

GLOBAL G.A.P. Risk Assessment on Social Practice (GRASP)

NATIONAL INTERPRETATION GUIDELINE
FOR _____

GRASP V2

_____ **VERSION**

VALID FROM: _____

CREATED BY:



General concept

The GRASP national interpretation guidelines (GRASP NIGs) provide guidance to producers and assessors on the implementation of the GRASP principles and criteria (P&Cs) based on the respective legal framework of the country and, in certain cases, regions. In countries where a GRASP NIG exists, the NIG is a normative document and shall be used by producers and certification bodies (CBs).

Assessors shall assess producers against the GRASP P&Cs taking into account the legislation in the country that is relevant to the respective P&Cs. The country's GRASP NIG *does not replace* the original P&Cs and does not release the respective assessor from their obligation to assess producers against the applicable/relevant legislation, but it may provide supplementary guidance on the respective legal framework. The GRASP NIG shall be seen as supplementary information to the GRASP P&Cs and the GRASP general rules but it shall not be understood as a modification of the contents of those documents.

If there is no applicable/relevant legislation or if the legislation provides *less protection to workers* than the GRASP P&Cs, the P&Cs apply. If there is applicable/relevant legislation in the country, which provides *more protection to workers*, this legislation shall be used as the basis for the assessment, i.e., the producer shall comply with such legislation to conform with the GRASP P&Cs.

For guidance on how to develop a GRASP NIG and the approval process, please consult the document “Rules for the development of GRASP national interpretation guidelines”. For any queries about GRASP NIGs, please contact the GLOBALG.A.P. Secretariat at graspnig@globalgap.org.

Disclaimer and condition of valuation

The approval process for NIGs includes a review by the GLOBALG.A.P. Secretariat to prevent unacceptable deviations from the GRASP P&Cs. However, the GLOBALG.A.P. Secretariat is not responsible for the contents of the GRASP NIGs, their accuracy, completeness, and currency with other regulations or applicable documents during its lifetime.

Users of the GRASP NIG, e.g., producers using it to implement GRASP and conduct self-assessments and CBs and accreditation bodies using it for their certification activities, are therefore responsible for such use and the consideration of the NIG's accuracy, completeness, and currency with the relevant requirements and local legislation prior to any assessment (see also the GLOBALG.A.P. general regulations – rules for certification bodies, section 12.3.4 e)). When a CB, accreditation body, or producer becomes aware that any part of a GRASP NIG is not correct, not complete, or not up to date, they shall notify the responsible stakeholder in text form (providing a copy of this information to the GLOBALG.A.P. Secretariat) so that the GRASP NIG can be updated.



What to consider when writing a GRASP NIG

The GRASP NIG shall *not* give examples for implementation, but rather *compile and reference applicable regulations* or collective bargaining agreements in the country.

Legal regulations regarding the P&Cs differ from country to country (e.g., minimum wage, legal minimum age of employment, working hours, etc.).

If several regulations apply, the rule that provides *more protection to the workers* shall be used.

GRASP NIGs (available on the GLOBALG.A.P. website) make requirements transparent to producers and assessors.

If GRASP NIGs are found to challenge the global integrity of the standard, GLOBALG.A.P. reserves the right to withdraw or revise the GRASP NIGs in consultation with the developing stakeholder group.

Instructions on how to use this GRASP NIG template

Each page covers a separate section/topic of the GRASP P&Cs. Under each principle section, you will find guiding questions for the NIG for a specific country. Please answer them in the second column and provide the relevant labor law weblinks, mainly in English if possible. A line for further comments is also included.

- To facilitate the verification of the GRASP principles, labor law weblinks and short extracts of labor law texts shall always be provided in *English*, if possible.
- *Please do not copy and paste the complete legal text of the regulation into the NIG:*
Please do not quote the full legal texts, but rather *compile and reference applicable regulations and provide sources (weblinks)* or collective bargaining agreements (e.g., minimum wage, weblinks to resources) that are relevant to the respective P&Cs by answering the questions provided under each section.
- When asked to answer *Yes or No*, please only choose one.
- When asked to provide a *source*, please include the name of the labor law, the year, and the specific article, chapter, or section of the law. (i.e., Labor Law of 1992, section 3, article 5). Please see a few examples here:

