**Contents**

CHAPTER 1: STRUCTURE OF THE AMFORI AUDIT REPORTS ................................................. 6

CHAPTER 2: CONTENT OF THE AMFORI BSCI AUDIT REPORT ............................... 7

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cover page</td>
<td>7</td>
</tr>
<tr>
<td>General information</td>
<td>7</td>
</tr>
<tr>
<td>Audit data evidence</td>
<td>9</td>
</tr>
<tr>
<td>Fair remuneration quick scan</td>
<td>10</td>
</tr>
<tr>
<td>Young workers data</td>
<td>10</td>
</tr>
<tr>
<td>Grievance mechanism</td>
<td>11</td>
</tr>
<tr>
<td>Supply chain mapping</td>
<td>11</td>
</tr>
<tr>
<td>Stakeholders mapping</td>
<td>12</td>
</tr>
<tr>
<td>Interview evidence</td>
<td>12</td>
</tr>
<tr>
<td>Main auditee</td>
<td>14</td>
</tr>
<tr>
<td>Sampled farms (if applicable)</td>
<td>15</td>
</tr>
</tbody>
</table>

CHAPTER 3: AMFORI BSCI AUDIT INTERPRETATION GUIDELINES .............................. 16

| Performance area 1: Social management systems and cascade effect | 17 |
| Performance area 2: Workers involvement and protection          | 23 |
| Performance area 3: The rights of freedom of association and collective bargaining | 27 |
| Performance area 4: No discrimination                            | 30 |
| Performance area 5: Fair remuneration                            | 34 |
| Performance area 6: Decent working hours                         | 42 |
| Performance area 7: Occupational health and safety               | 47 |
| Regulations                                                      | 47 |
| Risk assessment                                                   | 48 |
| Training                                                          | 50 |
| Personal protective equipment                                     | 51 |
| Chemicals                                                         | 52 |
| Accident and emergency procedures                                | 53 |
| Electricity                                                       | 56 |
| Fire protection                                                   | 57 |
| Escape routes and emergency exits                                 | 58 |
| Machine and vehicle safety                                        | 60 |
First-aid .................................................................................................................................................. 60
Work place, social facilities, including housing when provided by the auditee
.......................................................................................................................................................... 62
Performance area 8: No child labour ..................................................................................................... 67
Performance area 9: Special protection for young workers .................................................................. 72
Performance area 10: No precarious employment ................................................................................. 76
Performance area 11: No bonded labour ............................................................................................... 82
Performance area 12: Protection of the environment ............................................................................. 88
Performance area 13: Ethical business behaviour .................................................................................. 92
amfori BSCI auditing interpretation guidelines

This part of the amfori BSCI System Manual provides participants and auditors support in the interpretation of the questions of the amfori BSCI audit questionnaire.

Producers that sign the amfori BSCI Code of Conduct commit to respecting human rights in their business activities. If a producer has made this commitment, it is most likely because at least one of its clients is an amfori BSCI participant or sells to an amfori BSCI participant.

This business relationship will lead the related amfori BSCI participant to request their producers to:

- Sign the amfori BSCI Code of Conduct and Terms of Implementation
- Embed the amfori BSCI Code of Conduct in its business operations
- Be audited and take necessary actions to ensure continuous improvement and address possible human rights violations

Auditors are essential stakeholders to gather information that incentivizes constructive dialogue and triggers continuous improvements through the supply chains.
CHAPTER 1: STRUCTURE OF THE AMFORI AUDIT REPORTS

These are the three types of amfori BSCI audit reports:

- **One-site audit**: an amfori BSCI 2.0 audit report on one main auditee
- **Multi-tier audit**: an amfori BSCI 2.0 audit report on one main auditee and findings reports for each of the sampled farms
- **Small Producer**: an amfori BSCI Small Producer Assessment report (SPA) for one main auditee.

These reports are generated automatically through the amfori BSCI platform to serve the related audit previously requested through the platform. Auditors can be either filled out the audit report directly on-line in the amfori BSCI platform or filled out as exported Excel.

Once the audit report is submitted through the amfori BSCI platform, it can no longer be modified.

<table>
<thead>
<tr>
<th>THE AMFORI AUDIT REPORT STRUCTURE</th>
<th>One-site</th>
<th>Multi-tier</th>
<th>SPA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cover page</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>General information</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Data evidence</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Fair remuneration scan</td>
<td>✓</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Young workers data</td>
<td>✓</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Grievance mechanism mapping</td>
<td>✓</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Supply chain mapping</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Stakeholders mapping</td>
<td>✓</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Interview evidence</td>
<td>✓</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Main auditee questionnaire</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Sampled farms questionnaire (if relevant)</td>
<td>x</td>
<td>✓</td>
<td>x</td>
</tr>
<tr>
<td>Findings report</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Attached documents</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Performance report</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Audit summary report</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

*Table 1: The amfori BSCI audit report structure*
CHAPTER 2: CONTENT OF THE AMFORI BSCI AUDIT REPORT

Cover page

The auditor uses this section of the amfori BSCI audit report to collect auditee’s basic information. This includes:

- Contact details for this auditee
- Auditing company and auditor(s)
- Audit rating (overall rating and rating per PA)

General information

The auditor uses this section to provide an overview of audit methodology, audit duration and executive summary.

Audit scope and methodology: Information in this module is automatically generated by the amfori BSCI Platform based on the audit request, with the exception of the Zero Tolerance label (see Annex 5 How to follow the Zero Tolerance protocol).

This section is also used for the auditor to report any audit interference or contingencies that may have occurred during the audit (e.g. the auditee did not allow the auditor to take pictures in some instances.)

Audit duration: The auditor reports the number of workers indicated by the auditee, which is taken as the reference to define the duration of the audit.

If the number of workers at the time of the audit substantially differs from the number confirmed during the audit scheduling, the auditor maybe facing a case of misrepresentation that he or she needs to investigate and report accordingly (see Zero tolerance protocol).

The auditor is expected to report such a discrepancy under “Executive Summary”, but he or she will not adjust the audit duration to the new number of workers (e.g. staying for additional time) as this can represent a conflict of interest.

When this discrepancy of number of workers is identified during a SPA and the discrepancy is such that the producer does no longer qualify as a small producer, the auditor shall trigger a zero tolerance alert on misrepresentation.

Executive summary of the audit report: The auditor must always fill out this field to provide an overview of the audit. If the auditor has found a substantial amount of satisfactory evidence that anticipates a very good rating (e.g. A), the auditor is expected to use the executive summary to provide detail explanation on the good practices that could justify such a rating.

As a minimum, it will contain the following information:

- Producer information
  - Legal entity: The auditor will provide an overview of main auditee’s company structure (e.g. company or cooperative) and sample farms or cooperative members (e.g. name, organizational structure, physical address, office address, business license number).
  - Facilities: The auditor will describe auditee’s facilities and sampled farms (when relevant). It is also imperative that the auditor describes the building and the floor where the factory is located when that is the case.
Business license: The auditor will report whether or not the business license assessed during the audit is valid and corresponds to the auditee.

- Circumstances: Overall description of the different circumstances faced during the audit. The auditor will indicate any circumstances that affected the normal course of the assessment. E.g. producer's collaborative or uncollaborative behaviour; normal or unnormarl levels of production; normal or unnormal workforce composition if compared with the norm in the region.
- Summary of findings: The auditor will summarize his or her professional judgment and an overview of the audit results for main auditee and farms, if applicable.

The summary of findings will follow the above logic for all producers, including A rated audits.

### Business license verification

Prior and during the audit, the auditor will review validity and scope of the business license. Attention is to be paid to:

- Compliance with local law
- Exactness of address
- Correspondence between declared and actual number of business units.

Faults in the business license will be reported in the executive summary and relevant findings will be captured under [PA 1 Social Management Systems and Cascade Effect](#), [PA 7 Occupational Health and Safety](#) and [PA 13 Ethical Business Behaviour](#).

In case of flagrant misrepresentation, the auditor will report Zero Tolerance (see [Annex 5](#)).

### Executive summary of confidential comments

The auditor uses this field to report any additional comment which, due to its nature, needs to be kept confidential. This is the case when the auditor has suspicion of violations that could not be substantiated during the audit e.g. suspicion of unionised workers being harassed.

Auditors must assess the best way to report their suspicions responsibly and in a way that does not put workers at risk. For example, auditors will not disclose witnesses’ identities nor will made accusations that may represent a defamation of the auditee.

In case of possible human rights’ violations, the auditor will take best efforts to investigate the issue and report it using the Zero Tolerance Protocol.

### Ready to learn more?

Here are some other resources that will help you to dive deeper:

- [Annex 5: How to follow the Zero Tolerance protocol](#)
- [Part II, Chapter 2: Deciding on the type of audit](#)
- [Part II, Chapter 7: Scope of the amfori BSCI audit](#)
- [Part II, Chapter 10: Duration of the amfori BSCI audit](#)
- [Part II, Chapter 14: implementing the amfori BSCI audit](#)
Audit data evidence

The auditor uses this section to gather data evidence from the auditee.

Auditee's background information: The auditor shall validate the information provided by the auditee in the preparatory steps.

- **Valid certificates**: the auditor should fill in this information by creating as many lines as necessary in the audit report. Special attention shall be given to the validity of social and environmental sustainability certificates (e.g. GLOBALGAP).
- **Sector, industry**: the auditor will edit these two fields using the drop-down list, if the information provided in the report is not correct. Both fields are mandatory.
- **Product group**: the auditor will edit this field using the drop-down list, if the information provided in the report is not correct. This field is mandatory.
- **Product type**: the auditor may report any relevant product type ensuring they are spelled correctly, separated by commas. This field is voluntary.

Auditee's business activities: The auditor shall record general external information that concerns the auditee (e.g. legal minimum wage) and compare it with the specific practices of the auditee.

The auditor uses the appropriate fields to describe:

- Samples of workers whose working time is verified at the time of the audit
- Specific situations that led to overtime in the six months prior to the audit
- Any accident that occurred in the six months prior to the audit
- Specific information on the workers representative

Auditee's production structure: The auditor shall fill in with validated information concerning working hours, work at night and shifts, when applicable.

Auditee's production calendar: The auditor shall fill in with validated the information provided by the auditee concerning the level of production.

Auditee's social performance management: The auditor shall fill in with validated information on the names of the staff in charge of different areas related to social compliance performance. Information on other relevant issues (e.g. high-risk production techniques) is also reported here.

Auditee's employment structure: The auditor shall provide the most accurate information on the workforce at the time of the audit, to the best of his/her knowledge. This figure may not correspond to the number of workers reported by the auditee when the audit was originally scheduled. (See Audit duration)

Housing (if applicable): The auditor shall describe the housing facilities provided by the auditee. Housing may be provided directly or indirectly by the auditee (e.g. the auditee has a housing arrangement with a different person/legal entity).

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Annex 2: How to classify sectors and related auditor competence clusters
- Annex 8: How to quickly assess other monitoring systems
**Fair remuneration quick scan**

*This section does not apply to Small Producers*

Prior to the audit, the auditor shall have a good command of amfori BSCI definitions provided in Annex 9 How to promote fair remuneration. He or she will calculate living wages in the region using most common living wages calculations methods. He or she may need to consult sources about regional contexts such as:

- Government data (statistics, community development departments)
- Local or international NGOs working in the area and addressing the sector
- Community groups who may have answers to some of these questions

The auditor shall fill in this section with information provided by the auditee. He or she will not assess the veracity of the figures, but the auditee’s ability to provide consistent information on living costs relevant to its workforce.

The auditor is asked to evaluate the level of understanding that management and workers have about:

- Living costs of the workforce in the region
- Possible gaps existing between the actual remuneration and the fair remuneration figure
- Identifying potential actions to fill the gap

The auditor shall not aim at comparing his/her regional calculation with the information provided by the auditee as the later refers to the specific situation of the auditee.

**Good practices:** The auditor shall acknowledge, under “Good practices” in the findings report, if the auditee provides this information including the calculation of fair remuneration.

---

**Ready to learn more?**

Here are some other resources that will help you to dive deeper:

- Template 5: Fair Remuneration Quick Scan
- Annex 9: How to promote fair remuneration
- Performance area 5: Fair remuneration.

---

**Young workers data**

*This section does not apply to Small Producers*

The auditor uses this section to collect information on the young workers who are part of the auditee’s workforce. These workers may have been engaged by the auditee either directly or indirectly. Furthermore, the auditor shall interview 10% of identified young workers (minimum 2, maximum 10) with particular attention given to their access to training on:

- Special occupational health and safety protection
- Access to grievance mechanism

---

**Ready to learn more?**

Here are some other resources that will help you to dive deeper:

- Template 7: Young Workers’ Data
- Performance area 9: Special protection of young workers.
Grievance mechanism

This section does not apply to Small Producers

The auditor shall use this section to collect information on the grievances lodged through the auditee’s grievance mechanism or through external grievance mechanism but related to the auditee. Furthermore, the auditor shall describe the different steps that the auditee follows to investigate and remediate the grievances. This description will help the auditor to develop his or her judgement of the grievance mechanism effectiveness.

Supply chain mapping

The auditor shall use this section to collect information on the auditee’s significant business partners. Business partners do not need to be named but they need to be acknowledged at least with an identification number. The number can be provided by either the auditee or the auditor to preserve business confidentiality.

Different types of business partners can be selected under the column title: “Type of business partners”. If a type of business partner is not included in the list, the auditor shall select “others (please specify)” and specify the type of business partner in the next column.

Significance for the auditee: The auditor will fill in this information based on the information provided by the auditee on business relations, volume, dependency and/or risks.

The following business partners must always be reported, if used by the auditee:

- Recruitment agencies or brokers
- Internally monitored farms:
  - Owned or contracted by the auditee
  - Owned by cooperative members

Signed amfori BSCI Code of Conduct: The auditor shall verify and report if the business partner has signed the amfori BSCI Code with related Terms of Implementation. This evidence shall be collected from auditee records and, if possible, verified with the related business partner.

Included in the sampled business partners: The auditor shall note in this column the farms that he/she has selected to be audited. The auditor shall select farms only from those internally monitored by the auditee. When the auditor selects this option, an audit questionnaire per sampled farms is generated. This column is not to be used if the scope of the audit does not include sampled farms.

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Annex 4: How to set up a grievance mechanism
- Template 8: Grievance Mechanism Tracker

Part I, Chapter 7: Classification of significant business partners
Part II, Chapter 2: Deciding on the type of monitoring
Template 2: Supply chain mapping
Stakeholders mapping

This section does not apply to Small Producers

The auditor uses this section to collect information on the stakeholders that the auditee has identified as relevant to its business.

<table>
<thead>
<tr>
<th>Ready to learn more?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Here are some other resources that will help you to dive deeper:</td>
</tr>
<tr>
<td>- Template 6: Stakeholder mapping</td>
</tr>
<tr>
<td>- Part I, Chapter 10 Establishing a culture of meaningful engagement with stakeholders</td>
</tr>
</tbody>
</table>

Stakeholders can be internal (e.g. workers and trade unions) or external (e.g. investors, governments and NGOs). Particular attention shall be paid to verify if the auditee has identified stakeholders for relevant topics. These are the most common topics for which the auditee may engage with stakeholders:
- Training
- Freedom of association
- Special protection given to vulnerable workers and human right violation victims
- Fight against child labour
- Grievance mechanism
- Anti-corruption

These topics apply for both internal and external stakeholders.

Good practices: The auditee has access to the amfori BSCI Template Stakeholders Mapping prior to the audit. The auditor shall acknowledge, under “Good practices” in the Findings Report, that the auditee has provided this information and has mapped its relevant stakeholders.

Interview evidence

Interviews serve as individual sources as well as to validate or back up other sources of information (e.g. auditee documents).

The auditor uses this section to report:
- The interview sample
- The interview methods
- The findings gathered through interviews

The auditor shall report the interview evidence for both the main auditee as well as interviews at the sampled farms, when applicable.

Auditors must interview:
- **Management**: Particularly managers in charge of Human Resources and Occupational Health and Safety (OHS)
- **Workers representative(s)**
- **Internal auditors**: If the audit includes sampled farms
- **Workers**: particularly:
  - Young workers or apprentices
  - Workers’ committee spokesperson
They may also include:

- Trade union representatives
- Relevant external stakeholders

**Interviewing management:** Auditors may have the first contact with management either during the preparation of the audit or during the opening meeting, the day of the audit. Interviews with different managers should be conducted in open and constructive dialogue. The auditor shall use interviews to gather substantial information that will allow him or her to build its professional judgement on the auditee’s social performance. These are the minimum information that auditors will seek to get a solid overview on:

- the organisational chart, division of responsibilities and reporting channels
- drafting and implementing policies and procedures (both procedure and responsibilities)
- hiring practices and workforce retention and protection (including workers’ and management’s trainings)
- latest investments to improve OHS and productivity
- different business partners and how the company selects them and monitors their social performance
- work accident protocol and responsibilities
- grievance mechanism procedure and responsibilities
- understanding of the amfori BSCI Code of Conduct values and principles

**Interviewing workers and workers representatives:** These interviews are a critical source of information to cross-verify:

- The information gathered through documents or interviews with management
- The effectiveness and safety of the procedures developed by the auditee

Interviews may be the only source of information in case of discrimination, incidents of violence, sexual harassment or illegal disciplinary measures. If this is the case, the auditor shall be extremely vigilant in how to report the findings to avoid adding any risk or problem to the detriment of the interviewee(s).

