Terms of Reference (TOR)
Training Module Document for USDA Guideline Implementation

Partnership to Eliminate Child Labor and Forced Labor in Imported Agricultural Products:
Piloting the USDA Guidelines in the Hazelnuts Supply Chain in Turkey

Consultancy to: Develop training modules and a guidance document within the scope of the project Partnership to Eliminate Child Labor and Forced Labor in Imported Agricultural Products: Piloting the USDA Guidelines in the Hazelnuts Supply Chain in Turkey

Duration: 30 March 2018 – 15 Jun 2018
Location: Desk-based
Project Fee: US$ 20,000

Summary

The Fair Labor Association (FLA) will be developing training modules and a general guidance document within the scope of the project Partnership to Eliminate Child Labor and Forced Labor in Imported Agricultural Products: Piloting the USDA Guidelines in the Hazelnuts Supply Chain in Turkey, that will end in June 2018. To conduct this exercise, the FLA seeks to engage a third-party contractor (the Consultant) to provide the required services.

The consultant is expected to undertake the assignment between 23 March 2017 and 15 June 2018. The training module and guidelines development period is identified as 23 March – 15 May 2018. The Consultant should be available for review and feedback, which will be provided by USDOL – ILAB and FLA.

Purpose

The training guidance and related training modules will teach sustainability managers/master trainers how to conduct training sessions on implementing USDA Guidelines components into their supply chains. The documents will be a stand-alone and self-explanatory and is to be applied and implemented within company management systems. It will support and provide guidance for companies who are interested in adopting USDA Guidelines or similar responsible sourcing frameworks, such as the FLA’s Principles of Fair Labor and Responsible Sourcing and

1http://www.fairlabor.org/sites/default/files/agriculture_principles_of_fair_labor_and_responsible_sourcing_october_2015_0.pdf
UN Guiding Principles².

Audience
The primary audience is sustainability / responsible sourcing managers at agricultural companies and field level staff, such as our project partner companies. The training guidance and related training modules will also be distributed electronically for use by business and human rights professionals, NGOs, and consultants.

Methodology
- The document will provide the ‘how to’ aspects of establishing/integrating sustainability in combination with technical chapters (see structure below).
- The document will be written in a simple manner, using vocabulary that is easy to understand.
- The guidance document will be concise, explain each concept in brief, and will provide case studies and games on how to:
  - map supply chains
  - conduct risk assessments
  - conduct deep dive investigations and cause-based analysis, including:
    - procurement price analysis
    - farmers income analysis
    - HSE risk mapping
    - worker profiling studies etc.
  - communicate company standards (internally and externally)
  - engage with stakeholders in a meaningful way
  - establish and maintain internal monitoring systems
  - remediate identified issues, including:
    - establish a remediation policy
    - create procedures and processes
    - establish grievance mechanisms
    - develop KPIs and internal review systems
    - establish accountability reporting

The FLA has developed a number of stand-alone modules/documents that cover a range of topics both within this project and from prior work. The guidance documents will bring the existing modules together in a sequential way and provide an overview of each module. The existing modules will be reviewed for consistency, language, concepts, relevance, activities, case studies etc. Any existing gaps in the materials will be filled.

Scope and language
Approximately 80 - 100 pages for the MS-Word document in modular form. English language. The Annexes are additional.

Format / Layout
The draft document will be delivered in MS-Word and MS-PPT. FLA will finalize the format and layout once the draft document is completed. Drawings, graphs, photographs, icons will be included to enrich the document.

Structure
The structure will include:

I. Introduction

1) What is the training guideline document?
   a) USDA Guidelines, which provides a systems-based approach to develop internal management systems on labor and human rights due diligence in supply chains (comparable to USDA guidelines, UN Guiding Principles, OECD Guidelines, FLA Principles etc.)

2) Who is the training guideline document for?
   a) Headquarter-based sustainability staff
   b) Field level practitioners
   c) Company regional staff
   d) Suppliers
   e) Universities trying to establish ethical procurement programs

3) How do you use the training guideline document?

4) Conceptual Framework of USDA Guidelines and provision of complete USDA Guideline as Annex

II. Implementing Responsible Sourcing and Production in Agricultural Supply Chain

1) Setting standards
   a) Setting the standards – How to begin?
   b) Understanding
      i) Children’s rights**
      ii) Child work**
      iii) Child labor and children at work including international framework on children’s rights**
   c) Integration of child rights in business settings
   d) Forced Labor and Indicators for forced labor*
   e) Set indicators for forced labor

Sample - Supplier Contracts (Annex)*
Sample - Responsible Sourcing Policy (Annex)*
III. Supply Chain Mapping and Risk Assessment

1) Supply Chain risk assessment (Supply chain mapping, stakeholder mapping, task and risk mapping)
2) Risk Prioritization (how to begin an internal monitoring process with various commodities in high risk countries)
3) Emerging trends in supply chain mapping (blockchain, etc.)
4) Worker Demographic Profiling
5) Mapping labor supply chains
6) Mapping and understanding child labor
7) Mapping and understanding labor recruitment process and forced labor

Sample – Risk Prioritization Tool (Annex)
Sample – Supply Chain Mapping Tool (Annex)
Sample – Risk Assessment Tool (Annex)
Sample – Household Survey for Worker Demographic Profiling

IV. Communication

1) Promoting labor rights in supply chains
2) Stakeholder engagement
3) Worker Feedback Mechanisms, Grievance Procedures and Redressal Mechanisms

