



Worker Concern Helpline Process

Version: 2.2

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EXTERNAL

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DOCUMENTATION OF REVISIONS

Version 1.0 Approved November 2017

Version 1.1 Approved November 2019

- The timing of the Response Visit was changed to a goal of being on the farm to further investigate within three business days of verifying the details of the concern, grower, and location.
- The distinction of simple and complex calls was defined as to capture the extra time and resources given to complex calls by Clear Voice and The Cahn Group.

Version 2.0 Approved January 2021

- The WCH was expanded to include the following:
 - The role of Administrator at The Cahn Group which further separated the decision-making processes and determination of next steps from GAPC.
 - Creation of an approved list of Investigators, Mediators, and Arbitrators approved and put into action by the Administrator.
 - Processes for mediation and arbitration.

Version 2.1 Approved November 2021

- Addition of the following criteria in the selection of approved investigator, mediators, and arbitrators:
 - No investigator, mediator, or arbitrator shall have conducted a Monitoring Visit on the farming operation named in the assigned complaint as part of the routine GAPC certification process, unless the Administrator and GAPC confirm extraordinary circumstances.
- Addition of a training requirement for all approved investigators, mediators, and arbitrators.
 - All approved investigators, mediators, and arbitrators must attend training with The Cahn Group prior to performing their duties within the WCH. This training will include a review of expectations and will emphasize the importance of defining the scope of work prior to any investigation, mediation, or arbitration.

Version 2.2 Approved November 2023

- Corrected response times to reflect the reality of contacting, scheduling, and conducting investigations.
- Clarified responsibilities of the administrator with next steps to be taken when addressing a concern.

1 INTRODUCTION

- 1.1 GAP Connections (GAPC) is providing a Worker Concern Helpline (WCH) which is available in two languages -- English and Spanish. The WCH was successfully piloted for two years prior to being expanded to the entire GAPC Grower Membership in 2018. The WCH will be administered by Clear Voice (“Administrator”), a project of The Cahn Group, LLC which operates helplines for workers globally.
- 1.2 The WCH is operated by individuals who speak both English and Spanish and are available to receive concerns, questions and complaints (see: Scope of Complaints). The WCH line is open from 6 p.m. – 9 p.m. eastern time daily by contacting 800-638-0325 toll free (voice only) or 954-383-4209 (voice and text), except holidays as defined as days on which federally-chartered banks are closed. At all other times, a message in English and Spanish will direct callers to call back during open hours, leave a message, or dial 911 if a life-threatening emergency.

To communicate the availability of the WCH and how it works, GAPC Grower Members will be provided a poster and talking points to use in discussions with workers. The WCH poster is to be displayed in a location commonly visible to all workers at all times. The GAPC Assessment and Certification Monitoring Visits will contain questions to growers and workers verifying that the availability of the WCH was discussed and the poster was posted.

2 OBJECTIVE

- 2.1 The objective of the WCH is to provide a confidential channel for farm workers to obtain information about workplace compliance issues, report instances of suspected noncompliance, and seek resolution through a fair and trusted process.

3 SCOPE OF COMPLAINTS

The WCH is limited to matters involving wages, terms of employment, worker safety/health, labor practices, and human rights concerns related to the employment relationship with GAPC Members.

It is encouraged through the language on the WCH poster and grower and worker training that compliance issues be addressed between the worker and the grower through routine administrative procedures first, but if not resolved reported to the WCH. Language on the WCH poster and the required training by GAPC Members states, “If you have a problems or concerns, please contact the farmer. If there is no solution, please do not hesitate to contact us (i.e., WCH) using the information provided.”

Examples of activities which could be addressed by the WCH:

- Discrimination, Harassment, Sexual/Physical Abuse
- Minimum wage not guaranteed / Non-payment of wages
- Withholding of Personal Documents: Passport, Work Papers, etc.
- Egregious Safety/ Personal Health Concerns

4 SIMPLE VS. COMPLEX CALLS

- 4.1 Complex calls/issues are issues where communications are required: a) outside the daily regular time period, such as when follow-up calls are only possible during the day, b) for translation services when no other translation is available, and/or c) when any one concern takes more than 1.5 hours to conclude. All other calls would be classified as simple.

