific violence such as rape or threats of sexual violence used to silence women.	P&C Review 2018
Integrated Management (IPM)	Pest The IPM is the careful consideration of all available pest control techniques and the subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimize risks to human health and the environment. The IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms. For several years now, the Colombian palm sector has been facing a serious problem of diseases, especially bud rot, which has affected more than 70.000 hectares of palm plantations. For this reason, emphasis has been placed on the need to adopt integrated management strategies that take into account both pests and diseases - IPM	P&C 2013 FAO 2013 http://www.fao.org/agriculture/crops/thematicsitemap/themes/pests/ipm/en/

Annex 1

DEFINITIONS

Term	Definition	Source
Dispute Resolution Mechanisms	<p>“Individuals may occasionally be attributed with the duty of administering justice as conciliators or arbitrators authorized by the parties to issue rulings under law or under equity, under the terms provided in the law” [1]</p>	[1] Political Constitution of Colombia., Article 116 - Paragraph 4.
	<p>“Alternative sentencing. The law may establish mechanisms different to the judicial proceeding to solve the conflicts arising between associates, and shall establish the cases on which charging fees for these is applicable” [2].</p>	[2] Law 27/1996 “Statutory Law of Justice Administration”, article 8.
	<p>“On the exercise of jurisdictional duties by other authorities and by individuals. Pursuant to the Political Constitution, the following people may exercise jurisdictional duties: 3. Individuals, acting as conciliators or arbitrators authorized by the parties, on matters subject to settlement, pursuant to the procedures provided in the law. In the case of arbitration, the special laws on each matter shall establish the rules of the proceeding, without prejudice to those agreed by the individuals. As provided in the law, the arbitrators may issue their rulings under law or in equity” [3].</p>	[3] Law 270/1996. Statutory Law of Justice Administration, article 13.
Livelihood	<p>A person’s or a group’s way of making a living, from their environment or in the economy, including how they provision their basic needs and assure themselves and following generations secure access to food, clean water, health, education, housing and the materials needed for their life and comfort either through their own direct use of natural resources or through exchange, barter, trade or engagement in the market.</p>	P&C 2013

Term**Definition****Source****Livelihood (Continued)**

A livelihood includes not just access to resources but the knowledge and institutions that make this possible such as time for community participation and integration, personal, local or traditional ecological knowledge, skills, endowments and practices, the assets that are intrinsic to that way of making a living (e.g. farms, fields, pastures, crops, stock, natural resources, tools, machinery and intangible cultural properties) and their position in the legal, political and social fabric of society.

The risk of livelihood failure determines the level of vulnerability of a person or a group to income, food, health and nutritional insecurity. Therefore, livelihoods are secure when they have secure ownership of, or access to, resources and income earning activities, including reserves and assets, to offset risks, ease shocks and meet contingencies.

(Compiled from various definitions of livelihoods from Department for International Development (DfID), Institute of Development Studies (IDS) and FAO and academic texts from: <http://www.fao.org/docrep/X0051T/X0051t05.htm>).

P&C 2013

Migration

In international law, migration is understood as the transfer of workers from one country to another. In the case of Colombia, migration also occurs with the transfer of workers from one region to another; therefore, the applicable regulations are those related to the *Lus Variandi*, i.e. The power of the employer to amend the conditions of mode, place and time of work for the employee, for which it must consider that “its use shall be determined by the reasonable and fair conveniences arising from the needs of the company and which, in any case, as established in the legal doctrine and jurisprudence, shall maintain the honor, dignity, interests, minimum rights, and safety of the employee, all within the limitations set forth by the law, the employment agreement, the collective labor agreement and the workplace regulations.”

(Judgment T-407 of 1992,
Speaker Judge Rodríguez
Rodríguez

DEFINITIONS

Term	Definition	Source
Carbon neutrality	<p>Carbon neutrality refers to achieving net zero GHG emissions by balancing a measured amount of carbon dioxide equivalent (CO₂e) emissions released with an equivalent amount sequestered or offset.</p> <p>(The term “climate neutral” reflects the broader inclusiveness of other greenhouse gases in addition to carbon dioxide in climate change. The terms are used interchangeably.)</p>	P&C Review 2018
Child	The term child applies to all persons under the age of 18	ILO Minimum Age Convention, 1973 (No. 138) Worst Forms of Child Labour Convention, 1999 (No. 182)
ISO standards	Standards developed by the International Organization for Standardization	P&C 2013 ISO: www.iso.org
New planting	Planned or proposed planting on land not previously cultivated with oil palm	NPP 2015
Operations	All activities planned and/or undertaken by the management unit within the boundaries of the palm oil mill and its supply base	P&C 2013
Organization	Group of people and facilities with a set of responsibilities, authorities and relationships.	NTC ISO 9001:2008

Term	Definition	Source
Other conservation areas	Areas (in addition to HCV, HCS forests and peatland conservation areas) that are required to be conserved by the RSPO P&C (such as riparian areas and steep slopes) and other areas allocated by the unit of certification.	P&C Review 2018
Facilitation payment	Bribes paid to facilitate routine government action ^[1] . A common example is where a government official is given money or goods to perform (or speed up the performance of) an existing duty ^[2] .	^[1] UK Bribery Act 2010 Guidance ^[2] UK Serious Fraud Office Bribery Act Guidance
High Forest Cover Country (HFCC)	Countries defined as having >60% forest cover (based on recent, trusted REDD+ and national data); <1% oil palm cover; a deforestation trajectory that is historically low but increasing or constant; and a known frontier area for oil palm or where major areas have been allocated for development.	RSPO No deforestation consultancy: HFCC Proforest 2018
Landscape	A geographical mosaic composed of interacting ecosystems resulting from the influence of geological, topographical, soil, climatic, biotic and human interactions in a given area.	IUCN https://www.iucn.org/downloads/en_iucn_glossary_definitions.pdf
High Forest Cover Landscape (HFCL)	Landscapes having >80% forest cover. Landscape as defined under HCSA Toolkit (Module 5): “The size of a landscape may be determined by (a) identifying the watershed or the geographical land unit containing a cluster of interacting ecosystems; (b) selecting a unit size that encompasses the plantation concession and a buffer of the surrounding area (e.g., 50,000 ha or 100,000 ha); or (c) using a radius of 5 km from the area of interest (for instance, the planned concession).”	HCSA Toolkit (v2)

DEFINITIONS

Term	Definition	Source
Stakeholders	An individual or group with a legitimate and/or demonstrable interest in, or who is directly affected by, the activities of an organisation and the consequences of those activities.	P&C 2013
Smallholder	Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides the majority of labour and the farm provides the principal source of income and where the planted area of oil palm is usually below 50 ha in size	P&C 2013
Independent Smallholder	All smallholder farmers that are not considered to be Scheme Smallholders [see definition for Scheme Smallholders] are considered Independent Smallholder farmers	Smallholder Interi Group (SHIG)
Scheme Smallholder	Farmers, landowners or their delegates that do not have the: <ul style="list-style-type: none">• Enforceable decision-making power on the operation of the land and production practices; and/or• Freedom to choose how they utilise their lands, type of crops to plant, and how they manage them (whether and how they organise, manage and finance the land). (See also smallholder and Independent Smallholder).	Smallholder Interi Group (SHIG)
Pesticide	Substances or a mixture of substances intended for preventing, destroying, repelling or mitigating any pest. Pesticides are categorised into four main substituent chemicals: herbicides; fungicides; insecticides and bactericides.	P&C 2013

Term	Definition	Source
Plan	A time-bound and detailed scheme, programme, or method for achieving objective(s) and desired outcome(s). Plans shall have clear targets with timelines for delivery, actions to be taken and a process for monitoring progress, adapting plans to changing circumstances and reporting. Plans shall also include the identification of named individuals or positions responsible for the delivery of the plan. There shall be evidence that sufficient resources are available to carry out the plan and the plan is implemented in full.	P&C 2013
Plantation	The land on which oil palm is grown. (See also definition for 'managed area').	P&C Review 2018
Fair Price	The fair price or value is that which a buyer and a seller are willing to negotiate for the corresponding derivative financial instrument or structured product, according to the particular characteristics of the instrument or product and under the prevailing conditions of the market as of the date of negotiation.	Superintendence of Finance of Colombia, Chapter XVIII - Derivative financial instruments and structured products.
Prophylactic	A treatment or course of action applied as a preventive measure.	P&C 2013
Property	Real right over a corporal thing, to enjoy it and to use it, provided it does not violate the law or the rights of others.	Civil Code of Colombia, article 669.

DEFINITIONS

Term	Definition	Source
Indigenous peoples	<p>Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, indigenous peoples from around the world share common problems related to the protection of their rights as distinct peoples.</p> <p>Indigenous peoples have sought recognition of their identities, way of life and their right to traditional lands, territories and natural resources for years, yet throughout history, their rights have always been violated. Indigenous peoples today, are arguably among the most disadvantaged and vulnerable groups of people in the world. The international community now recognises that special measures are required to protect their rights and maintain their distinct cultures and way of life.</p>	UNDESA, Division for Inclusive Social Development, Indigenous Peoples
Nighttime or Sunday Surcharge	<p>Nighttime work is that performed between twenty-two hours (10:00 p.m.) and six hours (6:00 a.m.) and, for the sole fact of being performed at night, is paid with a thirty-five percent surcharge (35%) over the value of the daytime work, except in the case of the thirty-six (36) hours per week schedule.</p> <p>Sunday and holiday work are paid with a seventy-five percent (75%) surcharge over the ordinary salary, in proportion to the time worked.</p>	Substantive Labor Code, articles 160, 168, 179.
Internal Workplace Regulations	The set of rules that determine the conditions to be met by the employer and its employees in the provision of a service.	Article 104 of the Substantive Labor Code.
Term	Definition	Source
Extensive replanting on steep terrain	Any individual, contiguous planted area on steep terrain (>25 degrees) greater than 25 ha within the re-planting area	P&C 2013, Annex 2. Guidance NI

Restore	Returning degraded or converted areas within a plantation to a semi-natural state.	P&C 2013
Riparian Zone	<p>According to the RSPO Riparian Reserve Management and Rehabilitation Guide, the riparian reserve or water round is: Natural vegetation area that is maintained along rivers, streams, wetlands, springs and lakes in landscapes modified by humans, such as oil palm plantations. Riparian reserves are also known as strips or buffer zones.</p> <p>In Colombia Decree 2245 of 2017 defines the water round as follows: It is the strip that runs parallel to the maximum tide line or to the permanent flow of rivers and lakes, up to a width of thirty meters.</p> <p>Likewise, the afferent protection or conservation area shall also be part of the riparian zone. Environmental management guidelines shall be established both for the parallel strip and for the afferent protection or conservation area, pursuant to the provisions of the “Technical Guidelines of Criteria for Dimensioning Riparian Zones in Colombia.”</p>	Decree 1076 /2017, article 2.2.3.2.3A.2.
Salary	It includes not only the ordinary, fixed or variable, remuneration, but all the payment received by the employee, in cash or in kind, as a direct consideration for its services, regardless of the form or denomination adopted, such as premiums, supplementary payments, ordinary bonuses, amount for supplementary work or overtime, payment for working in mandatory rest days, percentages over sales, and commissions.	Substantive Labor Code, article 127.
Decent living wage	The remuneration received by a worker, for work performed on regular hours, in a particular place sufficient to afford a decent standard of living for the worker and her or his family.	Adapted from GLWC

Term	Definition	Source
Food security	Food security is achieved when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. Four dimensions of food security are commonly identified: food availability, food access, utilisation and stability.	FAO World Food Summit, 1996. See FAO Policy Brief Issue 2, June 2006 for further detail
Water security	The capacity of a population to safeguard sustainable access to adequate quantities of acceptable quality water for sustaining livelihoods, human well-being, and socio-economic development; for ensuring protection against water-borne pollution and water-related disasters; and for preserving ecosystems in a climate of peace and political stability.	UN Water, Water Security Infographic.
Debt bondage	The status or condition of debt bondage when their labour, or the labour of a third party under their control, is demanded as repayment of a loan or of money given in advance, and the value of their labour is not applied towards the liquidation of the debt or the length of the service is not limited and/or the nature of the service is not defined	UN GA Human Rights Council: Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. July 2016.

Term	Definition	Source
Labor Union	<p>It is an association of workers, and are classified as follows:</p> <p>Company union, if comprised of individuals of several professions, trades or specialties who provide their services to the same company, establishment or institution.</p> <p>Industry or economic activity unions, if comprised of individuals who provide their services to various companies of the same industry or economic activity.</p> <p>Trade unions, if comprised of individuals with a same profession, trade or specialty.</p> <p>Miscellaneous unions, if comprised of workers from various different or unrelated professions. The latter may only be created on the places where there are no workers involved in the same activity, profession or trade in the minimum number required to create a trade union, and only for as long as said situation continues.</p>	Substantive Labor Code, article 356.
Site	A single functional unit of an organisation or a combination of units situated at one locality, which is geographically distinct from other units.	RSPO 2017 SCCS Standard
Fragile Soil	A soil that is susceptible to degradation (reduction in fertility) when disturbed. A soil is particularly fragile if the degradation rapidly leads to an unacceptably low level of fertility or if it is irreversible using economically feasible management inputs. (See also definition for 'marginal soil')	P&C Review 2018
Marginal soil	A soil that is unlikely to produce acceptable economic returns for the proposed crop P&C Review 2018 at reasonable projections of crop value and costs of amelioration. Degraded soils are not marginal soils if their amelioration and resulting productivity is cost effective. (See also definition for 'fragile soil').	P&C Review 2018



Annex 1

DEFINITIONS

Term	Definition	Source
Contract substitution	The practice of substituting or changing the terms of employment to which the worker originally agreed, either in writing or verbally, which results in worse conditions or less benefits. Changes to the employment agreement or contract are prohibited unless these changes are made to meet local law and provide equal or better terms.	ILO Report to the Committee examining alleged non-compliance by Qatar of Forced Labour
Steep terrain	Areas above 25 degrees or based on a National Interpretation (NI) process	P&C 2013 Annex 2. Guidance NI
Indigenous Territory	Territorial entities that have autonomy to manage their interests within the limits set forth by the Constitution and the law.	Judgment T-601 of 2011.
Collective Territories	Territories occupied by ethnic groups, who constitute territorial entities, which have autonomy to manage their interests within the limits set forth by the Constitution and the law.	Judgment T-639/99 Territorial scope of indigenous reservations.
Title Deed	The source that causes an obligation, i.e., the agreements (donation, assignment and exchange, purchase and sale), the law, or a judicial judgment. It may be original or transferring, that is, be the original source of a right (i.e., A resolution to award barren lands) or transferred (i.e. a judicial judgment or a public deed on private property).	Civil Code of Colombia

Term	Definition	Source
Worker	Men and women, migrants, transmigrants, contract workers, casual workers and employees from all levels of the organization.	P&C Review 2018
Young workers	Young workers are aged 15, or above the minimum age of employment, but under the age of 18. According to the ILO, “these workers are considered ‘children’ even where they may legally perform certain jobs.”	ILO Minimum Age Convention, 1973 (No. 138), Article 3 ILO Safety and Health in Agriculture Convention, 2001 (No. 184), Article 16.
Migrant worker	A person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment. Migrants are defined as those who cross international boundaries for the purposes of employment, and do not include those workers who move within a country for the purposes of employment.	P&C 2013
Contract Worker	Contract worker refers to persons engaged in temporary work, or work for a specific period of time. It also refers to workers who are not employed directly by the company, but employed by a contractor or consultant with whom the company has a direct contract.	ILO, Non- Standard Forms of Employment

Term	Definition	Source
Core work	<p>The primary area or activity that a company was founded to do or focuses on in its business operations. Core work pertains to work that is essential and desirable to the growth of the organization.</p> <p>All agricultural and milling activities are considered core work, e.g., planting, harvesting, fertilising, maintenance; FFB sorting and grading; machine-technical maintenance; and machine operation.</p>	P&C Review 2018
Forced labour	<p>All work or service which is exacted from any person under the menace of any penalty and for which said person has not offered him or herself voluntarily. This definition consists of three elements:</p> <ol style="list-style-type: none"> 1. Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy. 2. Menace of any penalty refers to a wide range of penalties used to compel someone to work. 3. Involuntariness: The terms “offered voluntarily” refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker takes a job he or she would not otherwise have accepted. 	<p>ILO, Forced Labour Convention, 1930 (No. 29)</p> <p>ILO, Protocol of 2014 to the Forced Labour Convention, 1930 (P029)</p> <p>ILO, Abolition of Forced Labour Convention, 1957 (No. 105)</p> <p>ILO, Forced Labour Recommendation 2014 (No. 203)</p>

DEFINITIONS

Term	Definition	Source
Child labour	<p>Child labour is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. The term applies to:</p> <ul style="list-style-type: none"> • All children under 18 involved in the “worst forms of child labour” (as per ILO Convention No. 182) • All children aged under 12 taking part in economic activity; and • All 12 to 14-year-olds engaged in more than light work. <p>The ILO defines light work as work that is not likely to be harmful to children’s health or development and not likely to be detrimental to their attendance at school or vocational training.</p> <p>Those under 18 years old should not engage in hazardous work that might jeopardise their physical, mental or moral well-being, either because of its nature or the conditions under which it is carried out. For young workers above the legal minimum age but below 18, there should be restrictions on hours of work and overtime; working at dangerous heights; with dangerous machinery, equipment and tools; transport of heavy loads; exposure to hazardous substances or processes; and difficult conditions such as night work at night.</p>	ILO Minimum Age Convention, 1973 (No. 138)
Non-hazardous work	See definition for hazardous work	
Hazardous work	<p>Hazardous work is work performed in hazardous conditions; or “in the most hazardous sectors and occupations, such as agriculture, construction, mining, or ship-breaking, or where working relationships or conditions create particular risks, such as exposure to hazardous agents, such as chemical substances or radiation, or in the informal economy.” (https://www.ilo.org/safework/areasofwork/hazardous-work/lang-en/index.htm)</p> <p>Hazardous work is also defined as “any work which is likely to jeopardise children’s physical, mental or moral health, safety or morals” and which “should not be done by anyone under the age of 18.” (https://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang-en/index.htm)</p>	Article 3 (d) of ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)

Term	Definition	Source
Casual (Seasonal) Labor	Casual, accidental or temporary labor is the short-term work that does not exceed one month and refers to work different to the usual activities of the employer.	Substantive Labor Code, article 6.
Trafficked labour	labour is a form of exploitation that results from the recruitment, transport, transfer, harbouring, and receipt of individuals to perform labour or services through the use of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits.	The UN Palermo Protocols to Prevent, Suppress and Punish Trafficking in Persons.
Transmigrant	A person who migrates from one part of the country to another with a view to being employed otherwise than on his own account	P&C 2013
Peat	A soil with cumulative organic layer(s) comprising more than half of the upper 80 cm or 100 cm of the soil surface containing 35% or more of organic matter (35% or more Loss on Ignition) or 18% or more organic carbon. Note for management of existing plantations in Malaysia and Indonesia, a narrower definition has been used, based on national regulations: namely soil with an organic layer of more than 50% in the top 100 cm containing more than 65% organic matter. Colombia is working on an official definition of peat soils and, once defined, it shall be included in the NI for Colombia.	PLWG 2 July 2018 Derived from FAO and USDA definition for histosols (organic soils) (FAO 1998, 2006/7; USDA 2014)
Unit of certification	The unit of certification shall be the mill and its supply base and shall include both directly managed land (and estates) and Scheme Smallholders and outgrowers, where estates have been legally established with proportions of lands allocated to each.	RSPO Certification Systems 2017
Third Parties	Refers to the contractors providing operating services (production and processing) abd labor, as well as the Fresh Fruit Bunch (FFB) suppliers.	

