

2022

amfori BSCI Farm Audit

Audit interpretation guidelines for small
farms and small holders

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amfori BSCI farm audit

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Guidelines for auditors – small farms and small-holders

1. These interpretation guidelines only apply to small farms. A small farm is defined as a farm with a workforce equal or below 20 permanent workers.
2. Questions marked with * do not apply to family farms and small-holders, i.e. to farms with 5 or less permanent or seasonal workers, including family members. Non applicable questions are those that refer to management systems, procedures and practices that are not expected in very small businesses.
3. The effectiveness and coherency checks in each performance area are not "must have requirements", they are for guidance only and must not be used as findings statements. The amfori system is a holistic and process-based assessment. If one or more of the effectiveness and coherency statements are not in place this does not constitute a finding. There are many ways that the auditee could be meeting the questions being asked in a performance area question. The auditor must at all times keep an open mind to the procedures and processes used by the auditee. The auditor is at all times seeking to assess if the information presented by the auditee in support of the PA question is giving satisfactory evidence of effectiveness and coherency.
4. The audit must be performed during the high-risk period. It is generally peak season, but not necessarily (e.g., application of pesticides; pruning period if temporary workers are needed).
5. The structure and employment patterns of agricultural production create particular vulnerabilities for women, migrant workers, and temporary workers. In all questions of the Performance Areas of this audit, the auditor needs to pay specific attention to those categories of workers. This means that:
 - a. Pre-audit, the auditor shall investigate risks that are specific to the location and socio-economic context of the auditee.
 - b. The auditor should prioritize visits to the production site where this workforce is occupied at the time of the audit.
 - c. Worker sampling for interviews shall include representatives of vulnerable workers.
 - d. All questions should be interpreted having in mind those categories of workers.

1. Performance area 1: Social management systems and cascade effect

1.1. Is there satisfactory evidence that the auditee has set up an effective management system to implement the amfori BSCI Code of Conduct*?

As the auditee may be an owner-manager, formal formalization of roles and functions is not expected. The focus shall be on informal, yet regular, practices rather than on formalized documented processes and procedures - except if required by the local law (e.g. recruitment, contracts, emergency instructions, records). If some processes and/or procedures are not documented, the auditor must crosscheck and triangulate the findings evidence presented from Management interviews and Workers interviews.



Effectiveness: To assess the effectiveness of the management system, the auditor must at least-consider:

- Does the auditee show commitment towards the implementation of the BSCI Code of Conduct?
- Does the auditee understand the need to adapt day-to-day business practices and processes to align with the principles of amfori BSCI (e.g. OHS practices, payment and contract practices)?
- Does the auditee understand how business relations are affected by the implementation of amfori BSCI?



Coherency check: Furthermore, the auditor shall consider if the relevant required by law documentation, procedures and practices (processes) are coherent with the statements provided by the owner-manager and workers:

- Structure of the company (including different facilities, when applicable).
- Processes, practices, procedures, record keeping related to workers, time record, etc.
- Instructions given to workers (e.g. health and safety at work, working hours, breaks).
- Protective materials made available to workers.
- Documentation as required by law.

1.2. Is there satisfactory evidence that a senior manager has been appointed to ensure that the amfori BSCI values and principles are followed in a satisfactory manner*?

The integration of amfori BSCI in the business culture is the responsibility of the farm owner / manager.



Effectiveness: To assess the knowledge of the auditee on amfori BSCI, the auditor will consider if the auditee:

- Has a good understanding of the amfori BSCI Code of Conduct and Terms of Implementation.
- Actively works towards adhering to the Code of Conduct as part of the business culture.
- Has a good overview of the business partners including labour intermediaries and other service providers.



Coherency check: Furthermore, the auditor shall consider:

- Has the auditee allocated budget to succeed in the implementation of amfori BSCI principles and values? (e.g. to purchase PPE, invest in farm operations to comply with the law, conduct safety checks on equipment)

1.3. Is there satisfactory evidence that the auditee has a good overview of the significant business partners and their level of alignment with amfori BSCI Code of conduct*?

The auditee is required to exercise a minimum duty of care and attention with respect to the selection of its own significant business partners. Without this overview on whether its business partners respect the law and workers' rights, the auditee and its clients face a social risk.

Examples of business partners are:

- Recruitment agencies.
- Inputs Suppliers (e.g. fertilizers and chemicals; seeds and planting materials; machinery and equipment).
- Providers of agricultural services (e.g. tilling, spraying, tractor lending).



Effectiveness: To assess the effectiveness of the selection of business partners, the auditor must at least consider that the auditee:

- Considers social risk when selecting its business partner besides price and quality.



Coherency check: Furthermore, the auditor shall assess:

- How familiar is the auditee with the ways in which its business partners manage their own businesses?

1.4. Is there satisfactory evidence that the auditee's workforce capacity is properly organised to meet the expectations of the delivery order and/or contracts*?

Effective workforce planning allows the auditee to reduce unnecessary subcontracting or overtime, which represent social risks for both the auditee and its clients.



Effectiveness: To assess the effectiveness of workforce planning, the auditor must at least see that the auditee is aware of workforce requirements and labour costs necessary for the completion of agricultural work (e.g. pruning, spraying, harvesting) and can explain seasonal variations



Coherency check: Furthermore, the auditor shall consider:

- Is workforce planning robust enough to guarantee the respect of working hours regulations?
- Does the auditee have a "contingency plan" in case something slows down or interrupts production? (e.g. weather events)

Question 1.5 is activated only when question 1.3 is answered Yes.

1.5. Is there satisfactory evidence that the auditee ensures that temporary workers (working on its sites) are recruited and managed in a responsible manner*?

It is expected that the auditee makes no differences with regards to recruitment and working conditions between permanent and temporary workers, whether it is direct or indirect employment.

If the auditee uses services of subcontractors or temporary employment agencies, it is expected that the auditee monitors good practices of their business partners, and ensures that human rights are respected.



Effectiveness: To assess the effectiveness of practices used by the auditee to monitor its business partners, the auditor must at least consider that the auditee:

- is aware of risks of human rights violations intrinsic to its sector, industry or region.
- Is aware of working conditions, wages and working hours that the service providers apply to their workforce under the contractual relation with the auditee.
- Has a process in place to assess that its business partners do not subject workers to any form of coercion that falls under the definition of modern slavery (e.g. fee payment, salary retention, passport retention).



Coherency check: Furthermore, the auditor shall consider the coherence of monitoring business partners within the overall auditee business practice.

- What mechanisms are being used by the auditee to monitor business partners?
- How often does this monitoring take place?
- Are the local law respected regarding contract terms, working hours and payments?

1.6. **CRUCIAL QUESTION: Is there satisfactory evidence that the auditee complies with all applicable national and local laws and regulations and that all permits, licenses, records and other relevant documents are kept if required by law?**

The auditor shall ensure that the auditee is compliant with national and local laws (eg. Labour Code; Agricultural Code; Environmental regulations) and regulation relevant against the amfori BSCI Code of conduct.



Effectiveness: To verify the effectiveness of the way the auditee is compliant with local laws and regulations; the auditor must at least consider if:

- The auditee is able to provide evidence of records, permits, licenses as required by law.



Coherency check: Furthermore, the auditor shall consider if the auditee:

- Has knowledge of the applicable law or regulation (e.g. labour Code; Agricultural Code).
- Knows where to find information related to applicable law or regulation (e.g. local public service; internet; agricultural center).
- Is aware of the legal provisions and exceptions that apply to seasonal and migrant workers (e.g. contracts, social benefits).

2. Performance area 2: Workers Involvement and Protection

2.1. Is there satisfactory evidence that the auditee has established good management practices that involve workers and their representatives in sound information exchange on workplace issues*?

Whether there are workers representative or not, it is expected that workers are involved on the management of workplace issues. Particular attention must be given to the involvement of seasonal/migrant workers, and eventual "communication barriers" due to linguistic / cultural differences. The communication structure might be informal (eg. regular meetings).



Effectiveness: To assess the effectiveness of how the auditee management practices, the auditor must at least consider that the auditee:

- Has established communication practices to genuinely involve workers and their representatives (if any).
- Exchanges information on workplace-related issues with workers and their representatives (if any).



Coherency check: The auditor shall consider the way the auditee involves workers and their representatives (if any) in line with the amfori BSCI values and principles.

- How often do management and workers meet to discuss about improving working conditions and safety at work?
- How does the management follow up on workers' requests or complaints?
- How are the concerns of the most vulnerable workers (e.g. migrants, young workers) considered? Can they participate in dialogue with management in spite of eventual cultural / linguistic differences?

2.2. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee takes specific steps to make workers aware of their rights and responsibilities?



Effectiveness: To assess the effectiveness of the steps taken to raise workers' awareness, the auditor must at least consider that:

- Workers who are interviewed have a good understanding of their rights and responsibilities.
- Workers' rights and obligations emanate from:
 - The law
 - Work contracts (if required and the law)
 - Working rules of the workplace (as long as these rules abide by the law)



Coherency check: Furthermore, the auditor shall consider how the auditee raises awareness among the workers on their rights and obligations in coherence with the amfori BSCI values and principles.

- Do interviews with workers confirm that they have a good level of awareness of their rights and obligations? Are they aware of the content of their (written or verbal) contracts? Are they aware of the content of the rules of the workplace?
- Are trainings or explanations provided for migrant workers taking into consideration linguistic and cultural differences?
- Are workers trained on occupational health and safety?

2.3. Is there satisfactory evidence that the auditee builds sufficient competence among managers, workers and workers representatives to successfully embed responsible practices in the business operation*?

The auditor shall focus on the capacity building among workers, as there may not be any management staff neither workers representatives.



Effectiveness: To assess the effectiveness of the capacity building activities taken by the auditee, the auditor must at least consider that:

- Trainings are granted for workers (not necessarily formalized, but at least on-the-job training, e.g. OHS).



