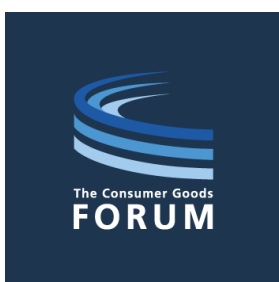


Sustainable Supply Chain Initiative – Social Benchmarking Criteria

**Draft for Public Consultation
25 July 2018**



1. Management System

Essential Criteria

Draft Benchmarking Criteria	Source
<p>1.01 The standard shall require that the organisation has in place a written policy commitment to meet their responsibility to respect human and labour rights.</p>	<p>The criterion is taken from the UNGP, Chapter 15, which requires a policy commitment to meet the responsibility to respect human rights.</p> <p>The UNGP state: "In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including: (a) A policy commitment to meet their responsibility to respect human rights [...]"</p>
<p>1.02 The standard shall require that the organisation demonstrates that the policy is communicated to all personnel in a language and way they understand.</p>	<p>The criterion is based on the UNGP, Chapter 15, which requires the policy commitment to be communicated to all personnel.</p> <p>The UNGP state: "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (...) (d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties (...)"</p>
<p>1.03 The standard shall require that the organisation has procedures in place to implement the human and labour rights policy.</p>	<p>The criterion is taken from the UNGP, Chapter 16, which requires the policy to be reflected in operational policies and procedures.</p> <p>The UNGP state: "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (...) (e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise."</p>
<p>1.04 The standard shall require that the organisation regularly trains all members of the organisation on human and labour rights. Training attendance shall be documented.</p>	<p>The criterion is taken from the 66/137. United Nations Declaration on Human Rights Education and Training, Article 10, which encourages the private sector and other relevant stakeholders to ensure adequate human rights education and training for their staff and personnel.</p> <p>The United Nations Declaration on Human Rights Education and Training states: "Civil society institutions, the private sector and other relevant stakeholders are encouraged to ensure adequate human rights education and training for their staff and personnel."</p>
<p>1.05 The standard shall require that the organisation communicates its requirements on human and labour rights to direct suppliers, sub-contractors, and private employment agencies.</p>	<p>The criterion is based on the UNGP, Chapter 16, which requires the policy to be reflected in operational policies and procedures necessary to embed it throughout the business enterprise.</p> <p>The UNGP state: "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties;"</p>

Supplementary Criteria

Draft Benchmarking Criteria	Source
<p>1.01.01 The standard shall require that the organisation makes its policy statement publicly available.</p>	<p>The criterion is taken from the UNGP, Chapter 16, which requires the policy commitment to be publicly available.</p> <p>The UNGP state: "As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that: (...) (d) Is publicly available (...)"</p>
<p>1.03.01 The standard shall require that the organisation conducts a human and labour rights risk assessment to identify and prioritise, according to their severity, the areas of actual or potential impacts on human and labour rights of its own operations.</p>	<p>The criterion is taken from the UNGP, Chapter 17, which requires a human rights due diligence process including the assessment of actual and potential human rights impacts of its own activities.</p> <p>The UNGP state: "In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence: (...) (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities (...)"</p>
<p>1.03.02 The standard shall require that the organisation conducts a human and labour rights risk assessment of its direct suppliers, sub-contractors, and private employment agencies. The organisation shall work with direct suppliers, sub-contractors, and private employment agencies to address the identified risks.</p>	<p>The criterion is taken from the UNGP, Chapter 17, which requires that the human rights due diligence process includes impacts directly linked to operations, products or services by business relationships.</p> <p>The UNGP state: "In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings (...). Human rights due diligence: (...) (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;"</p>
<p>1.03.03 The standard shall require that the organisation monitors direct suppliers, sub-contractors and private employment agencies on the protection of human and labour rights according to a risk-based approach.</p>	<p>The criterion is based on the UNGP, Chapter 20, which requires tracking the effectiveness of the measure taken to address negative impacts by means of indicators.</p> <p>The UNGP state: "In order to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness of their response. Tracking should: (a) Be based on appropriate qualitative and quantitative indicators."</p>
<p>1.03.04 The standard shall require that the organisation extends the human and labour rights risk assessment and monitoring activities to the supply chains of their direct suppliers and work closely with them to address the identified risks.</p>	<p>The criterion is taken from the UNGP, Chapter 17, which requires that the human rights due diligence process includes impacts directly linked to operations, products or services by business relationships.</p> <p>The UNGP state: "In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings (...). Human rights due diligence: (...) (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;"</p>

<p>1.03.05 The standard shall require that the organisation conducts internal audits on the implementation, performance and impacts of the human and labour rights policy.</p>	<p>The criterion is based on the UNGP, Chapter 20, which requires feedback from internal sources as a system to track the effectiveness of the measures taken to address negative impacts.</p> <p>The UNGP state: "In order to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness of their response. Tracking should: (b) Draw on feedback from both internal and external sources, including affected stakeholders."</p>
<p>1.03.06 The standard shall require that the organisation regularly conducts a management review of its policy statement, policies, and procedures implementing human and labour rights, in order to continually improve.</p>	<p>The criterion is based on the UNGP, Chapter 17, which requires the human rights due diligence to be on-going in order to consider changes over time.</p> <p>The UNGP state: "In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence: (...) (c) Should be on-going, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve."</p>

2. Compliance with International Labour Standards and National Legislation

Essential Criteria

Draft Benchmarking Criteria	Source
<p>2.01 The standard shall require that the organisation complies with relevant national and local labour legislation.</p>	<p>The criterion is taken from the UNGP, Chapter 23, which requires compliance with all applicable laws.</p> <p>The UNGP state: "In all contexts, business enterprises should: (a) Comply with all applicable laws (...)"</p>
<p>2.02 The standard shall require that if national legislation sets a higher level of protection than required by the scheme's standard, national legislation shall prevail.</p>	<p>The criterion is based on the UNGP, Chapter 23, which requires compliance with applicable laws. The requirement to apply the highest level of protection is derived from the statement that businesses should honour the principles of internationally recognized human rights.</p> <p>The UNGP state: "In all contexts, business enterprises should: (a) Comply with all applicable laws, (b) Seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements (...)"</p>

<p>2.03 The standard shall require that if following the requirements as set out in the standard would break national or local law, the organisation shall seek ways to honour the principles of internationally recognised human rights.</p>	<p>The criterion is taken from the UNGP, Chapter 23, which requires seeking ways to honour the principles of internationally recognized human rights when faced with conflicting requirements.</p> <p>The UNGP state: "In all contexts, business enterprises should: (b) Seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements;"</p>
--	---

