

## **4.0. Rights and Responsibilities of Certifiers and Worker Organizations**

### **4.1. Worker Organization Requirements**

#### **4.1.1. Training and Personnel Requirements**

##### *a. Competency Criteria for Inspection Personnel*

Worker organizations are responsible for ensuring the competence of personnel carrying out AJP inspections. It is expected that worker organizations will keep staff who are carrying out AJP inspections up to date on:

- i. Relevant labor laws
  - ii. Occupational Health and Safety Administration standards
  - iii. Hazards associated with the particular farming methods or production processes
  - iv. Socio-cultural and gender issues common in different agricultural/food industry working environments
  - v. An understanding of common sensitive labor issues and red-flags
- i. Relevant up-to-date AJP policies and procedures (including all newly published revisions-see notice of effective date requirements) and
  - ii. Relevant up-to-date AJP standards (see notice of effective date requirements).

##### *b. Annual Evaluations of Inspection Personnel*

Worker organizations are expected to carry out evaluations annually of the staff participating in AJP inspections to review their performance and identify areas for improvement, and issues requiring additional education.

##### *c. Required Training for Participating in AJP Certification*

Worker organizations who wish to have staff members participate as worker representatives during AJP inspections must have at a minimum one staff member trained at an official AJP certification training. If only one staff member is trained, only that staff member is allowed to participate in inspections (another staff member cannot take their place). Worker organizations may offer internal trainings, for their own staff only, to increase capacity to carry out AJP inspections if:

- i. At least two staff members have attended an official AJP certification training
- ii. Worker organizations are required to document all internal trainings with sign-in sheets and copies of materials used. It is recommended that certifiers use the same materials and format for training used in the official AJP training.
- iii. Worker organization staff trained internally must pass the same exam given to staff trained at an official AJP training. Organizations must keep a copy of the passing exam on file.

- iv. Worker organization staff trained internally must undergo an apprenticeship period accompanying at least 3 inspections carried out according to the AJP certification system before carrying out an AJP inspection on their own.
- v. The two staff conducting the AJP training internally for the worker organization must complete an AJP training agreement form, and this form must be approved by AJP before the certifier conducts the internal training.

Worker organizations seeking an exemption from any of the above must contact AJP before conducting any training.

*d. Required Staff Confidentiality Agreements*

Worker organization staff must all sign the AJP confidentiality agreement, and worker organization must keep these signed agreements on file.

*e. Memo of Understanding*

Worker organizations must sign a memorandum of understanding (MOU) with AJP in order to become an approved AJP worker organization to conduct inspections.

**4.2. Certifier Requirements**

**4.2.1. General Personnel Requirements**

- a. The certifier is responsible for employing enough personnel competent to perform certification functions and operate the AJP certification program.
- b. The certifier is responsible for ensuring that personnel have knowledge about the location and type of farm or business for which the certification is being issued.
- c. The certifier is responsible for maintaining up-to-date records on personnel and their specific qualifications and trainings.

**4.2.2. Inspector Qualifications and Training Requirements**

*a. Minimum Competency Criteria*

Certifiers must set minimum criteria for determining competence of personnel/independent inspectors carrying out AJP certification. Certifiers must ensure that personnel/independent inspectors are informed of, and kept up to date on:

- iii. Relevant labor, housing and other laws
- iv. Occupational Health and Safety Administration standards
- v. Hazards associated with the particular farm or businesses applying for certification (such as knowledge of toxicity or work hazards)
- vi. Socio-cultural and gender issues common in particular working environments
- vii. Knowledge of government forms, receipts showing payment of taxes and benefits contributions

- viii. An understanding of common sensitive labor issues and farmer rights issues, and red-flags.
- ix. Common abuses found in predatory contracts for farmers
- x. Basic understanding of how farm businesses operate and familiarity with the struggles of family farms to cover production costs.
- xi. Up-to-date AJP policies and procedures (including all newly published revisions-see notice of effective date requirements) and
- xii. Up-to-date AJP standards (see notice of effective date requirements).

Additional suggestions for staff competence areas and resources for certifiers to train staff in these areas are available upon request. The certifier must make every effort to continually increase staff awareness of these issues by attending external or holding internal trainings for staff.

*b. Annual Evaluations of Certification Personnel*

Certifiers must carry out evaluations of staff participating in certification to review their competence in light of their performance, and identify any additional training needs.

*c. Required Training to Implement Certification Program*

Certifiers who wish to offer certification to the standards of the Agricultural Justice Project must have a minimum of 2 staff, who are trained inspectors and/or certification staff, initially trained through an official AJP certification and inspection training course before beginning implementation of AJP certification and who have passed the AJP final exam.

*d. Requirements for Conducting Internal Training for Additional Staff*

Certifiers may offer an internal training, for their own staff only, to increase capacity to carry out AJP certification if:

- i. At least two staff have attended an official AJP certification training and passed the exam
- ii. At least one senior or management staff has attended an official AJP certification training and passed the exam
- iii. All internal trainings are documented with sign-in sheets and copies of materials used. It is recommended that certifiers use the same materials and format for training used in the official AJP training.
- iv. In addition, internally trained staff must pass the same exam given to staff trained at an official AJP training to conduct reviews or inspections. Certifiers must keep a copy of the passing exam on file.
- v. Certification staff trained internally must undergo an on-site apprenticeship period accompanying at least 3 inspections carried out according to the AJP certification system before carrying out an AJP inspection on their own.
- vi. The two staff conducting the AJP training internally for the certifier must complete an AJP training agreement form, and this form must be approved by AJP before the certifier conducts the internal training.

- vii. Any internal trainings that cover inspection, and are not limited to application review or final review, must involve the participation of a worker organization representative
- viii. Certifier trainers conducting internal trainings must use the current versions of official AJP documents, such as the policy manual and standards. Certifier trainers conducting internal trainings are encouraged to use AJP training materials as well but are not required to do so.

It is required that all certification staff members who will conduct initial and final reviews, on-site inspections, or participate in any committees involved in certification complete either the AJP inspector training or a training by their certifier in this manner.

*e. Memo of Understanding*

Certifiers must sign a memorandum of understanding (MOU) with AJP in order to become an approved AJP certifier.

*f. Required Retraining or Update Training*

Certifiers actively participating in Food Justice Certification programs must send at least 2 staff to an official AJP training every 5 years. (Example: If 2 certifier staff are trained in year 1, two staff members – the same 2 staff members or different – must be retrained at an official AJP training in year 5.) Retraining is required 5 years past the date of the most recent official training certificate.

In the event of significant changes or non-conformity findings during accreditation process, AJP reserves the right to require certification staff to be retrained at an official AJP training before allowing the certifier to continue to offer Food Justice Certification.

*g. Continual Education and Update Trainings*

Certifiers are required to ensure staff trained internally or at an official training for AJP certification are up to date on AJP standards changes or changes in AJP policies for verification. In some cases AJP reserves the right to require staff conducting inspections and reviews to be retrained if significant standards or policy changes have occurred. In most instances an internally conducted training will be sufficient. AJP will specify update training requirements in change to standards notifications.

**4.3. Relationship between Certifiers and Worker Organizations**

**4.3.1. Qualified Worker Representative Member of Inspection Team**

*a.* For farms or businesses with labor that seek AJP certification, certifiers must include a worker organization representative on the inspection team (unless unavailable, in which case policy 4.3.2 should be followed). This worker organization representative must be associated with a qualified worker advocate group recognized by the Agricultural Justice Project (see Annex or our website for the most current list: [www.agriculturaljusticeproject.org](http://www.agriculturaljusticeproject.org)).

