



# Ethical Charter for Responsible Labor Practices

Guidelines for Responsible Purchasing Practices

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## Introduction

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In 2018, the Boards of Directors of the Produce Marketing Association (PMA) and United Fresh Produce Association (UFGA) adopted the Ethical Charter for Responsible Labor Practices (Charter), intended to set an industry-wide framework for responsible labor practices in the global fresh produce and floral supply chains that promote and reinforce occupational health and safety and worker respect and dignity. The Charter states the values and principles that the fresh produce and fresh floral industries recognize as critical to their production.

The Charter includes responsible purchasing practices as part of the industry's implementation. While it is not the intent of the Charter to address the commercial strategies of any supporting company, purchasing practices can impact the industry's ability to fully comply with the principles of the Charter. Hence, this guidance on responsible purchasing practices will help companies facilitate adherence to the principles of the Charter throughout their supply chain.

Purchasing practices vary widely by sector and company, and if they are not managed with consideration for their impact, they can adversely impact working conditions in a supply chain. All throughout the supply chain, various types of purchasers have a role to play in ensuring that responsible labor practices are in use. This guide offers a description of what that role entails and may offer useful guidance to purchasers on how to avoid and mitigate risks to fulfillment of the principles of the Charter.

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## Ethical Charter for Responsible Labor Practices

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We believe that everyone deserves to be treated with dignity and respect. We are committed to respecting workers' rights and protecting their safety and health, while recognizing the cultural and legal differences found throughout the industry and the world. As an industry, we care about the wellness, respect and safety of the workers who help us offer the wide variety of fresh fruit, vegetables and flowers consumers enjoy.

The guiding values and principles set out in this Ethical Charter provide a framework for coordinated, focused action across the industry. When growers, labor agencies, packers, distributors, foodservice operators, marketers and retailers of fresh produce and flowers work together to assure ethical working standards, everyone in the supply chain benefits and consumer confidence in our products is enhanced. Responsible labor practices are the right thing to do and our success as an industry depends on it.

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## Our Values

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- We believe that work in the fresh produce and floral industries should provide economic opportunity for all involved. Employers, workers, their families, and communities should benefit financially as a result.
- We respect, value, and encourage mutually beneficial efforts and a positive relationship between the employer and the employee, and intend to support efforts that strengthen that relationship.
- We operate in a spirit of cooperation, learning and transparency with our workers, trading partners and other stakeholders.
- We support transparency in our supply chains about labor conditions, policies, and practices, as permitted by law, with the aim of improving the work environment and giving workers opportunities for success.
- We seek to inspire continual learning and progress across the produce and floral supply chain, through education and an exchange of ideas and best practices in implementation of these principles.
- We believe in accountability throughout the supply chain and among all stakeholders to deliver our shared vision of responsible labor practices. These values can only flourish because of our day-to-day behavior and actions, with each of us working within our individual area of responsibility and strengths.

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## Our Guiding Principles

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### Respect for Laws at Work

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#### Legal Compliance

Employers shall adhere to the law and regulations as established by the applicable jurisdiction.

#### Occupational Safety & Health

Workers shall be provided a safe, hygienic, and sanitary environment at both work-related sites, and at any housing mandated or provided by the employer. Employers shall adopt reasonable measures to identify hazards and control occupational risk of injury and illness. Examples of such safeguards may include, but are not limited to, the following: industrial hygiene and sanitation programs; injury and illness prevention; emergency preparedness and response; chemical safety; equipment and machine safety; ergonomics; ventilation and lighting.

## Wages & Benefits

Workers shall be paid for all work performed. Employers must comply with all applicable legal requirements regarding legal eligibility to work, benefits and wages (including wages for overtime premiums and/or minimum compensation for any payment arrangement based on productivity). Employers must provide leave and benefits as required by law. Payments will be made in accordance with any applicable contract terms and pay calculation shall be transparent to workers.

## Working Hours

Employers manage working hours in accordance with applicable laws, recognizing that agricultural labor needs vary by season, crop and task, and workers are sometimes needed for shorter or longer time periods than a standard workweek. Employers provide rest periods if needed to support a safe and healthy workplace. Employers inform workers about their expectations regarding hours of work and gain their agreement at time of hiring.

