

**Roundtable on Sustainable Palm Oil (RSPO)
Principles and Criteria for Thailand
(TH-NI)**

Indicators and Guidance for the Thai RSPO Establishment

**Approved by EB
7 June 2011**

Preamble

Sustainable palm oil production is comprised of economically viable, environmentally appropriate and socially beneficial management and operations. This is delivered through the application of the following set of principles and criteria accompanying indicators and guidance.

This document is prepared based on the RSPO Principles and Criteria for Sustainable Palm Oil Production (RSPO P&C; October 2007). This document has developed into the Principles and Criteria for Thailand through the support and close cooperation among related associations of the Thai palm oil and oil palm industries, RSPO members in Thailand and the cooperation between Governments of Thailand and Germany under the sustainable palm oil production project. The process of the National Interpretation is conducted by the voluntary working group through consultative meetings, namely technical experts on Thai laws and regulations, public consultation from stakeholders and interested parties including the field test done by voluntary private certification bodies.

This document includes preliminary guidance for Thai oil palm smallholders (independent smallholders and scheme smallholders) representing over 90% of total national oil palm growers. As such smallholder refers to oil palm grower, possibly growing other crops for his livelihood, whose family labour and income are the major sources on farm activities with the planted plot of oil palm less than 50 ha (312.5 rai). Smallholders can be categorised into scheme smallholders and independent smallholders. Scheme smallholders are those who have contract, agreement, or plan to supply Fresh Fruit Bunch (FFB) to the mill and, in turn, the mill may provide financial and/or price support including inputs and services. In addition, independent smallholders are those who have no contract or agreement with the mill, provide their own management and investment and are free to sell FFB to any mills. However there are small to medium scale of oil palm growers with the planted area between 50 and 1,000 ha (312.5 and 6,250 rai) which are not specified the guidance in this document. Therefore such growers should undertake the preliminary guidance for scheme smallholders and independent smallholders, where appropriate.

For the preparation towards RSPO scheme or group certification in the near future, scheme smallholders and independent smallholders including small to medium scale growers are recommended to practice those indicators and guidance requirements in accordance with this document. The initial development of Thai RSPO scheme and group certification is promising and underway.

Based on National Interpretation working group (NIWG) and the comments from public consultation, are of the opinions that

- In case where there is a conflict in compliance with land law stipulated before the approval of Thai RSPO Principles and Criteria, that piece of land can be set aside from certification.

Lastly, the process of National Interpretation is conducted in Thai and translated into English version. Therefore, in case of any difference in the meaning between the Thai text and English translation, the Thai text shall be applied.

Thai National Interpretation Working Group on Indicators and Guidance

June 7, 2011

Abbreviations

ASEAN	The Association of Southeast Asian Nations
B.E.	Buddhist Era
BOD	Biochemical Oxygen Demand
CBD	Convention on Biodiversity
CPO	Crude Palm Oil
EFB	Empty Fruit Bunch
EIA	Environmental Impact Assessment
ERTs	Endangered, Rare, and Threatened Species
FFB	Fresh Fruit Bunch
GAP	Good Agricultural Practice
HCV	High Conservation Values
IEE	Initial Environmental Examination
ILO	International Labor Organization
IPM	Integrated Pest Management
ISO	International Standard Organization
LD	Lethal Dead
LTA	Lost Time Accident
MSDS	Management Safety Data Sheet
NGO	Non-Governmental Organization
OER	Oil Extraction Rate
POME	Palm Oil Mill Effluent
P&C	Principles and Criteria
RSPO	Roundtable on Sustainable Palm Oil
SEIA	Social and Environmental Impacts Assessment
TH-NI	Thai National Interpretation

RSPO Principles and Criterion for Sustainable Palm Oil Production in Thailand

Principle 1: Commitment to transparency

Criterion 1.1

Oil palm growers and mills provide adequate information to other stakeholders on environmental, social and legal issues relevant to RSPO Criteria, in appropriate languages & forms to allow for effective participation in decision making.

Major Indicator:

- 1.1.1 Records of requests and responses
- 1.1.2 Records referring to 1.1.1 must be kept for the specified duration as deemed necessary and appropriate

Guidance:

- 1.1.1 Growers and mills must respond to the requests from the stakeholders promptly and constructively and record the requests and responses as required by the Thai RSPO criteria on social, environmental and legal issues in accordance with criterion 1.2.
- 1.1.2 Growers and mills must keep the records as specified in 1.1.1 for specified duration as deemed necessary and appropriate.

Note:

- See in addition to Criterion 6.2 on communication and consultation

Guidance for scheme smallholders:

Scheme managers prepare copies of the following documents to be maintained by the scheme smallholders:

- Contractual agreement between scheme managers and smallholders (Criterion 1.2)
- Land titles or land-use rights of smallholders (Criterion 2.2)
- Documents on IPM and the safe use of pesticide trainings (Criterion 4.6)
- Health and safety plan (Criterion 4.7)
- Plans and reports on social and environmental impact assessment (Criteria 5.1, 6.1, 7.1, 7.3)
- Pollution prevention plan (Criterion 5.6)
- Details about complaints and grievances (Criterion 6.3)
- Procedures and process of negotiation (Criterion 6.4)
- Continuous improvement plan (Criterion 8.1)

Scheme smallholders should respond promptly and constructively to the requests for information by stakeholders.

Guidance for independent smallholders:

Independent smallholders can demonstrate their ownership or land use rights (Criterion 2.2)

Independent smallholders should respond promptly and constructively to the requests for information by stakeholders.

Criterion 1.2

Management documents are publicly available, except where this is prevented by commercial confidentiality or where disclosure of information would result in negative environmental or social outcomes.

Major Indicator:

1.2.1 Management documents relating to environmental, social and legal issues that are relevant to compliance with Thai RSPO Criteria must be prepared for public disclosure. This at least includes the following documents:

- Land title or land-use rights (Criterion 2.2)
- Health and safety plan (Criterion 4.7)
- Plans and reports on social and environmental impact assessment (Criteria 5.1, 6.1, 7.1, 7.3)
- Pollution prevention plan (Criterion 5.6)
- Details about complaints and grievances (Criterion 6.3)
- Procedures and process of negotiation (Criterion 6.4)
- Continuous improvement plan (Criterion 8.1)

Guidance:

1.2.1 Prepare complete documents as specified in the indicators with the exception of:

- Commercially confidential information including information on the financial status such as costs and income and information on customers and/or suppliers (refer to as sellers, service providers, and sourcing providers). Information affecting personal privacy should also be confidential.
- Any information which in case of disclosure may lead to negative environmental or social impacts. This includes information about the site of rare species, where such disclosure may increase the risk of hunting or poaching for trade, or sacred sites which a community wish to maintain as part of the community.

Guidance for scheme smallholders:

Scheme managers must ensure that smallholders understand the management plan such as procedures of complaints and grievances, etc. and provide such management plan available to the public

Guidance for independent smallholders:

Independent smallholders should have documents or evidences indicating their land-use rights

Principle 2: Compliance with applicable laws and regulations

Criterion 2.1

There is compliance with all applicable local, national and ratified international laws and regulations.

Major Indicator:

2.1.1 Evidence of compliance with the relevant and significant laws and regulations

Minor Indicator:

2.1.2 Documentation system which includes written information on the provisions of the laws and regulations

2.1.3 Monitoring mechanism to check the compliance with any relevant laws and regulations

2.1.4 Monitoring the changes of relevant laws and regulations

Guidance:

2.1.1 Maintain evidence of compliance with the relevant and significant laws and regulations such as regulations governing land tenure and land-use rights, labour, agricultural practices (e.g., pesticide use), environment (e.g., wildlife protection laws, pollution and environmental management laws, and forestry laws), storage, transportation and processing practices as well as laws made pursuant to a country's obligations under international laws or Conventions e.g. the Convention on Biodiversity (CBD).

Note:

- *In the case where there is a conflict in compliance with land law stipulated before the approval of Thai RSPO Principles and Criteria, that piece of land can be set aside from certification.*

2.1.2 Documentation system, including information related to laws and regulations should be easily accessible.

2.1.3 Growers and mills should establish a monitoring mechanism to check the compliance with any relevant laws and regulations such as maintaining of records on local land taxes, records on the application and permission from relevant authorities, etc.

2.1.4 Growers and mills should maintain up-to-date records on the revision of any relevant laws and regulations.

Note:

- *The system being used should be appropriate to the scale of organization.*
- *Key international laws and conventions are listed in appendix 1 while Thai national laws are listed in appendix 2*

Guidance for scheme smallholders:

Scheme managers should ensure that smallholders know about and comply with relevant laws and regulations.

Guidance for independent smallholders:

Independent smallholders should know about and comply with relevant and significant laws and regulations.

Criterion 2.2

The right to use the land can be demonstrated, and is not legitimately contested by local communities with demonstrable rights.

Major Indicator:

2.2.1 Documents showing legal land ownership or lease, and/or a history of land tenure and land use.

Minor Indicator:

2.2.2 Evidence that boundaries can be clearly identified.

2.2.3 In case where there are, or have been, any disputes over the land rights, there shall be proof of conflict resolution or progress towards resolution processes (criteria 6.3 and 6.4) which are acceptable by the parties involved.

Guidance:

2.2.1 Growers and mills must have proven evidence of their land use such as contracts related to land use rights

2.2.2 Growers and mills must prepare land map indicating the boundary of their land use rights

- In case where there were disputes and resolutions according to legal rights or customary rights, proven evidence of acceptance by parties involved, should be made available.

2.2.3

- For any conflicts or disputes over the land, the boundary of disputed area should be mapped out in a participatory way.
- Where there is a conflict on the conditions of land use as per land title, growers should show the evidence that action has been taken to resolve the conflict with the relevant parties.
- Establish a mechanism to solve the conflict (Criteria 6.3 and 6.4).
- All operations should be ceased on areas beyond the legal boundary rights.

Guidance for scheme smallholders:

Scheme managers should ensure that members can demonstrate their land use rights and there is no evidence of conflicts or serious land disputes.

Guidance for independent smallholders:

Independent smallholders can demonstrate their land use rights and there is no evidence of conflicts or serious land disputes.

Criterion 2.3

Use of the land for oil palm does not diminish the legal rights, or customary rights, of other users, without their free, prior and informed consent.

Major Indicator:

2.3.1 Maps of an appropriate scale showing the boundary of customary rights (criteria 7.5 and 7.6) are accepted.

Minor Indicator:

2.3.2 Evidence of negotiated agreements showing the detail process of consent (criteria 7.5 and 7.6)

Guidance:

2.3.1 Growers and mills must prepare maps indicating the customary rights to be accepted by all concerned parties.

Where customary rights are unclear, these are best to be clarified through participatory mapping exercises involving affected and neighbouring communities.

2.3.2 Where there is a problem about the legal rights or customary rights of land, growers and/or millers must prepare evidence showing detailed procedures and the results of the negotiated agreements.

Negotiated agreements should be non-coercive and entered into voluntarily, carried out prior to new investments or operations and based on an open sharing of all relevant information in appropriate forms and languages, including assessments of impacts, proposed benefit sharing and legal arrangements. Communities must be permitted to seek legal counsel if they so choose. Communities must be represented through institutions or representatives of their own choosing, operating transparently and in open communication with other community members. Adequate time must be given for customary decision-making and iterative negotiations allowed for, where requested. Negotiated agreements should be binding on all parties and enforceable in the courts.

Establishing certainty in land negotiations is of long-term benefit for all parties.

For definition of 'customary rights', see definitions.

Note:

- *Growers and mills must demonstrate that they understand these rights and will not coerce or violate of such rights. This Criterion should be considered together with Criteria 6.4, 7.5 and 7.6. This Criterion allows the sale and negotiated agreements to pay compensation to land users whose rights are lost or terminated.*

Guidance for scheme smallholders:

Scheme managers must be able to demonstrate members' land holding rights. In case of taking over other legally-owned lands or customary lands, documentary proof of transfer of rights e.g. sale, payment or acceptance of compensation, is required.

