

ABR PROGRAM TECHNICAL COMPLIANCE GUIDE



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Volume I

LABOR RELATIONS AND LABOR RIGHTS

In recent years, the demand for sustainable and socially responsible agricultural practices has grown significantly, driven by more conscious consumers and stricter environmental legislation. In this context, social responsibility emerges as an essential element for the ABR Program, aiming not only for environmental sustainability but also for the well-being of workers and the communities involved in production. Its Social and Community Development pillar covers best business practices for respecting and promoting human rights, ensuring dignified working conditions, and contributing to the social and economic development of local communities..

In the cotton sector, this means implementing measures ranging from the elimination of child and forced labor to the promotion of fair wages, workplace safety, and access to basic social benefits such as education and health. The ABR certification standard establishes rigorous criteria to ensure that cotton production occurs under ethical conditions in alignment with the International Labour Organization (ILO) conventions and the current regulatory norms in the country.





CRITERION 4
**FREEDOM OF
UNION
ASSOCIATION**



4.1 Is the right to free union association guaranteed to all PU/PBA employees, without any type of intimidation or pressure?

LEGAL BASIS:

Federal Constitution (CF) Art. 8:
Professional or union association is free, observing the following: (...)

V - no one shall be compelled to join or to remain a member of a union.

CLT Art. 543: (...) § 6: Any company that, in any way, seeks to prevent an employee from joining a union, organizing a professional or union association, or exercising the rights inherent to the status of a union member, is subject to the penalty provided for in letter "a" of Art. 553, without prejudice to the reparation to which the employee may be entitled.

Art. 582. Employers are required to deduct from the payroll of their employees for the month of March of each year the union contribution of employees who have previously and expressly authorized its collection for the respective unions.

Interviews: With the UP/UBA representative, the person in charge of the HR sector, and the employees.

Physical Verification: Visit the workplaces to determine, through interviews, if employees have full freedom to join the Labor Union.

Documentary Analysis: Request the payroll, CCT (Collective Bargaining Agreement) for the category, agreement or authorization for union contribution deduction, and internal rules or regulations.

Comments:

ILO Convention 98, ratified by Brazil and incorporated into labor legislation, ensures all employees the right to free union association without any type of intimidation or pressure:

Art. 1:

1. Workers shall enjoy adequate protection against any acts of anti-union discrimination in respect of their employment.

2. Such protection shall apply more particularly in respect of acts calculated to:

a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;

b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

4.2	Does the PU/PBA maintain a proactive relationship with the Workers' Union of its municipality, support collective labor bargaining and comply with the provisions of collective labor conventions and agreements?
LEGAL BASIS: Federal Constitution (CF) Art. 8: Professional or union association is free, observing the following: (...) V - no one shall be compelled to join or to remain a member of a union. Art. 10. The participation of workers and employers in the collegiate bodies of public agencies where their professional or social security interests are the subject of discussion and deliberation is ensured. CLT Art.543. (...) § 6: Any company that, in any way, seeks to prevent an employee from joining a union, organizing a professional or union association, or exercising the rights inherent to the status of a union member, is subject to the penalty provided for in letter "a" of Art. 553, without prejudice to the reparation to which the employee may be entitled.	Interviews: With the UP/UBA representative, the person in charge of the HR sector, and the employees. Physical Verification: Request copies of the category's CCT and verify the direct participation of the company and/or representative with the Rural Union in the category's collective negotiations, and whether the company complies with the provisions of collective bargaining conventions and agreements. Documentary Analysis: Request the CCT for the category, notices or announcements from the labor union, minutes of meetings, and internal rules or regulations. Comments: Art. 7, item XXVI of the Federal Constitution guarantees the recognition of collective agreements and conventions and is part of the fundamental guarantees for urban and rural workers. ILO Convention No. 154, incorporated into national legislation, affirms the right of unions to decide and negotiate the agenda of demands freely, without undesirable government interference. Companies must support collective labor bargaining and comply with the provisions of collective conventions and agreements to improve relationships between professional categories.
ABR  CMP  BCI  CMP  CMP = Critério Mínimo de Produção (item obrigatório).  Aplicável à certificação ABR ou licenciamento BCI.  Não aplicável à certificação ABR ou licenciamento BCI.	

4.3	Is it guaranteed to workers, whether unionized or not, to attend meetings and assemblies of the Labor Union or participate in collective negotiations?
LEGAL BASIS: CLT Art. 543: (...) § 6: Any company that, in any way, seeks to prevent an employee from joining a union, organizing a professional or union association, or exercising the rights inherent to the status of a union member, is subject to the penalty provided for in letter "a" of Art. 553, without prejudice to the reparation to which the employee may be entitled. Art. 510-A: In companies with more than two hundred employees, the election of a committee to represent them is ensured, with the purpose of promoting direct understanding with the employers.	Interviews: With the UP/UBA representative, the person in charge of the HR sector, and the employees. Physical Verification: Request the display of communications eventually sent by the Labor Union to the company to release employees to attend union meetings and confirm with the employees if they can attend meetings called by the Labor Union and participate in collective negotiations. Documentary Analysis: Request the CCT for the category, notices, declarations, or announcements from the labor union, and internal rules or regulations.
	Comments: The company must allow members of a workers' union access to its premises to hold meetings with employees, without prejudice to the normal activities of the establishment. Failure to do so violates legislation and characterizes an anti-union practice, as it prevents the exercise of legitimate union activity.

4.4	Does the PU/PBA, when requested by the Labor Union, through prior scheduling and without prejudice to normal work activities, allow meetings with its employees to deal with the interests of the category and provide adequate location, if necessary?
LEGAL BASIS: CLT Art. 543: (...) § 6: Any company that, in any way, seeks to prevent an employee from joining a union, organizing a professional or union association, or exercising the rights inherent to the status of a union member, is subject to the penalty provided for in letter "a" of Art. 553, without prejudice to the reparation to which the employee may be entitled. Art. 510-A: In companies with more than two hundred employees, the election of a committee to represent them is ensured, with the purpose of promoting direct understanding with the employers.	Interviews: With the UP/UBA representative, the person in charge of the HR sector, and the employees. Physical Verification: Request the display of communications eventually sent by the Labor Union to the company to release employees to attend union meetings and confirm with the employees if they can attend meetings called by the Labor Union and participate in collective negotiations. Documentary Analysis: Request the employment contract, CCT for the category, OS (Service Order), notices, declarations, or announcements from the labor union, and internal rules or regulations.
	Comments: The company must allow members of a workers' union access to its premises to hold meetings with employees, without prejudice to the normal activities of the establishment. Failure to do so violates legislation and characterizes an anti-union practice, as it prevents the exercise of legitimate union activity.