Auditing companies shall direct their auditors to follow these guidelines to interview workers, to ensure they:

- Conduct interviews in a respectful way
- Build trust with different types of workers
- Are sensitive with gender issues or any disadvantaged individuals
- Select the place for the interview (onsite or offsite)
- Define the format (individual or group)
- Protect interviewees from reprisals
- Are aware of local and cultural contexts

Building trust takes different amounts of time in different cultures. It is the decision of the auditor to determine the duration of an interview, in order to get meaningful results. Elements of the most positive ways to conduct interviews include:
• **Right setting**: Meeting in a neutral setting where workers feel comfortable
• **Small talk**: Starting with small talk (music, films, sports) to let the worker feel at ease, relaxed and more willing to talk about work subjects
• **Body language**: Paying attention to facial expressions, gestures and attitudes
• **Exploratory**: Asking open-ended questions
• **Comfortable**: Listening carefully and not repeating questions if the worker does not seem to understand or is clearly unwilling or uncomfortable to discuss the subject
• **Sensitive**: Changing the topic when emotions are too intense
• **Neutral**: Resisting to make facial expressions of shock, sadness, frustration or other emotions in reaction to what the worker says
• **No notes**: Avoiding note-taking as workers may feel uncomfortable being recorded
• **Empathy**: Being on the same level as the workers (e.g. sitting on the floor if this is where they are)

**Child labour**: These recommendations particularly apply in case the worker being interviewed is a child found working. In addition, auditors must be particularly vigilant to:

• **Avoid staying alone with the child**: auditors could ask the child to have a sibling or a friend present during the interview
• **Ensure a woman (if possible an auditor) interviews a girl**

---

**Ready to learn more?**  
Here are some other resources that will help you to dive deeper:

- Part II, Chapter 14: Implementing the amfori BSCI audit  
- Performance area 8 No Child Labour

---

**Main auditee**

The auditor evaluates the auditee’s performance against the amfori BSCI Code of Conduct version 1/2014.

Through the questionnaire, the auditor will assess to which extend he or she has satisfactory evidence on the auditee’s social performance. This will help the auditor to build his or her professional judgement and describe the findings accordingly.

**Interpretation guidelines**: Every question in the performance areas is linked to interpretation guidelines. These are available in the Audit Report to support the auditor in his/her evaluation as well as in the subsequent chapters.

**Findings**: In this section the auditor is expected to elaborate:
- overall assessment of each performance area
- specific description of the finding or findings related to each question
- main missing implementation element

**Good practices**: If applicable, the auditor also drafts consolidated good practices per performance area. Auditors must always provide description of good practices when producers show a good or very good performance level. Good practices refer to any practice that is voluntarily provided by the auditee to grant a benefit to workers and/or the community
**Sampled farms (if applicable)**

This section is only to be used in a multi-tier audit where the audit scope includes a main auditee (e.g. packing house) and a number of sampled farms who deliver raw material to that auditee.

**Audit questionnaire:** For each sampled farm a separate questionnaire is generated to assess social performance. The sample can consist of:

- **Farms:** undertakings hiring more than 5 workers. The audit questionnaire mirrors the main auditee questionnaire.
- **Smallholders:** undertakings hiring less than 5 workers. The questionnaire is provided in Template 3.
- **Family Farms:** rely only family work. The questionnaire corresponds to Template 3 but only questions marked with star (*) apply.

When sampled farms are included in the audit, the auditor will assess if the main auditee:

- **Maps:** identifies owned and contracted farms
- **Internally monitors farms:**
  - Prior to the first amfori BSCI audit the main auditee monitors at least 2 owned and/or contracted farms
  - During the first audit cycle the main auditee is encouraged to increase the number of monitored to reach 80% of all farms within 2 years.
- **Cascades:** establishes practices to select farms and to support farm management in adhering to the amfori BSCI principles

**Findings:**

- the Executive Summary of the main auditee report will include the overall assessment of all sampled farms and explain how gaps are related to the management system of the main auditee
- the audit report of each sampled farms will include findings for each question
- the follow up of these findings is responsibility of the main auditee in cooperation with the farms.

**Rating:**

- The rating of the sampled farms does not affect the rating of the main auditee.
- Smallholders and family farms are not rated.

---

**Ready to learn more?**

Here are some other resources that will help you to dive deeper:

- [Template 3: Small-holder self-assessment](#)
- [Part II, Chapter 5: amfori BSCI audit rating system](#)
- [Part II, Chapter 14: Implementing the amfori BSCI audit](#)
CHAPTER 3: AMFORI BSCI AUDIT
INTERPRETATION GUIDELINES

This chapter provides auditors with the interpretation guidelines to conduct an amfori BSCI 2.0 audit. The questions reported below apply to:

- One site audit (main auditee)
- Multi-tier audit (main auditee and sampled farms with more than 5 workers)

The questions do not directly apply to:

- Business enterprises that meet amfori small producer definition (see Annex 12: How to assess a small producer and Template 12: Small producer self-assessment)
- Smallholder and family farms (see Template 3: Small-holder self-assessment)

Holistic approach: Opposite to conventional approach to audits, the amfori BSCI stresses the need for the auditor to connect the different performance area in order to get his or her professional judgement on the auditee’s overall performance. None of the performance area can be assessed in isolation. They all impact at least three other performance areas. These interconnections allow the auditor to navigate through the different pieces of information and evidence and to reach solid conclusions about the way the auditee performs.

Furthermore, all performance areas are connected to the amfori BSCI Code of Conduct to capture:

- How much does the auditee practices the amfori BSCI Code of Conduct in a way that it produces the desired benefit to workforce and business? E.g. the auditee effectively uses honest communication channels with the workforce.
- How much does the auditee’s practical implementation of the amfori BSCI Code of Conduct aim at avoiding contradiction between principles? E.g. the auditee does not promote a gender policy and at the same time imposes mandatory overtime.

This is what the auditor is requested to assess for each performance area and in the overall assessment of the auditee by means of:

- Effectiveness check
- Coherency check

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Part II, Chapter 3: Chapter 3: Six distinctive features of the amfori BSCI auditing system
- Part II, Chapter 14: Implementing the amfori BSCI audit
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?

This question helps to assess the effectiveness and coherency of auditee’s management system. An effective management system is crucial to ensure that social performance is integrated into the business model. With a management system in place, the auditee can take ownership over the process and continuously improve its business practices towards greater protection of the workforce.

Effectiveness: To verify the effectiveness of the management system, the auditor must at least evaluate:

- Does the auditee’s management understand why its own good social performance is important for amfori BSCI participants?
- Does the auditee’s management understand the importance and benefits of having an effective management system and related procedures in place?
- Does the auditee’s management show full commitment towards integrating the amfori BSCI Code into the auditee business or organizational culture?
- Has the auditee’s management assigned internal responsibilities to staff with decision-making capacity and financial resources for the development and implementation of social management practices?
- Does the auditee’s management understand the difference between short-term investment and long-lasting solutions?
- Does the auditee’s management understand the content of the amfori BSCI Code and Terms of Implementation for business partners to be involved in the amfori BSCI monitoring process?
- Does the auditee’s management understand the need to develop internal procedures to integrate the amfori BSCI Code into day-to-day business practices?
- Does the auditee’s management understand how business relations are affected by the implementation of amfori BSCI?
- Does the auditee’s management understand the need to consult clients to identify and implement improvements of its social performance?
- Is the auditee’s management aware of stakeholders that can support the integration of improvements in day-to-day business practices?

Coherency: Furthermore, the auditor shall evaluate if the relevant documents and practices are consistent with the statements provided by key management and workers. This is particularly important in the following cases:

- Structure of the company or organization (including different facilities, when applicable)
- Organisational chart and reporting lines: Who decides what?
- Documented procedures: particularly for hiring, using recruitment agencies, subcontracting, dealing with grievances, training workers, promoting ethical behaviour, following up on amfori BSCI Remediation Plans.
- Work instructions, time table, emergency instructions, instructions in case of accidents
- Forms: most common contracts used (e.g. permanent workers, seasonal workers, apprentices)
- Relevant external documents such as applicable labour law
- A collective bargaining agreement (if applicable)
- Record keeping: current and old records, contracts with the workforce, contracts with recruitment agencies, contracts with subcontractors, payslips, working hours, certificates,
inspections, minutes of meetings with workers and workers representatives, accidents, grievance investigations.

- Are the findings supported by the evidence gathered on the auditee’s practices towards its business partners (Q 1.3)?

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

This question helps to assess the effectiveness and coherency of auditee’s integration of the amfori BSCI Code of Conduct in its business culture.

The integration of amfori BSCI Code of Conduct in the business culture may involve several staff members.

**Effectiveness:** To verify the effectiveness of the selection of right staff members, the auditor must at least evaluate that:

The function:

- Is part of senior management
- Actively works towards adhering to the Code of Conduct as part of the business or organizational culture
- Includes other duties and covers several areas of work such as strategy and business development (if relevant)
- Has decision-making power and allocated budget to succeed in the follow-up of amfori BSCI social performance

The individual with this function has:

- A good understanding of the amfori BSCI Code of Conduct and Terms of Implementation
- A good overview of the supply chain:
  - Which business partners are important (significant) for the business
  - Which stakeholders are relevant for integrating values and principles of amfori BSCI Code of Conduct into the business or organizational culture

**Coherency:** Furthermore, the auditor shall evaluate if the selection of the relevant organizational functions is consistent with the values and principles of amfori BSCI Code of Conduct.

- Who is in charge of implementing amfori BSCI Code of Conduct in the business culture?
- Who is in charge of following up with the grievance mechanism?
- Who is in charge of HR?
- Who is in charge of ensuring that workers receive training relevant to the values and principles of amfori BSCI Code of Conduct?
- Who is in charge of OHS issues?
- Do these functions have sufficient skills (by training or by experience) to fulfil their responsibilities?
- Do these functions have allocated budget to succeed in the implementation of amfori BSCI Code of Conduct principles and values?
1.3. Is there satisfactory evidence that the auditee has a good overview of the significant business partners and their level of alignment with the amfori BSCI Code of Conduct?

This question helps to assess the effectiveness and coherency of auditee’s minimum duty of care to select and have an overview of its significant business partners.

In the case of the main auditee being a producer organisation, this question relates to the way such an organisation accepts and monitor its members.

The auditee, and eventually its clients, face important social risks when it lacks an overview on the way its business partners (or members if relevant) respect the law and workers’ rights.

These are examples of significant business partners to be monitored by the main auditee:

- Subcontractors
- Recruitment agencies
- Catering service providers
- Suppliers (including contracted farms)

**Effectiveness:** To verify the effectiveness of the selection and monitoring of business partners (a members of the organisation, if relevant) the auditor must at least evaluate that the auditee:

- Has a management system (or procedure) to select significant business partners or members
- Has instructed relevant staff to take into consideration not only price and quality but also the willingness to respect the amfori BSCI Code of Conduct (or equivalent values and principles)
- Monitors social performance of significant business partners and, when relevant, members. These verifications can be conducted by either its own personnel (as long as they are qualified to do so) or third parties mandated to conduct such assessments

**Coherency:** Furthermore, the auditor shall evaluate if the selection of business partners and members is consistent with the values and principles of amfori BSCI Code of Conduct.

- Does the auditee keep accurate information on its different significant business partners and, when relevant, members?
- Does the auditee know how long business partners and/or members have been working with it?
- How familiar is the auditee with the ways in which its business partners and members manage their own businesses?
- Does the auditee keep records of any complaints received about its business partners and/or members? If yes, how has the auditee dealt with these complaints?

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?

This question helps to assess the effectiveness and coherency of auditee’s workforce planning and organisation.

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 verify the effectiveness of the workforce planning, the auditor must at least see that the auditee has realistically calculated the costs of production and delivery times (including labour costs). If so, the auditee will be in a better position to negotiate prices and influence customers’ purchasing practices.

Coherency: Furthermore, the auditor shall evaluate if the planning is consistent with the values and principles of amfori BSCI Code of Conduct.

- How reliable is the methodology to plan production and delivery time?
- Does management have a good understanding of the production rate per production unit? In the case of agricultural work environment, does management have a good understanding of the harvest volume?
- Does the management have a good understanding of the production rate per worker?
- Does the management have a “contingency plan” in case something slows down or interrupts production (e.g. delayed supply, extreme weather conditions, outbreak of plant disease)?
- Is management aware of how much overtime (premium paid) would need to be budgeted (and eventually added to production cost) if extra working hours are needed to match a delivery order?
- Does the management discuss workforce capacity with the head of HR and workers representatives?
- Who makes the final decision to change regular work capacity if it appears that delivery time will not be met?

1.5. Is there satisfactory evidence that the auditee monitors how its business partners observe the amfori BSCI Code of Conduct?

This question helps to assess the effectiveness and coherency of auditee’s monitoring practices established to assess its significant business partners’ observance of the amfori BSCI Code of Conduct.

In the case of producer organisations, this question helps to assess the effectiveness and coherency of auditee’s monitoring practices established to assess its members’ observance of the amfori BSCI Code of Conduct.

Effectiveness: To verify the effectiveness of monitoring, the auditor must at least evaluate that the auditee:

- Has requested significant business partners and/or members to sign the amfori BSCI Code of Conduct and relevant Terms of Implementation (to be reported in the Supply Chain Mapping section in the amfori BSCI audit report)
- Keeps copies of these signed amfori BSCI documents
- Has institutionalised different processes to make necessary business decisions and/or any corrective actions to address risks found in the activities of business partners or members
- Uses various ways to collect information from its business partners and members. These are some examples:
  - It requests regular transparent reporting related to social risks
  - It conducts internal auditing
  - It requests second-party or third-party audits
- Has established internal processes to support members in adhering to the amfori BSCI Code of Conduct
Coherency: Furthermore, the auditor shall evaluate the coherence of monitoring business partners and/or members within the overall auditee business practice.

- How often does monitoring take place?
- Who is responsible for monitoring? Is that person or those people competent (as a result of training or experience)?
- How are the findings about business partners or members followed up?
- What are the consequences if a business partner or member fails to observe the amfori BSCI Code of Conduct?
- Who is informed about any relevant problem related to the business partner or member?
- How does the auditee pass on this information (e.g. to a amfori BSCI Participant)?

1.6. Is there satisfactory evidence that the auditee has developed the necessary policies and processes to prevent and address any adverse human rights impacts that may be detected in its supply chain?

This question helps to assess the effectiveness and coherency of auditee’s procedural practices established to prevent and address adverse human rights impacts.

Infringement of human rights at the workplace or in the supply chain often occurs in a context of absence of principles and/or inadequate enforcement.

Effectiveness: To verify the effectiveness of the policies and procedures to address adverse human rights impacts, the auditor must at least evaluate that:

- Management understands that human rights impacts can be prevented and addressed
- Management is aware of the correlation between poor working conditions and potential human rights violations
- Management is aware of the adverse impact contractual terms and/or unplanned placement of orders may have on workers’ rights
- Management is aware of risks of human rights violations intrinsic to its sector, industry or region

Coherency: Furthermore, the auditor shall evaluate the coherence of policies and procedures within the overall auditee business practice.

Prevention and remediation of any adverse human rights should at least permeate:

- The regular risk assessment conducted in the company or organisation (e.g. occupational health and safety risk assessment), including owned farms
- The decision-making process regarding human resources recruitment, management, dismissal as well as relations with business partners and members
- The procedures in place to monitor recruitment practice, contractual and payment conditions applied by the auditee or by recruiting agencies and labour sub-contractors, if applicable
- The available budget to address impacts and compensate victims (if relevant)
- The systematic follow up and review of the measures taken
1.7. Is there satisfactory evidence that the auditee manages its business relations in a responsible manner?

This question helps to assess the effectiveness and coherency of auditee’s responsible management of its business relations.

**Effectiveness:** To verify the effectiveness of the way the auditee manages its business relations, the auditor must at least evaluate:

- What communication channels allow business partners to explain their difficulties as well as progress towards aligning to the amfori BSCI Code of Conduct?
- What is the basis for terminating contracts or business relations?
- What are procedures to request quotations, negotiate delivering time and prices in a way that promotes responsible business relations?

**Coherency:** Furthermore, the auditor shall evaluate that the way in which the auditee manages its business relations is consistent with the amfori BSCI Code of Conduct.

The auditee does not need to stop business with business partners that do not observe the amfori BSCI Code of Conduct as long as those partners are transparent about their difficulties and take effective actions towards making improvements.

**Documents related to this performance area**

- Auditee’s business license
- Job descriptions (particularly of those positions directly related to the implementation of amfori BSCI Code of Conduct)
- Production capacity planning documentary evidence
- Records on the amfori BSCI Code of Conduct and Terms of Implementation distribution and signature of significant business partners or members. This may also include farms.
- Evidence of business partners’ social performance (e.g. quarterly reports, audit reports, valid certificates)
- Qualifications of the person in charge of implementing amfori BSCI Code of Conduct
- Documented policies and procedures to implement amfori BSCI Code of Conduct
- Producer Organization list of members

**Ready to learn more?**

Here are some other resources that will help you to dive deeper:

- Annex 3: How to set up a Social Management System (SMS)?
- Annex 10: How to cascade amfori BSCI through the supply chain?
- Annex 14: How to integrate gender equality in the due diligence strategy?
- Template 1: Business Partner Information
- Template 2: Supply Chain Mapping
- Template 4: Working Hours Tracker
Performance area 2: Workers involvement and protection

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

This question helps to assess the effectiveness and coherency of auditee workers’ involvement.

**Effectiveness**: To verify the effectiveness of the way that the auditee manages its working relations with its workforce, the auditor must at least evaluate that the auditee:

- Has established communication structures to genuinely involve workers and their representatives
- Management exchanges information on workplace-related issues with workers and their representatives

**Coherency**: Furthermore, the auditor shall evaluate if the way in which the auditee involves workers and their representatives is consistent with the values and principles of amfori BSCI Code of Conduct.

- How often do the management and workers meet to discuss about improving working conditions?
- Are there minutes of such meetings taken, kept and available for consultation?
- How is the workers’ representative elected?
- Are there records of the election process?
- Are the elections impacted by undesirable interference from the management?
- 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) taken into account?

2.2. Is there satisfactory evidence that the auditee defines long-term goals for protecting workers in line with the aspirations of the amfori BSCI Code of Conduct?

This question helps to assess the feasibility and coherency of auditee’s definition of long-term goals to protect its workforce.

**Effectiveness**: The effectiveness of long-term goals cannot be verified as, by definition, they have not yet been implemented. Instead, the auditor shall verify their feasibility.

**Coherency**: Furthermore, the auditor shall evaluate if the way in which the auditee has defined its long-terms goals is consistent with the values and principles of amfori BSCI Code of Conduct.

- Are the vision, mission and objectives of the company in line with the amfori BSCI Code?
- Do the long-term goals reflect a step-by-step approach toward sustainable improvements?
- Are the workers and workers representatives genuinely involved in defining these goals?
- Are the needs of most vulnerable groups (e.g. migrants, women, young workers) integrate in the long-term goals?
- Is the strategic plan to achieve those goals in writing and approved by the competent person (or governance body)?
2.3. **CRUCIAL QUESTION**: Is there satisfactory evidence that the auditee takes specific steps to make workers aware of their rights and responsibilities?

