



ANNUAL GAP TRAINING

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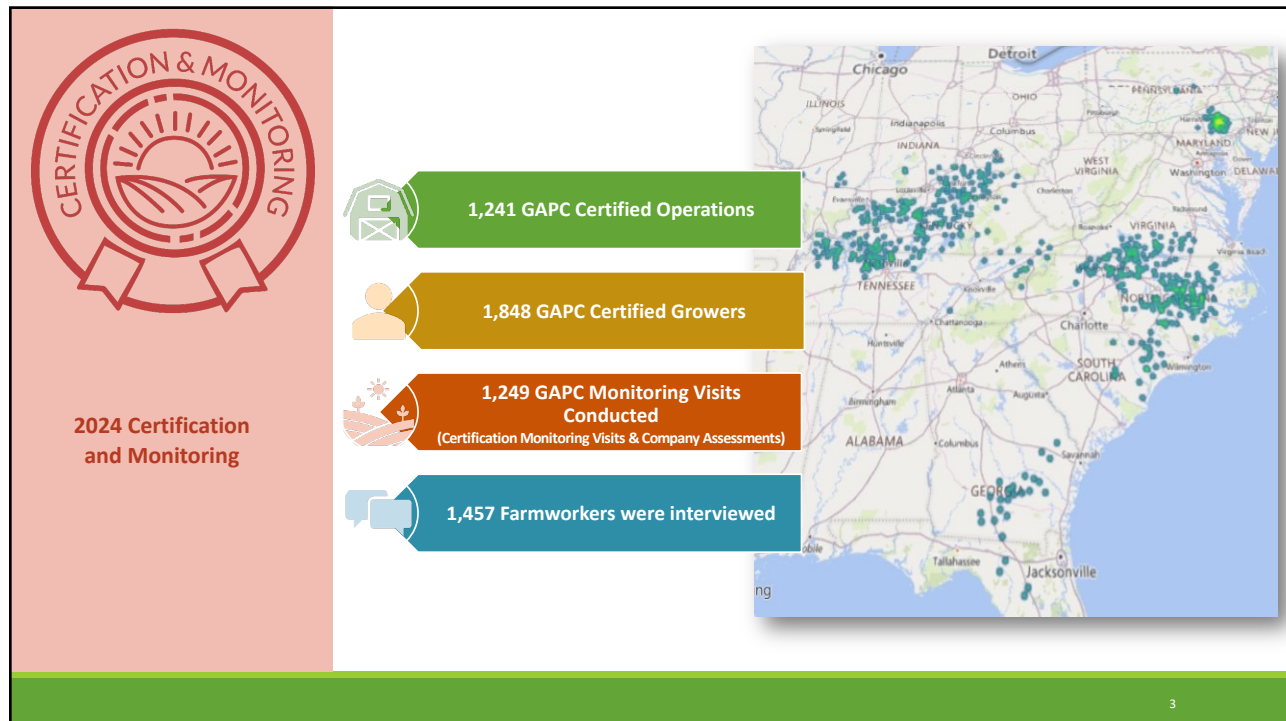


162,032 acres of tobacco grown by a GAPC Certified Tobacco Grower in 2024 which is **95%** of the tobacco that was harvested. (USDA NASS)



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CERTIFICATION & MONITORING

Denials and Frequently Missed Questions

- **Why are operations denied Certification?**
 - No Form I-9s (Non-Remediable, Critical Standard for ALL Hired Labor)
 - No Wage Statements (Non-Remediable, Critical Standard for ALL Hired Labor)
 - Failed to meet Remediation Deadline
 - Grower using a Crop Protectant Agent (CPA) not labeled for Tobacco use
- **What are the most frequently missed questions?**
 - Worker training, not having all items. *(MUST have worker name, signature, and signature date to be accepted)*
 - Self-Assessment not completed or at 100%
 - Pending Payment to Monitoring Firm
 - Expired FLC/H2ALC licenses
 - The operation/FLC should have a copy of the renewal letter from DOL

The number '4' is displayed in the bottom right corner of the infographic.