The certifier is responsible for ensuring that all worker representatives who participate as a member of the inspection team have completed the AJP inspector training or an approved internal training process, as outlined for worker organizations in 4.1.1.c. In certain limited situations exemptions may apply, contact AJP for more information.

*b.* The certifier must ensure that any worker representative inspector with whom they contract can communicate in a language that the workers on the farm can understand well.

*c.* The certifier must ensure that any worker representative inspector with whom they contract can communicate in a language that the lead inspector, or another certifier member of the inspection team with whom they work closely, can understand and communicate in as well. Certifier is expected to ensure that their inspection staff can communicate with worker organization staff, translation may be an option if necessary.

*d.* Certifiers are responsible for requiring worker organization representatives who will participate in AJP inspections to sign a conflict of interest and confidentiality form prior to sharing client information. This form must be kept on file.

*e.* Certifiers and worker organizations must include in their agreement a conflict resolution procedure. However, if this dialogue fails to resolve a conflict, both the certifier and worker organization must agree to engage in the AJP conflict resolution process (see Section 2.5).

#### 4.3.2. Exemption to Required Use of AJP Approved Worker Organization Representative on the Inspection Team

There may be cases in which an AJP Approved Worker Organization Representative is not available for an inspection. Acceptable examples of such lack of availability include:

- If the workers in an operation speak a language that is not spoken by any of the trained worker organization representatives in the region.
- If the worker organization does not agree to participate in the audit.

AJP envisions that there will be instances in which an accredited certifier and an approved worker organization will develop a rapport and positive working relationship, to the extent that under certain circumstances it may be mutually decided that a certifier inspector can conduct the interviews with workers in the place of the worker representative. This is only acceptable if the inspector is fully trained and competent in this area, able to speak fluently the language of the workers, and can conduct the audit in a thorough manner and reasonable length of time. In every case the worker organization must agree to this and should remain in communication with the certifier about the applicant in question both pre and post-audit. This arrangement is not permitted for a first-time applicant or one who has multiple non-compliances related to labor. One scenario under which this might arise is a repeat applicant with a good record of compliance who is at an unreasonable distance from the worker organization in question but more easily accessible at a more affordable cost to the certifier inspectors. This should be clearly noted by the certifier so that it can be reviewed during the following AJP accreditation audit

4.3.2.1. *Steps Certifiers Must Use When Seeking an Exemption to this Requirement*

- A. Certifiers must first attempt to contract with a worker organization representative and document this attempt. Or, the Certifier must document the worker organizations agreement that the certifiers' inspectors will be able to provide sufficient expertise for conducting the inspection without worker representatives present.
- B. Certifiers must contact AJP to help locate an AJP approved worker representative that could participate in the audit. AJP will work in a timely manner to identify a worker representative and will put them in touch with the certifier. The certifier maintains the authority to negotiate the contract with the worker representative and to make the final decision to sub-contract with them based on the established criteria the certifier has for qualification of a worker representative.
- C. Certifier may submit a request to AJP for use of an individual who is not an employee or associated with an AJP approved worker organization. This request must include the following information:
  - i. Name and location of the individual
  - ii. Verification that the individual has gone through AJP's inspection training or equivalent.
  - iii. Additional qualification of the individual that make the case for approving him or her as a worker representative during the audit (e.g., this is may include but is not limited to language capacity and previous work experience).

AJP will consider the request for exemption and approve or deny it within 10 working days.

**4.4. Relationship between Certifiers and Farmer Organizations**

In cases where farmers are negotiating sales or contracts with powerful commercial entities, such as large corporate distributors or retailers, the farmers may need help and advice. We do not formally involve farmer representatives in our certification program as of now, but if a farmer requests the representation of a farmer organization during the certification process AJP will work with the certifier to ensure that this happens. If a client brings this type of question to a certifier, the certifier should contact the AJP Management Committee.

## **4.5. Oversight for Certifiers**

AJP intends to build a network of trained certifiers to support the growth of Food Justice Certification. Our hope is that organic certifiers can become trained to offer Food Justice Certification, enabling a cost reduction for certified clients in combining the two inspections. However, certifiers do not have to offer organic certification to become approved or accredited to offer Food Justice Certification. Certifiers that are able to meet the criteria in this section and go through the approval and accreditation process will be able to offer Food Justice Certification.

### **4.5.1 Approval Phase for Certifiers**

In AJP's initial years of development and capacity building, currently in effect, certifiers will begin offering Food Justice Certification by becoming approved by AJP. Approval status enables certifiers to carry out official Food Justice Certification inspections, and license the use of the Food Justice Certified seal through contracts with clients. Certifiers can become approved through the following process:

#### ***4.5.1.1 Requirements for Approval***

Certifiers must meet the following requirements to become approved:

- i. Certifier must agree to follow all procedures and policies detailed in AJP Policy Manual
- ii. Certifier must ensure clients are compliant with all AJP standards
- iii. Certifier agrees to ensure that clients have not violated human or labor rights (e.g., by including such a clause in contracts with clients, by following up and investigating complaints or information that indicate labor or human rights violations may have occurred under clients' responsibilities).
- iv. Certifier agrees to collect and transfer licensing fees from approved clients to AJP as outlined in the AJP Policy Manual.
- v. Certifier agrees to pay all fees related to AJP approval as outlined in the Policy Manual including certifier's approval fees, outlined in section 4.5.1.3.
- vi. Certifier agrees to provide updates to AJP as requested on said clients and client status, staffing and record keeping.
- vii. Certifier agrees to maintain adequate staff that has been trained according to the AJP Policy Manual section 4.2 to carry out this certification.
- viii. Certifier agrees to contract with AJP approved worker organizations to conduct certification process according to the AJP Policy Manual for operations with labor or interns.
- ix. Certifier agrees to report major problems, requests for variances, complaints and other violations according to AJP Policy Manual.
- x. Certifier agrees that this Agreement shall be renewed annually with AJP.
- xi. Certifier refrains from making false or misleading statements regarding accreditation status, the AJP Food Justice Certification program or the nature or qualities of products or entities labeled as Food Justice Certified or certified to the standards of the Agricultural Justice Project.

- xii. Records created by the certifying agent regarding applicants for certification and certified operations will be maintained for not less than 10 years beyond their creation.
- xiii. Certifier will monitor and approve certification mark use by clients and will ensure use is compliant with AJP policies.
- xiv. Certifier will comply with, implement, and carry out any other terms and conditions determined by AJP to be necessary, given adequate notice from AJP.

#### 4.5.1.2 *Steps to Approval for Certifiers*

- i. **Step One: Minimum Trained Staff** - Certifiers interested in becoming approved must first meet training requirements in Section 4.2.
- ii. **Step Two: Approval Application** – Certifiers must apply for approval by submitting a request for approval along with the following to AJP. This may be in the form of email, fax, or mailed in hard-copy.
  - a. List of trained staff
  - b. Confirmation of ISO-65 approval or equivalent, see Section 4.5.3.1 for alternatives
  - c. Documentation of total gross income for previous year, documentation of total gross income projected for current year
- iii. **Step Three: Negotiation of Memorandum of Understanding** – AJP will contact certifier to discuss details of approval. A Memorandum of Understanding will be developed and signed by both parties. Certifiers must keep a copy of the signed MOU on file.
- iv. **Step Four: Approval Fees** – Certifiers must pay approval fees of the amount determined in MOU. This fee is based on chart in Section 4.5.1.3. Certifiers must pay approval fees by due date set in MOU agreement.
- v. **Step Five: Transfer of Seal** – Upon receipt of signed MOU and approval fees, AJP will send the certifier digital copies of the AJP certification marks according to the file type preference of the certifier.
- vi. **Step Six: Annual Renewal** – For the duration of the Approval phase, the certifier and AJP will renew the MOU on an annual basis, and approval fees will be charged annually.