This question helps to assess the effectiveness and coherency of auditee’s steps taken to raise workers’ rights and obligations awareness.

**Effectiveness**: To verify the effectiveness of the steps taken to raise workers’ awareness, the auditor must at least evaluate that:

- Workers who are interviewed have a good understanding of their rights and obligations.
- Workers’ rights and obligations emanate from:
  - The law
  - Work contracts
  - Job descriptions
  - Working rules of the workplace (as long as these rules abide the law)
- Sources of rights and obligations must be available for workers and their representatives, in a language understood by them
- Workers are regularly trained on their rights and obligations

**Coherency**: Furthermore, the auditor shall evaluate how the auditee raises workers’ awareness on their rights and obligations in a way that is consistent with the values and principles of amfori BSCI Code of Conduct

- 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 contracts? Are they aware of the content of the rules of the workplace?
- Do interviews confirm that workers were timely and correctly informed of their rights and obligations prior to accepting employment?
- Is the person in charge of training workers qualified (by qualification or experience) to train them on their rights and obligations?
- Do contracts clearly explain workers’ rights and obligations?
- Are there mandatory trainings for new workers?
- Are special trainings provided for migrant workers in the relevant language?
- Are workers trained on occupational health and safety?
- Are workers trained on how to use the grievance mechanism? This is particularly necessary to guarantee young workers’ special protection.

**IMPORTANT**: Trainings are mandatory for any new worker (even if he or she has been engaged via a recruitment agency or broker).
Migrant workers need to be trained and must receive a version of the work contract in a language that they understand.
2.4. 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?

This question helps to assess the effectiveness and coherency of auditee’s steps taken to build knowledge and capacities among its workforce.

**Effectiveness:** To verify the effectiveness of the capacity building activities taken by the auditee, the auditor must at least evaluate that:

- Workers, workers’ representatives, managers and other decision-makers are regularly trained to become vectors of a responsible business culture.
- The auditee ensures that management regularly receives:
  - Informative sessions on the amfori BSCI Code of Conduct
  - Specific training for human resources, OHS and the grievance mechanism personnel
  - Feedback on the amfori BSCI audit results and follow up
- The auditee makes training materials related to amfori BSCI Code content available to workers, workers’ representatives and managers

**Coherency:** Furthermore, the auditor shall evaluate if the ways in which the auditee builds internal capacities is consistent with the values and principles of amfori BSCI Code of Conduct.

- How often are workers, workers’ representatives and managers trained on the content of the amfori BSCI Code of Conduct?
- Is the training material available?
- Do interviews with managers and other decision-makers confirm a good level of awareness on social responsibility and the content of the amfori BSCI Code of Conduct?
- Is the person in charge of the training qualified to train the audience?
- Is this person external or internal staff? If the auditee has internal staff who are sufficiently qualified to train others, then it is a very good sign as it shows willingness to build internal capacities.
- Are there mandatory trainings, at least for newcomers, on the content of the amfori BSCI Code of Conduct?

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

This question helps to assess the effectiveness and coherency of auditee's operational-level grievance mechanism for individuals and communities.

**Effectiveness:** To verify the effectiveness of the grievance mechanism (established or endorsed by the auditee), the auditor must at least evaluate that:

- Workers and communities can lodge grievances through such a mechanism.
- There are grievances lodged relate to the auditee’s actions and/or inactions that represent a potential breach of workers’ or communities’ rights.
- There is a written procedure for the grievance mechanism, which defines:
  - A responsible person for its administration
  - Potential conflicts of interest and how to overcome them (e.g. if a grievance is against the person who administers the mechanism)
Coherency: Furthermore, the auditor shall evaluate that the grievance mechanism’s definition and management is consistent with the values and principles of amfori BSCI Code of Conduct.

- Is there a system to keep records on the grievances lodged and the history of the solutions and remediation taken?
- Are there additional measures taken to avoid any kind of discrimination to access the grievance mechanism?
- Are workers representatives duly informed and involved (when applicable) so grievances are processed and investigated with the utmost guarantees?
- Are there indicators of satisfaction among the users?

Documents related to this performance area

- Documentary evidence of the workers representative election
- Documentary evidence of regularly scheduled workers meetings
- Records of agreements with workers representatives
- Employment contracts including those related to security personnel, cleaning and other services, particularly recruiting agencies or brokers if relevant
- Job descriptions in which the implementation of amfori BSCI Code of Conduct is included
- Working rules
- Evidence of a training calendar for workers and management
- Documentary evidence of training given to workers, management and human resources (e.g. list of attendees with signatures)
- Documentary evidence of trainer competence
- Documentary evidence of grievances lodged/investigated (e.g. amfori BSCI Template 8: Grievance Mechanism filled in)

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Annex 14: How to integrate gender equality in the due diligence strategy?
- Annex 4: How to set up a grievance mechanism
- Template 8: Grievance Mechanism Tracker
Performance area 3: The rights of freedom of association and collective bargaining

**Freedom of Association:** The right of workers to form and join organisations of their own choosing is an integral part of a free and open society. An open and trustworthy dialogue between the management and the workers is the first step towards freedom of association and collective bargaining.

When operating in countries where free and democratic trade union activity is unlawful or prohibited, the auditor and auditee will acknowledge the fact that workers are still allowed to freely elect their own representatives.

**Collective Bargaining:** Collective bargaining is the process used by trade unions or workers representatives and employers to negotiate the provisions that reflect the terms and conditions of employment for workers. It confers to them their rights, privileges and responsibilities.

Freedom of association is a separate right from collective bargaining and it can be exercised even when there are no trade unions present. The legitimacy of both the collective bargaining process and collective bargaining agreement is questionable when the essential right of workers’ freedom of association is not respected.

**Restriction of workers’ organisation:** A company or producer organization that restricts workers’ rights to join an organisation or a union, or to associate freely, is very unlikely to maintain good labour practices.

These restrictions very often can be discovered in hidden or subtle forms of discrimination, informal restrictions or intimidation.

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

**Effectiveness:** To verify the effectiveness of the auditee’s respect for workers’ rights to form unions, the auditor must at least evaluate that:

- Workers 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
- Workers’ organisations are formed in a democratic manner

**Coherency:** Furthermore, the auditor shall evaluate if the ways in which the auditee respects workers’ rights to form or join workers’ organisations is consistent with the values and principles of amfori BSCI Code of Conduct.

- 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?
- Has management appointed a “workers representative” to undermine the workers’ democratic election?
- Has management made “arrangements” to undermine the auditee’s obligation to respect the national law on freedom of association? (E.g. Subcontracting some parts of production intentionally to avoid reaching the number of workers required to introduce workers representatives in the business).
- Have workers suffered any retaliation for participating (actively or passively) in election processes of workers representatives?
3.2. **CRUCIAL QUESTION:** Is there satisfactory evidence that the auditee respects workers’ right to bargain collectively?

**Effectiveness:** To verify the effectiveness of auditee respect for workers’ rights to bargain collectively, the auditor must at least evaluate that:

- Collective bargaining is used to set the rules by which the workplace is regulated and remunerated
- Agreements are regularly renegotiated to adapt to new circumstances

**Coherency:** Furthermore, the auditor shall evaluate how the auditee respects workers’ right to bargain collectively in a way that it is consistent with the values and principles of amfori BSCI Code of Conduct.

- Does the auditee demonstrate understanding of the collective bargaining process?
- Do employment contracts include stipulations contrary to a collective bargaining agreement?
- Without any justification, do the stipulations of a collective agreement fail to apply to all workers in the same category?
- Has the management made “arrangements” to avoid the workers representative or the trade union to negotiate on behalf of the workers?
- Has the workers representative received any benefit from the auditee for giving up on certain aspects of the negotiation?
- Is there documentary proof of recent or the latest collective bargaining agreement? Is the document available? Has the workers representative explained the content to workers?

3.3. Is there satisfactory evidence that the auditee does not discriminate against workers because of their trade union membership?

**Effectiveness:** To verify the effectiveness of auditee non-discriminatory behaviour with respect to unionised workers, the auditor must at least evaluate that:

- Neither workers nor their representatives are discriminated against nor suffer other repercussions because:
  - They freely exercise their right to organise
  - They are members of a trade union
  - They participate in or organise legal activities of their union or workers’ organisation
- Any other circumstance occurs that discourages workers from exercising the rights of freedom of association and collective bargaining

**Coherency:** Furthermore, the auditor shall evaluate how the auditee ensures that there is no discrimination against workers in a way that is consistent with the values and principles of amfori BSCI Code of Conduct.

- Are candidates for a working position rejected because of their affiliation to a trade union?
- Do workers who are members of a trade union receive less access (or no access at all) to overtime; training; social benefits?
- Are union members or sympathisers promoted to higher positions in the company?
- Is there any evidence of worker dismissals due to being unionised?
3.4. Is there satisfactory evidence that the auditee does not prevent workers’ representatives from accessing or interacting with workers in the workplace?

**Effectiveness:** To verify that the auditee does not interfere against workers’ representative mandate, the auditor must at least evaluate that:

- The auditee recognises 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 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:** Furthermore, the auditor shall evaluate how the auditee’s interaction with workers representatives is consistent with the values and principles of amfori BSCI Code of Conduct.

- Are workers’ representatives present in the production site(s)?
- Are there clear mechanisms to allow workers to contact and meet the workers’ representative?
- Are there regular meetings between the workers representative and the management?
- Are there grievances lodged with the support of the workers representative?
- How is the interaction between workers and their representatives perceived by the auditee?

**Documents related to this performance area**

- Documentary evidence of the workers representative election
- Collective Bargaining Agreement (if applicable)
- Minutes or documents of meetings that led to the collective bargaining agreement (if applicable)
- Recruitment and dismissal procedures and records

**Notes:**

____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
____________________________________________________________________
Performance area 4: No discrimination

Discrimination is an unjust or prejudicial act and or practice based on certain characteristics of people in the organisation such as race, age or sex, among others. (See more grounds of discrimination in the amfori BSCI Code of Conduct)

It is a global phenomenon that may bar people from some occupations, denies them a job altogether or does not reward them according to their merits.

Discrimination in the workplace can take various forms such as:

- restricting verbal and/or physical freedom (e.g. going to the toilet)
- substandard living conditions and denial of water and food
- intimidation
- unequal treatment
- use or threat of violence
- exclusion from benefits (e.g. promotion)

In some cultures, discrimination may be very subtle or embedded into cultural values. In this context, auditors shall make the necessary efforts to discern when the discrimination, whether punctual or regular, objectively undermines the individual(s) subject to it in a way that they are deprived of their natural rights as human beings.

**Directly or indirectly:** Discrimination can be performed directly or through legal arrangement with services providers (e.g. the auditee arranges through a broker or an agency that migrant workers recruited are charged for their personal protection equipment)

The auditee needs to:

- assess, prevent and stop any discriminatory practice in which they may be directly or indirectly involved
- Be extremely vigilant on business partners that present risks such as labour brokers, labour subcontractors or recruitment agencies.

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

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

- The auditee does not act discriminatory or have discriminatory practices when:
  - Hiring, firing, promoting or offering training opportunities
  - Paying social benefits
  - Defining eligibility criteria for cooperative membership and access its governance bodies

- The auditee has eradicated any discriminatory practice in the workplace, as part of any daily work activities, e.g. assignment of duties, access to water, resting breaks, use of facilities...

- The auditee pays particular attention to avoid discrimination against vulnerable groups like disabled workers, pregnant women or migrant workers

- The auditee follows the steps towards eradicating discrimination by:
- **Internal assessment:** Conduct an internal assessment on the most frequent grounds used for discrimination as well as the most common activities through which discrimination may occur (e.g. hiring process)

- **Root cause analysis:** Identify the root causes of discriminatory behaviours

- **Policy:** Draft and enforce a policy to discourage these kinds of behaviours and follow up on the improvements

- The auditee does not use health conditions for discrimination:
  - For example, medical testing, virginity tests, use of contraception or equivalent shall not be used as requirements or preconditions for recruitment; promotion; access to training or any other social benefits
  - Even in cases where national law requires HIV or other medical testing for public health reasons, the results of these tests cannot be used for discriminatory purposes. Instead, additional measures of protection should be taken.

**Coherency:** Furthermore, the auditor shall evaluate how the auditee’s efforts to avoid discrimination are consistent with the values and principles of amfori BSCI Code of Conduct

- How transparent are the grounds for a worker to be hired, promoted, or fired?
- What are the grounds for workers to be entitled to social benefits? Is overtime allocated as a means of giving “rewards” or “punishment”?
- How is the non-discrimination policy enforced? How and how often is management trained on this policy?
- How is this policy communicated to business partners? What measures are taken in case of any breach of this policy?
- In the case of the auditee being a producer organisation. How transparent are by-laws and operating agreements its members?
- Are the findings consistent with the information gathered in other performance area (e.g. special protection to young workers?)

### 4.2. Is there satisfactory evidence that the auditee takes the necessary preventative and/or remedial measures to ensure workers are not disciplined, dismissed or otherwise discriminated against because of their complaints against infringements of their rights?

**Effectiveness:** To verify the effectiveness of the measures taken by the auditee to prevent and/or remediate discrimination based on workers’ complaints, the auditor must at least evaluate that:

- Workers have the possibility to submit complaints about infringements of their rights without having to fear reprisals
- The auditee has the necessary preventive measures in place to avoid discriminatory practices based on reprisals (e.g. instructing the human resources department and supervisors that disciplinary measures or dismissal cannot occur based on such complaints)
- The auditee puts in place corrective measures or compensation in cases of unfair dismissal or if other forms of discrimination may have occurred
Coherency: Furthermore, the auditor shall evaluate how the auditee’s preventive and/or remedial measures are consistent with the values and principles of amfori BSCI Code of Conduct.

- Are all workers that lodged a grievance still part of the workforce? If not, what are the circumstances under which the worker left the company or organisation, or was dismissed?
- Does the auditee conduct satisfaction surveys on the grievance mechanism? How often? Are there records available of these surveys?
- How are the measures to avoid discipline, dismissal or discrimination translated into the working rules? How and how often is management (including supervisors) trained on these measures?

4.3. Is there satisfactory evidence that the auditee takes the necessary preventative and/or remedial measures so workers are not harassed or disciplined on grounds of discrimination as listed in the amfori BSCI Code?

Effectiveness: To verify the effectiveness of the measures taken by the auditee, the auditor must at least evaluate that the auditee:

- Has a written procedure describing reasons for disciplinary measures
- Is well-informed on what the national legislation states about which disciplinary measures are legally accepted and which are not
- Does not use disciplinary measures that are against the law
- Maintains records on disciplinary incidents

Coherency: Furthermore, the auditor shall evaluate if the measures taken by the auditee are consistent with the values and principles of amfori BSCI Code of Conduct.

- Are all workers aware of the reasons for disciplinary measures?
- Have workers and their representatives been involved or consulted in the development of disciplinary measures and procedures?
- Are the minutes of the consultation process kept in auditee records?
- Have disciplined workers been interviewed?
- How are the disciplinary measures translated into the working rules? How and how often is management (including supervisors) trained on these measures?
Documents related to this performance area

- Documentary evidence on disciplinary procedures
- Documentary evidence on disciplinary cases and the measures taken
- Documentary evidence of workers’ performance assessments and procedures
- Work contracts or agreements, including with recruitment agencies
- Documentary evidence of grievances lodged/investigated (e.g. amfori BSCI Template 8: Grievance Mechanism Tracker filled in)

<table>
<thead>
<tr>
<th>Ready to learn more?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Here are some other resources that will help you to dive deeper:</td>
</tr>
<tr>
<td>• Annex 4: How to set up a grievance mechanism</td>
</tr>
<tr>
<td>• Annex 14: How to integrate gender equality in the due diligence strategy</td>
</tr>
<tr>
<td>• Annex 17: How to promote responsible recruitment</td>
</tr>
</tbody>
</table>

Notes:

__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________

__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
__________________________________________________________________________________________________________________________
Performance area 5: Fair remuneration

The auditor must be aware of the different interconnected definitions underlying the Fair Remuneration Concept. For more information, see Annex 9: How to promote fair remuneration.

5.1. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee complies with the government’s minimum wage legislation or the industry standard approved through collective bargaining?

The auditor must be aware of the legal minimum wage applicable or the valid collective bargaining agreement applicable in the auditee’s sector or industry. The auditor shall assess the auditee against that threshold, whatever is more favourable for the workers.

Effectiveness: To verify the effectiveness of the auditee’s remuneration practice, the auditor must at least evaluate that:

- The auditee does not pay any wage below the minimum established by the law or the collective bargaining agreement
- Workers who are 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 payroll sample covers a significant period of time (e.g. 12 months before the date of the audit). However, the period of time taken during a follow-up audit shall not include the period covered by the previous audit, particularly when the verification aims at validating improvements

Coherency: Furthermore, the auditor shall evaluate if the auditee’s remuneration practice is consistent with the values and principles of amfori BSCI Code of Conduct.

- Part-time workers: Do part-time workers receive at least the minimum wage or relevant industry standard on a “pro-rata” basis?
- Piece-rate workers: Does the number of pieces produced in 8 hours amount to no less than the minimum wage per day, defined by law?
- In probation: Is the remuneration of workers in probationary periods in accordance with the law?
- Hired through recruiting agencies or brokers: Does the auditee keep records on how, how much and when the service provider (including recruiters or labour subcontractors) pays these workers?
- In a producer organization: Do the by-laws or internal regulations clearly specify how workers and the cooperative’s members are remunerated and when? Are specifications on loans and possible advance payments respected and documented? Are these specifications approved in a General Assembly, by the majority, also defined in the by-laws? Are members made aware of applicable legislation and of their responsibilities when hiring permanent and seasonal workers?
5.2. Is there satisfactory evidence that wages are paid in a timely manner; regularly and fully in legal tender?

**Effectiveness:** To verify the effectiveness of the auditee’s remuneration practice, the auditor must at least evaluate that:

- The auditee respects all three characteristics of responsible 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 can only pay “in kind”, any benefit that:
  - goes beyond regular working hours earning, which must be paid in legal tender
  - does not represent a breach of law, goes against morals or against public and private health (e.g. in-kind contribution is done in alcohol or other drugs)

**Coherency:** Furthermore, the auditor shall evaluate if the auditee’s remuneration practice is consistent with the values and principles of amfori BSCI Code of Conduct.

