

Dole HRIA Monitoring Report

El Muelle Pineapple
Project of Cutris District



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1. SUMMARY

The most significant positive changes in human rights performance pertained to environmental rights. These changes resulted from a combination of corporate initiatives and new government regulations. The lack of action on other human rights issues, particularly pertaining to the social and labor rights impacted by poor communication, has had negative human rights outcomes in the 16 months since assessment. Failure to address the concerns of workers regarding the independence and reliability of the Solidarity Association and a perceived decline in job security has strained relations between the workforce and management. Similar failures to establish adequate communication channels and address concerns presented by neighboring populations have contributed to continuing distrust within the local community. Dust in San Jorge, odors in Santa Teresa, and stable fly throughout the area present persistent low-level human rights impacts that continue to augment.

Human Rights Impact Ratings – Employees, Families, Local Residents		
Right to Work / Nondiscrimination	 Blue	  Green
Equal Work for Equal Pay	 Blue	 Blue
Right to Just Remuneration / Holidays with Pay / Favorable Work	 Green	 Green
Freedom of Association	 Green	 Green
Right to Favorable Work Conditions	 Green	 Green
Right to Housing (General)	 Green	 Green
Right to Housing (San Jorge)	 Red	  Red
Right to Health	 Green	 Green
Right to Clean Environment	  Yellow	 Green
Right to Clean Air (San Jorge)	 Red	  Red
Right to Clean Air (Other)	 Yellow	 Green
Right to Water (Santa Teresa and San Jorge)	  Orange	 Black
Right to Adequate Standard of Living (Employees)	 Green	 Green
Right to Adequate Standard of Living (Local Residents)	 Orange	 Orange
Right to Education (Workers' Children)	 Green	 Green
Right to Education (Local Children)	 Red	 Red
Right to Privacy (Communities)	 Orange	  Orange
Right to Privacy (Workers)	 Blue	 Blue

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Comment [1]: I updated this chart with the new ratings

2. RIGHTS OF CONCERN

2.1. LABOR RIGHTS

Dole continues to be the preferred employer in the El Muelle area. Its salaries, benefits and hours remain desirable, even though workers lament the increased productivity expected of them. The daily minimum wage rate rose to 7,641.58 per six-hour day, up from 7,193.97 in 2010. In addition, Dole has agreed to pay for workers' transportation starting January 2012 (previously Dole covered 70% of costs and workers covered the remaining percentage). Female presence in the workforce declined from 18% in 2009 to 14% at the time of site visit, but this decrease does not appear to be the result of discrimination.

2.2. ENVIRONMENTAL RIGHTS

Improvements in environmental performance, including the use of locally sourced biodiesel on three pieces of large equipment and a number of biodiversity monitoring initiatives have improved the Project's environmental rights ratings. Water monitoring encouraged by assessors was obviated by a new Costa Rican law requiring treatment for wastewater. The El Muelle farm's wastewater treatment plan now controls for suspended solids, dissolved oxygen and a number of chemical compounds including Nitrogen and Phosphorous.

2.3. RIGHT TO INFORMATION/RIGHT TO WORK

Independence of workforce leadership remains a major, and growing, problem. The opacity of retrenchment policies has pushed a significant percentage of the harvesting and farm maintenance workforce towards a fruitworkers union, SINTRAPIFRUT. SINTRAPIFRUT was formed in 2009 and is unique in Costa Rica for allowing migrant workers to join. The presence of the new SINTAPIFRUIT union has presented an alternative organizing option for workers and has received growing support. Workers attribute this shift to lack of confidence in the previous system involving the Permanent Committee and Solidarity Association and a perceived lack of job security. Simultaneous with SINTRAPIFRUT's arrival, membership in the Solidarity Association dropped from 80% to near 50%. Several workers expressed the belief that Dole manipulates the Association and Permanent Committee elections by initiating big projects (construction of a supermarket, elimination of worker fees for transportation) just before elections so that incumbent members friendly to management would be reelected. Workers still refer to the theft of Association funds as a reason they feel powerless against management. Resentment towards Human Resources persists.

Previously there was little local resentment over incoming jobseekers but this has changed. As more locals have been laid off, there is a growing sense among those interviewed that "outsiders" are taking jobs that should go to local residents. With limited employment opportunities in the area, owing partly to the rise of monoculture, local residents are increasingly anxious about making a living.