ANNEX 2: GUIDANCE

Principle 1: Behave ethically and transparently

Criterion (new)

Guidance

1.1

This concerns management documents relating to environmental, social and legal issues that are relevant to compliance with RSPO Criteria.

Management documents may include the results of FPIC processes, SEIAs, Human Rights Policies including a policy on protection of HRDs/whistleblowers, social programmes avoiding or mitigating negative social impact, social programmes advancing livelihoods, figures of gender distribution within all workers categorised by management, administrative staff and workers (both permanent casual workers, piece rate workers), partnership programmes for Independent Smallholders, education and health in the communities.

The auditors will comment on the adequacy of each of the documents listed in the public summary of the assessment report

Examples of commercially confidential information include financial data such as costs and income, and details relating to customers and/or suppliers. Data that affects personal privacy should also be confidential.

Las disputas en curso (dentro o fuera de un mecanismo legal) se pueden considerar como información confidencial cuando su divulgación pudiera resultar en posibles consecuencias negativas para todas las partes involucradas. No obstante, las partes afectadas y quienes buscan la resolución del conflicto deberían tener acceso a la información relevante.

Criterion (new)**Guidance**

1.1 (Continued)

Examples of information where disclosure could result in potential negative environmental or social outcomes include information on sites of rare species where disclosure could increase the risk of hunting or capture for trade, or sacred sites which a community wishes to maintain as private. The unit of certification should ensure that sufficient objective evidence exists to demonstrate that the level of measuring and monitoring of the management plan, and information, is appropriate and made available.

The decisions that the growers or mills are planning to adopt must be clear, so that the local communities and other interested parties understand the purpose of the communication and/or consultation. The communication and consultation mechanisms shall be designed in collaboration with the local communities and other parties who are interested or involved in the process. They shall consider the use of mechanisms and existing local languages, as well as the existence or creation of a forum of interested parties. Communications shall consider the differences in the access to information of the community leaders or groups, in comparison with the collaborators of the companies and different ethnic groups.

For 1.1.2, the information provided shall be clear, so that the local communities and other interested parties understand its purpose, considering the use of the existing local mechanisms and languages, according to the cultural context of the area.

For 1.1.5: Applicable data privacy laws should be considered in the gathering, storage, use and distribution and publication of personal information.

The current regulation in Colombia includes the protection of personal data (Law 1581/2012, Habeas data), which must be applied throughout the organization, including its clients, suppliers and, in general, its related value chain.



Criterion (new)

Guidance

1.1 (Continued)

We suggest considering the following for the documents mentioned in 1.1.1:

The withholding time for these records must depend on the nature of the documents and the regulations applicable to them.

The applicable regulations, especially Law 1755/2015, shall be considered to define these terms.

An administrative officer in charge of the consultation and communication procedures shall be appointed.

Third parties such as community groups, NGOs or government may be considered for inclusion (or a combination of these), to support scheme smallholders, communities and others in these communications, as appropriate and considering their production size and scale.

Criterion (new)

Guidance

1.2

For 1.2.1: All levels of the operations will include contractors (e.g., those involved in security).

The policy should include as a minimum:

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

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

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

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

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

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

Principle 2: Operate legally and respect rights

Criterion (new)

Guidance

2.1

Implementing all legal requirements is an essential baseline requirement for all growers whatever their location or size. Relevant legislation includes but is not limited to: regulations governing land tenure and land-use rights, labour, agricultural practices (e.g., chemical use), environment (e.g., wildlife laws, pollution, environmental management and forestry laws), storage, transportation and processing practices. It also includes laws made pursuant to a country's obligations under international laws or conventions (e.g., the Convention on Biological Diversity (CBD), ILO Core Conventions, UN Guiding Principles on Business and Human Rights). Furthermore, where countries have provisions to respect customary law, these will be taken into account.

Key international laws and conventions are set out in Annex 3.

The national regulation regarding these Principles and Criteria can be found in Annex 6.

Contradictions and inconsistencies should be identified between the national laws and regulations and the requirements established by these RSPO Principles and Criteria, and solutions suggested. Evidence should be incorporated as part of implementation of Criterion 2.3.

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

For Indicator 2.1.2: A 'documented system for ensuring legal compliance' can take the form of physical or virtual filing cabinet of applicable laws, regulations and rules with elements of how these laws are interpreted and followed in the running of the operations.

For this indicator, each unit of certification may establish the due diligence mechanism; however, we suggest using the following as evidence of the due diligence:

2.1 (Continued)

- Certificate of Incorporation and Legal Representation, issued by the Chamber of Commerce within the last 60 days. Taxpayer Identification Number (RUT) or Colombian Citizenship Card
- The contractual agreement with the Unit of Certification shall include a clause for the compliance with the legal requirements (labor requirements and constitutional principles related to human rights)
- Vouchers of payment of the contributions to the social security system
- Consultation of non-appearance in the Office of Foreign Asset Control (OFAC) lists.
- Other documents showing the legality of the third parties hired.

2.2

Contracted parties include:

- Temporary employment, whereby workers are engaged only for a specific period of time, includes fixed-term, project- or task-based contracts, as well as seasonal or casual work, including day labour.
- Short-term contracts; renewable contract
- Fixed-term, project, or task-based contracts are contractual employment arrangements between one employer and one employee characterised by a limited duration or a pre-specified event to end the contract
- Casual work is the engagement of workers on a very short term or on an occasional and intermittent basis, often for a specific number of hours, days or weeks, in return for a wage set by the terms of the daily or periodic work agreement. Casual work is a prominent feature of informal wage employment in low-income developing countries, but it has also emerged more recently in industrialised economies, particularly in jobs associated with the “on-demand” or ‘gig economy”. (https://www.ilo.org/global/topics/non-standard-employment/WCMS_536960/lang-es/index.htm)

For 2.2.3, in Colombia there are types of agreements that are regulated as shown in Annex 7.

For this indicator, the definition of young employee is included in Annex 1. In Colombia, the contracting of minors is regulated under Law 1098/2006, Resolution 1677/2008, and other regulations amending or revoking them.



2.3

For indicator 2.3.1:

- a) Information on the geographical location of the fruit source may be verified with the geographical coordinates
- b) Each Unit of certification may establish the documentation that supports the evidence of status of the property or the rights over the land by the grower/smallholder; however, we suggest that one or more of these documents be used as evidence:
 - Public deeds
 - Ownership certificate, issued by the Public Records Registry
 - Out-of-court statements
 - Lease or use agreement
 - Documents of ongoing processes for accreditation of the property or land occupancy.
 - The registry mentioned in this indicator may be complemented with Fedepalma's National Growers Registry.

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

Criterion (new)

Guidance

3.1

Whilst it is recognised that long-term profitability is also affected by factors outside their direct control, top management should be able to demonstrate attention to economic and financial viability through long-term management planning.

For plantations on peat, a longer time frame for the projection of the annual replanting programme is needed per Criterion 7.7.

The unit of certification should have a system to improve practices in line with new information and techniques. For smallholder schemes, the scheme management should be expected to provide their members with information on significant improvements. This Criterion is not applicable to Independent Smallholders

The business or management plan should contain:

1. Attention to quality of planting materials
2. Crop projection = Fresh Fruit Bunches (FFB) yield trends
3. Mill extraction rates = Oil Extraction Rate (OER) trends
4. Cost of production = cost per tonne of Crude Palm Oil (CPO) trends
5. Forecast prices
6. Financial indicators

Suggested calculation: Trends in 3-year running mean over the last decade (FFB trends may need to allow for low yield during major replanting programmes).

Consideration of smallholders should be inherent in all management planning where applicable (see also Principle 5). For Scheme Smallholders, the content of the business plan may vary from that suggested.

Where the specific financial details are not known, an estimate of these amounts, or structures for defining those estimates will be made clear within the contract.

Criterion (new)

Guidance

3.1 (Continued)

Management reviews (Indicator 3.1.3) should include:

1. Results of internal audits
2. Customer feedback
3. Process performance and product conformity
4. Status of preventive and corrective actions
5. Follow-up actions from management reviews
6. Changes that could affect the management system
7. Recommendations for improvement
- 8.

For 3.3.1. we suggest developing Standard Operating Procedures (SOPs) for agricultural, environmental and social aspects.

To implement and monitor Best Sustainability Practices (BSP) in the estates of the supply base, we suggest the manager of the unit of certification to establish corporate collaboration mechanisms to ensure ideal technical assistance (whether or not for free).

The following Cenipalma publications are referenced:

- Best practices guide - On the productive alliances of inclusive business (no year on the database)
- Basic guide to prepare a business plan on oil palm and procedure to establish new plantations. (2016, Program and development of the AT)
- Best practices on corporate management

3.2

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

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

Where applicable, review should include Scheme Smallholders.

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

The following Cenipalma publications are referenced for consideration:

- Best practices on corporate management

Criterion (new)

Guidance

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

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

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

For 3.3.1, the BSP mentioned in this indicator refer to those documented in the SOP. We recommend applying the Standard Operating Procedures Manual for the implementation of the Best Sustainable Practices. Cenipalma November of 2018.

The following publications by Cenipalma and Fedepalma are referenced for consideration:

- Field book for recording and controlling works in the cultivation of oil palm. 2016 MADR, Fedepalma.

Criterion (new)

Guidance

3.4

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

1. Assessment of the impacts of all major planned activities, including land clearing, planting, replanting, pesticide and fertiliser use, mill operations, roads, drainage and irrigation systems and other infrastructure
2. Assessment of the impacts on HCVs, biodiversity and RTE species, including beyond concession boundaries and any measures for the conservation and/or enhancement of these
3. Assessment of the potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems
4. Identification of watercourses and wetlands and assessment of potential effects on hydrology and land subsidence of planned developments. Measures should be planned and implemented to maintain the quantity, quality and access to water and land resources
5. Baseline soil surveys and topographic information, including the identification of steep terrain, marginal and fragile soils, areas prone to erosion, degradation, subsidence, and flooding
6. Analysis of the type of land to be used (forest, degraded forest, peatlands, cleared land, etc.)
7. Assessment of land ownership and user rights
8. Assessment of current land use patterns
9. Assessment of impacts on people's amenity
10. Assess impacts on employment, employment opportunities or from changes of employment terms
11. A cost-benefit analysis on social aspects
12. Assessment of potential social impacts on surrounding communities of a plantation, including an analysis of potential effects on livelihoods, and differential effects on women versus men, ethnic communities, and migrant versus long-term residents
13. Assessment of salient risk of human rights violations
14. Assessment of the impacts on all dimensions of food and water security including the right to adequate food, and monitoring food and water security for affected communities
15. Assessment of activities which may impact air quality or generate significant GHG emissions

Criterion (new)

Guidance

3.4 (Continued)

The regional environmental impact assessments prepared by environmental authorities and research institutes may be used as input for the SEIAs.

3.4.2. Applies to existing plantations and may be developed by internal or external personnel of the unit of certification, always ensuring compliance with this guide's indicators and guides.

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

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

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

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

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

To identify, assess and mitigate environmental impacts, the "Adjusted Environmental Guide for the Oil Palm Agroindustry Subsector in Colombia" can be used, (Fedepalma, Ministry of Environment and Sustainable Development and Fedepalma, 2011).

Additionally, we recommend considering the following reference documents to prepare the SEIA.

- Resolution 1402/2018 "Methodology for the preparation and submission of environmental studies", Ministry of Environment and Sustainable Development, Bogotá, Colombia.
- "Environmental studies assessment manual. Procedures and Criteria"; Ministry of Environment, Sub-directorate of Environmental Licenses; Bogotá, Colombia; 2002.
- "Manual for project environmental monitoring. Procedures and Criteria"; Ministry of Environment, Sub-directorate of Environmental Licenses; Bogotá, Colombia; 2002.

Criterion (new)	Guidance
3.4 (Continued)	<p>The IFC guidelines on “Environmental, Health and Safety Guidelines for Vegetable Oil Production and Processing.” can be taken into account</p> <p>The following Cenipalma publications are referenced for consideration:</p> <ul style="list-style-type: none"> Guidelines for the design and establishment of new oil palm sustainable plantations. Cenipalma 2019.
3.6	<p>In Colombia, the minimum standards of the Occupational Health and Safety Management System (SG-SST, for its initials in Spanish) are defined under Decree 0312 dated February 13, 2019. This regulation applies to public and private employers, to those who contract personnel under a civil, commercial or administrative contract, and to independent workers, among others.</p> <p>The following publications can be used as a reference:</p> <ul style="list-style-type: none"> Guideline for the labor formalization, forms of contracting and application of the occupational health and safety standard for working with oil palm.” (2016) MADR, Fedepalma. Also applicable to 3.7. Standard Operating Procedures Manual for the implementation of the Best Sustainable Practices. (2018, Program and development of the AT)
3.7	<p>Training Content: Workers should be adequately trained on: the health and environmental risks of pesticide exposure; recognition of acute and long-term exposure symptoms including the most vulnerable groups (e.g., young workers, pregnant women); ways to minimise exposure to workers and their families; and international and national instruments or regulations that protect workers’ health.</p> <p>The training programme should include productivity and best management practice, and be appropriate to the scale of the organisation. The programme should enable everyone to fulfil their jobs and responsibilities in accordance with documented procedure.</p>

Criterion (new)

Guidance

3.7 (Continued)

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

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

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

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

Principle 4: Respect community and human rights and deliver benefits

Criterion (new)

Guidance

4.1

It is understood that the communication of the policy regarding human rights extends to the contractors involved in the daily operations of the unit of certification. (e.g., those involved in security).

The UN Guiding Principles on Business and Human Rights notes that:

“The responsibility of business enterprises to respect human rights refers to internationally recognised human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work.”

The UN Guiding Principles on Business and Human Rights also note that the responsibility of business enterprises to respect human rights exists independently of nation states’ abilities and/or willingness to fulfil their own human rights obligations and exists over and above compliance with national laws and regulations protecting human rights. (See “The corporate responsibility to respect human rights” in the UN Guiding Principles on Business and Human Rights).

The RSPO Human Rights Working Group will provide additional guidance to identify, prevent, mitigate and address human rights issues and impacts.

The resulting guide will identify the relevant issues on human rights to all RSPO members.

Details on requirements to protect the rights of HRDs, including complainants, whistleblowers and community spokespersons, are set out in the RSPO Policy on the Protection of Human Rights Defenders, Whistleblowers, Complainants and Community Spokespersons.

For 4.1.1, take into account the hiring of security companies, which are regulated under:

- Title IX of Decree 2535/1993, issued by the Superintendence of Private Security and Surveillance
- Decree 0356/1994, issued by the Superintendence of Private Security and Surveillance
- Guideline for Contracting Private Security and Surveillance Services. Issued by the Superintendence of Private Security and Surveillance

In the case of hiring these security companies, a clause can be included in the contract between the security company and the unit of certification, indicating the obligation of the security company not to hire people with a history of crimes against humanity and war crimes of Title II of the Colombian Criminal Code.

GUIDANCE

Criterion (new)

Guidance

4.2

Dispute resolution mechanisms should be established through open and consensual agreements with relevant affected parties.

Each company has the autonomy to implement their own Petitions, Claims and Complaints (PCC) management system, which shall contain:

- Rights and duties of the company, its employees and contractors
- Response times
- PCC system management procedure
- Acknowledgments, recognitions and other positive aspects.
- Mechanism to ensure timely and complete responses to PCCs
- In special cases (e.g., People with special needs or who speak languages other than Spanish, or others) there shall be tools to achieve an easy understanding of the system. Especially, see 4.2.2.
- All the information regarding PCCs is available in appropriate forms and languages.

Complaints should be dealt with by mechanisms such as Joint Consultative Committees (JCC), with gender representation and, where relevant, migrant worker representation. Grievances may be internal (employees) or external. Refer to useful guideline texts, such as the guide approved by the Human Commission on Human Rights (CHR) 2011 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' (especially Principle 3 on the grievances system).

The legal counsel (indicator 4.2.4), including its costs, shall be defined by mutual agreement between the parties.

For Scheme and Independent Smallholders, refer to the current RSPO Guidance Documents for Scheme and Independent Smallholders.

Where a resolution is not found mutually, complaints can be brought to the attention of the RSPO Complaints System.

Refer to helpful texts for guidance, such as the UN Human Rights Commission (HRC) endorsed '*Guiding Principles on Business and Human Rights: Implementing the UN "Protect, Respect and Remedy" Framework*', 2011.

Criterion (new)

Guidance

4.3

Contributions to local sustainable development should be based on the results of consultation with local communities and should have long term economic, social and/or environmental benefits without compromising the economic sustainability of the unit of certification. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men, women and minority/vulnerable groups.

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

Note that the units of certification may not assume the State's responsibilities; however, we suggest some examples of contributions to local sustainable development, without limitation:

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

Where candidates for employment are of equal merit and satisfactory results in the units of certification selection procedures, preference should always be given to members of local communities. Positive discrimination should not be recognised as conflicting with Criterion 6.1.

We suggest considering the "Basic guideline for oil palm growers social responsibility management", Fedepalma, 2017.

In the areas inhabited by indigenous or afro-descendant communities who have their own customary laws/origin laws/life plans and/or safeguarding plans (documents containing their own development and self-development models), we recommend the unit of certification to verify that these document or other local information sources on the matter were considered during the consultation process.

Criterion (new)**Guidance**

4.4

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

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

For 4.4 and 4.5:

The FPIC is prepared regarding possible affectations to demonstrable legal, user or customary rights. The procedure to conduct the FPIC shall be that set forth in the “Free, Prior and Informed Consent Guide for RSPO Members,” with the details described in Annex 8 for the Colombian case.

The following sources of information may be considered as elements to demonstrate customary rights in Colombia, without limitation:

- The territory protection and/or recognition requests pursuant to Decrees 2164/1995, 1071/2005, 2333/2014 and 1745/1995 for indigenous peoples or afro-descendant communities.
- Territories recognized as ancestral pursuant to Decree 1500/2018 and 2333/2014.
- Testimonies of the elders and other bearers of knowledge on the joint occupation and use of the peoples, communities and members’ lands.
- Community maps and community mapping exercises by the communities and peoples, describing their traditional occupation and uses of the land and its natural resources (flora, fauna, water, surface and underground resources).
- Physical evidence or other sources of evidence (written, photographic or verbal) showing the existence of royal and traditional roads and pathways currently and/or previously used by the communities.
- Social, anthropological and ethnographic studies of the relevant geographic area and the affected communities.
- Oral history and ethnohistory of the affected region/communities.

This Criterion allows for negotiated agreements to compensate other users for lost benefits and/ or relinquished rights.

Negotiated agreements should be non-coercive and entered into voluntarily, carried out prior to new investments or operations or after its identification, and based on an open sharing of all relevant information. The representation of communities should be transparent and in open communication with other community members.