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**2025 Certification
Application and
Self-Assessment**


- **Tobacco and Hemp Application Period Opens: January 15**
 - Online through the Grower Dashboard
 - Paper Applications available upon request
- **Application Period Closes: April 15**
 - Applications after April 15 are subject to a \$100 late fee

- **Estimated 2025 Tobacco and Hemp Acreage & Varieties**
- **Estimated 2025 Labor Information & Number of Workers**
(All individuals that provide any labor in tobacco and hemp on the operation. Include any part-time or seasonal employees who may only work during peak time.)
- **Monitoring Firm Selection**
 - ALGI
 - ARCHE

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**2025 Certification
Application and
Self-Assessment**

- **Application is reviewed by GAPC Staff**
 - Grower contacted by GAPC Staff if there are questions
- **Application is approved**
- **Grower Emailed or Mailed Approval Letter with 2025 Certification Compliance Guide**


- **Self-Assessment**
 - Critical General Certification Standard, Remediable
 - Available after the Certification Application is approved
 - Recommended to be completed prior to the monitoring visit

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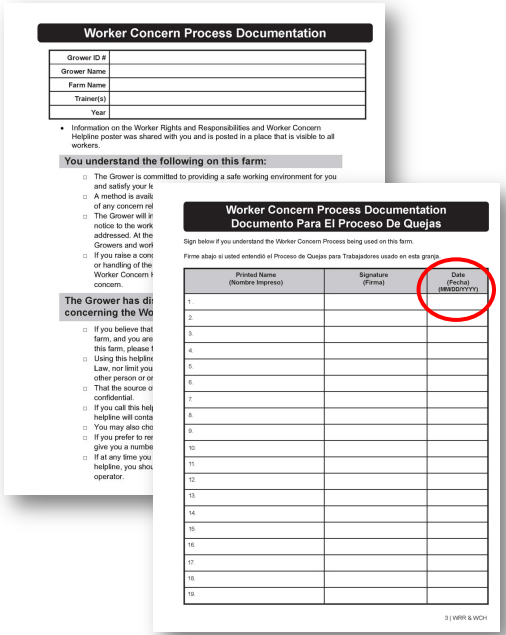


**Updated Language:
Certification Application
and Standards**




■ **Standard: Worker Concern Helpline (Critical)**


- Post the most current Worker Concern Helpline poster.
- Is there documentation verifying that all workers have received information on the Worker Concern Helpline within the last year including the farmworker's name, signature, and signature date?



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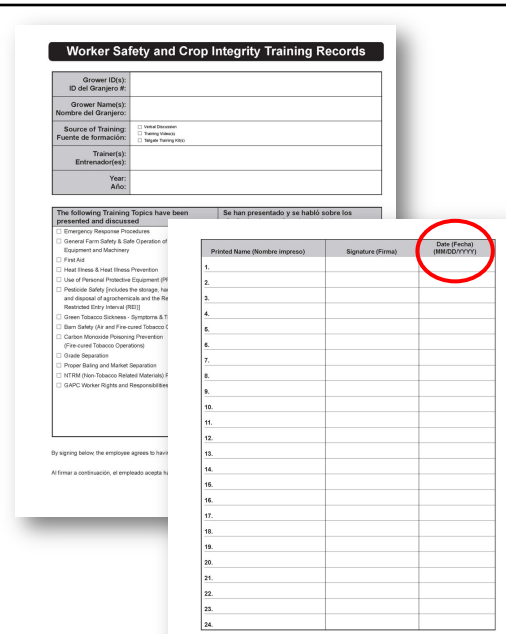


**Updated Language:
Certification Application
and Standards**



■ **Standard: Training (Critical)**

- Language and Terminology Updates
- Heat Illness and Heat Illness Prevention
- General Farm Safety and Safe Operation of Farm Equipment and Machinery
- First Aid
- Farm Emergency Plan and Emergency Plan Procedures
- Pesticide Safety including Recognition of REI, Storage, Handling, Application and Disposal of CPAs
- Personal Protective Equipment (PPE)



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Heat Illness & Injury Prevention Rule

- **October 2021:** U.S. Department of Labor released a proposed rule with the goal of protecting millions of workers from the significant health risks of extreme heat
- The new rule would require a **written Heat Illness & Injury Prevention Plan (HIIPP) to those employers with more than 10 employees**
 - Employers with 10 or fewer employees would not be required to put it in writing, they would still be obligated to have such a plan and be able to communicate it verbally to their workers in some fashion
- HIIP provides employers, farm managers, supervisors, and/or crew leaders with information, guidance, and procedures to minimize and control heat illness hazards and comply with OSHA regulations
- **November 2024:** U.S. Department of Labor extended the Public Comment Period for the Proposed Rule until January 14, 2025

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A CONVERSATION CAN
SAVE A LIFE.

