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Dear Sirs

Ref: AL OTH 49/2020 - JOINT COMMUNICATION FROM SPECIAL PROCEDURES

With reference to your letter dated 23rd June 2020, please find below our response, preceded by information about Angus Soft Fruits Ltd and Agricola El Bosque S.L. We have shared your report with Agricola El Bosque S.L. who have prepared a response which we have included in this letter.

Text in *italics* below identifies information provided directly by Agricola El Bosque S.L., who are happy to provide validating documents on request.

Angus Soft Fruits Ltd

We are a leading supplier of berries to UK and European retailers, food services and wholesalers. We breed, grow, source from around the world and pack berries ensuring consistent supply of quality fruit to our customers. We work with more than 100 suppliers in 16 different countries. Our values underpin everything we do:

- **Integrity** – we do the right thing, meeting industry standards
- **Exceed** – we over deliver
- **Efficient** – as experts we continuously seek to improve our supply chain processes and costs
- **Innovate** – we develop new varieties and other creative approaches
- **Collaborate** – we work closely with colleagues, customers and suppliers to build long term relationships.

Our policies and processes illustrate our commitment to mitigating against human rights risks by focusing on those relating to the provision of labour and working conditions throughout our supply chain to ensure that people are treated fairly and that their human rights are protected. This includes rights to protection from modern slavery, fair pay and safe working conditions. We seek to develop long term relationships with those businesses that share our



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ethical standards. We have included copies of our Modern Slavery Statement and our Ethical Trade and Human Rights Policy that we encourage our suppliers to follow.

We are members and sponsors of the Spanish Ethical Forum, (<https://www.foroscomercioetico.com/en/ethical-trade-forums/>) which was officially launched in 2015 with the aim of creating a safe space where growers and packers of the agri food sector could:

- share experiences
- discuss the challenges related to working conditions in the sector
- seek new ideas
- share good practices and
- work collaboratively to improve working conditions in the sector.

At the end of 2019, 32 events have been hosted, with over 1350 participants attending during 5 years.

The Forum focuses specifically on:

- reducing the risk of labour exploitation including forced labour and sexual harassment towards migrant workers
- improving living conditions for migrant workers
- addressing the lack of regular employment by using temporary contracts for migrant workers
- improving poor management systems that do not provide for induction, training or grievance mechanisms
- reducing excessive working hours during peak season
- addressing incorrect payment of wages and overtime rates
- increasing dialogue with worker representatives
- improving health and safety conditions – although COVID-19 has improved the provision of health and safety in some areas
- raising awareness that low prices do not enable growers to improve working conditions.

Agricola El Bosque S.L.

AGRICOLA EL BOSQUE S.L. has been trading for 25 years and grows blackberries exclusively across different regions of Huelva (Lucena del Puerto, Rociana del Condado, Moguer, Montemayor, Palos de Frontera, Cartaya and Lepe). It has a workforce of 61 permanent and over 1000 seasonal workers. Headcount varies throughout the year due to business need. 59% are men and 41% are women of various nationalities (Spanish*



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Romanian, Bulgarian and Moroccan). The company is part of a grower's organisation named Plus Berries that is formed by another 5 companies and each specialises in one crop.

Below are listed some of their initiatives:

- *Adoption of policies and procedures across all sites that:
 - *meet the Spanish government requirements;*
 - *focus on the continuous improvement of the working conditions of all workers*
 - *and seek to improve the relationship between workers and management.**
- *A founder member of PRESLI (Ethical Labour and Social Responsibility plan of Interfresa), a pioneering plan in Spain whose objective is to have a self-improvement tool to achieve the highest degree of satisfaction of all the productive agents of the sector (workers, farmers, companies, associations) and contribute to a scenario of cooperation with the highest levels of respect, work ethic, social commitment and integration of the collectives contracted at source.*
- *Has a workers committee currently represented by 17 workers and the legal representation body of the workers, which has been democratically elected by 95% of the workforce (including seasonal workers) is represented by the Comisiones Obreras C.C.O.O union and is in permanent dialogue with the company.*
- *Has an intercultural mediator that ensures the wellbeing, sociocultural and labour adaptation of workers recruited at source.*
- *Actively participates in the Spanish Ethical Forum.*
- *Conducts annual satisfaction surveys of all company workers as a tool of continuous improvement, (available on request)*
- *Is assessed on GRASP on a yearly basis, module designed to evaluate social practices in the company, that addresses specific issues related to the health, safety and wellbeing of workers. In 2016 were audited in SMETA (Sedex Members Ethical Trade Audit).*
- *In the past 15 months has had 8 government labour inspection and no non-conformances were raised.*

***Please note that Agricola El Bosque S.L. only grow blackberries**



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Our trading relationship

Angus Soft Fruits has been working with Agricola El Bosque S.L. for the past 6 years. During this time, we have audited and visited regularly. We can verify that they have effective systems in place that demonstrate their commitment to respecting the human rights of their workers. These systems are regularly reviewed and continuously improved.

Our last visit for QA purposes was on the 8th June 2020. There was also an audit conducted at the start of the season 5th November 2019, where 8 issues were highlighted as presented in Appendix 1.

1. We have been asked to provide additional information, data or other comments regarding the allegations of vulnerable situation of women season migrant workers to:

- **Discrimination**
- **Deception at source**
- **Abusive and exploitative working conditions and lack of safety measures at work**
- **Living conditions**
- **Access to healthcare**
- **Workplace and sexual harassment**
- **The impact of the COVID-19 pandemic on migrant workers**

Given the due diligence measures that we exercise within our supply chain, we have not uncovered any evidence to suggest that the allegations listed above are substantiated within our supply chain in Huelva. This is illustrated through our responses to the questions you have raised.

The COVID-19 pandemic has impacted particularly on Moroccan migrant workers as border controls prevented their return home at the end of the season. All the growers in our supply chain managed to keep the migrant workers gainfully employed for as long as possible.

