



Human
Rights



Guidelines for responsible management of brand promoters

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Introduction

Beauty advisors, a type of brand promoter, are the frontline representatives of beauty brands, playing a crucial role in shaping consumer perceptions and driving sales. Despite their importance, these workers are often employed through third-party agencies and can face a range of risks due to their outsourced status and the nature of their work. These guidelines use beauty advisors as a focus example to illustrate the challenges and provide recommendations for responsible management of brand promoters.

These guidelines, developed by The Consumer Goods Forum's Human Rights Coalition in collaboration with the Fair Labor Association, aim to shed light on these challenges and provide companies with actionable recommendations for the responsible management of beauty advisors. Drawing on case studies from three countries (two from South Asia and one from Southeast Asia), the guidelines highlight the key risks faced by beauty advisors at various stages of their employment, from recruitment through to their daily work. It also outlines actionable steps for companies to ensure that beauty advisors and other brand promoters, whether employed directly or through third-party agencies, are treated with fairness, dignity, and respect. While the focus of this case study is on the beauty sector, the insights and guidance offered here may be relevant to other industries employing brand promoters in similar roles.

By implementing the recommendations in this document, companies can not only enhance the well-being of brand promoters but also strengthen their overall human rights due diligence processes, ensuring alignment with international standards and contributing to more ethical and sustainable business practices. The recommendations, while rooted in real-world experience, are not prescriptive and may not fully reflect the specific context, risk profile, or operational realities of individual businesses.

Companies should independently assess the relevance of these recommendations to their particular situation, taking into account their industry, geographic region, and specific human rights risks.

Who are brand promoters?

Companies use different terms to describe brand promoters. Brand promoters are people who advocate for a brand's product, mostly in face-to-face conversations and customer interactions. Brand promoters work in retail to sell products and market brand products at events, fairs, train stations and other places.

Brand promoters are different from brand ambassadors. Brand ambassadors communicate mostly through online means (advertisement, media etc.). There is a growing community of brand ambassadors (influencers) on social media. Brand promoters are also different from merchandisers, who cover a broader group of workers that are responsible for managing the products and services of a manufacturer in a retail operation.

These guidelines use case studies from three different countries and is developed to guide companies on the responsible management of brand promoters in their operations or downstream supply chain.

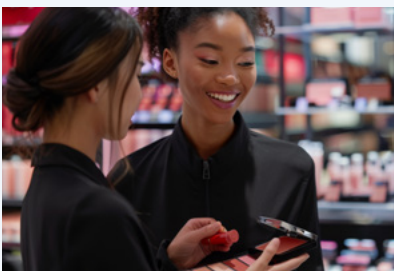


Brand promoters play a critical role yet remain invisible

Brand promoters are responsible for marketing and promoting the products of a company. Often they are the first point of contact for customers. They represent a company. Brand promoters could be direct employees of a company whose products they are promoting, especially in countries with strong labour legislation on outsourced work.

Types of brand promoters

Brand promoters may be identified by various names depending on the sector they are employed in. Yet in the majority of countries, brand promoters are employed through third-party providers of human resource and workforce solutions (agencies). There could be several types of brand promoters in the same sector. They range from:



Beauty advisors



Beauty consultants



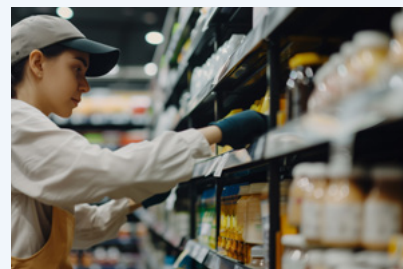
Retail shop counter workers



Hosts and activation specialists



Food and beverage promoters



Merchandisers*

*Merchandisers may not always be brand promoters. They can also be involved in stocking shelves delivering products or driving a branded truck. They are responsible for managing the products and services of a manufacturer in a retail operation.

The employment of brand promoters is generally managed by locally based company offices.
In the case studies, we observed over



75%

of the brand promoters were employed through third-party agencies globally.

Types of brand promoters in the beauty sector



Beauty advisors (regular)
are stationed at designated outlets.



Beauty advisors (BA) (floaters)
serve as relievers for regular BAs without designated outlets.



Makeup artists
are experienced BAs responsible for enhancing product promotion and driving sales through events and functions.



Supervisors
with over 5 years of experience in the field, lead teams of 20-25 BAs, overseeing operational and administrative activities.



**18-25
YEARS**

The majority of the Beauty Advisors are females in the age group of 18-25 years. They are usually single and have completed the minimum compulsory education (high school).

Brand promoters surveyed in the study were not university graduates. In one of the focus countries it was reported that several of the brand promoters could not read or write and had to seek permission from their father to work. They were from low-income groups and for many, this was their first employment.