Sample – Letter to Suppliers
Sample – Grievance and non-retaliation policy
Sample - Grievance Mechanism assessment tool based on the UNGP 8 criteria
Sample - Internal redressal mechanism

V. Monitoring

1) Features of an internal monitoring system
2) Child Labor (CL) Monitoring – phases; design, develop, referral pathways etc.
   a) Different methods – community-based CL monitoring
3) Monitoring the suppliers
4) Tools to monitor supply chain
5) Data management and reporting
6) Assessing the impact of business on child labor
7) Assessing the impact of business on forced labor

VI. Remediation

1) Remediation, correction action planning and sustainable and effective remediation
2) Process of developing a remediation plan
3) SOP development
   a) Steps to take when a child is found in the farms during the monitoring visits.
4) Engagement with labor contractor or labor recruitment agencies
5) Guide for labor contractors for ethical recruitment – migrant and local
6) Building suppliers’ capacity – why is it import and most important topics.
7) Access to non-judicial remedies
8) Engagement with local authorities

VII. Internal Review Systems
1) Internal progress indicators
2) SDGs and internal review systems
3) Self assessment tools

VIII. 3rd party monitoring and Verification
1) Benchmark company program against peers
2) Engage with MSI
3) Compare differences between 3rd party monitoring and certification
4) Communicate the company’s sustainable sourcing efforts

IX. Terminology / Glossary

Timeline
Submission of draft training modules and guidance document to FLA: 15 May 2018
Final version to be submitted no later than June 15, 2018

Budget
One-time payment of US$ 20,000, payable upon satisfactory completion of the assignment.

Application
Proposals will be accepted through close of business March 23, 2018 (i.e., 17:00 local time in Turkey). The proposals should be sent via email to Hande Özhabes, at hozhabes@fairlabor.org. Please include Training Module Development in the subject line. The proposals will be reviewed by the FLA and feedback will be provided to bidders by March 27, 2017 at the latest.

The proposal should include the following components:

   (i) anticipated timeline
   (ii) number of days for the assignment
   (iii) expected deliverables
   (iv) (CV)s
   (v) examples of recent relevant works undertaken by the bidder

Sub-Contractors are subject to rules and regulations and audit, as applicable, as per USDOL
Management and Procedures Guidelines.

We encourage two experts/organizations to collaborate for proposal submission and delivery of the materials.

Annex I - About the Project - Partnership to Eliminate Child Labor and Forced Labor in Imported Agricultural Products: Piloting the USDA Guidelines in the Hazelnuts Supply Chain in Turkey

The Fair Labor Association is undertaking a project entitled Partnership to Eliminate Child Labor and Forced Labor in Imported Agricultural Products: Piloting the USDA Guidelines in the Hazelnuts Supply Chain in Turkey. In November 2015, the US Department of Labor, Bureau of International Labor Affairs (USDOL-ILAB) awarded the FLA a cooperative agreement to pilot a comprehensive, sustainable program on the U.S. Department of Agriculture’s (USDA’s) Guidelines for Eliminating Child and Forced Labor (if applicable) in Agricultural Supply Chains, which will conclude in June 2018.

The Guidelines, issued by the USDA in 2011, recommend a set of practices for independent third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities, so as to reduce the likelihood that such products or commodities imported into the United States are produced by child labor and/or forced labor. The USDA Guidelines, whose application is voluntary, “are intended to be used by companies that want to provide reliable assurances that their products are not made with the use of child labor or forced labor.” They also correspond very closely to the methodology developed and applied by the FLA during the last decade to perform labor rights due diligence on its affiliated companies’ agricultural supply chains. The Guidelines also correspond closely to the UN Guiding Principles on Business and Human Rights. Prior to this FLA project, no company had officially announced implementation of the USDA Guidelines in their supply chains.

For this project, the FLA has partnered with the multinational food company Nestlé and its two main hazelnut suppliers in Turkey, Balsu and Olam-Prokıda, to apply the guidelines to their hazelnut supply chain in that country. All three companies are FLA affiliates and have closely collaborated to implement monitoring and remediation activities in their hazelnut supplier farms since 2012.

The overall objective of the project is “to pilot [in partnership with businesses/brands] a comprehensive, sustainable program that implements all elements of the USDA Guidelines”. Under the overall objective, the project has three intermediate outcomes (IOs). These are:

1. Program development to reduce child labor and forced labor in the hazelnut supply chain in Turkey (IO 1).
2. Research, evaluation, and data collection on child labor and forced labor to inform pilot program interventions (IO 2).
3. Lessons learned from pilot program to support future implementation of the USDA Guidelines (IO 3).

The development of a program to reduce child labor and forced labor (IO 1) constitutes the backbone of the project implementation and is structured around the seven elements of the USDA Guidelines; namely, guidelines on

- standards (based on the ILO Conventions and other international normative frameworks),
- supply chain mapping and risk assessment,
- communication,
- monitoring,
- remediation,
- internal review and
- independent third party review.

The program development (IO 1) is supported by research, evaluation, and collection of data on child labor and forced labor (IO 2), to ensure that the planning and implementation of interventions are both needs-based and evidence-based and that results are systematically evaluated. Simultaneously, the program development processes are continuously monitored to capture lessons learned. This learning component is intended to support the potential multiplication of similar future efforts in the agricultural sector, following the completion of the project (IO 3).

The aim of the project is to develop a comprehensive program that can be sustained beyond the duration of the funding from the USDOL-ILAB and can be replicated by other companies and organizations working to eliminate child labor and promote decent working conditions throughout the world.