3. No Forced, Bonded and Prison Labour

Essential Criteria

Draft Benchmarking Criteria	Source
<p>3.01 The standard shall require that the organisation ensures that all workers have the right to enter into employment voluntarily and freely and does not engage in, support or tolerate forced labour.</p>	<p>The criterion is taken from ILO C105, Art 1 & 2 and ILO C29, Art. 2, which require all work to be voluntary and prohibit the use of any form of forced or compulsory labour. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C105 states: "Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour"</p> <p>ILO C29 states: "For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>

<p>3.02 The standard shall require that the organisation does not force any person to work under the menace of any penalty or sanction.</p>	<p>The criterion is taken from ILO C105, Art 1 & 2 and ILO C29, Art 1 & 2, which require that workers are not to be forced to work under the menace of any penalty. It is also based on the CGF Priority Industry Principle (CGF PIP) #1 and 3.</p> <p>ILO C29 states: "For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."</p> <p>ILO C105 states: "Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour"</p> <p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>3.03 The standard shall require that the organisation does not use prison labour when not in accordance with ILO Convention 29.</p>	<p>The criterion is taken from ILO C29, Art 2, which specifies under which conditions prison labour is not considered a form of forced labour.</p> <p>ILO C29 states: "Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include-- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;"</p>
<p>3.04 The standard shall require that the employer bears the costs of recruiting workers and that no fees or costs are charged (directly or indirectly, in whole or in part) to job-seekers and workers for services directly related to recruitment.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Human Trafficking & Forced Labour, ii, and ILO C181, Art 7, and the CGF Priority Industry Principle (CGF PIP) #2, which state that no fee or cost for recruitment shall be charged to the worker.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "ii. Recruitment of Migrant Workers: No fee or cost for recruitment shall be charged directly or indirectly, in whole or in part, to the worker. If an exception is made, it should be in the interest of the workers concerned, and after consulting the most representative organizations of employers and workers. All costs related to recruitment should be disclosed to the workers."</p> <p>ILO C181 states: "Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers."</p> <p>CGF PIP #2 states: "No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p>

<p>3.05 The standard shall require that the organisation does not demand monetary deposits, financial guarantees or personal possessions as a condition of employment.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, ii, which prohibits the withholding of deposits or documentation and the imposition of financial fees as a means to restrict worker's ability to terminate employment. It is also based on the CGF Priority Industry Principle (CGF PIP) #1, 2 and 3.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Employers shall not use means to restrict a worker's ability to terminate employment, for example by requiring deposits, withholding employee documentation, threats or use of violence, imposing financial penalties or requiring payment of recruitment fees."</p> <p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p> <p>CGF PIP #2 states: "No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>3.06 The standard shall require that the organisation ensures that workers are not held in debt bondage or forced to work for an employer, labor recruiter, or other entity to pay off debt.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iv, which prohibits be held in debt bondage or forced to work for an employer in order to pay off an actually incurred or inherited debt. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Workers shall not be held in debt bondage or forced to work for an employer in order to pay off an actually incurred or inherited debt."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>3.07 The standard shall require that if an organisation provides the possibility of advances and loans to workers, it shall have a written policy about the terms and conditions in a language and medium that workers can understand. These terms (and related interest rates) shall neither be used to bind workers to employment, nor to enforce any other conditions of employment.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iv, which prohibits that loans to employees are used as a means to bind workers to employment and requires that workers are duly informed of loans terms and conditions. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "(...) wage advances, and loans to employees shall not be used as a means to bind workers to employment. Advances and loans, and deductions from wages made for their repayment, shall not exceed the limits prescribed by national law. Workers shall be duly informed of the terms and conditions surrounding the granting and repayment of advances and loans."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>

<p>3.08 The standard shall require that the organisation does not confiscate, retain or require workers to lodge personal documents such as identity or immigration papers, work permits, travel documents, etc. If it is a legal requirement to retain original documents, workers shall give their informed written consent and shall be able to retrieve their documents immediately upon request.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Human Trafficking & Forced Labour, iii, which prohibits confiscating or withholding worker identity documents for the purpose of binding workers to employment. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "iii. Document Retention: (a) Practices such as confiscating or withholding worker identity documents or other valuable items (e.g. work permits and travel documentation) are prohibited. (b) However, if requested by workers, employers may provide secure storage for such documents. Workers must then be free to access them at any time upon request. (c) Employers shall not retain personal documents for the purpose of binding workers to employment." CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p>
<p>3.09 The standard shall require that the organisation demonstrates that, when employment/recruitment agencies are used, they are screened and monitored to ensure that they are: a) licensed or certified by the competent national authority, if applicable, b) compliant with national legislation and c) compliant with the organisations' requirements on forced labour and recruitment fees.</p>	<p>The criterion is taken from ILO C181 Art 7, which requires a system of licensing or certification for private employment agencies and from the ILO General principles & operational guidelines for fair recruitment, Chapter B, 15, that require companies to perform due diligence regarding recruitment activities, ensure legal compliance of labour recruiters and having an evaluation procedure of parties involved in recruitment. It is also based on the CGF Priority Industry Principle (CGF PIP) #2.</p> <p>ILO C181 states: "A Member shall determine the conditions governing the operation of private employment agencies in accordance with a system of licensing or certification, except where they are otherwise regulated or determined by appropriate national law and practice." ILO General principles & operational guidelines for fair recruitment states: "B. Responsibilities of enterprises and public employment services They should undertake due diligence regarding their recruitment activities. (...) enterprises should engage workers only through compliant labour recruiters, including public employment services and private recruitment agencies. Where it is not feasible to verify directly the conduct of all the parties involved in recruitment, there should, at a minimum, be a contractual obligation requiring labour recruiters to work with third parties operating in accordance with legal requirements (...), (...) The enterprise should have in place a procedure for evaluating other parties involved in the recruitment process." CGF PIP #2 states: "No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p>
<p>3.10 The standard shall require that the organisation is not withholding wages unless permitted by a legal contractual agreement.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iv, which prohibits the delay or deferral of payments. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Wages shall be paid regularly and methods of payment are prohibited that deprive workers of the genuine possibility of terminating employment. Wage payments shall not be delayed or deferred such that wage arrears accumulate." CGF PIP #3 states:</p>

	<p>"No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>3.11 The standard shall require that the organisation does not restrict worker's freedom of movement and shall not force employees to stay at the workplace or related premises such as accommodation facilities.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, vii, which prohibits to confine or imprison workers to the workplace or related premises. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Coercion shall not be used to physically confine or imprison workers to the workplace or related premises, for example employer-operated residences."</p> <p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p>
<p>3.12 The standard shall require that If cases of forced or compulsory labour have been found, the organisation shall implement effective remediation, such as compensation for personal and material damages. The remediation actions taken shall be verified and recorded.</p>	<p>The criterion is taken from ILO R203 Chapter 12, which requires remediation and appropriate compensation to the victims of forced labour.</p> <p>ILO R203 states: "Members should take measures to ensure that all victims of forced or compulsory labour have access to justice and other appropriate and effective remedies, such as compensation for personal and material damages, including by: (b) providing that victims can pursue compensation and damages from perpetrators, including unpaid wages and statutory contributions for social security benefits; (c) ensuring access to appropriate existing compensation schemes;"</p>