Guidance for independent smallholders:

In case of taking over other legally-owned lands or customary lands, smallholders could demonstrate their land holding rights and documentary proof of transfer of rights e.g. sale, payment or acceptance of compensation.

Principle 3: Commitment to long-term economic and financial viability

Criterion 3.1

There is an implemented management plan that aims to achieve long-term economic and financial viability.

Major Indicator:

3.1.1 An annual budgetary plan with a minimum 2-year projection.

Minor Indicator:

3.1.2 An annual replanting plan, where applicable, with a minimum 3-year projection

Guidance:

3.1.1 Preparation of annual budgetary plan with a minimum 2-year projection may include:

- Plan that pays attention to quality of planting materials and other relevant inputs.
- Production estimate means FFB yield trends.
- Mill extraction rate means OER trends.
- Cost of production means cost per tonne of CPO trends.
- Forecast of prices
- Financial indicators
- Suggested calculation by taking trends in 3-year moving average over the last decade (FFB trends should cover low production due to the major replanting programs)

Budgetary plan and its projection should take into consideration Principle 4 on the use of appropriate best practices by growers and mills.

Though long-term profitability is also affected by external factors out of their direct control, top management must be able to demonstrate the commitment to economic and financial viability through long-term management planning.

3.1.2 In case of replanting, growers should have an annual plan on oil palm replanting including a minimum 3-year projection and revise annually. In addition, this plan may consist of the appropriate oil palm varieties, land area, number of palms, quantity of fertilizer use and soil analysis prior to planting etc.

Guidance for scheme smallholders:

- Scheme managers must demonstrate that members have received knowledge or information about new technologies as well as market information or prices such as relevant knowledge base information on agriculture at the Tambol (Sub-district) Agricultural Technology Transfer Center. This would help to continuously improve the management practices.

- Scheme managers should provide training on oil palm management for continuous yield improvement.

Guidance for independent smallholders:

This Criterion is not applicable to independent smallholders.

Principle 4: Use of appropriate best practices by growers and millers

Criterion 4.1

Operating procedures are appropriately documented and consistently implemented and monitored.

Major Indicator:

- 4.1.1 Operating procedures for oil palm plantations
- 4.1.2 Operating procedures for mills

Minor Indicator:

- 4.1.3 Records of operational activities and revision including updating the operating procedures

Guidance:

- 4.1.1 Develop the operating procedures for oil palm plantations
- 4.1.2 Develop the operating procedures for mills
- 4.1.3 Keep records of operational activities and revision including updating the operating procedures. The documents must be kept at least 12 months

Guidance for scheme smallholders:

For scheme smallholders, working practices should follow the procedures prepared by the scheme managers.

Guidance for independent smallholders:

Independent smallholders do not need to obtain the operating procedures but they should follow the National Good Agricultural Practices.

Criterion 4.2

Practices maintain soil fertility at, or where possible improve soil fertility to, a level that ensures optimal and sustained yield.

Minor Indicator:

- 4.2.1 Records of fertilizer applications
- 4.2.2 Evidence of the results of soil or leaf nutrient analysis
- 4.2.3 Records of practices to maintain and restore soil fertility

Guidance:

- 4.2.1 Maintain the records of fertilizer applications
- 4.2.2 Sample soil or do leaf analysis to monitor changes in nutrient status periodically as necessary
- 4.2.3 Maintain record of soil fertility maintenance and improvement practices such as fertilizer application, leguminous crops as cover crop, compost fertilizer, POME application and empty fruit bunches (EFB) in the planting areas etc. by using the results from indicator 4.2.2

Guidance for scheme smallholders:

Scheme managers can demonstrate that members understand the techniques of maintaining soil fertility and bring them into practice.

Evidence of such techniques can be in the forms of:

1. Records of fertilizer applications
2. Records of EFB and POME, if applied, (e.g. quantities and areas where EFB and POME are used)

Guidance for independent smallholders:

Independent smallholders can demonstrate that they understand the techniques of maintaining soil fertility and bring them into practice.

Criterion 4.3

Practices minimize and control erosion and degradation of soils.

Minor Indicator:

- 4.3.1 Map showing the areas of fragile soils
- 4.3.2 A management strategy on planting oil palm on slope land (considering the specific topographic and climate conditions)
- 4.3.3 Road maintenance plan
- 4.3.4 In case of oil palm is planted on peat soils, protective measures to minimize the subsidence of peat soils under an effective water management plan are taken and recorded.
- 4.3.5 A management strategy dealing with other fragile and problem soils

Guidance:

- 4.3.1 Procure or prepare map, showing the areas of fragile soils e.g. shallow top soil and steep slope land.

4.3.2

- Provide a management strategy on planting oil palm on slope land to prevent soil erosion
- Introduce and adopt techniques such as terracing and mulching, etc. that minimize soil erosion where appropriate

4.3.3 Prepare and implement road maintenance plan so that the road is in usable conditions

4.3.4

- In the case where oil palm plantation exists on peat soil, a management strategy is in place to maintain the water level between 50 and 75 centimetres below the ground surface. If necessary, appropriate water control structures are applied e.g. weirs, sandbags, and water gates at the main drains etc. (see criteria 4.4 and 7.4)
- Maintain evidence of groundwater management of peat soil areas

4.3.5 Refer to guidance in 4.3.2

- Emphasize on those other fragile and problem soils
- Problem soils may include sandy soils, low organic matter soils and acid sulphate soils etc.

Other guidance

- Follow the Good Agricultural Practices for oil palm plantation and appropriate soil types for oil palm published by the Ministry of Agriculture and Cooperatives

Guidance for scheme smallholders:

Smallholders are not required to have a map showing fragile soils but they must be able to demonstrate that they understand the techniques of soil management and bring them into practice.

Guidance for independent smallholders:

Independent smallholders are not required to have a map showing fragile soils but they must be able to demonstrate that they understand the techniques of soil management and bring them into practice.

Note:

Evidence of soil erosion control techniques applied by smallholders should at least include:

- *Terracing practices or other efforts in planting oil palm on slope lands during or prior to replanting*
- *Covered soils during early stage of oil palm*

Criterion 4.4

Practices maintain the quality and availability of surface and ground water.

Major Indicator:

- 4.4.1 Surface and ground water management plan
- 4.4.2 Monitoring the discharge of effluent Biochemical Oxygen Demand (BOD) (for miller)

Minor Indicator:

- 4.4.3 Protecting water courses and wetlands, including maintaining and restoring appropriate riparian buffer zones
- 4.4.4 Monitoring of mill water use per tonne of FFB

Guidance:

- 4.4.1 Prepare and implement surface and ground water management plan

Growers and mills should manage their water uses and other activities that affect local water resources. The water management plan may include:

- Taking into account of the efficiency use and renewability of water sources.
- Ensuring that the use of water does not result in adverse impacts on other users.
- Avoiding contamination of surface and ground water from run-off of soil, nutrients or chemicals, or as a result of inadequate control of waste disposal, including POME from the mill.
- Appropriate treatment of mill effluent and regular monitoring of discharge quality, which should be in compliance with national regulations such as taking water sample for analysis.

- 4.4.2 Records of effluent BOD analysis from the miller

- In case of using mill effluent in oil palm plantation, avoid stench from the effluent affecting communities.

- 4.4.3 Protecting and restoring wetlands including water courses and riparian buffer zone e.g. levee, weir, grass planting, etc.

- 4.4.4 Millers should record water usage or the methods of waste water recycling

Guidance for scheme smallholders:

Smallholders are not required to take water for analysis. However, the scheme managers should provide an appropriate training about the importance of maintaining the availability and quality of surface and ground water. This should be implemented by the members.

Guidance for independent smallholders:

Independent smallholders are not required to take water for analysis. However, they should demonstrate that they understand the need to maintain the availability and quality of surface and ground water and bring them into practice.

Criterion 4.5

Pests, diseases, weeds and invasive introduced species are effectively managed using appropriate Integrated Pest Management (IPM) techniques.

Minor Indicator:

- 4.5.1 Up-to-date IPM plan
- 4.5.2 Monitoring the extent of IPM implementation including training
- 4.5.3 Monitoring the pesticide usage per area

Guidance:

4.5.1 Growers should introduce recognised IPM techniques e.g. cultural, biological, mechanical or physical methods to minimize use of chemicals. Native species should be used for biological control, wherever possible.

Main pests are, for example, rhinoceros beetle, rodent, and leaf eating caterpillar etc.

4.5.2

- IPM training should be organized and recorded
- Expand the extent of effective IPM such as the use of common barn owl for rodent control or planting host plants such as coral vine (*Antigonon leptopus* Hook), sage rose (*Turnera ulmifolia* L.), goatweed (*Ageratum conyzoides* Linn.), painted spurge (*Euphorbia heterophylla* Linn.), etc. for predator insects (predators are beneficiary insects that prey on plant pests)

4.5.3 In case where pesticides are used:

- Appropriate use of pesticides precisely and safely
- Record types and quantity usages of pesticides
- Calculate the toxicity unit by using quantity of active ingredients or LD 50 per tonne of FFB or per unit area (rai)

Guidance for scheme smallholders:

Scheme managers should provide training on IPM techniques for members and advise on the prudent and appropriate uses of pesticides.

Guidance for independent smallholders:

Independent smallholders should demonstrate that they have adequate knowledge in IPM techniques and able to implement. However, independent smallholders should record types and quantity usages of pesticides.

Criterion 4.6

Agrochemicals are used in a way that does not endanger health or the environment. There is no prophylactic use of pesticides, except in specific situations identified in national best practice guidelines. Where agrochemicals are used that are categorised as World Health Organization Type 1A or 1B, or are listed by the Stockholm or Rotterdam Conventions, growers are actively seeking to identify alternatives, and this is documented.

Major Indicator:

- 4.6.1 Documented justification of all chemical pesticides use in the operating procedures
- 4.6.2 The use of chemical pesticides registered under the Hazardous Substances Act B.E. 2535 (and its amendments)
- 4.6.3 Chemical pesticides are used by persons who have knowledge and ability or attended necessary training.
- 4.6.4 Appropriate personal safety equipment must be sufficiently provided and used.
- 4.6.5 Proper and safe storage of chemical pesticides. All chemical pesticides must be labelled.
- 4.6.6 Pregnant and breast-feeding women are not allowed to work with chemical pesticides.

Minor Indicator:

- 4.6.7 Annual health check-up for staff working with chemical pesticides
- 4.6.8 Documentary evidence that the use of chemical pesticide categorised by World Health Organization Type 1A or 1B, or listed by the Stockholm or Rotterdam Conventions, is reduced and/or eliminated.
- 4.6.9 Cleaning facilities for working staff and equipment used with chemical pesticides according to indicator 4.6.8
- 4.6.10 Management Safety Data Sheet (MSDS) for all chemical pesticides used in oil palm plantation
- 4.6.11 Records of all chemical pesticides used including type, amount, and area

Guidance:

- 4.6.1 Set up procedures for each types of chemical pesticide use
- 4.6.2
 - Procure only chemical pesticides which have been registered with the Department of Agriculture
 - Use chemical pesticides in accordance with the product label and record the applications
- 4.6.3
 - Organize training for working staff and record the training

- Establish list of qualified working staff and those who attended training on chemical pesticide use
- 4.6.4 Provide the personal safety equipment in good condition and available in sufficient number and check that the equipment is being used
- 4.6.5
- Have appropriate storage place
 - Follow the instruction of the Chemical Pesticides and Hazardous Substances Storage Handbook, B.E. 2550 (and its amendments) as well as other relevant requirements
- 4.6.6 Female workers who are pregnant or suspected of being pregnant as well as breast-feeding women inform the supervisor for recording
- 4.6.7
- Provide regular health check-up for staff working with chemical pesticides
 - Record the results of staff's health check
 - In case where workers are suspected of being affected by chemical pesticides, the worker has to be taken off the related chemical pesticides works until further investigation confirms that he/she is not affected or if affected, he/she has recovered after treatment.
- 4.6.8 In case where chemical pesticides are used according to this Criterion:
- Record previous use of these chemical pesticides and their substitute
- 4.6.9 In case where chemical pesticides are used according to this Criterion:
- Provide appropriate washing place for working staff and equipment from where the water resources cannot be contaminated.
- 4.6.10 In case where chemical pesticides are used:
- Keep the complete MSDS and understand how to apply accordingly
- 4.6.11 In case where chemical pesticides are used:
- Record all chemical pesticides used including type and amount per unit area (rai)

Guidance for scheme smallholders:

Scheme managers should provide appropriate training on chemical pesticides use for members.