2.4. RIGHT TO PRIVACY/RIGHT TO HEALTH (Dust)

Dust in San Jorge has an unknown material makeup and may pose health risks to the community. In addition, it detracts from rightsholders' abilities to carry out daily life, particularly shopkeepers and teachers. Assessors recommended paving the road to reduce dust entrainment in San Jorge. In December of 2010, Dole proposed to develop *"a reforestation plan expansion to include the donation of live plants for use by neighbors in this community if they wish to use [them] as dust barriers."* The

timeline for this project has been implausibly long. Shown below, it suggests that 2011 has been spent analyzing the need, but locals have not seen Dole representatives conducting dust assessments and have not been consulted about the problem. Local consultations are scheduled for 2012, more than a year after the program ostensibly started.

Cronograma de Trabajo Reducción de Polvo Comunidad de San Jorge Años 2011 y 2012.																							
Actividades	Año 2011												Año 2012										
	Enero	Feb	Marzo	Abril	Mayo	Junio	Julio	Ago	Set.	Oct	Nov.	Dic.	Enero	Feb	Marzo	Abril	Mayo	Junio	Julio	Ago	Set.	Oct	Nov.
1	Identificación de las zonas de interés para el control de deriva.																						
2	Siembra de Vetiver para reforzar el control de la deriva.																						
3	Establecimiento de banco de semilla y material de propagación																						
4	Reunión Junta de Desarrollo.																						
5	Identificación de las áreas a sembrar, mediante un censo en la comunidad.																						
6	Selección de material.																						
7	Distribución del materia.																						
8	Siembra y zonas																						

If this two-year timeline is in effect, it represents the Company’s shortcomings as a communicative neighbor. If the timeline was only recently created, it suggests the Company does not take seriously the health and livelihood impacts it has on the residents of San Jorge.

3. GRIEVANCES

The absence of a two-way communication system between the company and rightsholders (in the community and in the workforce) is a growing problem.

Residents of San Jorge and Santa Teresa say they have ceased presenting grievances because complaints produce no results. Currently communities are expected to contact Max Leon Perez with concerns. As development coordinator for the farm, he does not have sufficient time to address local grievances. In the farm’s management system there is a procedure on External Communications (No. RG09) whereby third-party communications (written or oral) need to be processed and answered by the organization. Community members do not believe the company has an active role in communities and are not aware of the External Communications Procedure. They see stakeholder engagement as one-sided, minimal, and insufficient.

Workers, particularly those who believe they have been wrongly fired or laid off, share this perspective. The SA 8000 grievance system, “Procedure RH009,” is not known to workers, although it is presented to them during training. They believe that grievances should be brought directly to HR officer Jose Pablo, who issues replies without documentation or institutional interaction.

The UN Special Rapporteur for Human Rights and Business has conducted extensive research on the subject of unresolved worker and community grievances. The findings have been unequivocal: small grievances that go unaddressed by companies escalate into large-scale human rights allegations and,

often, lawsuits.¹ In many cases, bureaucratic delays on remedies create a culture of distrust between communities and companies, leaving communities to seek support for their complaints elsewhere, including from activist groups. The Project has not developed effective systems for responding to community or workforce grievances, creating widespread distrust among its neighbors and a growing sense of insecurity within its workforce.

4. RATINGS

Human Rights Impact Ratings Scoring System	
Right is likely to be severely negatively impacted; poses risks to the Project itself	● Red
Project has the potential to impact a right in negative ways	● Orange
Project impacts are variable but are likely to be significantly positive or negative	● Yellow
Project is likely to impact a right in positive ways	● Green
Right is expected to improve significantly as a direct result of Project activities	● Blue
Data associated with the rating is flawed, insufficient, or absent; monitoring needed	● Grey
Extreme uncertainty; lack of data associated with right represents a significant risk	● Black

The ratings chart below presents a matrix of all major findings during assessment and auditing. Contextual realities, company policies and international standards are in the left column. The center column provides the rating issued in the original HRIA. The right column provides the updated rating in line with the findings of the monitoring study.

The ratings of the monitoring study begin with the premise that there was no change from the previous ratings established during the original HRIA regarding the impacts of the Project. In instances where changes were discovered during monitoring, a new rating is issued as the numerical average of scores produced for each rights topic (see HRIA for elaboration). Such changes generally fall into one of two categories: (1) the scoring of a rights topic previously identified in the original HRIA must be adjusted, or (2) a new rights topic that was not noted in the original HRIA arises and requires scoring.

For Category 1 changes, the new score displaces the original score and a new numerical average results in the revised rating. For Category 2 changes, the new topic is analyzed and scored as an addition to the calculation; the numerical average will include old (still relevant) and new scores to produce a revised rating.

