



Minutes of the Human Rights Working Group (HRWG) Meeting 1 March 2022 Virtual Meeting Time: 8:00pm to 10:00pm (GMT +8)

Attendance:

Name	Organisation	Constituency	Status
<u>Co-Chairs:</u>			
Madeleine Brasser (MB)	Oxfam Novib	SNGO	Co-Chair
Noor Izlin Andrina (IA)	Sime Darby Plantation	Grower (MY)	Co-Chair
<u>Members: -</u>			
Sindy Ooi (SO)	Sime Darby Plantation	Grower (MY)	Alternate Member
Lim Sian Choo (SC)	Bumitama	Grower (IND)	Substantive Member
Tulio Dias Brito (TDB)	Agropalma	Grower (RoW)	Substantive Member
Paloma Silva (PS)	Agropalma	Grower (RoW)	Alternate Member
Dhevia Kalyana (DK)	Wilmar	P&T	Alternate Member
Laila Wilfred (LW)	Cargill	P&T	Substantive Member
Carolyn Lim (CaL)	Musim Mas	P&T	Substantive Member
Jaideep Bedi (JB)	Bunge	P&T	Substantive Member
Charlene Lin (ChL)	Mars, Incorporated	CGM	Substantive Member
Claudine Musitelli (CM)	Unilever	CGM	Substantive Member
Sarah Smith (SS)	Kellogg	CGM	Substantive Member
Rachel Munns (RM)	Tesco	Retailer	Substantive Member
Irina van der Sluijs (IS)	NN Investment Partners	Finance Institution	Substantive Member
Flavio Linares (FL)	Solidaridad	SNGO	Substantive Member
Nursanna Marpaung (NM)	HUKATAN	SNGO	Alternate Member
Eva Smulders (ES)	CNV	SNGO	Alternate Member





Secretariat: -		
Leena Ghosh (LG)	RSPO Secretariat	
Prasad Vijaya Segaran (PVS)	RSPO Secretariat	
Victor Yuh Tamanjong (VT)	RSPO Secretariat	
Nithya Sarah Zachariah (NSZ)	RSPO Secretariat	
Ruben Brunsveld (RB)	RSPO Secretariat	
Javin Tan (JT)	RSPO Secretariat	
Irene Fischbach (IF)	RSPO Secretariat	
Julia Majail (JM)	RSPO Secretariat	
Ayelech Tiruwha Melese (ATM)	RSPO Secretariat	
Aryo Gustomo (AG)	RSPO Secretariat	

No.	Item and Main Discussion Point	S				Action Items	
1.0	Welcome						
	Welcome by Co-chair and put	rpose of meeting outlined.					
1.1	RSPO Antitrust Guidelines, Cons	ensus-Based Decision Making	Declaration of Cont	flict of Interest			
1.1	 Read by the Co-chair and agreed the co-chair agreed the co-chair agreed the co-chair and agreed the co-chair agreed t			<u>Inci of interest</u>			
	• Read by the co-chair and agr	eeu upon by members.					
1.2	Welcome to new and existing m	embers of the HRWG and to t	he new Head of HRS	S (Secretariat)			
	• The following new HRWG m	embers were welcomed:	mbers were welcomed:			Co-Chairs to liaise with	
	Name	Organisation	Constituency	Date Joined		three organisations on	
	Paloma Silva	Agropalma	Grower (MY)	1 March 2022]	HRWG membership status given inactivity.	
	Sindy Ooi	Sime Darby Plantation	Grower (RoW)			status given mactivity.	
	Winfridah Nyakwara	Unilever	CGM			Co-Chair to liaise with	
	Irina van der Sluijs	NN Investment Partners	Finance	5 Jan 2022		Social NGO caucus	
	Florentine van de	NN Investment Partners	Finance			about organisations	
	Eerenbeemt					who will be in the	
	Laila Wilfred	Cargill	P&T			HRWG, including clarification on	
	 Co-Chair welcomed the new 	substantive and					
	Co-Chair reminded the wide	alternate					
						representatives.	