- As we wait on more guidance on heat illness and injury prevention plans, we can still be proactive and progressive in trying to ensure the safety of farmworkers
- Best Practices:
 - Heat Illness and Prevention training annually
 - Communicate with workers and supervisors as a group ensuring everyone hears the same message the importance of breaks and water
 - Discuss that some pre-existing conditions or medications can make workers more prone to heat related symptoms. They need to assess their individual/personal risk factors
 - Heat acclimatization (process of building tolerance to heat)
 - **“Most outdoor fatalities, 50% to 70%, occur in the first few days of working in warm or hot environments because the body needs to build a tolerance to the heat gradually over time. Lack of acclimatization represents a major risk factor for fatal outcomes.” OSHA**
 - Discuss and encourage the use of the Heat App on your farm



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Workers' Compensation

- GAPC Worker Concern Helpline (WCH) receives several calls each year from workers with concerns and questions on Workers' Compensation
- Earn the trust and cooperation of your workers by making safety a core value with workers
- Encourage workers to report an injury/illness immediately. **The most common pitfall with Workers' Compensation claims is delayed reporting**
- **Encourage quick reporting of Who, What, When, Where, How, and Why...**
 - Have the injured worker complete an injury/incident report
 - Make sure the worker is very detailed in describing what they were doing at the time of the injury
 - Make sure the worker is specific about the injury/injuries he or she sustained
- Report all injuries to Workers' Compensation within 24 hours

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Workers' Compensation Best Management Practices

- **Investigate the claim – as soon as possible**
(Who, What, When, Where, How, and Why)
 - Document everything
 - Speak with witnesses
 - Take photos
 - Make the proper OSHA log entries and notifications
- **Become an advocate for your employee**
 - Reinforce your injured workers' value to the farm by staying in contact with them during their recovery
 - Let workers know you want to help them recover and return to work as quickly as possible
- **Become a source of information**
 - Give workers information
 - Assist workers with questions
- **Get Medical Care**
 - Direct the worker to medical provider, even if you doubt the events – that's the responsibility of the adjuster


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Child Labor

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Why are we talking child labor?

- Increase in Violations
 - Between 2019 and 2024, the US DOL WH investigations uncovered an alarming trend in the employment of children in dangerous conditions
 - DOL saw a 31% increase in the number of children employed in violation of federal child labor laws
 - Some DOL officials believe this could be up to a 50% increase in **non-agriculture sectors** such as restaurants, assembly plants, or processing facilities

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Headlines that are Farm Adjacent

DIVE BRIEF

Smithfield pays \$2M to settle child labor allegations at Minnesota meat plant

Children between the ages of 14 and 17 were employed at a processing facility, with most working after 9 p.m., according to a two-year state audit.

Published Nov. 15, 2024

By Nathan Owens
Reporter

The New York Times · 7d

U.S. Investigating Child Labor Claim at HelloFresh Subsidiary

The Labor Department investigation focuses on a plant in Aurora, Ill., operated by Factor75, a meal kit delivery company that ...

Reported

Agriculture's Dependence on Child Labor Persists — As Corporate Accountability Remains Lax

How companies like Tyson and Perdue exploit loopholes to employ migrant children.