5 CONFIDENTIALITY

- 5.1 Farm workers who contact the WCH may remain anonymous. If the person requests anonymity, growers or other parties agree to make no attempt to identify the worker. Information provided by the worker will be treated as confidential and privileged to the extent permitted by applicable law and GAPC policies. If confidentiality cannot be guaranteed, as some information may have to be revealed to conduct a thorough and effective investigation, it will be explained to worker that information will be shared only on a “need to know” basis prior to continuing with the investigation with the worker’s approval.

6 NON-RETALIATION

- 6.1 In accordance with the U.S. DOL laws and regulations, GAPC prohibits retaliation, harassment, intimidation or the taking of adverse action against a worker for:
- Inquiring about their pay, hours of work or other rights
 - Asserting their worker rights
 - Filing a complaint about their worker rights
 - Cooperating with a WHD investigation
- 6.2 The GAPC Grower Members who attend annual GAP training have received education about the laws and regulations surrounding non-retaliation. In 2017, all GAPC Grower Members who attended training received two factsheets on retaliation from the U.S. Department of Labor¹. The laws and policies against retaliation are reiterated with each individual involved in a WCH concern or investigation. GAPC strives to provide the highest protection possible against retaliation.
- 6.3 If after contacting the WHC a caller perceives that he or she is being retaliated against, the Administrator will inform GAPC who will in turn work with legal counsel, depending on the concerns, and the Administrator to decide how to proceed based on the severity of the concern.

7 PROCESS

- 7.1 The call is received and answered by a Clear Voice operator. The Call Questionnaire is utilized to capture needed information and provide Administrator and GAPC with enough information to

¹ Fact Sheet # 77C: Prohibiting Retaliation Under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA), <https://www.dol.gov/agencies/whd/fact-sheets/77c-mspa-prohibiting-retaliation>; Fact Sheet # 77A: Prohibiting Retaliation Under the Fair Labor Standards Act (FLSA), <https://www.dol.gov/agencies/whd/fact-sheets/77a-flsa-prohibiting-retaliation>

follow-up as needed and to provide the caller with a “code number” if they wish to remain anonymous in future communications. A data tracking sheet and quarterly summaries are maintained to monitor the grievance process, identify trends, and identify potential training opportunities with growers.

7.2 Once the concern is verified and needed information is collected by Administrator, the Administrator shares the information with GAPC. GAPC may request further validation, answers to questions, or additional research, and/or other follow-up actions in consultation with the Administrator.

7.3 Below is the detailed workflow of calls received by the WCH:

Receive Calls

1. Receive calls during posted hours.
2. Return calls received when voice mail message is left after hours or while operator is busy.
3. Maintain toll-free number with after-hours message service.

Call Triage

4. Establish narrative expressed in in-coming calls.
5. Determine if caller is in-scope or out-of-scope. (D)²
6. Determine if issue is in-scope or out-of-scope. (D)
7. Determine if issue is a question or concern. (D)
 - i. For question, answer or refer to appropriate resource.
8. If both the caller and issue have been verified as in-scope, notify GAPC that a call was received and continue to liaise with others as needed to establish narrative of caller.
9. During the course of establishing the narrative and any initial contact with the grower, determine if the concern becomes “complex.” (D)
10. For simple concerns, engage in informal mediation with workers and growers to find solutions (GAPC to facilitate communications with growers as needed).
11. For complex concerns, consult additional resources based on caller wishes and what is appropriate to the situation.
12. Keep caller apprised of status of concern; ensure that worker(s) understands and is satisfied with solutions.