Coherency check: Furthermore, the auditor shall consider the ways in which the auditee builds internal capacities in coherence with the amfori BSCI values and principles.

- Are workers trained on the topics related to their activity, and in line with the amfori BSCI Code?

2.4. Is there satisfactory evidence that the auditee has established, or participates in, an effective operational-level grievance mechanism for individuals?



Effectiveness: To verify the effectiveness of the grievance mechanism, the auditor must at least consider that:

- Workers can lodge grievances through such a mechanism.

A written procedure is not required, as long as the mechanism (eg: weekly meeting) is known by the workers.



Coherency check: Furthermore, the auditor shall consider how the auditee defines and manages the grievance mechanism in coherence with the amfori BSCI values and principles.

- Is there a system to allow workers to present their grievances (eg. meetings)?
- Is there any on-going complaints?
- Does the workers interviews confirm that the workers can present their grievance freely? (A specific attention must be done to migrant workers if language / cultural differences)

3. Performance area 3: The Rights of Freedom of Association and Collective Bargaining

3.1. Is there satisfactory evidence that the auditee respects the right of workers to form or to join unions in a free and democratic way*?

Many countries have unions of agricultural producers, whether "general", defending the right of farmers (e.g. minimum prices; minimum wages; working conditions) or specialized (e.g. palm oil, cocoa). However, it is generally the farmers themselves that are part on these unions, and not the farm workers. The level of trade union representation among farm workers, and particularly seasonal and migrant worker, is low in most countries. Legal impediments to the right of farm workers to organize can also be in place.

Where no trade unions exist, other formal and institutional workers' organizations could be in place to negotiate on behalf of their members (e.g. worker cooperatives). When formal and institutionalized representation is not present, the auditor will pay particular attention to the auditee alignment with the requirements of Performance Area 2.



Effectiveness: To assess the effectiveness of auditee respect for workers' rights to form unions, the auditor must at least consider that:

- Workers have the right to establish and join workers organisations of their own choosing.
- Workers do not need previous authorisation from the auditee to join or establish a workers' organisation.
- Unionised workers are not discriminated.
- In the absence of unions, workers (including migrant and seasonal workers) can elect their representatives and are included in discussion on workplace issues with the farm owner / manager.



Coherency check: Furthermore, the auditor shall consider the ways in which the auditee allows workers' rights to comply with the amfori BSCI values and principles.

If none of the workers are part of an association/union,

- Are the workers aware of their rights?
- If some workers are part of an association/union:
 - Has management interfered to prevent workers' participation in meetings regarding unions or other workers' organisations?
 - Has management discouraged or interfered in the election process of union members or workers representatives?

3.2. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee respects workers' right to bargain collectively*?



Effectiveness: To assess the effectiveness of auditee respect for workers' rights to bargain collectively, the auditor must at least consider that:

- The auditee adheres to the rules set through collective bargaining by which the workplace is regulated and remunerated.
- Agreements are regularly renegotiated to adapt to new circumstances.



Coherency check: Furthermore, the auditor shall consider how the auditee respects workers' right to bargain collectively so this right is in coherence with the amfori BSCI values and principles.

- Does the auditee has set up good communication practices with workers, that would allow a collective bargaining process?
- Does the good practices are confirmed during workers interviews?
- Do employment contracts include stipulations contrary to a collective bargaining agreement?

3.3. Is there satisfactory evidence that the auditee does not prevent workers representatives from having access to or interacting with workers in the workplace?



Effectiveness: To assess the effectiveness of non-interference of the auditee, the auditor must at least consider that:

- The auditee allows workers representatives' access to the workers in the workplace.
- The auditee understands that not allowing a workers representative to access workers in the workplace represents an interference with the right of freedom of association.
- If organised in line with the law, meetings with workers representatives shall be arranged during working hours and workers' pay cannot be deducted.



Coherency check: Furthermore, the auditor shall consider how the auditee avoids interfering with workers representatives to comply with the amfori BSCI values and principles.

- Are there clear mechanisms to allow workers to contact and meet the workers representative?
- Are there grievances lodged with the support of the workers representative?
- How is the interaction between workers and their representatives perceived by the auditee?

4. Performance area 4: No Discrimination, Violence or Harassment

4.1. **CRUCIAL QUESTION:** Is there satisfactory evidence that the auditee takes the necessary measures to avoid or eradicate discrimination in the workplace?

Discrimination refers to different treatment on the basis of gender, ethnic background, national origin, religion, disability, sexual orientation, pregnancy, worker organization membership or political affiliation with regard to contracts, compensation, training, promotion, dismissal or retirement.



Effectiveness: To assess the effectiveness of the measures taken by the auditee to avoid or eradicate discrimination, the auditor must at least consider that:

- The auditee does not use arguments that could be considered discriminatory when:
 - Hiring.
 - In the workplace or as part of any daily work activities.
 - Firing.
 - Promoting or offering training opportunities.
 - Paying social benefits-

The auditee pays particular attention to practices that might result in discrimination of vulnerable groups like disabled workers, pregnant women, migrant workers or unionized workers.



Coherency check: Furthermore, the auditor shall consider how the auditee has ensures that no discrimination against workers takes place so it is in coherence with the amfori BSCI values and principles.

This evaluation is done mainly through workers interviews, as there may no have documentation on discrimination.

- How transparent are the grounds for a worker to be hired, or fired?
- Do the workers feel any kind of discrimination in day-to-day activities?
- What are the grounds for workers to be entitled to social benefits? Is overtime allocated as a means of giving “rewards” or “punishment”?
- Are there any significant differences in the wages between different populations (based on gender; age; cultural origin).

5. Performance area 5: Fair Remuneration

5.1. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee complies with the legal minimum wage; according to legislation or the industry standard approved through collective bargaining?

The auditor must be aware of the legal minimum wage applicable for the auditee or the valid collective bargaining agreement applicable for the sector or industry. The auditor shall use as a threshold whatever is more favourable for the workers.



Effectiveness: To assess the effectiveness of the auditee's remuneration practices, the auditor must at least consider that:

- The auditee does not pay any wage below the minimum established by the law or the collective bargaining agreement. If the auditee uses agencies or intermediaries to contract workers, the auditor verifies that the agent is paid a sufficient amount to enable them to meet the legal requirements.
- In-kind benefits and bonuses may be included in the workers' remuneration, but is not taken into account in the calculation of the legal minimum wage.
- Workers paid the minimum wage only have to work regular time. They do not have to reach the minimum wage level by working overtime.
- The verified payment records covers a significant period (e.g. 12 months before the date of the audit). However, the period taken during a follow-up audit shall not include the period covered by the previous audit, particularly when the verification aims at validating improvements. A specific focus can be done for the payment done at the peak production season.



Coherency check: Furthermore, the auditor shall consider that the auditee's remuneration practice is in coherence with the amfori BSCI values and principles.

- Part-time workers: Do part-time workers receive at least the minimum wage or relevant industry standard on a "pro-rata" basis?
- Payment -per production: Does the rate paid per production ensure the worker to obtain at least the applicable legal minimum wage for standard working hours?
- Hired through agencies: Does the auditee keeps records on how, when and how much these workers receive the payment from the agency or intermediary?

5.2. Is there satisfactory evidence that wages are paid in a timely manner; regularly and fully in legal tender?



Effectiveness: To assess the effectiveness of the auditee's remuneration practice, the auditor must at least consider that:

- The auditee respects the three characteristics of wage payment.
 - Timely: As agreed and communicated to workers prior to their engagement.
 - Regularly: With a frequency that allows the worker to make use of her/his earnings without incurring debts.
 - Fully in legal tender: The work performed by the workers in regular working hours is to be paid in legal tender only.
- The auditee only pays "in kind" if:
 - The payment in kind is done on top of the amount due in legal tender.
 - The payment in kind is never done in alcohol or other drugs.
 - The worker agrees with this modality.



Coherency check: Furthermore, the auditor shall consider that the auditee's remuneration practice is in coherence with the amfori BSCI values and principles.

- Does the auditee pay particular attention to the way seasonal workers and payment-per-production workers are paid?
- How is regular payment agreed and communicated in these cases? What special guarantees are defined by the auditee?
- How are transportation and/or housing considered in the remuneration? (if applicable)
- How are personal protective equipment and other tools needed to perform the job evaluated by the auditee? (Even if they are not to be considered part of the remuneration)
- Does the auditee pay special attention and act diligently when using "recruitment agencies" or labour brokers?
- Is the auditee aware of how and when workers receive payment from the agency?

5.3. Is there satisfactory evidence that the auditee provides sufficient remuneration that allows workers to meet a decent standard of living*?



Effectiveness: To assess the effectiveness of the way the auditee takes decent standards of living into consideration, the auditor must at least consider that:

- The auditee is aware that fair remuneration concerns all workers regardless of if they are permanent or seasonal; regardless if they are directly or indirectly engaged.
- Total remuneration provided by the auditee includes:
 - Wages paid for up to 48 regular working hours (or whatever the maximum regular hours are according to local or national law).
 - Premium paid overtime.
 - Benefits (e.g. such a bonuses, in-kind benefits; subsidised; free transport; free living space; opportunities for education; free canteen services)
- Remuneration does not include the cost of:
 - Uniforms.
 - Personal protective equipment.
 - Training that is mandatory as part of the job requirement. For example, Occupational health and safety training.
 - Any tool essential to conduct the job.



Coherency check: Furthermore, the auditor shall consider the way that the auditee takes into account decent standards of living to comply with the amfori BSCI values and principles.

- Does the auditee guarantee regular information to workers on what is considered remuneration?
- Are workers representatives, if any, consulted when defining the remuneration practice?
- Are there grievances lodged related to remuneration as well as the quality of benefits provided?