**Office Visits and Witness Inspections during Approval:** AJP will not require annual on-site office visits or witness inspections during the approval phase. However AJP retains the right to require an office visit or witness inspection if a complaint or other information triggers this event. In this case AJP will communicate with the certifier the requirements for the office visit or witness inspection, which will be tailored to the specific event. The certifier is responsible for AJP expenses during a triggered office visit or witness inspection.

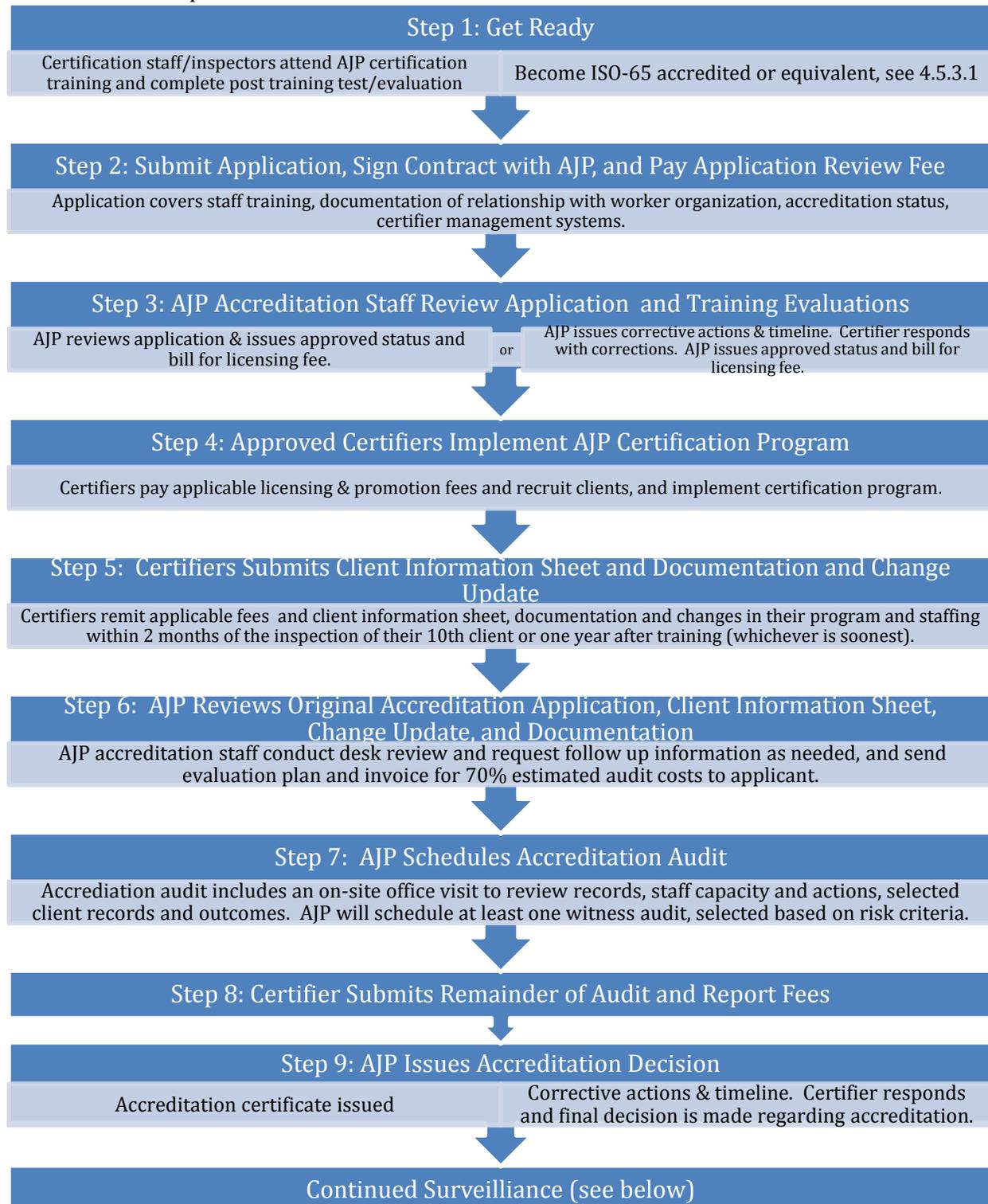
4.5.1.3 Approval Fees for Certifier

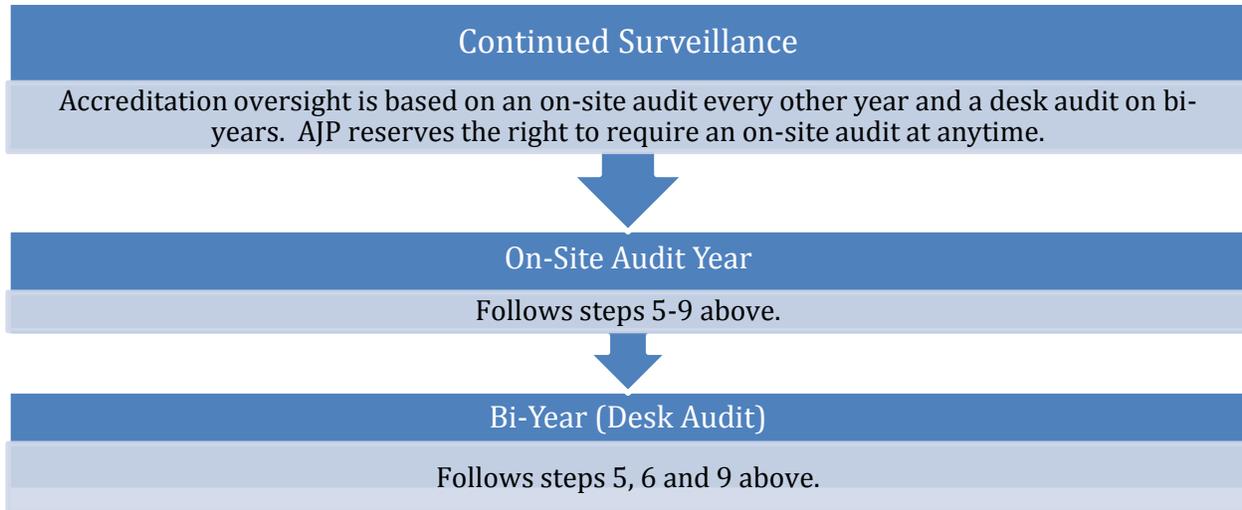
What the Fee Is	How Much	When Payment is Due
<b>Approval Fees</b>		
Licensing fee based on GROSS INCOME:	<i>Income reports will be filed annually with applications or reports. Failure to file income reports results in a fee (see below) and ineligibility for review of the application.</i>	
\$0 - \$499,999	\$400	Due upon initial approval (before accepting 1 <sup>st</sup> client), then every subsequent year to be billed with fee for review of annual report.
\$500,000 - \$999,999	\$500	
\$1,000,000 - \$1,999,999	\$600	
\$2,000,000 - \$2,999,999	\$700	
\$3,000,000 - \$3,999,999	\$800	
\$4,000,000 - \$4,999,999	\$900	
\$5,000,000 - \$9,999,999	\$1000	
\$10,000,000 and above	\$1,200	
Disclosure	\$200	Due with licensing fee
Annual Report Review	\$300	Due upon filing of the report
<b>PENALTY FEES</b>		
Late submission or rejection of annual report	Up to \$500	Within one month of notification
Failure to fulfill contractual obligations including resolving noncompliance with timelines	Up to \$500 per incident	Within one month of notification
Failure to implement a previously resolved condition	Up to \$500 per incident	Within one month of notification

4.5.2 Accreditation for Certifiers

AJP has designed but not yet implemented our full-scale accreditation program. The contents of this section explain the additional requirements, documentation and fees associated with accreditation.