On-site Investigation

13. Determine if on-site investigation is warranted. (D)
14. GAPC to approve expenditure.
15. As appropriate, select investigator to conduct on-site investigation from pre-approved list. (D)
16. Working with on-site investigation firm/investigator and consulting with GAPC, administrator will establish and discuss scope of work and timing with chosen investigator. (D)
17. Review report from on-site investigation firm with GAPC and direct GAPC’s communication to grower as applicable, providing recommendations on next steps or resolutions.
18. Request response from grower through GAPC.
19. Communicate results of investigation and response of grower to caller, and other stakeholders as needed.
20. Provide opportunity to caller and grower to accept recommendations and resolution.

² D = Decision of administrator

Formal Mediation

21. GAPC to approve expenditure for mediator.
22. If no agreement upon solution following on-site investigation, appoint mediator from pre-approved list. (D)
23. Manage terms of engagement and timing between mediator and parties to the caller.
24. Ensure that the caller understands the process.
25. Provide translation services if needed.
26. Inform GAPC of process.

Arbitration

27. GAPC to approve expenditure for arbitrator.
28. If formal mediation is not possible, select arbitrator from pre-approved list. (D)
29. Manage terms of engagement and timing between arbitrator and parties to the caller.
30. Ensure the caller understands the process.
31. Provide translation services if needed.
32. Inform GAPC of process.

8 CONFIRMING THE VALIDITY OF THE CONCERN AND IDENTITY OF THE GAPC GROWER MEMBER

8.1 Administrator will undertake good faith efforts to collect needed information to verify the validity of the concern and to verify the identity of the relevant GAPC Grower Member. If this is not done on the initial call, then Administrator will conduct follow-up calls until needed information is received. Follow-up to the call will be conducted based on severity of concern no later than one (1) week from call date to collect more information. For the following urgent issues, follow-up will commence as soon as possible or same day:

- Abuse and/or harassment;
- Lack of safe drinking water or sanitation facilities in the field (if sanitation facilities are required);
- Housing or other employment related conditions that could pose immediate injury to workers including but not limited to fire, electrical shock, structural safety hazards, storage of hazardous materials including agricultural chemicals and pesticides in a manner which could be hazardous to the health or safety of the housing occupants, presence of faults in the water and plumbing systems which have not been resolved within a reasonable time, and any other conditions which constitute a public health hazard;
- Evidence of non-family member workers under the age of 16 working in the tobacco operation; and
- Evidence of non-family member workers 16- or 17-years old working in occupations described in the Department of Labor's Hazardous Occupations Orders for Agricultural Employment (available at 29 C.F.R. 570.71(a)(1)-(11)).

8.2 Administrator will document its attempts to conduct follow-up calls as needed, including dates and times. If the caller cannot be reached after six (6) attempts, then the case will be considered

closed. If it is possible to leave a voicemail, then Administrator will leave a message and call back five (5) additional times after which the case will be considered closed.

9 RESPONSE

9.1 GAPC's goal is to address concerns in a timely manner and as efficiently as possible. The caller will always receive contact within two (2) weeks with an update for open cases. If the caller chooses to remain anonymous, the caller will be asked to contact WCH in two (2) weeks and provide their Code Number for an update.

9.2 GAPC Non-Certified Grower Member

9.2.1 Concerns raised on non-GAPC Certified Growers' operations will require GAPC to contact those companies with an active data release with grower. In these situations, each company will decide individually how to interpret any results or information shared with them by GAPC and individual decisions, actions, or interpretations of results will not be discussed with other companies. At no time will termination of contracts or suppliers be discussed. Companies will be required to visit the farm within seven business days once enough information is collected to verify the details of the concern, grower and location and it cannot be resolved over the phone.

9.3 GAPC Certified Grower Member

9.3.1 Concerns raised on GAPC Certified Growers' operations will be addressed according to the protocol detailed in this document.

9.4 Once the validity of the concern and the location or identify of the GAPC Certified Grower Member is confirmed the possible responses are divided into several categories:

- Emergency: Caller calls describing an emergency situation (e.g., imminent danger or threat);
- Question: Caller asks general questions about regulations, requirements, resources or services;
- All other non-emergency calls will be categorized as below:
 - Grower Follow-up: Call requires follow-up action with grower to further investigate the concern;
 - Grower Follow-up with Immediate Notification: Call requires follow-up action with grower to further investigate the concern and the complaint/concern necessitate an immediate notification of all GAPC company members that have a data release with grower.