5.4. Is there satisfactory evidence that the auditee provides workers with the social benefits that are legally granted?



Effectiveness: To assess the effectiveness of the way the auditee pays social benefits, the auditor must at least consider that:

- The auditee pays the social benefits in addition to the minimum wages and never as a way to allow workers to only attain the minimum.
- The auditee pays social benefits to all workers regardless of if they are:
 - Seasonal workers.

- Paid based on productivity.
- Migrant workers or any other vulnerable group of workers.
- The auditee
- The auditee is aware of the social benefit content which usually includes:
 - Old age pension.
 - Survivor's benefit.
 - Family benefits and parental leave.
 - Medical care.
 - Unemployment.
 - Sick leave.
 - Disability.
 - Work-related injury compensation.
 - Vacations.
- The auditee has signed up for a commercial insurance to cover social benefits.

Commercial insurance: If the country's legislation allows the use of commercial insurance to substitute (fully or partially) the public social scheme, the auditor shall evaluate the auditee in a positive manner.

If the country's legislation does not allow such a substitution, but workers are granted equivalent coverage, the auditor indicates that there are partially satisfactory evidence of the auditee providing social benefits to workers. The auditor shall describe the circumstances and why is not fully satisfactory.

Exceptions from social benefits: If the auditee is granted exceptions from social benefits, the auditee may submit an approval from the local labour authority or any other authorisation (e.g. from collective bargaining agreements with trade unions), permitting exemptions from social benefits which have been legally granted. Such exceptions shall be:

- Issued in line with the corresponding procedure.
- Issued by the legal body with authority to do so.
- Valid for the current period.
- Applicable for the auditee.

The auditee shall have available the original document to prove these exemptions.



Coherency check: Furthermore, the auditor shall evaluate the way the auditee provides workers with social benefits is coherent with the amfori BSCI values and principles.

- Are the workers aware of the social benefits they could request?

5.5. **CRUCIAL QUESTION: Is there satisfactory evidence that the auditee ensures that deductions are only taken under the conditions and to the extent prescribed by the law?**

The auditor shall verify if there are regulations with regard to which deductions are legal and how they can be applied (e.g. collective bargaining agreement or the national law). He/she uses as a threshold the regulation which is more beneficial for workers.

Some common deductions are insurance plans, retirement savings plan, payments for purchases of company merchandise.



Effectiveness: To assess the effectiveness of the way the auditee ensures deductions are legal, the auditor must at least consider that:

- Deductions applied by the auditee do not result in:
 - Workers earning less than the legal minimum wage.
 - An economic benefit for the auditee.

- A form of discrimination.
- The auditee approach to unproductive time is fair to the workers:
 - The time workers may have spent in required meetings, training sessions or under any other workplace conditions beyond their control. Such time cannot be deducted at the expense of the worker but instead must be absorbed by the employer (e.g. a machine the worker uses is under repair and this negatively impacts her/his productivity).
- Deductions cannot be made for the use of objects, buildings or services which are directly necessary for work. That includes entry fees and/or charges for the use of:
 - Tools and machines.
 - Sanitary facilities.
 - Drinking water.
 - Washing facilities.
 - Provisions of protective clothing for workers.
- Deductions for services offered by the auditee (e.g. transportation or food) are charged at local market rates or lower.
- Use of the services offered by the auditee must always be voluntary.
- Deductions are not made without the explicit consent of the worker, who always needs to be first consulted to understand the reasons. Only then could she/he choose to give consent or not.
- Deductions for disciplinary measures only occur under the conditions specified by law, or due to specifications defined in a freely negotiated and established collective bargaining agreement.
- Any deduction, including the reasons therefor and the amount thereof, must be specified in the payroll record.



Coherency check: Furthermore, the auditor shall consider that deductions are coherent with the amfori BSCI values and principles.

- Is the auditee aware of applicable deductions and is he/she able to explain the deductions accordingly in the recruitment process?
- Does the auditee guarantee regular information to workers on how and under which conditions deductions apply?
- Are workers or workers representatives, if any, consulted when defining criteria for deductions?
- Are there grievances lodged related to potentially unfair deductions?

6. Performance area 6: Decent Working Hours

6.1. Is there satisfactory evidence that the auditee does not require more than 48 regular working hours per week, unless exceptional cases are prescribed by law?

ILO does not provide specific recommendation about the maximum working hours in agriculture. The auditor must be aware of the national regulation (Labour Code or Agricultural Code) and eventual collective agreement on this topic (regular working hours and exception cases). The auditor shall use as a threshold whatever is more favourable for the workers.



Effectiveness: To assess the effectiveness of the way the auditee ensures regular working hours, the auditor must at least consider that:

- Regular working hours do not exceed:
 - 48 in a week.
 - 8 per day.
- If there are exceptions, they only apply:
 - For harvesting season or other exceptional circumstances that are regulated by law (the auditee can prove that it is authorized).
 - In a way to not pose any OHS risks to workers.

These exceptions give flexibility to the limit of daily hours as well as weekly hours. However, average working hours within three months or less cannot exceed 48 hours per week.



Coherency check: Furthermore, the auditor shall assess how the auditee enforces regular working hours to be coherent with the amfori BSCI values and principles.

- How are customary and/or religious practices considered when the auditee defines working hours and shifts?
- Are workers aware of the regular working hours and possible exceptions?

6.2. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee request of overtime is in line with the requirements of the amfori BSCI Code of Conduct?

Overtime:

- Any working hours exceeding the regular hour limit.
- It must be paid in a premium rate.

If the national legislation has set a limit of regular working hours below 48 hours per week (e.g. 40 hours per week), working hours exceeding that limit are considered overtime.

Most countries' legislations define:

- Temporary exceptions where regular working hours can be exceeded. E.g.:
 - Force majeure.
 - Threat or actual accident.
 - Urgent work to be done to machinery.
 - Peak season (e.g. seedling; harvest).
- Overtime limits (e.g. no more than 3 hours per day).

- Premium rate that applies to overtime. E.g.:
 - 25% more than a regular working hour.
 - 40% more if overtime occurs on Sunday.



Effectiveness: To assess the effectiveness of the way the auditee ensures fair overtime, the auditor must at least consider that:

- The auditee is aware of the regulation that applies to its own sector.
- The auditee enforces a process for overtime, particularly with regard to temporary exceptions. This process:
 - Originates in an agreement between workers or their representatives and the auditee.
 - Sets the daily limits of work over the exceptional period.
 - Sets the premium rate paid by the auditee.
 - Respects any other criteria defined by law.



Coherency check: Furthermore, the auditor shall consider the coherence with the amfori BSCI values and principles.

- Is overtime voluntarily agreed, unless in cases of temporary exceptions (e.g. force majeure)?
- Is overtime exceptional rather than repeatedly added onto regular working hours?
- Does the auditee take the necessary measures to ensure that overtime does not increase the risk to workers' health and safety?
- Is the payment of overtime made in accordance with the law?
- Does the auditee take into consideration:
 - The vulnerability of temporary workers, migrant workers and piece rate workers to excessive overtime?
 - The accumulation of fatigue due to extended overtime?
 - The special protection for young workers, pregnant women and night shift workers?

Note: The auditor needs to justify in any finding why any overtime that is identified does not meet any or all of the criteria mentioned above.

The auditor pays particular attention to piece rate workers, as these kinds of arrangements, based on productivity, still need to comply with the requirements for overtime.

6.3. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee grants workers the right to resting breaks in every working day?



Effectiveness: To assess the effectiveness of the way the auditee grants workers the right to rest, the auditor must at least consider that:

The workers are granted:

- Short breaks: Workers are allowed to take short breaks during working hours, especially when the work is dangerous, monotonous or exposed to specific risks (eg. sun, dehydration), to enable workers to recover their vigilance. Their number and length shall depend on the nature of work.
- Meal break: Workers are allowed to take the necessary time for meal breaks according to the law.
- Night rest: Workers working during the day must have at least eight hours to sleep/rest within a 24 hour period.
- Adequate areas: Workers have access to areas where resting breaks can be effective. E.g.:
 - For workers on the fields: rest area shaded from the sun, with at least drinkable water available.
 - For indoor workers: Access to ventilated areas, Accessible toilets.

- Possibility for changing the physical working position (either sitting down or standing up).

If there is no dedicated area for meal breaks, then the break should be long enough for the workers to be able to go home and come back.



Coherency check: Furthermore, the auditor shall consider that the way the auditee grants resting breaks is in coherence with the amfori BSCI values and principles.

- What are the jobs that could require more resting breaks because of danger or monotony?
- How are customs or religious practices taken into consideration for defining resting breaks?
- Are workers informed about the time they have for resting breaks during the day?

6.4. **CRUCIAL QUESTION: Is there satisfactory evidence that the auditee grants workers the right to at least one day off in every seven days, unless a different agreement has been reached through collective bargaining?**



Effectiveness: To assess the effectiveness of the way the auditee grants workers the right to rest, the auditor must at least consider that the auditee:

- Respects relevant regulations for days off in the country or region (e.g. the day off shall follow national law or custom).
- Grants a full calendar day off in every seven days, unless a freely negotiated collective bargaining agreement or national law defines otherwise.
- Have a copy of this collective bargaining agreement (if applicable) accessible for workers and during the audit.



Coherency check: Furthermore, the auditor shall consider if the way the auditee grants one day off is in coherence with the amfori BSCI values and principles.

- How are customs or religious practices taken into consideration for the day off?
- Are there grievances lodged concerning potential disrespect for resting breaks and time-off?

7. Performance area 7: Occupational Health and Safety

7.1. Is there satisfactory evidence that the auditee evaluates health and safety risks posed to all workers and takes actions to prevent accidents, injuries or health issues associated with the work, in accordance of the health and safety applicable regulations?