4.5.2.1 Steps to Accreditation





#### 4.5.2.2 Description of Accreditation Audit Steps

##### Application Process

1. The certifier requests an informational packet on AJP accreditation (or certifier may already be approved by AJP, and requests the formal accreditation application).
2. AJP Accreditation Committee will provide an application pack and appropriate information for the accreditation or assessment requested, including a notice of certifier rights and appeals.

The certification body completes an application form, collates necessary documentation and completes a document checklist. It is returned with application fee, (for fee schedule see 4.6). Certifiers must complete the application and return to:

Agricultural Justice Project – Accreditation Committee  
P.O. Box 510  
4 South Jersey Drive  
Glassboro NJ, 08028  
Fax: 856-881-2027  
Phone: 856-881-2025

To be complete, application must include:

- i. Confirmation of ISO 65 approval or equivalent, see 4.5.3.1
- ii. List of all office locations, indicate which offices operate AJP certification
- iii. List of all staff members, indicate which are involved in AJP certification
- iv. List of all independent inspectors involved in AJP certification
- v. List of all worker inspectors from worker organizations that the certifier has contracted with to conduct AJP certification
- vi. Signed declaration of agreement to follow the AJP standards and policy manual

- vii. Training certificates of officially trained staff (certifier must meet criteria in section 4.2)
  - viii. Documentation of last audited accounts and budget for current year
  - ix. Documentation of arrangements to cover liabilities (proof of insurance)
  - x. Signed contract between certifier and AJP
3. The documentation is checked by AJP Accreditation Committee to see if it is sufficiently comprehensive. The certifier is informed if any additional information is needed.
  4. AJP Accreditation Committee reviews the application and documentation and prepares an initial report.
  5. AJP Accreditation Committee informs applicant of the non-compliances found in the initial report. These are noted as nonconformities, deficiencies and more information requests. The certifier is invited to supply evidence of corrective actions to remedy all nonconformities within a timeline to be specified by AJP. A copy of the initial report will be supplied to the certifier. Also at this time the certifier will be provided a detailed timeline and plan for the rest of the evaluation process.

The AJP Accreditation Committee reviews the corrective actions taken by the certifier and if these are satisfactory the visit is organized. If they are not satisfactory the AJP Accreditation Committee may allow an additional period of compliance or may decide that a visit will serve little purpose and consider that the application has failed.

Office Visit (after accreditation program is implemented)

1. Certifier applicant submits update application form and client information documentation form. This is reviewed by AJP Accreditation Committee to ensure consistent compliance with previous application review.
2. The AJP Accreditation Committee sends an evaluation visit plan. The plan includes names(s) of evaluators and a proposed visit schedule. An estimate of the evaluation costs is made and an invoice for 70% of these is sent to the certifier. This must be paid prior to the visit.
3. The evaluator will arrange the visit with the applicant certifier. The visit will be made and a report compiled. The visit will consist of:
  - a. Interviews with certification staff, inspection staff, and with worker organization inspectors with which the certifier contracts

The evaluator will interview a percentage of certification and inspection staff (including independent inspectors) depending on the size and complexity of the program. At a minimum, staff that carry out AJP certification will be interviewed. These staff members should be present at the site visit. AJP will also conduct interviews with worker organization staff contracted as inspectors by the certifier.

b. Review of Records for Management System

The evaluator will request to review records on-site pertaining to AJP certification. The evaluator will request to see any appeals files, non-compliance files and follow-up procedures, and other forms of documentation.

c. Review policies

The evaluator will request to review the certifier's own policies on implementing the AJP program or any other policies regarding AJP certification and AJP clients.

d. Review selected client files

The evaluator will request to review AJP client files. The number of files reviewed will depend on the number of clients the certifier has. The evaluator will also request to see files that the Accreditation Committee has concerns about, that have filed appeals, or that have specific challenges in business structure.

4. Witness Inspection

The evaluator will observe the certifier's inspectors performing inspections to ensure that all AJP policies are followed and the standards are verified correctly. During the witness inspection the evaluator will primarily observe but ask clarifying questions.

Final Review

5. The AJP Accreditation Committee will review the evaluator's report and inform the certifier of any additional nonconformities or deficiencies. The certifier will be required to correct all nonconformities within the specified timeline for accreditation to be possible. A copy of the visit report will be sent to the certifier.
6. The remaining 30% of the visit fee is paid.
7. The AJP Accreditation Committee reviews the corrective actions and if these are satisfactory a contract will be offered. If unsatisfactory an additional period for corrective actions may be allowed or the certifier will be informed of the AJP Accreditation Committee's unwillingness to accredit and the reasons why.
8. The contract is signed and returned to AJP Accreditation Committee.
9. Licensing fees are sent to the Accreditation Committee along with the signed contract.
10. A Certificate of Accreditation will be issued to the accredited organization after full payment is processed. A copy of the signed contract is returned to the certifier.
11. At any point during the process, the certifier may appeal overall decision and may also challenge the justifications for individual nonconformities.

### 4.5.3. Accreditation Requirements

This section contains a summary of requirements to be carried out by certifiers that pertain to the certification process and preliminary qualifications.

#### *4.5.3.1. Prerequisite Accreditation for Certification Bodies*

Certifiers applying for approval to carry out AJP Certification must already have a valid accreditation to perform certification for at least one standard according to ISO/IEC Guide 65: 1996 “General requirements for bodies operating product certification systems.”

OR:

Certifiers must already have a valid, current accreditation from one of the following:

USDA, AMS  
Canadian Food Inspection Program  
International Organic Accreditation Service

#### *4.5.3.2. Legal Structure*

The structure of the certification body will be established and credible to instill confidence in its certification operations. Specifically the certifier will have:

- i. Documents attesting to its status as a legal entity
- ii. Documented rights and responsibilities relevant to its certification activities
- iii. Identified the management (body, group or person) that has overall responsibility for the functioning of the certification body, including its finances

#### *4.5.3.3. Certification Agreement*

The certifier will abide by the certification memo of understanding or contract that is signed when their accreditation certificate is awarded.

#### *4.5.3.4. Responsibility for Certification Decisions*

The certifier will have final responsibility for granting, maintaining, extending, suspending and withdrawing certification of their clients.

#### *4.5.3.5. Acceptance of Prior Certification*

Where products in the production chain have been certified by other AJP accredited certifiers, the certifier must accept certificates issued in accordance with the AJP standards and policy manual.