- Does the auditee pay particular attention to the way seasonal workers and piece rate 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 does the auditee assess the need to replace the personal protective equipment and other tools needed to perform the job? (Even if they are not to be considered as part of the remuneration)
- How does the auditee pay special attention and act diligently when using “recruitment agencies” or labour brokers? (the auditee should ensure that payment takes place timely, regularly and in legal tender even if done indirectly by the recruiter).
- How does the auditee assess and enforce that workers are not charged recruiting fees?
- Has the auditee checked if workers contracted through agencies or brokers pay any recruitment fee either as cash payment, salary deduction, loans or reduction in benefits?
- Is the auditee aware of how and when workers receive payment from the agency?
- Does the auditee keep these records as part of its own record keeping?

5.3. Is there satisfactory evidence that the level of wages reflects the skills and education of workers?

**In preparation for the audit:** The auditor shall understand the different skills needed in the production processes (according to sector). This understanding will help the auditor to assess the complexity, learning curve to the skilful in the different tasks workers may carried out within a business enterprise.

**The opening meeting:** The auditor shall use this opportunity to validate his/her understanding with regard to the skills relevant for the work conducted at the facility.
To gather more details, the auditor will also use interviews with:

- Production line management
- Quality management
- Human resources manager
- Senior workers
- Apprentices
- Farm owners or supervisor when relevant

Skills can be achieved by means of both education and experience. The auditor shall take into account workers’ skills even if they cannot be proven by official diplomas. The auditor will pay particular attention to evasion of the law that may occur with regard misuse of apprentice schemes.

**Effectiveness:** To verify the effectiveness of the way that the auditee’ remuneration scheme takes skills and education into consideration, the auditor must at least evaluate that:

- The auditee takes into consideration skills and education in the hiring process
- The auditee adapts the remuneration to the workers’ skills to encourage improvements in quality and stability of the employment relationship
- The auditee does not use unskilled workers to conduct qualified jobs. This represents a social risk (e.g. evasion and OHS issues), which will need to be reported in the relevant performance area
- The auditee does not use highly-skilled workers to conduct low-skilled jobs. If it does, this may represent a sign of discrimination or evasion of the law
- The auditee conducts workers’ training on a regular basis to strengthen their skills

**Coherency:** Furthermore, the auditor shall evaluate if the way the auditee takes into consideration workers skills and education is consistent with the values and principles of amfori BSCI Code of Conduct.

- Are there job descriptions available with the kinds of skills required to perform such jobs?
- Is the person in charge of recruitment trained to evaluate the level of competence?
- Does the auditee guarantee regular trainings to workers?
- Are the people in charge of conducting occupational health and safety risk assessments consulted to determine the type of skills in demand?
- Does the auditee have mechanisms in place to ensure more skilled workers pass their knowledge onto junior workers?
- Are the workers who are hired to conduct certain tasks in possession of the necessary skills? Are they remunerated accordingly?
- How does the auditee assess that taking into consideration skills and education does not conflict with other principles of the amfori BSCI Code of Conduct (e.g. no discrimination)?
5.4. Is there satisfactory evidence that the auditee provides sufficient remuneration that allows workers to meet a decent standard of living?

To verify this question, the auditor must have calculated a living wage estimate relevant for the region and based on the Social Accountability International method or an equivalent reference from governments, trade unions or NGOs.

The auditor shall consult additional sources if so is needed to find out more about the region and the sector:

- Government data (statistics, community development departments)
- Local or international NGOs working in the area and sector
- Community groups may have answers to some of these questions

**Opening meeting:** The auditor may use the opening meeting as an opportunity to explain the aspects which are taken into consideration for the calculation (e.g. number of family members in the region; diet; transportation costs) and also seek additional feedback from the auditee, if needed.

**Effectiveness:** To verify how effective the way in which the auditee takes decent standards of living into consideration to define its remuneration scheme, the auditor must at least evaluate that:

- The auditee is aware that fair remuneration concerns all workers regardless if they are permanent or seasonal; regardless if they are directly or indirectly engaged
- The auditee has a good understanding about:
  - Living costs in the region and the living costs of its own workforce
  - Possible gaps between the actual remuneration and the living costs
  - Possible measures that could be taken to fill the gaps
- 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
  - Social benefits
  - In-kind benefits and bonuses
  - Subsidised or free transportation
  - Subsidised or free living space
  - Subsidised or free canteen services
  - Opportunities for education or training

In order to give a monetary value to trainings, the auditor will calculate the training time at the rate of the regular wage.

- 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

The costs of these elements shall never be deducted from workers remuneration.
Coherency: Furthermore, the auditor shall evaluate if the way the auditee pursues a remuneration practice that allows decent standards of living for the workforce is consistent with the values and principles of amfori BSCI Code of Conduct.

- Is the person in charge of recruitment aware of the standard of living in the region?
- Does the auditee guarantee regular information to workers on what is considered remuneration?
- Are workers representatives consulted when defining the remuneration practice?
- Are there grievances lodged related to remuneration as well as the quality of benefits provided?
- Are different aspects of remuneration adequately detailed in the payroll?

Reporting in the amfori BSCI audit Report:

- **Executive Summary:** The auditor will indicate the source(s) used for the calculation in the Executive Summary of the amfori BSCI audit report.
- **Findings:** If the auditor finds out that the total remuneration provided to workers does not allow them to have a decent standard of living in the region, the auditor shall report the finding under “Findings” in the Fair Remuneration performance area.
- **Good practices:** The auditor shall acknowledge under “Good practices”, in the findings report, when the auditee provides him/her with this information and calculation of fair remuneration.

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

The auditor shall verify if the collective bargaining agreement includes additional social benefits beyond what is mandated by law. If yes, the question is evaluated using the collective bargaining agreement as the threshold.

The auditor shall describe which social benefits are missing or not correctly paid or granted.

Effectiveness: To verify the effectiveness of the way that the auditee grants social benefits to its workforce, the auditor must at least evaluate 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 if they are:
  - Seasonal workers
  - Paid based on productivity
  - Migrant workers or any other vulnerable group of workers
- 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.

Exemptions from social benefits: If the auditee is granted exemptions 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 of time
- Applicable for the auditee

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

Coherency: Furthermore, the auditor shall evaluate the way that the auditee provides workers with social benefits is consistent with the amfori BSCI Code of Conduct

- Is the person in charge of recruitment aware of the (legally granted) social benefits for workers and can he/she explain the benefits accordingly in the recruitment process?
- Does the auditee guarantee regular information to workers on what are considered social benefits?
- Are workers representatives consulted when defining the social benefits?
- Are there lodged grievances related to the quality of social benefits that the auditee provides?
- Are different aspects of social benefits adequately detailed in the payroll?

Good practices: The auditor shall acknowledge under “Good practices”, in the Findings Report, when the auditee provides commercial insurance in addition to the minimum social benefits required by law.

5.6. 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.

Effectiveness: To verify the effectiveness of the way the auditee ensures deductions are legal, the auditor must at least evaluate 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)

o If the auditee’s production site is going to be closed down for repairs or reconstruction,
  the auditee properly communicates the closing period to the workforce in advance
  o This communication needs to be done with the support of the workers representative
to ensure that all workers’ rights are respected

• 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:
  o Tools and machines
  o Sanitary facilities
  o Drinking water
  o Washing facilities
  o Provisions of protective clothing for workers

• Deductions are not made to cover the costs of documents and permits required to perform the
assigned employment such as:
  o Work permits
  o Visa and renewals
  o Legally required security clearance or health tests

• 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

Coherency: Furthermore, the auditor shall evaluate that auditee deductions are
consistent with the values and principles of amfori BSCI Code of Conduct.

• Is the person in charge of recruiting personnel 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 representatives consulted when defining criteria for deductions?
• Are there grievances lodged related to potentially unfair deductions?
• Has the auditee verified if labour subcontractors and service providers apply illegal salary
deductions to the workers dispatched to the auditee?
Documents related to this performance area

- Documentary evidence of legal deductions for goods and services
- Documentation on legal minimum wages relevant for the sector
- Documented collective bargaining agreement
- Pay slips for workers and documentary evidence of payments
- Fair remuneration quick-scan completed (amfori BSCI Template 5: Fair Remuneration Quick Scan)
- Auditee’s contracts with labour subcontractors and service providers including recruiting agencies or labour brokers
- Work contracts or agreements, including those held by workers with labour subcontractors and service providers
- Personnel data files for all workers (including seasonal workers)
- Documentary evidence of additional benefits (commercial insurance if applicable)
- Documentary evidence of updated contributions to social insurance funds
- Lists of wage ranges and calculations including for piece rate workers

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Template 5: Fair Remuneration Quick Scan
- Annex 9: How to promote fair remuneration
- Annex 17: How to promote responsible recruitment
- For information on minimum legal wage and working hours, see the ILO country data

Notes:
Performance area 6: Decent working hours

Excessive working hours are recurrent in these sectors:

- The agricultural sector, particularly when the produce needs to be harvested within a certain time frame to ensure freshness and saleability
- The manufacturing industry, where processes cannot be stopped at mid-production
- The clothing and textile industry, where companies sourcing from their business partners may often demand that the products are produced within a short time frame. For example, seasonal work involves long hours in a short time span to meet demand

This experience should provide reasons for companies in these sectors to be even more diligent to make the necessary changes.

6.1. Is there satisfactory evidence that the auditee does not require more than 48 regular working hours per week, without prejudice to the exceptions recognised by the ILO?

**Effectiveness:** To verify the effectiveness of the way the auditee ensures regular working hours, the auditor must at least evaluate that:

- Regular working hours do not exceed:
  - 48 in a week
  - 8 per day
- If there are exceptions, they only apply:
  - For supervisory or management positions
  - When by law, custom or agreement the hours of work in one or more days of the week total less than eight hours, in which case the remaining days of the week can be extended to nine hours
  - For workers employed in shifts, if the average number of working hours over a period of three weeks or less does not exceed these limits
  - For members of the same family employed in the undertaking
  - For workers subject to a special regime, defined by the local laws (e.g. security guards are often not subjected to regular legal requirements regarding working hours)

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. Furthermore, if the excessive working hours are compensated in time within those three months or less, they will not need to be premium paid.

**Coherency:** Furthermore, the auditor shall evaluate how the auditee enforces regular working hours to be consistent with the values and principles of amfori BSCI Code of Conduct.

- Is the person in charge of recruitment aware of the legal limits of working hours and the possible exceptions? Can he/she explain workers’ working hours accordingly in the recruitment process?
- Are exceptions communicated and agreed upon prior to the recruitment?
- How is the definition of shifts reached? Is the workers’ representative involved in the process? Are the people in charge of occupational health and safety risk assessments consulted?
- Are there grievances lodged related to alleged company disregard for regular working hours?
- How are customary and/or religious practices taken into account when the auditee defines working hours and shifts?
• Are workers aware of the regular working hours and possible exceptions? Are exceptions documented and made available?
• In producer organizations: are members informed of applicable legislation and exemptions?

In agricultural works, the 48 regular working hours per week and above-mentioned expectations are to be considered recommendations. However, it will need to be understood that the specific nature of agricultural production may require more flexibility in working hours.

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?

Effectiveness: To verify the effectiveness of the way the auditee requests workers to exceed their regular working hours, the auditor must at least evaluates that overtime is

- **Voluntary**: Overtime always needs to be voluntarily agreed upon, except in cases of temporary exceptions (e.g. force majeure), which must be described in the employment contract.
- **Exceptional**: Overtime cannot be repeatedly added onto regular working hours but respond to an exceptional unforeseen situation.
- **No risks added**: Overtime shall not significantly increase the risk to workers’ health and safety.
- **Premium paid**: It is paid at a premium rate as defined by the law. Overtime occurring during official holidays and/or Sundays may have a higher 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), any working hour exceeding that limit of 40 hours is considered overtime. Auditors will have a good understanding on how the applicable legislation defines:

**Temporary exceptions**: These refer to situations where the law allows that regular working hours can be exceeded. E.g.:

- Force majeure
- Threat or actual accident
- Urgent work to be done to machinery

**Overtime legal limits**: National law or collective bargaining may define maximum limits of overtime per day, per week, per month or per year (e.g. no more than 3 hours per day)

**Premium rate**: National law or collective bargaining may define the different premium applicable of the overtime for example; premium for additional hours of work during the week will have a different premium than additional hours of work during the weekend or holiday. To be notice that that in line with the relevant ILO Convention the amfori BSCI Code of Conduct defines 1.25 as the minimum premium rate possible.

**Continuous succession of shift type of processes**: National law may define those working process which, due to their nature, must be carried out in a continuous succession of shifts and for which the national law allows a permanent exception (e.g. national law allows these processes to have 2 shifts of 12 hours instead of 3 shifts of 8 hours per day)

**Legal permanent exception**: If the auditee belongs to a type of industry covered by a legal permanent exception, the auditee keeps updated documented proof of the agreement that backs up its claim.
The auditor shall verify that such a document has force of law and define:

- Type(s) of exceptions
- Categories of workers affected
- The maximum allowance of additional working hours in each case
- The premium rate for overtime which will not be less than 1.25 more than the regular rate

The auditor shall also verify that the auditee is aware of the working hours and overtime regulation that applies to its own industry and it has an internal procedure in place to regulate overtime temporary exceptions.

**Written procedure on overtime:** Particularly regarding temporary exceptions, the auditee shall enforce an internal procedure that:

- Has been approved by a worker representative and management
- Defines how many hours a worker may work daily, weekly and monthly during an exceptional period
- Defines the premium rates applicable to overtime for different days and circumstances
- Respects any other criteria defined by national law

**Coherency:** Furthermore, the auditor shall evaluate the coherence with the values and principles of amfori BSCI Code of Conduct.

- Is overtime voluntarily agreed, unless in cases of temporary exceptions (e.g. force majeure) which need to be described in the contract?
- Is overtime exceptional rather than repeatedly added onto regular working hours?
- Does the auditee take the necessary measures to ensure that overtime decreases the risk to workers’ health and safety? Are people in charge of occupational health and safety risk assessments consulted?
- 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 related to shift systems?
  - The special protection for young workers, pregnant women and night shift workers?

The auditor needs to justify if any identified overtime does not meet any or all of the criteria mentioned above.

The auditor pays particular attention to task rate and piece rate workers, as these kinds of arrangements, based on productivity, need to comply with the requirements for overtime and it is not always easy to assess.

All these aspects also apply to workers of the agricultural sector.
6.3. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee grants workers the right to resting breaks in every working day?

**Effectiveness:** To verify the effectiveness of the way that the auditee grants workers the right to rest, the auditor must at least evaluate that the workers are granted:

- **Short breaks:** Workers are allowed to take short breaks during working hours, especially when the work is dangerous or monotonous, to enable workers to recover their vigilance
- **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.:
  - Access to ventilated areas
  - Accessible toilets
  - Possibility for changing the physical working position (either sitting down or standing up)

**Coherency:** Furthermore, the auditor shall evaluate that the way the auditee grants resting breaks is in coherence with the values and principles of amfori BSCI Code of Conduct.

- 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 resting areas effective?
- Are workers informed about the time they have for resting breaks during the day?
- Are there grievances lodged concerning potential disrespect for resting breaks?
- Do accident records indicate more contingencies after long periods of work without resting?

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?

**Effectiveness:** To verify the effectiveness of the way the auditee grants workers the right to rest, the auditor must at least evaluate 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:** Furthermore, the auditor shall evaluate if the way the auditee grants one day off is in coherence with the values and principles of amfori BSCI Code of Conduct.

- How are customs or religious practices taken into consideration for the day off?
- Are workers informed about the time they have for resting breaks during the day?
- Are there grievances lodged concerning potential disrespect for resting breaks?
Documents related to this performance area

- Documented working rules
- Pay slips for workers and documentary evidence of payments
- Documentary evidence of the legal permanent exception covering the auditee’s industry
- Working time records
- Documented overtime procedure including agreements with workers
- Documented records of accidents

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Template 4: Working Hours Tracker
- Template 13: Self-assessment on gender equality

Notes:
Performance area 7: Occupational health and safety

amfori BSCI recognises GlobalGAP certificates as equivalent to Performance area 7 and 12 (OHS and Protection of the Environment). This recognition is done during the amfori BSCI audit. The auditor shall verify:

- The GlobalGAP certificate has to be held by the main auditee (either option 1 or option 2) or by farms sampled during the amfori BSCI audit
- Verification through GGN nr and name/address of business unit
- Auditors may recognise GlobalGAP certificate as valid for different crops if the workforce and management practices overlap more than 80% including seasonal workers

Shall auditors identify OHS issues that could qualify as findings under amfori BSCI performance area 7; they will describe the findings and related evidence under Confidential Comments.

The auditor will assess the performance of producer organization in occupational health and safety from different angles:

- Level of observance with the laws and regulations applicable for the business activity or industry
- Capacity to detect, assess, avoid and respond to potential threats to workers’ health and safety
- Degree of active cooperation with workers (and/or their representatives) when developing and implementing systems towards ensuring occupational health and safety (e.g. by setting up an occupational health and safety committee)
- Capacity to protect workers in case of accidents including through compulsory insurance schemes
- Information and capacity building of members of a producer organization to prevent threats to the health and safety of members and their workers

The auditor must be knowledgeable about the regulations on occupational health and safety relevant for the auditee’s activities.

Regulations

7.1. Is there satisfactory evidence that the auditee observes occupational health and safety regulations applicable for its activities?

**Effectiveness:** To verify the effectiveness of how the auditee observes applicable OHS regulations, the auditor must at least evaluate that:

- The auditee works in line with the regulations on occupational health and safety relevant for its activities
- If the country does not prescribe occupational health and safety regulations for its sector, the auditee seeks alternatives to ensure workers’ right to healthy working and living conditions. This includes:
  - Following international standards and specifications
  - Involving workers and their representatives in the drafting and enforcement of the internal procedure on occupational health and safety
  - In a producer organization: involving members to define procedures on occupational health and safety for their operations
Coherency: Furthermore, the auditor shall evaluate that the ways in which the auditee grants healthy working and living conditions is consistent with the values and principles of amfori BSCI Code of Conduct

- Are workers and cooperative members informed on the specific health risks and the necessary protocols they need to follow to overcome those risks?
- Are there grievances lodged concerning potentially unhealthy or insecure working conditions?
- Do accident records indicate any contingencies related to a lack of observance towards the OHS regulations?
- How is the information from the accident records used to improve the occupational health and safety procedure?