The expected level of details of this analysis will be determined by the auditor according to the risks presented by the activity and on the applicable health and safety regulation.



Effectiveness: To assess the effectiveness of how the auditee identifies OHS risks related to its activity and takes preventive measures, the auditor must at least consider:

- The auditee identifies hazards and assess risks (eg. toxic chemicals; heavy machinery; sun exposure; heating process)?
- The auditee takes actions to prevent the identified risks.



Coherency check: Furthermore, the auditor shall consider how the auditee's OHS complies with the amfori BSCI values and principles.

- Is the level of details given by the auditee enough regarding the risks presented?
- Do the workers, during interviews, identify risks that are not considered by the auditee?

7.2. Is there satisfactory evidence of active cooperation between management and workers when developing and implementing systems towards ensuring OHS*?

Active cooperation between management and workers (directly, or through their representatives if any) presents an opportunity for the auditee to understand:

- Urgent demands from workers that need to be solved in the short-term.
- Necessary medium- and long-term improvements to eventually implement.



Effectiveness: To assess the effectiveness of how the auditee cooperates with workers, the auditor must at least consider:

- To what extent workers and the auditee exchanges about OHS system during their regular meetings?
- Is there any risky situations related to OHS raised by the workers, not considered by the auditee?



Coherency check: Furthermore, the auditor shall consider how the auditee cooperates with workers to comply with the amfori BSCI values and principles.

- How often the workers recommendations get taken into consideration and what are the auditee reasons to disregard them?
- Are workers aware of safety measures to be followed on the workplace?

7.3. is there satisfactory evidence that the auditee regularly provides OHS trainings to ensure workers understand their personal protection, including workers in the night shift?

The auditor pays special attention to migrant workers and young workers. If the auditee is using intermediaries or agencies to contract workers, the auditor will verify that contracted workers have received equivalent level of training / information on OHS and safety measures.

OHS training can take place in a formal setting and / or through provision of verbal information. In the latter case, the auditor will verify that workers in different categories (e.g. permanent and seasonal) have been made aware of OHS risks and safety measures relevant for their tasks. OHS measures relate to:

- (a) the preparation, handling, application, storage and transportation of chemicals;
- (b) agricultural activities leading to the dispersion of chemicals;
- (c) the maintenance, repair and cleaning of equipment and containers for chemicals; and
- (d) the disposal of empty containers and the treatment and disposal of chemical waste and obsolete chemicals.



Effectiveness: To assess the effectiveness of how the auditee provides OHS training to workers, the auditor must at least consider:

- Meeting legal expectations: Worker training on OHS needs to meet expectations required by national law. E.g.: Basic training usually focuses on:
 - Training on how to use personal protective equipment (PPE). The training pays particular attention to vulnerable workers and includes: cleaning, replacing when damaged and appropriate storage of the PPE.
 - Training on how workers need to react in case of injury to themselves and/or fellow workers.
- Appropriate training: The content of the training provides appropriate information as well as comprehensible instructions on safety and healthy work environments for workers.
- Appropriate frequency: The training frequency shall take staff turnover into account.
- Supervision: Workers have the information on the hazards and risks associated with their work and are supervised when necessary. They know what actions must be taken to provide themselves with the necessary protection.
- Adequate guidelines: Workers' guidance and supervision takes into account workers' levels of education and languages applied to the workplace.



Coherency check: Furthermore, the auditor shall consider if the auditee's OHS training to workers is in coherence with the amfori BSCI values and principles.

- Do workers receive proper training / information on how to use and maintain their personal protective equipment?
- Have workers received trainings / information on:
 - Basic hazard awareness?
 - Site specific hazards?
 - Safe work practices?
 - Emergency procedures for fire and evacuation, if relevant (e.g. work in greenhouses)?
 - Natural disasters, as appropriate?
- Are workers who operate machinery and power generators properly qualified to uphold safety regulations and operating procedures? Qualifications can be achieved by means of training and/or experience.
- Do people working with electrical installations and equipment understand their tasks and safety procedures?

- Do workers who handle and/or administer hazardous substances receive specific training? These are examples of hazardous substances: chemicals, disinfectants, crop protection products, biocides.

7.4. Is there satisfactory evidence that the auditee enforces the use of Personal Protective Equipment alongside other controls and safety systems?



Effectiveness: To assess the effectiveness of the way the auditee enforces the use of PPEs, the auditor must at least consider that the personal protective equipment provided by the auditee is:

- Effective: Offers effective protection to the worker and occasional visitors. Particular attention shall focus on specific potentially harmful processes (e.g. fumigation).
- Comfortable: Does not cause unnecessary inconvenience to the individual and are adequate for women and men.
- Free of charge: The auditee does not charge workers any cost for using the PPE.
- Suitable: Suits the activities undertaken.



Coherency check: Furthermore, the auditor shall consider if the ways in which the auditee enforces PPE are coherent with the amfori BSCI values and principles.

- Do workers receive proper training / information on how to use and maintain their personal protective equipment?

7.5. Is there satisfactory evidence that the storage of chemicals is adequately safe for people and environment; toxic agrochemicals are never stored in living quarters, and access is restricted?

The storage of chemicals is adequately safe for people and environment; as prescribed in MSDS manuals that are received when purchasing chemicals These MSDS manuals must be in the main language of the auditee and translated into other languages as required. Toxic agrochemicals are not stored in living quarters and access to chemicals is restricted when on storage. It must be visited by the auditor.



Effectiveness: To assess the effectiveness of the way chemicals are stored properly, the auditor must at least consider that:

- the agrochemicals are stored in an adequate place, with restricted access:
 - the products are not located in living quarter.
 - the products are stored out of reach of children and pets, and are accessible only to people trained on the chemicals use (e.g. locked cabinet).
 - the local shall be ventilated.
 - the local is not located in place where flooding is possible.
- the agrochemicals are safely stored
 - the products are stored in their original containers with the label and instructions



Coherency check: Furthermore, the auditor shall evaluate consider if:

- Workers that have access to the chemicals in trained on their use and disposal.

7.6. Is there satisfactory evidence that the auditee makes visible potential hazards to the workers through signs and warnings?

Potential hazard must be visible in agricultural installations (eg. farm workshops, animal housing, storage facilities, wells and pumps, crop and machinery).



Effectiveness: To assess the effectiveness of the ways in which the auditee makes visible potential hazards, the auditor must at least consider that:

- The types of signs and the places chosen for their display are appropriate
- The warnings are suited to point to potential hazards. E.g.:
 - Chemicals
 - Electricity
 - Hot surfaces
 - Falling objects
 - Slippery floors
 - Machinery and vehicles



Coherency check: Furthermore, the auditor shall consider that the ways in which the auditee makes visible potential hazards is coherent with the amfori BSCI values and principles.

- Do workers understand the meaning of the signs and warnings?
- Do the types of hazards, with warnings about them, relate to accident and emergency procedures?
- If children are present on the farm, do they have an assigned play area? Is it separated from the work area?

7.7. Is there satisfactory evidence that the auditee reports, records and acts consequently in case of occupational accident or injuries?



Effectiveness: To assess the effectiveness of the way the auditee reports and records accident and injuries, the auditor must at least consider that:

- Reporting: The auditee has systems in place that enable workers to report immediately to their supervisors any situation which may present a serious danger to people's lives or health. Accidents and near-misses should be reported.
- Recording: The auditee keeps records on all accident and injury records by specifying:
 - When the accident took place (e.g. date, peak season, picking season).
 - Who was involved.
 - What were the actions taken.
 - What was the final result (death, injury).
- Acting: The auditee provides medical assistance if needed; and prevent accidents or injuries from recurring, with appropriate means (e.g. training; hazard display.).



Coherency check: Furthermore, the auditor shall consider that the way the auditee reports and records accidents and injuries is coherent with the amfori BSCI values and principles.

- Do workers understand the protocol to report accidents and injuries to their supervisors? Are they able to evaluate the seriousness of potential dangers in the workplace?
- (How) are the accident records used to apply lessons learned to improve safety in daily operations? How are these lessons learned incorporated into the revision of accident and injury protocols?

- Are there indications that most accidents or injuries are experienced by vulnerable workers? Are there specific measures meant to prevent this so vulnerable workers receive particular kinds of protection?

7.8. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee respects the worker's right to remove herself/himself from imminent danger without seeking permission?



Effectiveness: To assess the effectiveness of the way the auditee respects the workers' right to remove themselves from imminent danger, the auditor must at least consider that:

- Workers are well-informed on what to do in case of imminent risk of danger.
- The right applies to the workplace and residential facilities provided by the auditee.



Coherency check: Furthermore, the auditor shall consider that the way the auditee respects the workers' right to remove themselves from imminent danger is coherent with the amfori BSCI values and principles.

- Are workers aware that they have this right? Does it apply to the workplace and residential facilities? Does the auditee take additional measures to ensure vulnerable workers understand this right (e.g. migrant workers)?
- Are workers able to evaluate imminent danger to know when to leave?
- Are there cases documented in the accident records where workers were unable to exit the premises despite evident danger?
- Is the management able to describe the process that directs workers to immediately leave the workplace or residential facilities in case of imminent danger?

7.9. Is there satisfactory evidence that the auditee ensures equipment, machinery and vehicles are maintained, timely replaced, including electrical installations and equipment?

Agriculture involves the use of a wide variety of hazardous machinery and processes (eg. tractors, cultivators, harrows, seeding equipment, sprayers, harvesters, mowers, balers, grinders). Farm tractors are the most important piece of power equipment used in agriculture and are associated with a major proportion of injuries and deaths in agricultural production and maintenance.