Supplementary Criteria

Draft Benchmarking Criteria	Source
<p>3.04.01 The standard shall require that the organisation ensures that if recruitment fees have been paid by (a) worker(s), such fees shall be repaid to the worker(s).</p>	<p>The criterion is based on the CGF Priority Industry Principle (CGF PIP) #2 and the IHRB/Leadership Group for Responsible Recruitment: Six Steps to Responsible Recruitment, Step 1, which requires the reimbursement of any paid recruitment fees.</p> <p>CGF PIP #2 states: " No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p> <p>IHRB/Leadership Group states: "the employer should pay the costs of recruitment directly to the extent possible. When not possible, or where the migrant worker is legally required to pay a fee or cost directly, the migrant worker shall be reimbursed by the employer as soon as practicable upon discovery."</p>

<p>3.06.02 The standard shall require that the organisation does not compel workers to make use of stores or services operated in connection with an undertaking. Where access to other stores or services is not possible, employers shall ensure that goods or services are sold or provided at fair and reasonable prices, without the aim of indebting or otherwise coercing the workers concerned.</p>	<p>The criterion is taken from the ILO C095, Art. 7, which prohibits compelling workers to use stores or services operated by the undertaking and requires that goods and services are provided at fair and reasonable prices.</p> <p>ILO C095 states:</p> <ol style="list-style-type: none"> 1. Where works stores for the sale of commodities to the workers are established or services are operated in connection with an undertaking, the workers concerned shall be free from any coercion to make use of such stores or services. 2. Where access to other stores or services is not possible, the competent authority shall take appropriate measures with the object of ensuring that goods are sold and services provided at fair and reasonable prices, or that stores established and services operated by the employer are not operated for the purpose of securing a profit but for the benefit of the workers concerned.
<p>3.06.03 The standard shall require that if migrant workers are hired in their country of origin and will be relocated to work for the organisation, the organisation pays travel costs for migrant workers to and from their home country or region at the onset and end of their work period, if the work period is less than one year.</p>	<p>The criterion is taken from the IHRB/Leadership Group for Responsible Recruitment: Six Steps to Responsible Recruitment, Step 1, which requires travel costs of migrant workers from their home community to the workplace to be covered by the employer. The term "not permanent" was further specified to 1 year. It is also based on the CGF Priority Industry Principle (CGF PIP) #2.</p> <p>The IHRB/Leadership Group states:</p> <p>"(...) costs and fees associated with recruitment, travel and processing of migrant workers from their home community to the workplace, including through to return when the relocation is not permanent, shall be covered by the employer."</p> <p>CGF PIP #2 states:</p> <p>" No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p>
<p>3.08.01 The standard shall require that if the organisation provides a secure storage option for personal documents such as passports, identity papers, travel documents, and other personal legal documents, it shall be ensured that individual lockers are provided to which only workers have access. Workers shall have free access to them at any time.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Human Trafficking & Forced Labour, iii, which requires that if employers provide secure storage for identity documents, workers must be free to access them at any time. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>The ILO Guiding Principles to Combat Forced Labour state:</p> <p>"(...) if requested by workers, employers may provide secure storage for such documents. Workers must then be free to access them at any time upon request."</p> <p>CGF PIP #1 states:</p> <p>"Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p>
<p>3.11.01 The standard shall require that if the organisation provides accommodation facilities, these do not cost the worker more than a reasonable proportion of income and do not lead to illegal or abusive deduction from wages.</p>	<p>The criterion is taken from the ILO R115, Chapter II, 4, requiring that accommodation should not cost more than a reasonable proportion of income and the ILO Guiding Principles to Combat Forced Labour, Coercion iv, requiring reasonable prices without the aim of indebting or coercing workers.</p> <p>ILO R115 states:</p> <p>"(...) housing accommodation should not cost the worker more than a reasonable proportion of income (...)."</p> <p>The ILO Guiding Principles to Combat Forced Labour state:</p> <p>"(...) employers shall ensure that goods or services are sold or provided at fair and reasonable prices, without the aim of indebting or otherwise coercing the workers concerned."</p>
<p>3.11.02 The standard shall require that if the organisation provides</p>	<p>The criterion is not specifically defined in international reference frameworks; however this is considered good practice.</p>

accommodation facilities, these are located separate from buildings used for production or storage.

4. No Child Labour

Essential Criteria

Draft Benchmarking Criteria	Source
<p>4.01 The standard shall require that the organisation does not employ any person that is under the age of 15, under the minimum age for work or the age of completion of compulsory education, whichever provides the highest protection.</p> <p>If however, local minimum age law is set at 14 years of age in accordance with ILO Convention 138, this lower age may apply.</p>	<p>The criterion is taken from the ILO C138, Art. 2, which establishes the minimum age for work.</p> <p>ILO C138 states: "The minimum age (...) shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. (...) a Member whose economy and educational facility are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years."</p>
<p>4.02 The standard shall require that the organisation does not employ young workers under 18 at night or in hazardous conditions as defined in ILO C138.</p>	<p>The criterion is taken from the ILO C138, Art. 3, which prohibits young persons under 18 years of age to carry out dangerous work and from ILO R190 which considers work at night as dangerous.</p> <p>ILO C138 states: "The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years."</p> <p>ILO R190 states: "II. Hazardous work 3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to: (a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer."</p>
<p>4.03 The standard shall require that the organisation sets up a system for age verification for all workers and maintains valid age verification records.</p>	<p>The criterion is taken from ILO R190, Chapter V, which requires age verification records.</p> <p>ILO R190 states: "The following measures should be taken to facilitate the verification of ages: (b) employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young</p>

	<p>persons employed by them but also of those receiving vocational orientation or training in their undertakings;"</p>
<p>4.04 The standard shall require that if children are found to be working directly or indirectly for the organisation, the organisation shall implement a plan for effective remediation that puts the welfare of the child first.</p> <p>The remediation plan shall, at a minimum, include written details on how the children have been withdrawn and replaced and how the organisation has been preventing every individual child from entering into worse forms of child labour (including hazardous work, slave-like practices, recruitment into armed conflict, sex work, trafficking for labour purposes and/or illicit activities).</p> <p>The plan and following actions shall be documented and verified.</p>	<p>The criterion is based on the UNGP, Chapters 15 & 22, which require remediation of any adverse human rights impacts.</p> <p>The UNGP state: "Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes."</p>