10 PROTOCOLS FOR GAPC CERTIFIED GROWER MEMBER OPERATIONS

10.1 Emergency

- 10.1.1 Examples: There is someone on the farm that has fallen from the barn and has trouble breathing. Someone has a gun and is making threats.
- 10.1.2 Timeline: Immediately, the Administrator will tell the caller to hang up and call 911. The Administrator will also conduct a follow-up with the caller within two (2) days.
- 10.1.3 Response: The Administrator tells the caller to immediately call 911. The Administrator notifies GAPC of call and response. The Administrator will follow-up with caller within two (2) days.
- 10.1.4 Caller cannot be reached: If the caller cannot be reached after three (3) attempts this call will be considered closed. If voicemail is an option, on the first attempt by Administrator to call back a message will be left.

10.2 Question

- 10.2.1 Examples: What is a number I can call about migrant housing in North Carolina? I have questions about Workers Compensation in Tennessee, who can I call? How do I get in touch with the Mexican Consulate?
- 10.2.2 Timeline: Questions related to labor or safety issues that are not listed as urgent (see list of urgent issues above) will be answered or an update given to caller within two (2) weeks. All other questions will be redirected to other resources if available and known (see list of resources in Appendix C) or caller will be told that this helpline is only for issues related to wages, terms of employment, worker safety/health, best labor practices and human rights concerns related to the workplace.
- 10.2.3 Response: If the Administrator does not have the information to answer the question, they will notify GAPC of the question. GAPC will research the answer and share with the Administrator the information needed to provide the caller an answer or response. The Administrator will ensure the caller is called within two (2) weeks and provided the requested information. If an answer is not attainable the caller will be called within two (2) weeks and told that we could not answer their question and provided an alternative number or resource to find the answer to their question.
- 10.2.4 Caller cannot be reached: If the caller cannot be reached after three (3) attempts this call will be considered closed. If voicemail is an option, on the first attempt by Administrator to call back a message with answer or information will be left and call will be considered closed.

10.3 Grower Follow-up

10.3.1 Examples: I have not been trained on equipment safety but have been asked to operate heavy machinery on the farm. I have not been provided with a written disclosure or terms of employment for my job on this farm.

10.3.2 Timeline: Follow-up on the call will be conducted based on severity of concern no later than one (1) week from call date to collect more information. Once follow-up with caller is complete, the administrator or GAPC will either contact the grower to discuss the issue over the phone or request an On-site Investigation to the farm to further investigate within five business days of verifying the details of the concern, grower and location. Any On-site Investigation to a farm requires GAPC payment approval and will be paid for by GAPC.

10.3.3 Response:

(1) Issue addressed by phone with a Corrective Action Plan (CAP): If the issue can be handled over the phone with grower (i.e., grower can send evidence that the concern has been addressed) or if documentation proves concern invalid or addressed, Administrator will contact the caller and share update.

Concern will be considered closed if the Administrator considers the issue resolved based on worker input.

If caller continues to raise concerns or state provided documentation is not accurate, if grower refuses or is unable to provide needed documentation, or if grower is unreachable by phone, Administrator will consult with GAPC and Administrator will decide if an On-site Investigation is needed.

If an On-site Investigation is decided on as the next step, the concern will be handled like a "Grower Follow-up: Issue addressed by On-site Investigation" (see below).

(2) Issue addressed by On-site Investigation: If the issue requires an On-site Investigation, it will be requested within five business days of verifying the details of the concern, grower and location. After an On-site Investigation is requested by Administrator, an investigator will visit farm and conduct an On-site Investigation as soon as possible and no later than ten business days of verifying the details of the concern, grower, and location (unless extenuating circumstances).

Results of the On-site Investigation will be sent to Administrator and GAPC. A CAP will be drafted by the Administrator, reviewed by GAPC and shared with the grower as to what needs to be done to address the concern. If the grower refuses to remediate the situation with the consultation of legal counsel and the Administrator, GAPC will convene the appropriate committee and propose the revocation of their GAPC Certification.