The statistics included above demonstrate that both men and women receive the same treatment and have the same opportunities, however, even though



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women's work is viewed positively for the ease with which they acquire skills in handling products, their presence in percentage terms is far from that of men. All contracted workers are within the legal age and with legal documentation according to the Spanish government requirements.

Among the policies adopted by the company throughout its existence are the systematic improvement of working conditions for all workers, in the office, packhouse and on the farms; human relations between workers and management; respect for the laws enforce in the country, as well as the international commitments to which the Spanish Government is linked, in the field of Human Rights, Transparency and Environment care; in particular, the UN Guiding Principles on Business and Human Rights.

Page 2 of the referred report states "**....we have received information on the alleged human rights violations suffered by seasonal migrant workers from Morocco, employed for the strawberry picking season in the Huelva province, in southern Spain**" and continues "**The company that employs women who participated in the past seasons is Agricola El Bosque, S.L. This company is part of the business group Plus Berries....**".

With regards to this we would like to express our strong repudiation of this as:

- a) the generic mention "**strawberry farms in the Huelva province**" because in the region, which is very wide, AGRICOLA EL BOSQUE S.L., is one of many others dedicated to fruit production in the region;
- b) AGRICOLA EL BOSQUE, S.L. does not produce strawberries, but exclusively blackberries and is part of the Plus Berries business group together with five other companies of which only one produces strawberries;
- c) AGRICOLA EL BOSQUE, S.L. at no moment received the visit of the rapporteur or official of the United Nations in its offices or farms, in order to directly verify the data or at the very least collect the opinion of the business side in order to have information and reach a conclusion based on objectivity, reflecting the reality of human rights, in particular of women's rights. And what aggravates further the situation is the fact that the company did not even receive a written request, minimum requirement if what is desired is to contribute to the improvement of working conditions (in the face of possible deficiencies) or the relations between the company and its workers.

The concern of AGRICOLA EL BOSQUE, S.L. is not limited only to the quality of the product it offers to the market, but also to the wellbeing of those who provide services in it, regardless of whether they are permanent or seasonal,



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national or foreign citizen, which is reflected by the certifications, evaluations and audits carried out frequently.

Likewise, the company, in addition to its Social Responsibility Policy adopted on the 5th of November 2018, since October 2019 has a Human Rights Policy that reflects the sincere commitment to the people's rights and its vision on the universality, integrity and independence of human rights.

2. What steps is Angus Soft Fruits Ltd taking to ensure that the workers in its supply chain have safe and adequate housing, and what results have been achieved?

- Engagement with our Ethical Trade & Human Rights Policy
- We have the presence of employees in Spain that visit our suppliers regularly
- One full audit each season which covers accommodation
- We do spot checks through the season and workers interviews

We have identified some minor issues over the years, which were rectified immediately such as no fire drills and no marked smoking areas.

The results that have been achieved through advice and guidance by our team on site:

- Accommodation was generally not included on the health and safety risk assessment. However, this is now covered off with 100% of our suppliers performing this.
- Most of the houses:
 - are purposely built,
 - have 2 bedrooms that accommodate a maximum of 4 people per bedroom (most are not at full capacity),
 - 1 bathroom included shower,
 - open plan kitchen and living space with washing machine.

Specifically, AGRICOLA EL BOSQUE S.L. has been complying with all the standards of transparency that are required in terms of housing. All its customers are open to carry out physical checks, which most of them do. In the case of Angus Soft Fruits Ltd, the last one occurred on the 5th of November 2019, issuing a compliance report on the same day and with satisfactory result.

This is illustrated in Appendix 2.



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In addition to these, AGRICOLA EL BOSQUE S.L. carries out an internal check that covers health and safety, and the Prevention Service entity with Ministerial authorization CM107/14 assesses the habitability conditions. The last report is dated January 2020 with a satisfactory result, with only 1 corrective measure, which is in the process of being done.

See Appendix 3.

Complementing this measure the Trade Union Confederation of Workers' Commissions (member of the European Trade Unions) carries out random checks on labour welfare (housing, water, sanitation, personal belongings, ...) having not had significant corrective measures that require action.

3. What steps is Angus Soft Fruits Ltd taking to ensure that the workers in its supply chain have access to water and sanitation? What results have been achieved?

We check access to water and sanitation on every visit and where portable water is not available on site, water is provided by growers. Where it is identified that there is not adequate access to clean toilets or adequate hand washing facilities, a non-conformance is raised with the grower who has a specified time to correct it.

Some farms have purposely built toilets but most contract porta loos during the season which are spread out across the fields. We recommend the toilet ratio to be 1 per 30 workers. All houses have 1 toilet and the maximum ratio here is 1 per 8 workers, however most houses are not fully occupied.

Purpose built toilets are cleaned daily and the contracted cleaning frequency with the porta loo companies vary from once a week when there's limited number of workers to 3 times a week at peak season. On top of this the growers are responsible for the provision of water, soap and drying facilities, which are checked daily and restocked if needed.

As an example, one of our Moroccan suppliers used & Wider's direct reporting tool in 2018 and during call cycle 1 the workers reported concern about limited access to drinking water. The supplier immediately addressed the issue through provision of bottled water.

AGRICOLA EL BOSQUE S.L., have been complying with all the standards of transparency that are required in terms of water. All its customers are open to



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carry out physical checks, which most of them do. In the case of Angus Soft Fruits LTD, the last one occurred on the 5th of November 2019, issuing a compliance report on the same day and with satisfactory result.

In addition to these, AGRICOLA EL BOSQUE S.L. carries out an internal check that covers health and safety, and the Prevention Service entity with Ministerial authorization CM107/14 assesses the habitability conditions (including water supply). The last report is dated January 2020 with a satisfactory result, with only 1 corrective measure, which is in the process of being done.

Complementing this measure the Trade Union Confederation of Workers' Commissions (member of the European Trade Unions) carries out random checks on labour welfare (housing, water, sanitation, personal belongings,...) having not, so far, observed significant corrective measures that require action.