9 min read

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A Continuous Focus on Tobacco

npr NEWSLETTERS SIGN IN NPR SHOP DONATE

NEWS CULTURE MUSIC PODCASTS & SHOWS SEARCH

BUSINESS

12-year-olds can't buy cigarettes — but they can work in tobacco fields

APRIL 17, 2023 · 7:00 AM ET

By Karlynn Radde

WUNC WUNC 93.7 FM WUNC 93.7 FM

Due South

Children as young as 12 years old still work in tobacco fields during summer harvest

By Jeff Tiberti, Rachel McCarthy

PUBLISHED August 22, 2024 at 10:35 AM EDT

It's Time for U.S. Tobacco Companies to Protect All Child Tobacco Workers with a Complete Ban on Children in Tobacco Fields

August 3, 2020 / In Children in Agriculture, Children in the Fields Campaign, Viewpoints / by Reid Maki

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Landscape of Laws and Standards

- Fair Labor Standards Act (US DOL, WHD):
 - Youths 16 years of age and above may work in any farm job at any time (hazardous and non-hazardous)
 - Youths 14 and 15 years of age may work outside school hours in non-hazardous jobs
 - Youths 12 and 13 years of age may work outside of school hours in non-hazardous jobs on farms that also employ their parent(s) or with written parental consent
 - Youths of any age may work at any time in any job on a farm owned or operated by their parents
- International Labour Organization (ILO)
 - An U.N. agency that brings together governments, employers and workers of 187 countries to set labor standards and develop policies that promote decent work for all women and men
 - The US is a member state but has not ratified or adopted all the ILO standards
 - Convention 138 (minimum age) – not ratified
 - It establishes 15 as the minimum age for work in general
 - Sets 18 as the minimum age for hazardous work
 - Convention 182 (worst forms of child labor) - ratified



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Tobacco Grower Associations (2014)

- TGANC does not condone the use of child labor. Tobacco Growers and Farm Labor Contractors should not employ workers younger than 16 years of age for work in tobacco, even with parental permission and including instances where the parent requests the work for the child
- Tobacco Growers and Farm Labor Contractors should be cautious about employing 16- and 17-year-old workers in tobacco even though the U.S. Fair Labor Standards Act allows it
- If a grower employs 16- and 17-year-olds, it is encouraged that the employee provides expressed written parental permission. The grower must provide appropriate safety training and personal protective equipment to perform only non-hazardous tasks
- The Council for Burley Tobacco passed a resolution stating, "We do not condone the hiring of anyone under the age of 16 for work in tobacco anywhere in the world"




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		U.S. Certification	International Certification
Immediate Family	Comply with Federal and State Law	Aligned with U.S. Law	<ul style="list-style-type: none"> Immediate family members 15 years of age or younger may only be assigned light, nonhazardous work only if does not interfere with compulsory school. Immediate family members ages 16 – 17 cannot be assigned any DOL hazardous tasks or other restricted tasks. Ensure that a responsible adult is always present and supervising the child's work, and that you follow regulations on the number of hours a child is permitted to work. Furthermore, children are not permitted to work at night.
Hired Labor Minimum Age	<p>Growers must not employ or obtain services from any person who is younger than 16 years of age with this exception:</p> <ul style="list-style-type: none"> Youth is excused from compulsory school attendance by applicable law, and Youth is involved in accredited learning programs if the work tasks relate directly to the learning experiences of the program and follow federal and state law 	Above U.S. Law	<p>Growers must not employ or obtain services from any person who is younger than 16 years of age</p>
Hired Labor Tasks for Minors	No hired worker under 18 may be assigned DOL hazardous tasks	Above U.S. Law	No hired worker under 18 may be assigned DOL hazardous tasks and other restricted tasks
FLC Hired Labor Minimum Age	Verify workers are 16 years of age or older by reviewing the worker's I-9 form	Above U.S. Law	Verify workers are 18 years of age or older by reviewing the worker's I-9 form
FLC Hired Labor Tasks for Minors	No hired worker under 18 may be assigned DOL hazardous tasks	Above U.S. Law	No hired workers hired by a FLC under 18 are allowed to work on operation

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Hazardous Tasks

■ US DOL

- Operating a tractor of over 20 power-take-off (PTO) horsepower or connecting or disconnecting an implement or any of its parts to or from such a tractor
- Operating or assisting to operate (including starting, stopping, adjusting, feeding or any other activity involving physical contact associated with the operation) any of the following machines: the unloading mechanism of a non-gravity-type self-unloading wagon or trailer or power post hole diggers, power post driver, or non-walking type rotary tiller
- Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines: trencher or earthmoving equipment; forklift; or power-driven circular, band, or chain saw
- Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet
- Driving a bus, truck, or automobile when transporting passengers or riding on a tractor as a passenger or helper
- Handling or applying toxic agricultural chemicals (including cleaning or decontaminating equipment, disposal or return of empty containers or serving as a flagman for aircraft applying such chemicals). Such toxic chemicals are identified by the word "poison," or "warning," or are identified by a "skull and crossbones" on the label

