

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

## GRASP Module – Interpretation for Argentina

Based on GRASP Module Version 1.3-1-i June 2020

Valid from: 10 November 2020

Mandatory from: 1 February 2021

Version in English

**Developed by NTWG Argentina**

Updated October 2020



N°	Control Point	Compliance Criteria	Interpretation for Argentina
<b>EMPLOYEES' REPRESENTATIVE(S)</b>			
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?	Documentation demonstrates that an 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 recognized by 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>For GRASP compliance, in addition to local law, the farm shall have a representative or a form of representation when the farm has more than 1 employee (the concept of employee is defined in section 9.2 of the General GRASP Rules).</p> <p>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).</p> <p>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 can take any form (it can be a person, group of people, several temporarily appointed persons, etc.) provided that:</p> <ul style="list-style-type: none"> <li>• It is independent from management</li> <li>• It is decided by the employees</li> <li>• It is communicates to the employees</li> <li>• It is recognized by the employees</li> </ul> <p>It is considered valid that the employees' representative is the regional delegate, provided that he is an employee of the manufacturer / company and has contact with all the workers of the same.</p> <p>It is not considered valid that the employees' representative is a member of the administration. The employees' representative must be available during the audit.</p> <p>Explanatory note to the Producer: In addition to the GRASP requirement, the Collective Labor Agreement in Argentina adheres to the International Labor Organization (ILO-ILO), Law 23551, where it establishes the conditions for having a union delegate.</p> <p>View links in annex</p>

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<b>COMPLAINT PROCEDURE</b>			
2	Is there a complaint and suggestion procedure available and implemented in the company through which employees can make a complaint or suggestion?	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 timeframe to answer complaints and suggestions and take corrective actions. Complaints, suggestions and their follow-up from the last 24 months are documented.	<p>No legal regulations about this subject or this matter in the country. It must have a procedure for complaints or suggestions for workers.</p> <p>There shall be a system that replaces the employees' representative roles, e.g. complaint box, workers' meeting with management where complaints are discussed.</p> <p>The system shall be accessible in all workers' languages and/or consider lack of ability to read or write. (oral instructions)</p> <p>Farm management shall indicate clearly the system for complaints according to their needs and the local law.</p>
<b>SELF-DECLARATION ON GOOD SOCIAL PRACTICES</b>			
3	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>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.</p> <p>This declaration contains at least the 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</p>	<p>The subcontracted labor will be included in the scope of GRASP and its obligations; Argentine law allows sharing documents or visiting the subcontractor's facilities.</p> <p>Argentina has adhered to all ILO conventions, by which national legislation provides a framework for compliance with good social practices.</p> <p>The following core labor conventions were ratified by Argentina:</p> <p><i>ILO Convention 029;</i>  <i>ILO Convention 087</i>  <i>ILO Convention 098;</i>  <i>ILO Convention 099</i>  <i>ILO Convention 100;</i>  <i>ILO Convention 105;</i>  <i>ILO Convention 111;</i>  <i>ILO Convention 138;</i>  <i>ILO Convention 182;</i></p>

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		least every 3 years or whenever necessary.	View links in annex
<b>ACCESS TO NATIONAL LABOR REGULATIONS</b>			
4	Does the person responsible for the implementation of GRASP (RGSP) and the employees' representative(s) have knowledge of or access to recent national labor regulations?	The person responsible for the implementation of GRASP (RGSP) and the employees' representative(s) have knowledge of or 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>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>The employer assures that both, the responsible person for GRASP implementation and the employees' representative have knowledge and/or access to national regulations concerning among other issues:</p> <ul style="list-style-type: none"> <li>• Law 19.587: Hygiene and Security at work</li> <li>• Law 20.744: Labor Contract Law</li> <li>• Law 22.248: National System of Agricultural Work</li> <li>• Law 24.557: Occupational hazard</li> <li>• Law 26.727: Agrarian Labor Regime</li> <li>• Decree 351/79 on Hygiene and Safety at Work that governs agro-industrial activities</li> <li>• Decree 617/97: Hygiene and Farming Security Regulations</li> </ul> <p>Evidence of access to national legislation (what is the access and how) shall be provided to auditor during assessment and shall be cross-checked with the Employees' Representative.</p> <p>View links in annex</p>
<b>WORKING CONTRACTS</b>			