Supplementary Criteria

Draft Benchmarking Criteria	Source
<p>4.01.01 The standard shall require that the organisation provides suitable day care facilities for the children of workers.</p>	<p>The criterion is based on ILO C156, Art. 5, and the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Art. 11, which both require the promotion of the establishment and development of a network of child-care facilities.</p> <p>ILO C156 states: "All measures compatible with national conditions and possibilities shall further be taken (...) (b) to develop or promote community services, public or private, such as child-care and family services and facilities."</p> <p>The UN CEDAW states: "In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures: (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;"</p>
<p>4.04.01 The standard shall require that the organisation provides additional financial and other support to families of children that have been found working for the organisation.</p>	<p>The criterion is based on the UNGP, Chapters 15 & 22, which require remediation of any adverse human rights impacts.</p> <p>The UNGP state: "Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes."</p>

5. Freedom of Association and Effective Recognition of the Right to Collective Bargaining

Essential Criteria

Draft Benchmarking Criteria	Source
<p>5.01 The standard shall require that the organisation respects the right of workers to join or form trade unions or other worker organisations of their own choosing and to bargain collectively.</p>	<p>The criterion is taken from the ILO C87, Art. 2, which establishes worker's and employees' right to establish and join organisations of their own choosing without previous authorisation and R163, Chapter II, which requires the recognizing of representative employers' and workers' organisations for the purposes of collective bargaining;</p> <p>ILO C87 states: "Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation."</p> <p>ILO R163 states: "As appropriate and necessary, measures adapted to national conditions should be taken so that (a) representative employers' and workers' organisations are recognised for the purposes of collective bargaining;"</p>
<p>5.02 The standard shall require that the organisation allows alternative forms of independent worker representation and negotiation that is free of employer control, when the right to freedom of association and collective bargaining is restricted or prohibited under law.</p>	<p>The criterion is taken from the ILO R163, Chapter II, which requires the facilitation of collective bargaining.</p> <p>ILO R163 states: "2. In so far as necessary, measures adapted to national conditions should be taken to facilitate the establishment and growth, on a voluntary basis, of free, independent and representative employers' and workers' organisations. (...) Measures adapted to national conditions should be taken, if necessary, so that collective bargaining is possible at any level whatsoever, including that of the establishment, the undertaking, the branch of activity, the industry, or the regional or national levels."</p>
<p>5.03 The standard shall require that the organisation does not discriminate against or otherwise penalise worker representatives or members of trade unions and other worker organisations because of their membership in or affiliation with a trade union or worker organisation.</p>	<p>The criterion is taken from the ILO C98, Art. 1, which requires the provision of worker protection against acts of anti-union discrimination and C135, Art. 1 which prohibits the penalisation of worker's representatives based on their status or activities as worker's representatives .</p> <p>ILO C98 states: "Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment."</p> <p>ILO C135 states: "Workers' representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers' representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements."</p>

<p>5.04 The standard shall require that the organisation gives worker representatives and members of trade unions and other worker organisations access to the workplace in order to carry out their representative functions.</p>	<p>The criterion is taken from the ILO C135, Art. 2, which requires appropriate facilities are afforded to worker's representatives to enable them to carry out their functions promptly and efficiently.</p> <p>ILO C135 states: "Such facilities in the undertaking shall be afforded to workers' representatives as may be appropriate in order to enable them to carry out their functions promptly and efficiently."</p>
---	--

6. No Discrimination, Harassment or Abuse

Essential Criteria

Draft Benchmarking Criteria	Source
<p>6.01 The standard shall require that the organisation does not engage in, support or tolerate discrimination in employment practices such as recruitment, promotion, access to training, remuneration, allocation of work, termination of employment, retirement, general treatment in the workplace based on any personal characteristics such as gender, age, religion, marital status, race, caste, social background, diseases, disability, pregnancy, ethnic and national origin, migration status, nationality, membership in worker organizations including unions, political affiliation, sexual orientation or any other personal characteristics that do not interfere with a workers ability to do a specific job</p>	<p>The criterion is based on ILO C111, Art. 1 & 2, which require equal opportunities and treatment in respect of employment and occupation and the elimination of discrimination on the basis of distinctions, exclusions or preferences. It is also based on the CGF Priority Industry Principle (CGF PIP) #2.</p> <p>ILO C111 states: "(...) the term discrimination includes-- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; (...) to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof."</p> <p>CGF PIP #2 states: "No Worker should pay for a job. Fees and costs associated with recruitment and employment should be paid by the employer, not the employee."</p>
<p>6.02 The standard shall require that the organisation has written disciplinary procedures and shall explain them in clear and understandable terms to their workers.</p>	<p>The criterion is based on the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, v, which prohibits the use of disciplinary measures the result in obligation to work. The SSCI criterion further operationalises this requirement. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Disciplinary measures should not include sanctions that result in an obligation to work."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>

<p>6.03 The standard shall require that the organisation does not directly or indirectly engage in, support or tolerate the use or threat of corporal punishment, mental or physical coercion, bullying, harassment or abuse of any kind.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, iii, which prohibits the use or threat of physical or sexual violence, harassment and intimidation against the worker, his/her family or close associates with the aim of coercion. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>The ILO Guiding Principles to Combat Forced Labour state: "Employers shall not exact work or service from any person under the menace of any penalty. This includes the use or threat of physical or sexual violence, harassment and intimidation against the worker, his/her family or close associates with the aim of coercion."</p> <p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p>
<p>6.04 The standard shall require that the organisation does not make any deductions from wages unless when permitted by national law or in line with a collective bargaining agreement. Workers are informed about any wage deductions in writing.</p>	<p>The criterion is taken from the ILO C095, Art. 8, which requires deductions to be in accordance with national laws or collective bargain agreements and workers to be informed on the condition and extent under which deductions may be made. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 states: "1. Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award. 2. Workers shall be informed, in the manner deemed most appropriate by the competent authority, of the conditions under which and the extent to which such deductions may be made."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>6.05 The standard shall require that the organisation does not make any deductions from wages as a disciplinary measure.</p>	<p>The criterion is based on ILO R085, Art. 1, which requires limitation of wage deductions. It is further taken from the GSCP Reference Code, Criterion 6.5, which states that no deduction shall be made as a disciplinary measure. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO R085 states: "1. All necessary measures should be taken to limit deductions from wages to the extent deemed to be necessary to safeguard the maintenance of the worker and his family."</p> <p>The GSCP Reference Code states: "Suppliers shall not make any deductions from wages which are unauthorised or not provided for by national law. Suppliers shall not make any deduction from wages as a disciplinary measure."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>

<p>6.06 The standard shall require that the organisation keeps records of all disciplinary action taken.</p>	<p>The criterion is taken from the GSCP Reference Code, Criterion 4.6, which requires written disciplinary procedures and the recording of disciplinary actions.</p> <p>The GSCP Reference Code states: "Suppliers shall establish written disciplinary procedures and shall explain them in clear and understandable terms to their workers. All disciplinary actions shall be recorded."</p>
---	---