Effectiveness: To assess the effectiveness of the way the auditee ensures equipment, machinery and vehicles are maintained; the auditor must at least consider that:

- dangerous machines and equipment have adequate safety devices in place and the mobile parts are protected.
- Electrical equipment (connectors, wires, cables, fuses, housings, boxes, switches, etc.) is adequately installed and regularly inspected.
- All applicable safeguards for equipment are available and properly installed (e.g. Belt encasements; Grills for fans; The emergency switch-off).
- The auditee ensures valid inspection and insurance for machinery and vehicles as required by law. This may be the case for Trucks, tractors and other potentially dangerous machines.



Coherency check: Furthermore, the auditor shall consider that the way the auditee ensures adequate safeguards for any machine is consistent with the values and principles of amfori BSCI Code of Conduct

- Are workers properly instructed on how to handle potential hazards related to machines and vehicles?

- Do workers who use machines and vehicles possess the adequate qualifications to use them in a safe manner?

7.10. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee has installed an adequate amount of and properly working firefighting equipment?



Effectiveness: To assess the effectiveness of the way the auditee installs firefighting equipment; the auditor must at least evaluate that the installation is:

- Appropriate:
 - Distributed in an equal manner throughout the agriculture installations (warehouse, machinery storage), according to the identified risks (eg. close to the machines, fertilizers, chemicals).
 - Placed at a height for it to be effective and easily accessible by workers.
- Regularly inspected, with clear reference to the last serviced date and due date for the next inspection.
- Operational.



Coherency check: Furthermore, the auditor shall consider if the way the auditee installs firefighting equipment is coherent with the amfori BSCI values and principles.

- Is firefighting equipment functioning in a way that ensures a safe work environment?
- Are workers properly instructed on how to use firefighting equipment? Do they know the protocol to be followed in case of fire?
- How often are the workers trained on the use of firefighting equipment? Are workers who deal with chemicals and other inflammable substances adequately trained?

7.11. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee ensures that escape routes, aisles and emergency exits in the production site are not blocked, easily accessible and clearly marked?

This criterion is relevant in any enclosed space on the farm (eg. farm workshops, animal housing, storage facilities).



Effectiveness: To assess the effectiveness of the way the auditee ensures accessible and visible escape routes, aisles and emergency exits for all workers; the auditor must at least consider that:

- Escape routes, aisles and emergency exits fully and simultaneously are:
 - Not blocked.
 - Easily accessible.
 - Clearly marked.
- Workers and visitors can easily leave the premises in case of an incident without putting their lives at risk.



Coherency check: Furthermore, the auditor shall consider that the auditee ensures safe, accessible, and visible escape routes, aisles and emergency exits in coherence with the amfori BSCI values and principles.

- Are escape routes, aisles and emergency exits defined in a way that ensures a safe work environment?

- Are workers properly instructed on how to use them? Do they understand the ways in which escape routes, aisles and emergency are visually marked? Do they know the easiest way to exit the workplace?

7.12. Is there satisfactory evidence that the auditee ensures evacuations plans meet legal requirements and that these plans are posted in relevant places so workers can see and understand them?

This criterion applies only if there are enclosed space on the farm (eg. greenhouses, farm workshops, animal housing, storage facilities).



Effectiveness: To assess the effectiveness of how the auditee ensures evacuation plans, the auditor must at least consider that:

- The plans are easy to understand to evacuate both the production area and eventually the building, when necessary
- Evacuation plans in the workplace must be displayed and at least identify the:
 - Current position on the premises of the person who is reading the plan.
 - Placement of the closest escape routes including emergency exits.
 - Placements of fire extinguishers and any other firefighting equipment.
- The auditee keeps in mind the cultural diversity, languages and education level of the workforce to design an effective way to communicate the evacuation plan.
- Workers understand the evacuation plan and know how to use it from their standpoints.



Coherency check: Furthermore, the auditor shall consider that the auditee ensures evacuation plans are coherent with the amfori BSCI values and principles.

- Are evacuation plans defined in a way to ensure a safe work environment?
- Are workers properly instructed on how to read them? Do they understand them? Do they know the easiest way to exit the workplace?

7.13. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee ensures qualified first-aid is available at all times?



Effectiveness: To assess the effectiveness of the way the auditee ensures qualified first-aid provision, the auditor must at least consider that:

- The auditee respects national regulations concerning medical provisions.
- If there are no such legal regulations, the auditee ensures:
 - Adequate first-aid kits is accessible (at the first aid station, or in the vehicles), with clear instructions for use (or at least one worker knowing how to use it is always present).
 - Or a close access to a medical center.
- Where immediate flushing with water is the recommended first-aid response, the auditee ensures that workstations are either equipped or very near to:
 - Potable water.
 - Eye-wash stations.
 - Emergency showers.



Coherency check: Furthermore, the auditor shall consider that the way the auditee ensures qualified first-aid is coherent with the amfori BSCI values and principles.

- Is there a fully qualified person appointed to provide first-aid? If not always available, are the instructions of first-aid kit understandable by the workers? or is there a medical center nearby?
- Are workers, especially vulnerable workers, aware of the first-aid protocol?
- Have workers who use machines, vehicles or those who handle chemicals or those who conduct any other risky activity been made well-aware of the first-aid protocol?

7.14. **CRUCIAL QUESTION: Is there satisfactory evidence that the auditee provides workers with potable and drinkable water at all times?**

The right to potable and drinkable water applies to the workplace facilities (farm or enclosed buildings) where workers prepare or eat food as well as to the housing provided by the auditee.

Special attention shall be given to this right in countries where the risk of dehydration may be higher due to exposure to hot/dry weather.



Effectiveness: To assess the effectiveness of the way the auditee ensures potable water; the auditor must at least consider that:

- Workers always have access to clean and cold potable water, not only during breaks.
- Access to water is not used as means for discrimination or as a disciplinary measure.
- Workers have access to clean potable water without risk of contagion.
- The auditee respects the characteristics and tests required for potable water as defined by national regulations.
- The auditee ensures that there are proper signs or instructions to identify water which is not potable in places where it is not mandatory that water be potable.



Coherency check: Furthermore, the auditor shall consider that the way the auditee ensures potable water is coherent with the amfori BSCI values and principles.

- Are workers aware of their right to potable water at all times? How often do they access water?
- How is water supply guaranteed? Who is responsible to ensure that water is always available? Do workers have access to water storage?

7.15. **Is there satisfactory evidence that the auditee provides appropriate cooking and housing facilities & clean and safe accommodation for the workers and their families living on the farm/other facilities?**

See ILO - Recommendation Workers' Housing

[Recommendation R115 - Workers' Housing Recommendation, 1961 \(No. 115\) \(ilo.org\)](#)



Effectiveness: To assess the effectiveness of the way the auditee ensures appropriate cooking and housing facilities; the auditor must at least consider that:

- National law and custom should be fully respected in terminating the lease or occupancy of such housing on termination of the workers' contracts of employment.
- The rents charged should be coherent and, in any case, should not include a speculative profit.
- The minimum space per person or per family shall be of reasonable dimensions and proportions (eg. floor area; cubic volume; size and number of rooms);

- There is adequate sewage and garbage disposal systems.
- There is appropriate protection against heat, cold, damp, noise, fire, and disease-carrying animals, and insects.
- There is adequate sanitary and washing facilities, ventilation, cooking and storage facilities and natural and artificial lighting.
- Where housing accommodation for single workers or workers separated from their families is collective, it should be:
 - a separate bed for each worker.
 - separate accommodation of the sexes.
 - adequate supply of safe water.
 - adequate drainage and sanitary conveniences.
 - adequate ventilation and, where appropriate, heating; and
 - common dining rooms, canteens, rest and recreation rooms and health facilities, where not otherwise available in the community.
- The facilities are constructed in the most suitable materials available, having regard to local conditions, such as liability to earthquakes.



Coherency check: Furthermore, the auditor shall consider that the way the auditee ensures appropriate housing is coherent with the amfori BSCI values and principles.

- Does the auditee know the local law regarding housing?
- Are workers satisfied with the areas provided by the auditee?
- How is the food stored to ensure it keeps its nutrients?
- Is there a grievance mechanism related to housing conditions?

7.16. Is there satisfactory evidence that the auditee provides workers with clean washing facilities, changing rooms and toilets that are also respectful of local customs?



Effectiveness: To assess the effectiveness of the way the auditee provides workers with clean washing facilities, changing rooms and toilets, the auditor must at least consider that:

- The auditee follows national regulations concerning the minimum number of washing facilities and toilets for the size of the company.
- If there is no national regulations, the auditee determines its criteria based on the OHS risk-assessment and related action plan.
- The auditee is able to explain, during the audit, the reasons for having the amount of facilities it has and the plans to adapt the number if needed.
- The toilets are sanitary. This implies: hygienic conditions, soap supply, working locks.
- The auditee provides hygienic changing rooms when necessary for workers who change their clothes to perform their functions. This is particularly relevant for workers who handle hazardous substances or have to wear a uniform.
- The auditee provides access to clean showers for workers who are handling pesticides and chemicals.

Particular attention shall be devoted to ensure that facilities meet workers' needs even when the number of workers increases (e.g. peak session).



Coherency check: Furthermore, the auditor shall consider that the ways in which the auditee provides workers with clean washing facilities, changing rooms and toilets are coherent with the amfori BSCI values and principles.

- Does the number of washing facilities, changing rooms and toilets meet the needs of the total number of workers?
- Are the needs according to gender taken into consideration?
- Does the auditee ensure the facilities meet workers' needs even when the number of workers increases (e.g. peak session)?
- Are there any grievances about a potential law and/or unsanitary approach in how these facilities are provided?

7.17. **CRUCIAL QUESTION: Is there satisfactory evidence that the auditee provision of transportation to workers is safe and complies with national regulations?**

If the auditee does not provide transportation to workers, the auditor shall answer this question Not Applicable.