#### 4.5.3.6. *Publicly Accessible Information*

The certifier must make available upon request:

- i. The AJP Social Justice Standards
- ii. Information about procedures in certification to the AJP standards
- iii. Information about decision criteria used in evaluating farms and businesses to the AJP standards
- iv. Information about sanctions and requirements for resolving non-compliances to the AJP standards
- v. The certifier's fee structure for services, and the pass through licensing fee charged by AJP
- vi. A description of the rights and responsibilities of certified entities, including the certifier's own complaints process, and the certifier's agreement to utilize the AJP complaints and appeals process if necessary
- vii. A list of certified operations, and a list of operations that have applied for certification, including the name of the operation and their city and state

#### 4.5.3.7. *Confidentiality*

The certification body must make adequate arrangements to safeguard the confidentiality of the information obtained in the course of conducting certification to the AJP standards. The certifier must maintain up to date client files in a secure location. The certifier must maintain the right to exchange information with other certifiers regarding the AJP scope of a client's certification status, and with AJP in the case of required further investigation.

#### 4.5.3.8. *Appeals and Complaints*

The certifier must have in place a conflict resolution, complaints and appeals procedure. The certifier must also agree to follow the AJP procedure for any relevant external complaints, or for any irresolvable conflicts.

#### 4.5.3.9. *Particular Requirements to Address High-Risk Situations*

The certifier is expected to identify high-risk situations that may require additional investigation. The certifier is expected to follow up, conduct additional investigations, and adapt their certification procedures in order to protect the integrity of the AJP certification mark. Certifiers are expected to contact AJP when high-risk situations arise for additional guidance as needed.

#### 4.5.3.10. *Exceptions to Certification Requirements*

In very limited situations the certifier may grant an exception to the requirements for certification. Exceptions MUST be first approved by AJP Management Committee, and are intended to be of limited duration. Certifiers must not seek exceptions until the client has first tried to comply with the requirement in question.

4.5.3.11. *Annual Certification Evaluation and Inspection*

- a. It is expected that the certifier will have a clear policy for regularly re-evaluating clients in order to verify their continued compliance. Certifiers must re-evaluate AJP clients every year.
- b. It is expected that the certifier will have a clear policy on conducting inspections. The certifier may decide on an onsite inspection cycle that is less frequent than annual visits for clients with a low risk potential (no hired labor, for example). Such clients must clearly meet certifier's criteria for low risk.

4.5.3.12. *Subcontracting*

If a certifier decides to subcontract work related to certification (example: hiring independent regional inspector) the following criteria must be met:

- a. An agreement outlining the arrangement must be signed by independent contractor and the certifier, indicating that the certifier will take responsibility for the subcontracted work, and will keep final responsibility for the granting, maintaining, renewing, extending, suspending or withdrawing of certification. Delegation of certification decisions is not permitted.
- b. A confidentiality and conflict of interest form must be signed by the independent contractor and kept on file.
- c. The certifier must ensure and document that the independent contractor:
  - i. Has been trained at an official AJP inspectors training, or at a training given by an approved AJP certifier within the past 5 years
  - ii. Meets the certifier's competency criteria as explained in 4.2.2.a

4.5.3.13. *Stakeholder Involvement, Impartiality, Conflict of Interest*

- a. The certifier must be objective, and must not be financially dependent on single clients that apply to the AJP scope in any way that compromises the certifier's objectivity. The certifier must have a documented structure that:
  - i. Includes provisions to ensure the impartiality of the operations of the certifier
  - ii. Provides for the participation of all parties concerned in a way that balances interests and prevents commercial or other interests from unduly influencing decisions
- b. The certifier must identify, analyze and document the possibilities for conflicts of interest based on their existing relationships. The certifier must adapt the AJP conflict of interest form to include any necessary stipulations, rules or procedures necessary to ensure conflicts of interest are clearly noted and acted upon. Certifiers may add to the AJP conflict of interest form but may not remove existing language.
- c. The certifier must require personnel, committee and board members to declare existing or prior association with an operation subject to certification. Where such association threatens

impartiality, that person must be excluded from work, discussion and decisions at all stages of the certification process related to the client.

d. The certifier must not provide any other products or services which could compromise the confidentiality, objectivity or impartiality of the AJP certification process. In cases where the certifier also performs other activities in addition to AJP certification, the certifier must have in place clear measures to ensure that the AJP inspection remains objective and impartial.

4.5.3.14. *Use of AJP Template Documents*

Certifiers are expected to use the AJP supplied applications, forms and other documents as templates. These can be adapted to meet the certifier's needs or to fit into the certifier's existing system. Information may be added, formatting may be changed, but language and information on the forms may not be removed.

4.5.3.15. *Certification Policies*

Certifiers are expected to incorporate AJP accreditation requirements into their organizational structure and internal policies related to AJP certification.

4.5.3.16. *Inspection Protocol – Certification Process from Start to Finish*

Certifiers are required to follow these steps to certification:

1. Initial inquiry of entity, certifier supplies appropriate application packet
2. Application completed and submitted to AJP accredited certifier.
3. Public Consultation Announcement (certifier notifies AJP and AJP posts announcement and solicits comments, comments considered as they come in and factored into certifiers' decision making process) Minimum 30 day requirement, initial review and follow-up may occur simultaneously.
4. Contract with Client
5. Initial Review, Certifier establishes contract with worker organization representative who is fully trained as an AJP inspector if necessary according to Section 4.3
6. Initial review report provided to applicant and worker organization representative inspector (if involved) for follow up
7. Pre-inspection meeting held between certifier inspector and worker organization representative inspector (if involved)
8. Inspection arranged for time when employees are present
9. Inspection conducted by certifier inspector and worker organization representative inspector, according to the following requirements
10. Follow-up, interviews with absent employees, additional information gathered
11. Final Review and sharing findings with AJP approved worker organization
12. Certification granted, labeling use assessed and monitored, agreed upon in certification contract
13. Continual Improvement and Renewal ongoing

*Step 1: Initial Inquiry of Entity*

a. Initial inquiries that come to AJP will be referred to the list of AJP accredited certifiers for the purpose of applying for certification. Entities interested in finding out more information about the standards or the goals of the project and who may want to discuss technical assistance should be directed to AJP by certifiers.

Once a certification client requests an application, certifiers must ask what type of entity is applying (farm, business, etc) and will send the appropriate application packet, including (but not limited to the following). Certifiers may adapt format of these documents to be more user-friendly, or to meet their needs, however content must remain the same.

1. AJP Steps to Certification (certifier may adapt this formatting, but not the steps)
2. AJP-approved application form, specific to type of entity (including the contract)
3. AJP Standards (Certifiers should be sure to use the most up-to-date version)
4. Food Justice Certified brochure
5. Certifier's fee schedule that includes the AJP licensing and disclosure fee
6. Section 2.0 of the AJP Policy Manual

b. Certifiers should ask interested clients if they use a labor contractor before sending the packet. If the interested entity uses a labor contractor, the packet should include:

1. Labor contractor scenario explanation
2. Labor contractor standards checklist / agreement form
3. Labor contractor Food Justice Certified brochure

c. Certifiers are required to keep a record of all initial inquiries, and document that the proper application packet was sent.

*Step 2: Application Completed and Submitted to AJP Accredited Certifier*

a. Certifier will acknowledge receipt and have a documented timeline within which applications are processed that is communicated to applicants.