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

Criterion (new)

Guidance

4.4 (Continuación)

For 4.4.1 a) the following definitions are adopted:

Legal use: means the existence of a pre-existing right that enables a unit of certification to exploit a land such as, for example, lease, occupancy, good faith possession, and other forms of use authorized under the Colombian law.

b) Each unit of certification may establish the documentation to demonstrate the legal ownership, the occupancy or legal use or the use of customary lands, as well as that related with the land occupancy history and the current legal or customary use of the land. However, we suggest that one or more of these documents be used as evidence:

- Public deeds
- Ownership certificate, issued by the Public Records Registry
- Out-of-court statements
- Lease or use agreement
- Documents of ongoing processes for accreditation on the property or land occupancy.
- Verification of the official databases, such as the Sole Registry of Abandoned Land Plots and Territories
- Opinions by the Rural Agricultural Planning Unit on the rural property.

For 4.4.2 a) in Colombia there are different types of ownership, e.g. Lease, gratuitous loan, usufruct, antichresis, or similar. There are no land concessions.

For 4.4.3: “Maps at an adequate scale” refers to maps surveyed through existing institutional information related to the geographical conditions of the territories to be planted, and “Participatory mapping” refers to social cartography, which may be made with two methodologies:

a) over the sketch for the relevant area to be planted

b) starting with a blank page, mapping the way in which the parties understand the territory.

For 4.4.4 “Appropriate forms and languages” refers to:

Adjust to the social, cultural and economic context of the individuals consulted (e.g. Clarification of expressions and technical, scientific or legal procedures).

Criterion (new)

Guidance

4.5

The unit of certification can, through compliance with RSPO criteria demonstrate its commitment to support the UN Sustainable Development Goals (especially SDGs 2, 6 and 15).

The unit of certification should support the implementation of existing national strategies with regard to food and water security, and not contradict them by any of its business activities

The unit of certification should recognise national and/or international natural disaster risk assessments, strategies and maps in the management plan/strategy for the managed areas. The unit of certification should inform suppliers and communities in the concerned region about natural risks and provide support in case of strong adverse natural and human made disasters.

This activity should be integrated with the SEIA required by Criterion 3.4.

Within the FPIC process, measures to balance potential negative impacts on food and water security for local communities should be discussed and agreed between the unit of certification and the local communities. These measures and their proposed implementation features (what, how, how long, recipients, threats and opportunities to implementation) are documented as part of the resource management planning.

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

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

This does not imply that the unit of certification has the obligation to conduct land provision programmes for the communities to establish basic food crops, nor to adopt additional measures to provide food to the community. **The FAO's VGGT document can be used as the guiding document on responsible governance of tenure of land, fisheries and forests in the context of national food security.** Available at <http://www.fao.org/3/i2801s/i2801s.pdf>. Consider number 9 (indigenous people and other communities with traditional tenure systems) of Chapter 3 (Legal recognition and allocation of tenure rights and duties).

Criterion (new)

Guidance

4.5 (Continued)

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

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

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

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

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

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

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

4.5 (Continued)

For 4.5.1, each unit of certification may establish the documentation showing the identification and evaluation of legal, customary and use rights. However, we suggest using the following as documentation:

- Public deeds
- Ownership certificate issued by the Public Records Registry
- Out-of-court statements
- Lease or use agreement
- Documents of ongoing processes for accreditation on the property or land occupancy.
- Verification of the official databases, such as the Sole Registry of Abandoned Land Plots and Territories
- Opinion by the UPRA on rural property

For 4.5.3, Apply for new plantations, but there are exceptions for plantations established long ago and which may not have records dating back to the decision-making stage in particular.

For 4.5.4, in Colombia the concept of “allocation” may be equivalent to “award” of barren lands, and is regulated under Law 160/94, with the State being responsible for ensuring its transparency.

4.6

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

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

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

4.7

The procedure for identifying statutory, customary and usage rights provided in this guide for criteria 4.4 and 4.5 can be followed.

For 4.7.3: “benefit from plantation development” means receiving a fair compensation for lost rights.

Principle 5: Support smallholder inclusion

Criterion (new)

Guidance

5.1 (Continued)

5.1.4 y 5.1.5. The Colombian legal system protects non-written voluntary agreements between parties, granting adequate mechanisms to ensure their full compliance. In this regard, the Colombian Civil Code (article 1500) establishes that contracts could have a consensual nature and be “perfected by the mere consent of the parties,” unless additional formalities are required by the law. In the same line, Colombian commercial legislation enshrined in the Article 824 of the Commercial Code the principle of consent, indicating that “parties may express their willingness to contract or be bound verbally, in writing or by any unequivocal means.”

The Colombian Labor Code, Article 37, establishes verbal contracts as a hiring modality. Described in Annex 7.

When a written contract is non-existent, other documents that entail rights and obligations for the parties and that legally support the corresponding commercial transaction and/or contractual relationship might be considered, such as purchase and/or service orders, as well as invoices or equivalent documents, as stated in the Decree 1625 of 2016.

Principle 5: Support smallholder inclusion

Criterion (new)

Guidance

5.1

Fair prices for FFB will be equal to or above the prices as established by government or government endorsed initiatives, where applicable. Where not applicable, the following elements should be considered subject to prevailing commodity prices:

1. Cost incurred by smallholders where applicable (e.g., fertiliser, seeds, pesticides, transport of FFB, land use permit, land ownership fees, land preparation, labour costs and other costs related to FFB production);
2. Unexpected and unpredictable environmental and climate related risk costs including the occurrence of new pests for which treatment is not yet available, climate change effects or extreme weather conditions.

(Source: 2012 FAO Guiding Principles Responsible Contract Farming).

This should also be applied to situations where the unit of certification functions as the group manager for groups certified under group certification.

Transactions with smallholders should consider issues such as the role of middlemen, transport and storage of FFB, quality and grading. The need to recycle the nutrients in FFB (see Criterion 7.5) should also be considered; where it is not practicable to recycle wastes to smallholders, compensation for the value of the nutrients exported can be made through the FFB price.

Smallholders should have access to the grievance procedure under Criterion 4.2 if they consider that they are not receiving a fair price for FFB, whether or not middlemen are involved.

If the unit of certification requires smallholders to change practices to meet the RSPO P&C, consideration should be given to the costs of such changes, and the possibility of advance payments for FFB can be considered.

5.1.5. For the NI, a fair contract is that which falls within Article 333 of the Political Constitution of Colombia, Decree 410/1971 (Code of commerce) and the applicable commercial legislation.

The claims mechanism mentioned in indicator 5.1.9 is described in criterion 4.2.

Criterion (new)

Guidance

5.2

RSPO will develop guidance on smallholder support (a separate RSPO Smallholder Standard is currently under development as of the printing of this standard).

The consultation may include collection centres or other parties like representative organisations, where applicable.

In particular for Scheme Smallholders, support programmes are based on long term relations.

When the unit of certification assesses the eligibility of the requested support by Independent Smallholders, the following factors can be taken into account and are explained to and understood by the smallholders:

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

Specific elements on RSPO certification may include:

- Socialisation on RSPO
- H&S training
- FPIC
- HCV

The delivery of the support services can include but is not limited to cooperatives, agents, collection centres and representative organisations.

In Colombia, there are sectoral technical assistance programmes which identify the practices that may be implemented to ensure the compliance with indicator 5.2.2. For this, Cenipalma's technology transfer methodology can be used.

Principle 6: Respect workers' rights and conditions

Criterion (new)

Guidance

6.1	<p>The non-discriminatory requirements are applied to all workers, regardless of contractual status.</p> <p>Examples of compliance can be appropriate documentation (e.g. job advertisements, job descriptions, appraisals, etc.), and/or information obtained via interviews with relevant stakeholders such as affected groups which may include women, local communities, foreign workers and migrant workers, etc.</p> <p>Notwithstanding national legislation and regulation, medical conditions should not be used in a discriminatory way. In Colombia, this matter is regulated under Law 1562/2012, and Law 1619/2013.</p> <p>The grievance procedures detailed in Criterion 4.2 apply. Positive discrimination to provide employment and benefits to specific communities is acceptable as part of negotiated agreements.</p> <p>Examples of evidence for Indicator 6.1.2 could include contract between employer and agency; contract between worker and agency; clear company policy and recruitment procedures; confirmation by workers and agency that no recruitment fees are charged.</p> <p>Foreign and migrant workers should not pay anything that a local worker is not required to pay, unless mandated by law. A worker should not be selected for the job on the basis of their capacity to pay.</p> <p>For 6.1.1: We recommend that the unit of certification appoints a person responsible of implementing these policies.</p> <p>When an equivalent job is assigned to a pregnant woman, it attempts to ensure that conditions such as:</p> <ul style="list-style-type: none">● Refraining from deteriorating the salary, category, working hours and other contractual conditions of the original employment.● Work stability● Non-discrimination for her condition● Non-generation of occupational and psychological risks. <p>For 6.1.6: Law 1496/2012 establishes the concept of “equal work”; the compliance with this Law is the framework for the implementation of this indicator. We recommend special consideration for article 7 of this Law.</p>
-----	---

- 6.1. (Continued)
- For 6.1.4. In Colombia, women in a state of pregnancy must inform their employer according to the Constitutional Court Ruling SU-075 of 2018, so that appropriate measures can be taken for their protection.
- For 6.1.5. The gender committee may be made up of persons of any gender, as well as, may be immersed in another committee as long as the issues related to women, described in the indicator, are considered in such meetings.
- 6.2
- Elements in the calculation of a decent standard of living should include food, water, housing, education, healthcare, transport, clothing and other essential needs, including provision for unexpected effects, in accordance with the GLWC methodology.
- The list of essential needs (that will be considered for the non-food, non-housing element), and the costs/values associated with these elements, will be provided by the RSPO. For the Colombian context, pending the development of benchmarks the Prevailing Wage shall include the payment of the current monthly legal minimum wage plus the legal benefits (health care provider, pension fund, occupational risks manager, compensation fund), and benefit surcharges (payment of vacations, premiums, severance payments, interests over severance payments), supplies, transportation allowance, overtime, nighttime or and Sunday surcharge.
- Where a GLWC living wage standard, or one that fulfils the basic requirements of the RSPO-endorsed living wage methodology, has been established in the country or region of operation, this should be used as benchmark.
- <https://www.globallivingwage.org/living-wage-benchmarks/living-wage-for-caribbean-coast-of-colombia/>
- Where there are industry-established benchmarks of living wage, these can be used as a basis, as long as the elements of the DLW definition or their equivalencies have been considered in accordance with the RSPO standard on decent living wages as stated above.
- For countries where no living wage standard is established, the RSPO-endorsed benchmark should be followed, until such time that a GLWC-developed benchmark for the country is in place (see procedural note in Indicator 6.2.6)).
- For 6.2.4. Applies for houses within the unit of certification.

Criterion

Guidance

6.2 (Continued)

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

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

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

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

6.2.7. Law 50/1990, Resolution 2021/2018, and Law 1429/2010 (Article 63), and the criteria of the constitutional jurisprudence, regulate this indicator.

Annex 7 contains a summary of the direct contracting models and figures currently available in Colombia for intermediation and outsourcing. Should any change in the regulations take place, said change should be considered.

Criterion (new)

Guidance

6.3

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

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

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

6.4

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

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

La edad mínima de los trabajadores no será inferior a la establecida en la regulación nacional. Según el Convenio 138 de la OIT, los menores de 18 años no realizarán ningún trabajo peligroso.

For children between 15 and 18 years of age, the Colombian regulations issue a special work permit and establishes some forbidden activities. The Colombian regulations on child labor, including the minimum legal age to work, may be found in:

- The public policy for the prevention and the elimination of child labor and the protection, issued by the National Planning Department, the Colombian Family Welfare Institute, and the Ministry of Labor.
- Substantive Labor Code
- Childhood and Adolescence Code
- Resolution 1796/2018 (establishing the dangerous activities for minors).

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

Criterion (new)	Guidance
6.4 (Continued)	<p>Child labour is not exacted only by employers, and children do not have to be in an employment relationship with a third-party employer to be in child labour and to suffer its consequences.</p> <p>Age verification documents include a government recognised photographic identification document, where available. In Colombia, the identification card is used to verify the age of young workers.</p> <p>Examples of remediation are: procedures to assist underage workers found to be working; to ensure the children are taken out of the work site, parents/guardians are informed, medical testing to assess physical and mental health is conducted; and the unit of certification ensures that the children are enrolled in school.</p> <p>For more information on family estates, please see the “Guide for independent smallholders under group certification,” dated June of 2010, and the RSPO Independent Smallholder Certification Standard for more information on family estates.</p>
6.5	<p>There should be a clear policy developed in consultation with staff and workers, contract workers and other relevant stakeholders, and the policy should be publicly available. Progress in implementing the policy should be regularly monitored, and the results of monitoring activities should be recorded.</p> <p>These policies should include education for women and awareness of the workforce. There should be programmes provided for particular issues faced by women, such as violence and sexual harassment in the workplace. This committee, which should include representatives from all areas of work, will consider matters such as: training on women’s rights; counselling for women affected by violence; child care facilities to be provided by the unit of certification; women to be allowed to breastfeed up to nine months before resuming chemical spraying or usage tasks; and women to be given specific break times to enable effective breastfeeding.</p> <p>We recommend that the policy also considers the prevention and treatment of sexual harassment and of all other forms of harassment and violence.</p> <p>Promote shared familiar responsibilities for new parents, provided the couple works at the same company.</p>

Criterion (new)

Guidance

6.5 (Continuación)

The Colombian regulations applicable to this criterion are included in:

- Law 1010/2006 Workplace harassment law
- Law 1236/2008 “Whereby some articles of the criminal code regarding sexual harassment felonies are amended” (does not include sexual harassment)
- Law 1257/2008 Article 210. A. Sexual harassment

6.6

For 6.5.3: The Gender Committee can support the assessment.

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

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

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

The contract substitution takes place in the case of migrant workers, when a worker subscribes a contract in his country of origin, but is then forced to sign an entirely different contract in the destination. This concept is not legal in Colombia at the time.

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

The specific labour policy should include:

Criterion (new)

Guidance

6.6 (Continued)

- Statement of the non-discriminatory practices
- No contract substitution
- Post-arrival orientation programme to focus especially on language, safety, labour laws, cultural practices etc.
- Decent housing to be provided in accordance with national law or in their absence ILO Recommendation 115 when housing is provided by the company.
- Fees related to recruitment and hiring of migrant workers

6.7

For 6.7.4, the Colombian Law includes the Occupational Risks Administrators (ARL, for its initials in Spanish). Their main duties include offering coverage to workers to prevent, protect and tend to the effects of occupational diseases and workplace accidents, and is regulated by:

- Law 1562/2012
- Resolution 0312/2019

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

Criterion (new)	Guidance
7.1	<p>The unit of certification should apply recognised IPM techniques, incorporating cultural, biological, mechanical and physical methods to minimise the use of chemicals. Native species should be used in biological control where possible.</p> <p>We recommend that the IPM includes a prevention and control programme, with an internal monitoring and audit mechanism that ensures its implementation throughout the area of influence of the mills (own plantations and those of suppliers).</p> <p>The unit of certification shall promote awareness or sensitization activities to give importance to the sanitary management programmes of regional interest and their effects on the surrounding areas, including the registry of new findings in pests management to support early warning strategies.</p> <p>Those responsible for preparing, coordinating and supporting the IPM plans shall have the respective qualifications, including:</p> <ul style="list-style-type: none"> • Training as agricultural engineer, agronomist, or similar • Experience in sanitary management. <p>For 7.1.2: We recommend that the management and monitoring plans for the species included in the aforementioned databases include measures to prevent and control the expansion of these species outside of the production area. For Colombia there is a list of exotic invasive species, defined under Resolutions 0848/2008 and 0207/2010, issued by the former Ministry of Environment, Housing and Territorial Development. For reference see the publication “State of knowledge on invasive species. Proposal of guidelines for controlling their impacts.” Alexander von Humboldt Biological Resources Research Institute, 2006</p>

Criterion (new)	Guidance
7.1 (Continued)	<p>Para 7.1.3. The use of fire for outdoor burning requires authorization from the competent environmental authority. No authorization from the environmental authority is required when fire is specifically used for scorching as a Bud Rot (BR) control activity; however, said activity shall be reported as part of the management plan registered before the ICA.</p>

Regarding the management of plagues and diseases, refer to the Compendium of Methodological Guidelines on oil palm technologies, published by Fedepalma, Cenipalma, SENA and SAC; the methodological guidelines for this subject are available at (<https://www.cenipalma.org/publicaciones/>) as follows:

- Guideline on best agricultural practices for the prevention of phytosanitary problems (2018)
- Pocket guide for the recognition and management of the main diseases and insects-plagues on the crop (2016).
- Methodological guideline for the recognition and management of leaf-eating insects and insects related to Pestalotiopsis.
- Pocket guide. *Loxotoma elegans* and its natural enemies.
- *Rhynchophorus palmarum* management pocket guide.
- Methodological guideline for the implementation of *Rhynchophorus palmarum* management techniques.
- Identification of phytosanitary risks on oil palm.
- Methodological guideline for the recognition and management of Lethal Wilt (LW) on oil palm.
- Pocket guide for diagnosing and managing Sudden Wilt (SW).
- Methodological guideline for the recognition and management of Bud Rot (BR) on oil palm.
- Do's and Dont's to prevent Bud Rot (BR).

7.2

The RSPO has identified some examples of alternatives to pesticide and herbicide use, which include those listed in the 'Research Project on Integrated Weed Management Strategies for Oil Palm', CABI, April 2011.

Due to problems in the accuracy of measurement, monitoring of pesticide toxicity is not applicable to Independent Smallholders.

The justification should consider less harmful alternatives and IPM. Justification of the use of such pesticides will be included in the public summary report. Measures to avoid the development of resistance (such as pesticide rotations) should be applied.

Annex 2

GUIDANCE

7.2

In Colombia there is no preventive or prophylactic use of pesticides, except in exceptional circumstances identified in the Guide for the recognition and management of the main diseases and insect pests in oil palm cultivation, prepared by Cenipalma. In Colombia, Regulation ICA 4170 of 2014, or the one that repeals, modifies or substitutes it, applies.

Due diligence is understood as the process through which enterprises should identify, assess, mitigate, prevent and account for how they verify the emergency use of pesticides that are categorised as World Health Organisation Class 1A or 1B, or that are listed by the Stockholm or Rotterdam Conventions, and paraquat, which are banned from use in RSPO, except in very specific situations. The nature and extent of due diligence will be affected by factors such as the size of the area where the pesticides should be applied, the context and location of the application, the nature of products or services, and the severity of actual and potential adverse impacts which will be caused by the use of the high hazardous pesticides.

The due diligence should refer to:

- Judgment of the threat and verification of why this is a major threat
- Why there is no other alternative which can be used
- Which process was applied to verify that there is no other less hazardous alternative
- What the process is to limit the negative impacts of the applications
- estimation of the timescale of the application and which steps are taken to limit the application to a singularity

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

The training on pesticide management shall be conducted pursuant to the provisions of Decree 1843/1991 issued by the Ministry of Health. Articles 173 and 175.

Criterion (new)

Guidance

7.2 (continued)

The provisions of Decree 1843/1991 shall apply for air spraying. Chapter 9, Articles 87, 89, 95, 96, 97, and 98.