	•	alternat a brief o may de Co-Chai represe	te) for three conversation cide not to o ir will also entatives bas	mbers who are absent from wo consecutive meetings. Caution a n with these three organisations t continue HRWG membership, the hold a separate discussion with sed on the 3 seats allocated for su	pplied to two companies and o to understand the reason for in seat will be made vacant for o the Social NGO caucus to d ubstantives and 3 seats for alter	ne NGO. Co-Chairs will have activity . For members who thers to join. etermine membership and	
2.0		_		of the Previous Meeting (Sept 20	021)		
2.1				<u>IRWG MoM</u> :. Proposed by MB. Seconded by C	CaL.		
2.2	HRW	/G Actic	on Tracker				
	•	Read by	y Secretariat	. The action items and status are	extracted below:		
		No.	Торіс	Background/Decision Made	Action Point	Status	
		1	FPIC	2015 FPIC Guidance & Simplified FPIC Guidance for ISH	Consultant to provide a timeline for completion	In progress - HRSS is currently reviewing the document	
				FPIC SG Lead	Wilmar to confirm whether to take the lead	Done	
		2	Decent Living Wage	TF has held at least 2 meetings but is currently behind time due to a delay in acceptance of ToR and capacity gap	Revised timeline to be shared with HRWG	To be covered during DLW-TF updates	
				Social NGO indicated interest to join the DLW TF	Secretariat to highlight any missing groups to join DLW TF especially Social NGOs with expertise in Labour	Ongoing	
		3	Risk Unit	Updates on ongoin investigations by the Risk Unit	Secretariat to communicate discussions to Risk Unit	Done	
		4	AOB - RT 2021	To include topics on labour issues and measures to	Secretariat to confirm timing allocated with	Done	





	address them	Communications team		
3.0	Updates from Human Rights and Social Standards (HRSS			
3.1	 ILO-RSPO-MPOA Engagement and National Action Plan or Secretariat noted that Q&A from the ILO-RSPO-MPOA meeting pack. It is not to be circulated beyond the HI The Labour Subgroup had provided comments to Malaysia's NAPFL 2021-2025. Final document circulated 	IRWG Members within the		
3.2	 <u>Corrections made in Gender Guidance</u> Secretariat had identified areas for correction in the Economic Empowerment Principles", which has been Amendments will be reflected in other languages (IN) 	n amended to "Women's Empow	verment Principles" (WEP).	
3.3	 FPIC Secretariat updated that several issues were identifie FPIC SG and the Secretariat – HRSS Unit. HRSS is currently doing a major restructure of the information. Once completed, the revised draft will approval. The Simplified FPIC Guide for Independent Smallhol Expert Group. Ongoing amendments relate to langu and the correction of one graphic. Corrections will Expert Group for approval once incorporated. A Grower representative recommended that the lan to understand and for graphics to be used extensivel[®] A Social NGO representative enquired on the time Revised FPIC Guide (2022), an FPIC Subgroup meetir Guide for ISH, Secretariat will need to confirm the time 	ed in the latest draft of the Revis Guide, including language, cros be shared with the FPIC Subgrou Iders (ISH) is also being revised, uage (recommendations versus be communicated to the consu guage in the Simplified FPIC Gui y. eline for both guides. Secretaria ng will be tentatively held in Ap	sed FPIC Guide by both the ss-references, and flow of up for final comments and , with an overview by the requirements of the RISS) Itant and escalated to the ide for ISH should be easy at responded that for the ril. For the Simplified FPIC	 Secretariat to communicate Simplified FPIC Guide for ISH recommendations to Smallholder Unit. Secretariat to confirm expected timeline for Simplified FPIC Guide for ISH with Smallholder Unit.
3.4	 Women's Safety Movement Recap provided by Secretariat on the Women's Safet on 7th October 2021, resulting in a summary report and A post-workshop meeting was held on 1st November the Summary Report and Strategic Objectives. The secrecommendations on ways forward. Moving forward, the Women's Safety Movement will items of discussion include the selection of priority ge- will be for upstream or throughout the value chain. 	nd draft Theory of Change (<i>renal</i> er 2021 and 9th December 2021 ession included sharing by a repu Il be under the purview of the G ographies to conduct baseline st	med: Strategic Objectives). 1, involving discussions on resentative from Verité on Gender Subgroup. Pending cudies, whether the project	