LABOR ACT OF TURKEY¶

Law No: 4857¶

Date of enactment: 22.05.2003 → ¶

Published in the Official Gazette on 10.06.2003 No: 25134¶

Latest amendment date: 28/07/2020¶

¶

Definition and form ¶

Article: 8¶

Employment contracts in permanent and non-continuous jobs: ¶

Article: 10¶

Part-time and full-time employment contract: ¶

Article: 13¶

NATIONAL EDUCATION BASIC LAW OF TURKEY¶

Law No: 1739¶

Date of enactment: 14/6/1973 → ¶

Published in the Official Gazette on 24.06.1973 No: 14574¶

Latest amendment date: 17/04/2020¶

¶

Primary education ¶

¶

Article: 22¶

(Change: 27/6/2019-7180-I-4-art.)¶

Compulsory primary education includes children aged 6-14.¶

- *Weblinks* to the law or a place where the law can be found shall be included (in addition to the above information, if available).
- When asked to provide *contact details*, please include the name of the organization, office, or institution, as well as a method of contacting them (e.g., telephone, email, etc.). Weblinks to the organization shall be included, if available.

	GENERAL
G1	The producer informs the workers of the GRASP assessment and its scope at least two working days before the date of assessment.
G2	The producer provides a register of any/all workers hired and those present on the date of the assessment.
G3	The producer/producer group completes a minimum of one self-assessment/internal GRASP assessment annually.
G4	Effective corrective actions are taken to address all non-compliant Major Musts and at least a percentage of Minor Musts detected during the self-assessment/internal GRASP assessment.

Provide the requested weblinks to relevant local labor laws and complete the following definitions:

Definition of “family farm” in the local regulations:

Definition of “worker” in the local regulations:

Name and article of the local regulation that is being referenced:

Further comments:

1	RIGHT OF ASSOCIATION AND REPRESENTATION
1.1	The producer respects the right of workers to join and/or form trade unions or other worker organizations of their choice (as well as the right to refrain from joining/forming such organizations) in accordance with applicable national legal requirements.
1.2	If the right to freedom of association and collective bargaining is absent, restricted, or denied under local law, the producer allows alternative forms of independent worker representation and negotiation that is free of employer control.
1.3	The producer does not discriminate or otherwise penalize worker representation, members of trade unions, or other worker organizations because of their membership in or affiliation with legally registered worker organizations.
1.4	The producer allows any worker representation duly registered and duly recognized by the local law access to the workplace to carry out their representative functions in accordance with applicable national legal requirements.

Provide a list of relevant local labor laws and answer the following guiding questions:

Is freedom of association restricted? Yes/No. If yes, indicate the specific local law:

List the type of agricultural worker organizations that are legally recognized, including name and contact:

Requirements for joining or forming worker organizations are indicated in this local regulation (include name and article of the regulation):



Indicate the government organization with which the worker representation is registered including names and contacts:

Indicate the type of proof of registration that is available (i.e., certification, ID, or letter):

Further comments:

2	GRASP WORKER REPRESENTATION
2.1	Current workers have decided on appropriate representation to help assess, communicate, and monitor their interests before the producer.
2.2	After the workers reach a decision on the representation, the composition and type of the worker representation is communicated by management to the current workers.
2.3	The producer ensures that worker representation is decided during the time with the highest presence of workers at the farm.
2.4	The worker representation/management liaison has been instructed on their role, duties, and rights within GRASP.
2.5	Workers, their representation, and the producer hold monthly gatherings on issues related to GRASP during the time with the highest presence of workers.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

List types of worker labor organization legally active in agriculture:

Can these organizations have a representation at farm level? Yes/No.
If yes, include name and article:

List the type of documents required to verify the registration of worker organizations:



Indicate the legal government entity that oversees this registration:

Indicate the regulation that supports this:

Indicate regulations that grant workers the right to participate in meetings regarding representation without having their wages reduced:

Indicate the labor authorities that are available for agriculture workers (include name and contact):

Provide approximate times of harvesting seasons for the main GLOBALG.A.P. produce audit.

Further comments:

3	COMPLAINT PROCESS
3.1	A confidential complaint process is available to be used by all workers free of any retaliation or penalty.
3.2	The complaint process is implemented and appropriate to the number and type of workers for filing complaints in person, anonymously, or through the worker representation.
3.3	The worker representation has been instructed on how to use the process on behalf of other workers on the rights included in the producer's human rights policies.
3.4	Easy-to-understand instructions are provided to all workers about the complaint process.
3.5	There are one or more well publicized places to file complaints, at least one of which should be independent of the supervisory staff.
3.6	The producer shall endeavor to resolve a complaint while the worker is under their employment, in a timely manner and proportionately to the nature of the complaint made.
3.7	A summary record of any complaint over the past 24 months is kept to show that they have been received and addressed.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Are there organizations (other than a court or government) that resolve conflicts between employers and workers? Yes/No. If yes, include name and contact:

Are there government offices that mediate conflict between employers and workers? Yes/No. If yes, include name and contact:

Are complaint procedures regulated in the local regulation? Yes/No.
Provide source:

Does the national regulation specify how to handle complaints?
Yes/No. Provide source:

Is there a local regulation that specifies how workers can file a
complaint with the local court? Yes/No. If yes, include name and
articles:

Can any worker file a complaint with the local court? Yes/No.
Provide source:

Can a worker representation file a complaint with a court on behalf of
workers? Yes/No. If yes, include the name of the court and a contact:

Is there any reference in the local regulation for internal rules about
complaints? Yes/No. If yes, provide source:

Further comments:

4	PRODUCER'S HUMAN RIGHTS POLICIES
4.1	The producer has and complies with a policy on the protection of human rights, acknowledging the rights in the ILO Core Labour Conventions and against any form of forced labor, corruption, corporal punishment, harassment or abuse, and discrimination and supporting good labor conditions, social practices, and human rights for all workers.
4.2	All workers are communicated the contents of the producer's Human Rights policy.
4.3	All supervisory staff is informed about the contents of the producer's Human Rights policy.
4.4	The producer communicates the producer's Human Rights policy to any labor subcontractor. Other subcontractors and visitors are communicated when visiting the farm.
4.5	The Human Rights policy is reviewed every three years, or when there is a change to labor legislation, or a change in GRASP, whichever occurs soonest.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Is there a government office in charge of workers' rights? Yes/No. If yes, include names and contact:

Is there an office, organization, or any NGOs that work with human rights protection? Yes/No. If yes, include names and contact:

Is there a producer association or group that provides information on labor rights? Yes/No. If yes, include name and contact:

Are any of the human rights listed in the principles above reflected in the laws of the country? Yes/No. If yes, provide source, (i.e. list laws against corruption, harassment, discrimination, etc. and provide weblinks)

Are there any government offices that provide support/information on these topics? Yes/No. If yes, please list them and include contacts:

Are there any organizations (government or NGOs) that support migrants and their rights? Yes/No. If yes, please list them and include contacts:

Further comments:

5	ACCESS TO LABOR REGULATION INFORMATION
5.1	The workers and the worker representation are provided with easy-to-understand and up-to-date information on minimum wage, working hours, breaks, maternity and sick leave, harassment and discrimination, freedom of association, holidays, labor unions, and local labor authorities contacts.
5.2	Taking into consideration any differences between national and local legislation and GRASP, the producer always applies the higher level of protection to workers.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Are essential labor laws publicly accessible (in the local language)?
 Yes/No. If yes, please indicate the organization and the form in which the laws are available (please include weblinks, if available):

Further comments:

6	TERMS OF EMPLOYMENT DOCUMENTS AND FORCED LABOR INDICATORS
6.1	All workers are legally eligible to work at the producer site and on the activities assigned.
6.2	<p>All workers have entered work voluntarily and freely:</p> <ul style="list-style-type: none"> - Without being pressured, forced, or intimidated - Without being required to pay (directly or indirectly) a fee or related cost for being recruited, or making monetary deposits, financial guarantees, or deposits of personal possessions to be employed - Understanding and freely agreeing to the employment terms and conditions document
6.3	All contracted employment agencies and labor subcontractors are legally authorized to operate and/or registered with labor authorities when such registration exists.
6.4	For each worker, a document with the employment terms and conditions is available and has existed from the moment the employment relationship started.
6.5	Information on the worker's full name, nationality, and date of birth is verified by the employer before hiring and has been correctly included in the worker's terms and conditions documents.
6.6	The employment terms and conditions documents include up-to-date information on the period of employment, contract type, a basic job description, wages, payments, working hours, breaks, holidays, and information on maternity or sick leave applicable by law.
6.7	The employment terms and conditions in the document comply with national legislation and collective bargaining agreements.
6.8	Changes to the employment terms document have been recorded, communicated, and accepted by the worker.
6.9	The employment terms and conditions document together with other relevant documents of the workers hired during the previous and current production cycles are accessible to workers.



Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Is a national identification document required in the country? Yes/No:

If yes, indicate the legal or accepted documents that are required to work in the country. Provide source:

Are work permits required for foreign workers? Yes/No.
Provide source:

Is it legal to make copies of these documents to keep in the workers files? Yes/No. Provide source:

What is the legal minimum age of employment? Provide source:

Is prison labor legal in the country? Yes/No. Provide source:

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Is the concept of debt bondage regulated in the local regulations?
Yes/No. Provide source:

Do the local regulations allow fees to be charged for recruitment or contracting? Yes/No. Provide source:

Are labor agencies regulated in the country? Yes/No. Provide source:

Is there an official/government office with which businesses are required to register? Yes/No. If yes, include contact:

Does this office issue a document as proof of registration? Yes/No. Provide source:

Are the terms permanent, seasonal, subcontracted, short term workers, etc. defined in local regulations? Yes/No. Provide source and list the definitions:

Further comments:

7	PAYMENTS
7.1	Payments to workers are made in accordance with the worker terms and conditions documents.
7.2	The workers are notified about when payments are made.
7.3	The record of payment information is accessible to current workers and kept on file for at least 24 months.

Provide a list of relevant local labor laws and answer the following guiding questions:

Is there a government system for registering payroll information?

Yes/No. If yes, include name:

What information do they collect? List the details:

Do the workers have access to the information? Yes/No:

Does the law require accounting records for agriculture? Yes/No.

Provide source:

Further comments:

8	WAGES
8.1	Pay slips or registers show the amount of working time (including overtime) or harvest amount and the wages and/or overtime paid.
8.2	Wages, payments, number of hours, government social security/pension contributions, and payroll taxes in the pay slip comply with the employment terms and conditions, with national labor regulations, and/or with collective bargaining agreements.
8.3	All workers earn at least the national minimum wage and/or the collective bargain agreement wage within regular working hours.
8.4	Any deductions from salaries are included in the pay slip and are legally justified in writing, clearly explained, and accepted by the worker in files.

Provide a list of relevant local labor laws and answer the following guiding questions:

Is there a minimum wage in the country? Yes/No:

Is it applicable to agriculture? Yes/No:

What is the minimum wage for agriculture? Please indicate all applicable minimum wages and/or where to find them:

Is there a collective bargaining agreement for agriculture? Yes/No. Include name and provide source:

Which wage deductions are allowed by law? Provide source:

9	WORKING AGE, CHILD LABOR, AND YOUNG WORKERS
9.1	The producer verifies that no worker below the legal minimum age of employment or the age of completion of compulsory education (whichever provides the highest protection) is working at the production sites. The minimum age of employment shall not be less than 15 years and 13 for light work. For countries exempt from ILO Convention 138, the minimum age of employment shall not be less than 14 and 12 for light work.
9.2	The producer checks that no worker under the age of 18 is engaged in night work or tasks that are hazardous in nature in any production site.
9.3	Children on family farms shall be employed only by their core family under conditions that support their protection, right to education, and safety.
9.4	Supervisory staff has been informed of the legal requirements on working age and of the effective remediation plan (when workers under the age 18 are found working in non-compliance).

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

What is the legal minimum age of employment? Provide source:

What is the age of majority in the country? Provide source:

Do local regulations list activities that are hazardous in agriculture?
Yes/No. Provide source:

Is there a legal definition of a family farm? Yes/No. Provide source:

What are the maximum hours that a minor can legally work? Provide source:

What government office oversees cases of child labor in the country? Include contacts:

Are there other recognized organizations?

Do these organizations provide permits (documents) as evidence of permission for children to work? Yes/No. If yes, what type of document?

Are there public documents or a register that provide evidence of guardianship for a child? Yes/No. If yes, what type of documents/register?

Further comments:

10	COMPULSORY SCHOOL AGE AND SCHOOL ACCESS
10.1	Any children at compulsory school age living or working on any production sites shall have access to school education.
10.2	The producer verifies and keeps records with the full name, name of parents, and date of birth of all children at the production sites who are below the age of completion of compulsory schooling.
10.3	If access to a school is not possible, the producer facilitates transport for children below the age of completion of compulsory schooling.
10.4	If schools are not available for children living and/or employed on the production sites who are below the age of compulsory school completion, the producer facilitates on-site schooling.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Is school education compulsory for children by law? Yes/No. Provide source:

Is there a minimum and/or maximum compulsory school age for children in the local regulations? Yes/No. If yes, what is the minimum/maximum age? Provide source:

Is there a government organization that oversees the school education of children? Yes/No. If yes, indicate which one(s):



What is the government organization that oversees education for children? Include name and contact:

Further comments:

11	TIME RECORDING SYSTEMS
11.1	A time recording system is in place and suitable for the type and the size of the production site.
11.2	The system provides a record of the regular working hours and overtime hours for each worker.
11.3	The system provides a record of the effective daily breaks, weekly breaks, and holidays for each worker.
11.4	All workers are instructed on the time recording system and on checking the system.
11.5	Each worker has access to a summary of the system records before or at the moment of wage payment in at least the worker's working instruction language or in the predominant language(s) of the workforce.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Are regular working hours defined by law? Yes/No. Provide source:

Is overtime defined by law? Yes/No. Provide source:

Are there other systems for calculating total working hours? Yes/No.
Provide source:

If yes, list the types of systems (e.g., average number of hours in a period, flex time, compressed work weeks, etc.):

Is a maximum number of overtime hours specified by law? Yes/No. Provide source:

Are breaks/rest time from work regulated by law? Yes/No. Provide source:

Are there collective bargaining agreements that regulate working hours in agriculture? Yes/No. If yes, indicate which ones:

Further comments:

12	WORKING HOURS
12.1	Working hours (including overtime, night work, and rest days/breaks) with indication of peak/harvesting season are shown in the records.
12.2	All overtime hours are voluntary, if not regulated otherwise in the national law or collective bargain agreement.
12.3	Overtime shall not be requested on regular basis in a production cycle/year and as indicated by law.
12.4	<p>Working time does not exceed 48 hours weekly (excluding overtime) unless indicated by law or collective bargaining agreement. The employer reports the total hours worked, and if they exceed 48 hours, the appropriate safeguards are in place to protect the workers' health and safety.</p> <p>If national legislation and collective bargaining agreements set lower weekly working hours (excluding overtime), these lower limits shall prevail.</p>
12.5	<p>Rest breaks/days as shown in the records indicate compliance with national regulations and/or collective bargaining agreements. If not specifically regulated for agriculture by local laws or collective bargaining agreements, the rest/breaks include, at least:</p> <ul style="list-style-type: none"> (a) Short breaks during working hours (b) Sufficient breaks for meals (c) Daily or nightly rest of not less than 8 hours within a 24-hour period (d) Rest of at least a full calendar day within a week
12.6	Total weekly working hours (including overtime) as shown in the records indicate compliance with national legislation and collective bargaining agreements. If national legislation sets total weekly working hour limits higher than 60 hours (including overtime) in peak season and/or agricultural workers are exempt from overtime limitations, the employer reports the total weekly hours worked and which appropriate safeguards are in place to protect the workers' health and safety.
12.7	Supervisory staff is instructed about the safeguards in place to protect the workers' health and safety-when working over the regular weekly working time and/or over the peak season weekly working time.
12.8	Workers are communicated to effectively use the rest breaks/days during peak season.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Is overtime regulated by law? Yes/No. Provide Source (refer to similar question from principle 11):

Is overtime defined as voluntary by law? Yes/No. Provide source (refer to similar question from principle 11):

Does the law indicate special circumstances for requesting overtime? Yes/No. If yes, which cases? Provide source:

Is there a *maximum number of overtime* hours specified by law? Yes/No. Provide source (refer to similar question from principle 11):

Does the local law allow *averaging the total number of hours* as a method of calculating the maximum number of working hours? Yes/No. Provide source:

The legal maximum number of *total* working hours is: (indicate if per day/week/month/year) Provide source:

The legal maximum number of *regular* working hours is: (indicate if per day/week/month/year) Provide source:

The legal maximum number of *overtime* hours is:
(indicate if per day/week/month/year) Provide source:

The legal maximum number of working hours for *night shifts* is:
(indicate if per day/week/month/year) Provide source:

Are there any *exceptions* to the legal maximum number of working hours? Yes/No. if yes, which exceptions? Provide source:

The legal maximum number of working hours, *during peak/harvest* or the busiest season is:
(indicate if per day/week/month/year) Provide source:

List the *minimum number of breaks* per day specified by law. Are these breaks paid? Yes/No. Provide source:

The legal minimum number of *rest days per week* is:
Provide source:

Further comments:

13	DISCIPLINARY PROCEDURES
13.1	A written disciplinary procedure is available.
13.2	Workers are informed about the terms of the disciplinary procedure, including that any deduction from wages as a disciplinary measure is prohibited.
13.3	Records are kept of any disciplinary actions taken during the last 24 months.

Provide the requested weblinks to relevant local labor laws and answer the following guiding questions:

Are wage deductions regulated by law? Yes/No. Provide source:

Which deductions are allowed? Provide source:

Further comments:
