

Request for Proposals

Labor Regulation Review - US - Consultancy

RFP n#: 2022-11-IM-LABOR
Location: United States
Start date: 1 December 2022
End date: 31 December 2022



Better Cotton key contact:
Karen Wynne
US Programs Team
tender@bettercotton.org

All applications must be sent by email, to Better Cotton's key contact, with the subject header: "Application RFP US Labor Regulations".

Proposals submitted after the deadline (28 November 2022) will only be considered in exceptional circumstances. Inquiries must be submitted by 27 November 2022.

Background

The Better Cotton Initiative was launched in 2009 and over the first ten years focused on building recognition of Better Cotton as a sustainable mainstream commodity. Today, Better Cotton is the world's largest cotton sustainability program. Our mission: to help cotton communities survive and thrive, while protecting and restoring the environment. Through our network of field-level partners we have trained over 2.5 million farmers in 23 countries in more sustainable farming practices. A quarter of the world's cotton is now grown under the Better Cotton Standard. We have united the industry's stakeholders behind our efforts, and by 2030 our aim is to have trained 5 million farmers and doubled global production of Better Cotton.

Better Cotton began licensing cotton production in the US in 2014 and now licenses over 300 growers each season. The Better Cotton Principles and Criteria, now under review, are based on principles including natural resource management, crop protection, management systems, fiber quality, and decent work.

More information about Better Cotton can be found on our website: www.bettercotton.org

Description

We are seeking proposals from skilled individuals or organizations to provide a regulatory review of US labor laws and enforcement at the federal and state level. The 17 states in the Cotton Belt are California, Arizona, New Mexico, Texas, Kansas, Oklahoma, Louisiana, Arkansas, Missouri, Tennessee, Mississippi, Alabama, Florida, Georgia, North and South Carolina, and Virginia.

We are looking for a consultant familiar with US labor laws to review existing laws and enforcement measures and understand coverage and gaps as related to the Better Cotton standards.

Scope of Work

The report will provide the Better Cotton Assurance Program with a clearer understand of federal and state requirements, enforcement, and gaps. Level of detail for states could vary based on number of cotton growers and extent of divergence from federal standards. The report will cover the following:

- What are the specific federal and state regulations applicable to the agricultural sector on the points below for workers including those involved in family operations, on payroll, directly contracted, and contracted through a third party?
- How are these regulations enforced? What grievance mechanisms are in place and are they utilized?
- What state or federal department is tasked with enforcement, what kinds of enforcement mechanisms are in place, and what are their key limitations?

Child labor

- Minimum age for workers in agriculture, including children of farmers
- Hazardous work for workers in agriculture under 18 – definition of hazardous work, age restrictions and any exemptions
- Any other relevant federal or state regulation or guidance on child work in agriculture, including on acceptable forms of light work

Worker rights

- Regulation on forced, bonded, and trafficked labor
- Requirements related to contracting or other labour-related documentation
- Equal opportunity employment and discrimination
- Pay – minimum wage, hours, stipulations on in-kind and in-cash remuneration, and any requirements related to social protection and benefits
- Rights of workers to join or form worker organizations and bargain collectively

Worker health and safety

- Pesticide handling
- General worker health and safety,

Labor requirements specific to farms that hire H2A workers

Deliverables

Final report on the questions above.

In addition to skills, competencies and expertise, we will consider value for money and demonstrable commitment to the sustainability field to evaluate applications.

High-level Timeline

28 November 2022	All applications must be submitted by email, headed "Application RFP Labor Regulations US" addressed to Karen Wynne at tender@bettercotton.org .
30 November 2022	Applications review & shortlisting / interviews if needed
30 November 2022	The successful applicant will be notified Unsuccessful <u>shortlisted</u> applicants will also be notified
1 December 2022	Start of the consultancy
1-5- December 2022	Initial consultation with country team and review of deliverables
5-31 December 2022	Report research and preparation. Communication with Better Cotton staff as needed.
31 December 2022	Final report submitted <i>The project may extend into January if necessary, but the bulk of the work is expected to be performed in December.</i>

Required Skills & Knowledge

The consultant contracted to perform oversight must demonstrate at a minimum the following competencies:

1. A firm understanding of US agricultural labor laws;
2. [Desirable] Familiarity with the Better Cotton Initiative.

Application Requirements

Responses to this Request for Proposals should be a maximum of two pages (excluding CVs), and include the following:

- Overview of relevant experience.
- Proposed methodology and timeline.

The deadline for proposal submissions is 28 November 2022.

All proposal submissions will be evaluated based on the following aspects:

- Quality and clarity of proposed approach;
- Relevant experience of proposed team member(s);
- Alignment with the criteria set out in the Scope of Work;
- Overall cost effectiveness.

We thank all applicants for their interest; however only shortlisted applicants will be contacted.



Inquiries: Please submit all questions related to this RFP to Karen Wynne at karen.wynne@bettercotton.org by 27 November 2022.

Better Cotton is committed to good practice and transparency in the management of natural, human and financial resources. All applications will be reviewed under the principles and subject to Better Cotton's policies on equal opportunity, non-discrimination, anti-bribery & corruption, and conflict of interest.