After the decision of the appropriate committee is made, GAPC will notify each company with an active data release and each company will decide individually how to interpret any results or information shared with them by GAPC and individual decisions, actions, or interpretations of results will not be discussed with other companies.

10.3.4 Caller cannot be reached: If the caller cannot be reached after six (6) attempts to provide an update, Administrator will cease making attempts to contact the caller. If voicemail is an option, a message with answer or information will be left but Administrator will keep trying to contact caller until six (6) attempts is reached.

10.4 Grower Follow-up with Immediate Notification

10.4.1 Examples: Caller reports a concern of one of the following:

- Abuse and/or harassment;
- Lack of safe drinking water or sanitation facilities in the field (if sanitation facilities are required);
- Housing or other employment related conditions that could pose immediate injury to workers including but not limited to fire, electrical shock, structural safety hazards, storage of hazardous materials including agricultural chemicals and pesticides in a manner which could be hazardous to the health or safety of the housing occupants, presence of faults in the water and plumbing systems which have not been resolved within a reasonable time, and any other conditions which constitute a public health hazard;
- Evidence of non-family member workers under the age of 16 working in the tobacco operation; and
- Evidence of non-family member workers 16 or 17 years old working in occupations described in the Department of Labor's Hazardous Occupations Orders for Agricultural Employment (available at 29 C.F.R. 570.71(a)(1)-(11)).

10.4.2 Timeline: Administrator with GAPC consultation will request the On-site Investigation within five business days of verifying the details of the concern, grower, and location. On-site Investigation is to be completed within ten business days of verifying the details of the concern, grower, and location, unless extenuating circumstances.

10.4.3 Response: Administrator notifies GAPC of initial call. GAPC reviews the report and Administrator contacts investigator to conduct a On-site Investigation as soon as possible and no later than within ten business days of verifying the details of the concern, grower, and location.

Results of the On-site Investigation will be sent to GAPC. With the consultation of legal counsel and GAPC, the Administrator will decide how to proceed based on the severity of the concern i.e., such as withholding of payment, abuse or human trafficking. GAPC's goal will be to work with the Administrator to design a CAP and

contact grower to explain what needs to be done to remedy the concern. If this is not an option or the grower refuses to remediate the situation with the consultation of legal counsel and the Administrator, GAPC will convene the appropriate committee and (1) propose the revocation of their GAPC Certification and (2) discuss contacting relevant authorities who have legal jurisdiction over the concern.

After the decision of the appropriate committee is made, GAPC will notify each company having an active data release with the grower in question and each company will decide individually how to interpret any results or information shared with them by GAPC and individual decisions, actions, or interpretations of results will not be discussed with other companies.

10.4.4 Caller cannot be reached: Administrator will continue with the On-site Investigation and an update for the caller will be provided within two (2) weeks as needed. Three (3) attempts will be made to reach the caller. If the caller cannot be reached after three (3) attempts, it will not affect GAPC's processes or actions to follow-up on initial concern. If voicemail is an option, a message with an update will be left but Administrator will keep trying to contact caller until three (3) attempts is reached.

10.4.5 As the Administrator and GAPC proceed with an On-site Investigation and CAP, updates will be provided to the caller when necessary.

11 OUT OF SCOPE CALLS

11.1 If an out-of-scope call is received from a worker on a farm that has no GAPC Grower Members, they will be referred to an appropriate alternative resource to voice their concern.

12 AGREEMENT WITH NORTH CAROLINA GROWERS' ASSOCIATION (NCGA)

12.1 There is an agreement with NCGA that calls involving the workers that come to work on GAPC Grower Member farms through NCGA will be referred to NCGA's grievance mechanism. Callers will be asked if they are H-2A workers, if answered positively then they will be asked if they came through NCGA. If they state they did, Administrator will collect their information including information on the concern and then call NCGA to: (1) confirm that the worker is in fact a NCGA worker, and then (2) share the concern with NCGA.