The training should at least cover the following topics:

1. Types of chemical pesticides that are permissible to use and precautions of the use of such chemical pesticides including the prohibition of pregnant women and breast-feeding women from dealing with chemical pesticides application
2. Procedure for safety use and the appropriate use of protective equipment
3. Storage of chemical pesticides and safety disposal of chemical pesticide containers
4. Use of chemical pesticides according to product label

Scheme managers should maintain records of chemical pesticides distributed to members. The appropriate measures are taken to reduce the risks and impacts.

Guidance for independent smallholders:

Independent smallholders must be able to identify and justify the use of chemical pesticides and safety precautions.

Criterion 4.7

An occupational health and safety plan is documented, effectively communicated and implemented.

Major Indicator:

- 4.7.1 An occupational health and safety management plan and monitoring
- 4.7.2 Record of all accidents and injuries related to works and review regularly
- 4.7.3 Record of training on occupational health and safety for all employees/workers relevant to the works (see Criterion 4.8)
- 4.7.4 First Aid Kits in the workplaces

Minor Indicator:

- 4.7.5 Document of risk assessment for each operation that could affect occupational health and safety including documented procedures to control the identified dangers
- 4.7.6 Appropriate protective equipment and gears for risks identified in the assessment
- 4.7.7 Record of regular meetings on health, safety, and welfare between responsible staff and employees/workers
- 4.7.8 Accident and emergency procedures in which all employees/workers can easily understand
- 4.7.9 Trained staff on first aid treatment for both mill and plantation

Guidance:

4.7.1

- May calculate the Lost Time Accident (LTA) rate.
- Implement the occupational health and safety management plan
- Continuously monitor and evaluate the implementation of the occupational health and safety management plan by taking into consideration the document from indicator 4.7.3 for annual plan improvement

Note:

Occupational health and safety management plan should be in accordance with the Labour Protection Act and taking into account the ILO Convention 184.

The mill should take into consideration of the procedure on safe workplace related to fire safety according to the Ministerial Notification of Ministry of Interior on the prevention and control of fire accident in workplaces for the safety of workers.

4.7.2 Accident records should include:

- How the accident occurred
- List of people affected by the accident
- Place where accident occurred
- Causes of the accident (negligence or technical error)

The determination of persons, places, and major causes and frequency of accidents can be used for training (4.7.4) and the safety improvement work program (4.7.1)

- 4.7.3 Growers and/or millers should keep the evidence of employees/workers training. Employees/workers should have opportunities to request for other safety trainings as deem necessary and the requests should be responded to appropriately.
- 4.7.4 Provide sufficient First Aid Kits and ensure that they are readily accessible
- 4.7.5 Assess possible risks that could occur in all operations and the results are used for preventive measures and controls.
- 4.7.6 Provide appropriate protective equipment and gears. Such equipment and gears must be effective and ready to use. In addition, regular trainings for employees/workers on how to use the equipment are provided.
- 4.7.7 Record the meetings on health, safety, and welfare between responsible staff and employees/workers
- 4.7.8 Plan procedures on various types of accident and forms of emergency. Such procedures are communicated and understood by all the employees/workers such as announcements.
- 4.7.9 Provide trained staff on first aid for both mill and plantation, and should include a refreshment training at appropriate time e.g. every 2 years.

Guidance for scheme smallholders:

Scheme managers should implement occupational health and safety plan with the members.

Guidance for independent smallholders:

Independent smallholders do not need to have a formal occupational health and safety management plan but must be aware of safety in working practices.

Criterion 4.8

All staff, workers, smallholders and contractors are appropriately trained.

Major Indicator:

- 4.8.1 Training program for each work duty
- 4.8.2 Training results and/or training records of each employee/worker including contractor

Guidance:

4.8.1 Growers and mills should provide trainings and prepare documents for all employees/workers and contractors so that they can review the materials later. These should enable them to fulfil their jobs and duties in accordance with the procedures, and in compliance with the requirements of the principles, criteria and guidance.

Training curriculum should take into consideration the need of employees/workers.

Contractors should be selected for their ability to fulfil jobs and responsibilities.

4.8.2 Keep each training record of employees/workers and contractors

Guidance for scheme smallholders:

Employees/workers working in the plantation of scheme smallholders must receive adequate training and sufficient skills by scheme managers, government agencies or competent/qualified agencies. Trainings are recorded.

Guidance for independent smallholders:

Independent smallholders must demonstrate that they have the necessary and appropriate understanding about their responsibilities without the need to have training records, especially on the appropriate oil palm plantation management practices such as pruning, fertilizer application and harvesting.

Principle 5: Environmental responsibility and conservation of natural resources and biodiversity

Criterion 5.1

Aspects of plantation and mill management, including replanting, that have environmental impacts are identified, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continuous improvement.

Major Indicator:

5.1.1 An environmental impact assessment.

Minor Indicator:

5.1.2 An environment impact mitigation and promotion plan is developed and implemented. Working procedures are formulated and environmental impacts are reviewed.

Guidance:

5.1.1

- An assessment report is prepared and can be conducted by any approach such as environmental management system (ISO 14001), Environmental Impact Assessment (EIA), Initial Environment Examination (IEE) covering mill's and plantation's major activities as well as issues raised by stakeholders for consultation.
- Environmental impact assessment can be conducted by growers/millers including qualified person or organization

5.1.2

- Prepare action plan on issues identified in the impact assessment
- Implement the action plan
- Record the implementation
- Monitor the implementation periodically
- Review the implementation periodically

Note: Refer to laws and regulations such as

1. *National Environmental Promotion and Quality Protection, B.E. 2535 (and its amendments)*
2. *Notification of Ministry of Sciences and Technology on the type and scale of project or activity of public agency, public enterprise or private sector that must undertake environmental impact analysis report*

Guidance for scheme smallholders:

Scheme managers are responsible for environmental impact assessments for their members, including planning and implementing of such impact assessments.

Guidance for independent smallholders:

Independent smallholders do not need to undertake formal environmental impact assessments but should have a good understanding of the negative impacts and appropriate mitigation techniques.

Criterion 5.2

The status of rare, threatened or endangered species and high conservation value habitats, if any, that exist in the plantation or that could be affected by plantation or mill management, shall be identified and their conservation taken into account in management plans and operations.

Major Indicator:

- 5.2.1 Assessment and identification, if any, of high conservation values (HCVs) areas within the boundaries of oil palm plantation or mill
- 5.2.2 HCV habitats and Endangered, Rare, Threatened Species (ERTs) conservation management plan

Minor Indicator:

- 5.2.3 Compliance with relevant legal requirements on conservation of species and habitats
- 5.2.4 Avoiding damage to and deterioration of HCV habitats
- 5.2.5 Evidence or measures showing action undertaken to control any illegal hunting, fishing or collecting activities; and resolution to human-wildlife conflicts

Guidance:

5.2.1

- Identify HCV areas such as rare and threatened ecosystems and ERTs. Nevertheless, the indirect impacts on the nearby HCVs should be taken into consideration.
- The collection of information should include the review of existing biological records in the plantation and adjacent areas.
- Consult with relevant government agencies, research institutes, and NGOs where appropriate.
- Additional field survey may be conducted depending on the biodiversity and existing information.
- Evaluate the status of rare and threatened ecosystem and ERTs and prepare evaluation report.

5.2.2 In case where a HCV is found:

- Prepare management plan for HCV habitats and ERTs with participation of relevant stakeholders.
- Follow the guidance 5.2.3 and 5.2.4

- 5.2.3 Prepare procedures in accordance with laws and regulations related to the conservation of species and HCV habitats
- 5.2.4 Prepare procedures to avoid the damage to and deterioration of HCV habitats
- 5.2.5
 - Prepare procedures and evidence to control any illegal hunting, fishing or collecting activities
 - Determine measures to resolve human-wildlife conflicts such as the establishment of natural food sources for wildlife etc.

Note: Relevant Laws and Regulations

- *The Wildlife Reserve and Protection Act, B.E. 2535 lists 15 types of protected wildlife which must not be hunted, raised, possessed or sold except for research with the permission from the Director General of National Park, Wildlife and Plant Conservation Department. The protected wildlife are:*
 - 1) *White-eyed River Martin*
 - 2) *Lesser One-Horned Javan Rhinoceros*
 - 3) *Asian Two-Horned or Sumatran Rhinoceros*
 - 4) *Kuoprey or Kouproh*
 - 5) *Asiatic or Wild Water Buffalo*
 - 6) *Brow-antlered Deer or Eld's Deer*
 - 7) *Schomburkg 's Deer*
 - 8) *Serow*
 - 9) *Goral or Chinese Goral*
 - 10) *Gurney 's Pitta*
 - 11) *Grus antigone*
 - 12) *Marble Cat*
 - 13) *Asian or Malayan Tapair*
 - 14) *Muntiacus feai*
 - 15) *Dugong dugon*

Guidance for scheme smallholders:

Scheme managers should collect information about the HCVs status for members as well as their own mills and plantations. If any ERTs and HCVs habitats may be affected by the operation of members, appropriate measures should be implemented to conserve and enhance the ERTs and HCVs habitats, according to the scale of the scheme.

Guidance for independent smallholders:

Independent smallholders can demonstrate the basic understanding and awareness of species and habitat conservation, and the need to conserve HCVs.

Criterion 5.3

Waste is reduced, recycled, re-used and disposed of in an environmentally and socially responsible manner.

Major Indicator:

5.3.1 Document identified all waste and pollution sources

Minor Indicator:

5.3.2 Waste management and treatment plan for the identified waste and implementing the plan to avoid or to reduce pollutions

5.3.3 Evidence showing that residues, wastes, and any biomass from oil palm plantation and mill are being recycled

Guidance:

5.3.1 Obtain the list of waste and pollution sources from main operational activities

5.3.2

- Prepare waste management and treatment plan which should include the following measures:
 - identification and monitoring of waste and pollution sources
 - Improving the efficiency of resource utilisation of potential wastes through recycling as nutrients or converting them into value-added products (e.g. animal feedstuffs).
- Summarise the record of implementation
- Dispose surplus chemical containers appropriately and safely. The containers should be disposed or cleaned according to the instruction on the label or in an environmentally and socially responsible way (e.g. return to the vendor or use a triple rinse cleaning method), such that there is no risk of contamination of water resources or to human health.

5.3.3

- Recycle residues and/or wastes from harvesting and any biomass (e.g. frond and EFB)
- Recycle residues and/or wastes from mills

Note: Relevant laws and regulations

Notification of the Ministry of Industry on the disposal of waste or non-use materials, B.E. 2548 (and its amendments)

Guidance for scheme smallholders:

Scheme managers should prepare appropriate plan and implement by the members on managing and disposing of wastes, including safe disposal of chemical pesticide containers. Scheme managers should support and educate members about efficient utilization of resources, reducing wastes, recycling waste and reusing waste, whenever possible.

Guidance for independent smallholders:

Independent smallholders should adopt appropriate measures to dispose chemical pesticides and their containers and be able to explain the disposal method as instructed on the manufacturers' label.

Criterion 5.4

Efficiency of energy use and use of renewable energy is maximised.