7. Health and Safety

Essential Criteria

Draft Benchmarking Criteria	Source
<p>7.01 The standard shall require that the organisation performs a risk assessment to detect and assess potential threats to the health and safety of workers.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.10, which requires the identification of hazards and risks to workers.</p> <p>ILO ILO-OSH 2001 states: "Hazards and risks to workers' safety and health should be identified and assessed on an on-going basis."</p>
<p>7.02 The standard shall require that the organisation demonstrates that it took effective measures to prevent workers from having accidents, injuries or illnesses, arising from, associated with, or occurring during work.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.10, which requires hazard prevention and control procedures and arrangements.</p> <p>ILO ILO-OSH 2001 states: "Hazard prevention and control procedures or arrangements should be established"</p>
<p>7.03 The standard shall require that the organisation clearly defines measurable objectives for their Occupational Health and Safety system.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.3, which requires measurable OHS objectives.</p> <p>ILO ILO-OSH 2001 states: "Structures and processes should be established which: (...) establish and implement a clear OSH policy and measurable objectives;"</p>
<p>7.04 The standard shall require that the organisation appoints a responsible person for the effective implementation of the Occupational Health and Safety system.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.3.2, which requires the allocation of OHS responsibility, accountability and authority for the development, implementation and performance of the OSH management system.</p> <p>ILO ILO-OSH 2001 states: "The employer and senior management should allocate responsibility, accountability and authority for the development, implementation and performance of the OSH management system and the achievement of the relevant OSH objectives."</p>
<p>7.05 The standard shall require that the organisation demonstrates that all new and existing members of the organisation received appropriate health and safety training relevant to the task performed. All trainings shall be documented.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.4, which requires that documented OHS training programs cover all members of the organization.</p> <p>ILO ILO-OSH 2001 states: "(...) training programmes should: (a) cover all members of the organization, as appropriate; (...) (f) be documented, as appropriate and according to the size and nature of activity of the organization."</p>
<p>7.06 The standard shall require that the organisation regularly repeats health and safety trainings.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.4, which requires refresher training at appropriate intervals.</p>

	ILO ILO-OSH 2001 states: "provide effective and timely initial and refresher training at appropriate intervals;"
7.07 The standard shall require that the organisation provides health and safety training to all workers at no cost. Trainings shall take place during remunerated working hours.	The criterion is based on the ILO-OSH 2001, Chapter 3.4, which requires training to be provided to all participants at no cost and during working hours, if possible. ILO ILO-OSH 2001 states: "Training should be provided to all participants at no cost and should take place during working hours, if possible."
7.08 The standard shall require that the organisation provides appropriate and effective personal protective equipment as needed and free of charge. Workers are instructed and monitored on its proper use.	The criterion is taken from ILO C155, Part IV, Art. 16, which requires the provision of PPEs at no cost to protect from residual risks and measures to ensure its use and maintenance. ILO C155 states: "(...) where residual hazards/risks cannot be controlled by collective measures, the employer should provide for appropriate personal protective equipment, including clothing, at no cost, and should implement measures to ensure its use and maintenance."
7.09 The standard shall require that the organisation provides first aid and medical assistance in the event of a work-related injury.	The criterion is taken from ILO C155, Part IV, Art. 18, which requires the provision of first-aid and medical assistance in the event of accidents. ILO C155 states: "Emergency prevention, preparedness and response arrangements should be established and maintained. (...) They should: (...) (c) address first-aid and medical assistance, (...)"
7.10 The standard shall require that the organisation provides all workers with unrestricted access to drinkable water and clean toilet facilities.	The criterion is taken from ILO R164, Chapter II, which requires the provision of sanitary installations and drinking water. ILO C155 states: "As appropriate for different branches of economic activity and different types of work and taking into account the principle of giving priority to eliminating hazards at their source, measures should be taken (...) in particular in the following fields: 3. (o) sanitary installations, washing facilities, facilities for changing and storing clothes, supply of drinking water, and any other welfare facilities connected with occupational safety and health;"

Supplementary Criteria

Draft Benchmarking Criteria	Source
7.02.01 The standard shall require that the organisation involves workers or worker representatives to develop and maintain effective Occupational Health and Safety systems.	The criterion is taken from the ILO-OSH 2001, Chapter 3.2, which requires worker and their OHS representatives to be consulted on all aspects of OHS. ILO-OSH 2001 states: "3.2.2. The employer should ensure that workers and their safety and health representatives are consulted, informed and trained on all aspects of OSH (...). 3.2.3. The employer should make arrangements for workers and their safety and health representatives to have the time and resources to participate actively in the processes of organizing, planning and implementation, evaluation and action for improvement of the OSH management system."
7.04.01 The standard shall require that the organisation clearly defines the qualification and training requirements of the person in charge of the	The criterion is based on the ILO-OSH 2001, Chapter 3.4, which requires the definition of the OHS competences of all personnel. ILO-OSH 2001 states:

implementation of the Occupational Health and Safety system.	"3.4.1. The necessary OSH competence requirements should be defined by the employer, and arrangements established and maintained to ensure that all persons are competent to carry out the safety and health aspects of their duties and responsibilities."
7.09.01 The standard shall require that the organisation provides all workers, if applicable, with sanitary facilities for food preparation and storage.	<p>The criterion is taken from ILO R102, Chapter C, which requires the provision of adequate facilities for individual workers to prepare or heat and take meals provided by themselves.</p> <p>ILO R102 states: "In undertakings where it is not practicable to set up canteens providing appropriate meals, and, where necessary, in other undertakings where such canteens already exist, messroom facilities should be provided, where practicable and appropriate, for individual workers to prepare or heat and take meals provided by themselves."</p>