Effectiveness: To assess the effectiveness of the way the auditee provides transportation; the auditor must at least consider that:

- The transportation provided to workers (either directly or using third parties) is safe and complies with national regulations.
- The auditee ensures that vehicles unsuitable for human transportation are not used to commute workers (e.g. the use of agricultural vehicles for human transportation represents an additional risk for accidents).



Coherency check: Furthermore, the auditor shall consider that the way the auditee provides transportation is coherent with the amfori BSCI values and principles.

- Is the cost of transportation provided by the auditee in a transparent manner?
- Are there other alternatives for workers?
- Is the person in charge of driving workers to the site qualified to do so?

7.18. **Is there satisfactory evidence the auditee verifies that temperature, humidity, space, sanitation, illumination are adequate for the health and safety of workers?**

National law usually defines the characteristics for workplaces as well as social facilities and housing so they provide a healthy and adequate environment for workers.



Effectiveness: To assess the effectiveness of the way the auditee provides adequate temperature, humidity, space, sanitation, illumination, the auditor must at least consider that:

- Space and illumination are provided in an adequate way for workers' specific activities
- The auditee has reviewed the temperature, humidity, space, sanitation and illumination for acceptability in all areas of the workplace and any managed or provided accommodation.
- The auditee consults workers and their representatives



Coherency check: Furthermore, the auditor shall consider that the way the auditee verifies adequate temperature, humidity, space, sanitation, illumination is coherent with the amfori BSCI values and principles.

- Are workers satisfied with the temperature, humidity, space, sanitation, illumination conditions?
- Are there any grievances concerning the quality of any of these aspects?
- How often are workers and their representatives consulted about these conditions?

8. Performance area 8: No Child Labour

8.1. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee does not engage in illegal child labour directly or indirectly?

Children who are working is regarded as child labour, unless it is “light work” (defined below).

Child labour occurs when work:

- Is done by a person who is younger than 15 years old (or someone who is younger than 14 years old in countries that set that age as the threshold).
- Is mentally, physically, socially and/or morally dangerous.
- Is harmful to children.
- Interferes with their schooling because it:
 - Deprives them of the opportunity to attend school.
 - Obliges them to leave school prematurely.
 - Requires them to attempt to combine school attendance with excessively long and heavy work.
- It is not “light work”.

Light work refers to the participation of children or adolescents in work activities such as:

- Helping their parents around the home.
- Assisting in a family business.
- Earning pocket money outside school hours and/or during school holidays.

Light work is acceptable as long as:

- The child is at least 13 years old (or at least 12 years old in countries that have set a minimum age of 14).
- It does not prejudice their attendance to school or time dedicated to homework (e.g. maximum two hours in any working day).
- It does not take place on a continuous basis (e.g. school holidays).
- It is supervised by either parents or any other guardian who can ensure the tasks provided to children are not harmful for their health or interfering with their schooling.

A higher minimum age of 18 years is set for hazardous work which, by its nature or the circumstances under which it is carried out, is likely to jeopardise peoples’ health, safety and/or morals.



Effectiveness: To assess the effectiveness of how the auditee ensures not to engage in illegal child labour directly or indirectly, the auditor must at least consider that:

- The auditee has taken the necessary measures to:
 - Understand what child labour is, particularly by building the awareness of supervisors.
 - Identify the likelihood of child labour in its industry or region).
 - Not engage child labour indirectly (e.g. using recruitment agencies, or allowing migrant or seasonal workers to use their own children to support them at work).
- The auditee:
 - is aware of migrant and/or seasonal workers children’s names, ages, school schedules and information on their schools.
 - keeps record of age and identity cards of workers engaged via recruitment agencies.
 - is aware of agencies’ recruitment procedures to avoid engagement of children or illegal workers (among others).

Flagrant child labour: If child labour is found during the audit, immediate actions shall be taken by the auditor at that very moment:

- Identification of the child and his/her family.
- Determine if the case refers to accidental child labour (e.g. the auditee was led to believe the child was older) or if there is a case of the “worst form of child labour and exploitation”, which deserves different remediation.
- Follow the steps of the amfori BSCI Zero Tolerance protocol.

The auditor will do their best efforts to gather as much information as possible on:

- How the child entered the job?
- For how long has he or she been employed?
- How has he or she been treated?
- What has been the payment, working time and under what working conditions?
- Has he or she been provided food and housing?
- Are there other children onsite?
- What is the child’s background?

Immediate notification: The issue needs to be notified immediately via the amfori BSCI Platform. (See amfori BSCI System Manual Part V - Annex 5: amfori BSCI Zero Tolerance Protocol)



Coherency check: Furthermore, the auditor shall consider that the way the auditee ensures not to engage in illegal child labour directly or indirectly is coherent with the amfori BSCI values and principles.

- Is the auditee vigilant that child labour is not engaged by its business partners?
- Is the auditee particularly vigilant if it is based in a region with a high level of migration and seasonal workers?

8.2. Is there satisfactory evidence that the auditee has established robust age-verification mechanisms as part of the recruitment process, which may not be in any way degrading or disrespectful to the worker*?



Effectiveness: To assess the effectiveness of the way the auditee establishes robust age-verification mechanisms, the auditor must at least consider that:

- The recruitment procedures integrate the necessary measures to avoid or minimise the risk to hire minors.
- The auditee:
 - Is aware of the risk severity and can give an assessment of its likelihood that reflects local circumstances.
 - verifies the age of job candidates prior to recruitment.
- The outcome of the age verification is documented (e.g copy of the ID).



Coherency check: Furthermore, the auditor shall consider that the way the auditee establishes robust age-verification mechanisms is coherent with the amfori BSCI values and principles.

- Does the age-verification mechanism take into consideration gender issues?
- Is the age verification triggered only in cases where the auditee has reasonable doubts about the age claim?

8.3. **CRUCIAL QUESTION:** If there are children of employees living on the farm / other facilities, they have access to compulsory school education.

This requirement only applies if workers live on the farm or owner's facility with their family.



Effectiveness: To assess the effectiveness of the way the auditee ensures the school attendance of children of employees, the auditor must at least consider:

- If the owner facilitates the school attendance (eg transportation).
- If younger children have someone to take care of them (eg. family member who does not work; care-taking).



Coherency check: Furthermore, the auditor shall crosscheck this information with workers interview, as there may not be any documentation!

- Do the workers have children?
- Are they attending school? From what age? To what age?
- What are the means of transportation?

9. Performance area 9: Special Protection for Young Workers

9.1. **CRUCIAL QUESTION:** Is there satisfactory evidence that the auditee ensures that young persons do not work at night and are protected against conditions of work which are prejudicial to their health, safety, morals and development?



Effectiveness: To assess that the young workers do not work at night, and do appropriate task, the auditor will consider if:

- Young workers are identified in the management system, keeping in mind that on small farms this may be a word-of-mouth system and no documentation may be available.
- Night workers are identified. There is no young worker working at night.



Coherency check: Furthermore, the auditor shall crosscheck documentation with young workers interviews keeping in mind that on small farms this may be a word-of-mouth system and no documentation may be available.

- What kind of tasks are the young workers doing?
- What are the young workers' working hours?

9.2. **CRUCIAL QUESTION:** Is there satisfactory evidence that young workers' working hours do not prejudice their attendance at school, their participation in vocational orientation approved by the competent authority or their capacity to benefit from training or instruction programmes?

Auditor to be mindful that on small farms this situation may not occur.



Effectiveness: To assess the effectiveness of the ways in which the auditee ensures working hours do not prejudice young workers, the auditor must at least consider that:

- The auditee respects young workers' right to education.
- The auditee ensures that the combination of working time, school time and transport time do not exceed 10 hours in a day if workers are enrolled in:
 - Local compulsory education.
 - Any other vocational orientation or training programmes approved by the competent authority.
- The auditee ensures that internal trainings are organised so young workers can attend. The timing of the trainings cannot coincide with young worker attendance to school or vocational training.



Coherency check: Furthermore, the auditor shall consider that the ways in which the auditee ensures working hours do not prejudice young workers are coherent with the amfori BSCI values and principles.

- Are young workers satisfied with the work schedule?
- Have there been any internal trainings organised at times when young workers could not attend?

9.3. Is there satisfactory evidence that the auditee seeks to ensure that young workers are properly trained on Occupational Health and Safety and have access to related training programmes?

It is expected that the auditee and the young workers are aware of the main OHS related risks, and the are properly trained. The related training must be documented.



Effectiveness: To assess the effectiveness of the way the auditee ensures young workers are properly trained on OHS; the auditor must at least consider that:

- Young workers receive proper training according to the risk related to their tasks, regarding occupational health and safety topics.
- A documentation related to the training is available (at least a logbook).



Coherency check: Furthermore, the auditor shall consider that the way in which the auditee ensures young workers are properly trained on OHS is coherent with the amfori BSCI values and principles.

- Do the young workers understand the specific risks associated with their tasks and how to manage them?
- Are they satisfied with the quality of trainings?
- Are there internal communication channels set up for young workers to report their concerns on OHS? Does the auditee pay particular attention to young female workers?

9.4. Is there satisfactory evidence that the auditee has a good overview of all young workers engaged in its production site?



Effectiveness: To assess the effectiveness of the way the auditee seeks to have the overview of all young workers engaged; the auditor must at least consider that:

- The auditee properly understands that young workers are more vulnerable than most workers.
- The auditee devotes extra efforts towards monitoring young workers' working conditions, particularly for seasonal work.

For information, amfori BSCI provides the Template 7: Young Workers Data, which points to the minimum information needed on young workers.

Such records should be only destroyed in accordance with the national regulations for handling confidential information. If no national regulations exist care in the handling of records must be taken See also Ethical Behaviour Performance Area.



Coherency check: Furthermore, the auditor shall consider that the overview the auditee keeps of all young workers engaged is both good and coherent with the amfori BSCI values and principles.