Minor Indicator:

5.4.1 Monitoring renewable energy use per tonne of CPO or palm product in the mill.

5.4.2 Monitoring of direct fossil fuel use per tonne of CPO (or FFB where the grower has no mill)

Guidance:

5.4.1 - 5.4.2

- Millers should assess and record the following:
 - Direct energy use and estimation of fuel and electricity for their operations, including transportation and all machinery operation by contractors.
 - Assessment of energy efficiency per tonne of FFB.
- Growers should assess and record the following:
 - Direct energy use and estimation of fuel for their operations, including transportation
 - Assessment of energy efficiency per tonne of FFB.
- If possible, the feasibility of collecting and using biogas should be studied.

Guidance for scheme smallholders:

Scheme managers should prepare appropriate practices for improving energy efficiency for members and ensure that they are implemented.

Guidance for independent smallholders:

Independent smallholders are not obliged to use renewable energy. However, they should take into consideration the energy saving and the most efficient use of energy.

Criterion 5.5

Use of fire for waste disposal and for preparing land for replanting is avoided except in specific situations, as identified in the ASEAN guidelines or other regional best practice.

Major Indicator:

5.5.1 In case where fire is used for land preparation for replanting, including peat soil, the assessment must be documented.

Guidance:

5.5.1

- Avoid the use of fire on peat soils
- Fire should be used only where an assessment has demonstrated that it is the most effective and the least environmentally damaging option e.g. minimising the risk of severe pest and disease outbreaks.
- Evidence or measures of fire control are carefully taken in order to prevent the spread of fire to other areas e.g. firebreak.
- Refer to the ASEAN guidelines on zero burning policy or similar guidelines from other regions

Guidance for scheme smallholders:

Scheme managers should organize training and assist the members to avoid using fire for land preparation. Open burning is not allowed except in the conditions specified in the ASEAN guidelines or similar guidelines from other regions.

Guidance for independent smallholders:

Independent smallholders should understand the possible environmental impacts of using fire for open burning and adopt various measures to mitigate the impacts.

Criterion 5.6

Plans to reduce pollution and emissions, including greenhouse gases, are developed, implemented and monitored.

Major Indicator:

5.6.1 Assessment of all polluting activities, identifying the pollutants of the mill

Minor Indicator:

5.6.2 Management plan for reducing pollution and emissions from the mill

5.6.3 Monitoring pollutants

5.6.4 Record of POME treatment procedures

Guidance:

5.6.1 Conduct survey and assess the operational activities that cause pollution and identify such pollutants

5.6.2 Prepare a management plan for significant pollution and emission reduction from the mill

5.6.3 Monitoring of pollutants arising from mill activities

5.6.4 Record waste water (POME) treatment procedures

Note: Relevant Laws and Regulations

- *Notification of the Ministry of Industry on the quantities of aerosols emitted from factory, B.E. 2549 (and its amendments)*

Guidance for scheme smallholders:

Scheme managers should conduct assessment of all polluting activities by the members and prepare a plan for pollution reduction and for implementation by the members.

Guidance for independent smallholders:

This criterion does not apply.

Principle 6: Responsible consideration of employees and of individuals and communities affected by growers and mills

Criterion 6.1

Aspects of plantation and mill management, including replanting, that have social impacts are identified in a participatory way, and plans to mitigate the negative impacts and promote the positive ones are made, implemented and monitored, to demonstrate continuous improvement.

Major Indicator:

6.1.1 Record or evidence of meeting on issues related to social impacts assessment derived from consultative meeting with affected persons.

- An assessment report is prepared and can be conducted by any approach such as CSR-DIW (Department of Industrial Works), Thai Labor- : TLS 8001-2546, Social Impact Assessment Section under Initial Environment Examination (IEE) covering mill's and plantation's major activities as well as issues raised by stakeholders for consultation.
- Social impact assessment can be conducted by growers/millers including qualified person or organization

Minor Indicator:

6.1.2 Evidence showing consultation process of the affected persons

6.1.3 Timetable for impact mitigation and monitoring are reviewed and updated as necessary

Guidance:

6.1.1 Growers and mills must record the meeting with affected persons to identify social impacts. Identification of social impacts should be carried out with the participation of affected persons as appropriate to the situation.

Participation in this context means the affected persons are able to express their views, through their own organization or spokespersons chosen freely during the identification of impacts, reviewing of findings and planning for mitigation, and monitoring the success of implemented plans.

The involvement of independent experts may be sought out where this is considered necessary to ensure that all impacts (both positive and negative) are identified.

Potential social impacts may result from activities such as construction of new roads, processing mills or other infrastructure; replanting with different crops or expansion of planting area; disposal of mill effluents; clearing of remaining natural vegetation; changes in employee numbers or employment terms and conditions.

Plantation and mill management may have social impacts (positive or negative) on factors such as:

- Access and use rights.
- Economic livelihoods (e.g. wages payment) and working conditions.

- Subsistence activities.
 - Cultural and religious values.
 - Health and education facilities.
 - Other community values, resulting from changes such as improved transport /communication or arrival of substantial migrant labour force.
- 6.1.2 Growers and mills must prepare evidence showing the consultation process with the affected persons such as agenda and minutes of the consultation meeting with the affected persons, including list of attendants, photo etc.
- 6.1.3 Growers and mills must prepare and update timetable for impact mitigation, monitor and review of such timetable.

Guidance for scheme smallholders:

Scheme managers could demonstrate that scheme smallholders have been participating in the consultation for mitigation of social impacts, if any.

Guidance for independent smallholders:

Independent smallholders can explain the social impacts of their operations and can respond constructively when there is a complaint.

Criterion 6.2

There are open and transparent methods for communication and consultation between growers and/or millers, local communities and other affected or interested parties.

Major Indicator:

- 6.2.1 Documentary procedures on the consultation and communication

Minor Indicator:

- 6.2.2 Management staff is officially appointed for the communication with stakeholders
- 6.2.3 Maintenance of a list of stakeholders and being reviewed and updated. Records of all communication and actions are taken in response to proposal or request from stakeholders.

Guidance:

- 6.2.1 Growers and mills must design and prepare documented procedures for consultation and communication with local communities and affected persons or other interested parties by taking into account the existing local mechanisms and applicable language.
- 6.2.2 Growers and mills must officially appoint management staff to be responsible for Criterion 6.2
- 6.2.3 Growers and mills must maintain stakeholder list and keep updating, including records of all communications and actions taken in response to proposal or request

from stakeholders. The list and records must be kept in a secured place and easily access for an appropriate duration.

Note:

Prior to any decision affecting to the local stakeholders, the growers or mills must communicate with local communities and other interested parties so that they clearly understand the purpose of the decision.

Moreover, multi-stakeholder forum should be organized. Communications should take into account differential access to information of women as compared to men, village leaders as compared to day labourers, new versus long established community groups, and different ethnic groups.

In such communication, growers and mills should consider the necessity for the participation of third parties, such as non-stakeholder communities, NGOs or government agencies (or any combination), to pave the way to communicate with scheme smallholders, communities, and other parties, where appropriate.

Guidance for scheme smallholders:

Scheme managers should set up the necessary mechanism(s) and appoint staff to give advice and communicate with members, their representatives, and other stakeholders. The communications should be recorded.

Guidance for independent smallholders:

Independent smallholders are not required to have documented procedures on the consultation and communication but should be able to respond constructively to stakeholders.

Criterion 6.3

There is a mutually agreed and documented system for dealing with complaints and grievances, which is implemented and accepted by all parties.

Major Indicator:

6.3.1 Evidence showing the process and dispute resolution.

Minor Indicator:

6.3.2 An open system to manage complaints and grievances for affected persons, and be able to resolve the disputes in an effective, timely and appropriate manner.

Guidance:

- 6.3.1 Growers and mills must keep evidence such as minutes, other media used to record the meeting e.g. photo, visual and sound record, etc. to demonstrate the process of dispute resolution.
- 6.3.2 Growers and mills must prepare documentary procedures to deal with complaints and grievances effectively. The system should be appropriately confined to the scale of growers, mills and local communities.
- Dispute resolution should be done through an open and consensual agreement with relevant affected persons. Grievances may be either internal (employees/workers) or external.

Guidance for scheme smallholders:

Scheme managers should set up mechanism to handle complaints and grievances for other stakeholder members and disclose the result to affected parties.

Guidance for independent smallholders:

Independent smallholders are not required to have the documented system but demonstrate that they can respond constructively to any issues or complaints.

Criterion 6.4

Any negotiations concerning compensation for loss of legal or customary rights are dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.

Major Indicator:

- 6.4.1 Procedures to identify legal land rights and customary land rights of each local community, including procedures to identify people eligible for compensation.

Minor Indicator:

- 6.4.2 Procedures to calculate and pay fair compensation (monetary or otherwise) are being implemented.
- 6.4.3 Records of process and result of any negotiated agreements including compensation. Such documents are made available to the public.

Guidance:

- 6.4.1 Growers and mills must prepare procedures to identify the legal land rights and customary land rights of each local community, including procedures to identify people eligible for compensation.

Examples of such procedures are:

1. Meeting with affected persons to verify their land rights
2. Check the land title documents of the affected persons
3. Verify the land rights

4. Record the result of the verification and name of persons eligible for compensation
 5. Pay the compensation as agreed to such persons
 6. Keep the documented record and other evidence related to compensation payment for easy accessibility
- 6.4.2 Growers and mills must prepare procedures for calculation and fair compensation, taking into account differences in the power to claim rights for gender, differences of trans-migrants and long-established communities, differences in ethnic groups, ownership and access to land, including proof of legal versus communal ownership of land.
- The process of setting up the procedures for calculation and fair compensation should be appropriately concerned with the local conditions.
- 6.4.3 Growers and mills must prepare and keep records of the process and result of any negotiations, including the request for compensation, and make them readily available to the public

Note:

This Criterion should be considered in conjunction with Criterion 2.3 and the associated guidance.

Guidance for scheme smallholders:

Scheme managers should assist members in ensuring that land acquisitions by members abide by this Criterion. In the case the acquired land involved fair compensation (monetary or otherwise), a procedure for calculating and distributing is established and implemented. The procedure should include the participation of relevant stakeholders and details.

Guidance for independent smallholders:

Independent smallholders can demonstrate that they have paid compensation to previous land owners which are acceptable by both parties with free, prior and informed consent.

Criterion 6.5

Pay and conditions for employees and for employees of contractors always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.

Major Indicator:

6.5.1 Wage payment document

Minor Indicator:

6.5.2 Employment contract between employer and employees/workers in accordance with labour law or agreement with the trade union or agreement by both parties, specifying details of payment and employment conditions e.g. working hours, deductions, overtime, sickness, holiday entitlement, maternity leave, reasons for layoff, period of prior notice, etc.

6.5.3 In case of no public facilities existing or inaccessible, growers and mills must provide adequate amenities for housing, water supplies, medical care, and welfare in accordance with national legislation.

Guidance:

6.5.1 Having documentation of wage payment in accordance with employment contract, and the contract should take the indicator 6.5.2 as guidance.

6.5.2 Employment contract should provide details of employment, taking into consideration the guideline from Labour Protection Act, B.E. 2541 (and its amendments) in languages understood by the workers or explained carefully to them by a management staff.

6.5.3 Employees' amenities and welfare should take consideration based on the Ministerial Order entitled guideline on welfare provisions in workplaces B.E. 2548

A labour policy should be established including policies on non discriminatory practices and forced labour either temporary or migrant workers; no revision of employment contract without consent from employees/workers; and post arrival orientation program, in particular on language, safety, labour laws, cultural practices etc. The provision of decent living condition should be included.

Wage deductions must not jeopardise a basic living standard.

Growers and mills should comply with the Labour Protection Act, B.E. 2541 (and its amendments) and ensure that contractors abide by this law as well.

Guidance for scheme smallholders:

Scheme managers should educate members about their legal responsibilities in hiring employees/workers for their plantations and members should abide by the national labour protection laws.

Guidance for independent smallholders:

Independent smallholders should abide in accordance with the national labour protection laws.

Criterion 6.6

The employer respects the right of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.

