

GLOBALG.A.P. Risk-Assessment on Social Practice (GRASP)

GRASP Module – Interpretation for Germany

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Valid from: 1 February 2021

Mandatory from: 1 February 2021

English Version

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Control Point	Compliance Criteria	Interpretation for Germany
EMPLOYEES' REPRESENTATIVE(S)		
<p>1 Is there at least one employee or an employees' council to represent the interests of the staff to the management through regular meetings where labor issues are addressed?</p>	<p>Documentation is available which demonstrates that a clearly identified, named employees' representative(s) or an employees' council representing the interests of the employees to the management is elected or in exceptional cases nominated by all employees and recognised by the management. This person shall be able to communicate complaints to the management. The election or nomination takes place in the ongoing year or production period and is communicated to all employees. The employees' representative(s) shall be aware of his/her/their role and rights and be able to discuss complaints and suggestions with the management. Meetings between employees' representative(s) and the management occur at accurate frequency. The dialogue taking place in such meetings is duly documented.</p>	<p>For GRASP compliance, in addition to the local law, the farm shall have a representative or a form of representation when the farm has more than 1 employee (employee concept is defined in section 9.2 of the GRASP General Rules). Any producer with minimum of one (1) employee shall have a form of employees' representation that can be applied to meet the GRASP requirements as indicated in the different control points with respect to the employees' representative (ER). The ER or in alternative scenarios, the person (people) responsible for the system of representation shall be present during the assessment.</p> <p>This form or representation could take any form (could be a person, group of people, several temporally appointed people, etc.) as long as:</p> <ul style="list-style-type: none"> • It is independent from management • It is decided by the employees • It is communicated to the employees • It is recognized by the employees <p>Their interests are exercised by an employees' representative or a trusted person. This person or the body also has the possibility to forward complaints to the management. Employees' representatives or trust persons must have sufficient time to carry out the tasks. They must not have any operational disadvantages by performing the task.</p> <p>If the employees do not wish to appoint a representative (trust person), this must be documented. In that documented decision, the employees must determine the way in which their interest are going to be exercised before the management, and this must be notified to all employees and the employer. The alternative must be clear, of easy and constant access to all employees and verifiable that fulfill with all the objectives and functions that GRASP assign to a representative.</p>

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COMPLAINT PROCEDURE		
2	<p>Is there a complaint and suggestion procedure available and implemented in the company through which employees can make a complaint or suggestion?</p>	<p>A complaint and suggestion procedure appropriate to the size of the company exists. The employees are regularly informed about its existence, complaints and suggestions can be made without being penalized and are discussed in meetings between the employees' representative(s) and the management. The procedure specifies a time frame to answer complaints and suggestions and take corrective actions. Complaints, suggestions and their follow-up from the last 24 months are documented.</p> <p>The company must have established an internal complaints procedure in order to resolve disagreements and problems between employees as well as between employees and management. The complaint must be made in writing. It should be noted that complaints can be submitted in writing (or anonymously) or verbally and are treated within a fixed period.</p> <p>The complaints must be archived for the duration of 24 months with the developed problem solutions. All employees have direct access to the appeal procedure (§ 77 sec. 4 BetrVG).</p>
SELF-DECLARATION ON GOOD SOCIAL PRACTICES		
3	<p>Has a self-declaration on good social practice regarding human rights been signed by the management and the employees' representative(s) and has this been communicated to the employees?</p>	<p>The management and the employees' representative(s) have signed, displayed and put in practice a self-declaration assuring good social practice and human rights of all employees. This declaration contains at least commitment to the ILO core labor conventions (ILO Conventions 111 on discrimination, 138 and 182 on minimum age and child labor, 29 and 105 on forced labor, 87 on freedom of association, 98 on the right to organize and collective bargaining, 100 on equal remuneration and 99 on minimum wage) and transparent and non-discriminative hiring procedures and the complaint procedure. The self-declaration states that the employees' representative(s) can file complaints without personal sanctions. The employees have been informed about the self-declaration and it is revised at least every 3 years or whenever necessary.</p> <p>Subcontracted labor shall be included in the scope of GRASP and its obligations.</p> <p>The company must comply with the following social standards based on the core labor standards of the International Labor Organization (ILO):</p> <ul style="list-style-type: none"> • Freedom of association and protection of association law (Convention 87) • Right of association and right to collective bargaining (Convention 98) • Abolition of forced labor (Conventions 29 and 105) • Equality of remuneration (Convention 100) • Discrimination in employment and occupation (Convention 111) • Minimum age for admission to employment (138) • Prohibition and emergency measures to eliminate the worst forms of child labor (Convention 182) <p>If an employee representative or a trustee is present in the company, he confirms that he has taken note of the company's declaration. All employees have direct access to the declaration (e.g. by posting or issuing the declaration to each employee at the beginning of employment).</p>