8. Building & Fire Safety

Essential Criteria

Draft Benchmarking Criteria	Source
<p>8.01 The standard shall require that the organisation provides safe and clean conditions in all workplaces and worker accommodation where provided.</p>	<p>The criterion is taken from ILO C155, Art. 16, requiring safe workplaces and from ILO R115, Chapter VI, which requires housing standards in order to ensure structural safety and reasonable levels of decency, hygiene and comfort of worker accommodation.</p> <p>ILO C155 states: "1. Employers shall be required to ensure that, so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health. 2. Employers shall be required to ensure that, so far as is reasonably practicable, the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken."</p> <p>ILO R115 states: "(...) the competent authority should, in order to ensure structural safety and reasonable levels of decency, hygiene and comfort, establish minimum housing standards in the light of local conditions and take appropriate measures to enforce these standards."</p>
<p>8.02 The standard shall require that the organisation ensures the strength, stability and safety of buildings and equipment, including in worker accommodation where provided.</p>	<p>The criterion is taken from ILO R164, Chapters II & IV, requiring to provide safe workplaces, including structural features.</p> <p>ILO R164 states: "II. Technical Fields of Action (...) taking into account the principle of giving priority to eliminating hazards at their source, measures should be taken(...) in particular in the following fields: (a) design, siting, structural features, installation, maintenance, repair and alteration of workplaces and means of access thereto and egress therefrom;"</p> <p>"IV. Action at the Level of the Undertaking The obligations placed upon employers (...) might include (...) the following: (a) to provide and maintain workplaces, machinery and equipment, and use work</p>

	methods which are as safe and without risk to health as is reasonably practicable.”
8.03 The standard shall require that the organisation provides adequate safeguards against fire, including in worker accommodation where provided.	<p>The criterion is taken from ILO R164, Chapter II, which requires fire prevention measures at the workplace and from R115 which requires fire protection measures at worker's housing accommodation.</p> <p>ILO R164 states: "II. Technical Fields of Action (...) measures should be taken (...) in particular in the following fields: (m) prevention of fires and explosions and measures to be taken in case of fire or explosion;"</p> <p>ILO R115 states: "The housing standards (...) should relate in particular to (...) (d) appropriate protection against heat, cold, damp, noise, fire, (...)"</p>
8.04 The standard shall require that the organisation properly marks fire exits, escape routes, fire fighting equipment and fire alarms according to industry standards. Fire exits and escape routes are kept clear from obstacles allowing for swift and safe exit in case of an emergency.	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.10, which requires firefighting and evacuation arrangements.</p> <p>ILO-OSH 2001 states: "10.3.1. Emergency prevention, preparedness and response arrangements should be established and maintained. These arrangements should identify the potential for accidents and emergency situations, and address the prevention of OSH risks associated with them. The arrangements should be made according to the size and nature of activity of the organization. They should: (...) (c) address first-aid and medical assistance, firefighting and evacuation of all people at the worksite;"</p>
8.05 The standard shall require that the organisation ensures that all workers have the right to remove themselves from imminent serious danger without seeking permission.	<p>The criterion is taken from ILO C155, Art. 13, which protect the worker right to remove himself from danger.</p> <p>ILO C155 states: "A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice.”</p>

Supplementary Criteria

Draft Benchmarking Criteria	Source
8.02.01 The standard shall require that the organisation ensures that thorough and credible safety inspections are carried out by qualified inspectors, with fire and building safety expertise.	<p>The criterion is taken from the 2018 Accord on Fire and Building Safety in Bangladesh, Chapter 8, which requires thorough and credible safety inspections shall be carried out by skilled personnel.</p> <p>The 2018 Accord states: "4. A qualified Safety Inspector, with fire and building safety expertise and impeccable credentials, and who is independent of and not concurrently employed by companies, trade unions or factories, shall be appointed by the SC. (...). 5. Thorough and credible safety inspections of all covered factories shall be carried out by skilled personnel selected by and acting under the direction of the CSI, based on the Accord Building Standards."</p>

<p>8.04.01 The standard shall require that the organisation provides visitors and anyone entering the site with an appropriate introduction to emergency procedures.</p>	<p>The criterion is taken from the ILO-OSH 2001, Chapter 3.10, which requires necessary emergency information to be provided to all people on site.</p> <p>ILO-OSH 2001 states: "Emergency prevention, preparedness and response arrangements should be established and maintained. (...) They should: (a) ensure that the necessary information, internal communication and coordination are provided to protect all people in the event of an emergency at the worksite;"</p>
--	---

9. Wages, Benefits and Terms of Employment

Essential Criteria

Draft Benchmarking Criteria	Source
<p>9.01 The standard shall require that workers are provided with easy to understand information about their key employment terms and conditions in a language and medium they understand before they enter employment.</p>	<p>The criterion is taken from ILO C095, Art. 14, which requires that workers are informed of the conditions in respect of wages under which they are employed before they enter employment and when any changes take place. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 states: "Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner-- (a) before they enter employment and when any changes take place, of the conditions in respect of wages under which they are employed;"</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>9.02 The standard shall require that the organisation ensures that work is performed on the basis of a recognised employment relationship established in compliance with national legislation and practice and international labour standards, whichever affords the greater protection.</p>	<p>The criterion is taken from ILO General principles & operational guidelines for fair recruitment, Chapter III, 8, which require that the terms and conditions of a worker's employment are specified preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements.</p> <p>ILO General principles & operational guidelines for fair recruitment states: "The terms and conditions of a worker's employment should be specified in an appropriate, verifiable and easily understandable manner, and preferably through written contracts in accordance with national laws, regulations, employment contracts and applicable collective agreements."</p>
<p>9.03 The standard shall require that the organisation does not use employment arrangements to avoid any social or labour rights obligations towards their workers.</p> <p>Such arrangements include, but are not limited to: Labour-only contracting, sub-contracting or home-working</p>	<p>The criterion is taken from ILO R198 , Chapter I, 4, which requires combating disguised employment relationships.</p> <p>ILO General principles & operational guidelines for fair recruitment states: "National policy should at least include measures to: (...) (b) combat disguised employment relationships in the context of, for example, other relationships that may include the use of other forms of contractual arrangements that hide the true legal status, noting that a disguised employment relationship occurs when the employer treats an individual as other than an employee in a manner that</p>