	 rights organisations and mapping of existing initiatives by member organisations. A Consumer Goods Manufacturer representative asked when the next Gender Subgroup meeting will be held. The Co-Chair proposed that a meeting be held in the next two weeks to discuss the action plan. This was seconded by CM. NN Investment Partners expressed interest to join the Gender Subgroup. The Co-Chair asked CNV if they were interested in participating in the Gender Subgroup. CNV responded that they would confirm their participation with the Co-chair. 	 Co-Chair to find a suitable date and time for the next Gender SG Meeting. CNV to confirm participation in Gender SG with Co-Chair.
3.5	 Labour Auditing Guidance/Child Rights Guidance for Auditors Secretariat updated on the status of the Labour Auditing Guidance (LAG), including field tests conducted by BSI and TUV Rheinland in Malaysia and Indonesia in November, 2021. The LAG was also shared with other Certification Bodies for comments.SIRIM has reverted with comments. Secretariat is currently processing comments. Draft will be shared with the HRWG with a deadline to provide inputs by Friday, 18 March 2022. The timeline is dependent upon the need for further consultation. The tentative timeline for approval is two months. For the Child Rights Guidance for Auditors, targeted feedback was sought from Certification Bodies. Comments were received from SIRIM and WIRE Consulting (Social Auditing Consultancy). Secretariat is currently processing comments. A Grower representative asked whether comments had been sought from growers on the two documents. Secretariat responded that the LAG had undergone extensive stakeholder consultation prior to Covid-19. There was a specific session with Growers in 2019. The Grower representative suggested that a mechanism be used to quickly gather feedback from growers, e.g., IGC, MPOA. Co-Chair highlighted the need to review the LAG should focus on 'How to audit' instead of 'What to audit'. The member cautioned that the angle of 'What to audit' could add further requirements that go beyond the P&C. Secretariat responded that the LAG does not add new requirements but rather provides the methodology of labour auditing, e.g., document review, the composition of the audit team, stakeholder consultation, and site visits. A Social NGO representative commented that the issue is how can the auditor be more objective. Secondly, he recommended that the gans highlighted in "Who Watches the Watchdog?" needs to be revisited. Another Social NGO representative highlighted that further guidance is required on the methodology to con	 Secretariat to share the draft Labour Auditing Guidance and Child Rights Guidance for Auditors with the HRWG.
3.6	DLW-TF Updates	





Secretariat updated that two decisions were made: -	
1) DLW-TF agreed on 3 approaches towards developing DLW-benchmark which are equally credible and	
consistent with RSPO-endorsed methodology (Anker methodology and GLWC benchmarks)	
2) To continue implementing interim measures, the DLW-TF recommended that if NIWG has reasons for not	
using existing GLWC benchmarks and Anker Reference Value (ARV), it must explain and provide	
justifications to RSPO, for a review by its consultants.	
 Further elaboration was provided on the three approaches. 	
 <u>Approach 1</u> – Fully-fledged estimation using Anker method (applicable for major certified supply base areas, with no GLWC benchmarks) – Indonesia, Malaysia 	
• Approach 2 – Use existing GLWC benchmarks and adjust if needed (applicable for certified supply base	
areas with existing GLWC benchmarks) – Brazil, Guatemala, Colombia, Ghana, Mexico, Costa Rica, Ecuador.	
• Approach 3 – Use existing or conduct new ARV (applicable for areas with smaller size certified supply	
bases) – Gabon, Ivory Coast, Cameroon, Honduras, Cambodia, Madagascar, Sri Lanka, Sierra Leone,	
Nigeria, Thailand, Solomon Islands, Papua New Guinea.	
• As for Decision 2, the NIWG should require members to use existing GLWC benchmarks and ARV and start taking	
measures to implement DLW. If NIWG has reasons for not using existing GLWC benchmarks and ARV, it must	
explain and provide its justifications to the RSPO for review by its consultants.	
 Next steps include finalisation of budget, hiring consultants, continuing to implement interim measures and benchmark studies. 	
• A Social NGO representative noted in Latin America, existing benchmarks are for crops such as sugarcane and	
coffee which is different from palm oil regions, hence is not directly comparable. It can be used as reference,	
but not directly adopted given context and regions.	
• A Grower representative stated that they use the Anker methodology for specific micro-regions and asked if	
benchmarks being produced are optional and supplementary or mandatory. Secretariat responded that the	
geographic region is more critical than the type of crop and requested that the Grower share the research and	
methodology used by the company.	
• Co-chair enquired on the next steps timeline. Secretariat responded that a tentative update will be provided by	
the end of April.	
• A Social NGO representative suggested that the ToR for the consultants should include engagement with	
companies to understand existing benchmarks and methodologies used. Secretariat responded that sharing	
from companies on studies used will be helpful in the benchmark development process.	
• A suggestion was provided by a representative from the financial sector to connect with IDH, The Sustainable	
Trade Initiative on their Living Wage Roadmap.	
• Secretariat noted that the matters raised will be discussed further with the DLW-TF. HRWG members were	
reminded of the interim measure, endorsed by the SSC in 2019, in absence of the available benchmarks. When	