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Other Restricted Tasks

- Other Restricted Tasks (as adopted in tobacco industry from ILO)
 - Harvesting, topping, suckering tobacco
 - Operating machinery with moving parts or moving vehicles
 - Use of tools requiring motion for cutting (e.g., machete) or shears
 - Handling and application of crop protection agents (CPA) or fertilizers
 - Lifting and handling heavy loads unless the load is less than 10% of the person's body mass
 - Working at heights greater than four feet without approved fall protection equipment
 - Work at night (30 minutes after sundown to 30 minutes before sunrise)
 - Working in intense hot weather, humidity or direct sunlight unless guidance on GTS and Heat Stress Bulletin and precautions in the OSHA Heat Safety Tool and "Using the Heat Index: A Guide to Employees" are followed. Ready access to cool, potable water is required
 - Working long hours (more than 8 hours in a 24-hour period)

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- The U.S. tobacco industry has been steadfast in its steps to become one of the most mature supply chains in agriculture related to compliance.

162,032 acres of tobacco grown by a GAPC Certified Tobacco Grower in 2024 which is 95% of the tobacco that was harvested. (USDA NASS)

- How many industries would love to say that 95 percent of the crop they source is visited by a third-party to verify compliance with not only regulations and legal requirements but also best practices in crop, environmental, and labor management?

The answer is A LOT!

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Potential Areas of Risk

- Identify potential blind-spots, or entry points where child labor may enter:
 - Use of third-parties such as FLCs and H-2ALCs
 - Cultural norms
 - Lack of awareness of the laws and standards that apply to your farming operation
 - Economic pressures (family and non-family)
 - Children of farmworkers

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Best Practices

- Know the laws and/or standards that apply to your operation
- Communicate clear expectations to farmworkers, supervisors, and FLCs/H-2ALCs regarding underage workers on the farm
- Conduct I-9 verifications
- Discuss what workers should do if they see underage workers on the farm performing work the minor should not be (hazardous tasks, at night, or during school hours)
- Provide a mechanism for workers to report concerns/complaints including the presence of underage workers such as the GAPC Worker Concern Helpline

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Best Practices

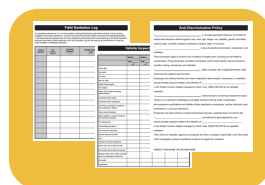
- Create a safe environment for those minors that are working legally on the farm both family and hired
 - What are appropriate hours?
 - What are appropriate tasks?
 - Post signs on hazardous equipment and machinery (i.e., fork-lifts, skid-steers, balers) – “Must be trained and 18 to operate”
- Contract only with registered FLCs/H-2ALCs who are trained in and adhere to US DOL wage and hour rules
- Observe contracted workers in the field to ensure there are no underage workers present

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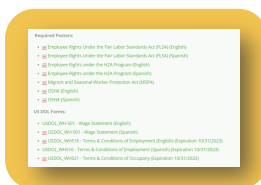
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Tools & Resources



Records and
Templates



Labor Laws and
Regulations



GAPC Certification
Resources



Farmworker
Training Material



HR Grower
Helpline



Worker Concern
Helpline

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OSHA Reporting

- **All GAPC Growers**
 - Maintain copies of OSHA for 300A, 300, & 301 for 2024
 - Post 2024 OSHA Form 300A on the farm from February to April
- **Growers with 20-249 Workers**
 - Must submit OSHA Form 300A Electronically by March 2, 2025
- **Growers with 100 or more workers**
 - Must submit OSHA Form 300 Electronically by March 2, 2025
 - Must submit OSHA Form 301 Electronically by March 2, 2025

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Labor Postings

- GAPC Certification **will accept** the old poster (Red Banner) with the updated Fair Labor Standards Act Poster stapled/taped to it OR NEW Poster (Blue Banner)