Major Indicator:

6.6.1 A published statement recognizing freedom of association

Minor Indicator:

6.6.2 Records of meeting between employer and representatives of trade unions or employees/workers

Guidance:

6.6.1 Employer must issue a policy recognizing the employee's right to freedom of association without any interference from employer. The right to freedom of association and collective bargaining of employees/workers and contractors should be respected in accordance with the Labour Relation Act, B.E. 2518 (and its amendments)

6.6.2 All meetings are documented and audio records may be used in addition.

Guidance for scheme smallholders:

This Criterion is not required for scheme smallholders.

Guidance for independent smallholders:

This Criterion is not required for independent smallholders.

Criterion 6.7

Children are not employed or exploited. Work by children is acceptable on family farms, under adult supervision, and when not interfering with education programs. Children are not exposed to hazardous working conditions.

Major Indicator:

6.7.1 Evidence showing the legally required minimum age of employees/workers is met

Guidance:

6.7.1

- Provide evidence indicating that the employer hires employees/workers of not less than 15 years of age by checking on their registered identification cards,

house registrar, or employees/workers records. Growers and mills should clearly specify the minimum age acceptable for work.

- In case of hiring in agricultural sector, employer may hire children aged of 13-15 years old during school holidays or after school hour. The work shall not be harmful to their health or shall not have negative impact on their childhood development and quality of life. The work shall have permission from their parents or guardians in accordance with the Ministerial Order on agricultural labour protection B.E. 2547, item 8.
- Submit records of employees/workers between the age of 15 and 18 years to the Ministry of Labour as required by the Labour Protection Act, B.E. 2541 (and its amendments) and Child Protection Act, B.E. 2546 (and its amendments)
- Children under 13 years of age may accompany to assist their parents only in agriculture sector under the supervision of adult from their own family. The work shall not be harmful to their health or shall not have negative impact on their childhood development and quality of life.

Note: Thai culture in the rural area, in this case, children accompany their adult members of the family to the workplace. In actual practices, children are not employed or assigned for works by the employer.

Guidance for scheme smallholders:

- Children below 15 years old can work only under the supervision of family adult and the work must not interfere with their education, or not expose to danger.
- Children age between 15 and 18 years old, follow the Guidance 6.7.1

Guidance for independent smallholders:

- Children below 15 years old can work only under the supervision of family adult and the work must not interfere with their education, or not expose to danger.
- Children age between 15 and 18 years old, follow the Guidance 6.7.1

Criterion 6.8

Any form of discrimination based on race, caste, national origin, religion, disability, gender, sexual orientation, union membership, political affiliation, or age is prohibited.

Major Indicator:

6.8.1 Policy on equality for relevant/affected persons by operations of growers and mills

Minor Indicator:

6.8.2 Evidence showing no discrimination to employees/workers, including migrant workers

Guidance:

6.8.1 A policy on equality for employees/workers and other relevant persons is established and publicly available.

6.8.2

- Provide job announcement showing the concept of non-discrimination
- Employer must treat his employees/workers equally and there should be a mechanism where employees/workers can petition their grievances, in case they are discriminated in accordance with Criterion 6.3. Positive discrimination, without creating inequality as specified in Criterion 6.8, or provision of benefits to any specific community affected by the operations of the growers and mills, can be done as part of a negotiated agreement.

Guidance for scheme smallholders:

Scheme manager should have a policy on equality and can demonstrate that there is no discrimination.

Guidance for independent smallholders:

Independent smallholders are not required to have this policy but should be aware of the key elements.

Criterion 6.9

A policy to prevent sexual harassment and all other forms of violence against women and to protect their reproductive rights is developed and applied.

Major Indicator:

6.9.1 A policy on preventive measures regarding sexual harassment and all other forms of violence as well as protection of woman's reproductive rights and records of implementation.

6.9.2 Mechanism to deal with grievances for employees/workers as well as contractors

Guidance:

6.9.1

- A clear policy is established on prevention of sexual harassment and all other forms of violence as well as protection of woman's reproductive rights in consultation with employees/workers, contractors, and stakeholders.
- A gender committee specifically to address areas of concern to women may be requested to comply with the criteria. This committee, to have representatives from all areas of work, will provide recommendations such as; educating on women's rights, counselling for women affected by violence.
- This policy should be publicly available.
- Progress in implementing the policy should be regularly monitored.
- The results of monitoring activities must be recorded.

6.9.2 If sexual harassment, any form of violence against women, or violation of woman's reproductive rights does occur either with employees/workers or contractors, these persons can file a petition of grievance as specified in Criterion 6.3. Such grievances must be considered and acted on. Preventive measures should be adopted to avoid such repeatedly unfavourable events.

Guideline for treating female employees/workers or contractors should refer to the Labour Protection Act, B.E. 2541 (and its amendment) section 3, the use of female labour.

Guidance for scheme smallholders:

Scheme managers should set up this policy and bring it into practice by the members.

Guidance for independent smallholders:

Independent smallholders are not required to have this policy but should be aware of the key elements.

Criterion 6.10

Growers and mills deal fairly and transparently with smallholders and other local businesses.

Major Indicator:

6.10.1 Current FFB mill gate prices and record of the past FFB prices are publicly available.

Minor Indicator:

6.10.2 Record of pricing mechanism for FFB and inputs/services of plantation/mill (where these are under the control of the mill or plantation).

6.10.3 Evidence showing that all parties understand the agreements and payments are made in an agreed time period. Such agreements are fair, legal and transparent.

Guidance:

6.10.1 Mills must display current FFB buying prices at the mill gate

- Prepare record on previous movement of mill gate price and make available to public

6.10.2 Mills must record the pricing mechanism for FFB and inputs or services

Moreover, fair and transparent pricing mechanism is very important for growers who agree to sell the FFB to a particular mill.

6.10.3 Growers and mills must have agreements which are fair, legal, and transparent. Evidence must be maintained to show that all stakeholders understand such agreements.

- Mills must make the payment in full and on time as per the agreement with trading partners.

- In the transactions with smallholders, consideration should be made on various issues such as the role of middle men, collectors (ramp), transportation and storage of FFB, quality and grading.
- Moreover, if mills require smallholders to change practices to meet the RSPO criteria, organizing of scheme smallholder or independent smallholder group should be supported by mills.

Guidance for scheme smallholders:

Scheme managers must ensure that transactions with members and other businesses in the communities are transparent and fair as well as comply with Criterion 6.10.

Scheme smallholders must be able to access the grievance procedures under Criterion 6.3, if they consider that they are not receiving a fair FFB price.

Guidance for independent smallholders:

Independent smallholders must be able to access the grievance procedures under Criterion 6.3, if they consider that they are not receiving a fair FFB price.

Criterion 6.11

Growers and mills contribute to local sustainable development wherever appropriate.

Minor Indicator:

6.11.1 Contributions to local development based on the results of consultation with local communities.

Guidance:

6.11.1

- Contributions to local development should be based on the results of consultation with local communities. See also Criterion 6.2. Such consultation should be based on the principles of transparency, openness and participation, and should encourage communities to identify their own priorities and needs, including the different needs of men and women.
- Where candidates for employment are of equal merit, preference should always be given to members of local communities. Positive discrimination should not be recognized as conflicting with Criterion 6.8

Guidance for scheme smallholders:

For scheme smallholders, contributions for local development should be the results of consultation with local communities and depending on the size of the plantation and mill.

Guidance for independent smallholders:

This Criterion is not applicable for independent smallholders.

Principle 7: Responsible development of new plantings

Criterion 7.1

A comprehensive and participatory independent social and environmental impact assessment is undertaken prior to establishing new plantings or operations, or expanding existing ones, and the results incorporated into planning, management and operations.

Major Indicator:

- 7.1.1 Social and environmental impact assessment, undertaken through a participatory approach of affected stakeholders (especially local communities)
- 7.1.2 Appropriate management plan and operational procedures according to the results of social and environmental impact assessment. The plan is implemented, monitored, and reviewed.

Guidance:

7.1.1

- For new plantation larger than 6,250 rai (1,000 ha) or any other land scale subject to the relevant Thai laws, a social and environmental impact assessment must be conducted by company approved by Thai law.
 - Terms of reference for social and environmental impact assessment must be clearly defined.
 - Conduct the social and environmental impact assessment through participatory approach with all affected parties by, for instance, interviews, meetings, and reviewing findings and plans for mitigation with stakeholders e.g. local communities, government agencies and NGOs.
- For new plantation less than 6,250 rai (1,000 ha), follows the requirements specified in Criteria 5.1 and 6.1.

7.1.2

- Prepare management plan in accordance with the results of the assessment
- Prepare procedures according to the management plan
- Implement the plan, monitor and document the results
- Review the plan and procedures as appropriate

Note:

1. Assessment of potential impacts of all major proposed activities should include, in no order of preference, as a minimum:

- *Assessment of the impacts of all major planned activities, including planting, mill operations, roads and other infrastructure.*
- *Assessment, including stakeholder consultation of High Conservation Values (see Criterion 7.3) that could be affected.*

- *Assessment of potential effects on adjacent natural ecosystems of planned developments, including whether development or expansion will increase pressure on nearby natural ecosystems.*
- *Identification of watercourses and assessment of potential effects on hydrology by planned developments. Measures should be planned and implemented to maintain the quantity and quality of water resources.*
- *Baseline soil surveys and topographic information, including the identification of marginal and fragile soils, areas prone to erosion and slopes unsuitable for planting.*
- *Analysis of type of land to be used (forest, degraded forest, cleared land).*
- *Analysis of land ownership and user rights.*
- *Analysis of current land use patterns.*
- *Assessment of potential social impact on surrounding communities of plantation, including an analysis of differential effect on women versus men, ethnic communities, migrant versus long-term residents.*

2. *Referring to the laws and regulations such as National Environmental Promotion and Quality Protection, B.E. 2535 (and its amendments)*

Guidance for scheme smallholders:

Scheme managers should take responsibilities in social and environmental impact assessment for members. Members should be aware of the abovementioned assessment. Plan of social and environmental impact assessment is developed and implemented.

Guidance for independent smallholders:

Independent smallholders are not required to do the abovementioned assessment. However, they should take into account social and environmental impacts by consulting with stakeholders prior to oil palm planting in new land or expanding the existing one.

Criterion 7.2

Soil surveys and topographic information are used for site planning in the establishment of new plantings, and the results are incorporated into plans and operations.

Major Indicator:

7.2.1 Soil suitability maps or adequate soil surveys

Minor Indicator:

7.2.2 Adequate topographic information

7.2.3 Records of soil survey and topographic information

Guidance:

7.2.1

- Prepare soil suitability maps or adequate soil surveys
 - Plan land utilization and appropriate long-term soil improvement in accordance with indicator 4.2.3
- 7.2.2 Prepare adequate topographic information to be used for drainage and irrigation systems, roads and other infrastructure.
- 7.2.3 Conduct soil and topographic surveys by integrating into the new planting programs in accordance with indicator 7.1.2

Guidance for scheme smallholders:

Scheme managers must ensure that all members apply the same procedures as required by the mill and new plantation. These activities may link to social and environmental impact assessment (Criterion 7.1) but do not need to be done by company approved by Thai law.

Guidance for independent smallholders:

Assessing soil suitability is also important for independent smallholders, particularly where there are significant numbers of smallholders operating in a particular location. Information may be collected and provided by a smallholder organization or mill that purchases FFB from individual smallholders.

Criterion 7.3

New plantings since November 2005, have not replaced primary forest or any area required to maintain or enhance one or more High Conservation Values.

Major Indicator

7.3.1 Assessment with the consultation with stakeholders on High Conservation Values before any conversion.

Guidance:

HCV assessments to be documented and included as part of the social and environmental impact assessment (C7.1). Reference should be made to environmental impact assessment to indicate the extent of the HCV areas as determined by relevant experts and representatives from local communities.