4. What is the minimum salary for workers in Angus Soft Fruits Ltd supply chain in Spain?

All growers comply with the regional government agreement with the workers' representation €42.02 daily rate for 6.5 hours' work.

In Spain, labour legislation regulates wage matters for all productive sectors, establishing a minimum wage that guarantees the dignity of income and the purchasing capacity of workers. It is national regulation (through the Collective Agreements) in which social agents (Worker's and Employers' Unions) participate, preventing them from paying below the amounts established.

AGRICOLA EL BOSQUE S.L. complies with the collective convention of application for the agricultural activity of the Huelva province for all workers, both permanent and seasonal without distinction and under the principles of fairness and transparency. Likewise, it complies with the payment of contributions to the General Treasury of Social security, a tax system that allows the maintenance of the welfare state in the country. The contributions establish by law, which AGRICOLA EL BOSQUE S.L. regularly meets, are for the coverage of unemployment, retirement and protection against temporary disabilities arising from the loss of health (public health system).

At present, the company is aware of the dispute between the agricultural sector and the government regarding the application of the Interprofessional minimum wage (SMI) and it is waiting for the resolution in order to proceed accordingly.



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a. What steps is your company taking to ensure that the workers in the supply chain are paid a living wage which allows for decent work and an adequate standard of living for the workers and their families?

The regional government agreement is reviewed regularly and we address this through worker interviews and audits – checking documents of payments.

We appreciate that workers may fear the interviews so we plan to do further spot checks looking at the documentation throughout the season.

We have developed long term relationships with our suppliers and work with them to identify and address any issues.

AGRICOLA EL BOSQUE S.L. guarantees the dignity of the salary of its staff, the dignity of their work and the living standards, with all the mechanisms that have been listed in this report.

In relation to its suppliers and as a result of this report AGRICOLA EL BOSQUE S.L. will intensify the control that it periodically carries out, by improving the internal procedure “Approval and control of suppliers access”.

b. What actions has your company taken in response to reports of underpayment, delayed payment, and non-payment of wages?

We are not aware of any current issues around under payment, delayed payment or non-payment of wages. Appendix 4 is article 8 of the regional agricultural collective agreement that covers Huelva and stipulates the overtime rate.

It is important to note that the working hours in the agreement are 39 per week (6.5 hours/day). During peaks of the season these can be extended by 10 hours per week but no more than 9 daily. The distribution of hours can be reconciled every 2 months.

We are in discussion with those growers to put effective measures in place such as recruiting more workers and planning their workforce over peak times. However, this observation does not apply to Agricola El Bosque S.L.

Generally, our growers avoid overtime but where it does take place it is always based on a voluntary agreement with the workers.



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We have established progress with some of our suppliers who do now pay the correct overtime rate.

We are planning to have dialogue with our customers to ensure that a fair purchase price is achieved to enable sustainable and ethical worker standards as year on year the cost price is driven down.

We are aware that some of our suppliers can achieve better efficiencies and are encouraging them to do so.

Regarding these sporadic claims, AGRICOLA EL BOSQUE, S.L. carried out documental checks, (through wage receipts, bank payment instructions and contributions to social security) as well as through the legal representation of workers and these have resulted in the absence of cases of insufficient payment, delays or non-payment in the company.

In any case, and by welcoming this report, this point will be included in the internal procedure "Approval and control of suppliers access" that AGRICOLA EL BOSQUE, S.L. will enhance for its supply chain.

c. What measures has your company adopted to ensure that the terms under which workers are recruited in their home countries, in the information provided to them verbally, are consistent with the reality of the employment conditions in Spain?

We are aware that this has been an issue but there has been more collaboration between some growers by ensuring participation in the recruitment process. Verbal communication is more relevant as most workers cannot read.

We plan to have a member of our team involved in this for next season.

We are as a business embedding the responsible recruitment standards and will be cascading this through our supply chain.

AGRICOLA EL BOSQUE S.L. does not participate in the recruitment process at source. This is carried out by the Association of the business sector in coordination with the Moroccan government and the supervision of the Spanish government and the local Andalusian government. (Junta de Andalucía).

Once the workers hired in origin are incorporated into AGRICOLA EL BOSQUE, S.L, they are provided with a welcome pack available in several



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languages that informs their rights and obligations as well as the legal salary entitlement.

Given the dissociation between the entities that recruit and the employers, AGRICOLA EL BOSQUE S.L., has detected isolated cases of discrepancy between the information transmitted to the workers at source and the conditions that they are entitled to by law. In these cases, the following measures have been taken by the company:

- *The workers were provided with the relevant information of its working conditions in their own language.*
- *The worker was helped from the legal workers representation as well as the mediator- intercultural consultant that AGRICOLA EL BOSQUE, S.L. employs.*
- *The case was brought to the attention of the associations of the business sector that participated in the selection process.*
- *The affected person was given the opportunity to return to the country of origin.*

Considering that the percentage of seasonal workers who as a result of the satisfaction of both parties, repeat the work experience with AGRICOLA EL BOSQUE S.L. from one year to the next is greater than 70% (data from last season), the risk of occurring is residual.

d. What progress has been achieved on this issue?

This is an area of focus in our worker interviews as we try to establish if the workers are happy with the conditions and if the reality matches what they were told at recruitment.

To date, this has not been raised as an area for dissatisfaction during the worker interviews.

AGRICOLA EL BOSQUE S.L. employed three years ago an intercultural mediator and ensures the wellbeing, sociocultural and labour adaptation of workers recruited at source



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5. Does the Labour and Social Security Inspectorate access agricultural plantations in Huelva to inspect the working conditions of migrants working there? If so, how often are visits undertaken and what have been the findings of the inspections?

Labour inspections occur frequently – 4 or 6 times per year, in the Huelva region. Our supplier base has at least one inspection per season. The number of inspections increased during the Covid-19 period but these were focused on worker health.

Agricola El Bosque S.L. have had 8 inspections over the last 15 months: 7 labour inspections and 1 sanitary due to COVID-19. The results do not reveal any serious issues and are presented in Appendix 5.