Even though this category of workers is strategic to a company, in many cases there are no centralised systems to map their profile, understand their recruitment process, or monitor their working conditions. Once a company's procurement department procures the services of the third-party agencies, no function is designated to supervise the brand promoters.

Brand promoters are subject to several risks

Brand promoters face various risks at the time of recruitment and in the workplace. The following information is collected from data (direct interviews, online survey, and focus-group discussions with 2000+ brand promoters in three countries – two from South Asia and one from Southeast Asia).

Risks during recruitment

Discrimination: Given the customer-facing nature of work, the advertisement and selection process promote stereotypes and unrealistic standards of beauty, body type, skin tone, language capabilities etc. Often the positions are advertised asking for female applicants of a certain age group. During interviews, popular norms of body type, grooming, looks, and in some instances, race and ethnicity are considered to subject the applicants to discriminatory hiring practices.

Ambiguity in employment relations: Brand promoters work at the cross-section of three entities. First is the company whose products they are promoting, second is the agency that places them, and third is the workplace manager (e.g., retail store, supermarket, marketing agency etc). Interviews with brand promoters reflect that they are not always clear about their legal employer or the benefits they are entitled to. For example:

- a. In one South Asian country, brand promoters were not aware if they worked for the brand, the third-party agency, or the store manager. In most cases, the store manager dictated their terms and conditions, even though they were legally employed by a third party.
- b. In another South Asian country, over 100 brand promoters reported having no written contract.
- c. In a Southeast Asian country, brand promoters reported signing one-year contracts, even though they have worked in this role for several years. This reflects a lack of job stability as they could be moved to a different job, location, or face termination without severance benefits¹. Some of these gaps can be construed as indicators of forced labour.

Lack of awareness building: In all three countries, gaps were noted in the awareness-building activities provided to brand promoters before their deployment to the workplace. The training they received focused on marketing of products, grooming, and customer management. In conversations with over 200 brand promoters, we noted that none of them received training on labour rights, legal compliance or wages, overtime compensation, leave, period of employment, weekly off, insurance, provident fund, access to grievance mechanisms etc.

¹ In some countries Employment Law guarantees compensation money for every worker under fixed-term contract (FTC) system upon the expiry of an FTC or each extension of the FTC including early termination of the contract, irrespective of who terminates the contract.

Risks in the workplace

Harassment and abuse: Brand promoters working in different countries have reported varied experiences. For example, brand promoters in one Southeast Asian country reported verbal abuse by customers, store managers, security personnel of the mall where the store is located, and undue advances from male colleagues. Some reported sexual harassment. Harassment and abuse is an indicator of forced labour.

Excessive hours of work: All brand promoters reported working over 10 hours per day. It was reported that workers are required to work extra hours without consent in the absence of a reliever. The work culture does not include seeking consent for overtime in advance. This involuntary overtime is a forced labor indicator.

Compensation-related gaps and lack of living wage:

Several gaps were noted in this area as follows:

- a. Most brand promoters receive legal minimum wages, yet they reported working for 10-12 hours per day. Hence, companies need to understand if brand promoters are compensated based on eight hours plus overtime (at a premium), or if they work for more than eight hours per day for the minimum wage.
- b. In one South Asian country, brand promoters are labelled as unskilled work, and hence paid the lowest legal wages, even though their job responsibilities entitle them to be paid a semi-skilled wage.
- c. In both South Asian countries, brand promoters were not provided with pay slips regularly. They were unaware of the various components of their wages (wage, overtime compensation, bonuses, benefits, deductions etc.).
- d. None of the workers were paid a living wage or were making a living wage even after receiving a sales bonus.

Paid leave: Brand promoters mentioned that they receive one day off in seven days and some reported working for all seven days and getting an occasional off. Most labour laws require one day off in seven days. Despite working for several years they are not sure if they are entitled to paid leave in case they take a few days off. They are not aware if their employer should provide them with annual leave, or sick leave.

Occupational safety and health: Most brand promoters, including pregnant workers, reported long-standing hours on their jobs without breaks or sitting down. They experience discomfort and pain in their limbs, calf muscles, and lower back. Chronic back pain in women as young as 25 years indicates an occupational health risk.

Restriction on the use of mobile phones during working hours: Over 100 interviewed beauty advisors mentioned the lack of cell phone access during working hours. The store manager retains their phones, and they can only make emergency calls. While this may be explained by the nature of the tasks they are allocated that include direct interaction with clients and demands their full attention, in certain circumstances where other indicators of forced labour are present this can contribute to increasing the risk.

Penalties for not meeting sales targets or to compensate for missing or damaged products:

Brand promoters reported that they would be penalised if not meeting the sales target. The penalties included getting downgraded which will reduce their incentives and bonuses. They could also face being transferred to another place, or their contract is not extended. Brand promoters complained that they had to pay for missing or damaged products.