¹ For background on this, see, ex.: Wright, Michael. Corporations and Human Rights: A Survey of the Scope and Patterns of Alleged Human Rights Abuse. April 2008, as well as Ruggie, John, Report to the UNCHR, April 2009.

Context (Con)/ Company (Com)/ International Standards (Intl)		Rating (original)	Rating (monitoring)
LABOR			
Right to Work / Nondiscrimination			
Con	Self-employed farmers, or plantation employees dominated the workforce.	<p>● BLUE</p> <ul style="list-style-type: none"> Job creation in low employment area (700 long-term jobs)(+9) Project jobs are more secure than at other farms (+15) Women, at 18 percent of the workforce, are better represented in Project payrolls than in other plantations' (+15) (Rating: +13) 	<p>● GREEN ● UNCERTAIN</p> <p>No change from previous rating (+12.7) with the following exceptions:</p> <ul style="list-style-type: none"> Job creation continues but has dropped to 500 (Decrease to +5 from +9 and uncertainty) Project jobs generally remain more secure than previous employment opportunities but layoffs due to the weak economy have diminished perceived job security (Decrease to +5 from +15 and uncertainty) Delayed resolution of existing grievances (23 months late) has created distrust of the Permanent Committee and Solidarity Association (-3) Grievance procedures & layoff policies remain opaque, causing rising distrust (-3) Women's presence in the workforce has dropped significantly (22% in 16 months from 18% to 14%) but decrease does not appear to be the result of discrimination and female representation and schedule/ benefits for working mothers remain strong in comparison to other plantations. (Decrease to +9 from +15) <p>(Revised Rating: +2.6 and Uncertainty)</p>
Com	Company hires workers in the area for all elements of operations, with promotion occurring through experience and on-the-job training		
Intl	IFC Performance Standard 2; Universal Declaration, Articles 1-2, 6-7, 23; International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 7; International Covenant on Civil and Political Rights; SA 8000 5.1 – 5.3		
Equal Work for Equal Pay			
Con	Few women work in the area	<p>● BLUE</p> <ul style="list-style-type: none"> Equal employment opportunities for men and women (+9) Equal pay for men and women for equal work (+15) 	<p>● BLUE</p> <p>No change from previous rating (+12)</p>
Com	Promotion occurs through experience and on-the-job training		
Intl	IFC Performance Standard 2; Universal Declaration, Articles 7, 23; ICESCR Article 7; SA 8000 5.1-		

	.3	(Rating: +12)	
Right to Just Remuneration / Holidays with Pay			
Con	Landowners profited from their farming and ranching, but hired hands earned wages well below the national minimum and had no insurance.	<p>● GREEN</p> <ul style="list-style-type: none"> ▪ Overtime and holidays are respected at the Project (+3) ▪ Overtime and holidays are paid Time-and-a-half (+3) 	<p>● GREEN</p> <p>No change from previous rating (+5)</p>
Com	Company insures all workers, provides access to healthcare, and conducted an operations-wide Livable Wage study in 2008 to ensure just remuneration. Holidays are respected	<ul style="list-style-type: none"> ▪ Wages at the Project are better than wages other agricultural employers in the area. Fair and progressive (+9) ▪ Workers at the plant have a one-hour lunch break and subsidized meals (fieldworkers do not, generally leaving the fields by lunch time) (+5) <p>(Rating: +5)</p>	
Intl	IFC Performance Standard 2 ILO Decent Work Convention; ILO Minimum Wage Fixing Convention 1970; SA 8000 8.1-.3		
Freedom of Association			
Con	Labor was not well organized prior to Project arrival.	<p>● GREEN</p> <ul style="list-style-type: none"> ▪ 80% of workers are members of the Solidarity Assn. (+15) ▪ Membership is voluntary, open to all workers (+15) ▪ Workers can vote and lobby for improved tariffs and benefits (+15) ▪ Non-members express distrust. A theft of Association funds raised ongoing corruption concerns and resulted in a series of alarming firings (-9) 	<p>● GREEN</p> <p>No change from previous rating (+7) with the following exceptions:</p> <ul style="list-style-type: none"> ▪ A decreased percentage of permanent workers are members of the Solidarity Association (80%-50%) but decrease due largely to presence of new union option for organization (No change from +15) ▪ Membership in new national fruit workers union, SINTRAPIFRUT, is high (close to 50% among some categories of workers) due in part to lack of confidence in previous system. (+15) ▪ Perceived lack of job security in light of layoffs has negatively impacted workers' ability to voice complaints with the Company. (-9) ▪ Investigation conducted into theft of Association funds has resulted in no conclusions as to the responsible party, resulting in residual distrust among
Com	Company supports an Asociacion Solidarista in Costa Rica, which provides social security, health insurance and other long-term savings opportunities. A Permanent Committee addresses grievances between workers and management, including wage disputes and hours. Each department elects one member, of the Committee, totaling around a dozen members.	<ul style="list-style-type: none"> ▪ Collective Bargaining is conducted through the Permanent Committee, which has numerous conflicts of interest (-9) <p>(Rating: +7)</p>	
Intl	IFC Performance Standard 2 ILO Convention 87 Freedom of Association SA 8000 4.1 – 4.3		