12.2 Contact with the caller will occur within one (1) week to ask if their concerns are being addressed. If the caller states they are not being addressed to their satisfaction GAPC and the Administrator will address the concern given the response methods discussed above.

13 INVESTIGATORS, ARBITRATORS, AND MEDIATORS

13.1 Criteria for Investigators:

- Honesty and integrity

- Attention to detail
- Written and oral fluency in Spanish and English. Working knowledge of Haitian Creole and indigenous Mexican languages a plus.
- Excellent analytical and communication skills
- The ability to work independently, without bias or prejudice
- Independence from stakeholders to the grievance
- Tact, empathy, and approachability
- Working knowledge of federal and state requirements related to MSPA, H-2A program, OSHA and FLC regulations
- At least 3 years work experience in labor-related investigations or equivalent
- References to be provided on request
- Must comply with GAPC Code of Conduct for investigators, mediators, and arbitrators.³

13.2 Criteria for Mediators:

- Mediator certification as determined by standards established by the National Association of Certified Mediators (NACM) or its equivalent and at least 40 hours of practical experience
- Written and oral fluency in Spanish and English. Working knowledge of Haitian Creole and indigenous Mexican languages a plus
- Working knowledge of federal and state requirements related to MSPA, H-2A program, OSHA and FLC regulations
- Independence from stakeholders to the grievance
- References to be provided on request
- Must comply with GAPC Code of Conduct for investigators, mediators, and arbitrators.⁴

13.3 Criteria for Arbitrators:

- Standing as a qualified arbitrator based on criteria established by the American Arbitration Association or its equivalent body and at least 80 hours of practical experience.
- Written and oral fluency in Spanish and English. Working knowledge of Haitian Creole and indigenous Mexican languages a plus.
- Working knowledge of federal and state requirements related to MSPA, H-2A program, OSHA and FLC regulations
- Independence from stakeholders to the grievance
- References to be provided on request
- Must comply with GAPC Code of Conduct for investigators, mediators, and arbitrators.⁵

13.4 Process for Selection of Investigators, Mediators and Arbitrators:

- GAPC and Administrator agree to criteria of investigators, mediators, and arbitrators.

³ See Appendix D

⁴ See Appendix D

⁵ See Appendix D

- Individuals and/or organizations are nominated and reviewed by Administrator and GAPC. GAPC provides feedback to Administrator after review.
- No investigator, mediator, or arbitrator shall have conducted a Monitoring Visit on the farming operation named in the assigned complaint as part of the routine GAPC certification process, unless the Administrator and GAPC confirm extraordinary circumstances.
- Administrator evaluates and determines approved list of investigators, mediators, and arbitrators.
- GAPC approves each expenditure for investigators, mediators, and arbitrators.

13.5 Training

All approved investigators, mediators, and arbitrators must attend training with The Cahn Group prior to performing their duties within the WCH. This training will include a review of expectations and will emphasize the importance of defining the scope of work prior to any investigation, mediation, or arbitration.

APPENDIX A: TALKING POINTS FOR THE WCH

What to share with your workers about the WCH?

Share the information on the poster with your workers and post the poster in a place that is visible to your workers. Please use the talking points below as you discuss this WCH with your workers. If you or any of your workers have additional questions about this WCH, please feel free to contact GAP Connections at 865.622.4606.

Recommended talking points for you to share with your workers:

- I [grower] am committed to providing a safe working environment for you and satisfy your legal rights while you are working on my farm.
- If you [worker] believe that your legal rights are not being met while working on this farm, and you are not comfortable discussing the issue with someone on this farm, please feel free to call this helpline.
- Using this helpline will not limit any rights you [worker] currently have under U.S. Law, nor limit your ability to share a legal concern you may have with any other person or organization.
- The source of any information you [worker] provide will be treated as confidential.
- If you [worker] call this helpline and share a concern, the service provider of this helpline will contact you within two weeks to provide an update.
- You [worker] may also choose to remain anonymous when you report your concern.
- If you [worker] prefer to remain anonymous, the service provider of this helpline will give you a number to call in two weeks so you can receive an update.
- If at any time you [worker] feel you are being retaliated against for calling the helpline, you should call the helpline again and share this with the helpline operator.