Gaps in the human rights due diligence system

Through our analysis, some gaps were noted in the management systems of brand promoters. These included:

Lack of evaluation and monitoring of practices of private third-party agencies: Companies primarily base the selection of third parties on cost, quality and quantity. ILO Convention C181 on Private Employment Agencies lays a series of requirements for private agencies that a company should verify. We identified third-party agencies working through non-registered labour contractors to identify and recruit workers. Practices of these third parties or the non-registered labour contractors are often not verified by procurement departments when providing a contract, or at any point in time when they are contracted to place brand promoters in the workplace. Companies are advised to evaluate the known performance (pre-sourcing) as well as ongoing performance to decide the future business with the third parties.

No worker profile maintained: The information about this strategic category of workers is poorly maintained by the companies or third-party agencies. There are existing gaps in the maintenance of workers' information, appointment letters and nominations, leave entitlement, wages and leave records etc.

Lack of regular and proactive working conditions assessment: Complaints raised through existing grievance mechanisms, or media reports, triggered companies to conduct an assessment of workplace conditions. No process regularly assesses the working conditions including in high-risk geographies. While several companies have these processes established for supply chain workers, it is negligible for brand promoters.



Guidelines for responsible management of brand promoters

Extend the company and supplier code of conduct to brand promoters and all third-party workers: Standards set clear expectations for a company's commitment to human rights and ethical practices. While many companies have codes of conduct that outline fair treatment, non-discrimination, safe working conditions, and respect for the rights of workers, these do not explicitly cover third-party workers and brand promoters. Companies are encouraged to explicitly include brand promoters to be covered by their code. Brand promoters are the face of the company and should have fair and similar working conditions as employees. As a best practice companies can develop specific standards for brand promoters in consultation with human rights experts, and affected communities, ensuring it addresses relevant risks and is aligned with international human rights standards.

Conduct a risk assessment to identify high-risk geographies and workers (develop a heatmap): This guidance illustrates feedback from three countries. Yet several other geographies or types of brand promotion activities may be high-risk. Companies are advised to conduct a risk assessment (see types of information to be collected and analysed). Once this information is collected companies can draw a heat map with information about high-risk countries, and salient human rights issues.

Identify responsible departments to oversee the third-party agency's performance and the management of this category of workers: Effective human rights due diligence requires coordination across several departments such as human resources, legal, compliance, sustainability, procurement, and marketing. Seek internal alignment between the various departments and specify roles and responsibilities in the management of third-party service providers and brand promoters. These responsibilities should be integrated into the job descriptions of responsible persons. Roles can be defined both at the international level (policy setting, training development, resource allocation etc.) and national level (implementation, due diligence, grievance handling etc.).

Types of information to be collected and analysed in risk assessment

Number of brand promoters working globally	Demographics of brand promoters (age group, education level, average years of working with the company)
Number of brand promoters working per country	Access to grievance mechanisms
Number hired directly as employees	Registered complaints by country
Number hired by third party agencies globally and by country	Country risks and existing reports
Number of third party agencies involved in the placement of brand promoters	Oversight mechanisms
Types of promotional activities conducted	Relevant national laws, including applicability to contract or term workers

Strengthen contracts with, and ensure that the third-party agencies and distributors are trained:

Contracts with third-party agencies and distributors should include specific clauses that mandate adherence to human and labour rights standards. Contracts can be a powerful tool to enforce compliance. Regular monitoring should be conducted to ensure these third parties are adhering to the terms of the contract, with consequences for non-compliance clearly outlined.

Companies are also encouraged to identify risks based on the contract terms: a longer term with the agencies provides incentives to ensure a longer contract for the brand promoters, however, the agencies have no incentives to improve or correct any gaps if their contracts are secured for a long time. In addition, the contract renewals should be based on performance, including how the agencies manage their brand promoters on behalf of the companies.

Equally important is the training of third-party agencies on company standards and expectations. This training should cover the contents of the code and its practical implications in daily operations. Regular training sessions and updates are necessary. A list of training that can be provided to third-party agencies is presented below. Additionally, the company should institute an ongoing working conditions assessment and maintenance of up-to-date workers' information in high-risk geographies.