The Labour and Social Security Inspectorate in Spain has the legal power to carry out inspections without prior notice and with full capacity to access all the facilities of the company. They perform regular checks (average 4 to 6 a year), both physical and documental. They visit the farms accompanied by agents of the State Security Force (EDATI unit: migrant care teams), in which they verify the accommodation besides reviewing the working conditions of the workers.

In the last 15 months AGRICOLA EL BOSQUE, S.L. has received 8 inspections, all without no compliances raised.

6. What steps has Angus Soft Fruits Ltd taken to enforce the provisions of the collective agreement concerning maximum working hours?

Compliance with our Ethical Trade and Human Rights Policy. Occasionally growers exceed the ETI base code. We are engaging with our suppliers to inform us of this and to work with them to avoid any breaches of maximum working hours.

Working hours are not generally exceeded, but in exceptional circumstances such as this year during the peak of the season and lack of workers the workforce at times was asked if they were willing to do extra hours. Generally, the workforce hasn't opposed. Workers are eager to work longer hours to increase their income and therefore hours are very closely monitored by management.

AGRICOLA EL BOSQUE S.L. always tries to avoid overtime, for which it applies hourly compensation, thus ensuring that the staff meets the legally established breaks.



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AGRICOLA EL BOSQUE S.L. uses software to record the daily hours of work. The field technicians upload the duration of the work activity, which include legally establish work and rest times.

Having detected, through this report, a potential risk of overtime hours that could occur due to the willingness of workers (in their desire to increase their income), that the company must regulate by its duty in monitoring, the preventative measure has been taken to issue a memo aimed at managers and workers with the daily maximum hours allowed by the company in the different periods of the season. This document will also be agreed with the legal workers representation.

7. How does Angus Soft Fruits Ltd ensure that all migrant workers obtain an employment contract in a language which they understand?

Most of our suppliers have key workers who can translate verbally to workers so they understand.

Most growers have implemented a company handbook that covers key areas of the contract and visual aids are used to help understanding. Some are translated during the induction process.

AGRICOLA EL BOSQUE S.L. uses the models of contract standardized by the Government of Spain and issues these in the workers language. All information of interest to the workers is facilitated in various languages Arabic, French, Bulgarian, Spanish and Romanian, to facilitate their understanding.

At the time of signing the contracts, prior to the commencement of work, the workers are supported by one of the figures available to the company to ensure the legal safeguard of the worker: the assistance of the mediator/translator or the presence of the legal representation of workers whose entrustment is to ensure the rights of workers.

As a result of this report, AGRICOLA EL BOSQUE, S.L. is going to study how to incorporate representative symbology into its contracts, having detected that the risk is not in the language barriers but in the illiteracy. To this end, a non-invasive system of the protection of these cases of functional illiteracy is also being studied to enable possible preventive measures to be taken.



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8. Please explain what human rights due diligence steps – in line with the above-cited UN Guiding Principles on Business and Human Rights – were undertaken by Angus Soft Fruits Ltd companies to identify, prevent, mitigate and account for its adverse human rights impacts, particularly with regards to migrant agricultural workers.

As a business we have the following controls in place:

- Ethical Trade and Human Rights Strategy
- Strategic Ethical Working Group involving our Directors of each department
- Ethical team
- In country technical team
- Ethical Trade & Human Rights Policy and training
- Risk Assessment process
- Supplier Approval Process
- Monitoring Programme including SEDEX membership, SAQs, audits, worker interviews
- Annual Modern Slavery Statement
- Site visits

AGRICOLA EL BOSQUE S.L. considers its duty to only answer what is relevant to the company. In this regard and in full knowledge of the foundational and operational Principles on Business and Human Rights (as far as companies are specifically concerned) throughout its existence AGRICOLA EL BOSQUE S.L. has observed the absolute respect for the human rights of all workers, regardless of nationality, language, sex, gender, political orientation or religious beliefs, which has been positively valued, by both the governmental agents who periodically inspect the company and auditors.

As explained in this document, AGRICOLA EL BOSQUE, S.L. has protocols for migrant workers, that from the moment they arrive in the company they receive detailed explanation about the terms of the contract, immediately clarifying any doubts or contradictions that existed regarding what was explained at source and those mentioned by the company, which is covered by the mediator- intercultural consultant that in addition to being fluent in Arabic language that facilitates communication, knows the cultural aspects of the Moroccan migrant workers. This role is part of the company structure, precisely to consider the language, cultural differences as well as the difficulties that arise from these.



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AGRICOLA EL BOSQUE S.L., in addition to having policies and procedures oriented to the respect of the Human Rights of the workers, is registered on SEDEX, an organization dedicated to promoting improvements in business practices relating ethics. In this context AGRICOLA EL BOSQUE, S.L. has been successfully audited under the social audit SMETA (Sedex Members Ethical Trade Audit).

AGRICOLA EL BOSQUE S.L. is also certified by GlobalGAP Risk Assessment on Social Practice (GRASP). Module designed to evaluate social practices in the company that addresses specific issues related to the health, safety and wellbeing of workers, within the Global International Certification GAP

Regardless of what has been stated, there may be some aspects needed to reinforce, especially those relating to gender and culture, which we will begin working to incorporate into our policies and programmes.

9. What steps is Angus Soft Fruits Ltd taking to prevent gender-based violence, labour exploitation, and sexual abuse within the workforce?

In order to mitigate the risk of this taking place we expect our suppliers to embed ASF Ethical and Human Rights Policy which incorporates the ETI base code.

The following: audits, spot checks and workers interviews enable us to identify any instances occurring and we would work with the supplier to remediate accordingly.

All our suppliers participate in the Spanish Ethical Forum which, as articulated previously, does focus on this area. A key deliverable is raising awareness that the above is an infringement of human rights and is not acceptable.

For AGRICOLA EL BOSQUE S.L. the prevention, attention and sanction of all types of sexual violence, constitutes a crime or disciplinary penalty Moroccan women workers take the highest priority, since we are aware of their vulnerable situation in terms of their gender status, being outside of their country, away from their family and with language limitations.