- Does the auditee keep accurate records on young workers?
- Are there examples of young workers receiving promotions and/or subject to disciplinary measures?
- Is young workers remuneration in line with the level of responsibility? Are there specific rules for remunerating apprentices?

10. Performance area 10: No Precarious Employment

10.1. Is there satisfactory evidence that the auditee engages workers based on recognised and documented employment relationships*?

Employment relations in agriculture might or might not be documented in formal written contracts. Verbal contracts, umbrella agreements (e.g. employment vouchers), or other frameworks based on local regulations or customs are recurrent in small-scale agricultural production.



Effectiveness: To assess the effectiveness of the way the auditee engages workers, the auditor must at least consider that:

- The work relation is established in compliance with the framework that provides the greatest protection to workers:
 - National legislation.
 - Custom or practice.
 - International labour standards.
- The work relation is supported by means of proof that make the workers aware of their rights and obligations. Contracts are one of other possibilities (e.g. posters indicate the working rules; oral agreement if it is a local custom).
- The auditee makes additional efforts to ensure workers understand their working conditions, particularly when workers:
 - Have difficulties to read and write.
 - Are migrants/foreigners.
 - Are hired for a short season or orally in line with customs.
- The auditee pays particular attention when using recruitment agencies. This includes:
 - Having a good overview on when, how and how much these workers are paid.
 - Keeping up-to-date records on these workers.



Coherency check: Furthermore, the auditor shall consider that the way the auditee engages workers is coherent with the amfori BSCI values and principles.

- Does the auditee keep accurate records on workers' work cycles?
- What kinds of additional efforts does the auditee make to ensure vulnerable workers understand the terms of their working conditions?
- Are vulnerable workers well-aware of their working conditions?
- Are workers representatives, if any, engaged to ensure additional sources of information?
- Are there any grievances lodged concerning potentially unrecognised working relations?

10.2. Is there satisfactory evidence that the auditee provides workers with understandable information before entering into employment?



Effectiveness: To assess the effectiveness of the way the auditee provides workers with understandable information before entering into employment, the auditor must at least consider that information is:

- Understandable: The auditee takes necessary measures to facilitate the understanding of working conditions information. This may require translation into the language of workers.

- Relevant: The information refers to workers' rights, obligations, and employment conditions. It includes information on:
 - Working hours
 - Trainings
 - Resting periods and holidays
 - Remuneration and terms of payment
 - Grievance mechanism
- Timely: The auditee provides the information before initiating the employment relationship.
- The auditee provides the same necessary information to workers hired through recruitment agencies.



Coherency check: Furthermore, the auditor shall consider if the way the auditee engages workers is coherent with the amfori BSCI values and principles.

- How are workers who are engaged by recruitment agencies informed about their rights and obligations?
- What kinds of additional efforts does the auditee make to ensure vulnerable workers understand their working conditions?
- Are vulnerable workers well-aware of their working conditions?

10.3. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee does not use employment arrangements in a way that deliberately does not correspond to the genuine purpose of the law?

Certain employment arrangements may represent an additional risk of undermining workers' rights. This is the case for:

- Apprenticeship schemes: when they are not used with intent to impart skills or provide regular employment.
- Seasonal or contingency work: when they are used to cover permanent workflows that would require hiring workers on a permanent basis.
- Labour-only contracting: when the agent or broker uses its position to undermine the workers' rights.
- Subcontracting: when it is used to avoid reaching the minimum number of workers that allows the establishment of workers representatives or the right to unionise.



Effectiveness: To assess the effectiveness of the way the auditee uses employment arrangements, the auditor must at least consider that:

- The auditee understands that these employment arrangements may undermine workers' rights when used in a wrong way.
- The auditee uses those employment arrangements in line with the genuine purpose of the law.
- The auditee is able to explain the business logic behind its subcontracting practices and demonstrates that workers' rights are guaranteed.



Coherency check: Furthermore, the auditor shall consider if the way the auditee uses employment arrangements is coherent with the amfori BSCI values and principles.

- How do workers engaged under these circumstances explain their rights and obligations?

11. Performance area 11: No Bonded, Forced Labour or Human Trafficking

11.1. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee does not engage in any form of servitude, forced, bonded, indentured, trafficked or non-voluntary labour?



Effectiveness: To consider the effectiveness of the ways in which the auditee ensures not to engage in bonded labour, the auditor must at least consider that:

- The auditee takes necessary measures to understand what can be considered as bonded labour and which hiring or engagement practices may introduce that risk.
- Workers shall have valid work permits.
- Workers' engagement practices do not include any potential or actual risk of being qualified as forced labour. For example:
 - Lack of workers' consent to work;
 - Intentional cruelty;
 - Coercion (e.g. debt bondage, restriction of movement, violence, threats or intimidation).
- The auditee does not request workers to leave personal documents in deposit.
- The auditee does not apply unlawful retention of wages or benefits.
- Workers do not work through any form of servitude, gratitude (e.g. negotiation of visa, housing, working only in exchange for training and education).
- Workers are granted the right to leave work and freely terminate their employment, provided that reasonable notice is given to the employer.
- Workers are allowed to leave the premises after working hours.
- If the auditee uses security guards (armed or unarmed), it ensures that they do not keep the workforce under retention.
- Workers are permitted to leave the production site and/or housing in their free time, without having to ask for permission.
- Workers are allowed to choose accommodation outside of the housing offered by the employer, if they have the possibility of doing so.



Coherency check: Furthermore, the auditor shall consider that the way the auditee ensures not to engage in bonded labour is coherent with the amfori BSCI values and principles.

- Does the auditee understand the risks of bonded labour? Does the auditee pay additional attention to avoid the risks?
- Are there any grievances lodged concerning potential bonded labour?

11.2. Is there satisfactory evidence that the auditee acts rigorously and diligently when engaging and recruiting migrant workers both directly and indirectly?



Effectiveness: To assess the effectiveness of the ways in which the auditee acts diligently when recruiting migrant workers, the auditor must at least consider that:

- The auditee understands that migrant workers are more vulnerable than other workers to end up in forced labour situations.
- The auditee pays particular attention when engagement is indirect (e.g. via recruitment agencies).
- The auditee devotes attention to the following aspects:
 - Absence of state protection (both country of origin and host country)
 - Debt bondage (e.g. the worker had to pay a high recruitment fee to the agency and she/he lacks transparency of the terms of employment such as deductions and remuneration).
 - Restriction of movement (visa or travel documents are controlled by the agency or employer. Workers who do not understand the host country language may face more restricted movement).
 - In agriculture, any cultivation organised on a communal basis, by virtue of law or custom, is not regarded as compulsory cultivation as defined in the ILO Convention 29 (art. 19.2).



Coherency check: Furthermore, the auditor shall consider if the way in which the auditee recruits migrant workers is coherent with the amfori BSCI values and principles.

- Does the auditee take additional preventive measures?
- Are there any grievances lodged concerning the potential violation of migrant workers' rights?

11.3. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee does not subject workers to inhumane or degrading treatment, corporal punishment, mental or physical coercion and/or verbal abuse?



Effectiveness: To assess the effectiveness of how the auditee ensures workers do not receive degrading treatment, the auditor must at least consider that:

- The auditee understands what can be considered as degrading treatment.
- Workers are not subject to degrading treatment.
- The auditee does not tolerate corporal punishment or mental coercion as part of the auditee's disciplinary measures.
- The auditee pays particular attention to avoid degrading the most vulnerable workers such as migrants, seasonal workers, young workers or pregnant women.
- If collective housing is provided, dormitories ensure working conditions that respect workers' dignity. For example:
 - Separate bed for each worker
 - Separate locker for keeping personal belongings
 - Separate accommodation for women and men
 -



Coherency check: Furthermore, the auditor shall consider that the way in which the auditee ensures workers do not receive degrading treatment is coherent with the amfori BSCI values and principles.

- Does the auditee take additional preventive measures to avoid punishing or degrading workers?
- Are there any grievances lodged concerning potential punishment of or degrading treatment toward workers?

11.4. Is there satisfactory evidence the auditee has established all applicable disciplinary procedures in writing and has explained them verbally to workers in clear and understandable terms?

For smallholders, it is accepted that disciplinary procedures are not in writing, but they must be explained and known by the workers.



Effectiveness: To assess the effectiveness of the way the auditee establishes disciplinary measures to workers, the auditor must at least evaluate that:

- Disciplinary procedures are means through which the employer deals with workers, when there are concerns about work, conduct or absence.
- Disciplinary measures shall not facilitate a way for the auditee to unfairly take money from workers.

Particular attention shall be given to the imposition of financial fees or deductions, which may be illegal (see also illegal deductions under Fair Remuneration Performance Area)



Coherency check: Furthermore, the auditor shall consider that the way the auditee establishes disciplinary measures is coherent with the amfori BSCI values and principles.

- Are the disciplinary procedures coherent and in line with the law?
- Are workers aware of the disciplinary measures and do they understand the content and consequences?

12. Performance area 12: Protection of the Environment

12.1. Is there satisfactory evidence that waste is managed in a way that does not lead to the pollution of the environment?

The auditee might be located in a region where waste segregation and/or disposal are not managed by public authorities. This may lead to dumping waste into the environment. Even in the absence of national regulations, the auditee shall not dump waste into natural environments or burn it in open fires.



Effectiveness: To assess the effectiveness of the way the auditee manages its waste, the auditor must at least consider:

- How the auditee manages the waste, including packaging material.
- The auditee devotes particular attention to industrially contaminated water and hazardous waste.
- The auditee has procedures or processes in place to:
 - Identify and separate the type of waste generated (hazardous versus non-hazardous, including packaging).
 - Define any specific handling requirements (e.g. disposal via an authorised agent or to a specialised site).
 - Create awareness among workers about the waste generated onsite and the proper way to handle it.
 - Avoid dumping waste into natural environments.
 - Avoid burning waste in open fires.
 - Dispose of plastics and empty chemical containers without incurring environmental risks or harming humans.