<p>arrangements, apprenticeship schemes where there is no real intent to impart skills or provide regular employment, excessive use of fixed-term contracts of employment, or any other comparable arrangements.</p>	<p>hides his or her true legal status as an employee, and that situations can arise where contractual arrangements have the effect of depriving workers of the protection they are due;"</p>
<p>9.04 The standard shall require that the organisation respects the right of workers to terminate their employment after reasonable notice.</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter Coercion, ii, which requires worker's freedom to terminate employment. It is also based on the CGF Priority Industry Principle (CGF PIP) #1.</p> <p>The Guiding Principles to Combat Forced Labour state: "Termination of Employment: Workers shall have the freedom to terminate employment of indefinite or long duration by means of notice of reasonable length (in accordance with national law or collective agreement) at any time without penalty."</p> <p>CGF PIP #1 states: "Every Worker should have freedom of movement. The ability of workers to move freely should not be restricted by the employer through physical restriction, abuse, threats and practices such as retention of passports and valuable possessions."</p>
<p>9.05 The standard shall require that the organisation compensates workers by providing wages for regular working hours, which meet or exceed legal minimum wages, collective agreements, or industry standards, whichever is higher.</p>	<p>The criterion is taken from ILO C131, Art. 2, which requires the payment of minimum wages or wages as agreed through collective bargaining. The criterion was further specified to require that the highest level is applied if collective agreements or industry standards require the payment of higher wages than the legal minimum wage.</p> <p>ILO C131 states: "1. Minimum wages shall have the force of law and shall not be subject to abatement, and failure to apply them shall make the person or persons concerned liable to appropriate penal or other sanctions. 2. Subject to the provisions of paragraph 1 of this Article, the freedom of collective bargaining shall be fully respected."</p>
<p>9.06 The standard shall require that the organisation pays wages regularly, in a timely manner and in full.</p>	<p>The criterion is taken from ILO C095, Art. 12, which requires wages to be paid regularly and the Guiding Principles to Combat Forced Labour, Chapter iv, which requires payments to be paid in a timely manner. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 states: "Wages shall be paid regularly. Except where other appropriate arrangements exist which ensure the payment of wages at regular intervals, the intervals for the payment of wages shall be prescribed by national laws or regulations or fixed by collective agreement or arbitration award"</p> <p>ILO Guiding Principles to Combat Forced Labour state: "Wages shall be paid regularly (...). Wage payments shall not be delayed or deferred such that wage arrears accumulate."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>9.07 The standard shall require that the organisation establishes a pay rate for production, quota or piece work, which allows workers to earn at least a wage which respectively meets or exceeds legal minimum wages, collective</p>	<p>The criterion is taken from the ILO Guiding Principles to Combat Forced Labour, Chapter iv, which requires that performance-related or piece-rate paid workers shall not earn less than the legally mandated minimum wage.</p> <p>ILO Guiding Principles to Combat Forced Labour state:</p>

<p>agreements, or industry standards, whichever is higher, within regular working hours.</p>	<p>"Workers that earn wages calculated on a performance-related or piece-rate basis shall not earn less than the legally mandated minimum wage."</p>
<p>9.08 The standard shall require that the organisation provides all workers with written and understandable details of their wages for the pay period concerned each time that they are paid.</p>	<p>The criterion is taken from ILO C095, Art. 14, which requires the provision of information of wages at the time of each payment. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 states: "Where necessary, effective measures shall be taken to ensure that workers are informed, in an appropriate and easily understandable manner (...) (b) at the time of each payment of wages, of the particulars of their wages for the pay period concerned, in so far as such particulars may be subject to change."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>9.09 The standard shall require that the organisation does not make any deductions from wages unless they are authorised or provided for by national legislation or a collective agreement.</p>	<p>The criterion is taken from ILO C095, Art. 8, which limits the deductions from wages. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 states: "Deductions from wages shall be permitted only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreement or arbitration award."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>9.10 The standard shall require that the organisation compensates all workers for all overtime at a premium rate. If a collective bargaining agreement is in place it takes precedence.</p>	<p>The criterion is based on ILO C001, Art. 6, and ILO R116 which require a premium overtime pay rate. A reference to collective agreement was added in the criterion.</p> <p>ILO C001 states: "(...) the rate of pay for overtime shall not be less than one and one-quarter times the regular rate."</p> <p>ILO R116 states: "Overtime work should be remunerated at a higher rate or rates than normal hours of work."</p>

Supplementary Criteria

Draft Benchmarking Criteria	Source
<p>9.05.01 The standard shall require that the organisation ensures that wages and compensation for regular working hours shall provide workers with a living wage.</p>	<p>The criterion is based on ILO Conditions of Work and Employment Series No. 29, Chapter 3.</p> <p>The ILO Conditions of Work and Employment Series No. 29 states: "The idea of a living wage is that workers and their families should be able to afford a basic, but decent, life style that is considered acceptable by society at its current level of economic development. Workers and their families should be able to live above the poverty level, and be able to participate in social and cultural life."</p>

<p>9.05.02 The standard shall require that the organisation describes how it determines a living wage.</p>	<p>The criterion is taken from the Corporate Human Rights Benchmark Methodology 2018 for the Agricultural Products, Apparel and Extractives Industries, D.1.1 Living wage, Score 1, which checks if the companies describe how companies determine their living wages.</p> <p>The Corporate Human Rights Benchmark Methodology 2018 for the Agricultural Products, Apparel and Extractives Industries states: "The Company (...) describes how it determines a living wage for the regions where it operates, which includes involvement of relevant trade unions."</p>
<p>9.05.03 The standard shall require that if remuneration (wages and benefits) is below the living wage benchmark the organisation shall ensure that real wages are increased annually to continuously close the gap with the living wage. The incremental steps and timeline toward the applicable living wage are negotiated with trade union/elected worker representatives.</p>	<p>The criterion is taken from the Corporate Human Rights Benchmark Methodology 2018 for the Agricultural Products, Apparel and Extractives Industries, D.1.1 Living wage, Score 1, which requires the establishment of a timeframe for the payment of a living wage.</p> <p>The Corporate Human Rights Benchmark Methodology 2018 for the Agricultural Products, Apparel and Extractives Industries states: "Score 1: The Company indicates its target timeframe for paying all workers a living wage"</p>
<p>9.06.01 The standard shall require that "in-kind" payments, where allowed by law or collective agreements, shall only be partial. Non-cash payment shall not be used as a means to indebt a worker.</p>	<p>The criterion is taken from ILO C095, Art. 4, which requires the in-kind payments to benefit the worker and his family and be fair and reasonable. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C095 states: "1. National laws or regulations, collective agreements or arbitration awards may authorise the partial payment of wages in the form of allowances in kind in industries or occupations in which payment in the form of such allowances is customary or desirable because of the nature of the industry or occupation concerned (...); 2. In cases in which partial payment of wages in the form of allowances in kind is authorised, appropriate measures shall be taken to ensure that (...) (a) such allowances are appropriate for the personal use and benefit of the worker and his family; and (b) the value attributed to such allowances is fair and reasonable."</p> <p>CGF PIP #3 states: "No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>9.06.02 Payment in the form of vouchers, promissory notes or in the form of alcohol or illegal substances shall not be permitted under any circumstances.</p>	<p>The criterion is taken from ILO C095, Art. 3 & 4, which prohibit payment in the form of vouchers, coupons or promissory notes and in the form of alcohol or noxious drugs.</p> <p>ILO C095 states: "Wages payable in money shall be paid only in legal tender, and payment in the form of promissory notes, vouchers or coupons, or in any other form alleged to represent legal tender, shall be prohibited. (...) the payment of wages in the form of liquor of high alcoholic content or of noxious drugs shall not be permitted in any circumstances."</p>