For 7.2.6. Pesticide application is made according to Standard Operating Procedures and with the advice of an agricultural engineer. According to Decree 1843 of 1991, Article 63.

For 7.2.8. Leftover agrochemical containers can be reused internally and for the same product.

Regarding the occupational medical examination, apply Resolution 2346/2007 issued by the Ministry of Health and Social Protection “whereby the practice of occupational medical examinations, and the management and content of occupational clinical records is regulated.”

Use the following publications as a reference:

- Technical guideline for the storage, management and disposal of agrochemicals”, developed by the Ministry of Environment and Sustainable Development (MADS, for its initials in Spanish), the Colombian Agricultural Institute (ICA, for its initials in Spanish), and the National Association of Entrepreneurs of Colombia (ANDI, for its initials in Spanish).
- Guideline for the labor formalization, forms of contracting and application of the occupational health and safety standard for working with oil palm.” Fedepalma 2016
- Field book for recording and controlling field activities in the cultivation of oil palm. Cenipalma 2018

7.3

The waste management and disposal plan should include measures for:

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

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

GUIDANCE

Criterion (new)

Guidance

7.3 (Continued)

In Colombia, the wastes considered to be hazardous are currently defined under Decree 4741/2005. The legal requirement on the management of hazardous wastes are mainly contained in said Decree, in Law 1252/2008, and in other regulations included in Annex 2 or any regulation replacing or amending them.

An Integral Solid and Hazardous Management Plan (PGIRS, PGIRSRESPEL, for its initials in Spanish) is required under Decree 4741/2005 and Law 1252/2008, or the regulations replacing or amending them.

The compliance with the post-use obligations for pesticide containers is mandatory as per:

- Resolution 1443/2004
- Resolution 693/2007
- Resolution 1675/2013

As a reference, the following documents on best practices for the separation of wastes at the source and the adequate management and use of byproducts from palm oil mills, can be used:

- ICONTEC (2009), Colombian Technical Standard GTC 24: “Environmental Management. Solid Wastes. Guideline for the separation at the source”, Bogotá, Colombia, 2009.
- Cenipalma (2011), Technical Bulletin No. 30 “Characterization and management of the byproducts of the oil palm fruit milling process”, Bogotá.
- Cenipalma (2011), Technical Bulletin No. 31 “Composting of byproducts of the oil palm agribusiness in Colombia”, Bogotá.
- Cenipalma (2018) “Guideline for the management of ordinary and hazardous wastes generated while growing oil palm”; Bogotá.

Criterion (new)

Guidance

7.4

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

Technical Bulletin No. 12 “General guideline for foliar and soil sampling in oil palm crops”, published by Centro de Investigación en Palma de Aceite- Cenipalma, Fedepalma, SENA and FONADE, can be used as a reference.

As a reference, consider the following publications:

- Methodological guide for the characterization and adaptation of soils to plant oil palm crops.

7.5

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

For 7.5.3: In Colombia, steep terrains mean that their inclination does not exceed 23%. Plantations whose incline exceeds 12%, and up to 23%, shall establish a terracing system or minimum tillage techniques. For the establishment of terraces, it is recommended to establish a protocol for erosion control in terrace systems and take into account:

- Agroecology criteria for the selection of lands for new oil palm crops in Colombia. (Revista Palmas, volume 25, tome II, 2004)
- Best agro-industrial practices of oil palm cultivation in Colombia, second edition, 2017 Pages 67 - 93.

According to the Zoning of aptitude for the commercial cultivation of oil palms, carried out by the UPRA, from the biophysical approach the marginal soils can be equivalent to those classified as Not suitable (N); and the fragile soils can be classified as those of lesser aptitude or A3. For the identification of soils with fragile characteristics, it is recommended to review the IDEAM protocol for the identification and evaluation of soil degradation.

A road maintenance program should be in place.

In Colombia, the following are available:

“Maps of soils in Colombia”, developed by the Agustín Codazzi geographical institute, which contains the official classification of the soils in the country at a regional scale.

As a reference, consider the following documents:

Agronomic principles for planting oil palm crops in Colombia, Cenipalma, 2009.

- Guidelines for the design and establishment of new oil palm sustainable plantations. Cenipalma 2019.
- Methodological guideline “planting and management of oil palm cover leguminous plants”.
- Methodological guide “characterization and adaptation of soils to plant oil palm crops”

Criterion (new)	Guidance
7.6	<p>These activities can be linked to the SEIA (see Criterion 3.4) but need not be done by independent experts.</p> <p>Soil suitability maps or soil surveys should be appropriate to the scale of operation and should include information on soil types, topography, hydrology, rooting depth, moisture availability, stoniness and fertility to ensure long-term sustainability of the development.</p> <p>Soils requiring appropriate practices should be identified (see Criteria 7.6 and 7.7). This information should be used to plan planting programmes, etc.</p> <p>Measures should be planned to minimise erosion through appropriate use of heavy machinery, terracing on slopes, appropriate road construction, rapid establishment of cover, protection of riverbanks, etc.</p> <p>Areas located within the plantation perimeters that are considered unsuitable for long-term oil palm cultivation should be delineated in plans and included in operations for conservation or rehabilitation as appropriate (see Criteria 7.6 and 7.7).</p> <p>Assessing soil suitability is also important for smallholders, particularly where there are significant numbers operating in a particular location.</p> <p>Information should be collected on soil suitability by the unit of certification if planning to purchase FFB from potential developments of Independent Smallholders in a particular location. The unit of certification should assess this information and provide information to Independent Smallholders on soil suitability, and/or in conjunction with relevant government/ public institutions and other organisations (including NGOs) provide information in order to assist Independent Smallholders to grow oil palm sustainably.</p> <p>Whenever possible, we recommend adopting the Agricultural Management Units (AMU) proposed by Cenipalma.</p>

Criterion (new)

Guidance

7.6 (Continued)

As a reference, consider the following publications by Cenipalma:

- Guidelines for the design and establishment of new oil palm sustainable plantations. Cenipalma 2019.
- Guía metodológica para la conformación de Unidades de Manejo Agronómico (UMA).
- Methodological guide “characterization and adaptation of soils to plant oil palm crops”

7.7

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

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

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

7.8

The water management plan should include:

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

Criterion (new)

Guidance

For 7.8.1, consider the water quality criteria for human use pursuant to Articles 2, 3, 4, 5, 6, 7 and 8 of Resolution 2115/2007, and for other uses pursuant to the provisions of Article 39 of Decree 1594/1984.

For 7.8.3, respect the maximum flooding benchmark provided in Article 83 of Executive Order 2811/1974, except when there is a more strict requirement as determined by the territorial planning instruments such as the POT, EOT, PBOT or POMCA, or when the Environmental Authority defines a specific riparian corridor for the water body pursuant to Decree 2245/2017 and Resolution 957 dated May 31, 2018 “Technical Guideline of Criteria to Define Riparian Corridors in Colombia.”

7.8 (Continued)

To manage riparian zones, consider Decree 2245/2017 and Resolution 957 dated May 31, 2018, “Technical guideline of criteria for dimensioning riparian zones in Colombia.”

To manage riparian zones, consider the provisions of the Drainage Basins Management and Ordering Plans (POMCA, for its initials in Spanish), which are first-order planning instruments and have priority over the Territorial Ordering Plans (POT, for its initials in Spanish), when available.

Refer to the “RSPO Manual on Best Management Practices (BMPs) for the management and rehabilitation of the natural vegetation related to the growing of oil palm in peat soils”, July of 2013.

In Colombia, every grower or mill using water through a water concession shall have a Program for the Efficient Use and Saving of Water, pursuant to the provisions of Decree 1090/2018.

In Colombia, every grower or mill who makes occasional discharges to surface, sea or ground waters shall have a discharge permit granted by the competent environmental authority (consider Decree 3930/2010). Specific discharges into water bodies shall comply with the parameters and maximum permissible limits set forth in Resolution 0631/2015, or the regulation replacing or amending it. Additionally, the payment of a retribution fee shall be demonstrated.

Occasional discharges into the soil shall comply with the provisions of Decree 050/2018.

Criterion (new)

Guidance

- Total water (surface or ground) consumption records and monitoring in crops and mills (see Article 48 of Decree 1541/1978).
- Records and monitoring of water used per ton of FFB produced.

7.8 (Continued)

Growers and mills shall demonstrate that they implement best agricultural and milling practices regarding water management, and that they have local rainfall and evaporation registries.

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

As a reference, consider the following publications by Cenipalma and Fedepalma:

- Recommendations for the integral management of waste waters in mills, and compliance with Resolution 631/2015 on discharges. Fedepalma 2016.
- Technological routes for the integral management of waste waters in mills of the palm sector. Fedepalma 2011.

7.9

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

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

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

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

As a reference, consider the following publications by Cenipalma and Fedepalma:

- Cenipalma Technical Bulletin No. 38. Methodology for the measurement, characterization and diagnosis of the performance in the consumption of industrial services by mills.

Criterion (new)	Guidance
7.10	<p>The unit of certification should only establish new plantings on mineral soils, in low carbon stock areas, and cultivated areas (including rubber and tree crops), which the current users are willing to develop into oil palm.</p> <p>Plans prepared by the unit of certification should specify actions to be taken to reduce GHG emissions including for example, adopting low-emission management practices for both mills (e.g., better management of palm oil mill effluent (POME), efficient boilers etc.) and plantations (e.g., optimal fertiliser use, energy efficient transportation, good water management, restoration of peatlands and conservation areas). Reference can be made to the RSPO Compilation of BMPs to Reduce Total Emissions from Palm Oil Production. This Criterion covers plantations, mill operations, roads and other infrastructure including access and perimeter canals and roads.</p> <p>For 7.10.2, the significant pollutants that may result from the activities performed in the units of certification should be identified and prioritized in the SEIA.</p> <p>As a reference, consider the following publications by Cenipalma and Fedepalma:</p> <ul style="list-style-type: none"> • Guideline for the efficient operation of steam generation systems and the reduction of atmospheric emissions in mills of the palm sector. Fedepalma 2015. • Energy generation potential of the oil palm agribusiness in Colombia. 2015 • Procedure and incentives for the generation and sale of renewable electrical energy for the oil palm agribusiness in Colombia. 2017
7.11	<p>Extension/training programmes for smallholders may be necessary.</p> <ul style="list-style-type: none"> • We recommend having a contingency plan for accidental burning or fires caused by third parties. • We recommend having knowledge and coordination of the risk management and disaster prevention strategies of the municipalities on where the units of certification operate. Especially, with the “Simplified municipal contingency plan for forest fires”

Criterion (new)

Guidance

7.12

For Indicator 7.12.2:

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

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

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

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

For 7.12.3, Applies to countries and landscapes included in the RSPO High Forest Cover lists.

For Indicator 7.12.4:

Refer to relevant guidance documents on RSPO and HCVRN websites.

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

- Identifying, protecting and/or enhancing forest connectivity important for biodiversity, ecosystem services, or watershed protection
- Minimising hydrological impacts to the landscape related to or arising from drainage systems and access roads or canals linked to the plantation

Criterion (new)

Guidance

7.12 (Continued)

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

For Indicator 7.12.5:

Decisions will be made in consultation with the affected communities.

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

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

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

GUIDANCE

Criterion (new)

Guidance

7.12 (Continued)

7.12.6 Considering that the HCV studies have time and budget limitations which, in most cases, do not allow identifying all the RTEs, it is important that the species lists are updated during the monitoring and that official and academic sources (e.g. The IUCN, Resolution 1912/2017 issued by the Ministry of Environment and Sustainable Development, and the available regulations and publications of environmental authorities) are used as a guideline.

For Indicator 7.12.7:

Refer to HCVRN Common Guidance for HCV Management and Monitoring document

ANNEX 3: KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following PyC	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Ethical Business Conduct	1.1 1.2 2	United Nations Convention against Corruption (2000)			Art. 12	Promoting the development of standards and procedures to safeguard the integrity of private entities, including codes of conduct, for business activities and preventing conflict of interest. Promoting transparency. Ensuring that companies have sufficient internal auditing controls to prevent corruption.
	1.2 2.1 2.2	Private Employment Agencies Convention 1997 (no. 181)				Covers protection for workers who are employed through third party and/or private employment agencies.
Respect for Human Rights	4.1 4.2		Declaration on the Rights of Human Rights Defenders			Contains human rights standards enshrined in other international instruments that are legally binding for the protection of human rights, including HRDs.
Respect for Human Rights	4 5 6			United Nations Guiding Principles on Business and Human Rights (2011)	Principles 11-24	Respect human rights, by avoiding and/or mitigating negative impacts regardless of their organisation size, sector of operation or ownership

Annex 3

KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following PyC	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	4 5 6	<p>Core International Human Rights Treaties:</p> <ul style="list-style-type: none"> - International Covenant on Civil and Political Rights (ICCPR) - International Covenant on Economic, Social and Cultural Rights (ICESCR) - International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 			All core human rights treaties	Respect for human rights regardless of age, nationality, gender, race, ethnicity, religion, ability, marital status, sexual orientation and gender identity, political opinion or affiliation, etc

Theme	Referenced in following PyC	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Respect for Human Rights	4 5 6	<ul style="list-style-type: none"> - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) - Convention on the Rights of the Child (CRC) - International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW) - Convention for the Protection of All Persons from Enforced Disappearance (CPED) - Convention on the Rights of Persons with Disabilities (CRPD) 				
Just Land Acquisition	4	ILO Convention 169 (1989) on Indigenous and Tribal Peoples			Arts. 13-19	Respect and safeguard rights to lands and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury.
	4		UN Declaration on the Rights of Indigenous Peoples (2007)		Arts. 25-26	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources

Annex 3

KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following PyC	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
	4	UN Convention on Biological Diversity (1992)			Art. 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices
Public Participation of Affective Communities	4.5 4.5			Rio Declaration on Environment and Agenda 21	Principle 10	Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. Principle 10 combines public participation with public access to information and access to remedial procedures. According to Agenda 21, one of the fundamental principles for the achievement of sustainable development is broad public participation in decision-making. Both Agenda 21 and the Rio Declaration emphasise the importance of the participation of all major groups, and special emphasis has been given, including in legally binding international instruments, to ensuring participation in decision-making of those groups that are considered to be politically disadvantaged, such as indigenous peoples and women

Theme	Referenced in following PyC	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding Principles/ UN Outcome Documents		
Fair Representation and Participation of Indigenous and Tribal People	4.2 4.4 4.5 4.6	ILO Convention 169 (1989) on Indigenous and Tribal Peoples			Arts. 6-9	Self-representation through institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve their offences according to customary law (compatible with international laws).
	4.4-4.8		UN Declaration on the Rights of Indigenous Peoples (2007)		Art. 3	Indigenous peoples have the right to self-determination and to freely pursue their economic, social and cultural development
	4.4 4.5 4.7		UN Declaration on the Rights of Indigenous Peoples (2007)		Art. 10 11(2), 19, 28(1), 29(2) y 32(2)	Right to FPIC to any project affecting their lands as expressed through their own representative institutions
	4.4 4.5 4.7	Convention on the Eliminations of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, Inter American Human Rights System			UN CERD Committee, UN Committee on Social Culture and Economic Rights, Inter American Commission on Human Rights	FPIC for decisions that may affect indigenous people. (This standard has been widely accepted as 'best practice' standard by bodies such as World Commission on Dams, Extractive Industries Review, Forest Stewardship Council, UNDP, CBD, IUCN, WWF)

Annex 3

KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following PyC	International Standards			Key provisions	Summary of Protection
		Convention	Declaration	Guiding principles/ UN Outcome Documents		
No Forced Labour	2.2	ILO Convention 29 (1930) Forced Labour	Protocol of 2014 to the Forced Labour Convention 1930		Art. 5	No concession to companies shall involve any form of forced or compulsory labour.
	6.6					
	6.6					
	6.6	ILO Convention 105 (1957) Abolition of Forced Labour			Art. 1	Not make use of any form of forced or compulsory labour
Protection of Children	6.4	ILO Convention 138 (1973) Minimum Age			Arts. 1-9	Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation)
	6.4	ILO Convention 182 (1999) Worst Forms of Child Labour			Arts. 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance
	6.4	Minimum Age (Agriculture) Convention 1921 (No.10)			Arts. 1-2	Applicable to children under the age of 14 outside the hours of attendance in school
	6.4	Convention on the Rights of the Child (CRC), 1989			Art. 32	Right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development

Theme	Referenced in following PyC	International Standards			Key provisions	Summary of Protection
		Convention	Declaration	Guiding principles/ UN Outcome Documents		
	6.4 6.5		UN Declaration on the Rights of Indigenous Peoples (2007)		Art. 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children
Freedom of Association and Collective Bargaining	6.3	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise			Arts. 2-11	Freedom to join organisations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.
	6.3	ILO Convention 98 (1949) Right to Organise and Collective Bargaining			Arts. 1-4	Protection against anti-union acts and measures to dominate unions; establish means for voluntary negotiation of terms and conditions of employment through collective agreements
	6.3 6.3	ILO Convention 141 (1975) Rural Workers' Organisations International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Arts. 2-3 Art. 8(1)	Right of tenants, sharecroppers and smallholders to organise; freedom from association; free from interference and coercion The right of everyone to form trade unions and join the trade union of their choice, subject only to the rules of the organisation concerned, for the promotion and protection of their economic and social interests. No restrictions may be placed on the exercise of this right, other than those prescribed by law and which are necessary in a democratic society in the interests of national security, or public order, or for the protection of the rights and freedoms of others

Annex 3

KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following PyC	International Standards			Key provisions	Summary of Protection
		Convention	Declaration	Guiding principles/ UN Outcome Documents		
	6.3	Collective Bargaining Convention, 1981 (No 154)			Arts. 1-3	Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements.
Non-discrimination and Equal	6.1	ILO Convention 100 (1951) Equal Remuneration			Arts. 1-3	Equal remuneration for men and women for work of equal value
	6.1	ILO Convention 111 (1958) Discrimination (Employment and Occupation)			Arts. 1-2	Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin
	6.1		UN Declaration on the Rights of Indigenous Peoples (2007)		Art. 2, 8(e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	No discrimination based on origin or identity; free to express identity based on custom; special attention to and full protection of rights of indigenous women

Theme	Referenced in following PyC	Internacional Standars			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding priniples/ UN Outcome Documents		
	6.1	ILO Convention 156 (1981) Workers with Family Responsibility			Arts. 1-5, 7-10	No discrimination of any form against a worker, whether male or female with responsibilities in relation to their dependent children, where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity
	2.2	ILO Convention on Private Employment Agencies 1997 (No. 181)			Arts. 1, 2, 4-12	Concerns the protection of workers which are employed with the intention of making the services of these workers available to third parties
	6.1	ILO Convention on Vocational Rehabilitation and Employment (Disabled Persons) 1983 (No. 159)			Arts. 1-4	Este convenio se refiere a la rehabilitación profesional para que una persona con discapacidad pueda conseguir, conservar y progresar en un empleo adecuado y, de ese modo, promover la integración o reintegración de esa persona en la sociedad.
	6.1	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Art. 7	<p>Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.</p> <p>Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence</p>