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5	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 least full names, nationality, a job description, date of birth, date of entry, the regular working time, wage and the period of employment? Have they been signed by both the employee and the employer?	For every employee, a contract can be shown to the assessor on request on a sample basis. The contracts correspond with the applicable legislation and/or collective bargaining agreements. Both the employees as well as the employer have signed them. Records contain at least full names, nationality, job description, date of birth, date of entry, 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 not show any contradiction to the self-declaration on good social practices. Records of the employees must be accessible for at least 24 months.	<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>In Argentina, labor contracts rights are mandatory and can be wider and more protective towards the employees. The written labor contract restricts these rights, therefore it is not applied in the country (Law 22.248: National System of Agricultural Work;</p> <p>Law 20.744: Contract of Employment Law). All the information requested is available in the “Register of employees”. For farm workers, Law 26.727 contemplates their register in the system. This information shall be available.</p> <p>Labor practices and workers’ rights shall not oppose to the Self Declaration on good social practice.</p> <p>View links in annex</p>
<b>PAYSLIPS</b>			
6	Is there documented evidence indicating regular payment of salaries corresponding to the contract clause?	The employer shows adequate documentation of the regular 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 the employees during the last 24 months is documented.	<p>The employer must prove salary payments according to the relevant working agreements and keep that information for at least 24 months. The summary of the “bank account” shall have the same validity as a signed receipt.</p> <p>Pay slips shall consider language or education barrier to potential understanding of evidence of payment.</p> <p>Make sure that all the information requested by the local laws is transparent and comprehensible for workers in the documents.</p>
<b>WAGES</b>			
7	Do pay slips/pay registers indicate the conformity of payment with at least legal regulations and/or collective bargaining agreements?	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	Pay slips/pay registers shall demonstrate the compliance with the corresponding collective labor conventions and wages shall be regularly updated according to the modifications that they could suffer. (View links in annex)

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		GRASP National Interpretation Guideline. If payment is calculated per unit, employees shall be able to gain at least the legal minimum wage (on average) within regular working hours.	The objective of the control point is to verify the level of wage with any reference that indicates the compliance with the national law.  Evidence of this shall be presented by the producer.
<b>NON-EMPLOYMENT OF MINORS</b>			
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.	Children or young workers of company management shall be included in the GRASP assessment.  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.  Records on staff information demonstrate their age and are also evidence that no minors are employed on the farm.  The following legislation applies to young employees: <ul style="list-style-type: none"> <li>• Law 23.849: Child rights</li> <li>• Law 24.650: Minimum age of employment</li> <li>• Law 26.364: Minors labor and human trade</li> <li>• Law 26.390: Age for admission</li> </ul> View links in annex
<b>ACCESS TO COMPULSORY SCHOOL EDUCATION</b>			
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, either through provided transport to a public school or through on-site schooling.	It shall be possible to verify the children attendance to primary and secondary school, having access to the information provided on line by “ANSES” (Administración Nacional de la Seguridad Social - National Administration of Social Security), indicating that the person is being paid the “family salary”, amount that is given only in case of proving to the State that children attend to school.  It is a GRASP requirement, that when there are minors living in the farm premises, the administration shall:

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			<p>1) Keep a list with the location, name, age, parents' information of the minors</p> <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>
<b>TIME RECORDING SYSTEM</b>			
10	Is there a time recording system that shows daily 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>Employees and employee representatives may periodically review and access the records.</p> <p>Farm management shall implement an alternative means to make the records of working hours available to employees and their representatives.</p> <p>These media must maintain objectivity, be decided, appointed or elected by the workers and maintain separation from management.</p> <p>If a daily time recording system is not implemented (e.g. fixed contracts, fixed working hours, fixed monthly salary), alternative methods of recording working hours shall be available. Evidence and explanations shall be provided.</p>
<b>WORKING HOURS AND BREAKS</b>			
11	Do working hours and breaks documented in the time records comply with applicable legislation and/or collective bargaining agreements?	Documented working hours, breaks and rest days are in line with applicable 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>Working hours and breaks according to laws:</p> <ul style="list-style-type: none"> <li>• Law 11.544</li> <li>• Law 20.744</li> <li>• Law 26.727</li> </ul> <p>View links in annex</p>

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<b>ONLY APPLICABLE FOR PRODUCER GROUPS INTEGRATION INTO QMS</b>			
<b>QMS</b>	Does the assessment of the Quality Management System (QMS) of the producer group show evidence of the correct implementation of GRASP for all participating producer group members?	The assessment of the Quality Management System (QMS) of the producer group demonstrate that GRASP is correctly implemented and internally assessed. Non-complies are identified and corrective actions are taken to enable compliance of all participating producer group members.	---
<b>ADDITIONAL SOCIAL BENEFITS</b>			
<b>R1</b>	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.).		---

## ANNEX I: Links to find regulations

### Control Point 1

**Law 23.551** - <http://www.infoleg.gob.ar/infolegInternet/anexos/20000-24999/20993/texact.htm>

### Control Point 3 – ILO

Convention 29 - [http://www.ilo.org/dyn/normlex/es/f?p=1000:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312174](http://www.ilo.org/dyn/normlex/es/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:312174)