10. Working Hours

Essential Criteria

Draft Benchmarking Criteria	Source
<p>10.01 The standard shall require that the organisation respects that basic working hours in a week, excluding overtime, do not exceed 48h. Total hours worked per week shall not exceed 60 hours.</p> <p>If national legislation, collective agreements or industry standards set lower weekly working hours, these lower limits shall prevail.</p> <p>If national legislation sets higher total working hour limits than 60h per week, the standard shall, at a minimum, put in place a time-bound improvement plan to reduce working hours to the requirements as spelled out above.</p>	<p>The criterion is based on ILO C001, Art. 2, limiting working hours to a maximum of 48 in the week. The limitation of total working hours to 60h per week is taken from the ETI Base Code. References to cases when national legislation set higher or lower weekly working hours have been added.</p> <p>ILO C001 states: "The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week"</p> <p>The ETI Base Code states: Working hours may exceed 60 hours in any seven-day period only in exceptional circumstances (...).</p>
<p>10.02 If the standard grants exceptions to the limit of overtime, these shall be clearly defined, in line with national legislation, and the standard shall require that the organisation demonstrates that appropriate safeguards are taken to protect the worker's health and safety.</p>	<p>The criterion is based on ILO C001, Art. 3 & 4 specifying exceptions to the limit of hours of work.</p> <p>ILO C001 states: "Article 3 The limit of hours of work prescribed in Article 2 may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of "force majeure", but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking. Article 4 The limit of hours of work prescribed in Article 2 may also be exceeded in those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, subject to the condition that the working hours shall not exceed fifty-six in the week on the average. Such regulation of the hours of work shall in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day."</p>

<p>10.03 The standard shall require that the organisation ensures that overtime is voluntary.</p>	<p>The criterion is based on ILO C29, Art. 2, which requires work to be performed on a voluntary basis. It is further taken from the ILO Guiding Principles to Combat Forced Labour, Chapter vi, which explicitly requires overtime to be voluntary. It is also based on the CGF Priority Industry Principle (CGF PIP) #3.</p> <p>ILO C29 states: "For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."</p> <p>ILO Guiding Principles to Combat Forced Labour state: "(a) Workers shall not be forced to work overtime above the limits permitted in national law and collective agreements under the menace of a penalty, for example the threat of dismissal."</p> <p>CGF PIP #3 states: " No Worker should be indebted or coerced to work. Workers should work freely, aware of the terms and conditions of their work in advance, and paid regularly as agreed."</p>
<p>10.04 The standard shall require that the organisation does not request overtime on a regular basis.</p>	<p>The criterion is based on ILO C011, Art. 2, which sets basic weekly working hours at 48h, which implies that overtime shall not be requested on a regular basis. The criterion is further taken from the GSCP Reference Code, Criterion 7.2, which prohibits the request of overtime on a regular basis.</p> <p>ILO C001 states: "The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week"</p> <p>The GSCP Reference Code states: "Suppliers shall respect that the standard allowable working hours in a week are 48, excluding overtime. Workers shall not on a regular basis be required to work in excess of 48 hours per week."</p>
<p>10.05 The standard shall require that the organisation respects the right of all workers to breaks during work shifts.</p>	<p>The criterion is taken from ILO C001, Art. 8 and the GSCP Reference Code, Criterion 7.4, which requires the respect of workers right to breaks during work shifts.</p> <p>ILO C001 states: 1. In order to facilitate the enforcement of the provisions of this Convention, every employer shall be required (...) (b) to notify in the same way such rest intervals accorded during the period of work as are not reckoned as part of the working hours;</p> <p>The GSCP Reference Code states: "Suppliers shall respect all workers right to breaks during work shifts (...).</p>
<p>10.06 The standard shall require that the organisation respects the right of all workers to at least one free day of consecutive 24 hours, following six days worked.</p>	<p>The criterion is taken from ILO C014, Art. 2, which requires at least one free day of consecutive 24 hours following 6 days worked.</p> <p>ILO C014 states: "The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours."</p>

<p>10.07 If the standard grants exceptions to the number of rest days, these shall be clearly defined, in line with national legislation and the standard shall require that the organisation demonstrates that appropriate safeguards are taken to protect the worker's health and safety.</p> <p>At a minimum, workers shall be granted 2 days off in a 14 days period, where allowed by national legislation.</p>	<p>The criterion is based on ILO C014, Art. 4, which allows for exceptions to the number of rest days under certain circumstances, and the ETI Base Code, Clause 6.6, which further specifies the acceptable exceptions.</p> <p>ILO C014 states: "1. Each Member may authorise total or partial exceptions (including suspensions or diminutions) from the provisions of Article 2, special regard being had to all proper humanitarian and economic considerations and after consultation with responsible associations of employers and workers, wherever such exist. 2. Such consultation shall not be necessary in the case of exceptions which have already been made under existing legislation."</p> <p>The ETI base code states: "Workers shall be provided with at least one day off in every seven-day period or, where allowed by national law, two days off in every 14 day period."</p>
<p>10.08 The standard shall require that the organisation respects the right of all workers to paid leave (public and annual holidays, maternity/paternity leave) in line with national legislation.</p>	<p>The criterion is taken from ILO C132, Art. 3, which entitles to an annual paid holiday and C183, Art. 4 which entitles to maternity leave.</p> <p>ILO C132 states: "Every person to whom this Convention applies shall be entitled to an annual paid holiday of a specified minimum length."</p> <p>ILO C183 states: "On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks."</p>

11. Grievance Mechanism

Essential Criteria

Draft Benchmarking Criteria	Source
<p>11.01 The standard shall require that the organisation establishes a written procedure to address grievances.</p>	<p>The criterion is taken from the UNGP, Chapter 30, which requires that effective grievance mechanisms are available and Chapter 31 which requires the grievance process to be clear and known.</p> <p>The UNGP state: "30. Industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available. Effectiveness criteria for non-judicial grievance mechanisms 31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: (c) Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;"</p>

<p>11.02 The standard shall require that the grievance mechanism is accessible to all workers and the confidentiality of any complaint raised is guaranteed.</p>	<p>The criterion is taken from the UNGP, Chapter 31, which requires the grievance process to be accessible and based on the UNGP commentary to Chapter 31, which was adapted to require confidentiality.</p> <p>The UNGP state: "31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: (b) Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;"</p> <p>UNGP Commentary on Chapter 31 "(e) (...) confidentiality of the dialogue between parties and of individuals' identities should be provided where necessary;"</p>
<p>11.03 The standard shall require that the organisation has clear and transparent procedures in place to follow up on and resolve complaints, including an indicative timeframe for each stage of the process.</p>	<p>The criterion is based on the UNGP, Chapter 31, which requires grievance processes to be clear and known.</p> <p>The UNGP state: "31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: (c) Predictable: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;"</p>
<p>11.04 The standard shall require that the organisation does not discipline, dismiss or otherwise retaliate against any worker or other party that lodged a complaint.</p>	<p>The criterion is based on the UNGP, Chapter 31, which requires grievance processes to enable trust from stakeholders. Enabling trust implies that workers that lodge a complaint are not disciplined, dismissed or otherwise retaliated against.</p> <p>The UNGP state: "31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be: (a) Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;"</p>