Annex 3

KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following PyC	International Standards			Key provisions	Summary of Protection
		Convention	Declaration	Guiding principles/ UN Outcome Documents		
Elimination of Harassment and Abuse in the Workplace	6.5	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)			General Recommendation 35	of the private sector, including businesses and transnational corporations, in efforts to eradicate all forms of gender-based violence against women; developing protocols and procedures addressing all forms of gender-based violence that may occur in the workplace or affect women workers, including effective and accessible internal complaints procedures.
Just Employment for Migrants	2.2 6.6					Provision of information; no obstacles to travel; provision of healthcare; non-discrimination in employment; accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.
	6.6	ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)			Arts. 1-12	Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour

Theme	Referenced in following PyC	International Standards			Key provisions	Summary of Protection
		Convention	Declaration	Guiding Principles UN Documents		
	2.2 6.6	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)			Art. 11; 21; 25; 26	Prevention of slavery; forced and compulsory labour; on confiscation of identity documents; conditions of work and contractual terms; and freedom of association and right to join trade unions
Protection of Plantation Workers	6.1	ILO Convention 97 (1949) Migration for Employment			Arts. 5-91	Protection of members of families of recruited workers' rights during recruitment and transport; fair employment contracts; abolition of penal sanctions; fair wages and conditions of work; no coercion or obligation to use company stores; adequate accommodation and conditions; maternity protection; compensation for injuries and accidents; freedom of association; right to organise and collective bargaining; proper labour inspection; decent housing and medical care.
	6.2 6	ILO Convention No 11 Rights of Association (Agriculture) 1921 ILO Convention on Plantation (1958) (No. 110)			Art. 1 Arts. 1,2,5,7,8, 11,12-15	All those who work in the agricultural sector to be accorded the same rights of association and combination as to industrial workers This convention relates to rights of workers and their families (including migrant workers) who have been recruited to work on plantations

Annex 3

KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following PyC	International Standards			Key provisions	Summary of Protection
		Convention	Declaration	Guiding principles/ UN Outcome Documents		
Working Time for Workers	6.2	ILO Convention No 101 Holidays with Pay (Agriculture) 1952			Arts. 1,3,5,7-9	Workers employed in agricultural undertakings and related occupations shall be granted an annual holiday with pay after a period of continuous service with the same employer
	6.2	ILO Convention No 47 Forty Hour Week			Art. 1	Requires that a member adopts a 40 hour week in a manner that the standard of living is not reduced as a consequence
Protection of Women's Rights to Work	6.1	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)			Art. 11	Right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; Right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work

Theme	Referenced in following PyC	International Standards			Key provisions	Summary of Protection
		Convention	Declaration	Guiding Principles UN Documents		
	6.1	Maternity Protection Convention 2000 (No. 183)			Art. 9	Prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work
	6.5 6.7	Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)			Art. 11(f)	The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction
	6.5	Maternity Protection Convention 2000 (No. 183)			Art. 10	A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.
Protection of Tenants and Sharecroppers	4.2			ILO Recommendation 132 (1968) Tenants and Sharecroppers	Arts. 4-8	Fair rents; adequate payment for crops; provisions for well-being; organisation; fair contracts; procedures for the settlement of disputes

Annex 3

KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following PyC	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding principles/ UN Outcome Documents		
Protection of Smallholders	5	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)			Art. 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards
Health and Safety	3.6 6.7	ILO Conventions 184 (2001) Safety and Health in Agriculture			Arts. 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety with respect to workplaces, machinery equipment, chemical tools and processors; ensure dissemination of information, appropriate training, supervision and compliance; special protection for youth and women workers; coverage against occupational health and disease.
	3.6 6.7	ILO Convention on Occupational Cancer 1974 (No 139)				Members shall make every effort to have carcinogenic substances and agents to which workers may be exposed in the course of their work replaced by non-carcinogenic substances or agents or by less harmful substances or agents; in the choice of substitute substances or agents account shall be taken of their carcinogenic, toxic and other properties.

Theme	Referenced in following PyC	International Standards			Key provisions	Summary of Protection
		Convention	Declaration	Guiding Principles UN Documents		
	3.6 6.7	ILO Convention on Invalidity Insurance (Agriculture) 1933 (No. 38)			Arts. 1-6 13, 17, 20.23	Maintenance of a scheme for invalidity Insurance for workers
	6.1 6.2	Convention on Maternity Protection 2000 (No. 183)			Arts. 2-4	Maternity Protection and benefits
Control or Eliminate the use of Dangerous Chemicals and Pesticides	7.2	Stockholm Convention on Persistent Organic Pollutants (2001)			Arts. 1-5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (eg Aldrin, Chlordane PCB); restrict production and use of chemicals in Annex B (eg DDT); reduce or eliminate releases of chemicals listed in Annex C (eg Hexachlorobenze)).
	7.2	Rotterdam Convention on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)			Arts. 1, 5 y 6	Curb the trade of banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides .
			UN Declaration on the Rights of Indigenous Peoples (2007)		Art. 21(1), 23, 24, 29(3)	Improvement of livelihood and sanitation, health and housing, participate in health delivery; maintain traditional health systems; effective monitoring of health.

Annex 3

KEY INTERNATIONAL LAWS AND CONVENTIONS APPLICABLE TO THE PRODUCTION OF PALM OIL

Theme	Referenced in following PyC	International Standards			Key Provisions	Summary of Protection
		Convention	Declaration	Guiding principles/ UN Outcome Documents		
		ILO Convention No 148 on Working Environment (Air, Pollution, Noise and Vibration) 1977			Arts. 1-3	Establece las medidas que deben
		ILO Convention No 170 on Chemical Convention 1990			Art. 2(c), y Parte IV	Provides for measures to prevent or reduce the incidences of chemically induced illness and injuries at work; and identifies the roles and responsibilities of employers in the context of identification, transfer of chemicals, exposures, operational control, disposal and information dissemination and training
Right to Food	6.2	International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966)			Art. 11	Right to adequate standard of living, including right to food .

Theme	Referenced in following PyC	International Standards			Key provisions	Summary of Protection
		Convention	Declaration	Guiding Principles UN Documents		
Environmental Protection	3.4	UN Convention on Biological Diversity (1992)			Art. 14	Environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimising such effects and, where appropriate, allow for public participation in such procedures.
Conservation of Biodiversity		UN Convention on Biological Diversity (1992)			Arts. 1-18	Conservation of biological diversity and the sustainable use of its components .
GHG Emissions	7.10				Arts. 1-4	Aimed at stabilising atmospheric concentrations of greenhouse gases to avoid “dangerous anthropogenic interference, including in agricultural sector



ANNEX 4: IMPLEMENTATION PROCEDURE FOR INDICATOR 2.3.2

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

ANNEX 5: TRANSITION FROM HCV TO HCV-HCS ASSESSMENT

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

NO NEW LAND CLEARING SCENARIOS:

- Existing certified plantations, with valid HCV assessment approved before 15 November 2018
 - o Going for recertification → HCV assessment is acceptable
 - o Replanting → HCV assessment is acceptable
- Existing plantations, not yet certified at 15 November 2018, going for initial certification
 - o Without existing ALS Approved HCV Assessment → New combined HCV-HCS required
 - o With valid ALS approved HCV assessment → ALS Approved Assessment acceptable
 - o Where certification is pending, as of 15 November 2018, because it has been held up by RACP or HGU processes, previous approved HCV assessment (RSPO and ALS approved), if they are not older than January 2009¹, will be accepted¹
 - o HCV assessment submitted to ALS but pending approval before 15 November 2018
 - If passes ALS process, then the approved HCV assessment is acceptable
 - If fails ALS process, new combined HCV-HCS assessment required
 - o Replanting → ALS approved HCV is acceptable

¹ The date for first published list of RSPO-approved HCV assessors.

ANNEX 5: TRANSITION FROM HCV TO HCV-HCS ASSESSMENT

NEW LAND CLEARING SCENARIOS:

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

ANNEX 6: COLOMBIAN LEGAL FRAMEWORK

Below is a list of the main legal requirements related to the RSPO Principles and Criteria to the production of sustainable palm oil. Corresponds to the regulations in force in Colombia with court as of May 2019. It should be noted that this is not an exhaustive compilation of the Colombian legal framework; it was developed to guide oil palm growers and mills on the main legal requirements associated with the RSPO standard.

PRINCIPIO 1

CRITERIO 1.1 INFORMACIÓN TRANSPARENTE; DOCUMENTOS A DISPOSICIÓN DEL PÚBLICO; COMUNICACIÓN ENTRE LAS PARTES		
TEMA	REQUERIMIENTO	NORMATIVA/ REGLAMENTACIÓN
Documentos públicos y privados	Definición de documentos públicos y privados	Código General del Proceso, art. 243, Inc. 2
	Reserva de documentos (definición y excepción)	Código de Comercio, arts. 61, 63
	Matrícula mercantil	Código de Comercio, art. 26
Ley de hábeas data	Principios fijados por la Corte Constitucional	Ley Estatutaria 1266 de 2008
	Respeto por la información obtenida	Law 1581/2012
Documentos que demuestran la propiedad	Título traslativo de dominio	Código Civil, art. 745
	Título originario expedido por el Estado que no ha perdido eficacia legal	Ley 160 de 1994, art. 48
	Escritura pública y registro del título traslativo	Código Civil, arts. 759, 1857
	Perfeccionamiento del contrato de venta	Código Civil, art. 1857
	Registro de actos títulos y documentos	Estatuto de registro de instrumentos públicos Ley 1579 de 2012, arts. 1, 4, 7, 8, 17, 21, 22, 23, 31, 49, 67
Seguridad Social	Contratación de asistencia médica	Código Sustantivo del Trabajo, art. 207
	Seguro de riesgos profesionales	Código Sustantivo del Trabajo, art. 219
	Medidas de higiene y seguridad (reglamento)	Código Sustantivo del Trabajo, arts. 348, 349
	Efecto por el no pago de aportes al sistema general de riesgos laborales	Ley 1562 de 2012, art. 7
	Sanciones por incumplimiento de programas de salud ocupacional	Ley 1562 de 2012, art. 13
	Prestaciones asistenciales y económicas	Decreto 1595 de 1994, arts. 5, 7
	Obligaciones del empleador	MinTrabajo, Resolución 1409 de 2012, art. 3
Medidas de prevención para evitar la caída de trabajadores en trabajos de altura	MinTrabajo, Resolución 1409 de 2012, art. 8	

	Capacitación o certificación de la competencia laboral de trabajadores que realicen trabajo en alturas	MinTrabajo, Resolución 1409 de 2012, art. 9
	Medidas de protección contra caídas	MinTrabajo, Resolución 1409 de 2012, art. 21
	Sistema de gestión de la seguridad en el trabajo	MinTraajo, Decreto 1443 de 2014
Derecho de petición	Resolver los derechos que se presenten ante las instituciones privadas	Código de Procedimiento Administrativo y Contencioso Administrativo, Título II, Capítulos I y II
Idioma oficial de Colombia		Constitución Política, art. 10 Código de Comercio, art. 823
Idioma oficial de las minorías		Constitución Política, art. 10
CRITERIO 1.2 CONDUCTA ÉTICA		
Estatuto anticorrupción	Delitos contra el patrimonio económico (corrupción privada y administración desleal)	Código Penal, adicionado por el Estatuto Anticorrupción, arts. 250A, 250B
	Evasión fiscal y medidas contra personas jurídicas	Estatuto anticorrupción, Ley 1474 de 2011, art. 34 y 313

PRINCIPIO 2

CRITERIO 2.1 CUMPLIMIENTO CON LA LEY; DERECHOS CONSUETUDINARIOS

TEMA	REQUERIMIENTO	NORMATIVA/ REGLAMENTACIÓN
Tradición	Título traslativo de dominio	Código Civil, art. 745
	Enajenación con solemnidades	Código Civil, art. 749
	Requisitos para tradición de bienes inmuebles	Código Civil, art. 756
	Requisitos para tradición de servicios de servidumbre	Código Civil, art. 760
	Requisitos para tradición de derechos personales	Código Civil, art. 740
	Tradición de cosa ajena	Código Civil, art. 752
	Formas de tradición	Código Civil, art. 754
Contrato de arrendamiento	Elementos del contrato de arrendamiento	Código Civil, art. 1973
	Subarriendo y cesión del contrato de arrendamiento	Código de Comercio, art. 518
Propiedad privada	Derecho de dominio (modos de adquirir)	Código Civil, arts. 669, 673
		Código Civil, art. 667
		Decree 2811/1974
	Propiedad sobre las aguas	Decree 1541/1978
Código civil, art 684		
Posesión sobre inmuebles rurales	Código de Recursos Naturales	
	Código civil, art 762	

Uso del suelo	Garantizar que el uso del suelo para cultivos o plantas de beneficio está acorde con el ordenamiento territorial municipal	Law 388/1997
	Función ecológica de la propiedad	Constitución política, art. 58
Contrato de compraventa	Características de la promesa de compraventa	Código Civil, art. 1611
	Concepto y modalidades de compraventa	Código Civil, arts. 1849, 1863
Accesión	Overview	Código Civil, art. 713
Usucapión	Prescripción adquisitiva	Código Civil, art. 2518, 2528 Ley 791 de 2002, art. 4
	Prescripción ruta general	Código Civil, art. 950 y ss y Código General del Proceso, art. 390 y ss
	Prescripción por proceso verbal especial	Law 1561/2012
	Prescripción por vía transicional	Law 1448/2011
Posesión	Concepto y tipos de posesión	Código Civil, arts. 762, 764
	Posesión de cosa proindiviso	Código Civil, art. 779
Compraventa de inmuebles	Tradicción de inmuebles	Código Civil, art. 756
	Elementos para el perfeccionamiento del contrato de compraventa	Código Civil, art. 1857
	Costas de la escritura de compraventa	Código Civil, art. 1862
	Lesión enorme (facultades de las partes ante la rescisión, cláusulas inválidas)	Código Civil, arts. 1947, 1948, 1950
Resolución de conflictos	Procedimiento verbal	Código General del Proceso, art. 369
	Conciliación	Law 640/2001
	Arbitraje	Estatuto de Arbitraje Nacional e Internacional, Ley 1563 de 2012
	Elementos de la transacción	Código Civil, arts. 2469 - 2483
Propiedad ancestral y resguardos indígenas	Función de la Agencia Nacional de Tierras para constitución, ampliación, saneamiento y reestructuración de resguardos indígenas.	Decreto 2663 de 2015, art 4, numeral 26
Consulta previa	Entidad encargada del procedimiento de consulta previa	Decreto 2893 de 2011, arts. 1º, 13 núm. 6º, 7º: 14 núm. 5º, 6º; 16
	Garantía de participación de los pueblos indígenas y tribales	Ley 21 de 1991, arts. 2º, 6º
	Consulta previa (características y procedimiento)	Decreto 1320 de 1998, arts. 1º, 2º, 3º, 5º, 12

	En caso que la empresa esté sujeta a la realización de consultas previas (indígenas y comunidades negras de Ley 70 de 1993) deberán haber aplicado el procedimiento de la Directiva Presidencial.	Directiva Presidencial No. 10 expedida por la Presidencia de la República. Se establece la Guía para la Realización de Consulta Previa con comunidades étnicas, como herramienta interinstitucional en dichos procesos para el desarrollo de proyectos, obras o actividades en los que aplique.
	En caso que la empresa esté sujeta a la realización de consultas previas (indígenas y comunidades negras de Ley 70 de 1993) deberán haber aplicado el procedimiento de manejo a través de la Coordinación Interinstitucional del Ministerio del Interior - Dirección de Consultas Previas	Decreto 2613 de 2013 expedido por el Ministerio del Interior. Se adopta el protocolo de coordinación interinstitucional para la consulta previa
Bienes de propiedad de grupos étnicos	Respeto por la propiedad colectiva de comunidades negras	Constitución Política, art. 63 Ley 70 de 1993, arts. 4º, 5º, 6º, 7º, 19, 21; Decreto 1745 de 1995, art. 3º
	Respeto por las tierras de las comunidades indígenas	Constitución Política, art. 63 Ley 160 de 1994, art. 85 Decreto 2164 de 1995, arts. 3º, 16, 23, 24 Decreto 1953/2014
	Respeto por los derechos de los grupos étnicos	Ley 397 de 1997, art. 13
Leyes de protección a negritudes	Reconocimiento de tierras para las comunidades negras	Ley 70 de 1993, arts. 1º, 4º, 5º, 26, 27, 32, 33, 34, 47
Leyes relacionadas con minorías étnicas	Protección a las comunidades indígenas y afrodescendientes	Constitución Política, arts. 7º, 93, 330, 55 transitorio.
Tipos de procesos que están relacionados con inmuebles	Requisitos de demandas que versen sobre inmuebles	Código General del Proceso, art. 83
	Declaración de pertenencia	Código General del Proceso, art. 375
	Servidumbre	Código General del Proceso, art. 376
	Restitución de inmueble arrendando	Código General del Proceso, art. 384
	Divisorio	Código General del Proceso, art. 406
	Deslinde y amojonamiento	Código General del Proceso, art. 400
	Saneamiento por evicción	Código Civil, art 1527
	Saneamiento por vicios ocultos y redhibitorios	Código General del Proceso, art. 1914
	Reivindicatorio y posesorio	Código Civil, art 656, 665, 762, 946, 950 y 952
	Lanzamiento por ocupación de hecho de predios rurales	Código General del Proceso, Art. 393
Expropiación	Código General del Proceso, Art. 399	

		Law 9/1989 Law 388/1997 Law 160/1994 Law 1682/2013
	Extinción del dominio por in explotación	Law 160/1994, Article 52.
	Recuperación de baldíos indebidamente ocupados	Ley 160 de 1994, capítulo X
	Clarificación de la de la propiedad	Ley 160 de 1994, art 48
	Deslinde o delimitación	Ley 160 de 1994, art 48
	Titulación sobre inmuebles rurales privados	Decreto Ley 902, art 36
	Adjudicación de baldíos	Ley 160 de 1994, art 65, 65ª, 66

CRITERIO 2.2 CUMPLIMIENTO LEGAL DE CONTRATISTAS

PRINCIPIO 3

CRITERIO 3.4 ESTUDIOS Y PLANES DE MANEJO AMBIENTALES Y SOCIALES; IDENTIFICACIÓN DE ASPECTOS E IMPACTOS AMBIENTALES Y PLAN DE MANEJO

TEMA	REQUERIMIENTO	NORMATIVA/ REGLAMENTACIÓN
Uso del suelo	Garantizar que el uso del suelo para el nuevo cultivo o planta de beneficio esté acorde con el ordenamiento territorial municipal.	Law 388/1997
Forest exploitation	Contar con permiso de aprovechamiento forestal previo a la intervención de coberturas arbóreas y cumplir con los requerimientos allí establecidos.	Decreto 1076 de 2015, arts. 2.2.1.1.5.3, 2.2.1.1.5.4 y 2.2.1.1.5.5 (anterior Decreto 1791 de 1996, arts. 14, 15 y 16)
Materiales de construcción	Garantizar que los materiales de construcción provenientes de minería vengan de minas con título minero y licencia ambiental, y que los materiales forestales provengan de áreas con permiso de aprovechamiento forestal	Ley 685 de 2001, Arts. 11, 14 Decreto 1076 de 2015, Título 2, Cap 1 (anterior Decreto 1791 de 1996)
Requerimientos del Sistema de gestión ambiental	Las empresas a nivel industrial deben contar con un Departamento de Gestión Ambiental.	Ley 1124 de 2007, art. 8 Decreto 1076 de 2015 arts. 2.2.8.11.1.3 al 2.2.8.11.1.8 (anterior Decreto 1299 de 2008, arts. 3 al 8)
	Contar con el Registro Único Ambiental para el sector manufacturero diligenciado y radicado ante la autoridad ambiental (para plantas de beneficio).	Resolución 1023 de 2010 (Minambiente), art. 4