Coherency check: Furthermore, the auditor shall consider that the auditee's waste management is coherent with the amfori BSCI values and principles.

- Does the auditee understand the importance of proper waste management?
- Are the waste management practices relevant for the business activities?
- Are workers aware of the procedures or processes for waste management?
- Are there any grievances lodged about potential irregular waste management?

12.2. Is there satisfactory evidence that water is managed in a way that respects the environment, particularly but not limited to preserving local water sources?

The farm owner shall ensure that water is managed in accordance to legal requirements and concrete actions are taken to protect and to preserve local water sources.



Effectiveness: To assess the effectiveness of the way the auditee manages water, the auditor must at least consider:

The auditee has mechanisms in place to promote water conservation and water waste reduction. This refers to water used for agricultural purposes and personal consumption.

Possible mechanisms include:

- Licensed water use (when requested by the applicable law/authorities).
- Proper identification of water springs, rivers, lakes and other water ecosystems in the area.
- Awareness raising on water waste reduction.



Coherency check: Furthermore, the auditor shall consider that the auditee's water management is coherent with the amfori BSCI values and principles.

- Does the auditee understand the importance of proper water management?
- Are both management and workers aware of the local water sources and how they relate to the facility in terms of use, supervision and preservation?
- Are the water management practices in the company relevant for the business activities?

12.3. Is there satisfactory evidence that the auditee applies precautionary measures in order to protect neighbouring communities and environment from the application of crop protection products?



Effectiveness: To assess the effectiveness of the way the auditee applies precautionary measures regarding the application for crop protection products, the auditor must at least consider

- The local law is respected.
- Precautionary measures include at least:
 - Adequate machines / tools for efficient application,
 - Adequately calibrated machines / tools,
 - Timing of application optimized with regard to weather conditions and crop requirements in order to reduce the environmental impact to a minimum.
 - Preparation / mixing done in a way to minimise contamination.



Coherency check: Furthermore, the auditor shall consider that the auditee's precautionary measures are coherent with the amfori BSCI values and principles.

- Is the auditee aware of local law regarding crop protection products application?
- Is the auditee aware of specific instructions regarding its own crop protection products?
- Who is doing this product application? Is this worker trained to do it?
- Is there any apparent risk of contamination? (eg. River or houses located near the productions area) How is risk managed?

12.4. Is there satisfactory evidence that the auditee takes adequate soil conservation and erosion control practices (eg: groundcover, planted hedges, crop residues, etc)?

See examples from the FAO - <http://www.fao.org/conservation-agriculture/in-practice/soil-organic-cover/en/>.



Effectiveness: To assess the effectiveness of the way the auditee takes adequate soil conservation and erosion control practices, the auditor must at least consider.

- The auditee has identified eventual soil erosion problems and concerned areas directly related to the agricultural production.
- The auditee is taking adequate measures to monitor these problems: groundcover, planted hedges, crop residues, crop rotation, buffer zones, etc.



Coherency check: Furthermore, the auditor shall consider that the auditee's soil conservation practices are coherent with the amfori BSCI values and principles.

- Is the auditee aware of soil erosion risks and soil conservation practices?
- What measures are taken by the auditee?

- Which information / training do they receive on this subject and are those shared with relevant workers? (e.g. from local agricultural services; from business partners)

12.5. OPTIONAL QUESTION: Is there satisfactory evidence that the auditee takes adequate overall soil fertility management practices to ensure long term productivity (crop rotation, use of leguminous crops, observation of soil life and structure)?

Soil fertility is crucial for agricultural productivity and therefore for food security. It can be maintained or increased through several management practices. Farmers can improve soil fertility and soil health by optimizing soil nutrient management in terms of maximizing net returns, minimizing the soil nutrients depletion, and minimizing nutrient losses or negative impacts on the environment (FAO - <http://www.fao.org/global-soil-partnership/areas-of-work/soil-fertility/en/>).



Effectiveness: To assess the effectiveness of the way the auditee takes adequate overall soil fertility management practice, the auditor must at least evaluate that:

- Soil fertility is managed to ensure long term productivity;
- Some of the following practices are used, according to the type of culture:
 - Crop rotation.
 - Use of leguminous crops.
 - Mulching.
 - Preservation of native soil.
 - Observation of soil life and structure.
 - Avoid soil compaction (eg. with vehicle, tractors).



Coherency check: Furthermore, the auditor shall consider that the auditee's soil fertility management is coherent with the amfori BSCI values and principles.

- Does the auditee understand the importance of fertility management (e.g. risks of over or excessive use of fertilizers on the crop and on the environment)?
- What measures are taken by the auditee?
- Which information / training do they receive on this subject and how are they shared with relevant workers? (e.g. from local agricultural services; from business partners)
- Who is applying fertilizers? Are these workers trained on it?

13. Performance area 13: Ethical Business Behaviour

13.1. Is there satisfactory evidence that the auditee actively opposes any act of corruption, extortion or embezzlement, or in any form of bribery in its activities as a business enterprise?



Effectiveness: To assess the effectiveness of the way the auditee opposes any act of corruption, the auditor must at least consider that:

- The auditee identifies the situations and activities where acts of corruption, extortion or bribery are most likely to occur in its context.
- The auditee takes active measures to prevent them.

Particular attention needs to be given to the relations between auditor and auditee as well as between the auditee, recruitment agencies and subcontractors.



Coherency check: Furthermore, the auditor shall consider that the auditee's ethical and active policies and procedures are coherent with the amfori BSCI values and principles.

- Which mechanisms does the auditee use to inform workers on the problem of corruption?
- Does the auditee investigate or discourage any misbehaviour among the workers, particularly those with decision-making power?
- Is the auditee aware of the perverse effects of corruption on its business and society in general?

13.2. Is there satisfactory evidence that the auditee keeps accurate information regarding its own activities, structure and performance?

Record keeping systems provide a solid foundation for filing, tracking and making available information on financial transactions, required documentation and workforce data.

For smallholders, the assessment of the auditor is limited to legal requirement.



Effectiveness: To consider the effectiveness of record keeping on auditee activities, structure and performance, the auditor must at least consider that the information is:

- Accurate: Any information presented by the auditee must be true.
- Factual: Any claim made by the auditee in terms of its activity must be correct. (E.g.: Production volumes; number of workers; working hours; if hiring is direct or indirect).
- Structured: The information on different facilities and the way the auditee organises its production sites should be available and clear.



Coherency check: Furthermore, the auditor shall consider the information gathering and filing is coherent with the amfori BSCI values and principles.

13.3. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee takes the necessary measures to not being involved in falsifying information related to the activities, structure and performance nor in any act of misrepresentation in the supply chain?

The ethical behaviour of companies starts with how they run their businesses and operations. Fraud and misrepresentation in the supply chain adversely impact supply chain integrity. They can also lead to substandard or defective products. (e.g., use of prohibited substances, adulteration, fake origin of the products)

Falsification, fraud and misinterpretation are purposeful actions intended to cause harm or loss to another party, for one's own direct or indirect gain.



Effectiveness: To verify the effectiveness of auditee measures, the auditor must at least assess that the auditee:

- Understands the severity of these unethical behaviours.
- Has a serious commitment to avoid any such behaviours.
- Ensures proper investigation and disciplinary measures if any worker behave unethically.

The auditor may request data related to productivity, in order to establish the production capacity of the site, the need for overtime or the links to other facilities.

Examples of misrepresentation in the supply chain include claims to be a trader or only a warehouse, to avoid audits of the production site(s).

The auditor shall trigger an alert if any flagrant falsification, fraud or misrepresentation is identified. For more information, see amfori BSCI System Manual Part V - Annex 5: amfori BSCI Zero Tolerance Protocol.



Coherency check: Furthermore, the auditor shall consider if the measures to avoid falsification or fraud are coherent with the amfori BSCI values and principles.

- Does the auditee understand the importance of avoiding falsification, fraud or misrepresentation?
- How are the unethical behaviours identified? How are they investigated? What do workers think about the disciplinary measures taken by the auditee (if any)?

13.4. Is there satisfactory evidence that the auditee collects, uses and otherwise processes personal information with reasonable care and in accordance with privacy and information security laws and regulatory requirements*?



Effectiveness: To assess the effectiveness of how the auditee handles personal information, the auditor must at least consider that the auditee:

- o Collects and processes personal data of individuals with the outmost respect for the individuals' fundamental rights (particularly the right to privacy).
- o Applies reasonable care to the personal information of directly hired workers, business partners, customers and consumers in the auditee's sphere of influence.
- o Pays special attention to the way in which it collects data in order to protect the vital interest of the worker (e.g. medical records).
- o Collects and processes personal information in line with the applicable information security laws.



Coherency check: Furthermore, the auditor shall consider if the way the auditee handles personal information is coherent with the amfori BSCI values and principles.

- o Does the auditee understand the importance of handling personal information respectfully?
- o Is the information on workers treated adequately, particularly if they are vulnerable workers?
- o Are the records, particularly those with private information, properly filed with the necessary guarantees?

13.5. Is there satisfactory evidence that the auditee did not involve involuntary resettlement and coercion when acquiring land and that there are legitimate land use rights according to formal and customary laws?



Effectiveness: To assess the effectiveness of the way the auditee ensure he has legitimate land use rights, the auditor must at least consider:

- There is land use right documentation (if required by the law).

Particular attention needs to be given in the countries where land grabbing can be an issue.



Coherency check: Furthermore, the auditor shall consider through interviews and internet research:

- Is the auditee located in a country / area where land grabbing is an issue?
- Are there any grievances about land management?
- How long has the concerned land belonged to or leased by the auditee?
- If there any land use rights documentation?

END