2020 Version

2025 Version

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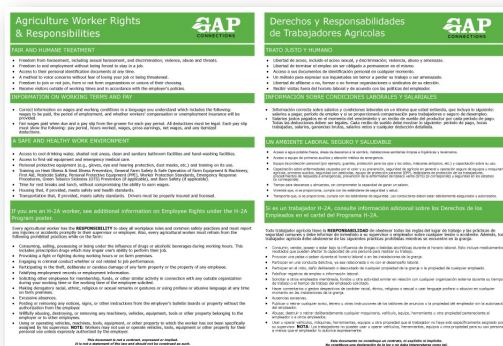


Agriculture Worker Rights & Responsibilities Poster

- GAPC Certification will accept the old poster OR NEW Poster



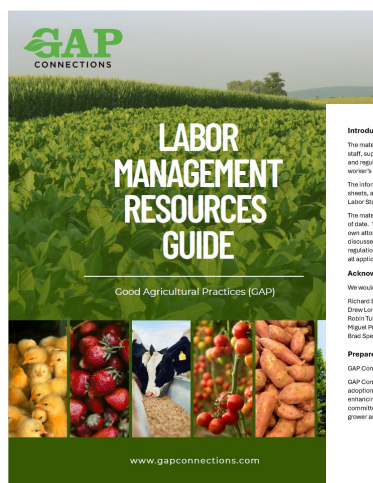
2018 Version



2025 Version

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Introduction

The materials compiled in the Labor Management Guide are to assist farmers, farm managers, human resource staff, supervisors, and farmworkers in labor-intensive crops understand and comply with the applicable labor laws and regulations, encourage labor best management practices, and improve farm labor practices that ensure a worker's experience on the farm.

The information contained in the Labor Management Guide includes best practices, guidelines, checklists, fact sheets, and templates pertaining to being compliant with the Migrant and Seasonal Worker Protection Act, Fair Labor Standards Act, and Rights Under the H-2A Program.

The materials are provided for informational and educational purposes only. Materials may change or become out of date. These materials do not constitute legal advice. Each recipient of these materials should consult his or her own attorney or accountant to fully understand any legal obligations imposed by regulations and procedures discussed in these materials, as well as any other potentially applicable federal, state, or local laws and regulations. The sharing of these materials is not intended to alter any recipient's responsibility for complying with all applicable laws and regulations.

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GAP Connections (GAPC) is a 501(c)(3) charitable non-profit organization. GAPC provides leadership for the adoption of agricultural standards and practices which produce a quality crop while protecting, sustaining or enhancing the environment, ensuring the safety and rights of farm laborers, and recognize those producers who are committed to a higher standard. GAPC is governed by a board of directors made up of companies, growers, and grower associations.



Revised January 2025

Available Online at: <https://www.gapconnections.com/resources/labor-management-guide>

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**Customized
Farmworker Training**

CUSTOMIZED

INTERACTIVE

FLEXIBLE

COMPLETE

- GAPC Customized Farmworker Training brings bilingual trainers to the farm to train workers at their worksite using the facilities and equipment they will use while working
- Available to GAPC members and non-members
- Catalog of topics
- Schedule now for 2025 Training

2024

- 706 Farmworkers
- 27 Customized Training Events
- 5 States
(Georgia, Kentucky, North Carolina, Tennessee, & Virginia)



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**Customized
Farmworker Training**

- Cost-Share Program
 - The cost-share program allows those who grows tobacco to schedule and have farmworker training on their farm at a fifty percent (50%) discount using sponsorship funds from the tobacco industry















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The smartphone screen shows a survey titled "SURVEY" in large blue letters. Below the title are four checkboxes arranged in a 2x2 grid: "Excellence", "Good", "Average", and "fair". At the bottom of the screen is a red button labeled "NEXT".

Complete Survey

**Chance to Win a Free
GAPC Certification
Application Fee!**

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In an industry filled with standards and requirements that are both variable and numerous, GAPC pursues simplicity, ease, and efficiency.

GAPC strives for excellence through continuous evaluation, refinement, and improvement, finding the balance and delivering the change needed for every stakeholder to succeed.

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