CRITERIO 3.5 ADMINISTRACIÓN Y MANEJO DEL RECURSO HUMANO

CRITERIO 3.6 SEGURIDAD INDUSTRIAL Y SALUD OCUPACIONAL

Asistencia médica	Contratación de la asistencia médica.	Código Sustantivo del Trabajo, arts. 206, 207, 208
Seguro por riesgos profesionales	Obligación de aseguramiento de los empleados.	Código Sustantivo del Trabajo, art. 219
Accidente de trabajo	Aviso que debe dar el accidentado.	Código Sustantivo del Trabajo, art. 221

Medidas de higiene y seguridad	Tener un reglamento de higiene y seguridad (contenido del reglamento).	Código Sustantivo del Trabajo, art. 339, 350
Enfermedad laboral	Prestaciones económicas al empleado en caso de accidente de trabajo o enfermedad profesional.	Decreto 1295 de 1994, art.7
Asistencia médica, higiene y seguridad industrial	Comité de medicina, higiene y seguridad industrial.	Resolución 2013 de 1986, arts. 1-5

CRITERIO 3.7 CAPACITACIÓN

PRINCIPIO 4

CRITERIO 4.1 DERECHOS HUMANOS

TEMA	REQUERIMIENTO	NORMATIVA/ REGLAMENTACIÓN
Regulación nacional e internacional relacionada con la protección y respeto a los derechos humanos	<p>Carta de las Naciones Unidas</p> <p>Convención Americana sobre Derechos Humanos. Law 16/1972</p> <p>Convención Interamericana para prevenir sancionar y erradicar la violencia contra la mujer</p> <p>Convención Interamericana para prevenir y sancionar la tortura</p> <p>Convención Interamericana sobre concesión de los derechos políticos a la mujer</p> <p>Convención Interamericana sobre derechos civiles de la mujer</p> <p>Convención sobre la imprescriptibilidad de los crímenes de guerra y los crímenes de lesa humanidad</p> <p>Declaración sobre la protección de todas las personas contra la tortura y otros tratos o penas crueles, inhumanos o degradantes</p> <p>Declaración Universal de los Derechos Humanos</p> <p>Pacto Internacional de derechos civiles y políticos</p> <p>Pacto Internacional de derechos económicos, sociales y culturales</p> <p>Convenio relativo al seguro de enfermedad de los trabajadores agrícolas de la OIT, 1927</p> <p>Convenio sobre la libertad sindical y la protección del derecho de sindicación de la OIT, 1948</p> <p>Convenio sobre el derecho de sindicación y de negociación colectiva de la OIT, 1949</p> <p>Convenio sobre pueblos indígenas y tribales de la OIT, 1989</p> <p>Convenio sobre la edad mínima de la OIT 1973</p> <p>Principios Pinheiro o principios sobre la restitución de las viviendas y el patrimonio de los refugiados y las personas desplazadas de la ONU, 2007</p>	

CRITERIO 4.2 PETICIONES, QUEJAS, RECLAMOS

TEMA	REQUERIMIENTO	NORMATIVA/ REGLAMENTACIÓN
Derecho de petición	Resolver el recurso.	<p>Law 1755/2015</p> <p>Por medio de la cual se regula el Decreto Fundamental de Petición y se sustituye un título del</p>

Código de Procedimiento Administrativo y de lo Contencioso Administrativo.

CRITERIO 4.3 DESARROLLO SOSTENIBLE

TEMA	NORMATIVA/ REGLAMENTACIÓN
Marco legal	Law 99/1993 Law 164/1994 “Por medio de la cual se aprueba la “Convención Marco de las Naciones Unidas sobre el Cambio Climático” Convenio de la diversidad biológica de la ONU, 1992
Principios	Declaración de Río sobre el Medio Ambiente y el Desarrollo, 1992 Decree 1076/2015. Decreto Único Reglamentario del Sector Ambiente y Desarrollo Sostenible
Concepto de informes de sostenibilidad	GRI: Global Reporting Initiative. Sustainability Guidelines. http://www.globalreporting.org ACCOUNTABILITY. AA1000 AccountAbility Principles Standard. [http://www.globalreporting.org] ONU. Pacto Mundial de las Naciones Unidas. Disponible en [www.unglobalcompact.org]

CRITERIO 4.4 USO DE LA TIERRA

TEMA	REQUERIMIENTO	NORMATIVA/ REGLAMENTACIÓN
Suelo	Classification	Law 388/1997
Formas en las cuales se hace uso de la tierra	Uso de las tierras acorde con las normas municipales	Law 1454/2011 Law 388/1997
	Propiedad colectiva, prácticas tradicionales sobre tierras	Law 160/1994, art. 69 Ley 70 de 1993, art. 19, 20, 21, 22 Law 12/1990 Decreto 2256/1991 Decreto 2663 de 1994 Decreto 1608 de 1978
Resolución de conflictos	Procedimiento verbal y verbal	Código General del Proceso, art. 369 Law 1561/2012
	Conciliación	Law 640/2001
	Arbitraje	Estatuto de Arbitraje Nacional e Internacional, Ley 1563 de 2012
	Elementos de la transacción	Código Civil, arts. 2469 - 2483
Derechos Consuetudinarios. Identificación y autorizaciones de uso de tierras consuetudinarias (aplica también a 4.5 y 4.8)	Identificación de Derechos Consuetudinarios para pueblos indígenas o las comunidades afrodescendientes y territorios reconocidos como ancestrales	Decreto 2164 de 1995, Decreto 2333 de 2014 Decreto 1745 de 1995, Decreto 1500 de 2018 Decreto 2333 de 2014

	Constancia de solicitudes en trámite de protección y/o reconocimiento de territorios (incluyendo para pueblos indígenas o las comunidades afrodescendientes)	Decretos 2164/1995, Decreto 1071 de 2005 Decreto 2333 de 2014 Decreto 1745 de 1995
	Constancia que da cuenta si los territorios son reconocidos como ancestrales	Decreto 1500 de 2018 Decreto 2333 de 2014
	Verificación de las bases de datos oficiales	i) RUPTA (Ley 387 de 1997; Decreto Ley 2365 de 2015; Decreto 2051 de 2016) j) RTDAF (Ley 1448 DE 2011 Capítulo III; Decreto 440 de 2016 (modificatorio de la parte 15 del Decreto 1071 de 2015, compilatorio de los Decretos 4829 de 2011 y 599 de 2012) k) Declaratoria de zona inminente de riesgo (Decreto 207 de 2001)

CRITERIO 4.5 DERECHOS CONSUETUDINARIOS, ACCESO A LA TIERRA

Normas relacionadas con la tierra en comunidades y grupos étnicos	Tierras comunales de grupos étnicos, las tierras de resguardo, el patrimonio arqueológico de la Nación y los demás bienes que determine la ley, son inalienables, imprescriptibles e inembargables.	Constitución Política, art. 63, 55 transitorio
	Vicios del consentimiento en los contratos (error, fuerza, dolo).	Código Civil, arts. 1508, 1509, 1510. 1511, 1512, 1513, 1514, 1515, 1516
	Reconocimiento de tierras para comunidades negras.	Ley 70 de 1993, arts. 1º, 4º, 5º, 6º, 7º, 19, 21, 26, 27, 32, 33, 34, 47; Decreto 1745 de 1995, art. 3º
	Reconocimiento de tierras a comunidades indígenas.	Ley 160 de 1994, art. 85; Decreto 2164 de 1995, arts. 3º, 16, 23, 24
	Derechos de grupos étnicos.	Ley 397 de 1997, art. 13
Propiedad privada	Dominio, modos de adquirir el dominio	Código Civil, arts. 669, 673
	Usufructo, uso o habitación	Código Civil, arts. 675, 823
	Acreditación de propiedad ante el Estado	Ley 160 de 1992, art. 48
	Propiedad sobre las aguas	Código Civil, art. 677 y 684 Decree 2811/1974 Decree 1542/1978
	Poseedores de inmuebles rurales	Código Civil, art 682

Protección y restituciones de tierras	Medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno y se dictan otras disposiciones"	Ley 387 de 1997, art 19 Decree 2007/2001 Law 1448/2011 Decree 4829/2012
CRITERIO 4.6. DERECHOS CONSUETUDINARIOS		
Normas relacionadas con la propiedad de la tierra y las minorías étnicas	Las tierras comunales de grupos étnicos son inalienables, inembargables e imprescriptibles.	Constitución Política, art. 63
	Vicios del consentimiento en los contratos (error, fuerza y dolo).	Código Civil, arts. 1508 - 1516
Consulta previa	Características y procedimiento.	Decreto 1320 de 1998, arts. 1, 2, 3, 5, 12
	Participación de pueblos indígenas y tribales.	Ley 21 de 1991, arts. 2 y 6
Bienes de propiedad de grupos étnicos/ características de la propiedad por parte de minorías étnicas	Reconocimiento de tierras para comunidades negras.	Ley 70 de 1993, arts. 1, 4, 5, 6, 7, 19, 21, 26, 27, 32, 33, 34, 47 Decreto 1745 de 1995, art. 3
	Tierras a comunidades indígenas.	Ley 160 de 1994, art. 85 Decree 1953/2014
Resolución de conflictos	Procedimiento verbal.	Código General del Proceso, art. 369 Law 1561/2012
	Conciliación	Law 640/2001
	Arbitraje.	Estatuto de Arbitraje Nacional e Internacional, Ley 1563 de 2012
	Elementos de la transacción.	Código Civil, arts. 2469 - 2483
CRITERIO 4.7. ACCESO A LA TIERRA		
Propiedad privada	Dominio, modos de adquirir el dominio Usufructo, uso o habitación	Código Civil, art 467, 669, 673 y 1849
	Propiedad sobre las aguas	Código Civil, art. 677 y 684 Decree 2811/1974
	Poseedores de inmuebles rurales	Código Civil, art. 677
Bienes Públicos	Fiscales adjudicables, baldíos	Constitución política, art. 102 Código Civil, art. 675 Ley 160 de 1994, art. 65 Decreto 902 de 2017, art. 4 y 5
	Bienes de uso público	Constitución Política, art 63. Código Civil, art 674 y 678 Ley 110 de 1912, art. 107

Restitución de tierras	Medidas de atención, asistencia y reparación integral a las víctimas del conflicto armado interno	Ley 387 de 1997, art 19 Decreto 20017/2001 Law 1448/2011 Decreto 4829/2012
CRITERIO 4.8 DERECHOS CONSUETUDINARIOS		
Determinación de los resguardos indígenas	Función de la Agencia Nacional de Tierras para constitución, ampliación, saneamiento, reestructuración resguardos indígenas	Decreto 2663 de 2015, art. 4º núm 26
Consulta previa	Entidad encargada del procedimiento de consulta previa	Decreto 2893 de 2011, arts. 1º, 13 núm. 6º, 7º: 14 núm. 5º, 6º; 16
	Garantía de participación de los pueblos indígenas y tribales	Ley 21 de 1991, arts. 2º, 6º
	Consulta previa (características y procedimiento)	Decreto 1320 de 1998, arts. 1º, 2º, 3º, 5º, 12
	En caso que la empresa esté sujeta a la realización de consultas previas (indígenas y comunidades negras de Ley 70 de 1993) deberán haber aplicado el procedimiento de la Directiva Presidencial.	Directiva Presidencial No. 10 expedida por la Presidencia de la República. Se establece la Guía para la Realización de Consulta Previa con comunidades étnicas, como herramienta interinstitucional en dichos procesos para el desarrollo de proyectos, obras o actividades en los que aplique.
	En caso que la empresa esté sujeta a la realización de consultas previas (indígenas y comunidades negras de Ley 70 de 1993) deberán haber aplicado el procedimiento de manejo a través de la Coordinación Interinstitucional del Ministerio del Interior - Dirección de Consultas Previas	Decreto 2613 de 2013 expedido por el Ministerio del Interior. Se adopta el protocolo de coordinación interinstitucional para la consulta previa
Bienes de propiedad de grupos étnicos	Respeto por la propiedad colectiva de comunidades negras	Ley 70 de 1993, arts. 4º, 5º, 6º, 7º, 19, 21; Decreto 1745 de 1995, art. 3º
	Respeto por las tierras de las comunidades indígenas	Ley 160 de 1994, art. 85/ Decreto 2164 de 1995, arts. 3º, 16, 23, 24 Decreto 1953/2014
	Respeto por los derechos de los grupos étnicos	Ley 397 de 1997, art. 13
Leyes de protección a negritudes	Reconocimiento de tierras para las comunidades negras	Ley 70 de 1993, arts. 1º, 4º, 5º, 26, 27, 32, 33, 34, 47 Decreto 1745/1995
Leyes relacionadas con minorías étnicas	Protección a las comunidades indígenas y afrodescendientes	Constitución Política, arts. 7º, 93, 330, 55 transitorio.
	Requisitos de demandas que versen sobre inmuebles	Código General del Proceso, art. 83

Tipos de procesos que están relacionados con inmuebles	Declaración de pertenencia	Código General del Proceso, art. 375
	Servidumbre	Código General del Proceso, art. 376
	Restitución de inmueble arrendando	Código General del Proceso, art. 384
	Divisorio	Código General del Proceso, art. 406
	Deslinde y amojonamiento	Código General del Proceso, art. 400
	Saneamiento por evicción	Código Civil, art 1527
	Saneamiento por vicios ocultos y redhibitorios	Código General del Proceso, art. 1914
	Reivindicatorio y posesorio	Código Civil, art 656, 665, 762, 946, 950 y 952
	Proceso verbal sumario	Código General del Proceso, Art. 390
	Lanzamiento por ocupación de hecho de predios rurales	Código General del Proceso, Art. 393
	Expropiación	Código General del Proceso, Art. 399 Law 9/1989 Law 388/1997 Law 160/1994 Law 1682/2013
	Extinción del dominio por inexploración	Law 160/1994, Article 52.
	Recuperación de baldíos indebidamente ocupados	Ley 160 de 1994, capítulo X
	Clarificación de la de la propiedad	Ley 160 de 1994, art 48
Deslinde o delimitación	Ley 160 de 1994, art 48	
Titulación sobre inmuebles rurales privados	Decreto Ley 902, art 36	
Adjudicación de baldíos	Ley 160 de 1994, art 65, 65ª, 66	

PRINCIPIO 5

CRITERIO 5.1 NEGOCIACIÓN JUSTA

Contratos comerciales	Contrato de compraventa	Código de Comercio, arts. 905, 906
	Contrato de arrendamiento	Código de Comercio, art. 518
	Contrato de suministro	Código de Comercio, arts. 968, 969
	Contrato de transporte	Código de Comercio, arts. 981 - 984
	Contrato de seguro	Código de Comercio, arts. 1036 - 1040
	Contrato de mutuo	Código de Comercio, arts. 1163 - 1164
	Contrato de depósito	Código de Comercio, art. 1170
	Contrato de prenda	Código de Comercio, arts. 1200 - 1203
	Contrato de fiducia mercantil	Código de Comercio, arts. 1226 - 1229
	Contrato de cuentas en participación	Código de Comercio, art 507
	Contrato de aparcería	Law 6/1975 Decree 2815/1975

	Contrato de leasing o arrendamiento financiero	Decreto 913 de 1993, art 2
	Contrato consensual	Código Civil, art 1500
Precios justos	Lesión enorme	Código Civil, arts. 1947 - 1954

PRINCIPIO 6

CRITERIO 6.1 NO DISCRIMINACIÓN

Normas relacionadas con la no discriminación	Igualdad	Constitución Política, art 13
	Ley antidiscriminación	Ley 22 de 1981
	Prohibición de discriminación a la mujer	Ley 51 de 1981
	Derechos de las personas discapacitadas	Ley 1346 de 2009
	Actos de racismo	Ley 1482 de 2011

CRITERIO 6.2 NORMATIVIDAD LABORAL

Contrato de trabajo	Forma en que se puede realizar el contrato, definición.	Código Sustantivo del Trabajo, arts. 37, 22
	Tipos de contrato de trabajo.	Código Sustantivo del Trabajo, arts. 37, 38, 39, 46, 47
	Remuneración (obligación y salario).	Código Sustantivo del Trabajo, arts. 27, 127, 128, 138, 142, 144
	Vacaciones (compensación en dinero y remuneración en tiempo de vacaciones).	Código Sustantivo del Trabajo, arts. 189 y 192
Prestaciones sociales	Obligación de los empleadores.	Código Sustantivo del Trabajo, art. 193
	Salario base (prestaciones renunciables).	Código Sustantivo del Trabajo, art. 218
Contratistas	Tercerización laboral	MinTrabajo, Decreto 583 de 2016

CRITERIO 6.3 SINDICALISMO

Contrato sindical	Definición, responsabilidad del sindicato de trabajadores que haya suscrito un contrato sindical.	Código sustantivo del Trabajo, arts. 482, 483, Decreto 1429 de 2010
Negociación colectiva	Derecho de asociación.	Constitución Política, arts. 39, 55, 56; Código Sustantivo del Trabajo, arts. 414, 415
Resolución de conflictos	Iniciación, duración, acuerdo.	Código Sustantivo del Trabajo, arts. 433-435
Asociaciones no sindicales	Trabajadores no sindicalizados, prohibición de suscribir pactos colectivos.	Código Sustantivo del Trabajo, art. 481; Ley 50 de 1990, art. 70

CRITERIO 6.4 TRABAJO INFANTIL

Derechos de los niños y adolescentes	Trabajo sin autorización.	Código Sustantivo del Trabajo, art. 31
	Duración máxima de la jornada laboral.	Código Sustantivo del Trabajo, art. 161
	Edad mínima de admisión al trabajo, derechos.	Código Sustantivo del Trabajo, art. 171; Código de la Infancia y la Adolescencia, arts. 20, Núm. 12, 13; 35

	Se aprueba el Convenio 182 de la OIT sobre la prohibición de las peores formas de trabajo infantil y la acción inmediata para su eliminación.	Ley 704 de 2011: arts. 6, 7 y 8
--	---	---------------------------------

CRITERIO 6.5 ACOSO

Acoso laboral	Definición, modalidades, medidas preventivas y correctivas.	Ley 1010 de 2006, arts. 1,2,9
Acoso sexual	Delito contemplado en el Código Penal.	Código Penal, art. 210A

CRITERIO 6.6 TRABAJO FORZOSO

Prohibición a las formas de trabajo forzoso	Constitución Política, art. 25 Jornada ordinaria: Cód. Sustantivo del Trabajo, art. 158, 161	
---	---	--