Convention 87 - [http://www.una.ac.cr/relaciones\\_laborales/files/convenio\\_87\\_OIT.pdf](http://www.una.ac.cr/relaciones_laborales/files/convenio_87_OIT.pdf)

Convention 98 - [http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_ILO\\_CODE:C098](http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C098)

Convention 99 - [http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312244:NO](http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312244:NO)

Convention 100 - [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_decl\\_fs\\_107\\_es.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_107_es.pdf)

Convention 105 - [http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_ILO\\_CODE:C105](http://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C105)

Convention 111 - [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_decl\\_fs\\_108\\_es.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_108_es.pdf)

Convention 138 - [http://www.unicef.org/mexico/spanish/mx\\_resources\\_138\\_OIT.pdf](http://www.unicef.org/mexico/spanish/mx_resources_138_OIT.pdf)

Convention 182 - <http://www.ilo.org/public/spanish/standards/relm/ilc/ilc87/com-chic.htm>

### Control Point 4

**Law 19.587** - <http://www.infoleg.gob.ar/infolegInternet/anexos/15000-19999/17612/norma.htm>

**Law 20.744** - <http://www.infoleg.gob.ar/infolegInternet/anexos/25000-29999/25552/norma.htm>

**Law 22.248** - <http://www.infoleg.gob.ar/infolegInternet/anexos/25000-29999/29273/norma.htm>

**Law 24.557** - <http://www.infoleg.gob.ar/infolegInternet/verNorma.do;jsessionid=7385BE96B84BDA96DEAA52A372D3450D?id=27971>

**Law 26.727** - <http://www.infoleg.gob.ar/infolegInternet/anexos/190000-194999/192152/norma.htm>

**Decree 351/79** - <http://www.infoleg.gob.ar/infolegInternet/anexos/30000-34999/32030/texact.htm>

**Decree 617/97** - <http://www.infoleg.gob.ar/infolegInternet/anexos/40000-44999/44408/texact.htm>

### Control Point 5

**Law 20.744** - <http://www.infoleg.gob.ar/infolegInternet/anexos/25000-29999/25552/texact.htm>

**Law 22.248** - <http://www.infoleg.gob.ar/infolegInternet/anexos/25000-29999/29273/texact.htm>

**Law 26.727** - <http://www.infoleg.gob.ar/infolegInternet/anexos/190000-194999/192152/norma.htm>

**Control Point 7**

<https://www.uatre.org.ar>

**Control Point 8**

**Law 23.849** - <http://www.infoleg.gob.ar/infolegInternet/anexos/0-4999/249/norma.htm>

**Law 24.650** - <http://www.infoleg.gob.ar/infolegInternet/anexos/35000-39999/37626/norma.htm>

**Law 26.364** - <http://www.infoleg.gob.ar/infolegInternet/anexos/140000-144999/140100/texact.htm>

**Law 26.390** - <http://www.infoleg.gob.ar/infolegInternet/anexos/140000-144999/141792/norma.htm>

**Control Point 11**

**Law 11.544** - <http://www.infoleg.gob.ar/infolegInternet/anexos/60000-64999/63368/texact.htm>

**Law 20.744** - <http://www.infoleg.gob.ar/infolegInternet/anexos/25000-29999/25552/texact.htm>

**Law 26.727** - <http://www.infoleg.gob.ar/infolegInternet/anexos/190000-194999/192152/norma.htm>

## ANNEX II: List of the organizations participated

NAME	SECTOR	ORGANIZATION/COMPANY
Adrián Colodner	Technical	INTA Alto Valle
Alberto Alvisio	Scheme Manager	SGS Argentina (CB)
Andrea Meizoso	Auditor	Argencert (CB)
Carol Troilo	Technical	INTA Mendoza
Cecilia Stagnita	Technical	Particular
Diana Gaglietti	Technical	Particular
Enrique Kurincic	Scheme Manager	IRAM (CB)
Erica Lucero	Technical	GUIZZO, F.F.
Flavia Bella	Scheme Manager	Letis (CB)
Gabriel Berardinelli	Technical Manager	OIA (CB)
Gerardo Ontanilla	Technical	INTA mendoza
Indiana Mendilarzu	Technical	Particular
Ivan Lofrano	Technical	Walmart
Julieta Viglioni	Auditor	Bureau Veritas Argentina (CB)
Laura Abraham	Auditor	Argencert (CB)
María Milagros Sola	Technical	Ledesma S.A.
Mariana Mrozek	Technical	Particular
Maria E. Rodriguez	Technical	NATUFRUT
Patricia Baldaccini	Technical	Particular
Rita Colombres	Technical	Particular
Valeria Lopez	Auditor	OIA (CB)
Verónica Boltsahuser	Technical	CPIA (RN)
Walter Peralta	Technical	ARCOR
Yanina Guzman	Technical	Particular