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ACCESS TO NATIONAL LABOR REGULATIONS		
4	<p>Do the person responsible for the implementation of GRASP (RGSP) and the employees' representative(s) have knowledge of or access to recent national labor regulations?</p>	<p>The person responsible for the implementation of GRASP (RGSP) and the employees' representative(s) have knowledge of access to national regulations such as gross and minimum wages, working hours, trade union membership, anti-discrimination, child labor, labor contracts, holiday and maternity leave. Both the RGSP and the employees' representative(s) know the essential points of working conditions in agriculture as formulated in the applicable GRASP National Interpretation Guidelines.</p> <p>In case the workers do not elect an employees' representative, an alternative system shall be in place to provide for the role of the employees' representative in this CP.</p> <p>All employees, in particular those responsible for health and safety at the workplace and, if available, the employees' representatives, must have direct access to the essential work regulations and other relevant documents. These include:</p> <ul style="list-style-type: none"> • Labor and employment protection laws, in particular on working hours, leave entitlement, protection of minors, anti-discrimination rules, medical care • all other work permits • Rules governing the election of a works council (Betriebsgericht) • Collective bargaining agreements, insofar as there is a collective bargaining agreement (§ 8 Paragraph Tariff Agreement Act, TVG) • Patterns of company-related employment contracts • Core Labor Standards of the International Labor Organization (ILO) • A written record of the internal complaint procedure <p>The work regulations and relevant documents must be made accessible to the employees via links (Internet), print- outs, text and standard collections or in another suitable way.</p>
WORKING CONTRACTS		
5	<p>Can valid copies of working contracts be shown for the employees? Are the working contracts compliant with applicable legislation and/or collective bargaining agreements and do they indicate at</p>	<p>For every employee, a contract can be shown to the assessor on request on a sample basis. Both the employees as well as the employer have signed them. Records contain at least full names, nationality, job description, date of birth, the regular working time, wage and the period of employment (e.g. permanent, period or day laborer etc.) and for non-national employees their legal status and working permit. The contract does</p> <p>All employees shall be informed in writing and with comprehensible data about their employment conditions and its compliance with national legal requirements.</p> <p>The agreement is laid down in a contract of employment or in any other form, signed on both sides and paid to the employees. The written terms of the contract must comply with the minimum requirements, which are described in German law in § 2 Proof of Evidence (NachwG).</p>