			workers. (No change from -9) (Revised Rating: +4.7)
Right to Favorable Work Conditions			
Con	Local jobs included farm work with sugar cane, citrus, teak and Molina plantations, and animal husbandry. For hired laborers, working conditions included long hours without overtime pay, no social insurance, and rare use of protective gear. Pineapple plantation work is arduous. Workers are rain-drenched through wet-season and sweltering through dry season. Pineapple plants are fibrous and spiny, and jobs that require extracting seeds or conducting the harvest invariably set workers right into the spines of the plant. Pesticides and herbicides are used, and heavy machinery is regularly employed.	<p>● GREEN</p> <ul style="list-style-type: none"> Workstations have ice water and electrolytes (+9) Workers wear protective gear at all times. Signposts keep people out of fields recently sprayed with hazardous chemicals (+15) Sun-sick and heat-sick workers who don't recover with water, shade and serum are paid for the day while they recover (+9) Benefits include health insurance (and transportation to facilities) and a pension fund, which workers consider valuable (+5) Regular on-site skills training (+9) 	<p>● GREEN</p> <p>No change from previous rating (+6.4)</p>
Com	SA 8000 certification sets standards for working conditions, which the Company upholds.	<ul style="list-style-type: none"> Pineapple work is always arduous, uncomfortable, and intense (-15) 	
Co.	IFC Performance Standard 2; ILO Fundamental Conventions; FSC Principle #4; Universal Declaration, Article 23; ICESCR, Article 7; SA 8000 general	<ul style="list-style-type: none"> There are ongoing fears that workers who don't work overtime will be fired. Retrenchment policies are poorly understood (-9) Laid off workers often seek employment with the company when possible (+25) <p>(Rating: +6.4)</p>	
HEALTH / ENVIRONMENT / ECONOMIC			
Right to Housing – General			
Con	Nicaraguan houses are generally wooden, sometimes on stilts and without in-house latrines. Costa Rican houses are generally cinderblock and stucco, painted and tiled, with manicured lawns. Almost all houses have tin roofs and gates.	<p>● GREEN</p> <ul style="list-style-type: none"> Employee housing has undergone significant changes at the hands of the workers themselves. Workers who previously lived in crowded houses with extended families have procured their own 	<p>● GREEN</p> <p>No change from previous rating (+9) with the following exception:</p> <ul style="list-style-type: none"> Whereas previously workers taking part in the busing program were required to pay

Com	Company policy has shifted in recent decades away from “worker villages” towards salaries sufficient for workers to provide their own houses.	<p>dwellings. Some workers are constructing their own houses, adding rooms as desired, by saving from each paycheck (+9)</p> <ul style="list-style-type: none"> ▪ Houses in what locals consider the “worst” neighborhoods have electricity, wells, and piping in preparation for piped water. Many are tiled inside and stuccoed outside in the Costa Rican fashion, even for Nicaraguan workers (+9) (Rating +9) 	<p>a fee for transportation, the Company has instituted a new policy of paying for the full cost of busing employees to the plantation, thus improving workers’ ability to live in chosen locations without being impacted by transportation costs (+9) (Revised Rating: +9)</p>
Intl	SA 8000 2.1; Universal Declaration, Art. 25; International Convention on Economic, Social and Cultural Rights, Art. 11; International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, Art. 43; IFC Workers Accommodation Guide		
Right to Housing – San Jorge			
Com	See above	<p>● RED</p> <ul style="list-style-type: none"> ▪ Non-employee housing has declined in quality along major Project routes, resulting from Project dust and noise (-9) (Rating: -9) 	<p>● RED ● UNCERTAIN</p> <ul style="list-style-type: none"> ▪ No change from previous rating (-9) with the following exceptions: <ul style="list-style-type: none"> ▪ Continued reports of dust and noise, even during the middle of the night, continue along major Project routes (No change from -9) ▪ The company has stated its intention to implement a noise and dust mitigation plan but there is no evidence that such plan has been enacted and timelines established for the plan are overextended. There is no indication of a successful outcome, due most importantly to lack of community input or even knowledge to date of such Company plan. (Uncertainty) (Revised Rating: -9 with Uncertainty)
Intl	See above		
Right to Health			
Com	Project arrival coincided with significant improvement in vaccine availability in the area, so health has improved nationwide.	<p>● GREEN</p> <ul style="list-style-type: none"> ▪ Population growth resulting from Project supported with a new EBAS clinic with excellent 	<p>● GREEN</p> <p>No change from previous rating (+2.6)</p>