7.2. Is there satisfactory evidence that the auditee seeks to improve workers’ protection in case of accident, including through compulsory insurance schemes?

The auditor has an overview of the auditee’s continuous efforts towards improving the protection of its workforce in case of accidents. The auditor verifies the different ongoing measures that have been put in place. The endorsement of compulsory insurance schemes is one example of these measures.

Effectiveness: To verify the effectiveness of the ways in which the auditee seeks to improve workers’ protection, the auditor must at least evaluate that:

- The auditee involves workers and their representatives to identify better ways to protect workers from accidents
- The auditee provides regular training for workers and management on how to avoid accidents and minimise their impacts
- The auditee regularly analyses the accident records to gather lessons learned and adjust the protocols accordingly

Coherency: Furthermore, the auditor shall evaluate how the auditee seeks to improve workers’ protection in coherence with the values and principles of amfori BSCI.

- Are workers informed of the threat of and actual accidents as well as the protocols they need to follow to overcome those risks?
- Are workers and management regularly trained by a competent person?
- Are there grievances lodged concerning potentially unhealthy or insecure working conditions?
- Do accident records indicate the cause of accident and have lessons learned been taken into consideration to adjust safety protocols? How and how often is this information from the accident records used?

Risk assessment

7.3. Is there satisfactory evidence that the auditee regularly carries out risk assessments for safe, healthy and hygienic working conditions?

Effectiveness: To verify the effectiveness of the way that the auditee carries out risk assessments, the auditor must at least evaluate that:

- The auditee recognises potential deficiencies by conducting OHS risk assessments on a regular basis
• The auditee is able to determine to what extent these deficiencies could result in substantial danger for workers (severity versus likelihood), and what kinds of preventive or remedial measures are necessary
• The auditee uses the risk assessments to develop and maintain an action plan which contains all the necessary measures to promote and maintain safe, healthy and hygienic working conditions

**Coherency:** Furthermore, the auditor shall evaluate that the way in which the auditee carries out risk assessments is consistent with the values and principles of amfori BSCI Code of Conduct

• Is the risk assessment appropriate to ensure the safety and health of all workers? Does it cover all production activities, workplaces, machinery, equipment, chemicals, tools and processes?
• Does the risk assessment use relevant standards as a reference (e.g. national law and/or international standards)?
• Does it take into consideration the special needs of the most vulnerable workers such as pregnant women and new mothers, young workers, migrant workers? The list is not exhaustive but it is up to the auditee to identify these workers.
• Does the risk assessment take into consideration the transmittable and non-transmittable diseases in the work environment? Does it include regular monitoring and testing? Does it include consultation with workers and their representatives?
• Does the auditee allocate adequate human and financial resources to ensure that the identified risk(s) are mitigated?
• In a producer organization, does the auditee train and support members to conduct risk assessment of their operations?

7.4. Is there satisfactory evidence of active cooperation between management and workers (and/or their representatives) when developing and implementing systems towards ensuring OHS?

Active cooperation between management and workers and their representatives 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 verify the effectiveness of how the auditee management cooperates with workers, the auditor must at least evaluate:

• To what extent workers and their representatives are consulted during the risk assessment, the development and implementation of the OHS systems
• The auditee has set up an occupational health and safety committee (or alternative structure) of democratically elected workers representatives
• The OHS committee is regularly active and meeting minutes record their decisions

**Coherency:** Furthermore, the auditor shall evaluate how the auditee management cooperates with workers to comply with the values and principles of amfori BSCI Code of Conduct.

• Do workers who are members of the OHS committee or equivalent structure receive the adequate training?
• How often does the OHS committee (or alternative structure) meet? How are their recommendations communicated to the decision-maker(s)?
• How often do the OHS committee recommendations get taken into consideration and what are the auditee reasons to disregard them?

**Training**

7.5. Is there satisfactory evidence that the auditee regularly provides OHS trainings to ensure workers understand the rules of work, personal protection and measures for preventing and reacting to injury to themselves and fellow workers?

**Effectiveness:** To verify the effectiveness of how the auditee provides OHS training to workers, the auditor must at least evaluate:

• **Meeting legal expectations:** Workers training on OHS needs to cover minimum content 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
  - Is provided in a language and modality that is understood by workers, including migrants and low-literacy workers

• **Appropriate frequency:** The training frequency shall take into account
  - Staff turnover
  - Recruitment of seasonal workers, particularly in agriculture or to meet peak production times

• **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 that are applied to the workplace

• **Evacuation and firefighting drills:** These drills are documented with clear indication of:
  - The purpose
  - The number of workers who participated
  - Results
  - Photos
  - Dates
  - Duration: The time for evacuating the building should be recorded and never exceed nine minutes
Coherency: Furthermore, the auditor shall evaluate if the auditee’s OHS training to workers is in coherence with the values and principles of amfori BSCI Code of Conduct.

- Do workers and producer organizations’ members receive proper training on how to use and maintain their personal protective equipment?
- Do workers participate in evacuation drills and/or fire-fighting drills?
- Have workers and producer organizations’ members received trainings on:
  - Basic hazard awareness?
  - Site specific hazards?
  - Safe work practices?
  - Emergency procedures for fire and evacuation?
  - Natural disasters, as appropriate?
- Do management, supervisors, workers, and occasional visitors to areas of risk receive training?
- Are workers and producer organizations’ members 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 and producer organizations’ members working with electrical installations and equipment understand their tasks and safety procedures?
- Do workers and producer organizations’ members who handle and/or administer hazardous substances receive specific training? These are examples of hazardous substances: chemicals, disinfectants, crop protection products, biocides

Personal protective equipment

7.6. Is there satisfactory evidence that the auditee enforces the use of PPE to provide protection to workers alongside other controls and safety systems?

Effectiveness: To verify the effectiveness of the way the auditee enforces the use of PPEs, the auditor must at least evaluate 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. sand blasting for jeans, fumigation in agriculture)
- **Comfortable**: Does not cause unnecessary inconvenience to the individual
- **Free of charge**: The auditee does not charge workers any cost for using the PPE
- **Suitable**: Suits the activities undertaken

Coherency: Furthermore, the auditor shall evaluate if the ways in which the auditee enforces PPE are consistent with the values and principles of amfori BSCI Code of Conduct

- Do workers receive proper training on how to use and maintain their personal protective equipment?
- Is the use of PPE based on the information gathered through the OHS risk assessment?
- Is management, particularly supervisors, being trained on how to use and maintain PPE? Are they aware of the protocol to ensure workers use PPE?
- Is there a procedure to control the quantity of PPE so that it always matches the number of workers, including during peak time?
- Is there a procedure that aims to ensure PPE is high-quality and effectively protects workers no matter what and regardless of costs?
- Are there any grievances lodged with regard to the potential neglect of enforcing the use of effective PPE?

**Chemicals**

7.7. Is there satisfactory evidence that the auditee implements engineering and administrative control measures to avoid or minimise the release of hazardous substances into the work environment, keeping the level of exposure below internationally established or recognised limits?

**Effectiveness**: To verify the effectiveness of how the auditee implements and enforces control measures, the auditor must at least evaluate that:

- **Risk assessment**: The auditee has identified the engineering and administrative control measures that may be needed to avoid or minimise the release of hazardous substances into the work environment (factory or farm)
- **Administrative control measures**: The auditee implements administrative control measures such as:
  - Authorisation: Only authorised workers have access to chemical substances
  - Protection: Workers receive adequate protection for handling and administering chemicals
  - Record keeping: Distribution, use and disposal of chemicals is properly recorded
  - Following instructions: The use of chemicals corresponds to the recommendations of the manufacturer
  - Labelled: The labelling of chemicals and marking of hazards are clearly understood by the workers and are done in accordance with nationally and internationally recognised requirements. E.g.:
    - The International Chemical Safety Cards (ICSC)
    - The Materials Safety Data Sheets (MSDS)
  
  More information on the management of chemicals can be found at the following link: [http://www.inchem.org/pages/icsc.html](http://www.inchem.org/pages/icsc.html)

- **Engineering control measures**: The auditee implements engineering control measures for:
  - Expulsing fumes, steam and dust outside (e.g. spot cleaning places)
  - Properly disposing chemicals, even in the absence of national legal regulations

**Coherency**: Furthermore, the auditor shall evaluate that the way the auditee implements control measures is consistent with the values and principles of amfori BSCI Code of Conduct

- Do workers receive proper training on how to use both administrative and engineering measures?
- Is the implementation of control measures based on the information gathered through the OHS risk assessment?
- Is management, particularly supervisors, trained on how to implement the control measures? Is there a procedure to manage the quantity and effectiveness of the controls? How often are the controls monitored?
- Is there a procedure to report alerts and repair any problem detected in the control measures?
- Are members of a producer organization informed and trained on the need to conduct risk assessment and to implement control measures?
Accident and emergency procedures

7.8. Is there satisfactory evidence that the auditee has developed and implemented accident and emergency procedures?

**Effectiveness:** To verify the effectiveness of the way that the auditee implements accident and emergency procedures, the auditor must at least evaluate that:

- The auditee understands the importance of having documented emergency procedures which are also properly implemented
- The auditee has visually displayed the accident and emergency procedures in a way that is clear for workers and first-aid personnel
- The auditee has the procedures in place to immediately stop any operation where imminent and serious danger threatens workers’ safety and health
- The auditee has the procedures in place to enable workers to safely evacuate the premises when needed
- The auditee ensures these procedures are properly explained to:
  - Seasonal and temporary workers
  - Night workers
  - Migrant workers
  - Pregnant women
  - Young workers and other vulnerable workers

**Coherency:** Furthermore, the auditor shall evaluate that the way that the auditee implements accident and emergency procedures is consistent with the values and principles of amfori BSCI Code of Conduct

- Do workers receive proper training on how to act in case of accident or emergency? Are there specific instructions for workers depending on the type of work or department?
- Are the accident and emergency procedures based on the information gathered through the OHS risk assessment? Are the workers and their representatives involved in developing the procedures?
- Is management, particularly supervisors, trained on how to ensure workers follow the accident and emergency procedures?
- Are there any grievances lodged with regard to the possible neglect of accident and/or emergency procedures?
- Is there a procedure to control the effectiveness of the procedures? How often are they monitored?
- Are members of a producer organization informed and trained on the need to develop and implement accidents and emergency procedures?

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

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

- The auditee is sensitive to the workers’ specific cultures and activities
- 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:** Furthermore, the auditor shall evaluate that the ways in which the auditee makes visible potential hazards is consistent with the values and principles of amfori BSCI Code of Conduct

• Do workers understand the meaning of the signs and warnings?
• Is the type of hazard identified in the OHS risk assessment? Are the workers and their representatives contributing to this aspect of the risk assessment?
• Do the types of hazards, with warnings about them, relate to accident and emergency procedures?
• Is the effectiveness of the signs regularly monitored or reported on? How often?
• Are members of a producer organization informed on the need to make potential hazards visible in their operations?

7.10. Is there satisfactory evidence that the auditee has and properly uses procedures and systems for reporting and recording occupational accidents and injuries?

**Effectiveness:** To verify the effectiveness of the way the auditee reports and records accident and injuries, the auditor must at least evaluate 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)
  - **How** the accidents (or work-related diseases) were investigated
  - **What** prevention and remediation actions were taken
  - **For how long** the workers were incapacitated

**Coherency:** Furthermore, the auditor shall evaluate that the way the auditee reports and records accidents and injuries is consistent with the values and principles of amfori BSCI Code of conduct

• 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?
• Do workers receive training on how to prevent and respond to the most frequent accidents or injuries that happen in their area of work?
• (How) are the accident records used to apply lessons learned to improve safety in daily operations? How these lessons are 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?
• Are members of a producer organization informed and trained on how to prevent and respond to accidents?

7.11 Is there satisfactory evidence that the auditee confirms that the equipment and buildings used for production are stable and safe?

The auditor is not expected to conduct “building integrity inspections” which go beyond his/her mandate as a social auditor.

If the auditee is located in a building with several floors. The auditor shall report in the executive summary:

• the actual location (e.g. 3rd floor out of 5 floors)
• if there are other business enterprises located in the same building (without disclosing their name)
• If the type of activity performed in the building may increase the likelihood of stability and safety for the entire building.

Effectiveness: To verify the effectiveness of the way in which the auditee confirms that the equipment and buildings used for production are stable and safe, the auditor must at least evaluate that the auditee:

• Knows and follows national legal requirements concerning stability, safety and appropriateness of its building to conduct the business activities
• Knows and follows the legal requirements concerning the safety of equipment including, if relevant, ongoing official inspections
• Has procedures in place to confirm the stability and safety of the equipment
• Maintains accurate documentation on any official and private inspection concerning building and equipment safety and stability
• Is in possession of a valid licence to conduct its activities in the related building(s)

Coherency: Furthermore, the auditor shall evaluate that the way in which the auditee confirms that the equipment and buildings used for production are stable and safe is consistent with the values and principles of amfori BSCI Code of Conduct

• Does the auditee conduct its activities in adequate surroundings and buildings?
• Are there any grievances lodged concerning a potentially unstable or unsafe building or piece of equipment provided by the auditee?
• Are workers able to assess a potential danger associated with the building and/or the equipment?
• Are there cases documented in the accident records which show that part of the building or a piece of equipment was unsafe?
7.12 **CRUCIAL QUESTION:** Is there satisfactory evidence that the auditee respects the workers’ right to remove themselves from imminent danger without seeking permission?

**Effectiveness:** To verify the effectiveness of the way the auditee respects the workers’ right to remove themselves from imminent danger, the auditor must at least evaluate that:

- The auditee has this right properly documented in the OHS procedure or clearly communicated to workers
- Workers are well-informed of this right as part of the training on OHS
- 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:** Furthermore, the auditor shall evaluate that the way in which the auditee respects the workers’ right to remove themselves from imminent danger is consistent with the values and principles of amfori BSCI Code of Conduct

- 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 there any grievances lodged concerning potential disregard of this right?
- Are workers able to evaluate imminent danger so they to know when to leave? Are they trained to have this awareness?
- 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 protocol that directs workers to immediately leave the workplace or residential facilities in case of imminent danger?
- Are members of a producer organization aware of the right of their workers to remove themselves from imminent danger without seeking permission?

**Electricity**

7.13 Is there satisfactory evidence that the auditee makes sure a competent person periodically checks the electrical installations and equipment?

**Effectiveness:** To verify the effectiveness of the way that the auditee ensures a competent person checks electrical installations and equipment, the auditor must at least evaluate that:

- The person in charge of maintaining safe electrical installations is competent by means of training, qualification and/or experience
- The person checks the electrical installations and equipment:
  - Within the pre-defined timeframe
  - Randomly (e.g. in addition to regularly established checks/maintenance)
  - As per request
- The checks are properly recorded and, if possible, posted close to the verified installation or equipment with clear messages about current status
- The record includes at least:
  - Name of the person in charge
  - Date of the last check
  - Description of the finding (if any)
  - Due date for the next check
• Only properly insulated tools in good working condition are used when dealing with electrical installations and equipment
• People working with installations and equipment have adequate working space and lighting to conduct their work safely. This can be:
  o In accordance with the official regulations
  o Based on common good practice, if those regulations do not exist

Coherency: Furthermore, the auditor shall evaluate that the way in which the auditee ensures a competent person checks electrical installation and equipment is consistent with the values and principles of amfori BSCI Code of Conduct.

• Are electrical installations and equipment functioning in a way that ensures a safe work environment?
• Are results from the checks taken into consideration to improve safety in the workplace?
• Is the workplace free from distribution lines? Electrical cords shall not pose a tripping hazard
• Are workers properly instructed to avoid possible risk of strangulation or any other accident that could be related to electrical installations?

Fire protection

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

Effectiveness: To verify the effectiveness of the way that the auditee installs firefighting equipment, the auditor must at least evaluate that:

• The installation of firefighting equipment is in line with the OHS action plan developed as a result of the periodic risk assessment
• The auditee follows national law specifications with regard to requirements for firefighting equipment. This usually includes:
  o Position and placement
  o Size and effectiveness
  o Maintenance and inspection requirements
• There are functioning and sufficient fire extinguishers for workplace dimensions and activities
• The firefighting equipment is:
  o Distributed in an equal manner throughout the workplace
  o Placed at a height for it to be effective and easily accessible by workers
• Properly identified (inventoried) with clear reference to the last serviced date and due date for the next inspection
• The location of the fire extinguishers and the route to reach them are visually marked
• Early warning systems are installed and functioning in an adequate manner as required by the law: smoke sensors, fire alarms, alarm devices
• At least a relevant number of workers know how to use a fire extinguisher

Coherency: Furthermore, the auditor shall evaluate that the way in which the auditee installs firefighting equipment is consistent with the values and principles of amfori BSCI Code of conduct.

• 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? Do they understand the warning signals?
• If there are other types of alarms being used in the workplace (e.g. end of shifts), are they clearly distinct from the fire alarm?
• Are there cases documented in the accident records that resulted from fire? If yes, was the protocol followed? What lessons were or can be drawn from those cases?
• How often are the workers trained on the use of firefighting equipment? Are workers who deal with chemicals and other inflammable substances adequately trained?

**Escape routes and emergency exits**

7.15 **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?