*Step 3: Public Consultation*

Upon submitting an application for AJP certification to their certifier, the certifier must send AJP (via email to [agjusticeproject@gmail.com](mailto:agjusticeproject@gmail.com), mail to: P.O. Box 510, Glassboro NJ, 08028, Fax: 856-881-2027. With questions call: 856-881-2025) the following information regarding the applicant:

- a. Name of entity
- b. Name of owner (individual and/or entity)
- c. Location of entity (city and state)
- d. Contact information of the certifier for public/stakeholder comments
- e. The name of the worker organization the certifier has also sent this information to (see below)

AJP will publish the list of AJP applicants (including their entity name, type of operation, and location and the certifier contact information) in a call for public and stakeholder comment or objection to social justice certification on the AJP website. At the same time, the certifier must send this same list of information to the AJP approved worker organization located closest to that region. The public will be asked to submit comments directly to the certifier for consideration in their certification review. Certifiers must keep these comments and demonstrate adequate consideration and response to such comments throughout their decision making process. The certifier must send the above information to AJP before a site visit takes place, but the Public Consultation process does not need to be completed to proceed with certification.

*Step 4: Contract with Client*

a. AJP applications will include an agreement/contract developed by the certifier based on, at a minimum, the agreement or memorandum of understanding between certifier and AJP. In addition to the standards, certifiers are responsible for ensuring that clients have not willfully violated human or labor rights.

*Step 5: Initial Review*

A certification staff member who has been trained according to Section 4.2 will conduct the initial review. The initial reviewer can be the auditor/inspector as well, but the inspector may not be the final reviewer.

Our application is set up so that certifiers will have all information they need to allow an applicant to move on to the inspection stage. Additional standards will be verified in the inspection that are not asked about in the application. Those that are referenced in the application will be further verified by interviews and the inspection as well. The application is referenced directly to standards. Certifiers are to use the standards to determine if responses to questions are adequate to pass to inspection, if more information is needed, or if a serious non-compliance is evident that would warrant a denial.

If a non-compliance or inadequate response is found that the certifier feels can be remedied through requesting additional information, the certifier may use the form for additional information request (see Annex).

If a response is sufficient to pass to inspection but warrants further investigation, or if the initial reviewer identifies special issues that need extra attention at inspection, the special instructions to the inspector form (see Annex) may be used. This form is sent to the certifier inspector, and the worker representative at the same time if applicable.

If a non-compliance is found on the application that the certifier feels will not be cleared through requesting additional information, and the certifier does not believe this application should proceed to inspection, the certifier should follow decision-making processes for issuing a denial or suspension according to ISO-65.

AJP accredited certifiers are required to contract with a worker representative associated with an AJP approved worker organization, or with the worker organization itself for the purposes of contracting with one of their staff members, that meets the training requirements in Section 4.1 to conduct the employee interviews of farms with hired labor and/or interns and food businesses applying for certification as a fair employer. See Section 4.3 for specific requirements for certifiers in working with worker organizations. The contract between certifier and worker organizations must include a clause that worker organizations and certifiers agree to use the AJP conflict resolution and appeals process to settle disagreements over the AJP certification system. At this point in the certification process certifier must ensure that the worker organization staff member with whom they are contracting the inspection interview work has adequate training, meets language requirements, and has signed the AJP confidentiality and conflict of interest form. These signed forms should be kept on file by certifiers. Certifiers should document their contract with the worker representatives.

*Step 6: More Information Requested of Applicants, Information Sent to Worker Representatives*

The certifier should send any more information requests to the applicant, with specified timeframes and a clear policy outlining consequences and expectations. When more information requests are complete, for any applicants with hired labor, the certifier must send a copy of the application, attachments, and report, and any special instructions forms completed by the reviewer to the worker organization that will be conducting the worker interviews during the inspection.

*Step 7: Inspection*

Certifiers must coordinate with applicant and worker representative to arrange the audit during a time when workers will be present on the farm or business.

Certifiers offering AJP certification must design an audit protocol based on the following that is appropriate to the size and complexity of the organization and must ensure that any independent auditors they use for AJP certification audits follow this protocol as well.

While the exact order of audit activities will be developed by the auditor during the audit planning stage, based upon coordination with other stakeholders, and can be further modified based upon events that occur during the audit, the activities which comprise the audit should not change. Some activities, such as the initial meeting cannot be conducted out of order. The main activities are detailed below.

For farms with workers or interns (no matter whether part-time or seasonal and even if there is only one worker), include a worker representative who has been trained through an official AJP auditor training, according to Section 4.1.. (Exemption to required presence of worker organization representative detailed in Section 4.3.2).

*i. Communication with Applicant Prior to Inspection*

The certifier is responsible for communicating their expectations for attendance and interviews to the applicant with adequate advanced notice. Certifiers must send applicants an agenda for the inspection that includes specifically:

- How many people does the certifier expect to be present at the initial meeting (see Initial Meeting below)
- How many people does the certifier expect to interview, and a rough estimate of how long this may take (see basic requirements in Interviews below)

*ii. Inspection Team Meeting*

The certifier auditor and the worker representative (if applicable) will meet prior to the start of the audit to outline a plan for the audit so they are on the same page, and discuss any issues that came up as needing particularly attentive exploration during the audit (based on their independent initial reviews), as well as any expectations already communicated to the applicant.

*iii. Initial Meeting*

- a. The initial meeting takes place at the beginning of the audit and must include the following elements. Leave adequate time for language interpretation if necessary.
- b. For a small operation without complex organization, gather all stakeholders (interns, all workers including children if working, farmers, owners, managers, bookkeepers), and/or their duly and democratically designated representatives, and the entire audit team. Certifiers must determine how many employees must be present during inspections and at the initial meeting based on the complexity and size of the operation, and certifiers must communicate these requirements to clients before the inspection takes place.
- c. Inspectors introduce themselves and provide a brief overview of the Agricultural Justice Project and allow a brief time for any questions and answers or clarifications.
- d. Outline the purpose of the inspection and the inspection agenda (what will be happening and when) including documentation review (policies, procedures, workplace records, correspondence, trainings and educational information used, internal audit records and follow up).
- e. Stress that this is private certification, that no government representatives are involved and that none of the information shared will be shared with the government or any outside entities.
- f. Discuss confidentiality issues
- g. Provide contact information for all present to contact auditors independently if they feel more comfortable that way.

*iv. Interviews*

AJP inspectors must make an effort to interview as many workers, interns, and managers as possible during the inspection. Inspectors may use the inspection questions developed by AJP and used in the certification and inspector training course during the inspection interviews. Whether or not inspectors use these lists of inspections questions all the issues/standards outlined on the AJP-approved inspection checklist must be verified during the inspection. Inspection questions can be found in the Annex.

The inspectors must interview the workers individually, out of earshot of other workers, supervisors, and the operation owner. The interview must be conducted in a language understood well by those being interviewed. While the information disclosed in the interview will be shared with the operation owner and certification staff in order to explain non-compliances, the inspector must communicate and ensure that every attempt will be made to maintain the confidentiality of the source of the information. AJP recognizes that this may not always be possible and AJP is available for consultation on how to disclose evidence of non-compliance, while maintaining confidentiality.

For an AJP inspection it is required that the inspectors interview all of the employees and interns who currently work for the operation if the total number of employees and interns is less than or equal to six. Six employees must be interviewed at operations with 7-60 employees. For operations with greater than 60 employees, a minimum of 10% of employees must be interviewed. Certifiers must design an interview plan for each client based on size and risk factors present (see list below.) The number of employees interviewed is expected to increase depending on risk factors. The auditors who conducted the audit should be the same auditors to conduct follow up interviews. The checklist will then need to be updated with new information.