	Com	Company policy includes a mandate to ensure that surrounding communities have adequate sanitation facilities and clean drinking water. This is not visibly in effect in the Project area. Company policy also guarantees support to local health facilities; at least one local facility denies that it receives any support.	staff and regular supplies (+15) <ul style="list-style-type: none"> Workers and families are provided access to healthcare, including annual dental and vision exams. Workers have access to healthcare on Saturdays on site, provided by the Company (+9) Rise in back problems (-3) Doctor workloads (and clinic crowding) increased (-5) Health issues related to the significant increase in dust entrainment in San Jorge (-3) (Rating: 2.6)	
	Intl	Universal Declaration, Article 25; ICESCR, Article 12; WHO Constitution; Performance Standards 2, 3, and 4; SA 8000 3.1 – 3.6		
Right to Clean Environment				
	Con	The Project area had already suffered significant environmental degradation before the Company purchased the land. Cattle ranchers, plantation owners and farmers were unmonitored or minimally monitored in their consumption of surface water and their use of herbicides and pesticides.	<ul style="list-style-type: none"> YELLOW (lacking data) Project efforts to mitigate erosion have set industry standards (Monitoring data of surface water suspended solids would further improve this rating) (+5) Project minimizes herbicide and pesticide use to “as needed” basis (less than monthly) and conducts regular monitoring of surface water and soil agrochemical content (none found in recent months) (+9) Anecdotal evidence suggests that environmental protections have improved under Project management (+5) Prior owners negatively impacted biodiversity. A loss of sense-of-place has occurred; a loved resource seems no longer pure (-9) (Rating: +0.2)	<ul style="list-style-type: none"> GREEN No change from previous rating (+.2) with the following exceptions: <ul style="list-style-type: none"> The Company’s recently instituted monitoring program has revealed an increase in rare species in the area, owing partly to improved protections of riverine areas (+5) New water treatment facility has been created to treat plantation wastewater. (+5) While erosion measures have set industry standards, erosion was visible on site during monitoring study and some anti-erosion plants had been uprooted in the heavy rains (Decrease to +1 from +5) Company is to institute new program of teaching environmental awareness classes at local schools. (+1) (Revised Rating: +2.4)
	Com	The company complies with national standards where it operates, and it is ISO 14001 certified in environmental management systems. The company is also GlobalGAP (Good Agricultural Practices) compliant. The Company has also banned the “dirty dozen” pesticides viewed worldwide as environmentally destructive and has cut carbon emissions and water consumption in operations worldwide.		
	Intl	Performance Standards 3 and 6; Rainforest Alliance; ICESCR, Article 12		
Right to Clean Air – San Jorge				
	Con	Dust creation is an issue associated with large vehicles from other plantations in the area.	<ul style="list-style-type: none"> RED The Project conducts no dust mitigation. Teachers, students and shopkeepers struggle to work, and towns along major Project routes have become 	<ul style="list-style-type: none"> RED UNCERTAIN No change from previous rating (-15) with the following exception: <ul style="list-style-type: none"> The company has stated its
	Com	No dust entrainment is conducted, no monitoring is ongoing.		
	Intl	Performance Standards 3 and 6;		