In the face of actions that constitute crimes, the authorities are brought to the attention of the appropriate sanction in accordance with the provisions of Spanish law and the disciplinary offences are dealt with in accordance with the company rules.



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To this end, AGRICOLA EL BOSQUE S.L. has articulated all the mechanisms that the Women's Institute of the Government of Spain and Andalusia recommend:

- *An Equality Plan that promotes and defends the effective equality for women and men, in place since the last quarter of 2015, which it is currently being updated.*
- *A Harassment Protocol for the prediction and prevention of labour and sexual harassment, since 2011.*
- *A Harassment Committee, represented by workers and management representatives, with all procedural safeguards, apply the harassment protocol when necessary and ensure the absence of any cases.*
- *An intercultural mediator that allows the channelling and psychosocial support of potential victims, always guaranteeing their anonymity.*

There has only been one case where the company has had to implement the harassment protocol, which was of a sexual nature and concluded with disciplinary action and the dismissal of the person involved.

As a result of this report and as an improvement measure, AGRICOLA EL BOSQUE S.L. will implement the following actions:

- *Introduce an Equality Agent to collaborate in identifying and preventing potential risks.*
- *The implementation of a training program for the company workers committee in equality, anti-violence and harassment (labour and sexual) that improves the monitoring capabilities of workers representatives (17 members).*
- *The implementation of a training program for the company management in equality, anti-violence and harassment (labour and sexual) that improves the monitoring capabilities of management*

a. What steps has your company taken in response to reports of widespread abuses of strawberry workers in Huelva and what progress has been achieved?

We are aware that trust is the key in enabling workers to open up during the worker interviews so we do have regular contact with workers. We have increased the contact with workers in response to the reports of widespread abuses. We have not identified any serious issues. We follow up on all issues



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that are raised by encouraging the workers to raise directly with the grower and we work with the grower to rectify the complaint.

AGRICOLA EL BOSQUE S.L. has actively participated for many years in the SPANISH ETHICAL TRADE FORUM, business meetings and action groups where producers and packers in the agri-food sector share experiences and discuss challenges related to working conditions, with the aim of jointly seeking new ideas and exchanging good practices.

As a result of this report, AGRICOLA EL BOSQUE S.L. will study how to offer the associations of the sector in the region, their collaboration to transfer the specific good practices that the company is implementing, to the rest of the sector and try to generate a positive reference to other farms.

AGRICOLA EL BOSQUE S.L. will also optimise the system of early detection of possible irregularities or breaches, establishing a specific procedure that merges this matter with the management of grievances that the company has already implemented.

b. How many cases is your company aware of and what action has been taken in response?

We are aware of the overtime rate issue as above. The media did report on one case of alleged sexual harassment which was not proven when investigated.

We are increasing our contact with workers to build the trust so that if there were any issues to be rectified, they would divulge to us.

We are also building on engagement with our growers to prevent these issues occurring.

AGRICOLA EL BOSQUE S.L. is a founder member in 2018 of the PRESLI-Plan of ethical, labour and social responsibility of INTERFRESA. This is a pioneering plan in Spain whose objective is to provide a tool of self-improvement to achieve the highest degree of information, coordination and satisfaction of all involved (farmers, companies, associations, migrant workers and government organisations of Spain and Morocco) and contribute to a scenario of cooperation with the highest levels of respect, labour ethics, social commitment and integration of those workers recruited at source in all phases of the process.



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PRESLI has a team of 15 integration consultants who provide assistance and support to the women recruited at source and articulate the mechanisms necessary for an effective integration and defence of their rights.

PRESLI also covers a training programme for intermediate positions in order to prevent any actions likely to infringe the basic rights of workers. It has therefore been considered necessary to establish a framework training for the prevention of any abusive and illegal conduct such as any form of sexist violence such as gender discrimination or sexual orientation, sexual harassment and other crimes against indemnity and sexual integrity in the workplace.

Likewise, RED CROSS INTERNATIONAL supports AGRICOLA EL BOSQUE S.L. in the development of labour welfare programs and temporary staff training.

10. In light of the COVID-19 pandemic and a reported increase in the number of migrant agricultural workers being recruited to work in Spain this season, what steps is Angus Soft Fruits Ltd taking to ensure that these workers have adequate accommodation, work their agreed hours, are fairly compensated for their work, have access to health services and protective equipment and are protected from harassment, discrimination, abuse and exploitation?

We understand that the COVID-19 has actually resulted in a reduction of workers in the region which has resulted in a shortage of workers for our growers and therefore has not necessarily had a detriment to accommodation. There may be additional hours worked. Workers from other industries have joined our growers and they are less vulnerable because they are aware of their rights.

Generally the controls put in place to mitigate against COVID-19 have been respected and workers would not work without adequate PPE. We have been in regular contact with our growers and we have performed some site visits which has confirmed this.

As COVID-19 is a new disease, the Ministry of Health of the Spanish Government (like that of many other countries) has developed a wide range of hygiene-sanitary recommendations and criteria's that must be met by companies.

Specifically, to AGRICOLA EL BOSQUE S.L. and with the support of the Health Surveillance Service Group Preving, external to the company,



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implemented on the 1st of March the procedure that defined the preventive measures to be followed by the workforce in the different business work units to prevent against COVID-19.

11. Please explain what measures Angus Soft Fruits Ltd has taken, or is considering taking, to ensure that the individuals affected by allegations raised in this letter have access to complaint mechanisms without retaliation.

We have been focusing on grievance mechanisms which are effective. Some growers also have whistleblowing mechanisms. We emphasise to growers that such mechanisms should be accessible to workers without the fear of any retaliation. We discuss the presence of such mechanisms and the effectiveness of them with workers through the worker interview process.

Going forward, we will have discussions with our growers to encourage them to display our whistleblowing channels.

A working group of the Spanish Ethical Forum will be focusing on grievances mechanism, of which ASF and some of our growers are directly involved.

