



UEBT
SOURCING®
WITH RESPECT

GUIDELINES ON WORKERS' RIGHTS ISSUES

HARVESTING CALENDULA - CALENDULA OFFICIALS

Principle 6 of the UEBT standard defines practices that respect the rights of actors. Criterion 6.3 focuses specifically on workers' rights. The UEBT standard aligns and recognises the rights of workers set out in relevant ILO conventions¹ and the UN Guiding Principles on Business and Human rights.

Definitions

UEBT defines **workers** as any person hired to perform a task in an organisation, whether related to cultivation, wild collection, administrative or other activities.

Permanent workers are those employed on an ongoing, year-round basis.

Temporary workers are those engaged only for a specific period, linked to the fluctuations in demand for labour. Temporary workers include seasonal workers, workers engaged in casual activities and day labourers.

Who is this document for?

- **Local suppliers** (also known as organisations at source)
- **Companies holding UEBT certificates** that wish to guide their suppliers

REFERENCE

- ¹ – ILO C26 Minimum Wage-Fixing Machinery Convention, 1928
– ILO C87 Freedom of Association and Protection of the Right to Organize, 1948
– ILO C95 Protection of Wages Convention, 1949
– ILO C98 Right to Organize and Collective Bargaining, 1949
– ILO C131 Minimum Wage Fixing Convention, 1970
– ILO C138 Minimum Age Convention, 1973

A DEEPER LOOK AT UEBT REQUIREMENTS ON WORKERS' RIGHTS

There are eighteen indicators on workers' rights in the UEBT standard. Let us look at seven of these from which you can benefit from additional guidance. We also point out an additional three of those eighteen that are sufficiently detailed.

Note that all these requirements apply to any kind of contracted workers, including subcontracted workers.

Criterion 6.3

In Criterion 6.3 of the UEBT standard, it states that:

6.3 Workers' rights are respected

6.3.1 Minimum requirement Wages of workers are paid at least in line with official minimum wage regulations, collective bargaining agreements, or other applicable official wage regulations.



Tips and guidance for 6.3.1

- Pay at least minimum wage for production, quota or piece work, based on a 48-hour working week or the national legal working hours limit, whichever is lower.
- Adjust payment annually for inflation and based on the national inflation rate if you are operating in a country where the minimum wage is not adjusted yearly for inflation nor is regulated in a collective bargaining agreement.
- Do not use in-kind benefits as a value that contributes towards reaching the official minimum wage regulation. These are *additional* benefits that do not form part of minimum wage, however they can be valued and considered to aspire to a *living wage*.

6.3.3 Critical requirement Wages are paid regularly and in legal tender, and there is no limitation on freedom of workers to receive and use their wages.



Tips and guidance 6.3.3

- Pay workers regularly at scheduled intervals that have been agreed both by the worker and the employer. This should be at least monthly.
- Make sure the payment records e.g. payslip includes number of hours worked (regular and overtime), calculation of wages and deductions, and other benefits and wages paid.
- Keep an up-to-date list of workers that includes each person's full name, gender, year of birth, start and end dates for employment, and wages.

6.3.4 Critical requirement Legal disciplinary measures are limited, balanced, and known by workers. If these measures are applied, this is documented and done transparently and with prior knowledge of workers involved.

6.3.5 Critical requirement There is no evidence that workers are denied the right to join a union or to create or participate in workers' committees as defined by the ILO. Where the law restricts the right to freedom of association and collective bargaining, steps are taken to enable parallel means of independent and free association.



Tips and guidance 6.3.4 and 6.3.5

- Inform workers of these rights in an employee handbook or in other written policies, whenever possible.
- You may not dismiss, refuse to employ or otherwise discriminate against a worker due to their union membership, union activities outside of working hours, or – with the consent of the employer – union activities within working hours.
- Provide workers' organisations and/or trade unions access to a notice board to communicate information about their activities to workers.
- Establish genuine dialogue with freely chosen workers' representatives to collectively raise, discuss and address working conditions and terms of employment.
- Do not interfere in the internal affairs of workers' organisations and/or unions, such as in elections or duties related to membership of such organisations.

The right to freedom of association – red flags

Below is a list of possible situations that could be detected during a UEBT audit that represent some of the possible 'red flags' related to freedom of association (indicator 6.3.5).

These do not cover all the possible situations and are only offered to provide some illustrative examples that could lead to non-compliance:

- The organisation deliberately avoids informing workers that they have the right to establish or join a worker organisation of their choice, and to collectively bargain.
- The organisation does not inform workers about all the available worker organisation options, so the workers' choice may be influenced by the employer, in favour of a worker organisation linked to the employer.
- Workers are not free to establish or join a worker organisation of their own choice or to collectively bargain, without 'previous authorisation'.
- Discrimination for establishing or for belonging to a worker organisation can happen, and can include the dismissal of workers, or not facilitating their access to promotions, medical services or other benefits.

6.3.6 Critical requirement Workers are informed in writing, local language and understandable manner of the job conditions related to their work, including their job position, working hours, level of wages, payment of wages, legal rights and duties, sick leave, and permitted vacations. Workers agree with proposed conditions.