The certifier will prepare a list of employees to interview based on information in the full application. Certifier must develop and implement a risk criteria for determining whom to interview that includes but is not limited to the following risk factors

1. Seniority
2. Age
3. Ethnicity
4. Nationality
5. Language spoken by employees
6. Past grievance filed (certifier must interview all employees who have filed a grievance in the past year)
7. Gender
8. Injuries
9. Position/Job
10. Pay rate
11. Parental status
12. Personal relationship (such as family) to applicant/owner or to supervisors
13. Absence/presence on the day of the audit (at least 1 worker or intern who was not

present the day of the audit must be interviewed)  
If follow up interviews are necessary, the auditors who conducted the original audits should conduct those follow up audits (whether over the phone or in person) as well.

*v. Auditing of Records*

The auditing of records should be scheduled when a person knowledgeable about the record keeping system is present. Ideally this would happen on the same day that the audit team is on-site talking to workers and the farmer. However, if the record-keeper cannot be present, a request for specific records should be given to the appropriate operation staff member or owner and these records can be verified after the on-site audit. The important thing is that the auditor selects the specific records to be examined (whether they are a specific employee's files, the financial documents for a specific exchange, or a specific contract). The records requested should always be different from those provided with the application.

*vi. Observations*

If the applicant provides housing to workers or interns the housing must be visited as part of the audit. The inspector should ask for permission of the owner and the residents to enter the housing, but must be granted free access to any building or location to verify compliance. The inspector should explain the importance of observing the housing in order to verify compliance. The general onsite observations should be unaccompanied and unguided for at least a portion of the time. Also any farm vehicles should be inspected, as well as other areas of the worksite relevant to health and safety.

*vii. Completing the Checklist*

The audit checklist must be completed immediately after the audit within a reasonable timeframe. Ideally this will occur on-site right after the interviews have been completed and before the closing meeting is conducted. It is expected that this process will involve discussion among members of the audit team, which must be done in private out of earshot of the owners, managers, and workers so that the discussion can flow naturally and confidentiality is preserved. While the aim is to have the checklist completed on-site, there may be additional follow-up to do after the auditor leaves the operation (gathering records if record-keeper was not available, conversations with local community groups and AJP certified business contacts, and interviews with employees or interns who were not present the day of the audit).

*viii. Supplemental Audit Information for Other Food Chain Applicants*

In some cases, the operation applying for certification may be part of a chain of other certified operations or operation applying for AJP certification. For example, a farmer may sell to an AJP certified buyer. If this is the case, and if both of these entities are certified by the same certifier, inspectors can go ahead and collect information on the relationship with the other applicant or certified operation during the inspection for their respective certification/verification. In other words, if a farmer certification audit is conducted and the certifier knows ahead of time that it

will be conducting an audit of a buyer the farmer sells produce to in the near future, the auditor may collect information regarding that relationship that will be used to assess compliance of the buyer (e.g., the farmer's copy of the purchase contract with that buyer and the interview questions asked of the farmer regarding his/her relationship with the buyer).

In addition, the inspector must also follow up with a percentage of AJP certified entities with whom the applicant has an established relationship to verify applicant's compliance with the standards. If a buyer applies for certification and they buy from various certified producers and businesses, the inspector should follow-up with phone interviews of a percentage of these AJP certified producers and business. Similarly if a producer sells to an AJP certified buyer, the inspector should follow-up with a phone interview of the certified buyer to confirm that the farmer has complied with standards.

As the AJP certified supply chains develop beyond the inspector's capacity to call each certified entity, certifiers are responsible for determining risk based factors to help inspectors select a percentage of certified entities to follow-up with.

*ix. Closing Meeting*

The lead auditor will conduct a summary closing meeting with the applicant. Different from an organic exit interview: to preserve confidentiality of the information provided to the auditors by employees and interns during the audit and to ensure that any potentially sensitive situations are dealt with in an appropriate manner *it is VERY IMPORTANT that auditors NOT reveal all the information gathered during the audit at this point. The closing meeting is not intended as a sharing of all findings but rather as an opportunity to answer questions about the process and next steps. If there are issues that were raised during the inspection that could be cleared up by discussing them with management without violating confidentiality with specific employees, the inspection team will raise these issues and makes notes on management responses to guide the final reviewer.*

The closing meeting should make it clear that more review needs to be done. The applicant signs two copies of the AJP closing meeting form that explains this. The auditor takes one with him/her and the applicant keeps one for his/her records.

*x. Send Completed Checklist to Certifier, Conduct Follow-Up Interviews*

After audit the follow up interviews (off-site) are conducted as needed and the checklist is complete. The lead auditor ensures the checklist is completed (jointly if applicable) and sends it to the certifier. The auditors, including the worker representative where applicable, may be called upon by the certifier to conduct additional interviews.

In addition inspectors must conduct interviews with a portion of other businesses selling to or buying from applicant.

*Typical Agenda of an AJP inspection:*

1. General meeting with all employees – 30 min
2. Interviews with management and employees (time depends on # of employees interviewed)
3. Conclusion meeting with operation manager – 15 min

*Attendance of Employees at an AJP inspection*

- 100% of the employees who are normally at work that day must be in attendance at the inspection (unless excused by their own request for illness, vacation etc.), with as many as possible/practical who are not otherwise working
- Certifiers must ask employers for a list of who is not present – both regularly scheduled to not be present, and who is absent but regularly scheduled to be present for that day
- Certifiers should ensure that workers in attendance must be considered on the clock.

*Absent Employees*

- AJP approved certifiers must follow up with a portion of regularly scheduled absent employees, based on size and complexity of the organization and identified risk factors as listed above. Absence should be considered a risk factor, all employees who are able to should be encouraged to attend.
- The certifier will bill for time in contacting absent employees

*Step 8: Final Review*

A final review of the application, records, and audit findings is conducted by a different certification staff member than the one who completed the inspection. The final reviewer will request follow up interviews to be conducted by the original auditors as necessary. A final list of minor and major non-compliances will be compiled by the final reviewer. BEFORE the final list of non-compliances is sent to the applicant, the certifier must share this final assessment with the worker representative who participated in the audit. Adequate time must be given to the worker representative to review the final findings and provide comment back to the certifier. A revised final copy of the letter to the applicant must be sent to the worker representative at the same time that it is sent to the applicant. If there is an unresolvable disagreement regarding the final assessment made by the certifier, the worker representative is instructed to follow the AJP appeals process (Section 2.5).

*4.5.3.15. Additional Guidance: Use of Labor Contractors*

The use of labor contractors is a highly sensitive issue and certifiers must consider any applicants using labor contractors high-risk. As certified supply chains develop, we expect that some labor contractors will become certified, making supply chains including contractors feasible. In this early development stage, certifiers should inform AJP if a client applies for a variance to use a labor contractor. Certifiers must follow the standard to the best of their ability and inform AJP of challenges encountered. The labor contractor standard will be updated according to feedback

from certifiers, stakeholders, and certified entities. AJP is considering the development of standards specific to labor contractors, and will pursue this goal once a partnership with a labor contractor with a fair employment philosophy and intent is developed.

*4.5.3.16. Communication between Certifiers and AJP*

Certifiers are required to notify all of their clients of any changes in program structure, fees, and standards and documentation requirements.

The certifier must comply with all updates issued by AJP regarding certification process requirements and accreditation requirements within the specified timeframe.