	Rainforest Alliance; ICESCR, Article 12	undesirable living spaces (-15) (Rating: -15)	intention to implement a dust mitigation plan but there is no evidence that such plan has been enacted and timelines established for the plan are overextended. There is no indication of a successful outcome, due most importantly to lack of community input or even knowledge to date of such Company plan. (Uncertainty) (Revised Rating: -15 with Uncertainty)
Right to Clean Air – Other Rightsholder Areas			
Con	Much land was destroyed by the brief previous owners of Project land. Prior to that, rangeland and medium-sized farms were mixed with large holdings, leaving live barriers (trees) present. Tree plantations also improved air quality	● YELLOW <ul style="list-style-type: none"> ▪ Prior owners introduced tree clearing, chemical spraying (-3) ▪ Operations represent a comparative reduction in chemical use. Dole has also ceased burning fields to clear pineapple fields (+3) ▪ Carbon neutral projects include carbon credits, which do not improve local air quality (+1) ▪ In Santa Teresa, odors from organic spraying cause nausea and headaches (-1) (Rating: 0) 	● GREEN No change from previous rating (0) with the following exception: <ul style="list-style-type: none"> ▪ New biodiesel initiative at Project reduces emissions while using locally-produced biodiesel (+5) (Revised Rating: +1)
Com	The Company is committed to reducing its carbon footprint.		
Intl	Performance Standards 3 and 6; Rainforest Alliance; ICESCR, Article 12		
Right to an Adequate Supply of Water – Santa Teresa and San Jorge			
Con	Prior to Project development, the climatic transition from forest to agriculture affected the water table, such that wells run dry in summer	● ORANGE ● UNCERTAIN <ul style="list-style-type: none"> ▪ Wells run dry every day of the summer in Santa Teresa and San Jorge. The duration of dry spells increases annually, residents say. The Project conducted no baseline data on aquifer levels, drawdown, or the impacts of Project drainage systems on groundwater (-3 Uncertainty) ▪ Residents believe the Project may be compounding preexisting water shortages (-3 Uncertainty) (Rating: -3) 	● STRONG UNCERTAINTY No change from previous rating (-3) with the following exception: <ul style="list-style-type: none"> ▪ Two rainy years have replenished wells and water tables, but long-term water availability is not assured and there are no aquifer studies to facilitate understanding of potential impacts (Revised Rating: Strong Uncertainty)
Com	Company policy mandates that surrounding communities must have clean drinking water. This is not addressed in Costa Rican operations.		
Intl	Universal Declaration, Article 25; ICESCR, Article 12; WHO Constitution; Performance Standards 2, 3, and 4; SA 8000		
Right to Adequate Standard of Living – Employees			

Con	Project employees generally began work as unskilled, uneducated workers. Few had previously earned even minimum wage.	<p>● GREEN</p> <ul style="list-style-type: none"> ▪ Purchasing power has increased for workers (+3) ▪ Worker salaries are adequate for families (+9) ▪ There is no food insecurity in the area (+1) ▪ In San Pedro, shop owners have profited from a growing population (+5) (Rating: +4.5) 	<p>● GREEN</p> <p>No change from previous rating (+4.5) with the following exceptions:</p> <ul style="list-style-type: none"> ▪ Weak economy has resulted in widespread layoffs as well as perceived lack of job security among workers (-9) ▪ Company has reimbursed the amount of stolen Association funds and is supporting construction of nearby supermarket run by the Association, which will increase access and convenience to necessities. (+3) ▪ The new supermarket will provide employment opportunities and will benefit workers by generating revenues for the Association. (+3) (Revised Rating: +2.1)
Com	Company policy mandates that workers earn a livable wage that will provide for the needs of employees and their dependents (SA 8000).		
Intl	Adequate Standard of Living – Global Compact Issues		
Right to Adequate Standard of Living – Santa Teresa and San Jorge Inhabitants			
Con	Many communities surrounding the project have significantly shrunk in size, because the Project bought land and previous owners moved away.	<p>● ORANGE</p> <ul style="list-style-type: none"> ▪ Elderly shop owners have lost nearly all clientele, income (-15) ▪ Merchandise is ruined by dust (-5) ▪ San Pedro shopkeepers gain from population shifts (+5) (Rating: -5) 	<p>● ORANGE</p> <p>No change from previous rating (-5) with the following exceptions:</p> <ul style="list-style-type: none"> ▪ Planned construction of a nearby supermarket run by the Association will increase access and convenience to necessities for locals who previously had to travel up to 15 km to the nearest supermarket (+5) ▪ Planned supermarket will compete with local businesses and may run smaller establishments out of business. (-3) (Revised Rating: -2.6)
Com			
Intl	Adequate Standard of Living – Global Compact Issues		
Right to Education – Worker’s Children			
Con	Student populations shrank with	● GREEN	● GREEN