APPENDIX B: IMMEDIATE NOTIFICATION ACTIONS

- Abuse and/or harassment
- Irregularities in payment or payroll processes including but not limited to minimum wage violations, nonpayment of wages, inconsistencies in reported and paid hours, non-reimbursement of certain H2A related expenses and any other practices that result in the workers not being paid as agreed at the time of employment
- Lack of safe drinking water or sanitation facilities in the field (if sanitation facilities are required)
- Housing conditions that could pose immediate injury to workers including but not limited to fire, electrical shock, structural safety hazards, storage of hazardous materials including agricultural chemicals and pesticides in a manner which could be hazardous to the health or safety of the housing occupants, presence of faults in the water and plumbing systems which have not been resolved within a reasonable time, and any other conditions which constitute a public health hazard.
- Evidence of non-family member workers under the age of 16 working in the tobacco operation.
- Evidence of non-family member workers 16 or 17 year olds working in occupations described in the Department of Labor's Hazardous Occupations Orders for Agricultural Employment (available at 29 C.F.R. 570.71(a)(1)-(11)).

APPENDIX C: LIST OF RESOURCES

Topic	Agency	Phone Number	Website
Labor Laws (Wage and Hour, Legal Affairs, Workplace Rights)	N.C. Department of Labor	1-800-625-2267	www.labor.nc.gov
	U.S. Department of Labor	1-866-487-2365	www.dol.gov
	N.C. Department of Commerce	919-814-0400	www.nccommerce.com
Health & Safety	Occupational Safety & Health Administration	1-800-321-6742	www.osha.gov
Discrimination & Harassment (race, color, religion, sex, age, disability or genetic information)	U.S. Equal Employment Opportunity Commission	1-800-669-4000	www.eeoc.gov
	Kentucky Commission on Human Rights	1-800-292-5566	www.kchr.ky.gov
Human Trafficking	Project No Rest (North Carolina)	1-888-373-7888 or text HELP to 233733	www.projectnorest.org
	National Human Trafficking Resource Center	1-888-373-7888 or Text HELP to 233733	www.humantraffickinghotline.org

APPENDIX D: CODE OF CONDUCT FOR APPROVED INVESTIGATORS, MEDIATORS AND ARBITRATORS

Our goal is a fair, consistent, and honest verification of compliance with GAPC Certification Standards.

Integrity

The integrity of investigators/arbitrators/mediators establishes trust and provides the basis for reliance on investigators/arbitrators/mediators judgment. As an approved investigators/arbitrators/mediators, I pledge to:

- Perform my monitoring activity assignments with honesty, accuracy, fairness, and discretion without bias or prejudice.
- Not engage in activities that might discredit the audit program or GAP Connections.
- Report monitoring activity results truthfully and disclose any unresolved diverging opinions.
- Act in a professional and courteous manner, even under adverse monitoring activity conditions.

Objectivity

Investigators/arbitrators/mediators must be objective in gathering, evaluating, and communicating information about the practices and activities being examined. Investigators/arbitrators/mediators must make a balanced and impartial assessment of all the relevant facts and not be unduly influenced by their interests, or those of others, in making judgments. As an approved investigator/arbitrator/mediator, I pledge to:

- Disclose any activity or relationship that may affect my unbiased assessment.
- Not accept any favor or gift such as cash, cash equivalent or a thing of value that may influence or appear to influence my judgement or the outcome of the investigation/arbitration/mediation.
- Include all the material facts to avoid any distortion of my monitoring activity report.

Confidentiality

Investigators/arbitrators/mediators must respect the value and ownership of the information they receive and not disclose it without the appropriate authority, unless obligated for legal or professional reasons. As an approved investigator/arbitrator/mediator, I pledge to:

- Utilize the acceptable sample criteria as needed or required to assess the activities and practices within scope of an investigation.
- Exercise discretion in the use and protection of the information acquired during my monitoring activity duties.
- Not use the information for personal gain or in any way detrimental to the organization or individuals within the investigation/arbitration/mediation process.