AJP accredited certifiers are required to notify AJP within 10 days in the following situations:

- a. When a complaint has been issued to the certifier by a worker on a certified farm or business.
- b. When a complaint has been issued to the certifier by a worker organization regarding either a certified operation, the certifier, or AJP.
- c. When a complaint has been issued to the certifier by any outside person or entity regarding any aspect of the AJP program.
- d. When a certified farm is considering the use of a labor contractor or has already done so in an emergency situation.

*4.5.2.17. Traceability Program*

Certifiers are required to implement a traceability program that is rigorous and documents the transactions of certified products between Food Justice Certified clients. This may be in the form of a transaction record, or other approach that the certifier deems sufficient. AJP will review the certifier's traceability program and paperwork during accreditation and make recommendations for improvements if necessary. Certifier's traceability program must provide sufficient guarantee of the following:

- Transaction records verifying quantity of certified product and price at each exchange
- All handling steps involved in the production of the product are known to the certifier and documented
- Complete separation of Food Justice Certified products from non Food Justice Certified products is verified. AJP accepts 5% co-mingling when processing equipment or a given situation does not allow for 100% separation without substantial losses.

**4.6. Accreditation Fees**

**TABLE 4.2: Accreditation Fees**

What the Fee Is	How Much	When Payment is Due
<b>SITE VISIT: ODD YEARS (Beginning with year 1)</b>		
Application (initial or renewal) Review	\$400	Due upon receipt of application, payment required to proceed with review
Site visit and witness audit (Initial visit required at 10 <sup>th</sup> client or 1 year past application date)	\$600 per day plus travel expenses. Number of days agreed upon prior to visit. Travel time billed at ½ hourly rate.	70% of estimated costs due prior to travel. Remainder (@30%) calculated based on actual costs due within 30 days of the audit.
Report on site visit	\$400	Will be added to and billed with site visit fees as described above.
<b>CONTRACT AND LICENSING FEES: Fixed fee to cover use of seal and market claim</b>		
GROSS INCOME:	<i>Income reports will be filed annually with applications or by year reports. Failure to file income reports results in a fee (see below) and ineligibility for review of the application.</i>	
\$0 - \$499,999	\$2,000	Due upon initial approval (before accepting 1 <sup>st</sup> client), then every subsequent year to be billed with either site visit report or by year report. Licensing fees collected from clients will be passed through to AJP along with certifiers' licensing fees.
\$500,000 - \$999,999	\$2,250	
\$1,000,000 - \$1,999,999	\$2,500	
\$2,000,000 - \$2,999,999	\$2,750	
\$3,000,000 - \$3,999,999	\$3,000	
\$4,000,000 - \$4,999,999	\$3,250	
\$5,000,000 - \$9,999,999	\$4,000	
\$10,000,000 and above	\$7,500	
<b>BY YEAR REPORT: EVEN YEARS (beginning with year 2).</b>		
<b>Site visits and witness audits do NOT take place during bye years.</b>		
By Year Report	\$600	Due upon filing of the report
<b>PENALTY FEES</b>		
Late submission or rejection of annual report	Up to \$500	Within one month of notification
Failure to fulfill contractual obligations including resolving noncompliance with timelines	Up to \$500 per incident	Within one month of notification
Failure to implement a previously resolved condition	Up to \$500 per incident	Within one month of notification

## **4.7. Worker Organizations**

### **4.7.1. Role as Inspectors**

The specific process of collaboration between the certifier and the worker organization in the audit process and inspection is explained in Section 4.0. The training requirements for worker organization staff are described in Section 4.1.

Worker organizations that have completed the inspection training and demonstrated competency in the program by passing the final exam will be officially recognized by AJP to participate in the audit and inspection process. The final step of approval will be for the organization to sign the memo of understanding with AJP. If the worker organization wishes to include additional staff in the program, these individuals must also participate in an AJP approved training. AJP's goal is to eventually train worker organizations in all aspects of the food system to match certified operations (i.e. organizations representing restaurant workers, retail workers, packing house, etc.), in addition to farmworkers. However, this will not always be possible. In such cases the worker organization will be permitted to serve as part of the inspection team and to interview workers in another sector of the food supply chain (for example, a farmworker representative interviewing retail workers) but they must demonstrate sufficient expertise in that area or receive training to develop that expertise, such as the differing labor laws that may apply to that sector.

Should a conflict or disagreement arise between a certifier and a worker organization, the organization is encouraged to fully attempt to resolve the conflict directly, and then should follow the AJP conflict resolution process outlined in Section 2.5.

During the accreditation audit of the certifier(s) that contract with the worker organization the accreditation team will make contact with the worker representative(s) both to receive feedback about the certifier(s) being accredited, but also to assess the quality of the work being performed by the worker organization. AJP reserves the right to periodically review a worker organization's status as needed in addition to the review done during the accreditation audit of the certifier(s), and to request or require additional training if the need is determined to exist.

Worker representatives participating in AJP are expected to conduct themselves in a professional manner. It is understood that they work as advocates for workers, but at the same they should recognize that the employer applying for AJP certification is voluntarily agreeing to their participation in interviewing workers and assessing working conditions. For instance, a worker organization that also unionizes or otherwise organizes workers should recognize the different role they are playing between entering a farm in a more typical scenario and acting primarily as organizers, and entering the farm or business as AJP inspectors to assess compliance with the standards. Other business that the worker organization might wish to engage in with those workers should be done independently of the inspection and audit process and with this voluntary good will on the part of the employer taken into account. See Section 4.7.3. for a

discussion of worker representatives encountering more serious situations during an inspection.

#### 4.7.2. Role of Worker Organizations as Resource for Farms and Businesses

AJP certification recognizes positive relationships between workers and employers, and encourages further development of this relationship. Worker organizations can play a key role in supporting workers on AJP farms and businesses in ways that at the same time can benefit the farmers and business owners. For example, AJP standards require that all employees be trained in their legal rights and their rights under AJP. This can present an added burden to an employer who may not have the capacity to conduct such trainings. AJP has developed a train-the-trainer module for worker organizations to learn to conduct these employee-training sessions. Worker organizations can also potentially help identify workers for a farm or business that is struggling to find workers – this can be a win-win scenario in which the employer gets needed help while the workers in question can find work in a setting more respectful and fair than the norm.

AJP encourages relationship building between worker organizations and participating farmers and business owners in less formal ways as well, and has seen in practice how this can result in mutual benefits.

#### 4.7.3. Worker Representatives and AJP Confidentiality Policy

Staff or other representatives of worker organizations who have access to confidential information about AJP applicants or certified entities will be required to sign confidentiality statements. The primary purpose of this confidentiality is to (1) protect individual workers who shared sensitive information during inspection interviews or any time independently of the interview and inspection, and (2) protect proprietary information of the farm / business that might have been disclosed in paperwork or the audit process.

In addition, any staff of the worker organization with access to AJP files must sign the AJP confidentiality form.

As is described in that section, it is understood and must be made explicit in all confidentiality statements that worker representatives are required to sign, that the confidentiality agreement is waived in situations of illegal exploitation, abuse, real physical harm, or serious and high risk of real physical harm. This could include, for example, serious and flagrant violations of labor laws such as wage theft, sexual or other forms of harassment, sexual or physical abuse, living conditions or working conditions that present a real and present danger. In these cases the worker representative is requested to immediately inform the AJP management team of the situation if at all possible as a first step in addressing the situation.