This criterion applies to forests and other vegetation types. This applies irrespective of any changes in land ownership or farm management that have taken place after this date. High Conservation Values (HCVs) may be identified in restricted areas of a landholding, and in such cases new plantings can be planned to allow the HCVs to be maintained or enhanced.

Specific Guidance to the above indicator are listed below:

1. New plantings within Nov 05 and Nov 07 must be in compliance with existing regulatory requirements that relate to social and environmental impacts assessment i.e. SEIA (ref 7.1).
2. Where it can be proven that the land did not contain HCV after Nov 2005, the land can enter the RSPO certification programme.
3. Where the HCV status of the land is unknown and/or disputed, the land will be excluded from the RSPO certification programme, until an acceptable solution for HCV compensation has been developed.

4. Companies owning such land can enter other estates in the programme. This arrangement is valid only for land development between Nov 05 and Nov 07 which was the RSPO P&C initial pilot implementation period.

Guidance for scheme smallholders:

Scheme managers should assist members to identify or assess the HCV areas within the scheme smallholder plantations.

Scheme smallholders should be aware of HCV areas for conservation within their land and can demonstrate that there is no new oil palm planting in the primary forest and HCV areas.

Guidance for independent smallholders:

Independent smallholders should be aware of HCV areas for conservation within their land and can demonstrate that there is no new oil palm planting in the primary forest and HCV areas (the same as scheme smallholders).

Independent smallholders should consult relevant government agencies or other organizations to collect information about HCVs within or surrounding lands.

Criterion 7.4

Extensive planting on steep terrain, and/or on marginal and fragile soils, is avoided.

Minor Indicator:

- 7.4.1 Map indicating marginal and fragile soils, and peat soil including steep terrain
- 7.4.2 Planning and implementing measures to prevent negative impacts on soils

Guidance:

- 7.4.1 Prepare map that indicates marginal and fragile soils, and peat soil including steep terrain
- 7.4.2 Prepare plan and implementation measures to prevent negative impacts on soil when there is restriction of planting oil palm in marginal and fragile soils.

Guidance for scheme smallholders:

Scheme managers should ensure that members avoid growing new oil palm on steep terrain area and/or in marginal and fragile soils. If such land represents the only source of livelihood, development should be done with the use of appropriate measures in accordance with the management procedures for scheme smallholders.

Guidance for independent smallholders:

Independent smallholders should avoid growing new oil palm on steep terrain area and/or in marginal and fragile soils. If such land represents the only source of livelihood, development should be done with the use of appropriate measures.

Criterion 7.5

No new plantings are established on local peoples' land without their free, prior and informed consent, dealt with through a documented system that enables indigenous peoples, local communities and other stakeholders to express their views through their own representative institutions.

Major Indicator:

- 7.5.1 Evidence showing the agreements of previous land owners with their free, prior and informed consent
- 7.5.2 Evidence showing participation of stakeholders

Guidance:

7.5.1 - 7.5.2

- This activity may be included as part of the social and environmental impact assessment as described in Criterion 7.1
- Refer also to Criteria 2.2, 2.3, 6.2, 6.4 and 7.6 for indicators and guidance.
- Where new plantings are considered to be acceptable, management plans and operations should maintain the sacred sites. Agreements with indigenous peoples, local communities and other stakeholders should be made without coercion or other undue influence (see guidance 2.3).
- Relevant stakeholders mean to include those affected by or concerned with the new plantings.

Guidance for scheme smallholders:

See Criteria 2.2 and 2.3.

Guidance for independent smallholders:

See Criteria 2.2 and 2.3.

Criterion 7.6

Local people are compensated for any agreed land acquisitions and relinquishment of rights, subject to their free, prior and informed consent and negotiated agreements.

Major Indicator

- 7.6.1 Document describing identification and assessment of legal and customary rights.
- 7.6.2 Establishment of a system for identifying people eligible for compensation.
- 7.6.3 Method of calculation and fair compensation payment in terms of monetary or otherwise.
- 7.6.4 Documentary records of the process and result of compensation claims and are made publicly available.

Minor Indicator:

7.6.5 Communities that have lost access and rights to the expansion of plantation or mill construction are given opportunities to benefit from plantation/mill development.

Guidance:

7.6.1 Growers and mills must have a document describing identification and assessment of legal and customary rights.

7.6.2 Growers and mills must establish documented procedures for identifying eligible for fair and transparent compensation in according to the locality.

7.6.3 Growers and mills must establish the procedures for calculation and fair compensation payment in terms of monetary or otherwise.

7.6.4 Growers and mills must prepare and keep records of the process and result of compensation claims and are made publicly available.

7.6.5 Growers and mills should consider the benefits that communities received because their loss access and rights to land from the land use expansion.

Refer also to Criteria 2.2, 2.3 and 6.4 and associated guidance. This requirement includes indigenous peoples.

Note:

This activity may be included as part of the social and environmental impact assessment as described in Criterion 7.1

Guidance for scheme smallholders:

See Criterion 7.5.

Guidance for independent smallholders:

See Criterion 7.5.

Criterion 7.7

Use of fire in the preparation of new plantings is avoided other than in specific situations, as identified in the ASEAN guidelines or other regional best practice.

Major Indicator:

7.7.1 Documented assessment in case where the use of fire in land preparation is necessary.

7.7.2 Evidence showing the approval of the controlled burning as specified in the National Environmental Promotion and Quality Protection, B.E. 2535 (and its amendments) and other relevant laws

Minor Indicator:

7.7.3 In case of fire being used, record of training on burning and control measure to prevent fire spreading.

Guidance:

7.7.1

- Fire should be used only where an assessment has demonstrated that it is the most effective and least environmentally damaging option. Evidence showing carefully control of fire.
- Use of fire burning may be acceptable. For instance, refer to ASEAN guideline on zero burning policy or similar guidelines from other regions.
- Activities in this indicator may be included as part of the social and environmental impact assessment as described in Criterion 7.1 with coverage on the use of fire for land preparation.

7.7.2 Documented evidence of the approval of fire burning from e.g. local government administration etc.

7.7.3 Record of training personnel responsible for using fire burning for land preparation, including control measure to prevent fire spread out.

Guidance for scheme smallholders:

Scheme managers should ensure that the fire burning is used only in the case where assessment shows that it is the most effective and least environmentally damaging option in minimising the risk of severe pest and disease outbreaks in new land preparation. There is evidence showing that fire use is carefully controlled.

Guidance for independent smallholders:

Independent smallholders should understand the possible social and environmental impacts of using fire in new land preparation and adopt measures to control the fire from spreading.

Principle 8: Commitment to continuous improvement in key areas of activity

Criterion 8.1

Growers and mills regularly monitor and review their activities and develop and implement action plans that allow demonstrable continuous improvement in key operations.

Growers and mills prepare a plan for continuous improvement, implement, monitor, and regularly to review major of operational activities. These must include, but not necessarily be limited to the following indicators:

Major Indicator:

- 8.1.1 Rational use of chemical pesticides (Criterion 4.6)
- 8.1.2 Environmental impacts (Criterion 5.1)
- 8.1.3 Use of waste and residue for maximum benefits (Criterion 5.3)
- 8.1.4 Pollution and emissions (Criterion 5.6)
- 8.1.5 Social impacts (Criterion 6.1)

Minor Indicator:

- 8.1.6 Occupational health and safety (Criterion 4.7)

Guidance:

8.1.1 - 8.1.6

- Growers and mills must prepare action plans covering those indicators and implement.

Plans and their implementation must be monitored, reviewed, and improved according to the specified timeframe.

Guidance for scheme smallholders:

Scheme managers should prepare an action plan for continuous improvement with the participation of member representatives, taking into consideration the social and environmental impacts.

Guidance for independent smallholders:

Independent smallholders must be aware of and understand the importance of continuous improvement. Guidance and training should be organized for continuous improvement.

Definitions

Customary rights: Patterns of long standing community land and resource usage in accordance with indigenous peoples' customary laws, values, customs and traditions, including seasonal or cyclical use rather than formal legal title to land and resources issued by the State. (From World Bank Operational Policy 4.10).

Environmental Impact Assessment: a process of predicting and evaluating the effects of an action or series of actions on the environment, then using the conclusions as a tool in planning and decision-making.

High Conservation Value Forest (HCVF): The forest necessary to maintain or enhance one or more High Conservation Values (HCVs):

- HCV1. Forest areas containing globally, regionally or nationally significant concentrations of biodiversity values (e.g. endemism, endangered species).
- HCV2. Forest areas containing globally, regionally or nationally significant large landscape level forests, contained within, or containing the management unit, where viable populations of most if not all naturally occurring species exist in natural patterns of distribution and abundance.
- HCV3. Forest areas that are in or contain rare, threatened or endangered ecosystems.
- HCV4. Forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control).
- HCV5. Forest areas fundamental to meeting basic needs of local communities (e.g. subsistence, health).
- HCV6. Forest areas critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities).

(See: 'The HCVF Toolkit' – available from www.hcvnetwork.org)

ISO Standards: Standards developed by the International Organization for Standardization (ISO: see <http://www.iso.ch/iso>).

Natural vegetation: Areas where many of the principal characteristics and key elements of native ecosystems such as complexity, structure and diversity are present.

Plantation: The land containing oil palm and associated land uses such as infrastructure (e.g., roads), riparian zones and conservation set-asides.

Primary Forest: A primary forest is a forest that has never been logged and has developed following natural disturbances and under natural processes, regardless of its age. Also included as primary, are forests that are used inconsequentially by indigenous and local communities living traditional lifestyles relevant for the conservation and sustainable use of biological diversity. The present cover is normally relatively close to the natural composition and has arisen (predominantly) through natural regeneration. National interpretations should consider whether a more specific definition is required. (From FAO Second Expert Meeting on Harmonizing Forest-Related Definitions for Use by Various Stakeholders, 2001,

http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/Y4171E/Y4171E11.htm).

Prophylactic: A treatment or course of action applied as a preventive measure.

Restore: Returning degraded or converted areas within the plantation to a semi-natural state.

Smallholders: Farmers growing oil palm, sometimes along with subsistence production of other crops, where the family provides the majority of labour and the farm provides the principal source of income and where the planted area of oil palm is usually below 50 hectares in size.

Stakeholders: An individual or group with a legitimate and/or demonstrable interest in, or who is directly affected by, the activities of an organisation and the consequences of those activities.

Outgrowers: Farmers, where the sale of FFB is exclusively contracted to the grower/miller. Outgrowers may be smallholders.

Undue influence: The exertion by a third party of any kind of control such that a person signs a contract or other agreement which, absent the influence of the third party, he would not have signed.

Use rights: Rights for the use of forest resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights. These rights may restrict the use of particular resources to specific levels of consumption or particular harvesting techniques.