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<p>least full names, a job description, date of birth, date of entry, wage and the period of employment? Have they been signed by both the employee and the employer?</p>	<p>not show any contradiction to the self-declaration on good social practices. Records of the employees must be accessible for the last 24 months.</p>	<p>Compliance may also be determined by means of appropriate restrictions on the part of third parties, such as external payroll offices, tax consultants and auditors, who document compliance with these requirements</p> <p>If a customs inspection has been carried out, the requirements for points 5, 6, 7, 10 and 11 can be considered fulfilled for 12 months. If a customs inspection has been carried out within the last year of the assessment, and not no compliance was recorded in the report, the requirements for points 5, 6, 7, 10 and 11 can be considered fulfilled for the next assessment for foreign workers.</p> <p>Assessor would need to verify that documents are available to workers at the work site and any time and sample EU and national workers documents.</p> <p>Assessor will review process for which every employee must be provided with a document containing information on the essential elements of his employment contract such as a description of the work, the place of work, initial basic pay, working times, leave entitlements. If collective agreements govern the employee's conditions of work, these also must be included.</p>
<p>PAYSLIPS</p>		
<p>6</p> <p>Is there documented evidence indicating regular payment of salaries corresponding to the contract clause?</p>	<p>The employer shows adequate documentation of the salary transfer (e.g. employee's signature on pay slip, bank transfer). Employees sign or receive copies of pay slips / pay register that make the payment transparent and comprehensible for them. Regular payment of all employees during the last 24 months is documented.</p>	<p>The agreed wage is paid out on a regular basis to the employees. "The employer documents with the submission of appropriate certificates that he / she meets the requirements for the regular payment of wages. Appropriate certifications include, for example, confirmations by employees or by independent third parties, such as pension insurance, external payroll offices, tax consultants and auditors, who document compliance with these requirements.</p>
<p>WAGES</p>		
<p>7</p> <p>Do pay slips / pay registers indicate the conformity of payment with at least legal regulations and/or collective bargaining agreements?</p>	<p>Wages and overtime payment documented on the pay slips / pay registers indicate compliance with legal regulations (minimum wages) and/or collective bargaining agreements as specified in the GRASP National Interpretation Guideline. If payment is calculated per unit, employees shall be</p>	<p>People employed on a temporary basis for a single season's work in agriculture, will receive the minimum wage. People employed in this way for less than 70 days annually will not be covered by social insurance, or qualify for pension or unemployment benefit insurance, even though they receive the minimum wage.</p> <p>The employer complies with the wage-contractual and statutory provisions on salary and minimum wages, provided that these</p>

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		able to gain at least the legal minimum wage (on average) within regular working hours.	provisions have been enacted and applied to the employment relationship. The employer documents that he fulfills this requirement. Certified certificates include, for example, confirmations by employees or independent third parties, such as pension insurance, external billing agencies, tax advisers and auditors, who demonstrate compliance with these requirements.
NON-EMPLOYMENT OF MINORS			
8	Do records indicate that no minors are employed at the company?	Records indicate compliance with national legislation regarding minimum age of employment. If not covered by national legislation, children below the age of 15 are not employed. If children -as core family members- are working at the company, they are not engaged in work that is dangerous to their health and safety, jeopardizes their development or prevents them from finishing their compulsory school education.	<p>Children or young workers of company management shall be included in the GRASP assessment.</p> <p>For GRASP compliance, no young worker (between 15 and 18) shall work in any activity that is dangerous to their health and safety, jeopardizes their development or prevents them from finishing their compulsory school education.</p> <p>Minors are only employed within the framework of admissibility by the Jugendarbeitsschutzgesetz (Youth Protection Act). School attendance and attendance at school cannot be impaired and they do not carry out any work that could endanger their health and safety.</p> <p>Suitable certificates are, for example, employee certifications or independent third parties, such as external payroll offices, tax consultants and auditors, who document compliance with these requirements.</p> <p>Statutes that govern the working time AND minimum age are the Working Time Act (ArbzG), the Maternity Protection Act (MuSchuG) and the Young Workers Protection Act (JarbschG).</p>
ACCESS TO COMPULSORY SCHOOL EDUCATION			
9	Do the children of employees living on the company's production/ handling sites have access to compulsory school education?	There is documented evidence that children of employees at compulsory schooling age (according to national legislation) living on the company's production/ handling sites have access to compulsory school education,	<p>It is a GRASP requirement, that when there are minors living in the farm premises, the administration shall:</p> <ol style="list-style-type: none"> 1) Keep a list with the location, name, age, parents' information of the minors

