



Rainforest Alliance Additional Social Auditing Methods for Sexual and Psychological Violence against Women

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Version 1.2

The Rainforest Alliance works to conserve biodiversity and ensure sustainable livelihoods by transforming land-use practices, business practices, and consumer behavior.

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Policy

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|--|---|---|
| Issue Date: | Binding date: | Expiration date (if applicable): |
| June 15, 2017 | July 1, 2017 | Open – until next review |
| Developed by: | | Approved by: |
| Standards and Policies Unit, SAN Secretariat | | SAN Standards and Policy Director |
| Linked to (code and name of documents, if applicable): | | |
| <ul style="list-style-type: none"> • RA-R-1-2.1 Accreditation Requirements for Certification Bodies, June 2015 • RA-S-SP-1-V1.2 Sustainable Agriculture Standard, July 2017 • RA-R-SP-1-V1.2 Certification Rules 2017 | | |
| Replaces: | | |
| SAN-P-SP-1-V1 “SAN POLICY - SAN Additional Social Auditing Methods for Sexual and Psychological Violence against Women” (February 2017) | | |
| Clause or criterion number and text (if applicable): | | |
| Critical Criterion 4.2 Workers are treated respectfully and are never subjected to threats, intimidation, sexual abuse or harassment, or verbal, physical or psychological mistreatment. | | |
| Applicable to: | | |
| Certification Bodies and Auditors | | |
| Countries: | | |
| Burundi, Ethiopia, Kenya, Malawi, Mozambique, Rwanda, Tanzania, Uganda and Zimbabwe | | |
| Crops: | Type of organizations: | |
| Tea | Individual farms and groups of the type ‘Several farms under one single organization’ | |

1. Introduction

Globally, 7.2% of women have been sexually assaulted by someone other than a partner¹. One of the highest lifetime prevalence of sexual violence has been reported in the African Region (11.9%). There are fewer data available on the health effects of sexual violence. However, the evidence that does exist reveals that women who have experienced this form of violence are 2.3 times more likely to have alcohol use disorders and 2.6 times more likely to experience depression or anxiety (WHO 2013).

As was seen in the WHO multi-country study on women's health and domestic violence against women (García-Moreno et al. 2005), certain countries that had higher levels of sexual violence (Namibia and the United Republic of Tanzania), compared to others that had lower levels (Ethiopia), tended also to have higher rates of other forms of violence, such as sexual abuse during childhood and men fighting with other men. In Kenya, 21 % of the women have experienced sexual violence and strangers account for six percent of sexual violence. The Kenya Demographic and Health Survey 2008-09 states that 0.3% of women aged 15-49 have experienced sexual violence from an employer or someone at work and, in general, only 37% of the women sought help to stop the violence, 6% never sought help but told someone about the violence, and 45% never sought help and never told anyone about the violence (KNBS & ICF Macro 2010).

The effects of sexual harassment on its victims are well documented. Many experience feelings ranging from irritation and nervousness to anger, powerlessness and humiliation. At its worst, sexual harassment can make their working lives miserable and even dangerous. According to ILO's Conditions of Work and Employment Series No. 2, research has shown that victims can eventually become ill when subjected to sexual harassment on a regular basis; particularly where it is perpetrated by a supervisor, involves sexual coercion, or takes place over a long period of time or in a male-dominated setting. It has been found to trigger a wide range of ailments, including stress-related illnesses, high blood pressure and depression. Ultimately, victims of sexual harassment may miss out on career opportunities or leave their jobs (ILO 2005).

Sexual harassment also costs employers. When harassed workers lose concentration, when it interferes with their judgment, when they are difficult to motivate or tend to be late or absent, employers incur significant losses. Productivity may decrease, team work be jeopardized, and the risk of workplace accidents increase. Ultimately, employers may lose valuable workers, while others may be dissuaded from applying for vacancies. Employers who fail to prevent sexual harassment may also face the financial costs of sick pay for employees who become ill, and legal bills from court actions brought against them (ILO 2005).

In addition, where sexual harassment causes disproportionate numbers of women to feel unwelcome, uncomfortable or threatened in their places of work, or even forced to leave their jobs, it functions as a form of sex discrimination and many women would be reluctant to take up traditionally male jobs or jobs in a largely male workforce. Women's equal opportunities are threatened and their position in the labor force undermined when they are dissuaded from applying for higher-status, well-paid, traditionally male jobs. For these

¹ Non partner sexual violence: When aged 15 years or over, experience of a woman of being forced to perform any sexual act that this woman did not want to by someone other than her husband/partner.

reasons, sexual harassment has been approached as a form of sex discrimination by emphasizing its discriminatory effects and prohibiting it in anti-discrimination laws and policies (ILO 2005).

Various studies have reported gender and ethnic discrimination, sexual harassment, and irregularities around freedom of association and the right to collective bargaining on Kenyan tea plantations expressing that social auditing is not sensitive enough to detect these situations during certification audits.

The Rainforest Alliance certification program for sustainable agriculture covers the protection of workers from threats, intimidation, sexual abuse or harassment, or verbal, physical or psychological mistreatment as one of its critical criteria and is taking action to further strengthen its social auditing methods covering principle 4 (Improved Livelihoods and Human Wellbeing) of the Rainforest Alliance Sustainable Agriculture Standard (July 2017, version 1.2).

2. Policy: Additional Social Auditing Methods for High Risk Regions

The following social methods are binding for East African tea plantation audits from July 1, 2017 onwards, including elements on:

- a. Audit planning
- b. Selecting a representative sample of interviewees
- c. Conducting the interview
- d. Reviewing the management system
- e. Considerations for audit reports
- f. Other resources

2.1. Audit Planning

- a. Audit teams of Rainforest Alliance authorized CBs should include at minimum one female auditor and should consider the inclusion of a social science expert.
- b. Only female auditors should be authorized by the CB to conduct interviews with women about gender discrimination, psychological or physical violence, including sexual harassment topics.
- c. Audit plans for each client shall be custom-made for each specific situation:
 - i. Each audit plan shall be adapted to the processes and working environment of the organization subject to an audit, and provide for sufficient time to cover the organization's social management system, shifts and production scenarios.
 - ii. During a three-year certification period, at least one audit shall be planned covering harvest periods and one audit covering non-harvest periods. Other high risk periods for compliance with Rainforest Alliance labor criteria

should be additionally considered by the certification body when planning for audits.

- iii. Audit plans shall include the following information, as a minimum:
 - 1) Auditors' Names
 - Experts' Names, translators' names, other persons' names observing the audit, if applicable.
 - 2) Client contact details including the organization's name; address; main contact; management representative; workers representative; other representatives such as health and safety, gender or discrimination committee representatives; Human Resource Manager; Payroll Supervisor.
 - 3) Shifts operated and to be audited.
 - 4) Locations to be audited.
 - 5) Approximate time of each audit activity per day, including travel time to sites.
 - 6) Audit site demographics related to number, gender and language spoken for: workers, supervisors and managers, and contract services suppliers.
 - 7) Indication of the expected number of worker and manager interviews (*According to Rainforest Alliance Accreditation Requirements' ANNEX 2: Additional Social Auditing Methods for High Risk Regions, Crop Sectors and Operations*).
 - 8) Statement on the obligation for senior management and workers representatives to be present at the opening and closing meetings.
- d. Local language should be used for interviews, including the consideration of tribal dialects. In the case of the use of a translator, its independence shall be guaranteed and they shall be trained by the CB about the audit process.

2.2. Selecting a representative sample of interviewees

- a. The sample of interviewees shall be selected based on the stratified random sampling technique² relying on human resource data about the operation's number of employees provided by the operation in the application to the CB.
- b. The following sampling parameters should be considered that can detect vulnerable groups when defining the sample of interviewees for social topic interviews in high risk regions:
 - i. Age;

² When subpopulations within an overall population vary, it is advantageous to sample each subpopulation (stratum) independently. Stratification is the process of dividing members of the population into homogeneous subgroups before sampling. Then random sampling is applied within each stratum, improving the representativeness of the sample by reducing sampling error (http://en.wikipedia.org/wiki/Stratified_random_sampling).