Type of training to be provided to third party agencies

Company code and expectations	Forced labour
Contractual terms	Occupational health and safety
Legal requirements & compensation	Employment relations and contracts
Responsible recruitment	Hours of work and consent for overtime
Harassment and abuse	Grievance mechanisms and redressal
Non-discrimination	Monitoring working conditions

To address the risks and gaps identified it is key for companies to:

- a. **Ensure no discriminatory practices in the recruitment process:** Companies must ensure that their brand promoters are recruited without discrimination based on race, gender, age, religion, sexual orientation, or any other characteristic. This involves implementing fair hiring practices and monitoring the recruitment processes of third-party agencies to ensure they align with these standards. Companies are also encouraged to promote diversity and inclusion within their workforce, reflecting a commitment to equal opportunity.
- b. **Grant all workers access to a written contract, payslips, and working conditions as per the legal requirements:** Companies' Human Resources and third-party service providers need to collaborate to provide all brand promoters access to a written contract. In addition, these contracts should not be drafted in a way that either bonds the workers to fulfil an employment term or does not recognize their length of service. The contract should outline terms of employment, including job responsibilities, wages, working hours, and termination conditions. The contract should be in a language that the brand promoter understands. Providing a written contract promotes transparency and offers legal protection for both the employee and the employer. Similarly, brand promoters should be provided with a monthly payslip that indicates their compensation including basic salary, sales bonus, overtime payments, and any deductions.
- c. **Strengthen worker voice, access to grievance mechanism, and remedy:** Brand promoters should be able to report issues confidentially and without fear of retaliation. The grievance mechanism should be easily accessible, transparent in its process, and capable of providing timely remedies. It's also important that brand promoters are aware of this mechanism and understand how to use it. If brand promoters feel comfortable reporting to their supervisor, the supervisors should be trained in effective grievance redressal.
- d. **Train brand promoters on their legal employer, rights, and legal benefits:** Training for brand promoters should go beyond product knowledge and sales techniques. It should also include education about their rights as workers, including their right to a safe work environment, fair wages, other legal benefits (such as health insurance), access to all types of grievance mechanisms, and freedom from harassment and discrimination. This empowers them to understand and advocate for their rights and creates a more respectful and compliant workplace.
- e. **Improve Occupational Health and Safety (OHS), reduce involuntary overtime, and ensure living wages:** Companies are encouraged to conduct an in-depth analysis of OHS risks to the brand promoters based on their nature of work and put in place mitigation measures. Companies should take steps to ensure that any overtime is consensual and the brand promoters feel free to refuse overtime. To make sure that the brand promoters don't feel the need to work excessive hours of work, companies can commit to paying their brand promoters a living wage, which is a wage that allows them to meet their basic needs (such as food, housing, and healthcare) and provides some discretionary income.



Case study

L'Oréal beauty advisors – from issues to solutions



This case study highlights the actions taken by L'Oréal to improve working conditions for their Beauty Advisors (BA). BAs are employed in retail operations promoting beauty products. L'Oréal works with many BAs based across multiple countries of distribution, some of them hired through placement agencies.

Global risk assessment: In 2020, The Human Rights Department (part of the Corporate Responsibility Team) at L'Oréal conducted a global risk assessment with support from a third party to conduct a comprehensive, bottom-up assessment across all the markets where L'Oréal has subsidiaries, incorporating insights from various stakeholders. The focus is on identifying human rights risks based on the United Nations Guiding Principles Reporting Framework (severity and likelihood).

- a. **Global collaboration:** The risk assessment involved participants from each country, including human rights correspondents and various departments. This collaborative effort led to the identification of salient human rights risks.
- b. **Heat map development:** A Heat Map was developed, highlighting salient human rights risks. Notably, the BA population was identified as a vulnerable group. A total of 900 third-party agencies were identified that provide BAs across the various geographies.

Focus on an Asian country

Trigger: A study in an Asian country was triggered by an anonymous complaint received during L'Oréal's Ethics Day. A BA reported experiencing sexual harassment.

Collaborative efforts and approach: L'Oréal partnered with the agencies that employ the BAs, to hire an NGO focusing on gender-based violence combined with a digital worker voice technology provider to undertake an assessment. The local NGO team built trust with the BAs, communicating in the local language and explaining the purpose of the assessment. The digital worker voice technology provider built a tool that was accessible to illiterate persons.

Findings from the study: Onboarding BAs for the study presented challenges, as not all were literate and cultural understandings of gender-based violence can vary. Eventually, after onboarding and engagement, a participation rate of 84% was achieved amongst the targeted BAs. The study found issues of lack of access to contracts, and paid leave, experience or witnessing of sexual harassment.

Action plan:

Based on the study results, L'Oréal HQ and local teams took namely the following steps:

- All BAs were provided with written contracts
- They were made aware of the existence of the SpeakUp channel
- Upskilling the BAs on gender-based violence



Beyond this country, a four-pillar Group action plan was developed aiming at:

- Strengthening contractual relationships with agencies (see supply chain management for more information);
- Rolling out additional worker voice pilots: including in Asia involving 1,700 BAs which should help inform a global approach to this issue;
- Training: sexual harassment training is being deployed for BAs and will be integrated into the new Group retail tool dedicated to BAs;
- Guaranteeing a living wage: BAs will be included into the Group strategy on living wage.

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