		influx of agroindustrial business. Nicaraguan students have in some cases displaced Costa Ricans, as children of farm workers.	<ul style="list-style-type: none"> Children of workers experience similar alterations in school maintenance, upkeep and staffing as local children (see directly below) (-5) Project scholarships offer opportunities to worker children that they would not otherwise have (+5) Project provides school supplies to all children of workers (+15) (Rating: 5) 	No change from previous rating (+5)
	Com	The Company supports ongoing education for children of employees and funds scholarships for students of all ages in all project areas. The Company does not own schools.		
	Intl	Universal Declaration, Art. 26; ICESCR Art. 14		
Right to Education – Local Children				
	Con	See above	<ul style="list-style-type: none"> RED Decreased enrollment decreases state funding for local schools leading to declining school upkeep (-15) Students in single-teacher schools have lower performance (-15) (Rating: -15) 	<ul style="list-style-type: none"> RED No change from previous rating (-15) with the following exception: <ul style="list-style-type: none"> Despite continued decreased enrollment and Company inaction, baseline conditions at local schools have improved, as evidenced by the government's response to requests and contribution of supplies such as new computers and to upkeep such as new roofs and fences. (Revised Rating: -15)
	Com	See above		
	Intl	See above		
SECURITY				
Right to Privacy – Communities				
	Con	Industrialized farming replaced medium-scale local operations. Farms and ranches were held by smallholders and Agromonte had just recently begun pineapple production in the area.	<ul style="list-style-type: none"> ORANGE Traffic between the packing plant and the main tarmac roads is significant (-15) Noise pollution and dust impact people's ability to carry out daily activities (-5) Downstream rightsholders experience fewer disruptions to livelihood owing to Project's decreased water toxicity issues (+3) (Rating: -5.7) 	<ul style="list-style-type: none"> ORANGE ● UNCERTAIN No change from previous rating (-5.7) with the following exceptions: <ul style="list-style-type: none"> Continued reports of dust and noise, even during the middle of the night, continue along major Project routes (No change from -5) The company has stated its intention to implement a noise and dust mitigation plan but there is no evidence that such plan has been enacted and timelines established for the
	Com	Company has no dust entrainment or noise pollution policies		
	Intl	Universal Declaration of Human Rights Art. 12; International Covenant on Civil and Political Rights Art. 17; <i>American Declaration on the Rights and Duties of Man, Art 9;</i>		

			plan are overextended. There is no indication of a successful outcome, due most importantly to lack of community input or even knowledge to date of such Company plan. (Uncertainty) (Revised Rating: -5.7 with Uncertainty)
Right to Privacy – Workers			
Con	See above	<ul style="list-style-type: none"> ● BLUE ▪ Worker ability to select housing and neighborhoods allows for a great deal of privacy for workers and worker families (+15) (Rating: +15) 	<ul style="list-style-type: none"> ● BLUE No change from previous rating (+15)
Com	See above		
Intl	See above		
Rights Unlikely to be Impacted			
The rights without significant foreseeable impact include: Freedom from Exploitive Child Labor; Freedom of Religion; Freedom from Degrading Treatment and Torture; Freedom from Arbitrary Arrest and Imprisonment; Indigenous Rights; Freedom of Residence; Right to Property; Right to Food; Freedom of Assembly; Right to Political and Public Participation; and Right to Security of Person.			

5. RECOMMENDATIONS

The dominant issues requiring company action are oriented towards the Project’s particularly negative direct and indirect impacts on the community of San Jorge. Income loss, dust, and population decrease resulting in diminished educational opportunities can be addressed in the ways set forth below. Additionally, the presence of the new SINTRAPIFRUT union and the lack of confidence voiced by workers concerning the previous system demonstrate a need for Dole to address the perceived communication gap between management and its workers.

5.1. Grievances

The implementation of comprehensive and effective grievance procedures directed at both the Dole workforce as well as local communities would positively impact both of the areas of concern described above.

5.1.1. Workforce

Dole should recognize and address the disconnect that seems to exist internally between Dole management and its workers and institute a system for worker grievances that is confidential and yet produces meaningful results, to help rectify the current lack of confidence among workers in the Permanent Committee process and workers’ fear of losing their jobs as a result of voicing complaints. An employee grievance mechanism should provide employees with the option of submitting grievances through one of two channels: confidential, whereby grievances are logged and patterns are analyzed by

the company, or non-confidential, whereby the Company can respond directly to the aggrieved worker to resolve the dispute. Grievances should be addressed transparently with a clear process for complaints to move from low- to senior-level management where necessary. Failure to institute such a system will result in increased power to the new union and compound resentment by workers as job security decreases due to economic pressures.