Appendix 1 – List of Related International Laws

Principles	International Standards	Key Provisions	Summary of Protections
Just Land Acquisition	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 13-19	Respect and safeguard rights to lands and natural resources traditionally occupied and used; respect for customs of inheritance; no forced removals; compensation for loss and injury.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 25, 26	Right to distinctive relationship with land; right to own, use, develop and control their lands, territories and other resources.
	UN Convention on Biological Diversity (1992)	Article 10(c)	Protect and encourage customary use of biological resources in accordance with traditional practices.
Fair Representation and Participation of Indigenous and Tribal Peoples	ILO Convention 169 (1989) on Indigenous and Tribal Peoples	Articles 6-9	Represent themselves through their own representative institutions; consultations with objective of achieving agreement or consent; rights to decide their own priorities, retain their own customs and resolve offences according to customary law (compatible with international human rights).
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 10, 11(2), 19, 28(1), 29(2) and 32(2).	Right to free, prior and informed consent to any project affecting their lands as expressed through their own representative institutions.
	Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, InterAmerican Human Rights System.	UN CERD Committee, UN Committee on Social Cultural and Economic Rights, Inter-American Commission on Human	Free, Prior and Informed Consent for decisions that may affect indigenous peoples. (This standard has been widely accepted as a 'best practice' standard by bodies such as World Commission on Dams, Extractive Industries

		Rights. ¹	Review, Forest Stewardship Council, UNDP, CBD, IUCN and WWF).
No Forced Labour	ILO Convention 29 (1930) Forced Labour	Article 5	No concession to companies shall involve any form of forced or compulsory labour.
	ILO Convention 105 (1957) Abolition of Forced Labour	Article 1	Not make use of any form of forced or compulsory labour.
Protection of Children	ILO Convention 138 (1973) Minimum Age	Articles 1-3	Abolition of child labour and definition of national minimum age for labour not less than 15-18 years (depending on occupation).
	ILO Convention 182 (1999) Worst Forms of Child Labour	Articles 1-7	Abolition of child slavery, debt bondage, trafficking and procurement for prostitution; suitable methods to monitor and enforce compliance.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 17(2), 21, 22(2)	No exploitation or exposure to hazard or discrimination against indigenous women and children
Freedom of Association and Collective Bargaining	ILO Convention 87 (1948) Freedom of Association and Protection of Right to Organise	Articles 2-11	Freedom to join organisations, federations and confederations of their own choosing; with freely chosen constitutions and rules; measures to protect the right to organise.
	ILO Convention 98 (1949) Right to Organise and Collective Bargaining	Articles 1-4	Protection against anti-union acts and measures to dominate unions; established means for voluntary negotiation of terms and conditions of employment through collective agreements.
	ILO Convention 141 (1975) Rural Workers' Organisations	Articles 2-3	Right of tenants, sharecroppers and smallholders to organise; freedom of association; free from interference and coercion.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Article 3	Indigenous peoples have the right to self-determination and to freely

¹ For details see www.forestpeoples.org

			pursue their economic, social and cultural development.
Non-Discrimination and Equal Remuneration	ILO Convention 100 (1951) Equal Remuneration	Articles 1-3	Equal remuneration for men and women for work of equal value.
	ILO Convention 111(1958) Discrimination (Employment and Occupation)	Articles 1-2	Equality of opportunity and treatment in respect to employment and occupation; no discrimination on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 2, 8(2e), 9, 15(2), 16(1), 21(2), 22, 24(1), 29(1), 46(3)	No discrimination based on origin or identity; free to express identity based on custom; special attention to and full protection of rights of indigenous women.
Just Employment of Migrants	ILO Convention 97 (1949) Migration for Employment	Articles 1-9	Provision of information; no obstacles to travel; provision of health care; nondiscrimination in employment, accommodation, social security and remuneration; no forced repatriation of legal migrant workers; repatriation of savings.
	ILO Convention 143 (1975) Migrant Workers (Supplementary Provisions)	Articles 1-12	Respect basic human rights; protection of illegal migrants from abusive employment; no trafficking in illegal migrants; fair treatment of migrant labour.
Protection of Plantation Workers ²	ILO Convention 110 (1958) Plantations	Articles 5-91	Protection of members of families of recruited workers; protection of workers' rights during recruitment and transport; fair employment contracts; abolition of penal sanctions; fair wages and conditions of work; no coercion or obligation to

² Convention 110 Article 1(1) defines a plantation as 'an agricultural undertaking regularly employing hired workers... concerned with the cultivation or production of ... [inter alia] palm oil...'

			use company stores; adequate accommodation and conditions; maternity protection; compensation for injuries and accidents; freedom of association; right to organise and collective bargaining; proper labour inspection; decent housing and medical care.
Protection of Tenants and Sharecroppers	ILO Recommendation 132 (1968) Tenants and Sharecroppers	Articles 4-8	Fair rents; adequate payment for crops; provisions for well-being; voluntary organisation; fair contracts; procedures for the settlement of disputes.
Protection of Smallholders	ILO Convention 117 (1962) Social Policy (Basic Aims and Standards)	Article 4	Alienation with due regard to customary rights; assistance to form cooperatives; tenancy arrangements to secure highest possible living standards.
Health and Safety	ILO Convention 184 (2001) Safety and Health in Agriculture	Articles 7-21	Carry out risk assessments and adopt preventive and protective measures to ensure health and safety wrt workplaces, machinery, equipment, chemicals, tools and processes; ensure dissemination of information, appropriate training, supervision and compliance; special protections for youth and women workers; coverage against occupational injuries and disease.
Control or Eliminate Use of Dangerous Chemicals and Pesticides	Stockholm Convention on Persistent Organic Pollutants (2001)	Articles 1-5	Prohibit and/or eliminate production and use of chemicals listed in Annex A (eg Aldrin, Chlordane, PCB); restrict production and use of chemicals in Annex B (eg DDT); reduce or eliminate releases of chemicals listed in Annex C (eg Hexachlorobenzene).
	FAO International Code of Conduct on the Distribution and Use of Pesticides	Article 5	Curtail use of dangerous pesticides where control is difficult; ensure use of

	(1985, Revised 2002)		protective equipment and techniques; provide guidance for workers on safety measures; provide extension service to smallholders and farmers; protect workers and bystanders; make available full information on risks and protections; protect biodiversity and minimize impacts on environment; ensure safe disposal of waste and equipment; make provisions for emergency treatment for poisoning.
	Rotterdam Conventions on Prior and Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998)	Articles 1, 5 and 6	Curb trade in banned and hazardous chemicals and pesticides; develop national procedures for control of their use and trade; list banned and hazardous chemicals and pesticides.
	UN Declaration on the Rights of Indigenous Peoples (2007)	Articles 21(1), 23, 24, 29(3)	Improvement of livelihood in sanitation, health and housing; participate in health delivery; maintain traditional health systems; effective monitoring of health.

Appendix 2 – List of Related Laws, Regulations & Guidelines Used in the Thailand Palm Oil Industry

Criterion	Related Laws, Regulations & Guidelines
1.1	-----
1.2	-----
2.1	<ul style="list-style-type: none"> • Land Development Act B.E. 2551 (2008) • Agricultural Land Reform Act B.E. 2518 (1975) • Agricultural Land Reform Act (No. 2) B.E. 2519 (1976) • Agricultural Land Reform Act (No. 2) B.E. 2532 (1989) • Land Allocation for Living Act B.E. 2511 (1968) • Land Renting for Agriculture Act B.E. 2524 (1981) • Land Allotment for Agriculture B.E. 2517 (1974) • Land Development Act B.E. 2526 (1983) • Land Development Act B.E. 2551 (2008) • The Land Code Amendment Act (No. 8) B.E. 2542 (1999) • The Act Amending the Land Code (No. 11), B.E. 2551 (2008) • The Act Amending the Land Code (No. 12), B.E. 2551 (2008) • Forest Act B.E. 2484 (1941) • National Park Act B.E. 2504 (1961) • National Reserved Forest Act B.E. 2507 (1964) • Wild Animal Reservation and Protection Act B.E. 2535 (1992) • Plant Varieties Protection Act B.E. 2542 (1999) • Ministerial regulation No.4 B.E. 2537 (1994) Classification of wild animals and protected wild animals • Convention on Biological Diversity • Convention on Wetlands of International Importance as Waterfowl Habitat: RAMSAR, 1971 • Human Rights Act B.E. 2542 (1999) • Labour Protection Act (No. 2, 3) B.E. 2551 (2008) • Labour Relations Act (No. 3), B.E. 2544 (2001) • Child Protection Act B.E. 2546 (2003) • Workmen's Compensation Act B.E. 2537 (1994) • Hazardous Substance Act B.E. 2544 (2001) • Notification of Labour Ministry B.E. 2552 (2009) Requirement of dangerous chemicals that employers must organize health check for

	<p>employees</p> <ul style="list-style-type: none"> • Notification of Ministry of Agriculture and Cooperative B.E. 2538 (1995) Registration of dangerous substances that under the responsibility of Department of Agriculture • Factory ACT B.E. 2535 (1992) • Public Health Act B.E. 2535 (1992) • The Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) • Ministry of Interior's Notification on Safety at Work in connection with Hazardous Chemical (B.E. 2534) • Notification of Ministry of Interior on prevention and control of fire in work place for employees' work safety • Ministry of Labour's regulation on the provision of welfare in the work place • Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) • Notification of Ministry of Sciences and Technology on Requiring project's Type and Scale or activities of public agency, public enterprise or private agency to prepare environmental impact analysis report • Notification of Ministry of Sciences and Technology on Criteria, method, procedures and guideline on environmental impact assessment report • Notification of Ministry of Industry B.E. 2548 (2005) Treatment of wastes or un-used materials • Notification of Ministry of Sciences and Technology on standard for waste water discharges from sources, type of factory and industry estate • Notification of Natural Resources and Environment Ministry B.E. 2549 (2006) Standards to control air pollution emitted from factory • Notifications of Ministry of Industry No 2 B.E. 2539 (1996) Requirements on the characteristic of discharge waste water from the factory • Notification of Ministry of Industry No.6 B.E. 2540 (1997) as organic rule of the Factory Act B.E. 2535 (1992) Treatment of wastes or un-used materials • Notification of Natural Resources and Environment Ministry on requirement of factory as pollution source that must be control of its polluting air emission
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	<ul style="list-style-type: none"> Notification of Ministry of Industry No.6 B.E. 2549 (2006) on air contaminant levels emitted from factory
2.2	<ol style="list-style-type: none"> Land Development Act B.E. 2551 (2008) Agricultural Land Reform Act B.E. 2518 (1975) Agricultural Land Reform Act (No. 2) B.E. 2519 (1976) Agricultural Land Reform Act (No. 2) B.E. 2532 (1989) Land Allocation for Living Act B.E. 2511 (1968) Land Renting for Agriculture Act B.E. 2524 (1981) Public Property Land Act B.E. 2518 (1975) National Park Act B.E. 2504 (1961) National Reserved Forest Act B.E. 2507 (1964) Bank of Agriculture and Agricultural Cooperative Act B.E. 2518 (1975) Land Allotment for Agriculture B.E. 2517 (1974) Land Development Act B.E. 2526 (1983) Land Development Act B.E. 2551 (2008) Land Code Amendment Act (No. 8) B.E. 2542 (1999) Act Amending the Land Code (No. 11), B.E. 2551 (2008) Act Amending the Land Code (No. 12), B.E. 2551 (2008)
2.3	<ul style="list-style-type: none"> Land Development Act B.E. 2551 (2008) Agricultural Land Reform Act B.E. 2518 (1975) Agricultural Land Reform Act (No. 2) B.E. 2519 (1976) Agricultural Land Reform Act (No. 2) B.E. 2532 (1989) Land Allocation for Living Act B.E. 2511 1968) Land Renting for Agriculture Act B.E. 2524 (1981) Land Allotment for Agriculture B.E. 2517 (1974) Land Development Act B.E. 2526 (1983) Land Development Act B.E. 2551 (2008)
3.1	-----
4.1	-----
4.2	<ol style="list-style-type: none"> Land Development Act B.E. 2526 (1983) Land Development Act B.E. 2551 (2008) Land Development Commission's regulation B.E. 2533 (1990) Criteria for applicant for land improvement or land and water conservation as individual case