- ii. Ethnicity including origin and ethnic group (workers of different origin within the same country, foreigners, indigenous people from different tribes);
 - iii. Gender: women and men – by work function;
 - iv. Employee status: permanent, temporary, part time workers, workers paid by piece rate;
 - v. Hierarchy level: operations, supervision, management;
 - vi. Type of work they perform;
 - vii. Time working for the organization;
 - viii. For the risk scenario of sexual harassment, women who are pregnant, divorced, separated, or widowed shall be included in the interview sample, as well as young and single women, casual workers, informal workers and migrant workers or workers infected with HIV.
 - ix. To complete the audit investigation about gender discrimination, violence and sexual harassment, also on-site subcontractors and suppliers, such as cleaners, canteen staff, construction crews, clinic nurses and doctors, dormitory and security guards, as well as transport service providers should be interviewed.
- c. The audit team should dedicate at minimum 50% of the audit time on interviews with workers.
- i. Individual interviews can be followed by additional group interviews to confirm evidence of possible non-conformities.

2.3. Conducting the interview

There is a culture of silence surrounding gender-based violence that makes collection of data on this sensitive topic particularly challenging. Even women who want to speak about their experiences of domestic violence may find doing so difficult because of feelings of shame or fear. The need to establish rapport with the interviewee and to ensure confidentiality and privacy during the interview are important, but they are especially critical to ensure the validity of the data collected on domestic violence. Complete privacy is also essential for ensuring the security of the interviewee and the interviewer. Asking about or reporting violence carries the risk of further violence (KNBS 2010).

The following requirements shall be implemented for an audit team's interviewing process:

- a. Interviews shall be only conducted without the presence of supervisors and managers.
- b. For sensitive issues, no male worker or auditor shall be present during interviews with women. Non-sensitive issues can be dealt with the presence of male auditors.
- c. All interviews with workers about sensitive labor issues shall only be conducted in a confidential setting: without any supervision or management personnel present and outside the plantation or in a closed room on the plantation.

- d. Before starting an interview, the auditor shall introduce herself/himself to the interviewee, clarify her/his role with the certified operation and confirm that all interview information is subject to total confidentiality.
- e. Notes should not be taken during these interviews but be made immediately after each interview.
- f. Open questions shall be the main interviewing technique to collect evidence from workers. Active Listening should also be implemented to inspire trust and make the worker feel valued.
- g. Examples of sexual harassment are (Rubenstein 1992):
 - i. Physical conduct
 - 1) Physical violence
 - 2) Physical contact, e.g. touching, pinching
 - 3) The use of job-related threats or rewards to solicit sexual favors
 - ii. Verbal conduct
 - 1) Comments on a worker's appearance
 - 2) Sexual comments, stories and jokes
 - 3) Sexual advances
 - 4) Repeated social invitations
 - 5) Insults based on the sex of the worker
 - 6) Condescending or paternalistic remarks
 - iii. Non-verbal conduct
 - 1) Display of sexually explicit or suggestive material
 - 2) Sexually-suggestive gestures
 - 3) Whistling
- h. Once having established an atmosphere of confidence with the interviewed woman, the topics serve as guidance for the interview:
 - i. Has anyone hit, slapped, kicked, or done anything else to hurt you physically?
 - ii. Does/did anyone on the plantation ever:
 - 1) Push you, shake you, or throw something at you?
 - 2) Slap you?
 - 3) Twist your arm or pull your hair?
 - 4) Punch you with his fist or with something that could hurt you?
 - 5) Kick you or drag you or beat you up?
 - 6) Try to choke you or burn you?

- 7) Threaten or attack you with a knife, gun, or any other weapon?
- 8) Physically force you to have sexual intercourse?
- 9) Force you to perform any sexual acts?
- iii. Emotional violence - Does/Did anyone on the plantation ever:
 - 1) Say or do something to humiliate you in front of others?
 - 2) Threaten to hurt or harm you or someone close to you?
 - 3) Insult you or make you feel bad about yourself?
- iv. Has any supervisor asked you for bribes in interchange of maintaining or improving your working conditions?
- i. The schedule of women shall be analyzed also as part of the investigation. Women are usually working harder than men as they have to fulfill their obligations as mothers also.
- j. The auditor shall only continue the interview, if privacy is ensured. If privacy is not ensured, the interviewer should thank the interviewee, and end the interview.
 - i. Clause 7.5.1.d) of the Rainforest Alliance Accreditation Requirements (RA-R-1-2.1) are mandatory for Rainforest Alliance accredited certification body audit processes as follows: *The audit team shall have the right to interview the workers or administrative staff without the presence of their supervisors. If this condition is not met, the lead auditor has the right to terminate the audit process. As consequence, the client shall apply again for a certification audit process.*
- k. The auditor shall record the date, place, time and duration of the interview, as well as the name and position of each person interviewed.
- l. The auditor/s shall not reveal any interview activity details to the management representatives at initial or final meetings or during the audit process, in general.
- m. The identity of interviewees shall be kept anonymous at all times, including the prohibition of inserting pictures of interviewees or other workers and employees in presentations of an audit's final meeting.