Currently, AGRICOLA EL BOSQUE S.L. has all the following tools:

- *A human resources department with a specific occupational welfare area.*
- *An intercultural mediator/consultant.*
- *A Harassment Committee represented by the management and workers unions.*
- *A workers committee of 17 workers that legally represent the workers and are democratically elected by all the workers, including the seasonal workers.*
- *An anonymous grievance procedure on all sites.*
- *A communication 24-hour channel available to all workers.*
- *A worker's survey to assess workers satisfaction, a tool that will assist the continuous improvement in labour and management relations.*

AGRICOLA EL BOSQUE S.L. will also optimise the system (already existing) of handling grievances, establishing a specific procedure that merges this matter with the criteria of early detection of possible irregularities or breaches, always under all the national and international guarantees required.



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We trust that our response addresses your queries, but should you require any further information, please do not hesitate to contact me.

Yours sincerely

Lochy Porter, Chairman

Encs:

- Appendix 1 – Non conformances highlighted at 5th November 2019 audit
- Appendix 2 - 5th November 2019 audit results for accommodation
- Appendix 3 - CM107/14 January 2020 corrective measure required
- Appendix 4 - Article 8 of the regional agricultural collective agreement
- Appendix 5 – Details of last 8 inspections
- Angus Soft Fruits Modern Slavery Statement
- Angus Soft Fruits Ethical Trade and Human Rights Policy



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Appendix 1- Non conformances highlighted at 5th November 2019 audit

1.0 Food Safety D / 1.5 Water Sources (Irrigation)

**1.5.3.D Poor water quality defined?
Reaction procedure in place?**

No

No evidence seen about the action plan in case the irrigation water did not meet the quality parameters contemplated in the risk assessment (microbiological / physicochemical)

AACC: P 14 Rev 04

Done | Assigned [redacted] | Priority **Medium** | Created by [redacted]

Show evidence on risk assessment of irrigation water.
Contemplating the action plan / corrective measures in case of quality outside the parameters.

4.0 Health and Safety D / 4.1 Health and Safety

4.1.6.D Does the farm have a clear, simple fire safety policy on display, signed and dated by a responsible person?

Does the farm have a fire safety risk assessment covering the accommodation facilities?

Last review

Included within the emergency plan

Obsolete since 2016.

No

CCAA: The emergency plan has been updated, which includes fires.

Done | Assigned [redacted] | Priority **Medium** | Created by [redacted]

To update the Emergency Plan (SPA), Where fires are included.

4.0 Health and Safety D / 4.1 Health and Safety

4.1.9.D Do accident and emergency procedures exist and have they been communicated to all workers in a manner that all can clearly understand?

No

There was no evidence of instructions to follow in case of emergency nor emergency contacts

CCAA: Graphic evidence about actions to follow in case of emergency.

Done | Assigned [redacted] | Priority **Medium** | Created by [redacted]

Publish instructions to follow and contacts.



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1.0 Food Safety P / 1.1 Staff Hygiene & Facilities (field)

1.1.9.D Domestic animals must not be allowed on crop environment..

No

There were 2 animals (cats) within the eating/resting area during the harvest break. Not in the growing area.

Hygiene standards have been reinforced through training, with emphasis on the matter. Graphic evidence has been presented including the prohibition of animals within the cropping area.

Done | Assignee [redacted] | Priority **Medium** | Created by [redacted]

Animals are not allowed in the immediate vicinity of the growing areas, although, provided they are within a defined and checked area, we could control that they do not represent a food safety risk.

The presence of animals must be controlled.

2.0 Pesticides P / 2.3 Pesticides Storage

2.3.6.P Are products grouped by type, i.e. fungicide, insecticide, herbicide, etc.

No

Not being a non-conformance, since the fertilizers and phytosanitary were physically separated by type, it would be convenient to place the posters that identify the phytosanitary by type.

CCAA: Phytosanitary products have been identified and classified by type.

Done | Assignee [redacted] | Priority **Low** | Created by [redacted]

Place the posters in the pesticides storage, separating / identifying by type.

2.0 Pesticides P / 2.3 Pesticides Storage

2.3.10.P Are emergency contacts details clearly visible

No

There is no emergency contact list in the pesticides storage

Done | Assignee [redacted] | Priority **Medium** | Created by [redacted]

Place the poster with the emergency contacts within the pesticides storage.



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5.0 Accommodation P / 5.2 Internal Characteristics

5.2.16.P Are there heating or cooling systems in the housing sites?

No

No stove / fans / air conditioning has been seen in the houses.

CCAA: Evidence has been presented on the provisioning of the houses with heat equipment Stoves

Done | Assignee [REDACTED] | Priority Low | Created by [REDACTED]

It is not a non-conformance, but an improvement needed.
To provide accommodation with heating or cooling systems.

5.0 Accommodation P / 5.6 Social Conditions

5.5.6.P Are well-marked smoking areas enabled?

No

Not within the housing site.

CCAA: A smoking area has been enabled within the housing area area.

Done | Assignee [REDACTED] | Priority Medium | Created by [REDACTED]

Enable a smoking area for the accommodation site.



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Appendix 2 – 5th November 2019 audit results for accommodation

5.0 Accommodation D

5.1 Farm Information

**5.1.1 D Number of workers at peak of season (within the houses).
Number of workers at time of check.
Men/Women
Nationalities**

130 peak
45 now

Yes

5.1.2 D Number of total houses and number of people per house.

15 houses
Maximum occupation of 8-10 people

Yes

5.2 Internal Characteristics

5.2.1 D Describe the procedure for reporting damages (to accommodation)

Is communicated to the responsible.