4.3	<ol style="list-style-type: none"> 1. Land Development Act B.E. 2526 (1983) 2. Land Development Act B.E. 2551 (2008) 3. Land Development Commission's regulation B.E. 2533 (1990) Criteria for applicant for land improvement or land and water conservation as individual case
4.4	<ol style="list-style-type: none"> 1. Factory ACT B.E. 2535 (1992) 2. Notification of Ministry of Industry No.2 B.E. 2548 (2005) Requirement for factory to have waste water treatment ... 3. Notification of Ministry of Industry No.2 B.E. 2547 (2004) Requirement for factories having waste water treatment system to install special or additional instruments or equipments 4. Notification of Ministry of Science and Technology on Standard setting for waste water discharges from source, type of factory and industrial estate 5. Notifications of Ministry of Industry No 2 on Requirements on the characteristic of discharge waste water from the factory 6. Artesian Water Act B.E. 2520 (1978) 7. Artesian Water Act (No. 3), B.E. 2546 (2003) 8. Notification of National Environment Commission No. 8 B.E. 2537 (1994) as organic rule to Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) on setting water quality standards for surface water source 9. Notification of National Environment Commission No. 20 B.E. 2543 (2000) on setting water quality standards in undeground water source 10. Notification of National Environment Commission No. 8 B.E. 2537 (1994) on setting water quality standards for surface water source 11. <i>Draft Water Resource Act</i>
4.5	<ol style="list-style-type: none"> 1. Hazardous Substance Act B.E. 2535 (1992)
4.6	<ol style="list-style-type: none"> 2. Labour Protection Act B.E. 2541 (1998) 3. Labour Protection Act (No. 2) B.E. 2551 (2008) 4. Hazardous Substance Act B.E. 2535 (1992) 5. Hazardous Substance Act (No. 2) B.E. 2544 (2001) 6. Hazardous Substance Act (No. 3) B.E. 2551 (2008) 7. Notification of Ministry of Agriculture and Cooperative B.E. 2538 (1995) Registration of dangerous substances that under the responsibility of

	<p>Department of Agriculture</p> <ol style="list-style-type: none"> 8. Notification of Ministry of Interior B.E. 2534 (1991) on Safety at work in connection with hazardous chemicals 9. Notification of Ministry of Interior B.E. 2520 (1977) on Safety at work in connection with environment (chemicals) 10. Notification of Department of Labour Protection and Welfare B.E. 2535 (1992) on classification of type and category of dangerous chemicals 11. Ministerial regulation on labour protection in agricultural work B.E. 2547 (2004) 12. Notification of Labour Ministry B.E. 2552 (2009) Requirement of dangerous chemicals that employers must organize health check for employees
4.7	<ul style="list-style-type: none"> • Labour Protection Act B.E. 2541 (1998) • Labour Protection Act (No. 2) B.E. 2551 (2008) • Factory ACT B.E. 2535 (1992) • Notification of Ministry of Interior B.E. 2520 (1977) on Safety at work in connection with environment (chemicals) • Notification of Ministry of Interior B.E. 2534 (1991) on Safety at work in connection with hazardous chemicals • Notification of Ministry of Interior B.E. 2534 (1991) on Safety at work in connection with boiler • Notification of Ministry of Agriculture and Cooperative, Ministry of Public Health, Ministry of Industry on the Requirements of method of transportation, storage, and destruction of toxic substances or treatment of toxic substance containers (No. 1) B.E. 2525 (1982) • Ministerial Regulation on the safety standard requirements for boilers, pressure vessels in the factory B.E. 2549 (2006) • Notification of Ministry of Industry No 3 B.E. 2542 (1999) as organic rule to the Factory Act B.E. 2535 (1992) on Safety measures at work place • Ministerial regulation on Criteria and method of health check-up for employee and submission of health check result to labour audit authority B.E. 2547 (2004) • Ministerial regulation on Provision of welfare in work place B.E. 2548 (2005) • Ministerial regulation on the Protection of labour in agricultural work B.E.

	<p>2547 (2004)</p> <ul style="list-style-type: none"> Ministerial regulation on setting standards in the administration and management of safety, occupational health, environment in the workplace related to heat, light, and noise B.E. 2549 (2006) Ministerial regulation on setting standards in the administration and management of safety, occupational health, environment in the workplace B.E. 2549 (2006) Notification of Department of Labour Protection and Welfare on the Requirements on criteria and method of transportation, storage, moving, and destruction of package, container, and packing material of dangerous chemical Notification of Department of Labour Protection and Welfare on Criteria and method of informing safety in workplace staff for registration and informing when employee has injury, sickness or disappear Regulation of DIW - Criteria for hazard identification, risk assessment, and establishment of risk management plan B.E. 2543 (2000)
4.8	<ol style="list-style-type: none"> Labour Protection Act B.E. 2541 (1998) Labour Protection Act (No. 2) B.E. 2551 (2008) Notification of <i>Department</i> of Labour Protection and Welfare on Criteria and method of training staff on safety in workplaces
5.1	<ol style="list-style-type: none"> Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) Enhancement and Conservation of National Environmental Quality No. 2 Act B.E. 2521 (1978) Enhancement and Conservation of National Environmental Quality Act B.E. 2518 (1975)
5.2	<ul style="list-style-type: none"> Forest Act B.E. 2484 (1941) National Park Act B.E. 2504 (1961) National Reserved Forest Act B.E. 2507 (1964) Wild Animal Reservation and Protection Act B.E. 2535 (1992) Plant Varieties Protection Act B.E. 2542 (1999) Ministerial Regulation No. 4 (B.E. 2537) on Classification of Wild Animals as Protected Wild Animals Ministerial regulation to determine some wild animals as protected wild animals B.E. 2546 (2003)

5.3	<ol style="list-style-type: none"> 1. Factory ACT B.E. 2535 (1992) 2. Ministerial regulation No. 2 B.E. 2535 (1992) as organic rule to the Factory Act B.E. 2535 (1992) on setting standards and control method of discharging waste, pollution or any other thing derived from factory business that have impacts on the environment 3. Ministerial regulation No. 3 B.E. 2535 (1992) as organic rule of Factory Act B.E. 2535 (1992) Requirement for factory having severe impacts on environment as specified by the Ministry must prepare audit report on its effectiveness in preventing environmental pollution, the analysis of pollutants in the environmental polluting prevention, and environmental audit 4. Notification of Ministry of Industry B.E. 2548 (2005) Treatment of wastes or un-use materials 5. Notification of Ministry of Sciences and Technology on standard for waste water discharges from sources, type of factory and industry estate 6. Notifications of Ministry of Industry No 2, B.E. 2539 (1996) on the requirements on the characteristic of discharge waste water from the factory 7. Notification of Ministry of Industry No. 6, B.E. 2540 (1997) as organic rule to the Factory Act B.E.2535 (1992) on Treatment of wastes or un-use materials 8. Notification of Ministry of Industry on Hazardous Waste Manifest System B.E. 2547 (2004) 9. Notification of Ministry of Industry on Criteria and method of informing details about waste or un-used materials through electronic media B.E. 2547 (2004) 10. Notification of Ministry of Industry B.E. 2545 - Descriptions of Factory Types and Sizes, Procedure for the Control of Discharges of Wastes, Pollutants, or Any Substances that Cause Adverse Effects on the Environment, Qualifications of Supervisors and Operators, and Criteria for Registration of the Supervisors of Pollution Prevention Systems) 11. Notification of Ministry of Agriculture and Cooperative, Ministry of Public Health, Ministry of Industry on the Requirements on method of transportation, storage, and destruction of toxic substances or treatment of toxic substance containers (No. 1) B.E. 2525 (1982)
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5.4	<ol style="list-style-type: none"> 1. Energy Conservation Promotion Act (No. 2) B.E. 2550 (2007) 2. Ministerial regulation on Criteria, method, and time frame for submitting information and recording information on energy conservation B.E. 2547 (2004) 3. Ministerial regulation on Criteria, method and time frame in setting up goal and plan for energy conservation and inspection and analysis of the implementation the goal and plan on energy conservation for controlled factory and building B.E. 2547 (2004) 4. Ministerial regulation No. 5 B.E. 2540 (1997) on the Form and time frame for submission information about the production, use, and conservation of energy
5.5	<ul style="list-style-type: none"> • Forest Act B.E. 2484 (1941) Article 54 • National Reserved Forest Act B.E. 2507 (1964) Article 14 • National Park Act B.E. 2504 (1961) Article 16 • Wild Animal Reservation and Protection Act B.E. 2535 (1992) Article 38 • Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) Article 96
5.6	<ol style="list-style-type: none"> 1. Factory ACT B.E. 2535 (1992) 2. Notification of Ministry of Industry B.E. 2549 Setting standards for levels of smoke contaminated in the air emitted from factory's boiler chimney 3. Notification of Ministry of Industry B.E. 2549 Setting standards for substance contaminated in air emitted from factory 4. Notification of Ministry of Industry B.E. 2547 Setting standards for sulphur dioxide gas contaminated in air emitted from factory using bunker oil as fuel 5. Notification of Ministry of Science and Technology on Standard setting for waste water discharges from source, type of factory and industrial estate 6. Notification of Ministry of Industry No 2 B.E. 2539 (1996) on the requirements on the characteristic of discharge waste water from the factory 7. Ministerial Regulation No. 2 B.E 2535 (1992) – Chapter IV: Control of a release of waste, pollutants, or other materials affecting the environment 8. Ministerial regulation No. 3 B.E. 2535 (1992) as organic rule of Factory Act B.E. 2535 (1992) Requirement for factory having severe impacts on

	<p>environment as specified by the Ministry must prepare audit report on its effectiveness in preventing environmental pollution, the analysis of pollutants in the environmental polluting prevention, and environmental audit</p> <p>9. Notification of Ministry of Industry B.E. 2544 (2001) Requirement for installation of an automatic instrument or equipment to measure quality of air emissions from stacks</p> <p>10. Notification of Ministry of Industry No 3 B.E. 2549 (2006) Requirement for factories having waste water treatment system to install special and additional instruments or equipments</p>
6.1	-----
6.2	-----
6.3	-----
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6.5	<ul style="list-style-type: none"> • Labour Protection Act B.E. 2541 (1998) • Social Welfare Promotion Act (No 2) B.E. 2550 (2007) • Labour Protection Act (No. 2) B.E. 2551 (2008) (guarantee, working regulations, special remuneration and sanction) • (Labour Protection Act (No. 3) B.E. 2551 (remuneration) (2008)
6.6	<ol style="list-style-type: none"> 1. Labour Relations Act B.E. 2518 (1975) 2. Labour Relations Act (No. 3) B.E. 2544 (2001)
6.7	<ol style="list-style-type: none"> 1. Labour Protection Act B.E. 2541 (1998) 2. Labour Protection Act (No. 2) B.E. 2551 (2008) 3. Child Protection Act B.E. 2546 (2003)
6.8	<ol style="list-style-type: none"> 1. Human Rights Act B.E. 2542 (1999) 2. National Human Rights Commission Act B.E. 2542 (1999) 3. Convention on the Elimination of All Forms of <i>Discrimination</i> against Women (CEDAW) 4. Alien <i>Worker</i> Employment Act B.E. 2551 (2008) 5. <i>Ministerial</i> regulation on agricultural labour protection B.E. 2547 (2004)
6.9	<ol style="list-style-type: none"> 1. National Human Rights Commission Act B.E. 2542 (1999) 2. Labour Protection Act B.E. 2541 (1998) 3. Family Violence Act B.E. 2550 (2007)
6.10	-----
6.11	-----

7.1	<ul style="list-style-type: none"> • Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) • Enhancement and Conservation of National Environmental Quality Act No. 2 B.E. 2521 (1978) • Enhancement and Conservation of National Environmental Quality Act B.E. 2518 (1975)
7.2	<ul style="list-style-type: none"> • Land Development Act B.E. 2526 (1983)
7.3	<ol style="list-style-type: none"> 1. Forest Act B.E. 2484 (1941) 2. National Park Act B.E. 2504 (1961) 3. National Reserved Forest Act B.E. 2507 (1964) 4. Wild Animal Reservation and Protection Act B.E. 2535 (1992) 5. Plant Varieties Protection Act B.E. 2542 (1999) 6. Ministerial Regulation No. 4 (B.E. 2537) on Classification of Wild Animals as Protected Wild Animals 7. Convention on Biological Diversity 8. Convention on Wetlands of International Importance as Waterfowl Habitat: RAMSAR, 1971
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7.5	-----
7.6	<ol style="list-style-type: none"> 1. The Agricultural Land Reform Act B.E. 2518 (1975)
7.7	<ul style="list-style-type: none"> • Forest Act B.E. 2484 (1941) • National Reserved Forest Act B.E. 2507 (1964) • National Park Act B.E. 2504 (1961) • Wild Animal Reservation and Protection Act B.E. 2535 (1992) • Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) Article 96
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