Tips and guidance 6.3.6

- Have an agreement signed by your company/organisation and the worker and give a copy to the worker. You can refer to some standard employment clauses in a separate employee manual if these are applicable to all types of workers and if the workers have easy access to this manual.
- The agreement should mention the overtime pay rate if overtime may be required.
- Offer equal payment for men and women workers for work of equal value.
- When labour is subcontracted, have a written contract and documented oversight mechanisms in place ensuring that the sub-contractors are:
 - licensed or certified by the competent national authority,
 - compliant with applicable legal requirements,
 - not engaged in fraudulent or coercive recruiting practices,
 - compliant with all worker related requirements of this standard,
 - and do not require workers to pay recruitment fees.

6.3.2 Critical stepwise Formal commitment and targets are in place to advance towards a living wage for workers.



Tips and guidance 6.3.2

- Ensure you have a solid understanding of what is a 'living' wage. According to UEBT, a living wage is the remuneration received for a standard workweek by a worker in a particular place sufficient to afford a decent standard of living for the worker and her or his family. Elements of a decent standard of living include food, water, housing, education, health care, transportation, clothing, and other essential needs, including provision for unexpected events. This definition comes from the Global Living Wage Coalition (GLWC) and is the preferred reference for UEBT.
- Your total remuneration for workers (wages as cash and in-kind benefits) should be assessed against a living wage benchmark, preferably one developed in accordance with the GLWC and its methodology (called the Anker methodology).
- Value any in-kind benefits you offer as these can be considered to reach a living wage. In-kind benefits are defined by the GLWC as non-monetary benefits such as food, transport, and housing that reduce the amount of cash income that workers need for a decent standard of living.
- When valuing in-kind benefits, consider those that provide needs that reduce the need for cash. The following may be considered valid in-kind benefits: highly subsidised or donated food services, transport service from home to the workplace and vice versa, school supplies and uniforms, private medical services, and family housing, valued at a local rate opportunity.
- You may not value in-kind benefits at more than 30% of the total remuneration, as this creates too great a reliance on non-monetary benefits and hinders empowerment and free choice (reference: GLWC).
- UEBT offers additional tools to help you assess your compliance with this criterion, including references to available living wage benchmarks and estimates, and guidance for minimum wage. Contact us at certification@uebt.org for these.

Additional indicator: working hours:

6.3.13 Critical requirement Regular working hours for workers are in line with national legislation and do not exceed 48 hours per week, with workers having at least one day (24 consecutive hours) of rest after six working days and minimum of 30 minutes of break after six working hours.

6.3.16 Critical stepwise There are specific channels in place for hearing concerns, complaints and grievances from workers. Concerns are addressed in a transparent, open and timely manner, with participation of all relevant actors.



Tips and guidance 6.3.16

- Arrange for training of supervisors on how to listen and respond to workers.
- Implement telephone and web-based employee hotlines.
- Conduct surveys of employees on their satisfaction.
- Host focus groups with employees.
- Make suggestion boxes available.
- Makes ombudsmen available.
- Choose from the above based on the complexity and/or size of your organisation to determine what is most appropriate. Small or family businesses may have other mechanisms to collect concerns, complaints and grievances.

Additional indicator: overtime work:

6.3.15 Critical stepwise Overtime work for workers is permitted under the following conditions:

- It is requested in a timely manner
- It is in line with national legislation
- It is paid according to national law or collective bargaining agreement, whichever is stricter. In case where no law or collective bargaining agreement is in place, overtime is paid at minimum a factor of 1.5 for work performed on regular workdays and a factor of 2 for work performed on public holidays
- The work can be carried out without increased risk to safety and health. This is recorded and monitored. In case risks are identified, actions are taken to address them
- Workers have safe transport home after work if applicable
- Maximum working hours do not exceed 60 hours/week, including regular hours and overtime.
- Overtime does not exceed 6 hours per day
- In exceptional circumstances for the agricultural sector, e.g., during peak production periods for high seasonality sectors or in changing weather conditions, overtime can exceed 12 hours per week for a maximum period of 12 weeks per year and with 1 day of rest after max of 21 consecutive working days. This should be in line with national legislation
- Records are kept of the number of regular hours and extra hours worked by each worker

6.3.17 Critical stepwise Pregnant workers receive maternity leave and other benefits in line with national legislation. They can return to their job after maternity leave on the same terms and conditions and without discrimination, loss of seniority or deduction of wages.



Tips and guidance 6.3.17

- Offer workers who are pregnant, nursing or have recently given birth flexible working schedules and work site arrangements.
- Offer lactation/expressing of milk spaces that are:
 - functional (e.g. at a minimum having a chair and a flat surface for pumping equipment),
 - shielded from view,
 - free from intrusion by the public and co-workers,
 - available whenever a mother needs to pump or express milk,
 - not a toilet.

In summary – good practices for local companies and their suppliers

- Ensure compliance with both local legislation and international conventions.
- Ensure compliance with existing legislation and agreements on freedom of association.
- Ensure that a collective bargaining agreement exists.
- Ensure compliance with legislation on national or local minimum wages – never pay anyone below these amounts.
- Ensure payments modalities/payslips are documented and capture all relevant details.
- Never charge your workers, nor deduct money from their wages, to cover the cost of tools, equipment or gear required for their duties.
- Ensure compliance with maternity rights.
- Never impede the formation of worker organisations, committees, or unions.
- Ensure that regular working hours do not exceed 48 hours per week.



HARVESTING ?WILD? ROSEMARY - SALVIA ROSMARIINUS L.

For more guidance and training, please contact UEBT at certification@uebt.org

About UEBT

UEBT is a non-profit association that promotes sourcing with respect. Its mission is to regenerate nature and secure a better future for people through ethical sourcing of ingredients from biodiversity.



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