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## Respect for Professional Conduct

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### Communication and Worker Protections

Direct communication between management and their employees is the most effective way of resolving workplace issues and concerns. All workers should have both the right and responsibility to voice questions, report in good faith any improper or wrongful activity, or discuss opportunities and/or grievances. To do so, there should be a fair, transparent, and accessible channel of communication to provide input to management and to resolve workplace issues. Employers should encourage timely disclosure of concerns and shall prohibit retaliation against anyone who, in good faith, reports concerns.

### Ethical Recruitment

Employers shall recruit workers ethically. Abusive, deceptive, fraudulent, or corrupt practices are unacceptable at any stage of the recruitment and selection process. No worker should pay for a job; employers shall bear the costs of recruitment and placement. If third-party labor contractors are utilized, appropriate due diligence is performed to ensure their commitment to uphold the Ethical Charter.

### Management Systems and Continuous Improvement

Employers commit to integrating sound management systems (such as policies, processes, education and training, documentation, communication, and feedback channels) that sustain and demonstrate compliance with applicable labor, employment, occupational health and safety laws governing the employer. Employers should look to these systems to continuously improve performance against compliance objectives.

### Responsible Purchasing Practices

Companies purchasing commercial quantities of produce and floral products understand and seek to mitigate the impact of their planning and purchasing practices on the commitments in this Ethical Charter.

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## Respect for Human Rights

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### Employment is Freely Chosen

Employers must not tolerate modern day slavery – such as forced or compulsory labor, debt bondage, involuntary prison labor or the trafficking of persons. Employers commit to a work environment where employment is freely chosen and not performed under threat, coercion, force, or menace of penalty.

### **Freedom of Association**

Employers follow applicable law regarding freedom of association and collective bargaining and workers' equal right to refrain from such activity.

### **Humane Treatment and Non-Harassment**

Every worker deserves to be treated with dignity and respect and should not be subject to physical, sexual, psychological, or verbal harassment or abuse, coercion, or the threat of such conduct. Employers address the need to prevent sexual harassment with education, communication and disciplinary procedures that demonstrate that such behavior will not be tolerated.

### **Non-Discrimination**

Equal employment opportunities are respected, including respect for all individuals. Workers deserve a workplace free from unlawful discrimination in any form, where employment decisions are based only on the requirements of the job.

### **Protection of Children and Young Workers**

Respecting and supporting children's well-being requires employers to actively safeguard children's interests, preventing harm at the workplace. Young people who can legally work also desire and deserve economic opportunities, but need age-appropriate work and appropriate supervision. Employers commit to prevent children and/or young workers from performing work that is mentally, psychologically, physically, or socially dangerous or harmful, or that hinders compulsory education. Employers do not hire anyone below the legal age of employment or younger than 15 where no minimum employment age exists.

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## Responsible Purchasing Practices

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***Companies purchasing commercial quantities of produce and floral products understand and seek to mitigate the impact of their planning and purchasing practices on the commitments in this Ethical Charter for Responsible Labor Practices.***

### Responsible Sourcing Commitment

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Purchasers can establish a commitment to responsible sourcing, based on the principles of the Charter, and can make that commitment publicly available for review by suppliers and others.

### Awareness

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Purchasers can take measures to raise awareness within the company and within its network of suppliers of its commitment to responsible sourcing, based on the principles of the Charter, and the importance of implementing purchasing practices aligned with that commitment. Such measures may include training and the preparation and dissemination of educational materials.

### Setting Supplier Expectations

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Purchasers can suggest measures for their supply chain to set expectations across the supply chain for responsible labor practices consistent with the principles of the Charter. The suggested measures seek to increase awareness throughout the supply chain and across the industry.

### Understand Purchasing Practices

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Purchasers can take measures to fully understand their purchasing practices and the interplay with the company's commitment to responsible sourcing. Such measures may include, but are not limited to, the following:

- Understand the company's purchasing practices;
- Assess how those purchasing practices interplay with the company's own commitment to responsible sourcing and fulfillment of the principles of the Charter;
- Identify adverse impacts that may result from purchasing practices;
- Raise internal awareness of the impact of purchasing practices; and
- Coordinate across functions and business segments to ensure awareness of the commitment to responsible sourcing and the impacts of purchasing practices on that commitment.

### Adverse Impact Mitigation

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To the extent purchasers become aware of the existence of adverse impacts of their purchasing practices on fulfillment of the principles of the Charter within their supply chains, they may take appropriate measures to mitigate such impacts.

Purchaser can develop positive incentives, relevant to the business, for suppliers producing in a socially responsible manner aligned with the Charter.