CRITERIO 6.7 SEGURIDAD INDUSTRIAL Y SALUD OCUPACIONAL

Asistencia médica	Contratación de la asistencia médica.	Código Sustantivo del Trabajo, arts. 206, 207, 208
Seguro por riesgos profesionales	Obligación de aseguramiento de los empleados.	Código Sustantivo del Trabajo, art. 219
Accidente de trabajo	Aviso que debe dar el accidentado.	Código Sustantivo del Trabajo, art. 221
	Definición	1562 de 2012, art 3
Medidas de higiene y seguridad	Tener un reglamento de higiene y seguridad (contenido del reglamento).	Código Sustantivo del Trabajo, art. 339, 350
	Definición	1562 de 2012, art 4
Enfermedad laboral	Prestaciones económicas al empleado en caso de accidente de trabajo o enfermedad profesional.	Decreto 1295 de 1994, art.7
	Tabla de enfermedades laborales	Decreto 1477 de 2014
Asistencia médica, higiene y seguridad industrial	Comité de medicina, higiene y seguridad industrial.	Resolución 2013 de 1986, arts. 1-5

PRINCIPIO 7

CRITERIO 7.2 PLAGUICIDAS

Uso de plaguicidas autorizados	Garantizar que no se estén utilizando plaguicidas restringidos, prohibidos, cancelados o suspendidos.	Decreto 1843 de 1991, art. 22 Decreto 502 de 2003, arts. 11, 12
Capacitación y entrenamiento	Cumplir con los requerimientos en capacitación y entrenamiento para los trabajadores que usen o manejen plaguicidas.	Decreto 1843 de 1991, arts. 172, 173, 174, 175
Atención médica	Suministrar el servicio de atención y control médico para los trabajadores que usen o manejen plaguicidas.	Decreto 1843 de 1991, arts. 163, 164
	Realizar una evaluación médica anual específica para personal que realice actividades con riesgos a la salud	Resolución 2346 de 2007 del Ministerio de Salud y Protección Social
Medidas de protección del ambiente y de las personas	Cumplir con las medidas de protección del ambiente y de las personas relacionadas con el uso y manejo de plaguicidas.	Decreto 1843 de 1991, arts. 176-181

Aplicación de plaguicidas	Adoptar medidas adecuadas para evitar el riesgo a la salud de las personas que realizan la actividad, así como la contaminación del ambiente en general.	Ley 9 de 1979 arts 140, 142
	Garantizar que los residuos provenientes de la aplicación de plaguicidas sean sometidos a un tratamiento y disposición final adecuados.	Ley 9 de 1979 art. 144
	Garantizar el buen estado de los equipos para la aplicación de plaguicidas.	Decreto 1843 de 1991, art. 83
	Cumplir con la franja de seguridad en la aplicación de plaguicidas.	Decreto 1843 de 1991, art. 87
	Contar con licencia sanitaria, con permiso de operación de pistas y cumplir con los demás requerimientos para la aplicación aérea de plaguicidas.	Decreto 1843 de 1991, arts. 95, 97
Manejo de remanentes, residuos y envases de plaguicidas	Aplicar el triple lavado y tener un adecuado manejo y disposición de los remanentes de plaguicidas.	Ley 9 de 1979, art. 144 Decreto 1843 de 1991, art. 90 Resolución 693 de 2007 (Minambiente), art. 7
	Cumplir con las obligaciones de los consumidores en los Planes de Devolución de Productos Posconsumo de Plaguicidas.	Resolución 693 de 2007 (Minambiente), art. 7 Resolución 1675 de 2013 (Minambiente), art. 14
CRITERIO 7.3 DESECHOS		
Gestión integral de residuos sólidos ordinarios	Obligaciones de los usuarios para el almacenamiento de residuos sólidos.	Decreto 1077 de 2015 (anterior Decreto 2981 de 2013)
Gestión integral de Residuos Peligrosos - RESPEL	Cumplir con las obligaciones del generador de RESPEL, que incluyen la formulación e implementación de un Plan de Gestión Integral de Residuos Peligrosos (PGIRESPEL). Este plan abarca la identificación, caracterización y adecuado almacenamiento, manejo y disposición de los RESPEL.	Decreto 1076 de 2015, art. 2.2.6.1.3.1 (anterior Decreto 1609 de 2002 Decreto 4741 de 2005, art. 10) Ley 1252 de 2008, art. 12
	Cumplir con las responsabilidades del generador de RESPEL	Decreto 1076 de 2015, arts. 2.2.6.1.3.2 y 2.2.6.1.3.3 (anterior Decreto 4741 de 2005, arts. 11, 12, 13) Ley 1252 de 2008, arts. 7, 9
	Cumplir con los requerimientos normativos para la identificación, caracterización y clasificación de los residuos o desechos peligrosos	Decreto 1076 de 2015, arts. 2.2.6.1.2.1 al 2.2.6.1.2.5 (anterior Decreto 4741 de 2005, arts. 5-9) Resolución 1402 de 2006 (Minambiente), art. 4 Ley 1252 de 2008, art. 12
	Inscribirse en el registro de generadores de RESPEL	Decreto 1076 de 2015, art. 2.2.6.1.6.2 (anterior Decreto 4741 de 2005, art. 28)

		Resolución 1362 de 2007 (Minambiente), arts. 2, 4, 5, 6
	Capacitar al personal encargado de la gestión y el manejo de RESPEL	Decreto 1076 de 2015, art. 2.2.6.1.3.1, literal d (anterior Decreto 4741 de 2005, art. 10, literal g)
	Garantizar una gestión adecuada de los equipos o desechos que contienen o están contaminados con policlorobifenilos (PCB).	Resolución 222 de 2011 (Minambiente), arts. 4,5,7,10,11
	Entregar los residuos o desechos sujetos a plan de devolución de posconsumo a las entidades autorizadas para su implementación: plaguicidas en desuso, envases y empaques de plaguicidas, medicamentos vencidos, baterías usadas, llantas, RAEES (Residuos de aparatos eléctricos y electrónicos), luminarias.	Decreto 1076 de 2015, art. 2.2.6.1.4.1 (anterior Decreto 4741 de 2005, art. 20)
	Cumplir con los requisitos y criterios estipulados para cumplir con el Plan de Gestión de Devolución de Productos Posconsumo de Plaguicidas.	Resolución 1765 de 2013 (Minambiente)
	Cumplir con los requisitos y criterios estipulados para cumplir con el Plan de Gestión de Devolución de Productos Posconsumo de Baterías Pb – ácido.	Resolución 0372 de 2009
	Cumplir con los requisitos y criterios estipulados para el Plan de Gestión de Devolución de Productos Posconsumo de medicamentos vencidos.	Resolución 0371 de 2009
	Cumplir con los requisitos y criterios estipulados para el Plan de Gestión de Devolución de Productos Posconsumo de bombillas (luminarias).	Resolución 1511 de 2010
	Cumplir con los requisitos y criterios estipulados para el Plan de Gestión de Devolución de Productos Posconsumo de Residuos de Aparatos Eléctricos y Electrónicos (RAEES).	Resolución 1512 de 2010
Transporte y disposición final de RESPEL	Garantizar que los transportadores a quienes se les entregan los RESPEL para su envío a los lugares de disposición final, cuenten con permiso vigente del Ministerio de Transporte para el transporte de mercancías peligrosas y que cumplan con los requerimientos legales para esta actividad.	Decreto 1079 del 2015, arts. 2.2.1.7.8.1.2, 2.2.1.7.8.2.3, 2.2.1.7.8.2.4, 2.2.1.7.8.2.5 (anterior Decreto 1609 de 2002, arts. 5, 12, 13, 14) Decreto 1076 del 2015, art. 2.2.6.1.3.6 (anterior Decreto 4741 de 2005, art. 16)
	Garantizar que quien realiza la disposición final de RESPEL cuenta con licencia ambiental vigente y que cumple con los requerimientos legales para esta actividad.	Decreto 1076 de 2015, art. 2.2.6.1.3.1, literal k (Decreto 4741 de 2005, art. 10, literales i, k) Decreto 2820 de 2010, art. 9

	Contar con certificados de disposición final de todos los RESPEL generados.	
--	---	--

CRITERIO 7.4 FERTILIDAD DEL SUELO

TEMA	REQUERIMIENTO	NORMATIVA/ REGLAMENTACIÓN
Registro de productores, comercializadores e importadores de insumos agrícolas	Garantizar que los insumos agrícolas (abonos, fertilizantes, enmiendas o acondicionadores de suelo) utilizados provengan de personas naturales o jurídicas debidamente registradas ante el ICA	Resolución 1023 de 1997 (ICA), Art. 1
	Garantizar que los bioinsumos utilizados provengan de personas naturales o jurídicas debidamente registradas ante el ICA	Resolución 698 de 201 (ICA), Arts. 4, 7
Reglamento Técnico de Fertilizantes y Acondicionadores de Suelos para Colombia	Cumplir con las obligaciones estipuladas en la resolución, referentes a la comercialización, el uso y manejo adecuado y racional de fertilizantes y acondicionadores de suelos.	Resolución 150 de 2003 (ICA)
Establecimiento de plantas de compostaje de subproductos de la palma de aceite	Contar con licencia ambiental para la construcción y operación de plantas cuyo objeto sea el aprovechamiento y valorización de residuos sólidos orgánicos biodegradables mayores o iguales a veinte mil (20.000) toneladas/año.	Decreto 1076 de 2015, art. 2.2.2.3.2.3, Numeral 12 (anterior Decreto 2041 de 2014, artículo 9º)

CRITERIO 7.5 SUELOS PENDIENTES/ FRÁGILES

Uso adecuado del suelo	Garantizar un aprovechamiento adecuado del suelo agrícola o su restauración cuando sea requerido.	Decreto 2811 de 1974, arts. 178-180, 182-184
------------------------	---	--

CRITERIO 7.6 SUELOS /TOPOGRAFÍA

Registro ante el ICA de los predios productores de palma de aceite	Registro ante el ICA de los predios productores de palma de aceite	Registro ante el ICA de los predios productores de palma de aceite
Idoneidad a largo plazo de la tierra para el cultivo de la palma de aceite	Zonificación de aptitud para el cultivo comercial de palma de aceite en Colombia	Resolución 261 de 2018, Ministerio de Agricultura y Desarrollo Rural

CRITERIO 7.8 CALIDAD Y DISPONIBILIDAD DEL AGUA

Ordenamiento y manejo de cuencas hidrográficas	Garantizar que la ubicación y las actividades de cultivo y beneficio de palma de aceite estén acordes con lo estipulado en los instrumentos de planificación, ordenamiento y manejo de cuencas hidrográficas (e.g. POMCAS) para la(s) cuenca(s) de su área de influencia directa.	Decreto 1076 de 2015, Título 3, Cap 1 (anterior Decreto 1640 de 2012)
	Mantener y proteger la ronda hídrica de los cuerpos de agua superficiales.	Decreto 2811 de 1974, art. 83 Decreto 1076 de 2015, art 2.2.3.2.3A.2

Captación de agua	Contar con permiso de concesión de aguas superficiales y/o subterráneas vigente expedido por la autoridad ambiental mediante resolución, y cumplir con las obligaciones estipuladas en él.	Decreto 1076 de 2015, art. 2.2.3.2.5.3 (anterior Decreto 1541 de 1978, art. 30)
	Contar con permiso de ocupación de cauce por intervención a cuerpos de agua superficiales.	Decreto 1076 de 2015, art. 2.2.3.2.12.1 (anterior Decreto 1541 de 1978, art. 104)
	Contar con permiso de exploración de pozos profundos de aguas subterráneas.	Decreto 1076 de 2015, art. 2.2.3.2.16.5 (anterior Decreto 1541 de 1978, art. 147)
	Contar con equipos de medición en los puntos de captación de agua para conocer la cantidad de agua derivada y utilizada.	Decreto 1076 de 2015, arts. 2.2.3.2.8.5 y 2.2.3.2.19.13 (anterior Decreto 1541 de 1978, art. 48, 199)
	Tener actualizado su permiso de concesión de aguas, acorde a los volúmenes de consumo de agua requeridos.	Decreto 1076 de 2015, art. 2.2.3.2.8.6 (anterior Decreto 1541 de 1978, art. 49)
	Pagar la tasa por uso de agua.	Decreto 1076 de 2015, art. 2.2.9.6.1.4 (anterior Decreto 155 de 2004, art. 4) Decreto 1076 de 2015, art. 2.2.9.6.1.12 (anterior Decreto 4742 de 2005, art. 1)
Uso de agua	Contar con Programa de Uso Eficiente y Ahorro de Agua (PUEAA) aprobado por la autoridad ambiental.	Decreto 1076 de 2015, art. 2.2.3.2.1.1.5. y 2.2.3.2.1.1.6.
Dumping	Contar con permiso de vertimientos vigente expedido por la autoridad ambiental mediante resolución, para lo cual se requiere una Evaluación Ambiental de Vertimiento.	Decreto 1076 de 2015, arts. 2.2.3.3.4.9, 2.2.3.3.5.1, 2.2.3.3.5.2 y 2.2.3.3.5.3 (anterior Decreto 3930 de 2010, arts. 41, 42, 43)
	Cumplir con los estándares mínimos de vertimientos a cuerpos de agua, mediante monitoreos realizados por laboratorios, que deben estar acreditados ante el IDEAM para la toma de muestras y análisis de cada uno de los parámetros muestreados.	Resolución 0631 de 2015, art. 9
	Garantizar que no se está incurriendo en alguna de las prohibiciones o actividades prohibidas asociadas a la generación de vertimientos.	Decreto 1076 de 2015, arts. 2.2.3.3.4.3 y 2.2.3.3.4.4 (anterior Decreto 3930 de 2010, arts. 24-25)
	Tener actualizado el permiso de vertimientos acorde a las condiciones y volumen de vertimientos generados.	Decreto 1076 de 2015, art. 2.2.3.3.5.9 (anterior Decreto 3930 de 2010, art. 49)
	Contar con un Plan de Gestión del Riesgo para el Manejo de Vertimientos.	Decreto 1076 de 2015, arts. 2.2.3.3.4.15 y 2.2.3.3.5.4 (anterior Decreto 3930 de 2010, arts. 36, 44) Resolución 1514 de 2012 (Minambiente)

	Contar con un Plan de Contingencia para el Manejo de Derrames de Hidrocarburos o Sustancias Nocivas, para aquellas instalaciones donde se almacenen y utilicen.	Decreto 1076 de 2015, art. 2.2.3.3.4.14 (anterior Decreto 4728 de 2010, art. 3)
	Contar con registros de mantenimiento de los sistemas de tratamiento de aguas residuales.	Decreto 1076 de 2015, art. 2.2.3.3.4.16 (anterior Decreto 3930 de 2010, art. 37)
	Pagar la tasa retributiva por vertimientos a cuerpos de agua o al suelo.	Ley 99 de 1993, art. 42 Decreto 1076 de 2015, art. 2.2.9.7.2.5 (anterior Decreto 2667 de 2012)
	Separar físicamente los efluentes industriales y domésticos en la planta de beneficio.	Decreto 1076 de 2015, art. 2.2.3.2.23.1 (anterior Decreto 1541 de 1978, art. 228)
Reúso de agua	Contar con permiso de concesión de aguas vigente con autorización para el reúso de aguas residuales tratadas en actividades agrícolas. Cumplir con los criterios de calidad del agua residual tratada para el reúso en riego.	Resolución 1207 de 2014 (Minambiente)

CRITERIO 7.10 REDUCCIÓN DE LA CONTAMINACIÓN Y EMISIONES

	Contar con permiso de emisiones atmosféricas vigente para cada una de las fuentes fijas de emisión que así lo requieran (calderas de la planta de beneficio, etc.)	Decreto 1076 de 2015, arts. 2.2.5.1.7.1 y 2.2.5.1.7.2 (anterior Decreto 948 de 1995, arts. 72-73) Resolución 619 de 1997 (Minambiente), art. 1
	Cumplir con los estándares de emisión admisibles para fuentes fijas, mediante monitoreo de los parámetros establecidos en la norma acorde con la frecuencia establecida en el permiso de emisiones y realizado por laboratorios acreditados por el IDEAM.	Resolución 909 de 2008 (Minambiente), arts. 18-21 (para calderas que utilicen biomasa como combustible) Resolución 760 de 2010 (Minambiente) – Protocolo anexo
Emisiones atmosféricas	Contar con una chimenea para la descarga de emisiones a la atmósfera y que cumpla con la altura reglamentaria.	Resolución 909 de 2008 (Minambiente), arts. 69, 70 Resolución 760 de 2010 (Minambiente) – Protocolo anexo Resolución 591 de 2012 (Minambiente) Resolución 1632 de 2012 (Minambiente)
	Contar con un plan de contingencia para los sistemas de control de emisiones atmosféricas. Garantizar que dichos equipos de control son operados con base en las especificaciones del fabricante y en lo estipulado en el Protocolo de Control y Vigilancia de la Contaminación Atmosférica por Fuentes Fijas.	Resolución 909 de 2008 (Minambiente), arts. 79, 80, 81 Resolución 760 de 2010 (Minambiente) – Protocolo anexo

	Contar con sistemas de control para las emisiones fugitivas (aquellas provenientes de los solventes utilizados para algunas plantas de palmistería o del laboratorio).	Resolución 909 de 2008 (Minambiente), art. 90
Olores ofensivos	Cumplir con los niveles permisibles de calidad del aire y de inmisión de olores ofensivos	Resolution 1541/2013
Ruido	Cumplir con los estándares máximos permisibles de niveles de emisión de ruido y de niveles de ruido ambiental	Resolución 627 de 2006, arts. 9, 17
CRITERIO 7.11 FUEGO		
Quemas controladas en el sector agrícola	Garantizar que no se utilizan quemas abiertas para la disposición de basuras. Cumplir con las disposiciones legales para las quemas controladas en áreas rurales, incluido el permiso de emisiones atmosféricas.	Ley 9 de 1979, art. 34 Decreto 1076 de 2015, art. 2.2.5.1.7.2 (anterior Decreto 948 de 1995, art. 73) Decreto 1076 de 2015, art. 2.2.5.1.3.14 (anterior Decreto 4296 de 2004, art. 1) Resolution 532/2005
CRITERIO 7.12 ÁREAS CON ALTO VALOR DE CONSERVACIÓN		
Sistema Nacional de Áreas Protegidas (SINAP)	Garantizar que los nuevos proyectos no van a infringir las restricciones de propiedad y uso estipuladas para cada categoría de áreas protegidas en el país (Ley del SINAP): Parques Nacionales Naturales, Reservas Forestales Protectoras, Parques Nacionales Regionales, Distritos de Manejo Integrado, Distritos de Conservación de Suelos, Áreas de Recreación, Áreas Protegidas Privadas y Reservas Privadas de la Sociedad Civil. Incluir esta temática en los estudios de áreas con Alto Valor de Conservación – AVC.	Decreto 1076 de 2015 arts. 2.2.2.1.2.1 al 2.2.2.1.2.11; 2.2.2.1.3.12 (anterior Decreto 2372 de 2010, arts. 10-20; 33)
Determinantes ambientales	Garantizar que los nuevos proyectos no vayan a afectar áreas designadas como determinantes ambientales en los POT/PBOT/EOT y en los POMCA. Incluir esta temática en los estudios de áreas con Alto Valor de Conservación – AVC.	Ley 388 de 1997, art. 10 Decreto 1076 de 2015, Título 3, Cap 1 (anterior Decreto 1640 de 2012)
Fauna silvestre y especies amenazadas	Garantizar que los cultivos y plantas de beneficio no estén afectando especies amenazadas, vulnerables o en peligro. Incluir esta temática en los estudios de áreas con Alto Valor de Conservación- AVC.	Resolución 192 de 2014 (Minambiente).
	Garantizar que no se infringe con las prohibiciones respecto a la fauna silvestre.	Decreto 2811 de 1974, art. 265