Yes

**5.2.2 D Is there an inventory of household goods, furniture and technical review of devices?
Delivery of utensils, how and who does it?
If it is delivered, is it charged?**

Yes



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Appendix 3 - CM107/14 January 2020 corrective measure required

Company: AGRICOLA EL BOSQUE SL

FINCA LAS MALVINAS

MOGUER 21,800 (HUELVA)

JANUARY 2020

The report explained the inspection that this company (SPA) carried. And they explained everything about the characteristics of bathrooms, place which is located the workers accommodations, bedrooms, living-rooms, commons areas, maintenance of accommodations. Everything looks in order and at final of the report (before starting the pictures) they said that during the visits carried out it is appreciated that the facilities are in adequate hygiene and cleaning conditions, only was a non-conformance found, the follow:

- Necessary put locks or padlocks in the rooms wardroves to store worker's personal belongings



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Appendix 4 - Article 8 of the regional agricultural collective agreement

**JUNTA DE ANDALUCÍA
CONSEJERÍA DE ECONOMÍA, INNOVACIÓN, CIENCIA Y EMPLEO
DELEGACIÓN TERRITORIAL EN HUELVA**

Convenio o Acuerdo: TRABAJADORES DEL CAMPO EN LA PROVINCIA DE HUELVA
Expediente: 21/01/0116/2018

Article 8- Extra time

In order to increase the opportunities for workers placement on job seekers allowance, the two signatory parties must eradicate the usual overtime, allowing only those that are justified, such as the termination of work, picking or in the case of extraordinary circumstances.

In the event that overtime is made, for the above reasons, their value shall be calculated as follows:

- working days and holidays
- all, 75% above normal rate



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Appendix 5 – Details of last 8 inspections

Inspection date 31/03/20 – confirmation that Agricola sent all requested documentation, no further correspondence

Inspection date 10/03/20 – as above

Inspection date 13/11/19 – no incidents observed

Inspection date 07/11/19 - confirmation that Agricola sent all requested documentation, no further correspondence

Inspection date 14/08/20 – request for documentation and no response received

Inspection date 26/07/20 – as above

Inspection date 27/05/20 - confirmation that Agricola sent all requested documentation, no further correspondence

Inspection date 29/03/19 – 2 contracts of employment were advised to be amended to indefinite contracts

Modern Slavery Statement

Published in accordance with section 54(1) of the Modern Slavery Act 2015. Our statement outlines the steps that we have taken during 2019/20 towards implementing our zero tolerance approach to slavery and human trafficking.

Our business and supply chains

Angus Soft Fruits Ltd is a leading supplier of berries to UK and European retailers, food services and wholesalers. We breed, grow, source from around the world and pack berries to ensure consistent supply of the best tasting fruit for our customers.

Our company has a turnover of over £175million, employs over 200 people and operates over two sites in the United Kingdom. We work with more than 100 suppliers in 16 different countries in Europe, Africa and North and South America. Our supply chain varies from single tier to more complex multi-tiered suppliers.

Our Values

- **Integrity** – we do the right thing, meeting industry standards
- **Exceed** – we over deliver
- **Efficient** – as experts we continuously seek to improve our supply chain processes and costs
- **Innovate** – we develop new varieties and other creative approaches
- **Collaborate** – we work closely with colleagues, customers and suppliers to build long term relationships

Our values underpin everything we do.

We are sponsors of the Spanish Ethical Forum, in which all of our Spanish suppliers participate.

We have expanded our team with a dedicated Ethical Manager and have established a Human Resources Department to further embed our organisational commitment to human rights.

We are a Bright Future Business Partner, offering employment to victims of modern slavery.

Our policies on slavery and human trafficking

We actively promote and respect human rights within our business through a number of policies, procedures and processes. These include:

- Anti-bribery and Corruption
- Ethical Trade and Human Rights
- Equality and Diversity
- Grievance
- Modern Slavery
- Preventing Hidden Labour Exploitation
- Recruitment and Selection
- Whistleblowing



Modern Slavery Statement

Our ethical trade and human rights policy is based on the principles of the ILO, (International Labour Organisation) and ETI, (Ethical Trade Initiative) Base Code. Policies and processes reflect our commitment to mitigating human rights risks and remediation of any adverse impacts that our business has caused or contributed to. We conduct our business in an ethical manner that focuses on human rights related to the provision of labour and working conditions throughout our supply chain, ensuring that people are treated fairly and that their human rights are protected and respected. This includes rights to fair pay, safe working conditions and protection from modern slavery. We seek to develop long term relationships with those businesses that share our ethical standards.

Due Diligence

Accountability for addressing human right risks including modern slavery and human trafficking within our company and our supply chain lies with our Finance Director.

All our suppliers are required to be members of SEDEX, (the Supplier Ethical Data Exchange), maintain their SAQ, (Self-Assessment Questionnaire), and to undertake an ethical audit based on risk, ideally a SMETA audit within an agreed timeframe by an approved third party auditor.

Incorporated into our initiatives to identify and address risks of modern slavery are systems that:

- Develop, implement and train out relevant policies and procedures;
- Improve recruitment and onboarding processes within our own business to reduce the risk of third parties engaged in exploitation infiltrating our business;
- Improve awareness and understanding of modern slavery to enable identification of any modern slavery cases;
- Enable an effective response to any suspected cases to protect victims;
- Improve auditing, identification and mitigation of risk amongst our labour providers, including agency worker interviews;
- Identify and assess the potential risk areas in our supply chain;
- Identify and assess Base Code non-conformances through audit of labour providers and interviewing workers in our supply chain, including incorporating the anonymous & Wilder direct reporting tool amongst our own workforce and that of our suppliers;
- Mitigate the risk of slavery, human trafficking and other Base Code non-conformances by working with suppliers on CAPs, (corrective action plans);
- Monitor potential risk areas in our supply chain through dialogue with our suppliers, the use of CAPs and follow up visits;
- Protect whistleblowers.

Monitoring and Reporting

Our strategic steering group is reviewed to ensure fitness for purpose in driving our progress against ethical trading KPIs. We are completing the Stronger Together direct reporting tool on an annual basis to also measure our progress against our ethical trading action plan.



Modern Slavery Statement

We participate in relevant forums such as PEN, (Produce Ethical Network) and FNET, (Food Network for Ethical Trade).