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		either through provided transport to a public school or through on-site schooling.	<p>2) Provide evidence that the families have been notified of the necessity that their children go to school.</p> <p>This control point only can be marked as non-applicable when there are no minors living on the premises.</p>
TIME RECORDING SYSTEM			
10	Is there a time recording system that shows working time and overtime on a daily basis for the employees?	There is a time recording system implemented appropriate to the size of the company that makes working hours and overtime transparent for both employees and employer on a daily basis. Working times of the employees during the last 24 months are documented. Records are regularly approved by the employees and accessible for the employees' representative(s).	<p>Records are regularly revised by the employees and accessible for the employees' representative(s)</p> <p>Farm management shall look for an alternative means of employees' representation to avoid non-compliance in those CPCCs. The alternative means shall keep the objectivity, be decided, appointed or elected by the workers and keep the separation from the management.</p> <p>If a daily time recording system is not implemented (e.g. fixed contracts, fixed working hours, fixed monthly salary), alternative way(s) of recording working hours shall be available. Evidence and explanation shall be provided.</p> <p>The working hours of employees must be recorded in writing or electronically. Each employee can view the documents on demand.</p>
WORKING HOURS AND BREAKS			
11	Do working hours and breaks documented in the time records comply with applicant legislation and/or collective bargaining agreements?	Documented working hours, breaks and rest days are in line with applicant legislation and/or collective bargaining agreements. If not regulated more strictly by legislation, records indicate that regular weekly working hours do not exceed a maximum of 48 hours, during peak season (harvest), weekly working time does not exceed a maximum of 60 hours. Rest breaks/days are also guaranteed during peak season.	<p>For GRASP compliance, even when permitted by the law, the total number of hours, including overtime and ordinary, SHALL NOT exceed 60 hours per week in any week of the year. This shall be checked by auditor.</p> <p>The employer has implemented a procedure which ensures compliance with contractual and collective agreements as well as statutory working hours and rest periods. The process is implemented during operation.</p>
ONLY APPLICABLE FOR PRODUCER GROUPS			
INTEGRATION INTO QMS			
QMS	Does the assessment of the Quality Management System (QMS) of the producer group show evidence of the correct implementation of	The assessment of the Quality Management System of the producer group demonstrates that GRASP is correctly implemented and internally assessed. Non-compliances are identified and that corrective actions are	

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	GRASP for all participating producer group members?	taken to enable compliance of all participating producer group members.	
ADDITIONAL SOCIAL BENEFITS			
R 1	<p>What other forms of social benefit does the company offer to employees, their families and/or the community? Please specify incentives for good and safe working performance, bonus payment, support of professional development, social benefits, child care, improvement of social surroundings etc.).</p>		<p>Beispiele für solche zusätzlichen sozialen Vergünstigungen können sein:</p> <ul style="list-style-type: none"> • Materielle (z.B. Bonusprämien) und immaterielle (z.B. Belohnungsstrategien), siehe auch entsprechende Entgelttarifverträge • Arbeitszeit-Anpassungen oder Kooperation mit Kindergärten im ländlichen Raum • Frauenfördernde Einstellungspolitik, die im Zusammenhang mit einer Politik der Förderung von Frauen am Arbeitsplatz steht (Weiterbildung, Führungsstellen, usw...). • Aus- und Weiterbildungsmaßnahmen des Betriebes • Präventionskampagnen über das gesetzliche Maß hinaus, regelmäßige Fortbildungen zum Thema Arbeits- und Gesundheitsschutz, usw. • Besondere Programme für ältere Arbeitnehmer (z.B. Maßnahmen zur Rückenschulung) • Zahlt der Betrieb in die tariflichen Zusatzkassen (ZLA/ZLF) ein? (freiwillige Leistung für Landwirtschaftliche Betriebe in den Neuen Bundesländern mit Ausnahme Thüringens) • Weitere Vorsorgemaßnahmen, z.B. Pensionskassen • Zusammenarbeit mit der Kommune und Förderung der Regionalentwicklung