ANNEX 7: CONTRACTING MODELS IN COLOMBIA (FOR INDICATOR 6.2.7)

	Form of Contracting	Regulation supporting it	Description
Direct Contracting (core business activities)	Indefinite term employment agreement	Article 47 of the Substantive Labor Code	ILO
	Fixed term employment agreement	Article 46 of the Substantive Labor Code	For a fixed term, which shall not exceed 3 years, and which may be renewed indefinitely. Continuous subordination/dependency, personal provision of the service and remuneration or salary.
	Employment agreement for the duration of works or services	Article 45 of the Substantive Labor Code	As long as the subject matter of the contract subsists (that is, throughout the construction or the performance of the specific work or service contracted). Continuous subordination/dependency, personal provision of the service and remuneration or salary.
	Temporary agreement (for performing non-essential activities / activities different to the corporate purpose)	Article 6 of the Substantive Labor Code	Less than 30 days. Continuous subordination/dependency, personal provision of the service and remuneration or salary.
Intermediation through Temporary Services Companies*	Production peaks, seasonal harvesting periods	Article 77 of Law 50/1990	For up to 6 months, renewable for 6 additional months (maximum) - If the cause of the specific service persists in the user company after the extension, the agreement of the relevant employee may not be extended and there might not be a new agreement with the same or a different TSC for the provision of said service. Continuous subordination/dependence by the user company, provision of the service personnel for the user company and remuneration or salary by the EST. (Article 71 - 74 of Law 50/1990)
	Licenses		The service contracted shall last for as long as the respective changes leading to the license (maximum of 1 year). If the cause of the specific service persists in the user company after the extension, the agreement of the relevant employee may not be extended and there might not be a new agreement with

			the same or a different EST for the provision of said service. Continuous subordination/dependence by the user company, provision of the service personnel for the user company and remuneration or salary by the EST.
	One-time/temporary agreement		For up to 30 days, extendable for two additional periods, that is, up to 90 days. Continuous subordination/dependence by the user company, provision of the service personnel for the user company and remuneration or salary by the EST. (Article 6 of the Substantive Labor Code)
Outsourcing of non-essential processes	Independent contractor	Article 34 of the Substantive Labor Code	A process is assumed with technical and administrative freedom and autonomy, with financial independence for the performance of the contractual purpose.
	Associated Work Cooperatives	Decree 4588/2006 Decree 2025/2011 Resolution 2021/2018	
	Union Agreement	Article 482 of the Substantive Labor Code Decree 36/2016	

* Always with authorization from the Ministry of Labor

CST: Substantive Labor Code

EST: Temporary Services Companies

ANNEX 8: ADDITION TO THE GUIDELINE FOR CRITERIA 4.4 AND 4.5

“Criteria 4.4. Use of the land for oil palm does not diminish the legal, customary or user rights of other users without their FPIC.

Criteria 4.5. No new plantings are established on local peoples’ land where it can be demonstrated that there are legal, customary or user rights, without their FPIC. This is dealt with through a documented system that enables these and other stakeholders to express their views through their own representative institutions.”

These additional guidelines were prepared based on the Guideline on Free, Prior and Informed Consent for members of the RSPO in the phases: 1) Preparation; 2) Participatory evaluations; 3) Negotiation; 4) Implementation; and 5) Verification, and refers to special points for the Colombian case in the first phase corresponding to preparation.

1. PREPARATION

a) Scope

- Evaluation on the area of interest / Pre-FPIC (Diagram 1)

An adequate social team prepares an evaluation within the social and territorial context of the area, based on the sources proposed in Diagram 1 of the guideline (page 23) and which must be representative of the area where the project will be developed.

- Identification of the rights of the communities or individuals over the area of influence of the unit of certification (Diagram 2). Pre-FPIC

The following official information, and other information, may be consulted:

- ✓ Population censuses,

- ✓ Geographical information,
- ✓ Request for certification before the Ministry of Internal Affairs on indigenous reserves, collective territories of afro-descendant communities, ancestral territories, extension areas of collective properties
- ✓ Social or environmental studies conducted on the area.
- ✓ Registry of Dispossessed or Forcibly Abandoned Land RTDAF
- ✓ Sole registry of abandoned properties and territories (RUPTA)
- ✓ Protected Areas
- ✓ Environmental restrictions
- ✓ Safeguards or life plans for indigenous and afro-descendant people.

We recommend considering the following matters for the participatory mapping:

- ✓ Who has rights over the land and natural resources?
- ✓ Are there private or collective territories?
- ✓ How are the rights over the land transferred? Inheritances, leases?
- ✓ What are the different uses given to the land? How is the land used by women, men, young people and the elderly?
- ✓ Who exercises legitimate authority and administration of the land and resources?
- ✓ Are there any sacred places?
- ✓ What are the minor roads, easements or roads continuously used by the communities or neighbors? These must be identified through cartography
- ✓ Cartography available

I. Due Diligence

We recommend verifying the legality of the land occupancy and the absence of current or possible conflicts related to the use of the land.

Verification of land occupancy (Legal deeds, property deed, cadastral plans, ownership certificates, possession, lease, others).

Verification of the existence of conflicts related to land occupancy.

- Restitution proceedings
- Other types of legal claims.

To interpret Diagram 2 of the guideline, the following categories provided in the Colombian law must be considered regarding the formal users:

CONCEPTS BY THE UPRA ON RURAL PROPERTY

Type	Name of the subject	Description and scope of the relationship of the individual with the property
Individual property	Owner	An individual who acquires rights through a valid legal act or business and whose effects were registered before the public registry - ORIP (Oficina de Registro de Instrumentos Públicos (these is demonstrated with the ownership and tradition certificate).
Collective property	Commoner or Aldermen	Individuals who use a property in community. For example, the members of a community, who may have the right to graze their cattle on community grasslands, or jointly grow crops in the

		property, or enjoy the allocation of land portions for their family use, etc. This category also includes indigenous reservations and the collective territories of afro-descendant communities.
Possession	Holder	The individual who lives in a private property and exercises as the holder thereof without being registered as owner in the ORIP.
Occupation	Occupant	The individual who lives and exploits a property belonging to the State (barren land) without it being awarded to the former.
Occupancy under lease	Lessee Holder	Type of holder who, through a verbal or written agreement, obtains authorization to use (use and enjoy) a property or any part thereof.
Sharecropping Occupancy	Sharecropping Holder	Type of holder who, through a verbal or written agreement, obtains authorization to exploit a rural fund or a portion thereof in collaboration with the owner with the purpose of sharing the

		fruits or revenue resulting from the exploitation (Law 6/1975).
Gratuitous occupancy	Bailee	Also called loan for use, it is an agreement under which one of the parties provides the other a property at no cost, so that the latter uses it with the obligation

		of returning it after using it (Article 2200 of the Civil Code)
Antichresis Occupancy	Holder Possessor	The antichresis is an agreement under which the creditor receives real estate to be paid with its production (Article 2458 of the Civil Code).

b) Identification of self-elected representative institutions for the FPIC communities.

- First encounter with the communities identified Pre-FPIC.

In this first encounter, we recommend contacting the representatives freely elected by the communities. Depending on the type of community, inquiring on who the recognized representatives are and on their form of participation.

c) Promote the information contained in the respective reports and forms (Diagram 4).

d) Procure the consent for the participatory mapping.

ANEXO 8: ADDITION TOT HE GUIDELINE FOR CRITERIA RELATED TO THE FPIC (Continuation)

FPIC Flow Diagram For established plantations

RECOMMENDATIONS

- Communities must be free and not coerced.
- Mediation is the key to a successful process.
- It is a learning process between the parties
- **It is not a checklist procedure**
- The process shall be interactive and participatory
- The information provided shall be clear, transparent and sufficient

POSSIBLE SCENARIOS TO APPLY THE FPIC*

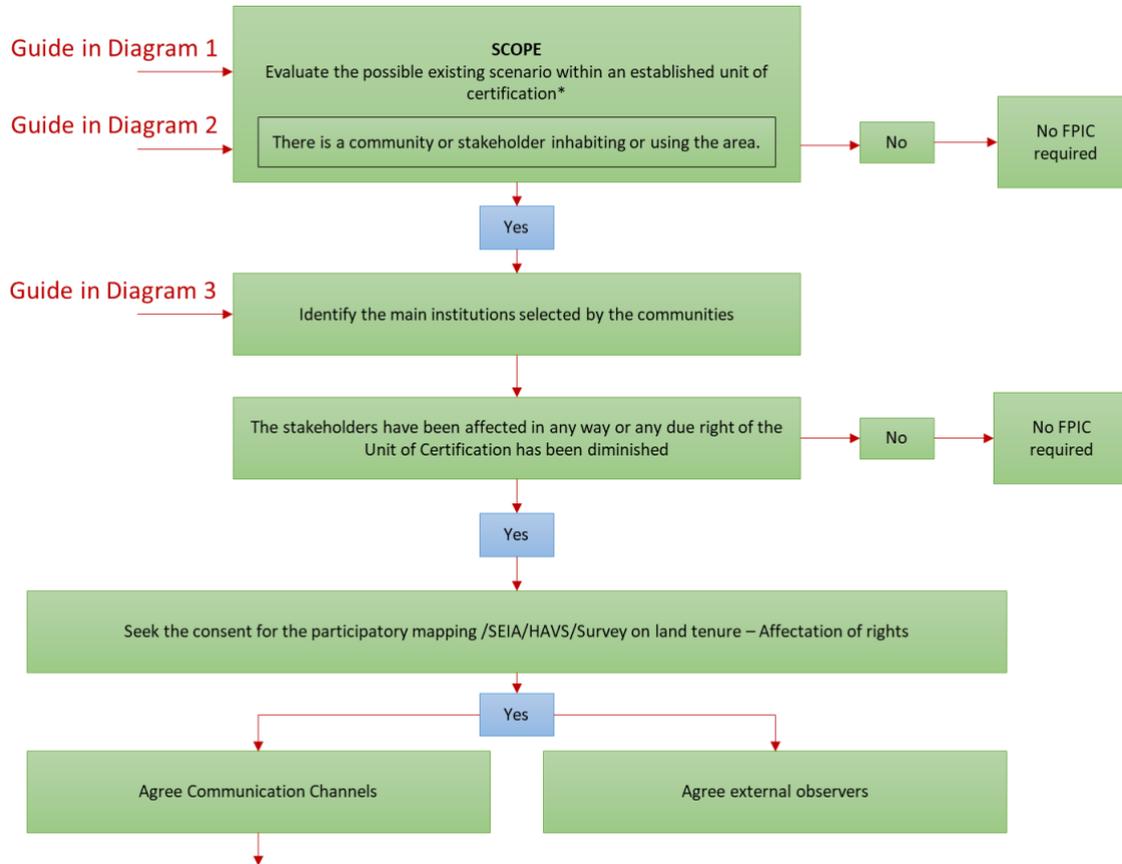
1. Develop new plantations.
2. Use of customary laws.
3. Strengthen relationships with stakeholders.
4. Reach agreements and have evidence thereof.
5. Validate and identify social and environmental impacts.
6. Promote trust and transparency between the parties.
7. Create communication strategies and grievances mechanisms.

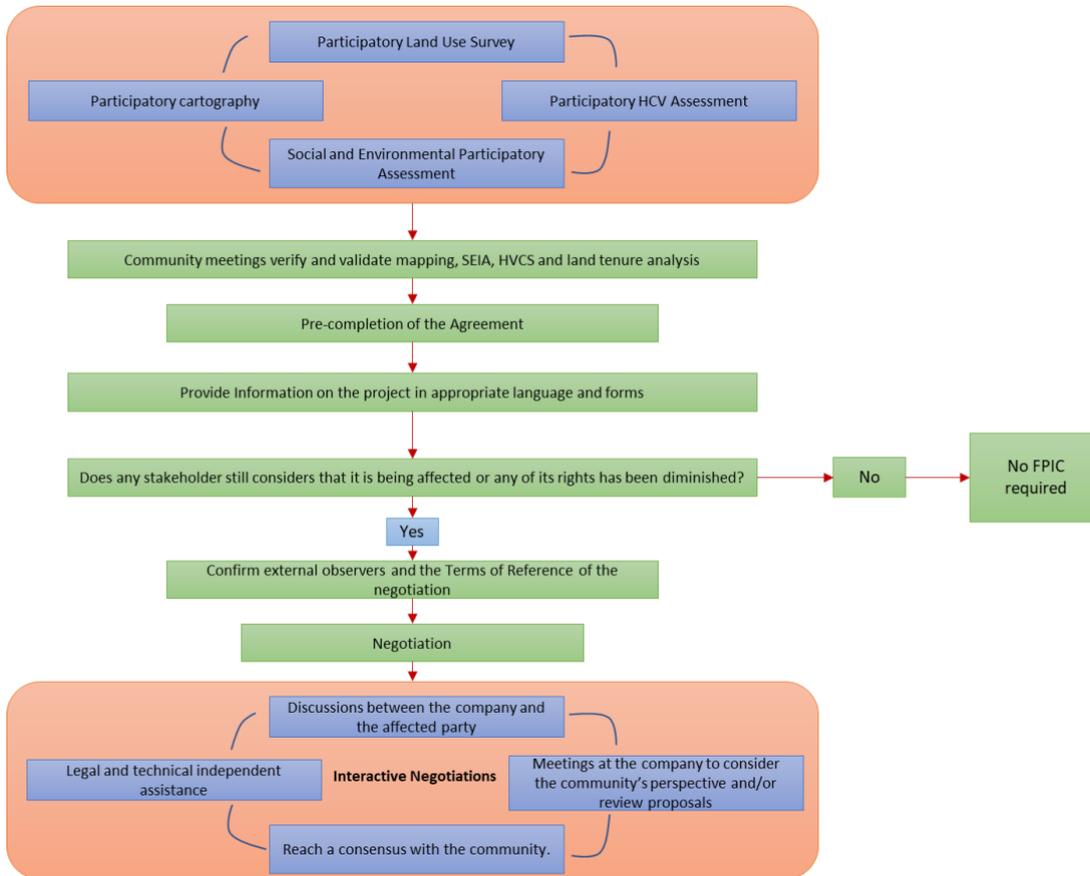
Promote the organization, the project and its benefits.

Free, Prior and Informed Consent – FPIC

It is a fundamental, individual and collective right. Through the FPIC, communities or affected parties may consent or reject the performance of projects that affect them, affect their standards of living, or their territories.

As each community is unique and all the peoples have different cultures and norms, each FPIC process may be different





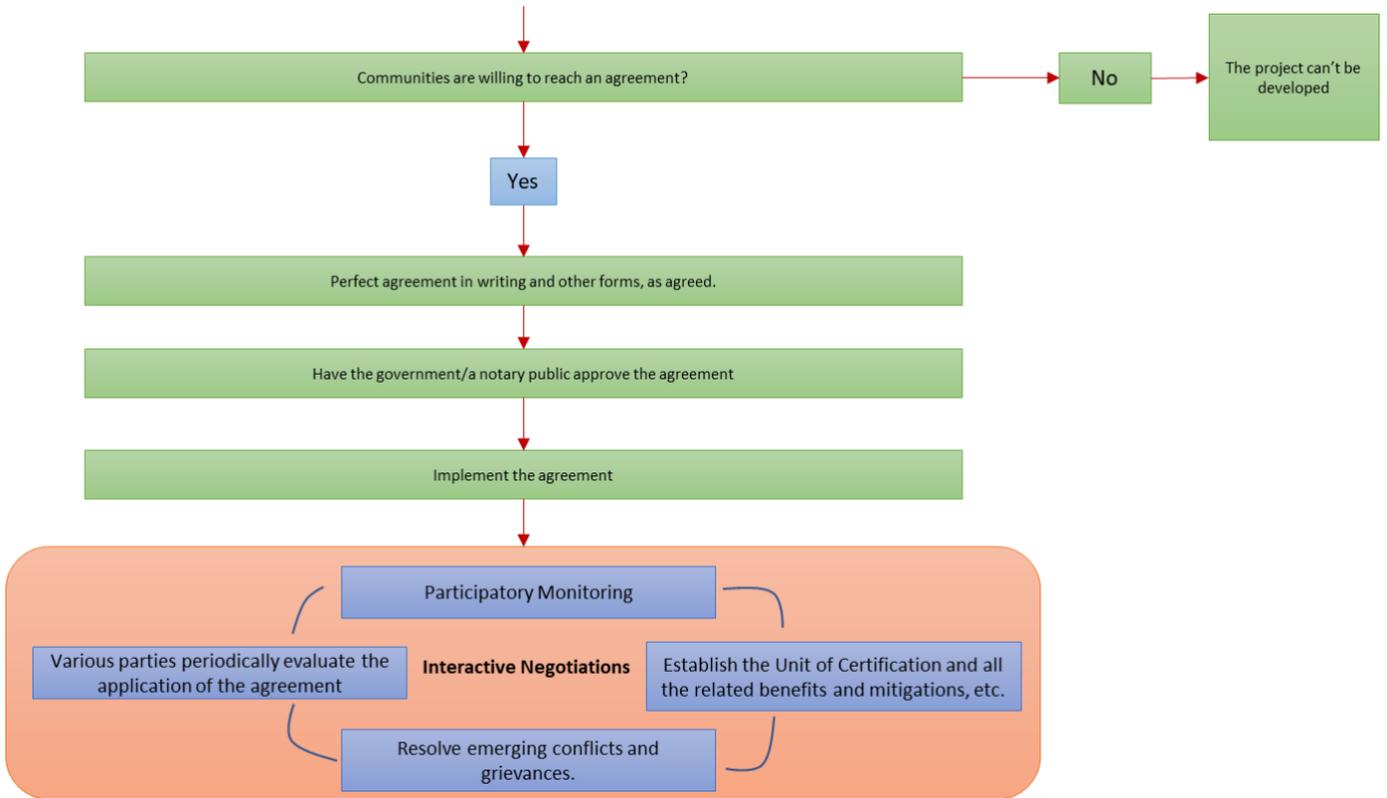


Diagram 1

Useful information sources to identify whether or not local communities inhabit the proposed area of intervention



Diagram 2

Possible types of land users

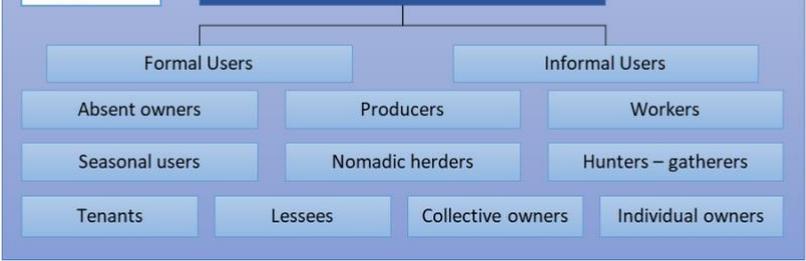


Diagram 3

Identify the representative institutions

Village elders

Customary leadership

Indigenous peoples organizations

Representatives of minority groups; e.g., landless people, migrants, workers or ethnic minorities

Representatives of surrounding communities

Religious leaders

Women's associations

Labor Unions