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

- Escape routes, aisles and emergency exits fully and simultaneously are:
  - Never blocked
  - Easily accessible
  - Clearly marked
- Workers and visitors can easily leave the premises in case of an incident without putting their lives at risk
- The auditee approaches safe evacuation in a systemic and preventive manner, which includes:
  - Escape routes, aisles and emergency exits that are marked without ambiguity and never blocked or locked during working time
  - Emergency lights and any other evacuation signals are properly installed, well-functioning and verified on a regular basis
  - Production rooms with more than 10 workers have doors which open outwards unless the national law sets different specifications in which case the rule that provides higher protection to workers applies
  - The number of emergency exits aims at ensuring safe evacuation of all workers and directly relates to:
    - The number of workers
    - The size and occupancy (e.g. with regard to population density) of the building
    - The arrangement of the workplace
    - The type of activity or existence of substances or machineries that may increase the risk of unsafe evacuation

**Coherency:** Furthermore, the auditor shall evaluate that the auditee ensures safe, accessible and visible escape routes, aisles and emergency exits in coherence with the values and principles of amfori BSCI Code of conduct

- Are escape routes, aisles and emergency exits defined in a way that ensure 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 follow to exit the workplace?
- Are there any internal regulations that conflict with the requirement of unblocked exits (e.g. for security reasons)?
- Are there cases in the documented accident records that show problems with the exits? Were any lessons learned and put into practice?
• How often are the workers trained on the use of firefighting equipment? Are there workers who deal with chemicals and other inflammable substances located close to the escape routes?
• Are workers on farms informed of the procedure to follow in case of fire outbreak or inundation? Are emergency contacts communicated or known to workers?

7.16 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?

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

• The evacuation plans are easy to understand to evacuate all workers both from the production area and eventually from the entire building, when necessary
• The evacuation plans also include dormitories or housing premises, if applicable
• Evacuation plans in the workplace must be displayed and at least identify the:
  o Current position, on the premises, of the person who is reading the plan
  o Placement of the closest escape routes including emergency exits
  o 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 plans and know how to follow them from their own standpoints
• The evacuation plans take into consideration the type of activity, different working shifts and lay-out of the workplace and building to optimise the evacuation process. In this context, work in the agriculture sector will require auditors the assessment on how evacuation from the fields or from the greenhouse installations can be done in a safe manner.

Coherency: Furthermore, the auditor shall evaluate that the auditee ensures evacuation plans are consistent with the values and principles of amfori BSCI Code of conduct.

• Are evacuation plans defined in a way to ensure a safe work environment as well as a safe housing place?
• Are workers properly instructed on how to read them? Do they understand them? Do they know the easiest way to follow to exit the workplace?
• Are there cases in the documented accident records that show if the evacuation plans have been or are effective? Were there any lessons learned? If so, have these lessons informed current planning?
• How often are the workers trained on the evacuation plans? Are workers who deal with chemicals and other inflammable substances well-informed?
• Are there communication channels that workers can use to alert about issues that could compromise a safe evacuation?
Machine and vehicle safety

7.17 Is there satisfactory evidence that the auditee ensures adequate safeguards for any machine part, function, or process which may cause injury to workers?

Effectiveness: To verify the effectiveness of the way that the auditee ensures adequate safeguards for any machine, the auditor must at least evaluate that:

- 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:
  - Elevators, lifts
  - Trucks, tractors and other potentially dangerous machines
- The auditee ensures maintenance is carried out by competent personnel.
- The auditee keeps records of the maintenance, which includes:
  - Purpose and result of the maintenance
  - Name of the competent person in charge
  - Applicable insurance and its validity
  - Next scheduled maintenance work

Coherency: Furthermore, the auditor shall evaluate 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?
- Are there documented cases in the accident records which resulted from machines and vehicles? Were lessons learned? If yes, how were those lessons integrated into the OHS procedure?
- Do workers who use machines and vehicles possess the adequate qualifications to use them in a safe manner?

First-aid

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

Effectiveness: To verify the effectiveness of the way that the auditee ensures qualified first-aid individuals and provisions, the auditor must at least evaluate that:

- The auditee respects national regulations concerning medical provisions and first-aid training
- If there are no such legal regulations, the auditee ensures:
  - Adequate first-aid stations or rooms
  - Adequate first-aid kits
  - Access to potable water, eye-wash stations and/or emergency showers close to workstations when/where immediate flushing with water is the recommended first-aid response
  - Qualified first-aid staff shall be present in relevant numbers to address associated risks throughout the workplace.
  - A fully-qualified person to verify the contents of the kit; who can also re-fill it
- Training on first-aid and related procedures result in ensuring that an emergency could be handled at any time (including if periods of overtime)
  - Where immediate flushing with water is the recommended first-aid response, the auditee ensures that workstations are either equipped with or very near to:
    - Potable water
    - Eye-wash stations
    - Emergency showers

**Coherency:** Furthermore, the auditor shall evaluate that the way in which the auditee ensures qualified first-aid is consistent with the values and principles of amfori BSCI Code of conduct.

- Is there a fully-qualified person appointed to provide first-aid? Is the working schedule of that person available? Are workers aware of who would replace that person? How is this person selected?
- How often are workers trained on first-aid?
- Are there cases in the documented accident records that show that workers required first-aid? Were lessons learned? If yes, how have those lessons been integrated in the OHS procedure?
- 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? Are vulnerable workers aware of the first-aid protocol?

7.19 Is there satisfactory evidence that the auditee has emergency procedures, in writing, to deal with cases of trauma or serious illness?

**Effectiveness:** To verify the effectiveness of how the auditee emergency procedures deal with trauma or serious illness, the auditor must at least evaluate that:

- The emergency procedure aims at ensuring that workers' trauma or serious illness are handled in the most responsible manner. The producer must be in writing and regularly updated:
  - It can be a separate document
  - Part of the action plan developed after the OHS risk assessment
- Workers and supervisors are well-aware of how the procedures work in case of trauma or serious illness
- Workers and supervisors understand when a co-worker has to be transferred to an appropriate medical facility
- Workers and supervisors know the necessary steps to ensure timely transfer to the medical facility

**Coherency:** Furthermore, the auditor shall evaluate if the ways in which the auditee ensures emergencies procedures deal with trauma or serious illness are consistent with the values and principles of amfori BSCI Code of Conduct.

- Are there cases of trauma or serious illness found in the accident records? Were lessons learned? If yes, how were those lessons integrated in the OHS procedure?
- Are there any grievances lodged concerning the neglect of victims of trauma or serious illness?
- Are workers working in the night shift aware of these procedures?
- Is the information on medical facilities visually displayed? Do workers know where to get this information?
Work place, social facilities, including housing when provided by the auditee

7.20 CRUCIAL QUESTION: Is there satisfactory evidence that the auditee provides workers with potable water at all times?

The right to potable water is a human right. As such, it applies to every person and it is inalienable. Potable water shall be available during working hours as well as at workplace facilities where workers prepare or eat food as well as to the housing provided by the auditee. If work takes place in agricultural fields or greenhouses, the auditee shall put in place mechanisms to ensure potable and fresh water is available to workers in these places. Special attention shall be given in regions where the risk of dehydration may be higher due to hot/dry weather or where running/well water is not potable.

**Effectiveness:** To verify the effectiveness of the way that the auditee ensures potable water, the auditor must at least evaluate that:

- Workers and supervisors have access to clean potable water at all times, 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 to identify water which is not potable in places where it is not mandatory that water be potable

**Coherency:** Furthermore, the auditor shall evaluate that the way the auditee ensures potable water is consistent with the values and principles of amfori BSCI Code of conduct.

- Are workers aware of their right to potable water at all times? How often do they access water?
- Does the auditee pay particular attention to the risk of dehydration? Does the auditee go to extra efforts to ensure vulnerable workers have access to water?
- How is water supply guaranteed? Who is responsible to ensure that water is always available? Do workers have access to water storage?
- Are members of a producer organization informed of their responsibility to provide potable water to workers at all times?

7.21 Is there satisfactory evidence that the auditee provides workers with access to an appropriate, clean area for storing food, eating and/or cooking?

The auditor takes pictures of the state of these areas and includes them in the audit report.

The auditor verifies how food is stored; records of cleaning shifts; menus provided and the range of lunch and/or dinner shifts (if applicable).

**Effectiveness:** To verify the effectiveness of the way that the auditee ensures appropriate areas for storing food, eating and/or cooking, the auditor must at least evaluate that:

- Workers are provided with access to clean areas for food storage, cooking and/or eating, including in remote areas (e.g. during harvest)
- The auditee will follow national regulatory criteria, which usually relate to the number of workers
• The auditee ensures that clean and appropriate areas are also provided during peak season or any other occasion where the number of workers may increase with the use of seasonal or subcontracted workers

Coherency: Furthermore, the auditor shall evaluate that the auditee ensures appropriate areas for storing food, eating and/or cooking in compliance with the values and principles of amfori BSCI Code of Conduct

• Are workers satisfied with the areas provided by the auditee?
• How is the food stored to ensure it keeps its nutrients?
• Are records available on the cleaning shifts for these areas? Is catering subcontracted? Is the menu displayed and are records kept?
• If there are no legal minimum criteria, does the auditee conduct assessments to define them in consultation with workers and their representatives?

7.22 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 verify the effectiveness of the way that the auditee provides workers with clean washing facilities, changing rooms and toilets, the auditor must at least evaluate that

• The auditee provides these facilities to ensure that workers can maintain their dignity and hygiene habits
• The auditee follows national regulations concerning the minimum number of washing facilities and toilets for the size of the workforce
• If there is no national regulations, the auditee determines its criteria based on the OHS risk assessment in consultation with workers
• 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 and separate washroom facilities for women and men
• 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 (e.g. poultry industry)

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

Coherency: Furthermore, the auditor shall evaluate that the ways in which the auditee provides workers with clean washing facilities, changing rooms and toilets are consistent with the values and principles of amfori BSCI Code of Conduct.

• Does the number of washing facilities, changing rooms and toilets meet the needs of the total number of workers?
• Are women specific needs taken into consideration?
• Does the auditee ensure that the facilities meet workers’ needs even when the number of workers increases (e.g. peak session)?
• Are there any grievances about a potential lax and/or unsanitary approach in how these facilities are provided?
7.23 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 (directly or indirectly) transportation to workers, the auditor shall provide information under “Findings” and answer the question “Not applicable”

**Effectiveness:** To verify the effectiveness of the way that the auditee provides transportation, the auditor must at least evaluate that:

- The transportation provided to workers (either directly or using third parties) is safe and complies with national regulations
- The auditee is able to provide information on how workers get to the premises (e.g. using public transportation, a bicycle)
- 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)
- The information provided on transportation should match the information provided on the quick scan on fair remuneration

**Coherency:** Furthermore, the auditor shall evaluate that the way the auditee provides transportation is consistent with the values and principles of amfori BSCI Code of Conduct.

- Is the auditee aware of the way workers commute to work? Are workers consulted on the most effective means of transport? Is the cost of transportation provided by the auditee in a transparent manner?
- Are there alternatives for workers? Is the person in charge of driving workers to the site qualified to do so? Is that person subcontracted?

7.24 Is there satisfactory evidence that the auditee has chosen the location of the social facilities or workers housing to ensure occupants are not exposed to natural hazards or affected by the operational impacts of the worksite (for example noise, emissions or dust)?

**Effectiveness:** To verify the effectiveness of the way that the auditee provides workers safe and healthy housing, the auditor must at least evaluate that:

- The auditee is able to articulate the decision on where to set up social facilities (e.g. canteens) or housing from an occupational health and safety risk assessment perspective
- The auditee is able explain how the chosen location ensures that workers (and/or their families, if applicable) are not exposed to natural hazards or health and safety risks
- In cases where, due to the nature of the work, workers are required to live temporarily or permanently close to the area of work, the auditee provides adequate welfare facilities and accommodation at no cost to the worker (e.g. agriculture and/or animal production)

**Coherency:** Furthermore, the auditor shall evaluate that the auditee provides workers with housing in a way that is consistent with the values and principles of amfori BSCI Code of Conduct

- Do workers have constructive communication channels to provide feedback on the housing conditions?
- Is sufficient space per individual granted?
- Does the housing provide safe places for workers to keep their personal belongings?
• How often are they cleaned? Who is in charge of keeping the housing clean? Is there a big fluctuation of workers/occupants coming and leaving?
• Are members of a producer organization informed of their responsibility to provide appropriate workers’ housing?

7.25 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.

Particular attention shall be devoted to cases where the auditee provides workers with housing. The rooms or sleeping quarters shall not be overcrowded, workers shall have space to store personal items while laundry and waste disposal need to be properly organised.

**Effectiveness:** To verify the effectiveness of the way that the auditee verifies adequate temperature, humidity, space, sanitation, illumination, the auditor must at least evaluate that:

• Space and illumination are provided in an adequate way for workers’ specific activities
• The auditee includes the assessment on temperature, humidity, space, sanitation and illumination as part of the OHS risk assessment and related action plan
• The auditee consults workers and their representatives as well as the person in charge of OHS
• The schedule for garbage (and recycling) pickup shall be displayed for workers who live in the housing

The auditee shall be able to provide consistent information on the existing conditions; improvement plans (if any); timeline; and related cost allocations to ensure these aspects of the workplace, social facilities and housing fully respect workers’ health and safety.

**Coherency:** Furthermore, the auditor shall evaluate that the way in which the auditee verifies adequate temperature, humidity, space, sanitation, illumination is consistent with the values and principles of amfori BSCI Code of Conduct.

• 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?
• Is the scheduled garbage pickup displayed? How are laundry services or rooms organised?
• Are there cases documented in the accident records which show neglect for any of these conditions? Were lessons learned? If yes, how were those lessons integrated in the OHS procedure?
Documents related to this performance area

Certificates and contracts:

- Valid inspection and insurance for machinery and vehicles
- Purchase invoices of the PPE bought by the auditee
- Valid business license and all necessary official approvals to run operations
- Official building certificate about safety and appropriateness for the industry
- Contract with any service provider including food services, transportation, agents

Training:

- Documentary evidence of workers training on occupational health and safety
- Documentary evidence of training, consultations and informative sessions held for members of a producer organization
- Workers and management training calendar
- Documentary evidence of workers qualification for those dealing with dangerous machines, electrical installation and any other activity that requires specific training due to the level of risk

Records and reports:

- Risk assessment for safe, healthy and hygienic working conditions
- Action plan for safe, healthy and hygienic working conditions
- Documentary evidence of updated contributions to social insurance funds
- Occupational health and safety regulations applicable for the industry
- Documentary evidence of the election process of the health and safety committee
- Minutes of the health and safety committee meetings
- Documentary evidence of consumption, withdrawal and disposal of chemicals (including Material Safety Data Sheets – MSDS)
- Official inspections conducted to ensure building and equipment safety, including date of validity and corrective actions if any
- Inspection reports, maintenance records, operating and safety instructions for:
  - Dangerous machines, including but not limited to lifts, electrical equipment, high-pressure equipment
  - Firefighting equipment (e.g. inspection tags on fire extinguishers)
  - Potable water at production facilities and dormitories
  - Health and safety for the facilities and dormitories including but not limited to temperature, noise level and lighting

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Annex 5: How to follow the Zero Tolerance protocol
- Annex 14: How to integrate gender equality in the due diligence strategy
**Performance area 8: No child labour**

Child labour can be detected and addressed through due diligence, company recruitment and regular dialogue with workers, workers representatives and other key stakeholders. In all cases, a child must be protected, feel safe and able to express her/his work experiences in confidence.

Addressing child labour in the supply chain in a responsible way is very complex; especially in locations where child labour may be common. Removing them from work may force them to enter worse forms of exploitation or greater vulnerability.

When assessing family farms, the auditor shall understand that children participation to family farming activities contributes to the inter-generational transfer of culture, wisdom and skills. Auditors shall evaluate whether children contribution to farming may hide any exploitation component or depriving children from their childhood.

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

**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 children regular 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
- Cannot be considered “light work”

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

- Helping their parents around the home (including farming)
- 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 current and future health, physical development or interfere with their schooling

**A higher minimum age of 18 years is set for hazardous work.** Work which, by its nature or by the circumstances under which it is carried out, is likely to jeopardise peoples’ health, safety and/or morals cannot be carried out by workers younger than 18 years old.
Effectiveness: To verify the effectiveness of how the auditee ensures not to engage in illegal child labour directly or indirectly, the auditor must at least evaluate that the auditee shows credible and unambiguous efforts to avoid illegal child labour from different perspectives.

This includes:

- The auditee shows a good understanding on what illegal child labour is and why it is an undesirable hiring practice
- The auditee builds the necessary awareness among supervisors and recruitment staff to:
  - Identify the likelihood of child labour in its industry or region (e.g. some industries such as agriculture, fishing or mining have a higher risk of child labour than others)
  - 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 keeps accurate records of:
  - Migrant and/or seasonal workers children’s names, ages, school schedules and information on their schools
  - Age and identity cards of workers engaged via recruitment agencies
  - Agencies’ recruitment procedures to avoid engagement of children or illegal workers (among others)
- The auditee keeps contact details of the stakeholder(s) that could be helpful in the event of illegal child labour being identified

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
- Determining the specific circumstances of the case. For example, if the case refers to accidental child labour (e.g. the company 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
- Getting in touch with the family/guardian and relevant stakeholders to ensure the child is removed in a responsible way

If the auditee has mapped its relevant stakeholders and developed its child labour procedure, the case of child labour found during the audit will allow the auditor to witness the effectiveness of the procedure.

The auditor will take the time necessary to interview the child and 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?

In order to reach the best outcome of this interview, the auditor shall be well-equipped with specific interview techniques to make the child feel comfortable and safe.

Immediate notification: The issue needs to be notified immediately via the amfori BSCI platform following the amfori BSCI Zero Tolerance protocol (see Annex 5: How to follow the Zero Tolerance protocol).
The effectiveness of the child labour procedure shall be reported under the No Child Labour performance area either as an area for improvement or as a good practice.

**IMPORTANT:** It is not the child who is in breach of the law, but the employer. The child should not get the impression that something bad will happen to him/her. Auditors must be genuinely willing to listen to what the child is saying, but they should also know when to stop the interview if the child’s memories and experiences are too intense or painful.

**Coherency:** Furthermore, the auditor shall evaluate that the way in which the auditee ensures not to engage in illegal child labour directly or indirectly is consistent with the values and principles of amfori BSCI Code of Conduct.