2.4. Reviewing the management system

- a. The audit team shall assess the following structure and hierarchy aspects of a plantation's management system as evidence about compliance with Rainforest Alliance Sustainable Agriculture Standard's criteria 1.6, 1.7, 1.8, 1.11, 1.12, 1.14, 4.2, 4.9, 4.22 and criteria of principle 4, in general:
 - i. Map and analyze the workflows for each production site to identify jobs and corresponding responsibility with possible focal points of abuse³.

³ Is the work organization transparent and does it prevent power or authority to be used for corruption or abuse? The organization chart and hierarchy of positions provide indications if the work environment potentially enables supervisors actions of abuse due to lack of instructions, training, procedures or other tools that favor

- ii. The existence of casualization⁴ as a possible precursor to predispose workers to act desperately to gain or keep their employment, including sexual advance or bribery.
 - iii. Publishing and communication to all employees and workers of strongly worded policy statements:
 - 1) Organizational policy on an abuse free work place;
 - 2) Policy for the empowerment of women in different levels of the organization, including equal opportunities when appointing lower and upper management positions.
 - iv. Existence and effective implementation⁵ of a grievance (a complaints procedure which is both effective and simple to use) and follow up mechanisms for reporting and addressing abuses and or other labor rights violations.
 - v. Existence of a written system of progressive discipline.
 - vi. Existence of a well-trained, balanced and empowered gender committee.
 - vii. Frequent training for all workers targeted particularly at staff that plays a specific role in the complaints procedure.
 - viii. Monitoring and regular evaluation of sexual harassment complaints procedures.
 - ix. No use of any form of, or threat of, monetary fines and penalties as a means to maintain labor discipline, including for poor performance or for violating company rules, regulations, and policies.
 - x. Access to food, water, toilets, canteens, medical care or health clinics or other basic necessities is not used as either reward or as a means to maintain labor discipline.
 - xi. The plantation does not use any form of, or threat of, physical violence, including slaps, pushes or any other forms of physical contact as a means to maintain labor discipline.
 - xii. No use of any form of verbal violence, including screaming, yelling, or the use of threatening, demeaning, or insulting language, as a means to maintain labor discipline.
- b. Auditors should attend the meetings of trade unions or other committees; or training events.

humane working conditions. When there is a skew in power towards gender, then most likely there are issues of work abuse.

⁴ Short-term hiring for less than three months, also known as hire-fire mechanism.

⁵ No reports/cases are usually a bad sign that these systems are not working. One of the challenges is to strip away the veils of policy and procedure to reveal actual practice. The anti-harassment and sexual harassment policies can be posted all over the place and various complaints channels may exist but they were not operating in practice.

2.5. Considerations for Audit Reports

- a. The name and identity of all interviewees shall be kept anonymous at all times and at all different versions of the audit reports, including the prohibition of inserting pictures of interviewees or other workers and employees in audit reports.
- b. The audit team shall consider the testimonies of the interviewees as probative when they match or concur. Probative facts are those that make the existence of something more probable or less probable than it would without them. Due to the nature of these topics, documentary evidence will not always be required to issue a nonconformity, since it may be difficult or even impossible to obtain. Coherent and concurring information gathered during interviews has probative value.
- c. Any form of sexual harassment or abuse, or mistreatment of any kind will result in a nonconformity on critical criterion 4.2, and shall also be considered as a form of discrimination, automatically resulting in a nonconformity against critical criterion 4.3.

2.6. Other Resources

RA-G-LS-01-V1 Guide provides more information for the implementation & evaluation of criteria requirements.

3. References

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