Competence

Investigators/arbitrators/mediators must apply their knowledge, skills, and experience in the performance of their assessment duties. As an approved investigator/arbitrator/mediator, I pledge to:

- Perform monitoring activities in accordance with the procedures and practices provided by GAP Connections.
- Attend annual training with GAP Connections to continually improve my proficiency and the quality of my monitoring activity services.

- Prepare well for my monitoring activity assignments and report findings using verifiable evidence.

Safety

Investigators/arbitrators/mediators must perform their duties in a safe manner and not endanger themselves or others, particularly in light of the COVID-19 pandemic. As an approved investigator/arbitrator/mediator, I pledge to⁶:

- Take my body temperature daily before performing any monitoring activity assignments and report my temperature to Contractor via e-mail or via other means.
- Refrain from performing any monitoring activity assignments on any day when I have, or recently had, a body temperature above 100.4 degrees Fahrenheit.
- If I have a body temperature of more than 100.4 degrees Fahrenheit, then I will not return to work without first remaining fever free for three (3) days without fever reducers.
- Wear a face mask when in the presence of a Grower and the Grower's workers.
- Periodically wash my hands with soap and warm water or use a recommended hand sanitizer.
- Periodically clean and disinfect frequently touched surfaces such as vehicles, clipboards, and electronic devices.
- Maintain other proper social distancing standards.
- Comply with any and all health and safety recommendations or directives issued by the Centers for Disease Control or federal, state, and local governments.
- Comply with any mandated shutdowns, safer at home, shelter in place, or similar orders issued by federal, state, or local governments.

I acknowledge and agree that, by virtue of being in proximity to others who may potentially be infected with COVID-19, performing Monitoring Visits may expose me to enhanced risk of contracting COVID-19. I acknowledges and agrees that GAP, its shareholders, members, officers, directors, agents, and assigns shall not be liable for any injury, death, losses, or damages sustained by me in connection with COVID-19 and that I knowingly, willfully, and voluntarily assume any risk associated with contracting COVID-19 in serving as an investigator/arbitrator/mediator under the GAP Connections Worker Concern Helpline process.

Violations of Code of Conduct or Monitoring Protocols

Investigators/arbitrators/mediators who do not comply with and follow the Code of Conduct or the related GAPC Certification Monitoring Protocols will be immediately removed.

Agreement and Signature

⁶ COVID-19 protocols subject to change as COVID-19 restrictions are lifted or changed by CDC or local jurisdictions.

I agree to act in accordance with this Code of Conduct to uphold the integrity and the ethical standards of the GAP Connections Certification program and GAP Connections. I agree to comply with the Terms and Conditions outlined in this contract. I also understand that a violation of this Code of Conduct or the GAPC Certification Monitoring Protocols can result in the WCH Administrator removing my approved status.

Signed by: _____

Printed Name: _____

Date: _____

**Disclosure: The parties agree that nothing in this Code of Conduct shall be interpreted as creating or establishing an employment relationship, partnership or joint venture between GAP Connections and any investigator, mediator, or arbitrator. The parties agree that GAP Connections has no supervisory authority over the time, manner and methods of services provided by investigator/arbitrator/mediator or investigator/arbitrator/mediator's employer or any other party with whom investigator/arbitrator/mediator contracts. Nothing in this Code of Conduct shall be interpreted to be contrary to that agreement.*

GAP Connections and The Cahn Group reserve the right to modify this Code of Conduct from time to time. Any such modification shall be provided to the signatory hereto in writing and the investigator/arbitrator/mediator shall have three (3) days within which to accept the new Code of Conduct by returning a signed copy to GAP Connections. Failure to return a signed copy shall be deemed a material breach of this Agreement. Regardless of whether investigator/arbitrator/mediator returns the signed Code of Conduct, the investigator/arbitrator/mediator shall be bound by the new Code of Conduct three (3) days following delivery of the new Code of Conduct to investigator/arbitrator/mediator.