	required, the Secretariat will reach out to the relevant companies and stakeholders to discuss this further.	
3.7	EU Mandatory Due Diligence Legislation – RSPO/EU development group	Secretariat to share th
	• Co-Chair provided a background on the EU Due Diligence legislation which would have an impact on those operating in the European Union and for RSPO.	slides presented with HRWG members.
	• RB provided background on the different interlinked initiatives and zoomed in to the Deforestation regulation and Sustainable Corporate Due Diligence Directive.	
	• The Deforestation Regulation (released: 17 November 2021), is a market prohibition for six commodities related to legal or illegal deforestation. Companies must provide a due diligence statement per shipment, with a benchmarking system for producer countries. The benchmarking involves the European Commission identifying countries or parts thereof that present a low or high risk of producing relevant commodities or products that are not compliant. The intensity of due diligence required depends on the risk classification of the countries	
	(e.g., for low-risk countries there is still a requirement for information gathering but no risk assessment and mitigation required).	
	• For the six commodities listed, they may be placed, made available on, or exported from the EU market only if all the following conditions are fulfilled:	
	 i. They are deforestation-free; ii. They have been produced in accordance with the relevant legislation of the country of production; and iii. They are covered by a due diligence statement as laid down in Article 4(2). 	
	• Details on the process and relevant requirements of the due diligence statement was provided.	
	Possible negative impacts which relate to RSPO include:	
	 Importers cutting Smallholders to comply with geolocation and other reporting obligations Importers may also leave "high risk" areas (cut & run) 	
	iii. The <i>de facto</i> end of the Mass Balance supply chain system to EU and its potential impact to smallholders	
	iv. Book & claim (credit) system for buyers in the EU.	
	• On the Social Corporate DD Directive (released: 23 February 2022), an overview was provided on the scope and applicability of the legislation.	
	• Duties for companies to undertake due diligence for actual or potential adverse human rights and environmental impacts in their own operations, those of their subsidiaries and established business	
	relationships in their value chains. It also provides for administrative oversight for public bodies, which includes powers to investigate and impose sanctions. Further, it also provides civil remedies for victims and sets out a duty of care for directors relating to their decisions on sustainability matters, including human rights and climate change in the short, medium, and long term.	
	 An established business relationship covers direct or indirect relationships which is, or is expected to be lasting, 	
	in view of its intensity or duration and which does not represent a negligible or merely ancillary part of the value chain.	





	 Details on the due diligence obligations were provided, including the development of a due diligence policy, monitoring process, identification of adverse impacts and consultation with affected stakeholders "where relevant". Actions to prevent and mitigate impacts include developing a prevention action plan, contractual assurances, and collaboration to end harm. It was noted that the contractual assurances shall be accompanied by the appropriate measures to verify compliance. The company may refer to suitable industry initiatives or independent third-party verification, which is relevant for RSPO. Co-Chair asked what the potential consequences are for the upcoming P&C Review and the operation of the RSPO Assurance system. The Secretariat clarified that there will be no direct reference to RSPO or any other certification schemes. Voluntary schemes can be used as a tool in the risk assessment phase. A Consumer Goods Manufacturer raised an issue surrounding the Assurance system as human rights issues have not been detected on the ground, specifically in the African region. This is a concern given the supply chain impacts with the introduction of the EU legislation and harms the credibility of the RSPO as a certification scheme. RB responded that any queries on the African region and developments in the EU may be directed to him. He also invited all HRWG members who are interested in EU affairs to join the EU Development Group monthly meetings. A Social NGO representative then raised that the RSPO needs to demonstrate the credibility of mass balance since it involves smallholders, and creates a high impact for RSPO. Secondly, countries that have critical mass for smallholders, and creates a high impact for RSPO. Secondly countries that have critical mass for smallholders, and creates a high impact the PO sector. Co-chair suggested that the Secretariat representative from EMEA should join every alternate HRWG meeting <th></th>	
	to provide updates on the EU developments.	
4.0	Updates from Secretariat – P&C 2023 Review Process	
	 Secretariat noted that the objective of the process is to review and streamline the production standard to ensure continued relevance and effectiveness. This includes tightening of indicators, measurement of impact and effective implementation. An overview of the process, including targeted milestones, governance structure (Steering Groups, Task Force and Technical Committees' responsibilities and composition) was provided. Further details can be found here: https://www.rspo.org/standards-review-2022-2023. For next steps, it was highlighted that the deadline to provide comments/recommendations/findings relating to P&C 2018 for TF's consideration is COB 31 March 2022 (Thursday). It was noted that a members' survey on P&C 2018 will be released on the week of 7 March. Co-Chair called on HRWG members to step forward to be part of the P&C Review Governance Structure. Agropalma indicated interest to join. 	 Secretariat to share the members' survey on P&C 2018 when available.