- Are the questions in the recruitment procedure respectful to individuals?
- Does the auditee take into consideration gender issues?
- 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 verify the effectiveness of the way that the auditee establishes robust age-verification mechanisms, the auditor must at least evaluate that:

- The recruitment procedures integrate the necessary measures to avoid or minimise the risk to hire minors. The risk is higher for:
  - Certain sectors (e.g. mining, agriculture)
  - For jobs that require low or no qualifications
  - For work conducted in remote areas where:
    - Labour inspectors are less likely to reach
    - Individuals have limited access to official identity cards
- The age-verification mechanism includes:
  - Training the person or people in charge of hiring workers and dealing with high-risk situations
  - Training the person or people in charge of recruitment to “cross verify” interview techniques to find out the age of job candidates in interviews
  - Regular cross verification of workers’ age with other stakeholders (e.g. recruitment agencies, previous employers)
- The age verification mechanism is documented, including the type of questions used by the recruiter to cross verify the age claimed by the worker
- The age verification mechanism is triggered only in cases where the person in charge of recruitment may have doubts about the age claim

**Coherency:** Furthermore, the auditor shall evaluate that the way the auditee establishes robust age-verification mechanisms is consistent with the values and principles of amfori BSCI Code of Conduct.

- Are the questions in the recruitment procedure respectful to individuals?
- Does the age-verification mechanism take into consideration gender issues?
- Do workers usually have identification cards?
- Are medical check-ups used to support the verification of age?
• Is the auditee particularly vigilant if it is based in a region with a high level of migration and seasonal workers?
• Is the person in charge of human resources adequately trained on age verification?

8.3 Is there satisfactory evidence that the auditee has adequate policies and procedures in writing toward protecting children from any kind of exploitation?

Effectiveness: To verify the effectiveness of the way that the auditee protects children from exploitation, the auditor must at least evaluate that:

• The policies and procedures aim at avoiding any exploitation of children, both directly or indirectly
• The procedure develops from a systematic analysis of the circumstances under which exploitation of children occur
• The procedure sets out:
  o The necessary steps to ensure children are protected from exploitation
  o How to deal with the case of child labour in the most responsible and humane way

Coherency: Furthermore, the auditor shall evaluate that the way the auditee protects children from exploitation is consistent with the values and principles of amfori BSCI Code of Conduct

• Is there any hazardous working condition in the workplace that could be problematic even for adults? If yes, what kind of measure is absent but needs to be put in place to reduce or eliminate the hazard(s)?
• Is the business based in a region/area where drug trafficking, prostitution or any other illegal activity is recurrent? If yes, what additional measures shall be taken?
• Is the business based in a region/area where family poverty could be the driving force behind child labour?
• Is there any child labour programme or project run in the area by government, NGOs or others?
• Is there any trade union which could provide support in cases of child labour?
• Is there any educational or vocational training facility nearby or in the regional vicinity? Are there available contact details and/or schedules?
• Can the education or social welfare authorities provide assistance?
• Is there financial compensation available for children to stop working so they can go to school?

8.4 Is there satisfactory evidence that the auditee has adequate and remedial policies and procedures to provide for further protection in case children are found to be working?

Having a policy of only engaging adults is not considered a preventive measure neither responsible.

Possible alternatives: The auditee needs to understand child labour risks (through its own recruitment or indirectly) and the possible alternatives for an adequate removal and rehabilitation of the child into society (e.g. non-formal or basic education to bring older children up to grade level so they can successfully intern or re-enter regular schools).

Stepwise approach: The auditor and auditee need to be aware that in some cases the best approach may be to define a schedule for rectifying irregularities in order to progressively remove children from work. This might be more appropriate than drastically and immediately removing the child without any supervision. He or she may end up drifting back or disappearing into less visible and more exploitative, hazardous, illegal types of work.
Effectiveness: To verify the effectiveness of the way that the auditee provides for further protection in case children are found to be working, the auditor must at least evaluate that:

- The auditee has developed and maintains policies and procedures for remediation in case child labour occurs
- The remediation procedure includes removal and rehabilitation of the children
- The remediation procedure has the ultimate goal that the child is better off as a result of being removed, rehabilitated or prevented from working
- The auditee understands the relevance of stakeholders who could support in cases of dismissals of children who are found working. Examples of such stakeholders are local chapters of organisations like Save the Children, UNICEF and government agencies with mandates to protect children.

Coherency: Furthermore, the auditor shall evaluate that the way in which the auditee provides for further protection in case children are found to be working is consistent with the values and principles of amfori BSCI Code of Conduct

- Does the auditee understand why child labour needs to be eradicated?
- Does the auditee understand that a child who is found working needs to be responsibly rehabilitated into society?
- Does the auditee understand that a progressive removal may in some cases be the best solution?
- Are there any grievances lodged concerning any potentially irresponsible removal of a child?

Documents related to this performance area

- Personnel data files for all workers (including seasonal workers and workers hired using recruitment agencies)
- Age-verification procedure
- Documentary evidence of training given to workers, management and human resources (e.g. list of attendees with signatures)
- Procedure to avoid children exploitation
- Child labour remediation procedure
- Work contracts or agreements, including with recruitment agencies

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Annex 5: How to follow the Zero Tolerance protocol
- Annex 17 How to promote responsible recruitment
- Template 6: Stakeholder mapping
**Performance area 9: Special protection for young workers**

Young workers can be vulnerable to precarious employment arrangements, unfair remuneration and OHS hazards. For that reason, they are entitled to special protection in the workplace.

Even if the auditee does not engage young workers at the time of the audit, the auditee shall show:

- a good understanding of type of special protection to be granted to young workers
- the type of activities that young workers should not be engaged in because of being potentially harmful for them
- the type of measures taken to ensure such a special protection could be potentially given

Auditors must always include young workers as part of the interview sample, if there are young workers at the time of the audit.

9.1 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 verify the effectiveness of the way that the auditee ensures special protection to young workers, the auditor must at least evaluate that:

- The auditee includes as part of its OHS risk assessment, the identification of job tasks that could be assigned to young workers because they take into consideration their health, safety, morals and long-term development
- The auditee has set up the necessary measures to ensure that young workers are adequately protected against any harmful working condition - potential or actual - for their health, safety, morals and/or development
- The auditee has set up the necessary measures young workers are not engaged in night shifts

The period of time that qualifies as “night work” is usually defined by national law.

Without a defined national law, amfori BSCI considers “night work” as all work which is performed during a minimum period of seven consecutive hours, including the interval between midnight and 5 am, as defined by the ILO.

**Coherency**: Furthermore, the auditor shall evaluate that the way the auditee ensures special protection to young workers is consistent with the values and principles of amfori BSCI Code of Conduct.

- Are young workers satisfied with their task(s) and work schedules?
- Is management, particularly those in charge of human resources and supervisors, aware of the special protection granted to young workers?
- Is there a higher percentage of accident occurrences for young workers than for other categories of workers?
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?

Effectiveness: To verify the effectiveness of the ways in which the auditee ensures working hours do not prejudice young workers, the auditor must at least evaluate 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, as this could qualify as discrimination.

Coherency: Furthermore, the auditor shall evaluate that the ways in which the auditee ensures working hours do not prejudice young workers are consistent with the values and principles of amfori BSCI Code of Conduct.

- Are young workers satisfied with the work schedule?
- Have there been any internal trainings organised at times when young workers could not attend?
- Are supervisors aware of the time that young workers work? Do they take additional measures to ensure that young workers do not exceed the 10 hours daily limit (work, school, transport)?
- Are there cases when young workers were promoted after having finished vocational training?

9.3. CRUCIAL QUESTION: Is there satisfactory evidence that the auditee has established the necessary mechanisms to prevent, identify and mitigate harm to young workers?

Effectiveness: To verify the effectiveness of how the auditee establishes the necessary mechanisms to not prejudice young workers, the auditor must at least evaluate that:

- The OHS risk assessment and related action plan pay specific attention to young workers
- Workers and their representatives are consulted and involved in identifying the most appropriate preventive and mitigation measures
- The mitigation measures are properly documented and practiced, when applicable

Coherency: Furthermore, the auditor shall evaluate that the ways in which the auditee establishes the necessary mechanisms to not prejudice young workers is consistent with the values and principles of amfori BSCI Code of Conduct.

- Are there any cases in the accident records that show that the mitigation measures were applied to young workers? Were there any lessons learned? If yes, how have they been integrated in the revision of the OHS action plan?
- Are there special preventive and mitigation measures to address young female workers?
- Are supervisors aware of the preventive and mitigation measures to avoid harming young workers?
9.4 Is there satisfactory evidence that the auditee seeks to ensure young workers have access to effective grievance mechanisms?

**Effectiveness:** To verify the effectiveness of the ways in which the auditee ensures young workers have access to effective grievance mechanisms, the auditor must at least evaluate that:

- Young workers receive special training on how to lodge a grievance
- Young workers are properly informed on the available support provided to them to lodge a grievance
- Young workers are trained regardless of the circumstance of employment: seasonal, subcontracted or directly engaged
- The auditee keeps records of training provided to young workers, concerning the existence and use of the grievance mechanism

**Coherency:** Furthermore, the auditor shall evaluate that the ways in which the auditee ensures young workers have access to effective grievance mechanisms is consistent with the values and principles of amfori BSCI Code of Conduct.

- Are young workers satisfied with the quality of trainings? Do they understand the steps to lodge a grievance and who could help them in the process?
- Does the auditee pay particular attention to ensure access to young female workers?
- Are there any grievances lodged by young workers? Are there any grievances lodged about possible laxity in protecting young workers?
- What are the lessons learned? How are they integrated in the revision of the grievance mechanism?
- Are supervisors made aware and instructed to provide support to young workers to access and utilise the grievance mechanism?

9.5 Is there satisfactory evidence that the auditee seeks to ensure that young workers are properly trained on OHS and have access to related training programmes?

**Effectiveness:** To verify the effectiveness of the way that the auditee ensures young workers are properly trained on OHS, the auditor must at least evaluate that:

Young workers receive occupational health and safety training on the specific risks they face as young workers as well as those related to their specific tasks.

The auditee has documented these trainings, which include:

- Dates, schedule (which should not conflict with schooling or vocational training)
- Content
- Trainer name and qualifications
- Attendance list with attendee signatures
Coherency: Furthermore, the auditor shall evaluate that the way in which the auditee ensures young workers are properly trained on OHS is consistent with the values and principles of amfori BSCI Code of Conduct.

- Are young workers satisfied with the quality of trainings? Do they understand the specific risks associated with their tasks and how to manage them?
- 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?
- Are there any grievances lodged about potential laxity in protecting young workers?
- What are the lessons learned? How are they integrated in the revision of the OHS action plan?
- Are supervisors made aware and instructed to provide support to young workers on OHS?

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

Effectiveness: To verify the effectiveness of the way that the auditee seeks to have the overview of all young workers engaged; the auditor must at least evaluate 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
- The auditee has a good overview of young workers’ work cycles in the organisation
- Work cycle refers to:
  - The recruitment process
  - Remuneration
  - Hours of work
  - Disciplinary measures
  - Promotion
  - Trainings and termination of employment
- The auditee collects and keeps specific records on young workers

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

Such records should be kept in accordance with the national regulations for handling confidential information. See also performance area 13: Ethical Business Behaviour.

Coherency: Furthermore, the auditor shall evaluate that the overview of all engaged young workers is both complete and consistent with the values and principles of amfori BSCI Code of Conduct.

- Is the person responsible for human resources aware of the number of young workers engaged in the company or producer organization?
- Does the auditee keep accurate records on young workers? Is the work cycle of young workers understandable from the records?
- Are there examples of young workers who have received promotions and/or who have faced disciplinary measures?
- Is young workers remuneration in line with the level of responsibility? Are there specific rules for remunerating apprentices?
- If the auditee claims to have a policy of not hiring young workers, what are the reasons behind it? Is the auditee aware of side effects for having such a policy?
- Are the personal data of young workers handled in a respectful manner?
Documents related to this performance area

- Documentation of all trainings given to young workers
- Risk assessment and related action plan with specific measures to protect young workers and young female workers
- Young workers overview records
- Young workers’ work cycle overview

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Template 7: Young workers data
- Annex 4: How to set up a grievance mechanism

Notes:
**Performance area 10: No precarious employment**

Precarious work deeply damages societies at large. It leaves workers and communities in unstable and insecure situations, disrupting their life planning options.

More concretely, precarious workers are found to suffer a higher rate of occupational health and safety issues. Such impacts fortify gender divisions and worsen the situation of migrant workers.

The general conditions of fear and insecurity also dissuade workers from exercising their rights, leaving them even more vulnerable to precarious work arrangements.

**10.1 Is there satisfactory evidence that auditee employment relationships are not precarious for the workers?**

Precariousness can affect both permanent and temporary workers.

**Temporary workers:** The definition of permanent and temporary jobs (e.g. seasonal) is usually given by law. If this is not the case, jobs that have a pre-determined end date or will end as soon as a project is completed are considered as temporary.

**Effectiveness:** To verify the effectiveness of the way in which the auditee ensures no precarious employment, the auditor must at least evaluate that:

- The employment relationship does not cause insecurity to the worker. These are examples that cause insecurity:
  - Deprive workers from social security
  - Use of seasonal contracts at the expense of providing permanent positions
  - Recruitment and dismissal practices to avoid consolidation of workers’ rights
- The auditee monitors that work cycles are respectful to the workers at every step. These steps are:
  - Recruitment process
  - Remuneration
  - Hours of work
  - Disciplinary measures
  - Promotion
  - Trainings
  - Termination of employment
- The auditee does not use temporary job arrangements to cover workloads that lack pre-determined end dates
- The auditee does not misuse probationary periods:
  - Their duration is according to the law: national legislation often defines the first few months of a new employment relationship as a probationary period. The maximum duration is generally specified in the national legislation
  - Their purpose is to try out the employment relationship for both the employer and the employee. They are normally associated with special periods of notice for termination, while other obligations such as the remuneration and social security provision remain unaffected

**Good practices:** The auditee defines working conditions and working hours by taking into account workers who are parents or caregivers.
The auditor shall acknowledge these efforts under “Good practices” in the Findings Report. Any other contractual practice that goes beyond legal requirements to create beneficial and secure working conditions shall be acknowledged as good practice.

**Coherency:** Furthermore, the auditor shall evaluate that the way the auditee ensures no precarious employment is consistent with the values and principles of amfori BSCI Code of Conduct

- Is the person responsible for human resources aware of practices that can potentially make employment precarious?
- Does the auditee keep accurate records on workers’ work cycles? Is there any indication of an employment practice that could create insecurity?
- Are there any grievances concerning potentially precarious employment practices, including against members of producer organizations?
- Are workers and their representatives involved when the auditee defines working hours, training or disciplinary measures?
- Are members of producer organizations made aware of precarious employment issues and advised on recruitment procedures and arrangements?
- Is the role that workers may have as parents or caregivers taken into consideration by the auditee?

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

**Effectiveness:** To verify the effectiveness of the way that the auditee engages workers, the auditor must at least evaluate that:

- The work relation is established in line 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 documentary proof that makes the workers aware of their rights and obligations. Contracts are one among other possibilities (e.g. posters indicate the working rules).
- 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 hired 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 and cross-checking through interviews of workers
  - Keeping up-to-date records on these workers
**Coherency:** Furthermore, the auditor shall evaluate that the way the auditee engages workers is consistent with the values and principles of amfori BSCI Code of Conduct.

- Is the person responsible for human resources aware of the framework that provides the greatest protection to workers? (E.g. local custom stipulates additional social benefits)
- Are members of a producer organization made aware of employment frameworks that provide protection to their workers, including seasonal and temporary workers?
- 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 engaged to ensure additional sources of information?
- Are there any grievances lodged concerning potentially unrecognised working relations, including at the level of members of a producer organization?

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

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

- **Understandable:** The auditee takes necessary measures to facilitate the understanding of information on working conditions. This may require:
  - Translation into the language of workers
  - Audio and visual guidance for disabled workers as well as workers who have difficulties in reading and writing
- **Accurate:** The information refers to rights, obligations, and employment conditions that will effectively apply to the worker upon starting employment. 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
- **Indirect recruitment:** The auditee provides the same necessary information to workers hired through recruitment agencies, labour subcontractors or brokers.

**Coherency:** Furthermore, the auditor shall evaluate if the way in which the auditee engages workers is consistent with the values and principles of amfori BSCI Code of Conduct.

- Is the person responsible for human resources aware of workers’ rights and obligations? Does that person explain them in an easy manner? Does the person speak other languages or dialects that can be preferred by workers?
- How are workers who are engaged by recruitment agencies and labour subcontractors 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?
• Are workers representatives engaged to ensure additional sources of information?
• Are members of a producer organization aware of their responsibility to provide workers with accurate information prior to hiring?

10.4 CRUCIAL QUESTION: Is there satisfactory evidence that the auditee does not use employment arrangements in a way that deliberately conflicts with 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 verify the effectiveness of the way that the auditee uses employment arrangements, the auditor must at least evaluate 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: Furthermore, the auditor shall evaluate if the way that the auditee uses employment arrangements is consistent with the values and principles of amfori BSCI Code of Conduct.

• Is the person responsible for human resources aware of the additional risks of these employment arrangements?
• How do workers engaged under these circumstances explain their rights and obligations?
• Are workers representatives engaged to ensure additional sources of information?
• Are members of a producer organization made aware of the risks of unlawful employment arrangements?
Documents related to this performance area

- Employment contracts and/or posters where workers' rights and obligations are displayed
- Recruitment and dismissal procedures and records
- Overview of subcontractors
- Overview of apprenticeships granted in the company
- Overview of seasonal workers

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Annex 14: How to integrate gender equality in the due diligence strategy
- Annex 17: How to promote responsible recruitment

Notes:
**Performance area 11: No bonded labour**

Bonded or forced labour is unacceptable regardless of the circumstances. The utmost must be done so that no form of bonded labour takes place anywhere in the supply chain, on company premises or within the sphere of influence.

The risk of bonded labour is not only determined by the working conditions at factory or farm level, it can find its roots in the recruitment process. Workers might be exploited before they even enter a factory or step foot on a farm by unscrupulous agents.

To prevent these issues, the employer must conduct accurate due diligence on the business partners engaged to acquire labour force: recruiting agencies, labour brokers and labour subcontractors.

**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 verify the effectiveness of the ways in which the auditee ensures not to engage in bonded labour, the auditor must at least evaluate that:

- The auditee exercises due diligence to avoid engaging in any form of bonded labour for own workers as well as for workers recruited through agents or labour subcontractors.
- Managers, particularly supervisors and those in human resources, are aware of the defined procedures to minimise the risk of bonded labour.
- 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.
- The auditee engagement with the workforce do not include any potential or actual risk of forced labour. For example:
  - Lack of workers’ consent to work.
  - Intentional cruelty.
  - Coercion (e.g. debt bondage, restriction of movement, violence, threats or intimidation).
  - Charging recruiting fees (see Annex 17: How to promote responsible recruitment).
- The auditee does not request workers to leave personal documents or vital possessions in deposit.
- The auditee does not apply unlawful retention of wages or benefits or illegal deductions.
- Workers do not work through any form of servitude (e.g. negotiation of visa, housing, work 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. Security restriction shall be established to protect workers, not to limit their movement.
- Workers are allowed to choose accommodation outside of the housing offered by the employer, if applicable.