5.1.2. Community

Dole should institute a grievance procedure directed towards the local community and conduct community sensitization to explain how the process will work (i.e. who should be contacted, whether complaints can be made in writing or orally, how long complainants must wait before expecting a response, etc.). The local community does not believe that such a process exists or that Dole has listened to their complaints in the past. Dole's interactions with the community, including a door-to-door warning about trespassing, have failed to reach the necessary rights-holders and address the appropriate concerns. For example, the people of San Jorge are unaware of the noise and dust reduction plan and have not been consulted regarding its implementation, despite the fact that the plan ostensibly commenced 12 months ago. When instituting programs that are intended to benefit local communities (i.e. the dust/noise reduction and environmental awareness programs), Dole should be visibly present.

As was originally recommended, Dole should also create a storefront in San Jorge, staffed by a Community Relations Officer and stocked with Project information (regarding hiring, retrenchment, environmental monitoring, and grievance forms) relevant to community life. The Community Relations Officer should work only in the storefront (he/she should not have an office in the main building) and should be receptive and responsive to community complaints. This office should also forewarn communities when organic spraying will occur – odors associated with certain herbicides and pesticides cause nausea and headaches among the community, and forewarning would at a minimum prepare them for the scents. With regard to outstanding complaints that persist, the following specific recommendations are proposed:

- The government has still failed to provide piped water to the community of San Jorge. As a demonstration of goodwill towards the community, Dole should consider encouraging the Ministry of Water and Sanitation to address this lack.
- In the original recommendations provided, it was recommended that Dole provide computers to local schools. As the government recently provided such computers to San Jorge and has articulated a plan to provide computers to all local schools, this recommendation may be rendered moot. However, the government has failed to provide any computer training to the San Jorge teacher and the programs on the computers are in English. As a community outreach program, Dole should consider providing basic computer training to local teachers to ensure the computer resources are used to their full potential.
- While Dole has implemented a comprehensive biodiversity monitoring program, the existence of such program has not been communicated to local communities or the Costa Rican public, resulting in continued beliefs that that Dole's operations threaten and harm biodiversity.

In responding to such complaints, Dole should establish an internal written response procedure to ensure consistency and effectiveness and to foster belief by rights-holders that their complaints are taken seriously (which is not currently the case). When possible, Dole should ensure that there is direct

face-to-face interaction between a company representative and the complaining party and that follow-up monitoring is completed to ensure responses are substantive and ongoing.

Improved direct interaction with local communities will foster goodwill for the company and ensure recognition by the local communities that community-focused initiatives are the result of Dole's expenditure of resources and not those of the government or other third parties.

5.2. Dust Mitigation

While Dole has stated its intention to implement a dust mitigation plan involving the donation of plant barriers, there is no concrete evidence of its implementation and the local communities are even aware of its existence, let alone providing input on how it should be carried out. The local community should be consulted about any and all dust mitigation proposals to ensure that they are receptive to the Company's plans. For example, the San Jorge community may not accept a plant donation plan due to its perceived ineffectiveness and/or potential to change the town's appearance. It is still recommended that the road through San Jorge be paved or regularly bowsered. Paved roads would be preferable, but it is assumed that such a remedy is not financially viable at this time.

5.3. Income Generation

Shop owners and mechanics in San Jorge, who expected to see increased business from the Project's presence nearby continue to see an opposite reality. As previously recommended, the Project should support businesses in San Jorge and Santa Teresa, possibly providing mechanical training to locals to work on light vehicles. Local residents should be given priority for employment in the planned grocery store. An Open House for the nearest communities and/or inviting community members to file comments and grievances at the farm entrance or through the Solidarity Association commissary would improve communication between Dole and the local communities regarding perceived lack of economic support. However, these possible grievance systems will only be sufficient if complaints are swiftly and sufficiently addressed.

5.4. Labor

In addition to implementation of the workforce grievance procedures outlined above, it is still recommended that Human Resources personnel be removed from eligibility for leadership positions in the Solidarity Association. The conflict of interest remains untenable. While a public investigation has commenced to determine the persons responsible for the 2009 theft of Association funds and Dole has reimbursed the Association for the amount stolen, residual distrust lingers among workers. Such distrust can only be remedied by improved transparency and a system of checks and balances within the Association, Permanent Committee and management to ensure no future misappropriation of funds as well as to maintain separation of parties with divergent labor interests.