	• A Social NGO representative suggested that the review process should include more regional level considerations as the contexts for palm oil productions are different, and this relates to the implementation of the P&C.	
5.0	Presentation: CNV - Proposals for Labour SG	
	 Secretariat noted that there is no longer a quorum at the meeting as members had left CNV presented ideas to revitalise the Labour SG, specifically on social dialogue, sharing experiences from Latam and Asia. It was suggested to organise a conference in September on labour rights, involving unions and other companies, to be potentially held in Latin America. They mentioned that they have ongoing pilots and projects, including auditing and worker voice tools which they would like to develop with more background and interaction with companies. Possible actions on Goal 2 (<i>HRWG Strategy 2021-2023</i>), included sharing knowledge on labour rights, social dialogue and CBAs in guidance and training, supporting the revision of the P&C and proposal for the HRWG, sharing results of pilot project and tools for upscaling and share information with DLW-TF. Solidaridad noted that they have an ongoing dialogue on labour rights in Guatemala and Honduras and would like to have more actionable outcomes for the palm oil sector. It has relaunched the RECLAIM Sustainability Program, which is a global program, funded by the Dutch ministry. In the short term, it is looking to coordinate with NGOs such as Oxfam, CNV and Action Aid in Guatemala and Forest People Programme in Honduras. It is also engaging with the Dutch embassy in Costa Rica on palm oil issues. 	 Co-Chair to find a suitable date and time for the next Labour SG Meeting.
6.0	For Comments and Inputs- HRWG ToR 2022 (Updated), HRWG Strategy 2021-2023 (Updated), ILO-P&C Gap Analysis	
	 The three items, which require HRWG members input are: - The ILO-P&C Gap Analysis requires technical input from members. Revision of the HRWG ToR which forms the basis for the Subgroup ToRs development Alignment of the HRWG Strategy to the HRWG ToR. Co-Chair suggested that the matters relating to the HRWG ToR 2022 (Updated) and HRWG Strategy 2021-2023 (Updated) be followed up over email. Secretariat stated that the ILO- P&C Gap Analysis was developed by the HRSS Unit. Main areas analysed include recruitment costs, forced labour and related costs. The gap analysis was conducted through a desktop review of the RSPO Principles and Criteria 2018 (with specific reference to the MYNI 2019), ILO Indicators of Forced Labour, ILO General principles and operational guidelines for fair recruitment and the definition of recruitment fees and related costs and ILO Global Business Network report. Secretariat noted that it will be shared, alongside the Labour Auditing Guidance and Child Rights Guidance for Auditors, with a deadline to provide comments and technical inputs by Friday, 18 March. MB proposed to have a meeting to discuss and align on comments received. This was seconded by TDB. A Grower representative suggested having longer meetings. The Secretariat suggested asking the HRWG members whether to increase the frequency of meetings, limiting it to 2-hours. 	 Secretariat to send an email with all documents to be reviewed by the HRWG, with the deadline to provide comments. Secretariat to send an invite for the 14 March 2022 meeting (to include HRWG P&C Review 2023 – submission considerations in the agenda).





	•	Co-Chair to organise Gender and Labour SG meetings.
Meeting Closed		