In countries where applicable legislation conflicts with the “No bonded labour” principle (e.g. migrant workers are not permitted to change employer for a given number of years), the auditor will verify that the producer is enforcing adequate measures to prevent the risk of bondage (e.g. provide sufficient...
Coherency: Furthermore, the auditor shall evaluate that the way the auditee ensures not to engage in bonded labour is consistent with the values and principles of amfori BSCI Code of Conduct.

- Is the person responsible for human resources aware of the additional risk of bonded labour when the auditee uses brokers?
- Does the auditee understand the risks of bonded labour? Does the auditee pay additional attention to avoid the risks?
- Are members of a producer organization made aware of the risk of bonded labour and the need to define preventive measures?
- Are workers representatives engaged to ensure additional sources of information?
- Are there any grievances lodged concerning potential bonded labour?
- Is the person responsible for human resources aware of the auditee responsibility to guarantee protection to forced labour victims?

Specific guidance on prison labour:

Prison labour: The most familiar and accurate notion of prison labour is that which provides a form of occupation for convicts. Such labour is not per se a human rights violation, if it fulfils certain conditions, such as:

- Prisoners offer their labour voluntarily, without being subjected to pressure or the threat of any punishment
- The work is performed under conditions close to a free labour relationship (wage level, social security, OHS) to the extent that prisoners’ conditions allow it

This means that if the auditee is using prisoners to work (both directly and indirectly), the auditor shall verify that work is conducted in the framework of national law and the ILO Conventions 29 and 105.

In any case, amfori BSCI recommends that amfori BSCI participants do not engage with business partners that use prison labour in China since prisoners there are often forced to work in conditions that contravene international labour or human rights standards because:

- The prison labourer’s rights are not covered under Chinese labour contract law and labour law but under the prison’s law and criminal law. Full labour rights, including overtime rates, are not properly protected
- The laws of the local prison and criminal law that govern prison labour include explicit terms which indicate that legal minimum wages do not apply in prison labour but are instead subject to the discretion/decision of the individual prison’s management
- Due to the prison’s rules and regulations, it is impossible for auditors to carry out a full amfori BSCI audit in any of the prison’s work sites

amfori BSCI participants should not use prison labour in China and, if found during an amfori BSCI audit, auditors must report it as a Zero Tolerance issue, following amfori BSCI Zero Tolerance Protocol (see Annex 5: How to follow the amfori BSCI Zero Tolerance Protocol). This recommendation might change in the future if Chinese laws evolve to offer the same kinds of protection to prison labourers as other workers especially with regard to decent working conditions.
Specific guidance on Sumangali:

The term ‘Sumangali’ refers to certain worker recruitment and retention practices in the spinning sector and in the textile and garment industries in India, in which typically young unmarried women are recruited from rural villages to work in spinning mills for a number of years. The defining characteristic of Sumangali is the employers’ retention of a substantial part of the worker’s wage, which is promised in a lump-sum at the completion of the worker’s contract period. Sumangali commonly entails strictly monitoring and controlling the movement of the young women outside working hours to ensure that they sleep in designated hostels provided by the employer.

The provision of a lump-sum payment before marriage and a controlled and supervised living environment for the young workers resonates well with many marginalised rural families from lower castes who often lack economic alternatives. However, the isolation of these young workers in addition to the economic hardship of their families renders them highly vulnerable, which increases the risk that many of their rights in the workplace might be violated. For example, research shows that the lump-sum payment due at the end of the worker’s contract is often illegally deducted from her/his due wage. This deduction deprives the workers of their right to decent remuneration. It commonly results in bonded labour situations.

amfori BSCI does not endorse the practice of Sumangali under any guise, and instructs auditors to follow the relevant auditing guidance on Sumangali issued by Social Accountability International in April, 2011. Auditors are also asked to carefully check the sub-suppliers that a factory utilises and to verify that a functioning management system is in place.

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 verify the effectiveness of the ways in which the auditee acts diligently when recruiting migrant workers, the auditor must at least evaluate that:

- The auditee understands that migrant workers are more vulnerable than other workers towards ending up in forced labour situations
- The auditee pays attention and vigilance to indirect engagement (e.g. via recruitment agencies, brokers or labour subcontractors)
- The auditee devotes unambiguously attention and potential remediation 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 recruitment fee to the agency and she/he lacks transparency on the terms of employment such as deductions and remuneration)
  - Restriction of movement (visa, travel documents or vital possessions are held 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:** Furthermore, the auditor shall evaluate if the way in which the auditee recruits migrant workers is consistent with the values and principles of amfori BSCI Code of Conduct.

- Is the person responsible for human resources aware of the additional risks of bonded labour when engaging migrant workers?
- Does the auditee take additional preventive measures?
- Are workers representatives engaged to ensure additional sources of information?
- 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 verify the effectiveness of how the auditee ensures workers do not receive degrading treatment, the auditor must at least evaluate 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
- Supervisors are instructed to never punish workers corporally or mentally and there are consequences if they do so
- 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 each worker to store personal belongings
  - Separate accommodation for women and men

**Coherency:** Furthermore, the auditor shall evaluate that the way in which the auditee ensures workers do not receive degrading treatment is consistent with the values and principles of amfori BSCI Code of Conduct.

- Is management, particularly supervisors, aware that punishment or degrading treatment toward workers is not allowed? Do they understand the consequences of contravening this?
- Does the auditee take additional preventive measures to avoid punishing or degrading workers?
- Are workers representatives engaged to ensure additional sources of information?
- Are there any grievances lodged concerning potential punishment of or degrading treatment toward workers?
11.4 Is there satisfactory evidence that the auditee has established all applicable disciplinary procedures in writing and has explained them verbally to workers in clear and understandable terms?

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

- The employer uses disciplinary measures only when there are concerns about work, conduct or unjustified absence
- Disciplinary measures and procedures are outlined in writing and workers know them and can easily access them. They describe:
  - What kinds of performance and behaviour might lead to disciplinary measures
  - What kinds of measures the employer might take
  - The decision process to take disciplinary measures
- Disciplinary procedures shall include the name of a person who shall help the worker express her/his viewpoint or disagreement with any disciplinary measure (usually from HR or the workers representative)
- 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 Performance area 5: Fair Remuneration and Annex 9: How to promote fair remuneration)

**Coherency:** Furthermore, the auditor shall evaluate that the way the auditee establishes disciplinary measures is consistent with the values and principles of amfori BSCI Code of conduct.

- Are the disciplinary procedures consistent and in line with the law?
- Is there documentary evidence on how they are implemented?
- Are workers aware of the disciplinary measures and do they understand the content and consequences?
- Are the workers representatives consulted and involved?
- Are there disciplinary measure that could represent gender-based or any other discrimination?
Documents related to this performance area

- Documentary evidence of trainings given to workers, management and human resources (e.g. list of attendees with signatures)
- Documentary evidence on disciplinary procedures
- Employment contracts including those related to security personnel, cleaning and other services
- Documentary evidence on disciplinary cases and measures taken

Notes:

Ready to learn more?
Here are some other resources that will help you to dive deeper:

- Annex 5: How to follow the Zero Tolerance protocol
- Annex 17: How to promote responsible recruitment
- Position paper on sumangali
- Position on prison labour in China
- Responsible recruitment guidelines
**Performance area 12: Protection of the environment**

**IMPORTANT:** If the main auditee holds a valid GlobalGAP Certificate, the auditor shall not monitor this performance area.

Setting up environmental policies and procedures reflect business responsibility to observe the law, minimize negative environmental impact and make positive contributions to long-term development. In the context of business and human rights due diligence, the right to a healthy environment cannot be neglected and shall be part of the business due diligence.

12.1 Is there satisfactory evidence that the auditee continuously identifies the significant impacts and environmental implications associated to its activity?

Business enterprises should assess the impacts of their operations to prevent or minimise their adverse environmental impact to the surrounding communities, resources and workers in the supply chain.

**Effectiveness:** To verify the effectiveness of the way in which the auditee assesses its adverse environmental impacts, the auditor must at least evaluate that:

- The auditee assesses and determines its environmental impact taking into consideration all processes of its the business (whether industrial or agricultural production)
- The auditee establishes plans to minimize its negative environmental impacts, which include goals, corrective measures and monitoring mechanisms
- The auditee integrates into the impact assessment any new processes or newly installed equipment (e.g. this can be seen in adaptations of the remediation plan)
- The auditee has a clear understanding of how surrounding communities, natural resources and workers are affected by its activity
- The auditee has a pre-defined interval for carrying out such environmental impact assessments and appoints staff with the right skills to do so.

**Coherency:** Furthermore, the auditor shall evaluate that the way the auditee assesses its environmental impact is consistent with the values and principles of amfori BSCI Code of Conduct.

- Has the auditee incurred in any penalty or fee as a result of inappropriate environmental management practices?
- Is there a grievance mechanism in place to address the environmental concerns of surrounding communities?
- Is the person in charge of conducting the impact assessment qualified?
- Is there a procedure to ensure impact assessments are regularly conducted?
- Are workers and members of a producer organization made aware and trained of significant impacts and environmental implications related to their operations?
12.2 Is there satisfactory evidence that the auditee has procedures in place to ensure integration of local environmental law into the business model?

**Effectiveness:** To verify the effectiveness of the procedures, the auditor must at least evaluate that the auditee has:

- Policies and procedures to incorporate relevant environmental laws
- Made these policies and procedures a visible part of the business or organizational culture
- Mechanisms to ensure:
  - Ongoing identification of environmental legislation
  - Definition of the specific requirements that are applicable to its daily activities
  - Identification of sources of information on environmental legislation such as:
    - specialised sites online
    - publications issued by industry experts
    - tailor-made services provided by specialised companies

**Coherency:** Furthermore, the auditor shall evaluate that the way in which the auditee has developed procedures to integrate environmental law is consistent with the values and principles of amfori BSCI Code of Conduct.

- Is there a grievance mechanism in place to address the environmental concerns of surrounding communities?
- Is the person in charge of drafting the procedure qualified?
- Is the procedure revised regularly?

12.3 Is there satisfactory evidence of the auditee’s required environmental permits and licences?

**Effectiveness:** To verify the effectiveness of available permits and licenses, the auditor must at least evaluate that:

- The necessary environmental permits and licences, required by law to carry out the specific business activities, are made available and are also valid
- In case the permits and licences are not available:
  - The auditee has undertaken all actions to solicit the relevant licence(s) and/or permit(s) from the competent authorities
  - Additional consideration must be given to any delays that result from the bureaucratic processes of those authorities. If this is the case, documentation to confirm the bureaucratic delay should be made available.

**Coherency:** Furthermore, the auditor shall evaluate that the auditee’s available permits and licenses and/or its efforts to obtain them is consistent with the values and principles of amfori BSCI Code of Conduct

- Does the auditee understand the importance of having these permits/licenses?
- Are the documents relevant for the business activities?
- Do these permits need to be updated on a regular basis? How often? Have they been correctly and recently validated?
12.4 Is there satisfactory evidence that waste is managed in a way that does not lead to the pollution of the environment?

There are local areas 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 verify the effectiveness of the way in which the auditee manages its waste, the auditor must at least evaluate:

- How the auditee manages the waste, including packaging material, chemicals and agro-chemicals containers
- The auditee devotes particular attention to industrially contaminated water, agricultural wastewater and hazardous waste
- The auditee has procedures 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 designated 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
  - Designate and use areas for the storage and disposal of hazardous waste
  - Ensure monitoring and treatment systems for all wastewater generated, in line with relevant laws and permits
  - Prevent the discharge of water pollutants and restore water quality

**Coherency:** Furthermore, the auditor shall evaluate that the auditee’s waste management is consistent with the values and principles of amfori BSCI Code of Conduct.

- 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 policy and procedures for waste management?
- Are there any grievances lodged about potential irregular waste management by the business?
- Has the auditee incurred penalties or fees as a result of inappropriate waste management practices? If so, what have been the lessons learned?
12.5 Is there satisfactory evidence that water is managed in a way that respects the environment, particularly but not limited to preserving local water sources?

**Effectiveness:** To verify the effectiveness of the way in which the auditee manages water, the auditor must at least evaluate that:

The auditee has mechanisms in place to promote water conservation and water waste reduction. This refers to water used for industrial, 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 / sources in the area
- Documented risk assessments that justify management decisions on water use (e.g. irrigation in farms)
- Awareness raising to workers on water waste reduction e.g. irrigation system
- Procedures to use water rationally and reuse it when possible
- Record keeping on the status / health of water sources used and critical issues

**Coherency:** Furthermore, the auditor shall evaluate that the auditee’s water management is consistent with the values and principles of amfori BSCI Code of Conduct

- 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 or producer organization relevant for the business activities?
- Are workers aware of the business policy and procedures for water management?
- Are there any grievances lodged about potential irregular water management by the business?

**Documents related to this performance area**

- Environmental risk / impact assessment
- Map identification of water springs, rivers, lakes in the area of auditee activities
- Calculation of the necessary financial and personnel resources to comply with the minimum social and environmental requirements
- Valid certificates and environmental licenses
- Waste management plan
- Water management plan
- Environmental Management policies and procedures

**Ready to learn more?**
Here are some other resources that will help you to dive deeper:

- Annex 3: How to set up a Social Management System (SMS)
- Annex 8: How to quickly assess other monitoring systems
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 any form of bribery in its activities as a business enterprise?

**Effectiveness:** To verify the effectiveness of the way in which the auditee opposes actively and unambiguously to any act of corruption, the auditor must at least evaluate that

- The auditee identifies the situations and activities where acts of corruption, extortion or bribery are most likely to occur in its business. Particular attention shall be given to procurement, recruitment, administration and request of permits and reception of audits
- The auditee develops and make available policies condemning any act of corruption
- The auditee develops procedures and takes active measures to prevent and fight any act of corruption
- The auditee regularly training workers about the benefits of a work environment free of corruption and actively reward workers and management’s honest behaviour

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

**Coherency:** Furthermore, the auditor shall evaluate that the auditee’s ethical and active policies and procedures are consistent with the values and principles of amfori BSCI Code of Conduct.

- Does the auditee have a policy (e.g. amfori BSCI) in place that publicly condemns corruption, extortion and bribery as unacceptable unethical behaviours perpetrated in its business and sphere of influence?
- Which mechanisms does the auditee use to inform and train workers and producer organization members on the problem of corruption?
- Has the auditee identified where and how the major risks of corruption could occur?
- Does the auditee have procedures in place to investigate and discourage any misbehaviour among the workers, particularly those with decision-making power?
- Does the auditee “reward” ethical behaviour and integrity among its workers and managers?
- Does the auditee include ethics and integrity in training given to workers and managers or producer organization members?
- 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.

Legal compliance departments should work closely with buyers and other relevant colleagues to ensure all personal information - on workers, business partners, clients and others - is carefully filed. It must comply with privacy laws and standards.

For more information on see Annex 3: How to set up a Social Management System.
Effectiveness: To verify the effectiveness of record keeping on auditee activities, structure and performance, the auditor must at least evaluate 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 in which the auditee organises its production sites should be available and clear

Coherency: Furthermore, the auditor shall evaluate that the gathered and filed information is consistent with the values and principles of amfori BSCI Code of Conduct

- Is there a follow-up on any previously reported audit or government inspection findings?
- Does the auditee disclose the information in accordance with applicable regulations and industry benchmark practices?
- Are there any possible risk of discrimination in the way private information is gathered and filed by the auditee?
- Is there a grievance mechanism where affected individuals or communities could complain against the way the auditee gathers and files information?

13. 3 CRUCIAL QUESTION: Is there satisfactory evidence that the auditee takes the necessary measures to not be involved in falsifying information related to its activities, structure and performance; nor in any act of misrepresentation of its supply chain?

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

They can relate to:

- **Auditee’s own scope of operations** (e.g. invalid or fake business license, not declaring production units, misleading RSP holder or auditor to limit the scope of an amfori BSCI audit)
- **Auditee’s supply chain** (e.g. undeclared production or sourcing operations)

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

- Understands the severity of these unethical business behaviours
- Has a serious and unambiguous commitment to avoid any such behaviour
- Has developed (and maintain) the necessary internal procedures to minimise the risks of falsification or misrepresentation
- Ensures proper investigation and disciplinary measures if any staff behave unethically

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

The auditor shall follow the amfori BSCI Zero Tolerance Protocol (see Annex 5: How to follow the Zero Tolerance Protocol) if flagrant falsification, fraud or misrepresentation is identified during the amfori BSCI audit.
Coherency: Furthermore, the auditor shall evaluate if the measures to avoid falsification or fraud are consistent with the values and principles of amfori BSCI Code of Conduct.

- 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 verify the effectiveness of how the auditee handles personal information, the auditor must at least evaluate that the auditee:

- Collects and processes personal data of individuals with the outmost respect for the individuals’ fundamental rights (particularly the right to privacy)
- Applies reasonable care to the personal information of directly hired workers, business partners, customers and consumers in the auditee’s sphere of influence
- 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)
- Collects and processes personal information in line with the applicable information security laws

Coherency: Furthermore, the auditor shall evaluate if the way the auditee handles personal information is consistent with the values and principles of amfori BSCI Code of Conduct.

- Does the auditee understand the importance of handling personal information respectfully?
- Is the information on workers treated adequately, particularly if they are vulnerable workers?
- Are the records, particularly those with private information, properly filed with the necessary guarantees?
- Are there any consequences for supervisors who fail to treat personal information with respect?

Documents related to this performance area

- Business license
- Anti-corruption policy
- Corruption risk assessment
- Procedure for investigation and discouragement of unethical behaviour
- Communications and trainings to promote and reward integrity

Ready to learn more? Here are some other resources that will help you to dive deeper:

- Annex 3: How to set up a Social Management System (SMS)
- Annex 5: How to follow the Zero Tolerance protocol