Dedicated to building long term supplier relationships, we can influence commitment to ethical trading practices and increase transparency in our supply chain.

Training

To maintain awareness and help us to prevent modern slavery or any human rights abuse, our employees have completed various learning interventions such as:

- Stronger Together 'Tackling Modern Slavery' eLearning;
- Stronger Together 'Good practice in handling suspected cases of modern slavery';
- ALP, (Association of Labour Providers), 'Eliminating Recruitment Fees';
- ALP 'Introduction to Responsible Recruitment';
- As part of our induction programme, we also incorporate Stronger Together resources.

We have also hosted training events for our suppliers such as ALP 'Effective sourcing and retaining workers'.

Further steps

To enhance our approach to tackling modern slavery within our business and our supply chain, we will:

- Continuously improve our policies and practices;
- Further develop our training interventions to raise awareness;
- Further develop stakeholder relationships;
- Commit to achieving our ethical trading KPIs outlined in our action plan;
- Encourage SEDEX (the Supplier Ethical Data Exchange) registration beyond Tier 1 suppliers;
- Further mapping of our supply chain to incorporate our service providers

Neil Redford
Finance Director





Angus Soft Fruits Ethical Trade and Human Rights Policy

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Angus Soft Fruits' mission is to deliver great tasting berries that will delight our customers each and every day. Our values determine how we do business:

- Integrity – we ensure that in all areas of our business we act professionally and with the utmost integrity;
- Exceed – we aim to exceed expectations in terms of growing expertise, industry knowledge and delivery of exceptional service;
- Efficient – as experts we continuously seek to improve our supply chain processes and costs;
- Innovate – we develop new varieties and other creative approaches;
- Collaborate – we work closely with colleagues, customers and suppliers to build long term relationships.

Angus Soft Fruits is also committed to respecting international human rights standards through having, implementing and reviewing policies and processes in place that mitigate against human rights risks and remediate any adverse impact it has caused or contributed to. We also aim to use our influence in the course of our business activities throughout the supply chain to promote human rights.

Consequently, we aim to conduct our business in an ethical manner that focuses on human rights related to the provision of labour and working conditions throughout the supply chain to ensure that people are treated fairly and that their human rights are protected and respected. This includes rights to protection from modern slavery, fair pay and safe working conditions. We have zero tolerance to forced labour, slavery, human trafficking and exploitation in our supply chain.

Ethical Trading Initiative, (ETI), Base Code

The principles of the International Labour Organisation, (ILO) and Ethical Trading Initiative (ETI) Base Code form the basis of our ethical trade and human rights policy :

- Employment is freely chosen
- Freedom of association and the right to collective bargaining are respected
- Working conditions are safe and hygienic
- Child labour is not used
- Wages and benefits paid for a standard working week meet national legal or industry benchmark standards (as a minimum)
- Working hours are not excessive
- No discrimination is practiced
- Regular employment is provided
- Harsh or inhumane treatment is not used
- Only workers that have a legal right to work are employed



Angus Soft Fruits Ethical Trade and Human Rights Policy

- Use of labour providers is responsible
- Environmental norms and legislation are respected

In addition to the above, we are committed to adopting the Responsible Recruitment Standard which requires adherence to globally aligned ethical standards. A significant and relevant factor to achieve this is the task of eliminating recruitment fees to workers in our business and through our supply chains. Consequently are in the process of adopting an Employer Pays policy and Repayment of Recruitment Fees policy. We will be communicating such policies to our growers, suppliers, packers and transport companies and will seek collaboration to achieve elimination of recruitment fees through our supply chain.

We seek to develop long term relationships with those businesses that share our ethical standards and are willing to collaborate with us to improve working conditions, particularly in those countries that have been identified as high risk.

We require all our UK and international growers, suppliers, packers, transport companies and labour providers to comply with this policy, in-country legal requirements and industry best practice. We also expect our suppliers, growers, packers, transport companies and labour providers to be able to demonstrate to us that they have carried out sufficient steps across their own operations to:

- communicate the standards expressed in our policy;
- monitor compliance;
- remediate areas of non-compliance.

While we recognise that time and support may be necessary to achieve this, we will expect any breaches to be addressed within appropriate timescales. Should a supplier be unwilling to address any critical issues within the agreed timeframe, we reserve the right to terminate the relationship in accordance with our contractual rights.

Our growers, packaging suppliers, transport companies and labour providers are

required to:

- be members of the Supplier Ethical Data Exchange, (Sedex) platform
- be linked to Angus Soft Fruits;
- maintain their membership of Sedex and self assessment questionnaire.

All suppliers and growers are expected to undertake an ethical audit based on risk, ideally a SMETA audit, within an agreed timeframe by an approved third party auditor. Audit results are to be shared with us and any corrective actions are to be achieved within the agreed timeframe as outlined by the auditor. We have the right to





SOFT FRUITS
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Angus Soft Fruits Ethical Trade and Human Rights Policy

request compliance related information and to audit at the discretion of, and at any time we choose.

Angus Soft Fruits also acknowledges the significance of the Bribery Act 2010 in combatting global corruption. We seek to foster a culture that prevents corruption in all forms to maintain business integrity. Therefore, we expect all our suppliers, growers, packers, transport companies and labour providers to disclose full and accurate information when carrying out audits. Attempts to withhold or falsify essential business information requested by any Angus Soft Fruits representative will be treated as a serious non-compliance. We reserve the right to withdraw our business without notice if there is evidence of bribery complicity or withholding or falsifying such information that is significant to the business relationship with us.

This policy will be reviewed on an annual basis to ensure it continues to be fit for purpose.

I have read and fully understood all of the requirements of the Angus Soft Fruits Ethical Trade and Human Rights Policy as detailed above and will ensure that we comply with it.

Company:
Position:
Date:

Name:
Signature :

Version	2
Author	Marie Dawe, HR & Ethical Manager
Reviewer	Neil Redford, Finance Director
Status	Approved
Review Date	2020

